

107TH CONGRESS  
2D SESSION

# H. R. 4076

To modify the boundaries of the Agua Fria National Monument in the State of Arizona to clarify Bureau of Land Management administrative responsibilities regarding the Monument, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. STUMP introduced the following bill; which was referred to the Committee on Resources

---

## A BILL

To modify the boundaries of the Agua Fria National Monument in the State of Arizona to clarify Bureau of Land Management administrative responsibilities regarding the Monument, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the

5       “Agua Fria National Monument Technical Corrections

6       Act of 2002”.

7       (b) TABLE OF CONTENTS.—The table of contents of

8       this Act is as follows:

See. 1. Short title; table of contents.  
See. 2. Definitions.  
See. 3. Boundary modifications.  
See. 4. Administration of Monument.  
See. 5. Effect on existing and historical uses of Federal lands in Monument.  
See. 6. Effect on grazing.  
See. 7. Land acquisition.  
See. 8. Effect on water rights.  
See. 9. Effect on use of Presidential authority to expand Monument.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) MONUMENT.—The term “Monument”  
4 means the Agua Fria National Monument estab-  
5 lished by Presidential Proclamation 7263 of January  
6 11, 2000 (65 Fed. Reg. 2817).

7 (2) SECRETARY.—The term “Secretary” means  
8 the Secretary of the Interior, acting through the Bu-  
9 reau of Land Management.

10 (3) ADVISORY COMMITTEE.—The term “advi-  
11 sory committee” means the Agua Fria National  
12 Monument Advisory Committee established pursuant  
13 to section 4.

14 (4) STATE.—The term “State” means the State  
15 of Arizona.

16 **SEC. 3. BOUNDARY MODIFICATIONS.**

17 (a) REMOVAL OF LANDS.—The Secretary shall mod-  
18 ify the boundaries of the Monument to exclude from the  
19 Monument the following parcels of land:

20 (1) The north ½ of section 17, township 11  
21 north, range 3 east, Gila and Salt River meridian.

4 (b) ADJUSTMENT OF WESTERN BOUNDARY.—The  
5 Secretary shall modify the western boundary of the Monu-  
6 ment to be at least 400 feet east of the existing State  
7 Department of Transportation right-of-way.

## 8 SEC. 4. ADMINISTRATION OF MONUMENT.

9 (a) MANAGEMENT AUTHORITY.—

## 1        (b) REVIEW OF INTERIM MANAGEMENT POLICY.—

2    The Secretary shall review the interim management policy  
3    for the administration of the Monument, which is dated  
4    October 1, 2001, and was prepared by the Bureau of Land  
5    Management, to ensure the consistency of the policy with  
6    this Act.

7        (c) MANAGEMENT PLAN.—Within two years after the  
8    enactment of this Act, the Secretary shall develop a com-  
9    prehensive plan for the long-range management of the  
10   Monument. The plan shall be developed with full oppor-  
11   tunity for public participation and comment and shall con-  
12   tain provisions designed to ensure protection of the ar-  
13   chaeological, scientific, educational, historical, ranching,  
14   and recreational resources and values of the Monument.

## 15       (d) ADVISORY COMMITTEE.—

16                (1) ESTABLISHMENT.—The Secretary shall es-  
17    tablish an advisory committee for the Monument, to  
18    be known as the “Agua Fria National Monument  
19    Advisory Committee”, whose purpose shall be to ad-  
20    vise the Secretary with respect to the preparation  
21    and implementation of the management plan re-  
22    quired by subsection (c).

23                (2) REPRESENTATION.—The advisory com-  
24    mittee shall consist of eight members appointed by  
25    the Secretary, as follows:

- (A) One member appointed from nominations submitted by the Governor of the State.
- (B) One member appointed from nominations submitted by the State Game and Fish Commission.
- (C) One member who is a recognized archaeologist residing in the State, appointed from nominations supplied by institutions of higher education in the State.
- (D) One member appointed from nominations supplied by the Board of Supervisors for Yavapai County, Arizona.
- (E) One member holding a grazing permit within the boundaries of the Monument.
- (F) One member who has a recognized background in wildlife conservation, riparian ecology, archaeology, paleontology, or other discipline directly related to the primary purposes for which the Monument was established.
- (G) One member residing in Arizona appointed from nominations by the Inter-Tribal Council of Arizona.
- (H) One member who represents recreational users of the Monument.

6 SEC. 5. EFFECT ON EXISTING AND HISTORICAL USES OF  
7 FEDERAL LANDS INCLUDED IN MONUMENT.

8 (a) RECOGNITION OF EXISTING USES.—The designation  
9 of the Monument by Proclamation 7263 shall not be  
10 construed to alter the existing authorized uses of the Federal  
11 lands included in the Monument. For purposes of this  
12 subsection, the Secretary shall treat a land use as an existing  
13 authorized land use if that land use was an authorized  
14 use as of January 1, 2000.

15 (b) HUNTING, TRAPPING, AND FISHING.—The Sec-  
16 retary shall allow hunting, trapping, and fishing on lands  
17 and waters within the Monument in accordance with appli-  
18 cable State law and in consultation with State agencies.  
19 The establishment of the Monument shall neither enlarge  
20 nor diminish the jurisdiction of the State of Arizona with  
21 respect to fish and wildlife management within the Monu-  
22 ment.

23 (c) MOTORIZED VEHICLES.—The Secretary shall  
24 continue to allow the use of motorized vehicles on des-  
25 ignated roads and trails within the Monument. Motorized

1 vehicle use off-road shall be prohibited, except for emer-  
2 gency, administrative, or any other purpose authorized by  
3 the Secretary. The Secretary shall also allow the use of  
4 nonmotorized, wheeled game carriers within the Monu-  
5 ment for the removal of downed big game.

6 (d) MAINTENANCE.—The designation of the Monu-  
7 ment shall not be construed to affect the maintenance of,  
8 or access to, rights-of-way and other easements, and the  
9 improvements thereon, including electric transmission fa-  
10 cilities, within the Monument.

11 **SEC. 6. EFFECT ON GRAZING.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) Livestock grazing is an important historic  
14 and traditional use of the Federal lands included in  
15 the Monument.

16 (2) Continued livestock grazing on these lands  
17 is compatible with the purposes for which the Monu-  
18 ment was established.

19 (b) GRAZING.—The Secretary shall permit the graz-  
20 ing of livestock in the Monument in accordance with all  
21 laws (including regulations) that apply to the issuance and  
22 administration of grazing leases and range improvements  
23 on other land under the jurisdiction of the Bureau of Land  
24 Management.

1       (c) GRAZING LEVELS.—The establishment of the  
2 Monument shall neither diminish nor increase the authorized  
3 grazing levels in the Monument.

4       (d) ACCESS AND IMPROVEMENTS.—The establishment  
5 of the Monument shall have no impact on the ability  
6 of grazing lease holders, their designees, and their successors  
7 in interest to maintain, develop, and construct new  
8 stock tanks, wells, corrals, buildings, and other man-made  
9 structures and improvements within their allotments that  
10 are necessary for their grazing operations.

11 **SEC. 7. LAND ACQUISITION.**

12       The Secretary may acquire State or privately held  
13 land or interests in land within the boundaries of the  
14 Monument only by donation, purchase with donated or appropriated  
15 funds from a willing seller, or exchange with  
16 a willing party.

17 **SEC. 8. EFFECT ON WATER RIGHTS.**

18       Nothing in this Act or Presidential Proclamation  
19 7263 of January 11, 2000, shall be construed to establish  
20 a new or implied reservation to the United States of any  
21 water or water-related right with respect to lands included  
22 in the Monument. No provision of this Act or the Proclamation  
23 shall be construed as authorizing the appropriation  
24 of water, except in accordance with the substantive and  
25 procedural law of the State.

1   **SEC. 9. EFFECT ON USE OF PRESIDENTIAL AUTHORITY TO**  
2           **EXPAND MONUMENT.**

3       (a) FURTHER EXPANSION PRECLUDED.—Subject to  
4   subsection (c), the designation of the Monument by Presi-  
5   dential Proclamation 7263 of January 11, 2000, and the  
6   enactment of this Act shall preclude the use by the Presi-  
7   dent, or any designee of the President, of the authority  
8   provided in the Act of June 8, 1906 (commonly known  
9   as the Antiquities Act; U.S.C. 431 et seq.), to expand by  
10   presidential proclamation the boundaries of the Monument  
11   to include any other Federal lands.

12       (b) STUDY.—Within one year after the date of the  
13   enactment of this Act, the Secretary, in consultation with  
14   the Secretary of the Agriculture, shall submit to the Presi-  
15   dent a study containing such recommendations as the Sec-  
16   retaries consider appropriate regarding any boundary  
17   changes to the Monument that would advance the public  
18   interest through—

19           (1) enhanced protection of the archaeological  
20   resources located within the Monument and on adj-  
21   acent lands, including National Forest System lands;  
22   or

23           (2) expanded opportunities for public education  
24   and scientific research concerning these archae-  
25   ological resources.

1        (c) AUTHORIZATION OF BOUNDARY ADJUSTMENT.—  
2 During the 90-day period beginning on the date of the  
3 submission of the study under subsection (b), the Presi-  
4 dent may adjust the boundaries of the Monument in light  
5 of the recommendations contained in the study, except  
6 that the total size of the Monument may not exceed  
7 88,000 acres.

○