

113TH CONGRESS
2D SESSION

H. R. 5437

To expand the Pajarita Wilderness and designate the Tumacacori Highlands Wilderness in Coronado National Forest, Arizona, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2014

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

A BILL

To expand the Pajarita Wilderness and designate the Tumacacori Highlands Wilderness in Coronado National Forest, Arizona, 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.**

4 This Act may be cited as the “Tumacacori Highlands
5 Wilderness Act”.

6 **SEC. 2. EXPANSION OF PAJARITA WILDERNESS, CORONADO**
7 **NATIONAL FOREST, ARIZONA.**

8 (a) EXPANSION.—Section 101(a)(17) of the Arizona
9 Wilderness Act of 1984 (Public Law 98–406; 98 Stat.
10 1487; 16 U.S.C. 1132 note) is amended by inserting after

1 “1984,” the following: “and which comprise approximately
2 13,300 acres, as generally depicted on a map entitled ‘Pro-
3 posed Tumacacori Highlands Wilderness and Pajarita
4 Wilderness Addition’ and dated February 18, 2009,”.

5 (b) MAP AND LEGAL DESCRIPTION.—As soon as
6 practicable after the date of the enactment of this Act,
7 the Secretary of Agriculture shall submit a copy of the
8 map referred to in the amendment made by subsection (a)
9 and a legal description of the National Forest System land
10 included in the Pajarita Wilderness by the amendment
11 with the Committee on Energy and Natural Resources of
12 the Senate and the Committee on Natural Resources of
13 the House of Representatives. The map and legal descrip-
14 tion shall have the same force and effect as if included
15 in the Arizona Wilderness Act of 1984, except that the
16 Secretary may correct clerical and typographical errors in
17 the map and legal description. The map and legal descrip-
18 tion shall be on file and available for public inspection in
19 the appropriate offices of the Forest Service.

20 **SEC. 3. DESIGNATION OF TUMACACORI HIGHLANDS WIL-**
21 **DERNESS, CORONADO NATIONAL FOREST,**
22 **ARIZONA.**

23 (a) DESIGNATION.—In furtherance of the purposes of
24 the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands
25 in the Coronado National Forest, Arizona, which comprise

1 approximately 70,000 acres, as generally depicted on a
2 map entitled “Proposed Tumacacori Highlands Wilder-
3 ness and Pajarita Wilderness Addition” and dated Feb-
4 ruary 18, 2009, are hereby designated as wilderness and,
5 therefore, as a component of the National Wilderness
6 Preservation System, which shall be known as the
7 “Tumacacori Highlands Wilderness”.

8 (b) MAP AND LEGAL DESCRIPTION.—As soon as
9 practicable after the date of the enactment of this Act,
10 the Secretary of Agriculture shall submit a copy of the
11 map referred to in subsection (a) and a legal description
12 of the Tumacacori Highlands Wilderness with the Com-
13 mittee on Energy and Natural Resources of the Senate
14 and the Committee on Natural Resources of the House
15 of Representatives. The map and legal description shall
16 have the same force and effect as if included in this Act,
17 except that the Secretary may correct clerical and typo-
18 graphical errors in the map and legal description. The
19 map and legal description shall be on file and available
20 for public inspection in the appropriate offices of the For-
21 est Service.

22 **SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.**

23 (a) COVERED WILDERNESS AREAS.—In this section,
24 the term “covered wilderness area” means—

1 (1) the National Forest System land included in
2 the Pajarita Wilderness by the amendment made by
3 section 2(a); and

4 (2) the Tumacacori Highlands Wilderness des-
5 ignated by section 3(a).

6 (b) ADMINISTRATION.—The Secretary of Agriculture
7 shall manage the covered wilderness area in accordance
8 with the Wilderness Act (16 U.S.C. 1131 et seq.) and this
9 section, except that, with respect to a covered wilderness
10 area, any reference in the Wilderness Act to the effective
11 date of the Wilderness Act shall be deemed to be a ref-
12 erence to the date of the enactment of this Act.

13 (c) VALID EXISTING RIGHTS.—Nothing in this sec-
14 tion shall affect any valid existing right.

15 (d) BUFFER ZONES.—As provided in section 101(d)
16 of the Arizona Wilderness Act of 1984 (Public Law 98–
17 406; 98 Stat. 1488), Congress does not intend that des-
18 ignation of a covered wilderness area lead to the creation
19 of protective perimeters or buffer zones around the cov-
20 ered wilderness area. The fact that nonwilderness activi-
21 ties or uses can be seen or heard from areas within a cov-
22 ered wilderness area shall not, of itself, preclude such ac-
23 tivities or uses up to the boundary of the covered wilder-
24 ness area.

1 (e) GRAZING.—Grazing of livestock and maintenance
2 of existing facilities related to grazing in a covered wilder-
3 ness area, where established before the date of the enact-
4 ment of this Act, shall be permitted to continue in accord-
5 ance with—

6 (1) section 4(d)(4) of the Wilderness Act (16
7 U.S.C. 1133(d)(4)); and

8 (2) the guidelines set forth in House Report
9 96–617 to accompany H.R. 5487 of the 96th Con-
10 gress.

11 (f) HUNTING, FISH AND WILDLIFE.—

12 (1) HUNTING.—Nothing in this section or the
13 Wilderness Act (16 U.S.C. 1131 et seq.) shall affect
14 hunting, under applicable State and Federal laws
15 and regulations, within a covered wilderness area.

16 (2) JURISDICTION.—As provided in section
17 4(d)(7) of the Wilderness Act (16 U.S.C.
18 1133(d)(7)), nothing in this section or the Wilder-
19 ness Act shall be construed as affecting the jurisdic-
20 tion or responsibilities of the State of Arizona with
21 respect to fish and wildlife in the State.

22 (3) WILDLIFE MANAGEMENT.—Management ac-
23 tivities to maintain or restore fish and wildlife popu-
24 lations and the habitats to support such populations
25 may be carried out within a covered wilderness area,

1 where consistent with the Wilderness Act (16 U.S.C.
2 1131 et seq.) and other applicable laws.

3 (4) COOPERATIVE AGREEMENT.—The Secretary
4 shall enter into a cooperative agreement with the
5 State of Arizona for management of fish and wildlife
6 within a covered wilderness area. The cooperative
7 agreement shall specify the terms and conditions
8 under which the State or a designee of the State
9 may use wildlife management activities in a covered
10 wilderness area consistent with the Wilderness Act
11 (16 U.S.C. 1131 et seq.), and other applicable laws.

12 (g) PROTECTION OF TRIBAL RIGHTS.—Nothing in
13 this section shall be construed to diminish the existing
14 rights of any Indian tribe. Nothing in this section shall
15 be construed to diminish tribal rights regarding access to
16 Federal lands for tribal activities, including spiritual, cul-
17 tural, and traditional food gathering activities.

18 (h) MILITARY ACTIVITIES.—Nothing in this section
19 shall preclude low level overflights of military aircraft, the
20 designation of new units of special airspace, or the use
21 or establishment of military flight training routes over a
22 covered wilderness area.

23 (i) BORDER ENFORCEMENT AND DRUG INTERDIC-
24 TION.—Because of the proximity of the covered wilderness
25 areas to the United States-Mexico international border,

1 drug interdiction and border enforcement operations are
2 common management actions throughout the area encom-
3 passing the covered wilderness areas. This Act recognizes
4 the need to continue such management actions so long as
5 such management actions are conducted in accordance
6 with the Wilderness Act (16 U.S.C. 1131 et seq.) and ex-
7 isting inter-agency agreements.

8 (j) MAINTENANCE OF EXISTING COMMUNICATIONS
9 FACILITIES.—The provisions of the Wilderness Act shall
10 not be construed to prevent—

- 11 (1) the maintenance of communications facili-
12 ties, in existence on the date of the enactment of
13 this Act and located in a covered wilderness area; or
14 (2) limited motorized access to such facilities
15 when nonmotorized access means are not reasonably
16 available or when time is of the essence, subject to
17 such conditions as the Secretary of Agriculture con-
18 siders to be desirable.

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