

115TH CONGRESS
2D SESSION

H. R. 6520

To designate certain public lands in the Sonoran Desert of the State of Arizona as national conservation areas and wilderness areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2018

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

A BILL

To designate certain public lands in the Sonoran Desert of the State of Arizona as national conservation areas and wilderness areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives 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 “Arizona Sonoran Desert Heritage Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Belmont-Harquahala and Gila Bend National Conservation Areas.

Sec. 4. Designation of wilderness areas.

Sec. 5. Special management areas.
Sec. 6. Maps and legal descriptions.
Sec. 7. Management of national conservation areas, wilderness areas, and special management areas.
Sec. 8. Acquisition of land.
Sec. 9. Border security.
Sec. 10. Water rights.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) INDIAN TRIBE.—The term “Indian tribe”
4 means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary for the special programs and services provided by the United States to Indians because of their status as Indians.

9 (2) MANAGEMENT PLAN.—The term “management plan” means the management plan developed under section 3 for each national conservation area and section 5 for each special management area.

13 (3) MAP.—The term “map” means the map entitled “Sonoran Desert Heritage Act” and dated May 6, 2013.

16 (4) NATIONAL CONSERVATION AREAS.—The term “National Conservation Areas” means the Belmont-Harquahala National Conservation Area and the Gila Bend National Conservation Area established by section 3.

21 (5) PUBLIC LAND.—The term “public land”
22 has the meaning given the term “public lands” in

1 section 103 of the Federal Land Policy and Manage-
2 ment Act of 1976 (43 U.S.C. 1702).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

10 (8) STATE.—The term “State” means the State
11 of Arizona.

12 (9) WILDERNESS AREAS.—The term “Wilder-
13 ness Areas” means the wilderness areas designated
14 by section 4.

**15 SEC. 3. BELMONT-HARQUAHALA AND GILA BEND NATIONAL
16 CONSERVATION AREAS.**

17 (a) ESTABLISHMENT.—There are established in the
18 State:

(2) GILA BEND NATIONAL CONSERVATION AREA.—The Gila Bend National Conservation Area,

1 consisting of approximately 406,298 acres, as gen-
2 erally depicted on the map.

3 (b) PURPOSE.—The purpose of the National Con-
4 servation Areas is to conserve, and thereby to protect, re-
5 store, and enhance for the benefit and enjoyment of
6 present and future generations the unique and important
7 resources and values of the land, including the ecological,
8 geological, cultural, archaeological, paleontological, nat-
9 ural, scientific, recreational, wilderness, wildlife, riparian,
10 historical, educational, and scenic resources of the public
11 land.

12 (c) ADMINISTRATION OF NATIONAL CONSERVATION
13 AREAS.—

14 (1) IN GENERAL.—The Secretary shall manage
15 the National Conservation Areas—

16 (A) as components of the National Land-
17 scape Conservation System;

18 (B) in a manner that conserves, and there-
19 by protects, and enhances the resources and
20 values of the National Conservation Areas de-
21 scribed in subsection (b); and

22 (C) in accordance with—

23 (i) the Federal Land Policy and Man-
24 agement Act of 1976 (43 U.S.C. 1701 et
25 seq.);

- (ii) this Act; and
- (iii) any other applicable laws.

(2) MANAGEMENT PLANS.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of each of the National Conservation Areas.

(B) PURPOSES.—Each management plan shall—

(i) describe the appropriate management and uses of the National Conservation Areas consistent with the conservation purpose as specified in subsections (b) and

(ii) be developed with extensive public input; and

(iii) take into consideration any information developed in studies of the land within the National Conservation Areas.

(3) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the National Conservation Areas as the Secretary determines would

1 further the conservation purpose for which the
2 National Conservation Areas are established.

3 (B) USE OF MOTORIZED VEHICLES.—

4 (i) IN GENERAL.—Except as provided
5 in clauses (ii) and (iii), use of motorized
6 vehicles in the National Conservation
7 Areas shall be allowed only—

8 (I) before the effective date of
9 each management plan prepared pur-
10 suant to paragraph (2), on roads and
11 trails designated for use of motorized
12 vehicles in the management plan that
13 applies on the date of the enactment
14 of this Act; and

15 (II) after the effective date of
16 each management plan prepared pur-
17 suant to paragraph (2), on roads and
18 trails designated for use of motorized
19 vehicles in that management plan.

20 (ii) ADMINISTRATIVE AND EMER-
21 GENCY RESPONSE USE.—Clause (i) shall
22 not limit the use of motor vehicles in the
23 National Conservation Areas for adminis-
24 trative purposes or to respond to an emer-
25 gency.

(iii) LIMITATION.—This subparagraph shall not apply to the Wilderness Areas.

9 SEC. 4. DESIGNATION OF WILDERNESS AREAS.

10 (a) IN GENERAL.—In furtherance of the purposes of
11 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
12 areas in the State are designated as wilderness areas and
13 as components of the National Wilderness Preservation
14 System:

15 (1) HUMMINGBIRD SPRINGS WILDERNESS ADDI-
16 TION.—Certain public land in Maricopa County, Ari-
17 zona, consisting of approximately 17,000 acres, as
18 generally depicted on the map, which is incorporated
19 in, and shall be considered to be a part of, the Hum-
20 mingbird Springs Wilderness, as designated by sec-
21 tion 101(a)(12) of the Arizona Desert Wilderness
22 Act of 1990 (104 Stat. 4469).

1 erally depicted on the map, which is incorporated in,
2 and shall be considered to be a part of, the Woolsey
3 Peak Wilderness, as designated by section
4 101(a)(15) of the Arizona Desert Wilderness Act of
5 1990 (104 Stat. 4469).

6 (3) BELMONT MOUNTAINS WILDERNESS.—Cer-
7 tain public land in Maricopa County, Arizona, com-
8 prising approximately 19,000 acres, as generally de-
9 picted on the map, which shall be known as the
10 “Belmont Mountains Wilderness”.

11 (4) SADDLE MOUNTAIN CENTENNIAL WILDER-
12 NESS.—Certain public land in Maricopa County, Ar-
13 izona, comprising approximately 24,200 acres, as
14 generally depicted on the map, which shall be known
15 as the “Saddle Mountain Centennial Wilderness”.

16 (5) GILA BEND WILDERNESS.—Certain public
17 land in Maricopa County, Arizona, comprising ap-
18 proximately 68,800 acres, as generally depicted on
19 the map, which shall be known as the “Gila Bend
20 Wilderness”.

21 (6) SONORAN DESERT NATIONAL MONUMENT
22 WILDERNESS.—Certain public land in Maricopa
23 County, Arizona, within the Sonoran Desert Na-
24 tional Monument, comprising approximately 128,300
25 acres, as generally depicted on the map, which shall

1 be known as the “Sonoran Desert National Monu-
2 ment Wilderness”.

3 (b) ADMINISTRATION OF WILDERNESS.—Subject to
4 valid existing rights, the Wilderness Areas designated by
5 this Act shall be managed by the Secretary in accordance
6 with the Wilderness Act (16 U.S.C. 1131 et seq.) and this
7 Act, except that—

8 (1) any reference in the Wilderness Act to the
9 effective date of that Act shall be considered to be
10 a reference to the date of enactment of this Act; and

11 (2) any reference in the Wilderness Act to the
12 Secretary of Agriculture shall be considered to be a
13 reference to the Secretary of the Interior.

14 **SEC. 5. SPECIAL MANAGEMENT AREAS.**

15 (a) ESTABLISHMENT.—There are established in the
16 State:

17 (1) SENTINEL PLAIN SPECIAL MANAGEMENT
18 AREA.—

19 (A) BOUNDARY.—The Sentinel Plain Spe-
20 cial Management Area, consisting of approxi-
21 mately 120,600 acres, as generally depicted on
22 the map.

23 (B) PURPOSE.—The purpose of the Sen-
24 tinel Plain Special Management Area is to en-
25 sure ecological connectivity and movement of

1 wildlife between the Barry M. Goldwater Air
2 Force Range and the Gila Bend National Con-
3 servation Area; to secure native habitat for na-
4 tive species; and to provide recreation and de-
5 velopment opportunities that are compatible
6 with native species and with Department of De-
7 fense activities related to the Barry M. Gold-
8 water Air Force Range.

9 (2) RAINBOW VALLEY SPECIAL MANAGEMENT
10 AREA.—

11 (A) BOUNDARY.—The Rainbow Valley
12 Special Management Area, consisting of ap-
13 proximately 23,400 acres, as generally depicted
14 on the map.

15 (B) PURPOSE.—The purpose of the Rain-
16 bow Valley Special Management Area is to en-
17 sure ecological connectivity and movement of
18 wildlife between the Sierra Estrella Mountains
19 and the Sonoran Desert National Monument.

20 (b) MANAGEMENT PLANS.—

21 (1) IN GENERAL.—Not later than 3 years after
22 the date of enactment of this Act, the Secretary
23 shall develop for each of the Special Management
24 Areas a comprehensive management plan for the
25 long-term protection and management of that area.

1 (2) PURPOSES.—Each management plan
2 shall—

3 (A) describe the appropriate uses and
4 management of each special management area
5 consistent with the conservation purpose as
6 specified in section 5(a);

7 (B) be drafted with consultation from
8 local, regional, and State jurisdictions;

9 (C) be developed with extensive public
10 input;

11 (D) take into consideration any information
12 developed in studies and plans for the land
13 within each special management area;

14 (E) shall consider cooperative management
15 alternatives between the Bureau of Land Management
16 and local, regional, and State jurisdictions that further the purposes outlined in section
17 5(a); and

19 (F) for the purposes of ensuring ecological
20 connectivity and movement of wildlife through
21 the Rainbow Valley and Sentinel Plain Special
22 Management Areas, the management plans
23 shall—

24 (i) prioritize landscape permeability,
25 wildlife connectivity and continued move-

1 ment of wildlife between the Sierra
2 Estrella Mountains and the Sonoran
3 Desert National Monument across Rain-
4 bow Valley, and between the Barry M.
5 Goldwater Air Force Range and the Gila
6 Bend National Conservation Area across
7 Sentinel Plain, respectively;

8 (ii) identify the means to maintain
9 permeability, connectivity and wildlife
10 movement in the area including, but not
11 limited to, wildlife crossing structures and
12 other infrastructure improvements and the
13 criteria to implement such alternatives;

14 (iii) incorporate current scientific
15 knowledge of wildlife movement for a vari-
16 ety of identified focal species; and

17 (iv) establish a monitoring program to
18 determine the effectiveness of the plan for
19 wildlife connectivity.

20 **SEC. 6. MAPS AND LEGAL DESCRIPTIONS.**

21 (a) IN GENERAL.—As soon as practicable after the
22 date of enactment of this Act, the Secretary shall file maps
23 and legal descriptions of the National Conservation Areas,
24 the Wilderness Areas, and the Special Management Areas
25 with—

1 (1) the Committee on Energy and Natural Re-
2 sources of the Senate; and

3 (2) the Committee on Natural Resources of the
4 House of Representatives.

5 (b) FORCE AND EFFECT.—The maps and legal de-
6 scriptions filed under subsection (a) shall have the same
7 force and effect as if included in this Act, except that the
8 Secretary may correct clerical and typographical errors in
9 the maps and legal descriptions.

10 (c) PUBLIC AVAILABILITY.—The maps and legal de-
11 scriptions filed under subsection (a) shall be available for
12 public inspection in—

13 (1) the Office of the Director of the Bureau of
14 Land Management; and

15 (2) the appropriate office of the Bureau of
16 Land Management in the State.

17 **SEC. 7. MANAGEMENT OF NATIONAL CONSERVATION**
18 **AREAS, WILDERNESS AREAS, AND SPECIAL**
19 **MANAGEMENT AREAS.**

20 (a) MILITARY USE.—Nothing in this Act restricts or
21 precludes—

22 (1) overflights of military aircraft over the Na-
23 tional Conservation Areas, Wilderness Areas, or Spe-
24 cial Management Areas designated by this Act in-

1 cluding military overflights that can be seen or
2 heard within the areas;

3 (2) flight testing and evaluation; or
4 (3) the designation or creation of new units of
5 special use airspace, or the establishment of military
6 flight training routes, over the National Conserva-
7 tion Areas, Wilderness Areas, or Special Manage-
8 ment Areas.

9 (b) HUNTING, FISH AND WILDLIFE.—

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

14 (2) JURISDICTION.—As provided in section
15 4(d)(7) of the Wilderness Act (16 U.S.C.
16 1133(d)(7)), nothing in this section or the Wilder-
17 ness Act shall be construed as affecting the jurisdic-
18 tion or responsibilities of the State of Arizona with
19 respect to fish and wildlife in the State.

20 (3) WILDLIFE MANAGEMENT.—Management ac-
21 tivities to maintain or restore fish and wildlife popu-
22 lations and the habitats to support such populations
23 may be carried out within a covered wilderness area,
24 where consistent with the Wilderness Act (16 U.S.C.
25 1131 et seq.) and other applicable laws.

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

10 (c) LIVESTOCK GRAZING.—

11 (1) GRAZING IN NATIONAL CONSERVATION
12 AREAS OR SPECIAL MANAGEMENT AREAS.—Except
13 as provided in paragraph (2), the Secretary shall
14 issue and administer any grazing leases or permits
15 in the National Conservation Areas or Special Man-
16 agement Areas in accordance with the laws (includ-
17 ing regulations) applicable to the issuance and ad-
18 ministration of such leases and permits on other
19 land under the jurisdiction of the Bureau of Land
20 Management.

21 (2) GRAZING IN WILDERNESS AREAS.—The
22 grazing of livestock in a wilderness area designated
23 by this Act, if established as of the date of enact-
24 ment of this Act, shall be permitted to continue—

4 (B) in accordance with—

13 (d) ACCESS TO PRIVATE LANDS.—The Secretary
14 shall provide any owner of private property—

22 (e) VALID EXISTING RIGHTS.—The designation of
23 the National Conservation Areas, Wilderness Areas, and
24 Special Management Areas is subject to valid rights in ex-
25 istence on the date of enactment of this Act.

1 (f) WITHDRAWAL.—Subject to valid existing rights,
2 all public land within the National Conservation Areas,
3 Wilderness Areas, and Special Management Areas, and all
4 land and interests in land acquired by the United States
5 within the National Conservation Areas, Wilderness
6 Areas, or Special Management Areas is withdrawn from—

7 (1) all forms of entry, appropriation, or disposal
8 under the public land laws;

9 (2) location, entry, and patent under the mining
10 laws; and

11 (3) right-of-way, leasing, or disposition under
12 all laws relating to—

13 (A) minerals; or

14 (B) solar, wind, and geothermal energy.

15 (g) NO BUFFER ZONES.—

16 (1) IN GENERAL.—Nothing in this subtitle cre-
17 ates a protective perimeter or buffer zone around the
18 National Conservation Areas, Wilderness Areas, or
19 Special Management Areas.

20 (2) ACTIVITIES OUTSIDE NATIONAL CONSERVA-
21 TION AREAS, WILDERNESS AREAS, AND SPECIAL
22 MANAGEMENT AREAS.—The fact that an activity or
23 use on land outside a National Conservation Area,
24 Wilderness Area, or Special Management Area can

1 be seen or heard within the area shall not preclude
2 the activity or use outside the boundary of the areas.

3 (h) FIRE, INSECTS, AND DISEASES.—Subject to such
4 terms and conditions as the Secretary determines to be
5 desirable and appropriate, the Secretary may undertake
6 such measures as are necessary to control fire, insects,
7 and diseases—

8 (1) in the Wilderness Areas, in accordance with
9 section 4(d)(1) of the Wilderness Act (16 U.S.C.
10 1133(d)(1)); and

11 (2) except as provided in paragraph (1), in the
12 National Conservation Areas and Special Manage-
13 ment Areas in accordance with this Act and any
14 other applicable laws.

15 (i) INVASIVE SPECIES AND NOXIOUS WEEDS.—In ac-
16 cordance with any applicable laws and subject to such
17 terms and conditions as the Secretary determines to be
18 desirable and appropriate, the Secretary may prescribe
19 measures to control nonnative invasive plants and noxious
20 weeds within the National Conservation Areas and Special
21 Management Areas.

22 (j) NATIVE AMERICAN USES AND INTERESTS.—To
23 the extent practicable, the Secretary shall ensure access
24 to the National Conservation Areas, Wilderness Areas,
25 and Special Management Areas by members of an Indian

1 tribe for traditional cultural purposes, including spiritual
2 or food-gathering activities. In implementing this para-
3 graph, the Secretary, upon the request of an Indian tribe,
4 may temporarily close to the general public use of one or
5 more specific portions of a national conservation area, wil-
6 derness area, or special management area in order to pro-
7 tect the privacy of traditional cultural activities in such
8 areas by members of the Indian tribe. Any such closure
9 shall be made to affect the smallest practicable area for
10 the minimum period necessary for such purposes. Such ac-
11 cess shall be consistent with the purpose and intent of
12 Public Law 95–341 (42 U.S.C. 1996), commonly referred
13 to as the American Indian Religious Freedom Act.

14 (k) UTILITY RIGHTS-OF-WAY.—Nothing in this Act
15 precludes the Secretary from renewing an existing utility
16 right-of-way through a national conservation area or spe-
17 cial management area in a manner that minimizes harm
18 to the purposes of the national conservation area or special
19 management area described in subsection (b) and section
20 5(a)—

21 (1) in accordance with—
22 (A) the National Environmental Policy Act
23 of 1969 (42 U.S.C. 4321 et seq.); and
24 (B) any other applicable law; and

(2) subject to such terms and conditions as the Secretary determines to be appropriate.

3 (l) MAINTENANCE OF EXISTING COMMUNICATIONS

4 FACILITIES.—The provisions of this Act shall not be con-
5 strued to prevent—

6 (1) the maintenance of communications facil-
7 ties, in existence on the date of the enactment of
8 this Act and located in a national conservation area;
9 or

(m) MAINTENANCE OF AGUA CALIENTE ROAD.—In preparing resource management and travel management plans for the Lower Sonoran Field Office, the Secretary shall provide for protection of the existing, low-standard (BLM Maintenance Level 3) Agua Caliente which provides access to the wilderness and high conservation value lands designated by this Act, and shall assure that the wilderness environment and atmosphere enjoyed by users of this road, which Congress finds is well-matched to the rugged and wild character of the wilderness beyond the roadside, is not degraded by incompatible development within the

1 road corridor or by improvement of the road itself other
2 than as he determines necessary for public safety.

3 **SEC. 8. ACQUISITION OF LAND.**

4 (a) **IN GENERAL.**—The Secretary may acquire non-
5 public land within the boundaries of the National Con-
6 servation Areas, the Wilderness Areas, or the Special
7 Management Areas established by this Act only through
8 exchange, donation, or purchase from a willing seller.

9 (b) **MANAGEMENT.**—Land acquired under this sec-
10 tion shall—

11 (1) become part of the National Conservation
12 Areas, the Wilderness Areas, or the Special Manage-
13 ment Areas involved; and

14 (2) be managed in accordance with this Act and
15 any other applicable laws.

16 **SEC. 9. BORDER SECURITY.**

17 Nothing in this Act—

18 (1) prevents the Secretary of Homeland Secu-
19 rity from undertaking law enforcement and border
20 security activities—

21 (A) in the National Conservation Areas
22 and Special Management Areas outside the Wil-
23 derness Areas; or

24 (B) in accordance with section 4(c) of the
25 Wilderness Act (16 U.S.C. 1133(c)), within the

1 Wilderness Areas, including the ability to use
2 motorized access within a Wilderness Area
3 while in pursuit of a suspect;

4 (2) affects the 2006 Memorandum of Under-
5 standing among the Department of Homeland Secu-
6 rity, the Department of the Interior, and the De-
7 partment of Agriculture regarding cooperative na-
8 tional security and counterterrorism efforts on pub-
9 lic land along the borders of the United States; or

10 (3) prevents the Secretary of Homeland Secu-
11 rity from conducting any low-level overflights over
12 the National Conservation Areas and Special Man-
13 agement Areas or the Wilderness Areas that may be
14 necessary for law enforcement and border security
15 purposes.

16 **SEC. 10. WATER RIGHTS.**

17 (a) RESERVATION OF RIGHTS.—With respect to each
18 wilderness area designated by this Act, Congress hereby
19 reserves a quantity of water sufficient to fulfill the pur-
20 poses of this Act. The priority date of such reserved rights
21 shall be the date of enactment of this Act.

22 (b) PROTECTION OF RIGHTS.—The Secretary and all
23 other officers of the United States shall take steps nec-
24 essary to protect the rights reserved by subsection (a), in-
25 cluding the filing by the Secretary of a claim for the quan-

1 tification of such rights in any present or future appro-
2 priate stream adjudication in the courts of the State in
3 which the United States is or may be joined and which
4 is conducted in accordance with the McCarran Amend-
5 ment (43 U.S.C. 666).

6 (c) NO RELINQUISHMENT OR REDUCTION.—Nothing
7 in this section shall be construed as a relinquishment or
8 reduction of any water rights reserved or appropriated by
9 the United States in the State on or before the date of
10 enactment of this Act.

11 (d) RESERVATION FOR SPECIFIC WILDERNESS.—
12 The Federal water rights reserved by this section are spe-
13 cific to the wilderness located in the State designated by
14 this Act. Nothing in this section related to reserved Fed-
15 eral water rights shall be construed as establishing a
16 precedent with regard to any future designations, nor shall
17 it constitute an interpretation of any other Act or any des-
18 ignation made pursuant thereto.

