

AMENDMENTS

2009—Subsec. (g). Pub. L. 111-84 added subsec. (g).

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 111-11, title I, §1801, Mar. 30, 2009, 123 Stat. 1052, provided that: “In this subtitle [subtitle K (§§1801-1808) of title I of Pub. L. 111-11, see References in Text note above]:

“(1) FOREST.—The term ‘Forest’ means the Ancient Bristlecone Pine Forest designated by section 1808(a) [16 U.S.C. 5390(a)].

“(2) RECREATION AREA.—The term ‘Recreation Area’ means the Bridgeport Winter Recreation Area designated by section 1806(a) [16 U.S.C. 460vvv(a)].

“(3) SECRETARY.—The term ‘Secretary’ means—

“(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

“(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

“(4) STATE.—The term ‘State’ means the State of California.

“(5) TRAIL.—The term ‘Trail’ means the Pacific Crest National Scenic Trail.”

SUBCHAPTER CXXXIV—RED CLIFFS
NATIONAL CONSERVATION AREA

§ 460www. Red Cliffs National Conservation Area**(a) Purposes**

The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 1533(c)(1) of this title.

(b) Definitions

In this section:

(1) Habitat conservation plan

The term “habitat conservation plan” means the conservation plan entitled “Washington County Habitat Conservation Plan” and dated February 23, 1996.

(2) Management plan

The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) National Conservation Area

The term “National Conservation Area” means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) Public use plan

The term “public use plan” means the use plan entitled “Red Cliffs Desert Reserve Pub-

lic Use Plan” and dated June 12, 2000, as amended.

(5) Resource management plan

The term “resource management plan” means the management plan entitled “St. George Field Office Resource Management Plan” and dated March 15, 1999, as amended.

(c) Establishment

Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) Management plan**(1) In general**

Not later than 3 years after March 30, 2009, and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) Consultation

In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) Incorporation of plans

In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) Management**(1) In general**

The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) Uses

The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) Motorized vehicles

Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) Grazing

The grazing of livestock in the National Conservation Area, where established before March 30, 2009, shall be permitted to continue—

(A) subject to—

- (i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and
- (ii) applicable law; and

(B) in a manner consistent with the purposes described in subsection (a).

(5) Wildland fire operations

Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) Incorporation of acquired land and interests

Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

- (1) become part of the National Conservation Area; and
- (2) be managed in accordance with—
 - (A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);
 - (B) this section; and
 - (C) any other applicable law (including regulations).

(g) Withdrawal

(1) In general

Subject to valid existing rights, all Federal land located in the National Conservation Area are¹ withdrawn from—

- (A) all forms of entry, appropriation, and disposal under the public land laws;
- (B) location, entry, and patenting under the mining laws; and
- (C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Additional land

If the Secretary acquires additional land that is located in the National Conservation Area after March 30, 2009, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) Effect

Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

- (1) each utility development protocol described in the habitat conservation plan; and
- (2) any other applicable law (including regulations).

(Pub. L. 111-11, title I, §1974, Mar. 30, 2009, 123 Stat. 1081.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsecs. (e)(1)(B)(i) and (f)(2)(A), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

¹ So in original. Probably should be “is”.

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 111-11, title I, §1971, Mar. 30, 2009, 123 Stat. 1075, as amended by Pub. L. 111-88, div. A, title IV, §436, Oct. 30, 2009, 123 Stat. 2965, provided that: “In this subtitle [subtitle O (§§1971-1983) of title I of Pub. L. 111-11, enacting this subchapter, subchapter CXXXV of this chapter, and section 346a-6 of this title, amending section 1274 of this title, enacting provisions set out as notes under section 1274 of this title and provisions formerly set out as a note under section 766 of Title 25, Indians, and enacting provisions listed in a table of Wilderness Areas set out under section 1132 of this title]:

“(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.—The term ‘Beaver Dam Wash National Conservation Area Map’ means the map entitled ‘Beaver Dam Wash National Conservation Area’ and dated September 20, 2009.

“(2) CANAAN MOUNTAIN WILDERNESS MAP.—The term ‘Canaan Mountain Wilderness Map’ means the map entitled ‘Canaan Mountain Wilderness’ and dated June 21, 2008.

“(3) COUNTY.—The term ‘County’ means Washington County, Utah.

“(4) NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ‘Northeastern Washington County Wilderness Map’ means the map entitled ‘Northeastern Washington County Wilderness’ and dated November 12, 2008.

“(5) NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ‘Northwestern Washington County Wilderness Map’ means the map entitled ‘Northwestern Washington County Wilderness’ and dated June 21, 2008.

“(6) RED CLIFFS NATIONAL CONSERVATION AREA MAP.—The term ‘Red Cliffs National Conservation Area Map’ means the map entitled ‘Red Cliffs National Conservation Area’ and dated November 12, 2008.

“(7) SECRETARY.—The term ‘Secretary’ means—

“(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

“(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

“(8) STATE.—The term ‘State’ means the State of Utah.

“(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term ‘Washington County Growth and Conservation Act Map’ means the map entitled ‘Washington County Growth and Conservation Act Map’ and dated November 13, 2008.”

SUBCHAPTER CXXXV—BEAVER DAM WASH NATIONAL CONSERVATION AREA

§ 460xxx. Beaver Dam Wash National Conservation Area

(a) Purpose

The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) Definitions

In this section:

(1) Management plan

The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).