

105TH CONGRESS
2^D SESSION

H. R. 3625

To establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

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

A BILL

To establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, 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 “San Rafael Swell Na-
5 tional Heritage and Conservation Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—SAN RAFAEL SWELL NATIONAL HERITAGE AREA

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- Sec. 102. Findings, purposes, and definitions.
- Sec. 103. San Rafael Swell National Heritage Area.
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TITLE IV—GENERAL MANAGEMENT PROVISIONS

- Sec. 401. Livestock grazing.
- Sec. 402. Cultural and paleontological resources.
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- Sec. 407. Water rights.
- Sec. 408. Miscellaneous.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

1 (1) **ADVISORY COUNCIL.**—The term “Advisory
2 Council” means the San Rafael Swell National Con-
3 servation Area Advisory Council established under
4 section 205.

5 (2) **CONSERVATION AREA.**—The term “con-
6 servation area” means the San Rafael Swell Na-
7 tional Conservation Area established by section 202.

8 (3) **DIRECTOR.**—The term “Director” means
9 the Director of the Bureau of Land Management.

10 (4) **NATIONAL HERITAGE AREA.**—The term
11 “national heritage area” means the San Rafael
12 Swell National Heritage Area established by section
13 103.

14 (5) **SECRETARY.**—The term “Secretary” means
15 the Secretary of the Interior, acting through the Di-
16 rector of the Bureau of Land Management.

17 (6) **SEMI-PRIMITIVE AREA.**—The term “semi-
18 primitive area” means any area designated as a
19 semi-primitive nonmotorized use area under section
20 232.

21 **TITLE I—SAN RAFAEL SWELL** 22 **NATIONAL HERITAGE AREA**

23 **SEC. 101. SHORT TITLE.**

24 This title may be cited as the “San Rafael Swell Na-
25 tional Heritage Area Act”.

1 **SEC. 102. FINDINGS, PURPOSES, AND DEFINITIONS.**

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

3 (1) The history of the American West is one of
4 the most significant chapters of United States his-
5 tory, and the major themes and images of the his-
6 tory of the American West provide a legacy that has
7 done much to shape the contemporary culture, atti-
8 tudes, and values of the American West and the
9 United States.

10 (2) The San Rafael Swell region of the State of
11 Utah was one of the country's last frontiers and pos-
12 sesses important historical, cultural, and natural re-
13 sources that are representative of the central themes
14 associated with the history of the American West,
15 including themes of pre-Columbian and Native
16 American culture, exploration, pioneering, settle-
17 ment, ranching, outlaws, prospecting and mining,
18 water development and irrigation, railroad building,
19 industrial development, and the utilization and con-
20 servation of natural resources.

21 (3) The San Rafael Swell region contains im-
22 portant historical sites, including sections of the Old
23 Spanish Trail, the Outlaw Trail, the Green River
24 Crossing, and numerous sites associated with cow-
25 boy, pioneer, and mining history.

1 (4) The heritage of the San Rafael Swell region
2 includes the activities of many prominent historical
3 figures of the old American West, such as Chief
4 Walker, John Wesley Powell, Kit Carson, John C.
5 Fremont, John W. Gunnison, Butch Cassidy, John
6 W. Taylor, and the Swasey brothers.

7 (5) The San Rafael Swell region has a notable
8 history of coal and uranium mining, and a rich cul-
9 tural heritage of activities associated with mining,
10 such as prospecting, railroad building, immigrant
11 workers, coal camps, labor union movements, and
12 mining disasters.

13 (6) The San Rafael Swell region is widely rec-
14 ognized for its significant paleontological resources
15 and dinosaur bone quarries, including the Cleveland
16 Lloyd Dinosaur Quarry which was designated as a
17 National Natural Landmark in 1966.

18 (7) The beautiful rural landscapes, historic and
19 cultural landscapes, and spectacular scenic vistas of
20 the San Rafael Swell region contain significant un-
21 developed recreational opportunities for people
22 throughout the United States.

23 (8) Museums and visitor centers have already
24 been constructed in the San Rafael Swell region, in-
25 cluding the John Wesley Powell River History Mu-

1 seum, the College of Eastern Utah Prehistoric Mu-
2 seum, the Museum of the San Rafael, the Western
3 Mining and Railroad Museum, the Emery County
4 Pioneer Museum, and the Cleveland Lloyd Dinosaur
5 Quarry, and these museums are available to inter-
6 pret the themes of the national heritage area estab-
7 lished by this title and to coordinate the interpretive
8 and preservation activities of the area.

9 (9) Despite the efforts of the State of Utah, po-
10 litical subdivisions of the State, volunteer organiza-
11 tions, and private businesses, the cultural, historical,
12 natural, and recreational resources of the San
13 Rafael Swell region have not realized their full po-
14 tential and may be lost without assistance from the
15 Federal Government.

16 (10) Many of the historical, cultural, and sci-
17 entific sites of the San Rafael Swell region are lo-
18 cated on lands owned by the Federal Government
19 and are managed by the Bureau of Land Manage-
20 ment or the United States Forest Service.

21 (11) The preservation of the cultural, historical,
22 natural, and recreational resources of the San
23 Rafael Swell region within a regional framework re-
24 quires cooperation among local property owners and
25 Federal, State, and local government entities.

1 (12) Partnerships between Federal, State, and
2 local governments, local and regional entities of
3 these governments, and the private sector offer the
4 most effective opportunities for the enhancement
5 and management of the cultural, historical, natural,
6 and recreational resources of the San Rafael Swell
7 region.

8 (b) PURPOSES.—The purposes of this title are—

9 (1) to establish the San Rafael Swell National
10 Heritage Area to promote the preservation, con-
11 servation, interpretation, and development of the his-
12 torical, cultural, natural, and recreational resources
13 related to the historical, cultural, and industrial her-
14 itage of the San Rafael Swell region of the State of
15 Utah, which includes the counties of Carbon and
16 Emery, and portions of the county of Sanpete;

17 (2) to encourage within the national heritage
18 area a broad range of economic and recreational op-
19 portunities to enhance the quality of life for present
20 and future generations;

21 (3) to assist the State of Utah, political subdivi-
22 sions of the State and their local and regional enti-
23 ties, and nonprofit organizations, or combinations
24 thereof, in preparing and implementing a manage-
25 ment plan for the national heritage area and in de-

1 veloping policies and programs that will preserve, en-
2 hance, and interpret the cultural, historical, natural,
3 recreational, and scenic resources of the heritage
4 area; and

5 (4) to authorize the Secretary of the Interior to
6 provide financial assistance and technical assistance
7 to support the preparation and implementation of
8 the management plan for the national heritage area.

9 (c) DEFINITIONS.—For purposes of this title:

10 (1) MANAGEMENT ENTITY.—The term “man-
11 agement entity” means the entity recognized by the
12 Secretary pursuant to section 104(a) to manage the
13 national heritage area.

14 (2) MANAGEMENT PLAN.—The term “manage-
15 ment plan” means the management plan for the na-
16 tional heritage area required under section 105.

17 (3) FINANCIAL ASSISTANCE.—The term “finan-
18 cial assistance” means funds appropriated by the
19 Congress and made available to the management en-
20 tity for the purposes of preparing and implementing
21 a management plan.

22 (4) TECHNICAL ASSISTANCE.—The term “tech-
23 nical assistance” means any guidance, advice, help,
24 or aid, other than financial assistance, provided by
25 the Secretary.

1 **SEC. 103. SAN RAFAEL SWELL NATIONAL HERITAGE AREA.**

2 (a) ESTABLISHMENT.—There is established in the
3 State of Utah the San Rafael Swell National Heritage
4 Area.

5 (b) BOUNDARIES.—The San Rafael Swell National
6 Heritage Area shall be comprised of Carbon County and
7 Emery County, Utah, and portions of Sanpete County,
8 Utah, as depicted on the map entitled “San Rafael Swell
9 National Heritage/Conservation Area Proposed”, dated
10 _____. The map shall be on file and available for
11 public inspection in the office of the Director.

12 **SEC. 104. MANAGEMENT ENTITY FOR NATIONAL HERITAGE**
13 **AREA.**

14 (a) RECOGNITION OF MANAGEMENT ENTITY.—Upon
15 petition, the Secretary may recognize an entity of the
16 State of Utah, political subdivisions of the State and their
17 local and regional entities, or a nonprofit organization, or
18 a combination thereof, as the management entity for the
19 national heritage area. The recognized management entity
20 shall be known as the San Rafael Regional Heritage Coun-
21 cil.

22 (b) ELIGIBILITY REQUIREMENTS.—To be eligible for
23 designation as the management entity, an entity must pos-
24 sess the legal ability—

1 (1) to receive Federal funds for use in prepar-
2 ing and implementing the management plan for the
3 national heritage area;

4 (2) to disburse Federal funds to units of gov-
5 ernment or organizations for use in preparing and
6 implementing the management plan;

7 (3) to account for all Federal funds received by
8 the management entity under section 107; and

9 (4) to sign agreements with the Federal Gov-
10 ernment.

11 (c) GENERAL AUTHORITIES OF MANAGEMENT EN-
12 TITY.—For purposes of preparing and implementing the
13 management plan for the heritage area under sections 105
14 and 106, the management entity may use Federal funds
15 provided to the management entity under section 107—

16 (1) to make grants and loans to the State of
17 Utah, political subdivisions of the State, nonprofit
18 organizations, and other persons;

19 (2) to enter into cooperative agreements with,
20 or provide technical assistance to, Federal agencies,
21 the State of Utah, political subdivisions of the State,
22 nonprofit organizations, and other persons;

23 (3) to hire and compensate staff;

1 (4) to obtain money from any source under any
2 program or law requiring the recipient of such
3 money to provide matching funds; and

4 (5) to contract for goods and services.

5 (d) PROHIBITION OF ACQUISITION OF REAL PROP-
6 ERTY.—The management entity may not acquire real
7 property or any interest in real property using Federal
8 funds provided to the management entity under section
9 107.

10 **SEC. 105. PREPARATION OF MANAGEMENT PLAN.**

11 (a) PREPARATION REQUIRED.—Not later than three
12 years after the date of the enactment of this Act, the man-
13 agement entity shall prepare and submit to the Secretary
14 a management plan for the national heritage area. The
15 management entity shall prepare the management plan
16 with public participation, including residents, public agen-
17 cies, and private organizations in the national heritage
18 area.

19 (b) PLAN REQUIREMENTS.—The management plan
20 shall present comprehensive recommendations for the con-
21 servation, funding, management, and development of the
22 national heritage area, taking into consideration existing
23 Federal, State, county, and local plans. The management
24 plan shall include the following:

1 (1) A description of actions that units of gov-
2 ernment and private organizations are recommended
3 to take in order to protect, restore, develop, enhance,
4 or maintain the resources of the national heritage
5 area.

6 (2) A description of existing and potential
7 sources of funding for the conservation, manage-
8 ment, and development of the national heritage area.

9 (3) An inventory of the resources contained in
10 the national heritage area, including a list of sites
11 in the national heritage area that should be con-
12 served, restored, managed, developed, or maintained
13 because of the natural, cultural, or historic signifi-
14 cance of the sites as they relate to the themes of the
15 national heritage area.

16 (4) A recommendation of policies for resource
17 management that consider and detail the application
18 of appropriate land and water management tech-
19 niques, including the development of intergovern-
20 mental cooperative agreements to manage the histor-
21 ical, cultural, and natural resources and recreational
22 opportunities of the national heritage area in a man-
23 ner consistent with the support of appropriate and
24 compatible economic viability.

1 (5) A program, including plans for restoration
2 and construction, for implementation of the manage-
3 ment plan by the management entity, including spe-
4 cific commitments for the first five years of oper-
5 ation of the management plan by the partners iden-
6 tified in the plan.

7 (6) An analysis of means by which Federal,
8 State, and local programs may best be coordinated
9 to promote the purposes of this title.

10 (7) An interpretive plan for the national herit-
11 age area.

12 (c) CONSIDERATION BY SECRETARY.—

13 (1) APPROVAL OR DISAPPROVAL.—Not later
14 than 60 days after receipt of the management plan
15 under subsection (a), the Secretary shall approve or
16 disapprove the management plan. If the Secretary
17 has taken no action within 60 days after receipt, the
18 management plan shall be considered to be ap-
19 proved.

20 (2) EFFECT OF DISAPPROVAL.—If the Sec-
21 retary disapproves the management plan, the Sec-
22 retary shall advise the management entity, in writ-
23 ing, of the reasons for the disapproval and shall
24 make recommendations for revision of the manage-
25 ment plan.

1 (3) RESUBMISSION.—Not later than 60 days
2 after receipt of a revised management plan, the Sec-
3 retary shall approve or disapprove the proposed revi-
4 sions to the management plan. If the Secretary has
5 taken no action within 60 days after receipt, the
6 management plan shall be considered approved.

7 **SEC. 106. IMPLEMENTATION OF MANAGEMENT PLAN.**

8 (a) PRIORITIES.—The management entity shall give
9 priority to the implementation of actions, goals, and poli-
10 cies set forth in the management plan for the national her-
11 itage area, including—

12 (1) assisting units of government, regional plan-
13 ning organizations, and nonprofit organizations—

14 (A) in conserving resources contained in
15 the national heritage area;

16 (B) in establishing and maintaining inter-
17 pretive exhibits in the national heritage area;

18 (C) in developing recreational opportunities
19 in the national heritage area;

20 (D) in increasing public awareness of and
21 appreciation for the natural, historical, and cul-
22 tural resources of the national heritage area;

23 (E) in the restoration of historic buildings
24 and structures that are located within the
25 boundaries of the national heritage area that

1 relate to the themes of the national heritage
2 area; and

3 (F) in ensuring that clear, consistent, and
4 appropriate signs identifying access points and
5 sites of interest are put in place throughout the
6 national heritage area; and

7 (2) consistent with the goals of the manage-
8 ment plan, encouraging economic viability in the af-
9 fected communities by appropriate means.

10 (b) **CONSIDERATION OF INTERESTS OF LOCAL**
11 **GROUPS.**—In implementing the management plan, the
12 management entity shall consider the interests of diverse
13 units of government, businesses, private property owners,
14 and nonprofit groups within the national heritage area.

15 (c) **PUBLIC MEETINGS.**—The management entity
16 shall conduct public meetings at least semiannually re-
17 garding the implementation of the management plan.

18 **SEC. 107. DUTIES AND AUTHORITIES OF THE SECRETARY.**

19 (a) **PROVISION OF TECHNICAL ASSISTANCE AND FI-**
20 **NANCIAL ASSISTANCE.**—The Secretary may provide tech-
21 nical assistance and, subject to the availability of appro-
22 priations, financial assistance in the form of grants—

23 (1) to the management entity to assist in the
24 preparation of the management plan and its imple-
25 mentation; and

1 tential effect of the activity on the management plan and
2 shall consult with the management entity with respect to
3 the activity to minimize the adverse effects of the activity
4 on the national heritage area.

5 **SEC. 109. SAVINGS PROVISIONS.**

6 (a) NO EFFECT ON AUTHORITY OF GOVERN-
7 MENTS.—Nothing in this title shall be construed to mod-
8 ify, enlarge, or diminish any authority of the Federal,
9 State, or local governments to regulate any use of land
10 as provided for by law or regulation.

11 (b) LACK OF ZONING OR LAND USE POWERS OF EN-
12 TITY.—Nothing in this title shall be construed to grant
13 powers of zoning or land use to the management entity
14 for the national heritage area.

15 (c) FISH AND WILDLIFE.—The designation of the
16 national heritage area shall not diminish the authority of
17 the State of Utah to manage fish and wildlife, including
18 the regulation of fishing and hunting within the national
19 heritage area.

20 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There is authorized to be appro-
22 priated under this title not more than \$1,000,000 for any
23 fiscal year. Not more than a total of \$10,000,000 may
24 be appropriated for the national heritage area under this
25 title.

1 (b) 50-PERCENT MATCH.—Federal funding provided
2 under section 107, after the designation of the national
3 heritage area, may not exceed 50 percent of the total cost
4 of any assistance or financial assistance provided or au-
5 thorized under this title.

6 **TITLE II—SAN RAFAEL SWELL**
7 **NATIONAL CONSERVATION**
8 **AREA**

9 **Subtitle A—Establishment of**
10 **Conservation Area**

11 **SEC. 201. DEFINITION OF PLAN.**

12 In this title, the term “plan” means the comprehen-
13 sive management plan developed for the national conserva-
14 tion area under section 203, including such revisions
15 thereto as may be required in order to implement this title.

16 **SEC. 202. ESTABLISHMENT OF NATIONAL CONSERVATION**
17 **AREA.**

18 (a) ESTABLISHMENT.—In order to preserve and
19 maintain heritage, tourism, recreational, historical, scenic,
20 archaeological, paleontological, biological, cultural, sci-
21 entific, educational, and economic resources, there is here-
22 by established the San Rafael Swell National Conservation
23 Area.

24 (b) AREA INCLUDED.—The conservation area shall
25 consist of all public lands within the exterior boundaries

1 of the conservation area, comprised of approximately
2 630,000 acres, as generally depicted on the map entitled
3 “San Rafael Swell National Heritage/Conservation Area
4 Proposed”, dated _____, including areas depicted
5 within those boundaries on that map as “Proposed Wilder-
6 ness”, “Proposed Bighorn Sheep Management Areas”,
7 “Scenic Visual Area of Critical Environmental Concern”,
8 and “Semi-Primitive Non-Motorized Use Area”.

9 (c) MAP AND LEGAL DESCRIPTION.—As soon as is
10 practicable after enactment of this Act, the map referred
11 to in subsection (b) and a legal description of the con-
12 servation area shall be filed by the Secretary with the
13 Committee on Resources of the House of Representatives
14 and the Committee on Energy and Natural Resources of
15 the Senate. Such map and description shall have the same
16 force and effect as if included in this Act, except that the
17 Secretary may correct clerical and typographical errors in
18 such map and legal description. Such map and description
19 shall be on file and available for public inspection in the
20 office of the Director and the Utah State Director of the
21 Bureau of Land Management of the Department of the
22 Interior.

23 (d) WITHDRAWALS.—Subject to valid existing rights,
24 the Federal lands within the conservation area are hereby
25 withdrawn from all forms of entry, appropriation, or dis-

1 posal under the public land laws; and from entry, applica-
2 tion, and selection under the Act of March 3, 1877 (Ch.
3 107, 19 Stat. 377, 43 U.S.C. 321 et seq.; commonly re-
4 ferred to as the “Desert Lands Act”), section 4 of the
5 Act of August 18, 1894 (Ch. 301, 28 Stat. 422; 43 U.S.C.
6 641; commonly referred to as the “Carey Act”), section
7 2275 of the Revised Statutes, as amended (43 U.S.C.
8 851), and section 2276 of the Revised Statutes (43 U.S.C.
9 852). The Secretary shall return to the applicants any
10 such applications pending on the date of enactment of this
11 Act, without further action. Subject to valid existing
12 rights, as of the date of enactment of this Act, lands with-
13 in the conservation area are withdrawn from location
14 under the general mining laws, the operation of the min-
15 eral and geothermal leasing laws, and the mineral material
16 disposal laws, except that mineral materials subject to dis-
17 posal may be made available from existing sites to the ex-
18 tent compatible with the purposes for which the conserva-
19 tion area is established.

20 (e) CLOSURE TO FORESTRY.—The Secretary shall
21 prohibit all commercial sale of trees, portions of trees, and
22 forest products located in the conservation area.

23 **SEC. 203. MANAGEMENT AND USE.**

24 (a) MANAGEMENT PLAN.—

1 (1) PREPARATION.—(A) Not later than 5 years
2 after the date of enactment of this Act, the Sec-
3 retary, in cooperation with the Advisory Council,
4 shall prepare and begin implementing a management
5 plan for the conservation area.

6 (B) Thereafter, the Secretary and the Advisory
7 Council shall review the plan at least once every 10
8 years and shall make such revisions as may be nec-
9 essary or appropriate.

10 (C) In reviewing and revising the plan, the Sec-
11 retary and the Advisory Council shall provide for ap-
12 propriate public participation.

13 (2) MULTIPLE USE, SUSTAINABLE YIELD DE-
14 SIGN.—The management plan shall be a multiple
15 use, sustained yield management plan that—

16 (A) conserves the resources of the con-
17 servation area for future generations;

18 (B) provides for the present and future en-
19 joyment of those resources, particularly heritage
20 and outdoor recreation uses including the use,
21 where appropriate, of off-road recreational vehi-
22 cles;

23 (C) provides for the immediate and future
24 protection and administration of public lands in

1 the conservation area and the maintenance of
2 environmental quality; and

3 (D) provides for the present and future ac-
4 cess to and enjoyment of the various national
5 heritage area sites in the conservation area, as
6 identified in the management plan for the na-
7 tional heritage area pursuant to section
8 105(b)(3).

9 (3) CONSISTENCY WITH NATIONAL HERITAGE
10 AREA MANAGEMENT PLAN.—The management plan
11 for the conservation area shall be consistent with the
12 management plan for the national heritage area
13 under section 105.

14 (b) MANAGEMENT GUIDANCE.—The Secretary shall
15 ensure that the plan and management program to imple-
16 ment the plan include, in addition to any other necessary
17 or appropriate provisions, provisions for—

18 (1) protection for the heritage, scientific, cul-
19 tural, and educational resources and values of the
20 public lands in the conservation area;

21 (2) public use of the conservation area consist-
22 ent with the purposes of this subtitle;

23 (3) interpretive and educational opportunities
24 for the public;

1 (4) a program for continued scientific investiga-
2 tion and study to provide information to support
3 sound management in accordance with this subtitle,
4 to advance knowledge of species and the resources
5 and values of the conservation area, and to provide
6 a process for transferring to other areas of the pub-
7 lic lands and elsewhere this knowledge and manage-
8 ment experience;

9 (5) such vegetative enhancement and other
10 measures as may be necessary to restore or enhance
11 habitat;

12 (6) the identification of levels, types, timing,
13 and terms and conditions for the allowable uses of
14 lands within the conservation area that will be com-
15 patible with the protection, maintenance, and en-
16 hancement of species populations and habitats and
17 the other purposes for which the conservation area
18 is established; and

19 (7) assessing the desirability of imposing appro-
20 priate fees for public uses (including, but not limited
21 to, recreational use) of lands in the conservation
22 area, which are not now subject to fees, to be used
23 to further the purposes for which the conservation
24 area is established.

1 (c) VISITORS CENTER.—The Secretary may estab-
2 lish, in cooperation with the Advisory Council and other
3 public or private entities as the Secretary considers appro-
4 priate, a visitors center designed to interpret the history
5 and the geological, ecological, natural, cultural, and other
6 resources of the conservation area.

7 (d) VISITORS USE OF AREA.—In addition to the Visi-
8 tors Center, the Secretary may provide for visitor use of
9 the public lands in the conservation area to such extent
10 and in such manner as the Secretary considers consistent
11 with the purposes for which the conservation area is estab-
12 lished. To the extent practicable, the Secretary shall make
13 available to visitors and other members of the public a
14 map of the conservation area and such other educational
15 and interpretive materials as may be appropriate.

16 (e) COOPERATIVE AGREEMENTS.—The Secretary
17 may provide technical assistance to, and enter into such
18 cooperative agreements and contracts with, the State of
19 Utah and with local governments and private entities as
20 the Secretary deems necessary or desirable to carry out
21 the purposes and policies of this title.

22 (f) AGRICULTURAL PRACTICES.—Nothing in this Act
23 shall be construed as constituting a grant of authority to
24 the Secretary to restrict recognized agricultural practices

1 or other activities on private land adjacent to or within
2 the conservation area boundary.

3 **SEC. 204. ADDITIONS.**

4 (a) ACQUISITIONS.—

5 (1) IN GENERAL.—The Secretary may acquire
6 lands and interests therein within the boundaries of
7 the conservation area by donation, purchase with do-
8 nated or appropriated funds, exchange, or transfer
9 from another Federal agency, except that such lands
10 or interests owned by the State of Utah or a politi-
11 cal subdivision thereof may be acquired only by do-
12 nation or exchange.

13 (2) ADDITION TO CONSERVATION AREA.—Any
14 lands located within the boundaries of the conserva-
15 tion area that are acquired by the United States on
16 or after the date of enactment of this Act shall be-
17 come a part of the conservation area and shall be
18 subject to this title.

19 (b) LAND EXCHANGES TO RESOLVE CONFLICTS.—

20 The Secretary shall, within 4 years after the date of enact-
21 ment of this Act, study, identify, and initiate voluntary
22 land exchanges which would resolve ownership-related
23 land use conflicts within the conservation area. Lands may
24 be acquired under this subsection only from willing sellers.

1 **SEC. 205. ADVISORY COUNCIL.**

2 (a) ESTABLISHMENT.—There is established the San
3 Rafael Swell National Conservation Area Advisory Coun-
4 cil. The Advisory Council shall advise the Secretary re-
5 garding management of the conservation area.

6 (b) MEMBERSHIP.—

7 (1) IN GENERAL.—The Advisory Council shall
8 consist of 11 members appointed by the Secretary
9 from among persons who are representative of the
10 various major citizen’s interests concerned with the
11 management of the public lands located in the con-
12 servation area. Of the members—

13 (A) 3 shall be appointed from individuals
14 recommended by the Governor of the State of
15 Utah;

16 (B) 5 shall be appointed from individuals
17 recommended by the Board of Commissioners
18 of Emery County, Utah, and shall include a
19 representative of each of the Emery County
20 Public Lands Council and the San Rafael Re-
21 gional Heritage Council recognized under sec-
22 tion 104(a);

23 (C) 1 shall be the Director of the Bureau
24 of Land Management in the State of Utah, or
25 his or her designee; and

1 (D) the remainder shall be selected by the
2 Secretary.

3 (2) APPOINTMENT PROCESS.—The Secretary
4 shall appoint the members of the Advisory Council
5 in accordance with rules prescribed by the Secretary.

6 (3) TERMS.—(A) The term of members of the
7 Advisory Council shall be a period established by the
8 Secretary, which may not exceed 4 years and which,
9 except as provided by subparagraph (B), shall be the
10 same for all members.

11 (B) In appointing the initial members of the
12 Advisory Council, the Secretary shall, for a portion
13 of the members, specify terms that are shorter than
14 the period established under subparagraph (A), as
15 necessary to achieve staggering of terms.

16 (c) CHAIRPERSON.—The Advisory Council shall have
17 a Chairperson, who shall be selected by the Advisory
18 Council from among its members.

19 (d) MEETINGS.—The Advisory Council shall meet at
20 least twice each a year, at the call of the Secretary or
21 the Chairperson.

22 (e) PAY AND EXPENSES.—Members of the Advisory
23 Council shall serve without pay, except travel and per diem
24 shall be paid to each member for meetings called by the
25 Secretary or the Chairperson.

1 (f) FURNISHING ADVICE.—The Advisory Council
2 may furnish advice to the Secretary with respect to the
3 planning and management of the public lands within the
4 conservation area and such other matters as may be re-
5 ferred to it by the Secretary.

6 (g) TERMINATION.—The Advisory Council shall ter-
7minate 10 years after the date of the enactment of this
8 Act, unless otherwise extended by law.

9 **SEC. 206. RELATIONSHIP TO OTHER LAWS AND ADMINIS-**
10 **TRATIVE PROVISIONS.**

11 (a) OTHER LAWS.—

12 (1) PUBLIC LAND LAWS.—Except as otherwise
13 specifically provided in this Act, nothing in this title
14 shall be construed as limiting the applicability to
15 lands in the conservation area of laws applicable to
16 public lands generally, including but not limited to
17 the National Historic Preservation Act (16 U.S.C.
18 470 et seq.), the Archaeological Resources Protec-
19 tion Act of 1979 (16 U.S.C. 470aa et seq.), or the
20 Native American Graves Protection and Repatriation
21 Act (25 U.S.C. 3001 et seq.).

22 (2) NON-BLM LAND.—Nothing in this title shall
23 be construed as by itself altering the status of any
24 lands that on the date of enactment of this Act were
25 not managed by the Bureau of Land Management.

1 (3) PLANT PROPAGATION.—Nothing in this title
2 shall be construed as prohibiting the Secretary from
3 engaging qualified persons to use public lands within
4 the conservation area for the propagation of plants
5 (including seeds) to be used for vegetative enhance-
6 ment of the conservation area in accordance with the
7 plan and in furtherance of the purposes for which
8 the conservation area is established.

9 **SEC. 207. COMMUNICATIONS EQUIPMENT.**

10 Nothing in this Act shall be construed to prohibit the
11 Secretary from authorizing the installation of communica-
12 tions equipment in the conservation area for public safety
13 purposes.

14 **Subtitle B—Wilderness Areas**
15 **Within Conservation Area**

16 **SEC. 221. DESIGNATION OF WILDERNESS.**

17 (a) DESIGNATION.—In furtherance of the purposes of
18 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
19 lands in the conservation area, as generally depicted on
20 the map entitled “San Rafael Swell National Heritage/
21 Conservation Area Proposed”, dated _____, are
22 hereby designated as wilderness and therefore as compo-
23 nents of the National Wilderness Preservation System:

24 (1) Crack Canyon Wilderness Area, consisting
25 of approximately 19,676 acres.

1 (2) Mexican Mountain Wilderness Area, consist-
2 ing of approximately 27,953 acres.

3 (3) Muddy Creek Wilderness Area, consisting of
4 approximately 37,010 acres.

5 (4) San Rafael Reef Wilderness Area, consist-
6 ing of approximately 46,079 acres.

7 (b) MAP AND DESCRIPTION.—As soon as practicable
8 after the date of the enactment of this Act, the Secretary
9 shall file a map and a legal description of each area des-
10 ignated as wilderness by subsection (a) with the Commit-
11 tee on Resources of the House of Representatives and the
12 Committee on Energy and Natural Resources of the Sen-
13 ate. Each map and description shall have the same force
14 and effect as if included in this Act, except that the Sec-
15 retary may correct clerical and typographical errors in
16 such maps and legal descriptions. Each map and legal de-
17 scription shall be on file and available for public inspection
18 in the office of the Director of the Bureau of Land Man-
19 agement, and the office of the State Director of the Bu-
20 reau of Land Management in the State of Utah, Depart-
21 ment of the Interior.

22 **SEC. 222. ADMINISTRATION OF WILDERNESS AREAS.**

23 (a) IN GENERAL.—Subject to valid existing rights
24 and the full exercise of those rights, each area designated
25 as wilderness by this title shall be administered by the Sec-

1 retary in accordance with this title, title III of this Act,
2 and the Wilderness Act (16 U.S.C. 1131 et seq.).

3 (b) INCORPORATION OF ACQUIRED LANDS AND IN-
4 TERESTS.—Any lands or interest in lands within the
5 boundaries of an area designated as wilderness by this
6 title that is acquired by the United States after the date
7 of the enactment of this Act shall be added to and admin-
8 istered as part of the wilderness area within which the
9 acquired lands or interest in lands are located.

10 (c) MANAGEMENT PLANS.—As soon as possible after
11 the date of the enactment of this Act, the Secretary, in
12 cooperation with the Advisory Council, shall prepare plans
13 in accordance with section 202 of the Federal Land Policy
14 and Management Act of 1976 (43 U.S.C. 1712) to man-
15 age the areas designated as wilderness by this title.

16 **Subtitle C—Other Special** 17 **Management Areas**

18 **SEC. 231. SAN RAFAEL SWELL DESERT BIGHORN SHEEP** 19 **MANAGEMENT AREA.**

20 (a) ESTABLISHMENT AND PURPOSES.—

21 (1) ESTABLISHMENT.—There is hereby estab-
22 lished in the conservation area the San Rafael Swell
23 Desert Bighorn Sheep Management area (in this
24 section referred to as the “management area”).

1 (2) PURPOSES.—The purposes of the manage-
2 ment area are the following:

3 (A) To provide for the prudent manage-
4 ment of Desert Bighorn Sheep and their habi-
5 tat in the Sid’s Mountain area of the conserva-
6 tion area.

7 (B) To provide opportunities for watchable
8 wildlife, hunting, and scientific study of Desert
9 Bighorn Sheep and their habitat.

10 (C) To provide a seed source for other
11 Desert Bighorn Sheep herds, and a gene pool to
12 protect genetic diversity within the Desert Big-
13 horn Sheep species.

14 (D) To provide educational opportunities
15 to the public regarding Desert Big Horn Sheep
16 and their environs.

17 (b) AREA INCLUDED.—The management area shall
18 consist of approximately 66,071 acres of federally owned
19 lands and interests therein managed by the Bureau of
20 Land Management as generally depicted on the map enti-
21 tled “San Rafael Swell National Heritage/Conservation
22 Area Proposed”, dated _____.

23 (c) MANAGEMENT AND USE.—

24 (1) IN GENERAL.—Except as otherwise pro-
25 vided in this section, the management area and use

1 of the management area shall be subject to all re-
2 quirements and restrictions that apply to the con-
3 servation area.

4 (2) MECHANIZED TRAVEL.—The Secretary
5 shall not allow any mechanized travel in the manage-
6 ment area, except—

7 (A) mechanized travel on designated roads
8 and trails; and

9 (B) mechanized travel by personnel of the
10 Utah Division of Wildlife Resources and the
11 Bureau of Land Management, including over-
12 flights of aircraft and landings of helicopters,
13 may be allowed as needed to manage the Desert
14 Bighorn Sheep and their habitat.

15 (3) DESERT BIGHORN SHEEP MANAGEMENT.—
16 The Secretary and the Utah Division of Wildlife Re-
17 sources may use such management tools as are
18 needed to provide for the sustainability of the Desert
19 Bighorn Sheep herd and the range resource of the
20 management area, including animal transplanting
21 (both into and out of the management area), hunt-
22 ing, water development, fencing, surveys, prescribed
23 fire, control of noxious or invading weeds, and pred-
24 ator control.

1 (4) WILDLIFE VIEWING.—The Secretary, in co-
2 operation with the State of Utah and the Advisory
3 Council, shall manage the management area to pro-
4 vide opportunities for the public to view Desert Big-
5 horn Sheep in their natural habitat. However, the
6 Secretary may restrict mechanized and nonmecha-
7 nized visitation to sensitive areas during critical sea-
8 sons as needed to provide for the proper manage-
9 ment of the Desert Bighorn Sheep herd of the man-
10 agement area.

11 (d) MANAGEMENT PLAN.—

12 (1) IN GENERAL.—The Secretary shall include
13 a management plan for the management area in the
14 management plan for the conservation area under
15 section 203.

16 (2) CONTENTS.—The management plan for the
17 management area shall establish goals and manage-
18 ment steps to be taken within the management area
19 to achieve the purposes of the management area
20 under subsection (a)(2).

21 (3) PARTICIPATION.—The Secretary shall co-
22 operate with the Utah Division of Wildlife Resources
23 and the Advisory Council in developing the manage-
24 ment plan for the management area.

25 (e) FACILITIES.—

1 (1) IN GENERAL.—The Secretary may estab-
2 lish, operate, and maintain in the management area
3 such facilities as are needed to provide for the man-
4 agement and safety of recreational users of the man-
5 agement area.

6 (2) VIEWING SITES.—Facilities under this sub-
7 section may include improved sheep viewing sites
8 around the periphery of the management area, if
9 such sites do not interfere with the proper manage-
10 ment of the sheep and their habitat.

11 (f) DEVELOPMENT OF HERITAGE SITES.—This sec-
12 tion shall not be construed to preclude the utilization, en-
13 hancement, and maintenance of national heritage area
14 sites in the management area, if such activities do not con-
15 flict with the purposes of the management area under sub-
16 section (a).

17 **SEC. 232. SEMI-PRIMITIVE NONMOTORIZED USE AREAS.**

18 (a) DESIGNATION AND PURPOSES.—The Secretary
19 shall designate areas in the national heritage area as semi-
20 primitive nonmotorized use areas. The purposes of the
21 semi-primitive areas are the following:

22 (1) To provide opportunities for isolation from
23 the sights and sounds of man.

24 (2) To provide opportunities to have a high de-
25 gree of interaction with the natural environment.

1 (3) To provide opportunities for recreational
2 users to practice outdoor skills in settings that
3 present moderate challenge and risk.

4 (b) AREA INCLUDED.—The semi-primitive areas shall
5 consist generally of approximately 109,487 acres of feder-
6 ally owned lands and interests therein located in the na-
7 tional heritage area that are managed by the Bureau of
8 Land Management as generally depicted on the map enti-
9 tled “San Rafael Swell National Heritage/Conservation
10 Area Proposed”, dated _____.

11 (c) MANAGEMENT AND USE OF AREAS IN CONSERVA-
12 TION AREA.—Except as otherwise provided in this section,
13 semi-primitive areas located in the conservation area shall
14 be subject to all requirements and restrictions that apply
15 to the conservation area.

16 (d) MANAGEMENT PLAN.—

17 (1) IN GENERAL.—The Secretary shall include
18 a management plan for the semi-primitive areas lo-
19 cated in the conservation area in the management
20 plan for the conservation area under section 203.
21 The Secretary shall prepare other management plans
22 for semi-primitive areas located outside the con-
23 servation area.

24 (2) CONTENTS.—The management plans for
25 the semi-primitive areas shall establish goals and

1 management steps to be taken within the semi-
2 primitive areas to achieve the purposes under sub-
3 section (a).

4 (e) DEVELOPMENT OF HERITAGE SITES.—This sec-
5 tion shall not be construed to preclude the utilization, en-
6 hancement, and maintenance of national heritage area
7 sites in any semi-primitive area, if such activities do not
8 conflict with the purposes of the semi-primitive areas
9 under subsection (a).

10 **SEC. 233. SCENIC VISUAL AREA OF CRITICAL ENVIRON-**
11 **MENTAL CONCERN.**

12 (a) DESIGNATION AND PURPOSE.—The Secretary
13 shall designate areas in the conservation area as a scenic
14 visual area of critical environmental concern (in this sec-
15 tion referred to as the “scenic visual ACEC”). The pur-
16 pose of the scenic visual ACEC is to preserve the scenic
17 value of the Interstate Route 70 corridor within the con-
18 servation area.

19 (b) AREA INCLUDED.—The scenic visual ACEC shall
20 consist generally of the lands and interests therein located
21 in the conservation area bordering Interstate Route 70
22 that are managed by the Bureau of Land Management,
23 as generally depicted on the map entitled “San Rafael
24 Swell National Heritage/Conservation Area Proposed”,
25 dated _____.

1 (c) MANAGEMENT AND USE.—Except as otherwise
2 provided in this section, the scenic visual ACEC shall be
3 subject to all requirements and restrictions that apply to
4 the conservation area, and shall be managed to protect
5 scenic values in accordance with the Bureau of Land Man-
6 agement document entitled “San Rafael Resource Man-
7 agement Plan, Utah, Moab District, San Rafael Resource
8 Area, 1991”.

9 **TITLE III—ADDITIONAL WILDER-**
10 **NESS AREAS OUTSIDE OF**
11 **CONSERVATION AREA; WIL-**
12 **DERNESS ADMINISTRATION**
13 **PROVISIONS**

14 **SEC. 301. DESIGNATION OF WILDERNESS.**

15 (a) DESIGNATION.—In furtherance of the purposes of
16 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
17 lands located in the national heritage area outside of the
18 conservation area, as generally depicted on the map enti-
19 tled “San Rafael Swell National Heritage/Conservation
20 Area Proposed”, dated _____, are hereby designated
21 as wilderness and therefore as components of the National
22 Wilderness Preservation System:

23 (1) Desolation Canyon Wilderness Area (Car-
24 bon County), consisting of approximately 109,050
25 acres.

1 (2) Desolation Canyon Wilderness Area (Emery
2 County), consisting of approximately 119,650 acres.

3 (3) Turtle Canyon Wilderness Area, consisting
4 of approximately 31,450 acres.

5 (4) Horseshoe Canyon Wilderness Area, consist-
6 ing of approximately 16,600 acres.

7 (b) MAP AND DESCRIPTION.—As soon as practicable
8 after the date of the enactment of this Act, the Secretary
9 shall file a map and a legal description of each area des-
10 ignated as wilderness by subsection (a) with the Commit-
11 tee on Resources of the House of Representatives and the
12 Committee on Energy and Natural Resources of the Sen-
13 ate. Each map and description shall have the same force
14 and effect as if included in this Act, except that the Sec-
15 retary may correct clerical and typographical errors in
16 such maps and legal descriptions. Each map and legal de-
17 scription shall be on file and available for public inspection
18 in the office of the Director of the Bureau of Land Man-
19 agement, and the office of the State Director of the Bu-
20 reau of Land Management in the State of Utah, Depart-
21 ment of the Interior.

22 **SEC. 302. ADMINISTRATION OF WILDERNESS AREAS.**

23 (a) IN GENERAL.—Subject to valid existing rights
24 and the full exercise of those rights, each area designated
25 as wilderness by this title shall be administered by the Sec-

1 retary in accordance with this title and the Wilderness Act
2 (16 U.S.C. 1131 et seq.).

3 (b) INCORPORATION OF ACQUIRED LANDS AND IN-
4 TERESTS.—Any lands or interest in lands within the
5 boundaries of an area designated as wilderness by this
6 title that is acquired by the United States after the date
7 of the enactment of this Act shall be added to and admin-
8 istered as part of the wilderness area within which the
9 acquired lands or interest in lands are located.

10 (c) MANAGEMENT PLANS.—As soon as possible after
11 the date of the enactment of this Act, the Secretary shall
12 prepare plans in accordance with section 202 of the Fed-
13 eral Land Policy and Management Act of 1976 (43 U.S.C.
14 1712) to manage the areas designated as wilderness by
15 this subtitle.

16 **SEC. 303. LIVESTOCK.**

17 Grazing of livestock in areas designated as wilderness
18 by this Act, where such grazing is established before the
19 date of the enactment of this Act, shall—

20 (1) continue and wilderness values shall not be
21 used as a factor to reduce or withdraw grazing in
22 designated areas or in the management of wilder-
23 ness; and

24 (2) be administered in accordance with section
25 4(d)(4) of the Wilderness Act (16 U.S.C.

1 1133(d)(4)) and the guidelines set forth in House
2 Report 96–1126.

3 **SEC. 304. WILDERNESS RELEASE.**

4 (a) FINDING.—The Congress finds and directs that
5 public lands in the Counties of Emery and Carbon in the
6 State of Utah administered by the Bureau of Land Man-
7 agement have been adequately studied for wilderness des-
8 ignation pursuant to section 603 of the Federal Land Pol-
9 icy and Management Act of 1976 (43 U.S.C. 1782).

10 (b) RELEASE.—Any public lands administered by the
11 Bureau of Land Management in the Counties of Emery
12 and Carbon in the State of Utah and not designated as
13 wilderness by this title are no longer subject to section
14 603(c) of the Federal Land Policy and Management Act
15 of 1976 (43 U.S.C. 1782(c)). Such lands shall be managed
16 in accordance with Public Law 86–517 (16 U.S.C. 528
17 et seq.). Such lands shall also be managed for public uses
18 as defined in section 103(c) of the Federal Land Policy
19 and Management Act of 1976 (43 U.S.C. 1702(c)) and
20 in accordance with land management plans adopted pursu-
21 ant to section 202 of such Act (43 U.S.C. 1712) and this
22 Act.

1 **TITLE IV—GENERAL**
2 **MANAGEMENT PROVISIONS**

3 **SEC. 401. LIVESTOCK GRAZING.**

4 (a) **AREAS OTHER THAN WILDERNESS.—**

5 (1) **IN GENERAL.—**Except as provided in sub-
6 section (b), the Secretary shall permit domestic live-
7 stock grazing in areas of the conservation area, and
8 in areas of semi-primitive areas outside of the con-
9 servation area, where grazing was established before
10 the enactment of this Act. Conservation area values
11 and semi-primitive area values shall not be used as
12 a factor to determine grazing levels, grazing seasons,
13 or other grazing management decisions.

14 (2) **COMPLIANCE WITH APPLICABLE REQUIRE-**
15 **MENTS.—**Except as provided in subsection (b), any
16 livestock grazing on public lands within the con-
17 servation area or semi-primitive areas outside of the
18 conservation area and activities the Secretary deter-
19 mines necessary to carry out proper and practical
20 grazing management programs on such public lands
21 (such as animal damage control activities), shall be
22 managed in accordance with the Act of June 28,
23 1934 (43 U.S.C. 315 et seq.; commonly referred to
24 as the “Taylor Grazing Act”), section 402 of the
25 Federal Land Policy and Management Act of 1976

1 (43 U.S.C. 1752), other laws applicable to such use
2 and programs on the public lands, and the manage-
3 ment plan for the conservation area.

4 (b) WILDERNESS.—This section shall not apply to
5 any wilderness designated by this Act.

6 **SEC. 402. CULTURAL AND PALEONTOLOGICAL RESOURCES.**

7 The Secretary shall allow for the discovery of, shall
8 protect, and may interpret, cultural or paleontological re-
9 sources located within areas designated as part of the con-
10 servation area or as a wilderness or semi-primitive area
11 under this Act. The means of discovery authorized shall
12 be those means conventional to the science of archaeology,
13 including customary means of ingress and egress.

14 **SEC. 403. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
15 **USES.**

16 In recognition of the past use by Native Americans
17 for traditional cultural and religious purposes of sites
18 within areas designated as part of the conservation area
19 or as a wilderness or semi-primitive area under this Act,
20 the Secretary shall assure nonexclusive access from time
21 to time to those sites by Native Americans for such pur-
22 poses, including (but not limited to) wood gathering for
23 personal use or collecting plants or herbs for religious or
24 medicinal purposes. Such access shall be consistent with
25 the purpose and intent of section 1 of the Act of August

1 11, 1978 (Public Law 95–341; 42 U.S.C. 1996; commonly
2 known as the American Indian Religious Freedom Act).

3 **SEC. 404. AIRCRAFT.**

4 (a) **LOW-LEVEL OVERFLIGHTS NOT PRECLUDED.**—

5 Nothing in this Act shall be construed to restrict or pre-
6 clude low-level overflights over the areas designated as
7 part of the conservation area or as wilderness or semi-
8 primitive areas under this Act, including military over-
9 flights that can be seen or heard within such areas. Noth-
10 ing in this Act shall be construed to restrict or preclude
11 the designation of new units of special airspace or the es-
12 tablishment of military flight training routes over such
13 areas.

14 (b) **SAN RAFAEL SWELL DESERT BIGHORN SHEEP**

15 **MANAGEMENT AREA.**—Nothing in this Act shall be con-
16 strued to restrict or preclude personnel of the Utah Divi-
17 sion of Wildlife Resources and the Bureau of Land Man-
18 agement from conducting overflights of aircraft and land-
19 ing of helicopters in accordance with section 231(c)(2)(B).

20 **SEC. 405. OIL SHALE RESERVE NUMBERED 2.**

21 The area known as “Oil Shale Reserve Numbered 2”,
22 located within Desolation Canyon Wilderness Area and the
23 semi-primitive area designated as Big Horn Bench and
24 Trail Canyon on the map entitled “San Rafael Swell Na-
25 tional Heritage/Conservation Area Proposed”, dated

1 _____, shall not be reserved for oil shale purposes
2 after the date of the enactment of this Act and shall be
3 under the sole jurisdiction of and managed by the Bureau
4 of Land Management.

5 **SEC. 406. LAND EXCHANGES RELATING TO SCHOOL AND IN-**
6 **STITUTIONAL TRUST LANDS.**

7 (a) IDENTIFICATION OF AFFECTED LANDS.—Not
8 later than 1 year after the date of the enactment of this
9 Act, the Governor of the State of Utah may identify, de-
10 scribe, and notify the Secretary of any school and institu-
11 tional trust lands the value or economic potential of which
12 is diminished by establishment of the conservation area
13 or designation of any wilderness or semi-primitive area
14 under this Act.

15 (b) EXCHANGE OF LANDS.—Not later than 2 years
16 after the date of receipt of notification under subsection
17 (a) regarding lands, the Secretary shall acquire all right,
18 title, and interest in the lands identified in the notice, by
19 exchange with the State of Utah for Federal lands that
20 are of approximately equal value to the identified lands
21 and that are located in the State. The Secretary shall
22 make exchanges under this section without expense or loss
23 to the beneficiaries of the school and institutional trust
24 lands acquired by the Secretary in the exchange.

25 (c) DEFINITIONS.—As used in this section:

1 (1) SCHOOL AND INSTITUTIONAL TRUST
2 LANDS.—The term “school and institutional trust
3 lands” means those properties granted by the United
4 States in the Utah Enabling Act to the State of
5 Utah in trust, and other lands that under State law
6 must be managed for the benefit of the public school
7 system or the institutions of the State that are des-
8 ignated by the Utah Enabling Act, that are located
9 in the conservation area or in any wilderness or
10 semi-primitive area designated under this Act out-
11 side of the conservation area.

12 (2) UTAH ENABLING ACT.—The term “Utah
13 Enabling Act” means the Act entitled “An Act to
14 enable the people of Utah to form a constitution and
15 State government, and to be admitted into the
16 Union on an equal footing with the original States”,
17 approved July 16, 1894 (chapter 138; 28 Stat. 107).

18 **SEC. 407. WATER RIGHTS.**

19 (a) NO FEDERAL RESERVATION.—Nothing in this
20 Act or any other Act of Congress shall constitute or be
21 construed to constitute either an express or implied Fed-
22 eral reservation of water or water rights for any purpose
23 arising from the designation of areas as part of the con-
24 servation area or as a wilderness or semi-primitive area
25 under this Act.

1 (b) ACQUISITION AND EXERCISE OF WATER RIGHTS
2 UNDER UTAH LAW.—The United States may acquire and
3 exercise such water rights as it deems necessary to carry
4 out its responsibilities on any lands designated as part of
5 the conservation area or as a wilderness or semi-primitive
6 area under this Act pursuant to the substantive and proce-
7 dural requirements of the State of Utah. Nothing in this
8 Act shall be construed to authorize the use of eminent do-
9 main by the United States to acquire water rights for such
10 lands. Within areas designated as part of the conservation
11 area or as a wilderness or semi-primitive area under this
12 Act, all rights to water granted under the laws of the State
13 of Utah may be exercised in accordance with the sub-
14 stantive and procedural requirements of the State of Utah.

15 (c) EXERCISE OF WATER RIGHTS GENERALLY
16 UNDER UTAH LAWS.—Nothing in this Act shall be con-
17 strued to limit the exercise of water rights as provided
18 under the laws of the State of Utah.

19 (d) CERTAIN FACILITIES NOT AFFECTED.—Nothing
20 in this Act shall affect the maintenance, repair, modifica-
21 tion, replacement, or improvement of, or ingress to or
22 egress from, irrigation, pumping, storage, and trans-
23 mission facilities associated with municipal, industrial, ag-
24 ricultural, livestock, or wildlife purposes in existence be-
25 fore the date of the enactment of this Act, whether located

1 within or outside of the boundaries of areas designated
2 as part of the conservation area or as a wilderness or semi-
3 primitive area under this Act.

4 (e) COLORADO RIVER.—Nothing in this Act shall be
5 construed to affect the operation of any existing private,
6 local, State, or federally owned dam, reservoir, or other
7 water works on the Colorado River or its tributaries.
8 Nothing in this Act shall alter, amend, construe, super-
9 sede, or preempt any local, State, or Federal law; any ex-
10 isting private, local, or State agreement; or any interstate
11 compact or international treaty pertaining to the waters
12 of the Colorado River or its tributaries.

13 **SEC. 408. MISCELLANEOUS.**

14 (a) STATE FISH AND WILDLIFE MANAGEMENT.—In
15 accordance with section 4(d)(7) of the Wilderness Act (16
16 U.S.C. 1131(d)(7)), nothing in this Act shall be construed
17 as affecting the jurisdiction or responsibilities of the State
18 of Utah with respect to fish and wildlife management ac-
19 tivities, including water development, predator control,
20 transplanting animals, stocking fish, hunting, fishing and
21 trapping.

22 (b) PROHIBITION OF BUFFER ZONES.—The Con-
23 gress does not intend that the designation of an area by
24 this Act as part of the conservation area or a wilderness
25 or semi-primitive area lead to the creation of protective

1 perimeters or buffer zones around the area. It is the inten-
2 tion of the Congress that any protective perimeter or buff-
3 er zone be located wholly within such an area. The fact
4 that nonconforming activities or uses can be seen or heard
5 from land within such an area shall not, of itself, preclude
6 such activities or uses up to the boundary of the area.
7 Nonconforming activities that occur outside of the bound-
8 aries of such an area designated by this Act shall not be
9 taken into account in assessing unnecessary and undue
10 degradation of such an area.

11 (c) ROADS AND RIGHTS-OF-WAY AS BOUNDARIES.—

12 Unless depicted otherwise on a map referred to in this Act,
13 where roads form the boundaries of an area designated
14 as part of the conservation area or a wilderness or semi-
15 primitive area under this Act, the boundary of the area
16 shall be set back from the center line of the road as fol-
17 lows:

18 (1) 300 feet for high standard roads such as
19 paved highways.

20 (2) 200 feet for high standard roads classified
21 as County Class B roads for road and right-of-way
22 maintenance.

23 (3) 100 feet for roads equivalent to County
24 Class D roads for road and right-of-way mainte-
25 nance.

1 (d) ACCESS.—

2 (1) REASONABLE ACCESS ALLOWED.—Subject
3 to valid existing rights, reasonable access shall be al-
4 lowed to existing improvements, structures, and fa-
5 cilities, including those related to water and grazing
6 resources, which are within the conservation area or
7 a wilderness or semi-primitive area designated under
8 this Act, whether located on Federal or non-Federal
9 lands, in order that they may be operated, main-
10 tained, repaired, modified, or replaced as necessary.

11 (2) REASONABLE ACCESS DEFINED.—For the
12 purposes of this subsection, the term “reasonable ac-
13 cess” means right of entry and includes access by
14 motorized transport when necessarily, customarily,
15 or historically employed on routes in existence as of
16 the date of the enactment of this Act.

17 (e) LAND ACQUISITION BY EXCHANGE OR PUR-
18 CHASE.—The Secretary shall offer to acquire from non-
19 governmental entities lands and interests in lands located
20 within or adjacent to the conservation area or a wilderness
21 or semi-primitive area designated under this Act. Lands
22 may be acquired under this subsection only by exchange
23 or purchase from willing sellers.

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