

## Union Calendar No. 357

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3605

[Report No. 106-647]

To establish the San Rafael Western Legacy District in the State of Utah,  
and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2000

Mr. CANNON (for himself and Mr. HANSEN) introduced the following bill;  
which was referred to the Committee on Resources

JUNE 6, 2000

Additional sponsors: Mr. MALONEY of Connecticut, Mr. WELDON of Pennsylvania, Mr. PALLONE, Mr. GALLEGLY, Mr. GEJDENSON, Mr. DELAHUNT, Mr. TIERNEY, Mr. PACKARD, Mr. WEINER, Mr. PETERSON of Minnesota, Mr. DOYLE, Ms. HOOLEY of Oregon, Mr. FARR of California, Mr. COOK, Mr. FRANKS of New Jersey, Mr. CAMPBELL, Mr. GOODLING, Mr. HEFLEY, Mr. SMITH of Washington, Mr. CALVERT, Mr. KING, Mr. KUCINICH, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. UDALL of Colorado, Mr. METCALF, and Ms. WOOLSEY

JUNE 6, 2000

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 9, 2000]

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## A BILL

To establish the San Rafael Western Legacy District 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 Western Leg-*  
5 *acy District and National Conservation Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *CONSERVATION AREA.*—*The term “Conserva-*  
9 *tion Area” means the San Rafael National Conserva-*  
10 *tion Area established by section 201.*

11 (2) *SECRETARY.*—*The term “Secretary” means*  
12 *the Secretary of the Interior.*

13 (3) *WESTERN LEGACY DISTRICT.*—*The term*  
14 *“Western Legacy District” means the San Rafael*  
15 *Western Legacy District established by section 101.*

16 **TITLE I—SAN RAFAEL WESTERN**  
17 **LEGACY DISTRICT**

18 **SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN**  
19 **LEGACY DISTRICT.**

20 (a) *IN GENERAL.*—*In order to promote the preserva-*  
21 *tion, conservation, interpretation, scientific research, and*  
22 *development of the historical, cultural, natural, rec-*  
23 *reational, archeological, paleontological, environmental, bi-*  
24 *ological, educational, wilderness, and scenic resources of the*  
25 *San Rafael region of the State of Utah, as well as the eco-*

1 *conomic viability of rural communities in the region, there*  
2 *is hereby established the San Rafael Western Legacy Dis-*  
3 *trict, to include the San Rafael National Conservation Area*  
4 *established by section 201.*

5       *(b) AREAS INCLUDED.—The Western Legacy District*  
6 *shall consist of approximately 2,842,800 acres of land in*  
7 *the County of Emery, Utah, as generally depicted on the*  
8 *map entitled “San Rafael Western Legacy District and Na-*  
9 *tional Conservation Area” and dated* .

10       *(c) MAP AND LEGAL DESCRIPTION.—As soon as prac-*  
11 *ticable after the date of the enactment of this Act, the Sec-*  
12 *retary shall submit to the Congress a map and legal de-*  
13 *scription of the Western Legacy District. The map and legal*  
14 *description shall have the same force and effect as if in-*  
15 *cluded in this Act, except the Secretary may correct clerical*  
16 *and typographical errors in such map and legal descrip-*  
17 *tion. Copies of the map and legal description shall be on*  
18 *file and available for public inspection in the Office of the*  
19 *Director of the Bureau of Land Management, and in the*  
20 *appropriate office of the Bureau of the Land Management*  
21 *in Utah.*

22       *(d) LEGACY COUNCIL.—*

23               *(1) IN GENERAL.—The Secretary shall establish*  
24       *a Legacy Council to advise the Secretary with respect*  
25       *to the Western Legacy District. The Legacy Council*

1        *may furnish advice and recommendations to the Sec-*  
2        *retary with respect to management, grants, projects,*  
3        *and technical assistance.*

4            (2) *MEMBERSHIP.—The Legacy Council shall*  
5        *consist of not more than 10 members appointed by the*  
6        *Secretary. Two members shall be appointed from*  
7        *among the recommendations submitted by the Gov-*  
8        *ernor of Utah and 2 members shall be appointed from*  
9        *among the recommendations submitted by the Emery*  
10       *County Commissioners. The remaining members shall*  
11       *be persons recognized as experts in conservation of the*  
12       *historical, cultural, natural, recreational, archeo-*  
13       *logical, environmental, biological, educational, and*  
14       *scenic resources or other disciplines directly related to*  
15       *the purposes for which the Western Legacy District is*  
16       *established.*

17           (3) *RELATIONSHIP TO OTHER LAW.—The estab-*  
18        *lishment and operation of the Legacy Council estab-*  
19        *lished under this section shall conform to the require-*  
20        *ment of the Federal Advisory Committee Act (5*  
21        *U.S.C. App.) and the Federal Land Policy and Man-*  
22        *agement Act of 1976 (43 U.S.C. 1701 et seq.).*

23        (e) *ASSISTANCE.—*

24           (1) *IN GENERAL.—The Secretary may make*  
25        *grants and provide technical assistance to accomplish*

1        *the purposes of this section to any nonprofit or unit*  
2        *of government with authority in the boundaries of the*  
3        *Western Legacy District.*

4            (2) *PERMITTED USES.*—*Grants and technical as-*  
5        *sistance made under this section may be used for*  
6        *planning, reports, studies, interpretive exhibits, his-*  
7        *toric preservation projects, construction of cultural,*  
8        *recreational, educational, and interpretive facilities*  
9        *that are open to the public, and such other expendi-*  
10       *tures as are consistent with this Act.*

11           (3) *PLANNING.*—*Up to \$100,000 of amounts*  
12       *available to carry out this section each fiscal year, up*  
13       *to a total amount not to exceed \$200,000, may be pro-*  
14       *vided under this subsection only to a unit of govern-*  
15       *ment or a political subdivision of the State of Utah*  
16       *for use for planning activities.*

17           (4) *MATCHING FUNDS.*—*Federal funding pro-*  
18       *vided under this section may not exceed 50 percent of*  
19       *the total cost of the activity carried out with such*  
20       *funding, except that non-Federal matching funds are*  
21       *not required with respect to—*

22                (A) *planning activities carried out with as-*  
23        *sistance under paragraph (3); and*

1           (B) *use of assistance under this section for*  
2           *facilities located on public lands and that are*  
3           *owned by the Federal Government.*

4           (5) *AUTHORIZATION OF APPROPRIATIONS.—*  
5           *There are authorized to be appropriated under this*  
6           *section not more than \$1,000,000 annually for any*  
7           *fiscal year, not to exceed a total of \$10,000,000.*

8 **SEC. 102. MANAGEMENT AND USE OF THE SAN RAFAEL**  
9           **WESTERN LEGACY DISTRICT.**

10          (a) *IN GENERAL.—The Secretary, through the Bureau*  
11          *of Land Management and subject to all valid existing*  
12          *rights, shall administer the public lands within the Western*  
13          *Legacy District pursuant to this Act and the applicable*  
14          *provisions of the Federal Land Policy and Management Act*  
15          *(43 U.S.C. 1701 et seq.). The Secretary shall allow such*  
16          *uses of the public land as the Secretary determines will fur-*  
17          *ther the purposes for which the Western Legacy District was*  
18          *established.*

19          (b) *FISH AND WILDLIFE.—Nothing in this Act shall*  
20          *be construed as affecting the jurisdiction or responsibilities*  
21          *of the State of Utah with respect to fish and wildlife within*  
22          *the Western Legacy District.*

23          (c) *PRIVATE LANDS.—Nothing in this Act shall be con-*  
24          *strued as affecting private property rights within the West-*  
25          *ern Legacy District.*

1       (d) *PUBLIC LANDS.*—*Nothing in this Act shall be con-*  
2 *strued as in any way diminishing the Secretary’s or the*  
3 *Bureau of Land Management’s authorities, rights, or re-*  
4 *sponsibilities for managing the public lands within the*  
5 *Western Legacy District.*

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

8 **SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL**  
9 **CONSERVATION AREA.**

10       (a) *PURPOSES.*—*In order to conserve, protect, and en-*  
11 *hance for the benefit and enjoyment of present and future*  
12 *generations the unique and nationally important values of*  
13 *the Western Legacy District and the public lands described*  
14 *in subsection (b), including historical, cultural, natural,*  
15 *recreational, scientific, archeological, paleontological, envi-*  
16 *ronmental, biological, wilderness, wildlife, educational, and*  
17 *scenic resources, there is hereby established the San Rafael*  
18 *National Conservation Area in the State of Utah.*

19       (b) *AREAS INCLUDED.*—*The Conservation Area shall*  
20 *consist of approximately 947,000 acres of public lands in*  
21 *the County of Emery, Utah, as generally depicted on the*  
22 *map entitled “San Rafael Western Legacy District and Na-*  
23 *tional Conservation Area” and dated                   . Notwith-*  
24 *standing any depiction on such map, the boundary of the*  
25 *Conservation Area shall be set back 300 feet from the edge*

1 *of the Interstate 70 right-of-way and 300 feet from the edge*  
2 *of the State Route 24 right-of-way.*

3       (c) *MAP AND LEGAL DESCRIPTION.*—*As soon as prac-*  
4 *ticable after the date of the enactment of this Act, the Sec-*  
5 *retary shall submit to the Congress a map and legal de-*  
6 *scription of the Conservation Area. The map and legal de-*  
7 *scription shall have the same force and effect as if included*  
8 *in this Act, except the Secretary may correct clerical and*  
9 *typographical errors in such map and legal description.*  
10 *Copies of the map and legal description shall be on file and*  
11 *available for public inspection in the Office of the Director*  
12 *of the Bureau of Land Management and in the appropriate*  
13 *office of the Bureau of Land Management in Utah.*

14 **SEC. 202. MANAGEMENT OF THE SAN RAFAEL NATIONAL**  
15 **CONSERVATION AREA.**

16       (a) *MANAGEMENT.*—*The Secretary, acting through the*  
17 *Bureau of Land Management, shall manage the Conserva-*  
18 *tion Area in a manner that conserves, protects, and en-*  
19 *hances its resources and values, including those resources*  
20 *and values specified in section 201(a), and pursuant to the*  
21 *Federal Land Policy and Management Act of 1976 (43*  
22 *U.S.C. 1701 et seq.), and other applicable provisions of law,*  
23 *including this Act.*

1       **(b) USES.**—*The Secretary shall allow only such uses*  
2 *of the Conservation Area as the Secretary finds will further*  
3 *the purposes for which the Conservation Area is established.*

4       **(c) VEHICULAR USES.**—

5           **(1) IN GENERAL.**—*Except where needed for ad-*  
6 *ministrative purposes or to respond to an emergency,*  
7 *and subject to paragraph (2), use of motorized vehi-*  
8 *cles in the Conservation Area shall be—*

9                   **(A)** *prohibited at all times in areas where*  
10 *roads and trails did not exist as of February 2,*  
11 *2000;*

12                   **(B)** *limited to roads and trails that—*

13                           **(i)** *existed as of February 2, 2000; and*

14                           **(ii)** *are designated for motorized vehi-*  
15 *cle use as part of the management plan pre-*  
16 *pared pursuant to subsection (f); and*

17                   **(C)** *managed consistent with section 8340 of*  
18 *title 43, Code of Federal Regulations (relating to*  
19 *designating public lands as open, limited, or*  
20 *closed to the use of off-road vehicles and estab-*  
21 *lishing controls governing the use and operation*  
22 *of off-road vehicles in such areas).*

23           **(2) LIMITATION ON APPLICATION.**—**(A)** *Subpara-*  
24 *graphs (A) and (B) of paragraph (1) do not limit the*

1 *provision of reasonable access to private lands or*  
2 *State lands within the Conservation Area.*

3 *(B) Any access to private lands or State lands*  
4 *pursuant to subparagraph (A) of this paragraph shall*  
5 *be restricted to exclusive use by, respectively, the*  
6 *owner of the private lands or the State.*

7 *(d) WITHDRAWALS.—*

8 *(1) IN GENERAL.—Subject to valid existing*  
9 *rights and except as provided in paragraph (2), all*  
10 *Federal lands within the Conservation Area and all*  
11 *lands and interests therein that are hereafter acquired*  
12 *by the United States are hereby withdrawn from all*  
13 *forms of entry, appropriation, or disposal under the*  
14 *public land laws and from location, entry, and patent*  
15 *under the mining laws, and from operation of the*  
16 *mineral leasing and geothermal leasing laws and all*  
17 *amendments thereto. Nothing in this paragraph shall*  
18 *be construed to effect discretionary authority of the*  
19 *Secretary under other Federal laws to grant, issue, or*  
20 *renew rights-of-way or other land use authorizations*  
21 *consistent with the other provisions of this Act.*

22 *(2) COMMUNICATION FACILITIES.—The Secretary*  
23 *may authorize the installation of communications fa-*  
24 *cilities within the Conservation Area, but only to the*  
25 *extent that they are necessary for public safety pur-*

1        *poses. Such facilities must have a minimal impact on*  
2        *the resources of the Conservation Area and must be*  
3        *consistent with the management plan established*  
4        *under subsection (f).*

5        *(e) HUNTING, TRAPPING, AND FISHING.—Hunting,*  
6        *trapping, and fishing shall be permitted within the Con-*  
7        *servation Area in accordance with applicable laws and reg-*  
8        *ulations of the United States and the State of Utah, except*  
9        *that the Utah Division of Wildlife Resources, or the Sec-*  
10       *retary after consultation with the Utah Division of Wildlife*  
11       *Resources, may issue regulations designating zones where*  
12       *and establishing periods when no hunting, trapping, or*  
13       *fishing shall be permitted for reasons of public safety, ad-*  
14       *ministration, or public use and enjoyment.*

15       *(f) MANAGEMENT PLAN.—Within 4 years after the*  
16       *date of enactment of this Act, the Secretary shall develop*  
17       *a comprehensive plan for the long-range protection and*  
18       *management of the Conservation Area. The plan shall de-*  
19       *scribe the appropriate uses and management of the Con-*  
20       *servation Area consistent with the provisions of this Act.*  
21       *The plan shall include, as an integral part, a comprehen-*  
22       *sive transportation plan for the lands within the Conserva-*  
23       *tion Area. In preparing the transportation plan the Sec-*  
24       *retary shall conduct a complete review of all roads and*  
25       *trails within the Conservation Area. The plan may incor-*

1 porate appropriate decisions contained in any current  
2 management or activity plan for the area and may use in-  
3 formation developed in previous studies of the lands within  
4 or adjacent to the Conservation Area.

5 (g) *STATE TRUST LANDS.*—*The State of Utah and the*  
6 *Secretary may agree to exchange Federal lands, Federal*  
7 *mineral interests, or payment of money for lands and min-*  
8 *eral interests of approximately equal value that are man-*  
9 *aged by the Utah School and Institutional Trust Lands Ad-*  
10 *ministration and inheld within the boundaries of the Con-*  
11 *servation Area.*

12 (h) *ACCESS.*—*The Bureau of Land Management, the*  
13 *State of Utah, and Emery County may agree to resolve sec-*  
14 *tion 2477 of the Revised Statutes and other access issues*  
15 *within the Conservation Area.*

16 (i) *WILDLIFE MANAGEMENT.*—*Nothing in this Act*  
17 *shall be deemed to diminish the responsibility and author-*  
18 *ity of the State of Utah for management of fish and wildlife*  
19 *within the Conservation Area.*

20 (j) *GRAZING.*—*Where the Secretary of the Interior cur-*  
21 *rently permits grazing, such grazing shall be allowed subject*  
22 *to all applicable laws, regulations, and executive orders.*

23 (k) *NO BUFFER ZONES.*—*The Congress does not in-*  
24 *tend for the establishment of the Conservation Area to lead*  
25 *to the creation of protective perimeters or buffer zones*

1 *around the Conservation Area. The fact that there may be*  
2 *activities or uses on lands outside the Conservation Area*  
3 *that would not be permitted in the Conservation Area shall*  
4 *not preclude such activities or uses on such lands up to the*  
5 *boundary of the Conservation Area consistent with other*  
6 *applicable laws.*

7       *(l) WATER RIGHTS.—Because the available water re-*  
8 *sources in the drainage basins included in part within the*  
9 *exterior boundaries of the Conservation Area have already*  
10 *been appropriated—*

11           *(1) nothing in this Act, the management plan re-*  
12 *quired by subsection (f), or any action taken pursu-*  
13 *ant thereto, shall constitute either an express or im-*  
14 *plied reservation of surface or ground water;*

15           *(2) nothing in this Act affects any valid existing*  
16 *water rights in existence before the date of enactment*  
17 *of this Act, including any water rights held by the*  
18 *United States; and*

19           *(3) if the United States determines that addi-*  
20 *tional water resources are needed for the purposes of*  
21 *this Act, the United States shall work, with or*  
22 *through any agency that is eligible to hold instream*  
23 *flow water rights, to acquire such rights in accord-*  
24 *ance with Utah State water law.*

1       (m) *WILDERNESS ACTS.*—*Nothing in this Act alters*  
2 *the provisions of the Wilderness Act of 1964 (16 U.S.C.*  
3 *1131) or the Federal Land Policy and Management Act of*  
4 *1976 (43 U.S.C. 1701 et seq.) as they pertain to wilderness*  
5 *resources within the Conservation Area. Recognizing that*  
6 *the designation of wilderness areas requires an Act of Con-*  
7 *gress, the Bureau of Land Management, the State of Utah,*  
8 *Emery County, and affected stakeholders may work toward*  
9 *resolving various wilderness issues within the Conservation*  
10 *Area.*

11 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

12       *There are authorized to be appropriated to the Sec-*  
13 *retary to carry out this title such sums as may be necessary.*



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