

106TH CONGRESS
2^D SESSION

H. R. 3676

IN THE SENATE OF THE UNITED STATES

JULY 25, 2000

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To establish the Santa Rosa and San Jacinto Mountains
National Monument in the State of California.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Santa Rosa and San Jacinto Mountains National Monu-
 4 ment Act of 2000”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Establishment of Santa Rosa and San Jacinto Mountains National Monument, California.
- Sec. 3. Management of Federal lands in the National Monument.
- Sec. 4. Development of management plan.
- Sec. 5. Existing and historical uses of Federal lands included in Monument.
- Sec. 6. Acquisition of land.
- Sec. 7. Local advisory committee.
- Sec. 8. Authorization of appropriations.

7 **SEC. 2. ESTABLISHMENT OF SANTA ROSA AND SAN**
 8 **JACINTO MOUNTAINS NATIONAL MONUMENT,**
 9 **CALIFORNIA.**

10 (a) **FINDINGS.**—Congress finds the following:

11 (1) The Santa Rosa and San Jacinto Moun-
 12 tains in southern California contain nationally sig-
 13 nificant biological, cultural, recreational, geological,
 14 educational, and scientific values.

15 (2) The magnificent vistas, wildlife, land forms,
 16 and natural and cultural resources of these moun-
 17 tains occupy a unique and challenging position given
 18 their proximity to highly urbanized areas of the
 19 Coachella Valley.

20 (3) These mountains, which rise abruptly from
 21 the desert floor to an elevation of 10,802 feet, pro-

1 vide a picturesque backdrop for Coachella Valley
2 communities and support an abundance of rec-
3 reational opportunities that are an important re-
4 gional economic resource.

5 (4) These mountains have special cultural value
6 to the Agua Caliente Band of Cahuilla Indians, con-
7 taining significant cultural sites, including village
8 sites, trails, petroglyphs, and other evidence of their
9 habitation.

10 (5) The designation of a Santa Rosa and San
11 Jacinto Mountains National Monument by this Act
12 is not intended to impact upon existing or future
13 growth in the Coachella Valley.

14 (6) Because the areas immediately surrounding
15 the new National Monument are densely populated
16 and urbanized, it is anticipated that certain activi-
17 ties or uses on private lands outside of the National
18 Monument may have some impact upon the National
19 Monument, and Congress does not intend, directly
20 or indirectly, that additional regulations be imposed
21 on such uses or activities as long as they are con-
22 sistent with other applicable law.

23 (7) The Bureau of Land Management and the
24 Forest Service should work cooperatively in the man-
25 agement of the National Monument.

1 (b) ESTABLISHMENT AND PURPOSES.—In order to
2 preserve the nationally significant biological, cultural, rec-
3 reational, geological, educational, and scientific values
4 found in the Santa Rosa and San Jacinto Mountains and
5 to secure now and for future generations the opportunity
6 to experience and enjoy the magnificent vistas, wildlife,
7 land forms, and natural and cultural resources in these
8 mountains and to recreate therein, there is hereby des-
9 ignated the Santa Rosa and San Jacinto Mountains Na-
10 tional Monument (in this Act referred to as the “National
11 Monument”).

12 (c) BOUNDARIES.—The National Monument shall
13 consist of Federal lands and Federal interests in lands lo-
14 cated within the boundaries depicted on a series of 24
15 maps entitled “Boundary Map, Santa Rosa and San
16 Jacinto National Monument”, 23 of which are dated May
17 6, 2000, and depict separate townships and one of which
18 is dated June 22, 2000, and depicts the overall bound-
19 aries.

20 (d) LEGAL DESCRIPTIONS; CORRECTION OF ER-
21 RORS.—

22 (1) PREPARATION AND SUBMISSION.—As soon
23 as practicable after the date of the enactment of this
24 Act, the Secretary of the Interior shall use the map
25 referred to in subsection (c) to prepare legal descrip-

1 tions of the boundaries of the National Monument.
2 The Secretary shall submit the resulting legal de-
3 scriptions to the Committee on Resources and the
4 Committee on Agriculture of the House of Rep-
5 resentatives and to the Committee on Energy and
6 Natural Resources and the Committee on Agri-
7 culture, Nutrition, and Forestry of the Senate.

8 (2) LEGAL EFFECT.—The map and legal de-
9 scriptions of the National Monument shall have the
10 same force and effect as if included in this Act, ex-
11 cept that the Secretary of the Interior may correct
12 clerical and typographical errors in the map and
13 legal descriptions. The map shall be on file and
14 available for public inspection in appropriate offices
15 of the Bureau of Land Management and the Forest
16 Service.

17 **SEC. 3. MANAGEMENT OF FEDERAL LANDS IN THE NA-**
18 **TIONAL MONUMENT.**

19 (a) BASIS OF MANAGEMENT.—The Secretary of the
20 Interior and the Secretary of Agriculture shall manage the
21 National Monument to protect the resources of the Na-
22 tional Monument, and shall allow only those uses of the
23 National Monument that further the purposes for the es-
24 tablishment of the National Monument, in accordance
25 with—

1 (1) this Act;

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

4 (3) the Forest and Rangeland Renewable Re-
5 sources Planning Act of 1974 (16 U.S.C. 1600 et
6 seq.) and section 14 of the National Forest Manage-
7 ment Act of 1976 (16 U.S.C. 472a); and

8 (4) other applicable provisions of law.

9 (b) ADMINISTRATION OF SUBSEQUENTLY ACQUIRED
10 LANDS.—Lands or interests in lands within the bound-
11 aries of the National Monument that are acquired by the
12 Bureau of Land Management after the date of the enact-
13 ment of this Act shall be managed by the Secretary of
14 the Interior. Lands or interests in lands within the bound-
15 aries of the National Monument that are acquired by the
16 Forest Service after the date of the enactment of this Act
17 shall be managed by the Secretary of Agriculture.

18 (c) PROTECTION OF RESERVATION, STATE, AND PRI-
19 VATE LANDS AND INTERESTS.—Nothing in the establish-
20 ment of the National Monument shall affect any property
21 rights of any Indian reservation, any individually held
22 trust lands, any other Indian allotments, any lands or in-
23 terests in lands held by the State of California, any polit-
24 ical subdivision of the State of California, any special dis-
25 trict, or the Mount San Jacinto Winter Park Authority,

1 or any private property rights within the boundaries of
2 the National Monument. Establishment of the National
3 Monument shall not grant the Secretary of the Interior
4 or the Secretary of Agriculture any new authority on or
5 over non-Federal lands not already provided by law. The
6 authority of the Secretary of the Interior and the Sec-
7 retary of Agriculture under this Act extends only to Fed-
8 eral lands and Federal interests in lands included in the
9 National Monument.

10 (d) EXISTING RIGHTS.—The management of the Na-
11 tional Monument shall be subject to valid existing rights.

12 (e) NO BUFFER ZONES AROUND NATIONAL MONU-
13 MENT.—Because the National Monument is established in
14 a highly urbanized area—

15 (1) the establishment of the National Monu-
16 ment shall not lead to the creation of express or im-
17 plied protective perimeters or buffer zones around
18 the National Monument;

19 (2) an activity on, or use of, private lands up
20 to the boundaries of the National Monument shall
21 not be precluded because of the monument designa-
22 tion, if the activity or use is consistent with other
23 applicable law; and

24 (3) an activity on, or use of, private lands, if
25 the activity or use is consistent with other applicable

1 law, shall not be directly or indirectly subject to ad-
2 ditional regulation because of the designation of the
3 National Monument.

4 (f) AIR AND WATER QUALITY.—Nothing in this Act
5 shall be construed to change standards governing air or
6 water quality outside of the designated area of the Na-
7 tional Monument.

8 **SEC. 4. DEVELOPMENT OF MANAGEMENT PLAN.**

9 (a) DEVELOPMENT REQUIRED.—

10 (1) IN GENERAL.—Not later than 3 years after
11 of the date of the enactment of this Act, the Sec-
12 retary of the Interior and the Secretary of Agri-
13 culture shall complete a management plan for the
14 conservation and protection of the National Monu-
15 ment consistent with the requirements of section
16 3(a). The Secretaries shall submit the management
17 plan to Congress before it is made public.

18 (2) MANAGEMENT PENDING COMPLETION.—
19 Pending completion of the management plan for the
20 National Monument, the Secretaries shall manage
21 Federal lands and interests in lands within the Na-
22 tional Monument substantially consistent with cur-
23 rent uses occurring on such lands and under the
24 general guidelines and authorities of the existing
25 management plans of the Forest Service and the

1 Bureau of Land Management for such lands, in a
2 manner consistent with other applicable Federal law.

3 (3) RELATION TO OTHER AUTHORITIES.—Noth-
4 ing in this subsection shall preclude the Secretaries,
5 during the preparation of the management plan,
6 from implementing subsections (b) and (i) of section
7 5. Nothing in this section shall be construed to di-
8 minish or alter existing authorities applicable to
9 Federal lands included in the National Monument.

10 (b) CONSULTATION AND COOPERATION.—

11 (1) IN GENERAL.—The Secretaries shall pre-
12 pare and implement the management plan required
13 by subsection (a) in accordance with the National
14 Environmental Policy Act of 1969 (42 U.S.C. 4321
15 et seq.) and in consultation with the local advisory
16 committee established pursuant to section 7 and, to
17 the extent practicable, interested owners of private
18 property and holders of valid existing rights located
19 within the boundaries of the National Monument.
20 Such consultation shall be on a periodic and regular
21 basis.

22 (2) AGUA CALIENTE BAND OF CAHUILLA INDI-
23 ANS.—The Secretaries shall make a special effort to
24 consult with representatives of the Agua Caliente
25 Band of Cahuilla Indians regarding the management

1 plan during the preparation and implementation of
2 the plan.

3 (3) WINTER PARK AUTHORITY.—The manage-
4 ment plan shall consider the mission of the Mount
5 San Jacinto Winter Park Authority to make acces-
6 sible to current and future generations the natural
7 and recreational treasures of the Mount San Jacinto
8 State Park and the National Monument. Establish-
9 ment and management of the National Monument
10 shall not be construed to interfere with the mission
11 or powers of the Mount San Jacinto Winter Park
12 Authority, as provided for in the Mount San Jacinto
13 Winter Park Authority Act of the State of Cali-
14 fornia.

15 (c) COOPERATIVE AGREEMENTS.—

16 (1) GENERAL AUTHORITY.—Consistent with the
17 management plan and existing authorities, the Sec-
18 retaries may enter into cooperative agreements and
19 shared management arrangements, which may in-
20 clude special use permits with any person, including
21 the Agua Caliente Band of Cahuilla Indians, for the
22 purposes of management, interpretation, and re-
23 search and education regarding the resources of the
24 National Monument.

1 (2) USE OF CERTAIN LANDS BY UNIVERSITY OF
2 CALIFORNIA.—In the case of any agreement with the
3 University of California in existence as of the date
4 of the enactment of this Act relating to the Univer-
5 sity’s use of certain Federal land within the National
6 Monument, the Secretaries shall, consistent with the
7 management plan and existing authorities, either re-
8 vise the agreement or enter into a new agreement as
9 may be necessary to ensure its consistency with this
10 Act.

11 **SEC. 5. EXISTING AND HISTORICAL USES OF FEDERAL**
12 **LANDS INCLUDED IN MONUMENT.**

13 (a) RECREATIONAL ACTIVITIES GENERALLY.—The
14 management plan required by section 4(a) shall include
15 provisions to continue to authorize the recreational use of
16 the National Monument, including such recreational uses
17 as hiking, camping, mountain biking, sightseeing, and
18 horseback riding, as long as such recreational use is con-
19 sistent with this Act and other applicable law.

20 (b) MOTORIZED VEHICLES.—Except where or when
21 needed for administrative purposes or to respond to an
22 emergency, use of motorized vehicles in the National
23 Monument shall be permitted only on roads and trails des-
24 ignated for use of motorized vehicles as part of the man-
25 agement plan.

1 (c) HUNTING, TRAPPING, AND FISHING.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the Secretary of the Interior and the Sec-
4 retary of Agriculture shall permit hunting, trapping,
5 and fishing within the National Monument in ac-
6 cordance with applicable laws (including regulations)
7 of the United States and the State of California.

8 (2) REGULATIONS.—The Secretaries, after con-
9 sultation with the California Department of Fish
10 and Game, may issue regulations designating zones
11 where, and establishing periods when, no hunting,
12 trapping, or fishing will be permitted in the National
13 Monument for reasons of public safety, administra-
14 tion, or public use and enjoyment.

15 (d) ACCESS TO STATE AND PRIVATE LANDS.—The
16 Secretaries shall provide adequate access to nonfederally
17 owned land or interests in land within the boundaries of
18 the National Monument, which will provide the owner of
19 the land or the holder of the interest the reasonable use
20 and enjoyment of the land or interest, as the case may
21 be.

22 (e) UTILITIES.—Nothing in this Act shall have the
23 effect of terminating any valid existing right-of-way within
24 the Monument. The management plan prepared for the
25 National Monument shall address the need for and, as

1 necessary, establish plans for the installation, construc-
2 tion, and maintenance of public utility rights-of-way with-
3 in the National Monument outside of designated wilder-
4 ness areas.

5 (f) MAINTENANCE OF ROADS, TRAILS, AND STRUC-
6 TURES.—In the development of the management plan re-
7 quired by section 4(a), the Secretaries shall address the
8 maintenance of roadways, jeep trails, and paths located
9 in the National Monument.

10 (g) GRAZING.—The Secretaries shall issue and ad-
11 minister any grazing leases or permits in the National
12 Monument in accordance with the same laws (including
13 regulations) and executive orders followed by the Secre-
14 taries in issuing and administering grazing leases and per-
15 mits on other land under the jurisdiction of the Secre-
16 taries. Nothing in this Act shall affect the grazing permit
17 of the Wellman family (permittee number 12–55–3) on
18 lands included in the National Monument.

19 (h) OVERFLIGHTS.—

20 (1) GENERAL RULE.—Nothing in this Act or
21 the management plan prepared for the National
22 Monument shall be construed to restrict or preclude
23 overflights, including low-level overflights, over lands
24 in the National Monument, including military, com-
25 mercial, and general aviation overflights that can be

1 seen or heard within the National Monument. Noth-
2 ing in this Act or the management plan shall be con-
3 strued to restrict or preclude the designation or cre-
4 ation of new units of special use airspace or the es-
5 tablishment of military flight training routes over
6 the National Monument.

7 (2) COMMERCIAL AIR TOUR OPERATION.—Any
8 commercial air tour operation over the National
9 Monument is prohibited unless such operation was
10 conducted prior to February 16, 2000. For purposes
11 of this paragraph, “commercial air tour operation”
12 means any flight conducted for compensation or hire
13 in a powered aircraft where a purpose of the flight
14 is sightseeing.

15 (i) WITHDRAWALS.—

16 (1) IN GENERAL.—Subject to valid existing
17 rights as provided in section 3(d), the Federal lands
18 and interests in lands included within the National
19 Monument are hereby withdrawn from—

20 (A) all forms of entry, appropriation, or
21 disposal under the public land laws;

22 (B) location, entry, and patent under the
23 public land mining laws; and

1 (C) operation of the mineral leasing and
2 geothermal leasing laws and the mineral mate-
3 rials laws.

4 (2) EXCHANGE.—Paragraph (1)(A) does not
5 apply in the case of—

6 (A) an exchange that the Secretary deter-
7 mines would further the protective purposes of
8 the National Monument; or

9 (B) the exchange provided in section 6(e).

10 **SEC. 6. ACQUISITION OF LAND.**

11 (a) ACQUISITION AUTHORIZED; METHODS.—State,
12 local government, tribal, and privately held land or inter-
13 ests in land within the boundaries of the National Monu-
14 ment may be acquired for management as part of the Na-
15 tional Monument only by—

16 (1) donation;

17 (2) exchange with a willing party; or

18 (3) purchase from a willing seller.

19 (b) USE OF EASEMENTS.—To the extent practicable,
20 and if preferred by a willing landowner, the Secretary of
21 the Interior and the Secretary of Agriculture shall use per-
22 manent conservation easements to acquire interests in
23 land in the National Monument in lieu of acquiring land
24 in fee simple and thereby removing land from non-Federal
25 ownership.

1 (c) VALUATION OF PRIVATE PROPERTY.—The
2 United States shall offer the fair market value for any
3 interests or partial interests in land acquired under this
4 section.

5 (d) INCORPORATION OF ACQUIRED LANDS AND IN-
6 TERESTS.—Any land or interest in lands within the
7 boundaries of the National Monument that is acquired by
8 the United States after the date of the enactment of this
9 Act shall be added to and administered as part of the Na-
10 tional Monument as provided in section 3(b).

11 (e) LAND EXCHANGE AUTHORIZATION.—In order to
12 support the cooperative management agreement in effect
13 with the Agua Caliente Band of Cahuilla Indians as of
14 the date of the enactment of this Act, the Secretary of
15 the Interior may, without further authorization by law, ex-
16 change lands which the Bureau of Land Management has
17 acquired using amounts provided under the Land and
18 Water Conservation Fund Act of 1965 (16 U.S.C. 460l-
19 4 et seq.), with the Agua Caliente Band of Cahuilla Indi-
20 ans. Any such land exchange may include the exchange
21 of federally owned property within or outside of the bound-
22 aries of the National Monument for property owned by
23 the Agua Caliente Band of Cahuilla Indians within or out-
24 side of the boundaries of the National Monument. The ex-
25 changed lands acquired by the Secretary within the bound-

1 aries of the National Monument shall be managed for the
2 purposes described in section 2(b).

3 **SEC. 7. LOCAL ADVISORY COMMITTEE.**

4 (a) ESTABLISHMENT.—The Secretary of the Interior
5 and the Secretary of Agriculture shall jointly establish an
6 advisory committee for the National Monument, whose
7 purpose shall be to advise the Secretaries with respect to
8 the preparation and implementation of the management
9 plan required by section 4.

10 (b) REPRESENTATION.—To the extent practicable,
11 the advisory committee shall include the following mem-
12 bers:

13 (1) A representative with expertise in natural
14 science and research selected from a regional college
15 or university.

16 (2) A representative of the California Depart-
17 ment of Fish and Game or the California Depart-
18 ment of Parks and Recreation.

19 (3) A representative of the County of Riverside,
20 California.

21 (4) A representative of each of the following cit-
22 ies: Palm Springs, Cathedral City, Rancho Mirage,
23 La Quinta, Palm Desert, and Indian Wells.

24 (5) A representative of the Agua Caliente Band
25 of Cahuilla Indians.

1 (6) A representative of the Coachella Valley
2 Mountains Conservancy.

3 (7) A representative of a local conservation or-
4 ganization.

5 (8) A representative of a local developer or
6 builder organization.

7 (9) A representative of the Winter Park Au-
8 thority.

9 (10) A representative of the Pinyon Community
10 Council.

11 (c) TERMS.—

12 (1) STAGGERED TERMS.—Members of the advi-
13 sory committee shall be appointed for terms of 3
14 years, except that, of the members first appointed,
15 one-third of the members shall be appointed for a
16 term of 1 year and one-third of the members shall
17 be appointed for a term of 2 years.

18 (2) REAPPOINTMENT.—A member may be re-
19 appointed to serve on the advisory committee upon
20 the expiration of the member's current term.

21 (3) VACANCY.—A vacancy on the advisory com-
22 mittee shall be filled in the same manner as the
23 original appointment.

24 (d) QUORUM.—A quorum shall be eight members of
25 the advisory committee. The operations of the advisory

1 committee shall not be impaired by the fact that a member
2 has not yet been appointed as long as a quorum has been
3 attained.

4 (e) CHAIRPERSON AND PROCEDURES.—The advisory
5 committee shall elect a chairperson and establish such
6 rules and procedures as it deems necessary or desirable.

7 (f) SERVICE WITHOUT COMPENSATION.—Members
8 of the advisory committee shall serve without pay.

9 (g) TERMINATION.—The advisory committee shall
10 cease to exist on the date upon which the management
11 plan is officially adopted by the Secretaries, or later at
12 the discretion of the Secretaries.

13 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums
15 as are necessary to carry out this Act.

Passed the House of Representatives July 25, 2000.

Attest:

JEFF TRANDAHL,

Clerk.