

106TH CONGRESS  
2D SESSION

# S. 2048

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2000

Mr. HATCH (for himself and Mr. BENNETT) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “San Rafael Western Legacy District and National Con-  
6 servation Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.

## TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

Sec. 101. Establishment of the San Rafael Western Legacy District.

Sec. 102. Management and use of the San Rafael Western Legacy District.

## TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

Sec. 201. Designation of the San Rafael National Conservation Area.

Sec. 202. Management of the San Rafael National Conservation Area.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to promote—

4 (A) the preservation, conservation, inter-  
 5 pretation, scientific research, and development  
 6 of the historical, cultural, natural, recreational,  
 7 archaeological, paleontological, environmental,  
 8 biological, educational, wilderness, and scenic  
 9 resources of the San Rafael region of the State  
 10 of Utah; and

11 (B) the economic viability of rural commu-  
 12 nities in the San Rafael region; and

13 (2) to conserve, protect, and enhance for the  
 14 benefit and enjoyment of present and future genera-  
 15 tions of people the unique and nationally important  
 16 values of the Western Legacy District and the public  
 17 land described in section 201(b) (including histor-  
 18 ical, cultural, natural, recreational, scientific, archae-  
 19 ological, paleontological, environmental, biological,  
 20 wilderness, wildlife, educational, and scenic re-  
 21 sources).

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) CONSERVATION AREA.—The term “Con-  
4 servation Area” means the San Rafael National  
5 Conservation Area established by section 201(a).

6 (2) LEGACY COUNCIL.—The term “Legacy  
7 Council” means the council established under section  
8 101(d).

9 (3) MANAGEMENT PLAN.—The term “manage-  
10 ment plan” means the management plan for the  
11 Conservation Area required to be developed under  
12 section 202(e).

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

16 (5) WESTERN LEGACY DISTRICT.—The term  
17 “Western Legacy District” means the San Rafael  
18 Western Legacy District established by section  
19 101(a).

20 **TITLE I—SAN RAFAEL WESTERN**  
21 **LEGACY DISTRICT**

22 **SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN**  
23 **LEGACY DISTRICT.**

24 (a) IN GENERAL.—There is established the San  
25 Rafael Western Legacy District.

1 (b) AREAS INCLUDED.—The Western Legacy Dis-  
2 trict shall consist of approximately 2,842,800 acres of land  
3 in the Emery County, Utah, as generally depicted on the  
4 map entitled “San Rafael Swell Western Legacy District  
5 and National Conservation Area” and dated \_\_\_\_\_.

6 (c) MAP AND LEGAL DESCRIPTION.—

7 (1) IN GENERAL.—As soon as practicable after  
8 the date of enactment of this Act, the Secretary  
9 shall submit to Congress a map and legal description  
10 of the Western Legacy District.

11 (2) EFFECT.—The map and legal description  
12 shall have the same effect as if included in this Act,  
13 except that the Secretary may correct errors in the  
14 map and legal description.

15 (3) COPIES.—Copies of the map and legal de-  
16 scription shall be on file and available for public in-  
17 spection in—

18 (A) the Office of the Director of the Bu-  
19 reau of Land Management; and

20 (B) the appropriate office of the Bureau of  
21 the Land Management in the State of Utah.

22 (d) LEGACY COUNCIL.—

23 (1) ESTABLISHMENT.—The Secretary shall es-  
24 tablish a Legacy Council to advise the Secretary  
25 with respect to the Western Legacy District.

1           (2) FUNCTION.—The Legacy Council may fur-  
2           nish advice and recommendations to the Secretary  
3           with respect to management, grants, projects, and  
4           technical assistance.

5           (3) MEMBERSHIP.—The Legacy Council shall  
6           consist of not more than 10 members appointed by  
7           the Secretary as follows:

8                   (A) 2 members from among the rec-  
9                   ommendations submitted by the Governor of  
10                  the State of Utah.

11                  (B) 2 members from among the rec-  
12                  ommendations submitted by the Emery County,  
13                  Utah, Commissioners.

14                  (C) The remaining members from among  
15                  persons who are recognized as experts in con-  
16                  servation of the historical, cultural, natural,  
17                  recreational, archaeological, environmental, bio-  
18                  logical, educational, and scenic resources or  
19                  other disciplines directly related to the purposes  
20                  for which the Western Legacy District is estab-  
21                  lished.

22           (4) RELATIONSHIP TO OTHER LAW.—The es-  
23           tablishment and operation of the Legacy Council  
24           shall conform to the requirements of—

1 (A) the Federal Advisory Committee Act  
2 (5 U.S.C. App.); and

3 (B) the Federal Land Policy and Manage-  
4 ment Act of 1976 (43 U.S.C. 1701 et seq.).

5 (e) ASSISTANCE.—

6 (1) IN GENERAL.—To carry out this section,  
7 the Secretary may make grants and provide tech-  
8 nical assistance to any nonprofit organization or unit  
9 of government with authority in the boundaries of  
10 the Western Legacy District.

11 (2) PERMITTED USES.—Grants and technical  
12 assistance under this section may be used for—

13 (A) planning;

14 (B) reports;

15 (C) studies;

16 (D) interpretive exhibits;

17 (E) historic preservation projects;

18 (F) construction of cultural, recreational,  
19 educational, and interpretive facilities that are  
20 open to the public; and

21 (G) such other expenditures as are con-  
22 sistent with this Act.

23 (3) PLANNING.—Grants and technical assist-  
24 ance for use in planning activities may be provided  
25 under this subsection only to a unit of government

1 or a political subdivision of the State of Utah in an  
2 amount—

3 (A) not to exceed \$100,000 for any fiscal  
4 year; and

5 (B) not to exceed an aggregate amount of  
6 \$200,000.

7 (4) MATCHING FUNDS.—Federal funding pro-  
8 vided under this section may not exceed 50 percent  
9 of the total cost of the activity carried out with the  
10 funding, except that non-Federal matching funds are  
11 not required with respect to—

12 (A) planning activities carried out with as-  
13 sistance under paragraph (3); or

14 (B) use of assistance under this section for  
15 facilities located on public land and owned by  
16 the Federal Government.

17 (5) AUTHORIZATION OF APPROPRIATIONS.—

18 There are authorized to be appropriated to carry out  
19 this section not more than \$1,000,000 for each fiscal  
20 year, not to exceed a total of \$10,000,000.

21 **SEC. 102. MANAGEMENT AND USE OF THE WESTERN LEG-**  
22 **ACY DISTRICT.**

23 (a) IN GENERAL.—The Secretary shall administer  
24 the public land within the Western Legacy District in ac-  
25 cordance with—

1 (1) this Act; and

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

5 (b) USE OF PUBLIC LAND.—The Secretary shall  
6 allow such uses of the public land as the Secretary deter-  
7 mines will further the purposes for which the Western  
8 Legacy District is established.

9 (c) EFFECT OF ACT.—Nothing in this Act—

10 (1) affects the jurisdiction or responsibilities of  
11 the State of Utah with respect to fish and wildlife  
12 in the Western Legacy District;

13 (2) affects private property rights within the  
14 Western Legacy District; or

15 (3) diminishes the authority, rights, or respon-  
16 sibilities of the Secretary for managing the public  
17 land within the Western Legacy District.

18 **TITLE II—SAN RAFAEL NA-**  
19 **TIONAL CONSERVATION AREA**

20 **SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL**  
21 **CONSERVATION AREA.**

22 (a) PURPOSES.—There is established the San Rafael  
23 National Conservation Area in the State of Utah.

24 (b) AREAS INCLUDED.—

1           (1) IN GENERAL.—Except as provided in para-  
2 graph (2), the Conservation Area shall consist of ap-  
3 proximately 947,000 acres of public land in Emery  
4 County, Utah, as generally depicted on the map en-  
5 titled “San Rafael Swell Western Legacy District  
6 and National Conservation Area” and dated  
7 \_\_\_\_\_.

8           (2) BOUNDARY.—The boundary of the Con-  
9 servation Area shall be set back 300 feet from the  
10 edge of the Interstate Route 70 right-of-way.

11 (c) MAP AND LEGAL DESCRIPTION.—

12           (1) IN GENERAL.—As soon as practicable after  
13 the date of enactment of this Act, the Secretary  
14 shall submit to Congress a map and legal description  
15 of the Conservation Area.

16           (2) EFFECT.—The map and legal description  
17 shall have the same effect as if included in this Act,  
18 except that the Secretary may correct errors in the  
19 map and legal description.

20           (3) COPIES.—Copies of the map and legal de-  
21 scription shall be on file and available for public in-  
22 spection in—

23                   (A) the Office of the Director of the Bu-  
24 reau of Land Management; and

1 (B) the appropriate office of the Bureau of  
2 Land Management in the State of Utah.

3 **SEC. 202. MANAGEMENT OF THE CONSERVATION AREA.**

4 (a) **MANAGEMENT.**—The Secretary shall manage the  
5 Conservation Area in a manner that—

6 (1) conserves, protects, and enhances the re-  
7 sources and values of the Conservation Area, includ-  
8 ing the resources and values specified in section  
9 2(2); and

10 (2) is consistent with—

11 (A) the Federal Land Policy and Manage-  
12 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

13 (B) other applicable provisions of law (in-  
14 cluding this Act).

15 (b) **USES.**—

16 (1) **IN GENERAL.**—The Secretary shall allow  
17 only such uses of the Conservation Area as the Sec-  
18 retary finds will further the purposes for which the  
19 Conservation Area was established.

20 (2) **MOTORIZED VEHICLES.**—Except where  
21 needed for administrative purposes or to respond to  
22 an emergency, use of motorized vehicles in the Con-  
23 servation Area shall be permitted only on roads and  
24 trails designated for use of motorized vehicles as  
25 part of the management plan.

1 (c) WITHDRAWALS.—

2 (1) IN GENERAL.—Subject to valid existing  
3 rights and except as provided in paragraph (2), all  
4 Federal land within the Conservation Area and all  
5 land and interests in land that are acquired by the  
6 United States after the date of enactment of this  
7 Act are withdrawn from—

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

10 (B) location, entry, and patent under the  
11 mining laws; and

12 (C) operation of the mineral leasing and  
13 geothermal leasing laws.

14 (2) COMMUNICATION FACILITIES.—

15 (A) IN GENERAL.—The Secretary may au-  
16 thorize the installation of communication facili-  
17 ties within the Conservation Area only to the  
18 extent that the facilities are necessary for pub-  
19 lic safety purposes.

20 (B) MINIMAL IMPACT.—Communication  
21 facilities shall—

22 (i) have a minimal impact on the re-  
23 sources of the Conservation Area; and

24 (ii) be consistent with the manage-  
25 ment plan.

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

2 (1) IN GENERAL.—Except as provided in para-  
3 graph (2), the Secretary shall permit hunting, trap-  
4 ping, and fishing within the Conservation Area in  
5 accordance with applicable laws (including regula-  
6 tions) of the United States and the State of Utah.

7 (2) REGULATIONS.—The Secretary, after con-  
8 sultation with the Utah Division of Wildlife Re-  
9 sources, may promulgate regulations designating  
10 zones where and establishing periods when no hunt-  
11 ing, trapping, or fishing shall be permitted in the  
12 Conservation Area for reasons of public safety, ad-  
13 ministration, or public use and enjoyment.

14 (e) MANAGEMENT PLAN.—

15 (1) IN GENERAL.—Not later than 4 years after  
16 the date of enactment of this Act, the Secretary  
17 shall develop a comprehensive plan for the long-  
18 range protection and management of the Conserva-  
19 tion Area.

20 (2) CONTENTS.—The management plan—

21 (A) shall describe the appropriate uses and  
22 management of the Conservation Area con-  
23 sistent with this Act; and

24 (B) may—

1 (i) incorporate appropriate decisions  
2 contained in any management or activity  
3 plan for the area; and

4 (ii) use information developed in pre-  
5 vious studies of the land within or adjacent  
6 to the Conservation Area.

7 (f) STATE TRUST LANDS.—The State of Utah and  
8 the Secretary may exchange Federal land, Federal mineral  
9 interests, or payment of money for land and mineral inter-  
10 ests of approximately equal value that are managed by the  
11 Utah School and Institutional Trust Lands Administra-  
12 tion within the Conservation Area.

13 (g) ACCESS.—The Secretary, the State of Utah, and  
14 Emery County, Utah, may agree to resolve section 2477  
15 of the Revised Statutes and other access issues within the  
16 Conservation Area.

17 (h) WILDLIFE MANAGEMENT.—Nothing in this Act  
18 diminishes the responsibility and authority of the State  
19 of Utah for management of fish and wildlife within the  
20 Conservation Area.

21 (i) GRAZING.—Where the Secretary permits livestock  
22 grazing on the date of enactment of this Act, such grazing  
23 shall be allowed subject to all applicable laws (including  
24 regulations) and executive orders.

25 (j) NO BUFFER ZONES.—

1           (1) IN GENERAL.—Congress does not intend for  
2 the establishment of the Conservation Area to lead  
3 to the creation of protective perimeters or buffer  
4 zones around the Conservation Area.

5           (2) ACTIVITIES OUTSIDE CONSERVATION  
6 AREA.—That there may be activities or uses of land  
7 outside the Conservation Area that would not be  
8 permitted in the Conservation Area shall not pre-  
9 clude such activities or uses on the land up to the  
10 boundary of the Conservation Area (or on private  
11 land within the Conservation Area) consistent with  
12 other applicable laws.

13 (k) WATER RIGHTS.—

14           (1) IN GENERAL.—The establishment of the  
15 Conservation Area shall not constitute any implied  
16 or express reservation of any water or water right  
17 pertaining to surface or ground water.

18           (2) STATE RIGHTS.—Nothing in this Act  
19 affects—

20                   (A) any valid existing surface water or  
21 ground water right in effect on the date of en-  
22 actment of this Act; or

23                   (B) any water right approved after the  
24 date of enactment of this Act under the laws of  
25 the State of Utah or any other State.

1 (1) NO EFFECT ON APPLICATION OF OTHER ACTS.—

2 (1) IN GENERAL.—Nothing in this Act affects  
3 the application of any provision of the Wilderness  
4 Act (16 U.S.C. 1131) or the Federal Land Policy  
5 and Management Act of 1976 (43 U.S.C. 1701 et  
6 seq.) to wilderness resources in the Conservation  
7 Area.

8 (2) ISSUE RESOLUTION.—Recognizing that the  
9 designation of a wilderness area for inclusion in the  
10 National Wilderness Preservation System requires  
11 an Act of Congress, the Secretary, the State of  
12 Utah, Emery County, Utah, and affected stake-  
13 holders may work toward resolving wilderness issues  
14 within the Conservation Area.

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