

106TH CONGRESS
2D SESSION

S. 2784

Entitled “Santa Rosa and San Jacinto Mountains National Monument Act of 2000”.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2000

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

Entitled “Santa Rosa and San Jacinto Mountains National Monument Act of 2000”.

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 “Santa Rosa and San Jacinto Mountains National Monu-
6 ment Act of 2000”.

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. 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.

1 **SEC. 2. ESTABLISHMENT OF SANTA ROSA AND SAN**
 2 **JACINTO MOUNTAINS NATIONAL MONUMENT,**
 3 **CALIFORNIA.**

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

5 (1) The Santa Rosa and San Jacinto Moun-
 6 tains in southern California contain nationally sig-
 7 nificant biological, cultural, recreational, geological,
 8 educational, and scientific values.

9 (2) The magnificent vistas, wildlife, land forms,
 10 and natural and cultural resources of these moun-
 11 tains occupy a unique and challenging position given
 12 their proximity to highly urbanized areas of the
 13 Coachella Valley.

14 (3) These mountains, which rise abruptly from
 15 the desert floor to an elevation of 10,802 feet, pro-
 16 vide a picturesque backdrop for Coachella Valley
 17 communities and support an abundance of rec-
 18 reational opportunities that are an important re-
 19 gional economic resource.

20 (4) These mountains have special cultural value
 21 to the Agua Caliente Band of Cahuilla Indians, con-
 22 taining significant cultural sites, including village

1 sites, trails, petroglyphs, and other evidence of their
2 habitation.

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

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

16 (7) The Bureau of Land Management and the
17 Forest Service should work cooperatively in the man-
18 agement of the National Monument.

19 (b) ESTABLISHMENT AND PURPOSES.—In order to
20 preserve the nationally significant biological, cultural, rec-
21 reational, geological, educational, and scientific values
22 found in the Santa Rosa and San Jacinto Mountains and
23 to secure now and for future generations the opportunity
24 to experience and enjoy the magnificent vistas, wildlife,
25 land forms, and natural and cultural resources in these

1 mountains and to recreate therein, there is hereby des-
2 ignated the Santa Rosa and San Jacinto Mountains Na-
3 tional Monument (in this Act referred to as the “National
4 Monument”).

5 (c) BOUNDARIES.—The National Monument shall
6 consist of Federal lands and Federal interests in lands lo-
7 cated within the boundaries depicted on the map entitled
8 “Boundary Map, Santa Rosa and San Jacinto National
9 Monument”, dated ____ ____, 2000.

10 (d) LEGAL DESCRIPTIONS; CORRECTION OF ER-
11 RORS.—

12 (1) PREPARATION AND SUBMISSION.—As soon
13 as practicable after the date of the enactment of this
14 Act, the Secretary of the Interior shall use the map
15 referred to in subsection (c) to prepare legal descrip-
16 tions of the boundaries of the National Monument.
17 The Secretary shall submit the resulting legal de-
18 scriptions to the Committee on Resources and the
19 Committee on Agriculture of the House of Rep-
20 resentatives and to the Committee on Energy and
21 Natural Resources and the Committee on Agri-
22 culture, Nutrition, and Forestry of the Senate.

23 (2) LEGAL EFFECT.—The map and legal de-
24 scriptions of the National Monument shall have the
25 same force and effect as if included in this Act, ex-

1 aries of the National Monument that are acquired by the
2 Bureau of Land Management after the date of the enact-
3 ment of this Act shall be managed by the Secretary of
4 the Interior. Lands or interests in lands within the bound-
5 aries of the National Monument that are acquired by the
6 Forest Service after the date of enactment of this Act shall
7 be managed by the Secretary of Agriculture.

8 (c) PROTECTION OF RESERVATION, STATE, AND PRI-
9 VATE LANDS AND INTERESTS.—Nothing in the establish-
10 ment of the National Monument shall affect any property
11 rights of any Indian reservation, any individually held
12 trust lands, any other Indian allotments, any lands or in-
13 terests in lands held by the State of California, any polit-
14 ical subdivision of the State of California, any special dis-
15 trict, or the Mount San Jacinto Winter Park Authority,
16 or any private property rights within the boundaries of
17 the National Monument. Establishment of the National
18 Monument shall not grant the Secretary of the Interior
19 or the Secretary of Agriculture any new authority on or
20 over non-Federal lands not already provided by law. The
21 authority of the Secretary of the Interior and the Sec-
22 retary of Agriculture under this Act extends only to Fed-
23 eral lands and Federal interests in lands included in the
24 National Monument.

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

3 (e) NO BUFFER ZONES AROUND NATIONAL MONU-
4 MENT.—Because the National Monument is established in
5 a highly urbanized area, Congress does not intend—

6 (1) for the establishment of the National Monu-
7 ment to lead to the creation of express or implied
8 protective perimeters or buffer zones around the Na-
9 tional Monument;

10 (2) that an activity on, or use of, private lands
11 up to the boundaries of the National Monument
12 shall be precluded because of the monument designa-
13 tion, if the activity or use is consistent with other
14 applicable law; and

15 (3) that an activity on, or use of, private lands,
16 if the activity or use is consistent with other applica-
17 ble law, shall be directly or indirectly subject to ad-
18 ditional regulation because of the designation of the
19 National Monument.

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

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

25 (a) DEVELOPMENT REQUIRED.—

1 (1) IN GENERAL.—Not later than 3 years after
2 of the date of enactment of this Act, the Secretary
3 of the Interior and the Secretary of Agriculture shall
4 complete a management plan for the conservation
5 and protection of the National Monument consistent
6 with the requirements of section 3(a). The Secretary
7 shall send the management plan to Congress before
8 it is made public.

9 (2) MANAGEMENT PENDING COMPLETION.—
10 Pending completion of the management plan for the
11 National Monument, the Secretaries shall manage
12 Federal lands and interests in lands within the Na-
13 tional Monument substantially consistent with cur-
14 rent uses occurring on such lands and under the
15 general guidelines and authorities of the existing
16 management plans of the Forest Service and the
17 Bureau of Land Management for such lands, in a
18 manner consistent with other applicable Federal law.

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

1 (b) CONSULTATION AND COOPERATION.—

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

13 (2) AGUA CALIENTE BAND OF CAHUILLA INDI-
14 ANS.—The Secretaries shall make a special effort to
15 consult with representatives of the Agua Caliente
16 Band of Cahuilla Indians regarding the management
17 plan during the preparation and implementation of
18 the plan.

19 (3) WINTER PARK AUTHORITY.—The manage-
20 ment plan shall consider the mission of the Mount
21 San Jacinto Winter Park Authority to make acces-
22 sible to current and future generations the natural
23 and recreational treasures of the Mount San Jacinto
24 State Park and the National Monument. Establish-
25 ment and management of the National Monument

1 shall not be construed to interfere with the mission
2 or powers of the Mount San Jacinto Winter Park
3 Authority, as provided for in the Mount San Jacinto
4 Winter Park Authority Act of the State of Cali-
5 fornia.

6 (c) COOPERATIVE AGREEMENTS.—

7 (1) GENERAL AUTHORITY.—Consistent with the
8 management plan and existing authorities, the Sec-
9 retaries may enter into cooperative agreements and
10 shared management arrangements, which may in-
11 clude special use permits with any person, including
12 the Agua Caliente Band of Cahuilla Indians, for the
13 purposes of management, interpretation, and re-
14 search and education regarding the resources of the
15 National Monument.

16 (2) USE OF CERTAIN LANDS BY UNIVERSITY OF
17 CALIFORNIA.—In the case of any agreement with the
18 University of California in existence as of the date
19 of enactment of this Act relating to the University's
20 use of certain Federal land within the National
21 Monument, the Secretaries shall, consistent with the
22 management plan and existing authorities, either re-
23 vise the agreement or enter into a new agreement as
24 may be necessary to ensure its consistency with this
25 Act.

1 **SEC. 5. EXISTING AND HISTORICAL USES OF FEDERAL**
2 **LANDS INCLUDED IN MONUMENT.**

3 (a) **RECREATIONAL ACTIVITIES GENERALLY.**—The
4 management plan required by section 4(a) shall include
5 provisions to continue to authorize the recreational use of
6 the National Monument, including such recreational uses
7 as hiking, camping, mountain biking, sightseeing, and
8 horseback riding, as long as such recreational use is con-
9 sistent with this Act and other applicable law.

10 (b) **MOTORIZED VEHICLES.**—Except where or when
11 needed for administrative purposes or to respond to an
12 emergency, use of motorized vehicles in the National
13 Monument shall be permitted only on roads and trails des-
14 ignated for use of motorized vehicles as part of the man-
15 agement plan.

16 (c) **HUNTING, TRAPPING, AND FISHING.**—

17 (1) **IN GENERAL.**—Except as provided in para-
18 graph (2), the Secretary of the Interior and the Sec-
19 retary of Agriculture shall permit hunting, trapping,
20 and fishing within the National Monument in ac-
21 cordance with applicable laws (including regulations)
22 of the United States and the State of California.

23 (2) **REGULATIONS.**—The Secretaries, after con-
24 sultation with the California Department of Fish
25 and Game, may issue regulations designating zones
26 where, and establishing periods when, no hunting,

1 trapping, or fishing will be permitted in the National
2 Monument for reasons of public safety, administra-
3 tion, or public use and enjoyment.

4 (d) ACCESS TO STATE AND PRIVATE LANDS.—The
5 Secretaries shall provide adequate access to nonfederally
6 owned land or interests in land within the boundaries of
7 the National Monument, which will provide the owner of
8 the land or the holder of the interest the reasonable use
9 and enjoyment of the land or interest, as the case may
10 be.

11 (e) UTILITIES.—Nothing in this Act shall have the
12 effect of terminating any valid existing right-of-way within
13 the Monument. The management plan prepared for the
14 National Monument shall address the need for and, as
15 necessary, establish plans for the installation, construc-
16 tion, and maintenance of public utility rights-of-way with-
17 in the National Monument outside of designated wilder-
18 ness areas.

19 (f) MAINTENANCE OF ROADS, TRAILS, AND STRUC-
20 TURES.—In the development of the management plan re-
21 quired by section 4(a), the Secretaries shall address the
22 maintenance of roadways, jeep trails, and paths located
23 in the National Monument.

24 (g) GRAZING.—The Secretaries shall issue and ad-
25 minister any grazing leases or permits in the National

1 Monument in accordance with the same laws (including
2 regulations) and executive orders followed by the Secre-
3 taries in issuing and administering grazing leases and per-
4 mits on other land under the jurisdiction of the Secre-
5 taries. Nothing in this Act shall affect the grazing permit
6 of the Wellman family.

7 (h) OVERFLIGHTS.—

8 (1) GENERAL RULE.—Nothing in this Act or
9 the management plan prepared for the National
10 Monument shall be construed to restrict or preclude
11 overflights, including low-level overflights, over lands
12 in the National Monument, including military, com-
13 mercial, and general aviation overflights that can be
14 seen or heard within the National Monument. Noth-
15 ing in this Act or the management plan shall be con-
16 strued to restrict or preclude the designation or cre-
17 ation of new units of special use airspace or the es-
18 tablishment of military flight training routes over
19 the National Monument.

20 (2) COMMERCIAL AIR TOUR OPERATION.—Any
21 commercial air tour operation over the National
22 Monument is prohibited unless such operation was
23 conducted prior to February 16, 2000. For purposes
24 of this paragraph, “commercial air tour operation”
25 means any flight conducted for compensation or hire

1 in a powered aircraft where the purpose of a flight
2 is sightseeing.

3 (i) WITHDRAWALS.—Subject to valid existing rights
4 as provided in section 3(d), the Federal lands and inter-
5 ests in lands included within the National Monument are
6 hereby withdrawn from all forms of entry, appropriation,
7 or disposal under the public land laws, other than by ex-
8 change, that further the protective purposes of the Na-
9 tional Monument or as provided in section 6(e), from loca-
10 tion, entry, and patent under the public land mining laws,
11 and from disposition under all laws pertaining to mineral
12 and geothermal leasing, and mineral materials.

13 **SEC. 6. ACQUISITION OF LAND.**

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

- 19 (1) donation;
20 (2) exchange with a willing party; or
21 (3) purchase from a willing seller.

22 (b) USE OF EASEMENTS.—To the extent practicable,
23 and if preferred by a willing landowner, the Secretary of
24 the Interior and the Secretary of Agriculture shall use per-
25 manent conservation easements to acquire interests in

1 land in the National Monument in lieu of acquiring land
2 in fee simple and thereby removing land from non-Federal
3 ownership.

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

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

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

1 the Agua Caliente Band of Cahuilla Indians within or out-
2 side of the boundaries of the National Monument. The ex-
3 changed lands acquired by the Secretary within the bound-
4 aries of the National Monument shall be managed for the
5 purposes described in section 2(b).

6 **SEC. 7. LOCAL ADVISORY COMMITTEE.**

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

13 (b) REPRESENTATION.—To the extent practicable,
14 the advisory committee shall include the following mem-
15 bers:

16 (1) A representative with expertise in natural
17 science and research selected from a regional college
18 or university.

19 (2) A representative of the California Depart-
20 ment of Fish and Game or the California Depart-
21 ment of Parks and Recreation.

22 (3) A representative of the County of Riverside,
23 California.

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

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

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

8 (7) A representative of a local conservation or-
9 ganization.

10 (8) A representative of a local developer or
11 builder organization.

12 (9) A representative of the Winter Park Au-
13 thority.

14 (10) A representative of the Pinyon Community
15 Council.

16 (c) TERMS.—

17 (1) STAGGERED TERMS.—Members of the advi-
18 sory committee shall be appointed for terms of 3
19 years, except that, of the members first appointed,
20 $\frac{1}{3}$ of the members shall be appointed for a term of
21 1 year and $\frac{1}{3}$ of the members shall be appointed for
22 a term of 2 years.

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

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

4 (d) QUORUM.—A quorum shall be 8 members of the
5 advisory committee. The operations of the advisory com-
6 mittee shall not be impaired by the fact that a member
7 has not yet been appointed as long as a quorum has been
8 attained.

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

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

14 (g) TERMINATION.—The advisory committee shall
15 cease to exist on the date upon which the management
16 plan is officially adopted by the Secretaries, or later at
17 the discretion of the Secretaries.

18 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated such sums
20 as are necessary to carry out this Act.

○