

106TH CONGRESS
2D SESSION

S. 3044

To establish the Las Cienegas National Conservation Area in the State
of Arizona.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2000

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

A BILL

To establish the Las Cienegas National Conservation Area
in the State of Arizona.

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. ESTABLISHMENT OF THE SONOITA VALLEY**

4 **CONSERVATION PLANNING DISTRICT.**

5 (a) IN GENERAL.—In order to promote cooperation,
6 conservation, and scientific research within the Sonoita
7 Valley region of the State of Arizona, there is hereby es-
8 tablished the Sonoita Valley Conservation Planning Dis-
9 trict.

1 (b) AREAS INCLUDED.—The Conservation Planning
2 District shall consist of approximately 136,900 acres of
3 land in the Arizona counties of Pima and Santa Cruz, in-
4 cluding the Conservation Area, as generally depicted on
5 the map entitled “Sonoita Valley Conservation Planning
6 District and Las Cienegas National Conservation Area”
7 and dated September 11, 2000.

8 (c) MAP AND LEGAL DESCRIPTION.—As soon as
9 practicable after the date of the enactment of this Act,
10 the Secretary shall submit to Congress a map and legal
11 description of the Conservation Planning District. In case
12 of a conflict between the map referred to in subsection
13 (b) and the map and legal description submitted by the
14 Secretary, the map referred to in subsection (b) shall con-
15 trol. The map and legal 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. Copies of the map and
19 legal description shall be on file and available for public
20 inspection in the Office of the Director of the Bureau of
21 Land Management, and in the appropriate office of the
22 Bureau of Land Management in Arizona.

1 **SEC. 2. MANAGEMENT OF THE CONSERVATION PLANNING**
2 **DISTRICT.**

3 (a) **IN GENERAL.**—The Secretary, through the Bu-
4 reau of Land Management, shall administer the public
5 lands within the Conservation Planning District pursuant
6 to this Act and the applicable provisions of the Federal
7 Land Policy and Management Act of 1976 (43 U.S.C.
8 1701 et seq.) and subject to valid existing rights. The Sec-
9 retary shall allow such uses of the public lands as the Sec-
10 retary determines will further the purposes described in
11 section 1(a) for which the Conservation Planning District
12 was established.

13 (b) **FISH AND WILDLIFE.**—Nothing in this Act shall
14 be construed as affecting the jurisdiction or responsibil-
15 ities of the State of Arizona with respect to fish and wild-
16 life within the Conservation Planning District.

17 (c) **PROTECTION OF STATE AND PRIVATE LANDS**
18 **AND INTERESTS.**—Nothing in this Act shall be construed
19 as affecting any property rights of any lands or interest
20 in lands held by the State of Arizona, any political subdivi-
21 sion of the State of Arizona, or any private property rights
22 within the boundaries of the Conservation Planning Dis-
23 trict.

24 (d) **PUBLIC LANDS.**—Nothing in this Act shall be
25 construed as in any way diminishing the Secretary's or
26 the Bureau of Land Management's authorities, rights, or

1 responsibilities for managing the public lands within the
2 Conservation Planning District.

3 (e) COORDINATED MANAGEMENT.—The Secretary
4 shall coordinate the management of the public lands with-
5 in the Conservation Planning District with that of sur-
6 rounding county, State, and private lands consistent with
7 the provisions of subsection (c).

8 (f) ADVISORY COUNCIL.—

9 (1) ESTABLISHMENT.—Not later than 2 years
10 after the date of the enactment of this Act, the Sec-
11 retary shall establish a Sonoita Valley Conservation
12 Planning District Advisory Council to advise the
13 Secretary with respect to management of the public
14 lands described in sections 1(b) and 3(b). The Advi-
15 sory Council shall conform to the requirements of
16 the Federal Land Policy and Management Act of
17 1976 (43 U.S.C. 1701 et seq.) and the Federal Ad-
18 visory Committee Act (88 Stat. 770; 5 U.S.C. App.
19 1).

20 (2) REPRESENTATION.—The Advisory Council
21 shall consist of 11 members to be appointed by the
22 Secretary, including, to the extent practicable—

23 (A) 2 members appointed from nominees
24 submitted by permittees holding grazing allot-

1 ments within the Conservation Planning Dis-
2 trict;

3 (B) 2 members interested in natural re-
4 source conservation;

5 (C) 2 members interested in recreational
6 activities;

7 (D) 2 members representing community
8 group interests;

9 (E) 1 member representing general local
10 and regional interests;

11 (F) 1 member appointed from nominees
12 submitted by the Pima County Board of Super-
13 visors; and

14 (G) 1 member appointed from nominees
15 submitted by the Santa Cruz County Board of
16 Supervisors.

17 (3) TERMINATION.—Notwithstanding section
18 14(a) of the Federal Advisory Committee Act, the
19 Advisory Council shall terminate 10 years after the
20 date of the enactment of this Act.

21 **SEC. 3. ESTABLISHMENT OF THE LAS CIENEGAS NATIONAL**
22 **CONSERVATION AREA.**

23 (a) IN GENERAL.—In order to conserve, protect, and
24 enhance for the benefit and enjoyment of present and fu-
25 ture generations the unique and nationally important

1 aquatic, wildlife, vegetative, archaeological, paleontolog-
2 ical, scientific, cave, cultural, historical, recreational, edu-
3 cational, scenic, rangeland, and riparian resources and val-
4 ues of the public lands described in subsection (b) while
5 allowing livestock grazing and recreation to continue in
6 appropriate areas, there is hereby established the Las
7 Cienegas National Conservation Area in the State of Ari-
8 zona.

9 (b) AREAS INCLUDED.—The Conservation Area shall
10 consist of approximately 42,000 acres of public lands in
11 the Arizona counties of Pima and Santa Cruz, as generally
12 depicted on the map entitled “Sonoita Valley Conservation
13 Planning District and Las Cienegas National Conserva-
14 tion Area” and dated September 11, 2000.

15 (c) MAPS AND LEGAL DESCRIPTION.—As soon as
16 practicable after the date of the enactment of this Act,
17 the Secretary shall submit to Congress a map and legal
18 description of the Conservation Area. In case of a conflict
19 between the map referred to in subsection (b) and the map
20 and legal description submitted by the Secretary, the map
21 referred to in subsection (b) shall control. The map and
22 legal description shall have the same force and effect as
23 if included in this Act, except that the Secretary may cor-
24 rect clerical and typographical errors in such map and
25 legal description. Copies of the map and legal description

1 shall be on file and available for public inspection in the
2 Office of the Director of the Bureau of Land Management,
3 and in the appropriate office of the Bureau of Land Man-
4 agement in Arizona.

5 (d) FOREST LANDS.—Any lands included in the
6 Coronado National Forest that are located within the
7 boundaries of the Conservation Area shall be considered
8 to be a part of the Conservation Area. The Secretary of
9 Agriculture shall revise the boundaries of the Coronado
10 National Forest to reflect the exclusion of such lands from
11 the Coronado National Forest.

12 **SEC. 4. MANAGEMENT OF THE LAS CIENEGAS NATIONAL**
13 **CONSERVATION AREA.**

14 (a) IN GENERAL.—The Secretary shall manage the
15 Conservation Area in a manner that conserves, protects,
16 and enhances its resources and values, including the re-
17 sources and values specified in section 3(a), pursuant to
18 the Federal Land Policy and Management Act of 1976
19 (43 U.S.C. 1701 et seq.) and other applicable law, includ-
20 ing this Act.

21 (b) USES.—The Secretary shall allow only such uses
22 of the Conservation Area as the Secretary finds will fur-
23 ther the purposes for which the Conservation Area is es-
24 tablished as set forth in section 3(a).

1 (c) GRAZING.—The Secretary of the Interior shall
2 permit grazing subject to all applicable laws, regulations,
3 and Executive Orders consistent with the purposes of this
4 Act.

5 (d) MOTORIZED VEHICLES.—Except where needed
6 for administrative purposes or to respond to an emer-
7 gency, use of motorized vehicles on public lands in the
8 Conservation Area shall be allowed only—

9 (1) before the effective date of a management
10 plan prepared pursuant to section 5, on roads and
11 trails designated for use of motorized vehicles in the
12 management plan that applies on the date of the en-
13 actment of this Act; and

14 (2) after the effective date of a management
15 plan prepared pursuant to section 5, on roads and
16 trails designated for use of motor vehicles in that
17 management plan.

18 (e) MILITARY AIRSPACE.—Prior to the date of the
19 enactment of this Act the Federal Aviation Administration
20 approved restricted military airspace (Areas 2303A and
21 2303B) which covers portions of the Conservation Area.
22 Designation of the Conservation Area shall not impact or
23 impose any altitude, flight, or other airspace restrictions
24 on current or future military operations or missions.
25 Should the military require additional or modified airspace

1 in the future, the Congress does not intend for the des-
2 ignation of the Conservation Area to impede the military
3 from petitioning the Federal Aviation Administration to
4 change or expand existing restricted military airspace.

5 (f) ACCESS TO STATE AND PRIVATE LANDS.—Noth-
6 ing in this Act shall affect valid existing rights-of-way
7 within the Conservation Area. The Secretary shall provide
8 reasonable access to nonfederally owned lands or interest
9 in lands within the boundaries of the Conservation Area.

10 (g) HUNTING.—Hunting shall be allowed within the
11 Conservation Area in accordance with applicable laws and
12 regulations of the United States and the State of Arizona,
13 except that the Secretary, after consultation with the Ari-
14 zona State wildlife management agency, may issue regula-
15 tions designating zones where and establishing periods
16 when no hunting shall be permitted for reasons of public
17 safety, administration, or public use and enjoyment.

18 (h) PREVENTATIVE MEASURES.—Nothing in this Act
19 shall preclude such measures as the Secretary determines
20 necessary to prevent devastating fire or infestation of in-
21 sects or disease within the Conservation Area.

22 (i) NO BUFFER ZONES.—The establishment of the
23 Conservation Area shall not lead to the creation of protec-
24 tive perimeters or buffer zones around the Conservation
25 Area. The fact that there may be activities or uses on

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

6 (j) WITHDRAWALS.—Subject to valid existing rights
7 all Federal lands within the Conservation Area and all
8 lands and interest therein which are hereafter acquired by
9 the United States are hereby withdrawn from all forms
10 of entry, appropriation, or disposal under the public land
11 laws and from location, entry, and patent under the min-
12 ing laws, and from operation of the mineral leasing and
13 geothermal leasing laws and all amendments thereto.

14 **SEC. 5. MANAGEMENT PLAN.**

15 (a) PLAN REQUIRED.—Not later than 2 years after
16 the date of the enactment of this Act, the Secretary,
17 through the Bureau of Land Management, shall develop
18 and begin to implement a comprehensive management
19 plan for the long-term management of the public lands
20 within the Conservation Area, in coordination with the
21 management of the Conservation Planning District, in
22 order to fulfill the purposes for which they are established,
23 as set forth in sections 3(a) and 1(a), respectively. Con-
24 sistent with the provisions of this Act, the management
25 plan shall be developed—

1 (1) in consultation with appropriate depart-
2 ments of the State of Arizona, including wildlife and
3 land management agencies, with full public partici-
4 pation, and with the recommendations and advice of
5 the Advisory Council;

6 (2) from the draft Empire-Cienega Ecosystem
7 Management Plan/EIS, dated October 2000, as it
8 applies to Federal lands or lands with conservation
9 easements; and

10 (3) in accordance with the resource goals and
11 objectives developed through the Sonoita Valley
12 Planning Partnership process as incorporated in the
13 draft Empire-Cienega Ecosystem Management Plan/
14 EIS, dated October 2000, giving full consideration
15 to the management alternative preferred by the
16 Sonoita Valley Planning Partnership, as it applies to
17 Federal lands or lands with conservation easements.

18 (b) CONTENTS.—The management plan shall
19 include—

20 (1) provisions designed to ensure the protection
21 of the resources and values described in sections
22 1(a) and 3(a);

23 (2) an implementation plan for a continuing
24 program of interpretation and public education

1 about the resources and values of the Conservation
2 Area;

3 (3) a proposal for minimal administrative and
4 public facilities to be developed or improved at a
5 level compatible with achieving the resource objec-
6 tives for the Conservation Area and with the other
7 proposed management activities to accommodate
8 visitors to the Conservation Area;

9 (4) cultural resources management strategies
10 for the Conservation Area, prepared in consultation
11 with appropriate departments of the State of Ari-
12 zona, with emphasis on the preservation of the re-
13 sources of the Conservation Area and the interpre-
14 tive, educational, and long-term scientific uses of
15 these resources, giving priority to the enforcement of
16 the Archaeological Resources Protection Act of 1979
17 (16 U.S.C. 470aa et seq.) and the National Historic
18 Preservation Act (16 U.S.C. 470 et seq.) within the
19 Conservation Area;

20 (5) wildlife management strategies for the Con-
21 servation Area, prepared in consultation with appro-
22 priate departments of the State of Arizona and
23 using previous studies of the Conservation Area;

1 (6) production livestock grazing management
2 strategies, prepared in consultation with appropriate
3 departments of the State of Arizona;

4 (7) provisions designed to ensure the protection
5 of livestock uses of the lands included in the Con-
6 servation Area;

7 (8) recreation management strategies, including
8 motorized and nonmotorized dispersed recreation op-
9 portunities for the Conservation Area, prepared in
10 consultation with appropriate departments of the
11 State of Arizona;

12 (9) cave resources management strategies pre-
13 pared in compliance with the goals and objectives of
14 the Federal Cave Resources Protection Act of 1988
15 (16 U.S.C. 4301 et seq.); and

16 (10) provisions designed to ensure that if a
17 road or trail located on public lands within the Con-
18 servation Area, or any portion of such a road or
19 trail, is removed, consideration shall be given to pro-
20 viding similar alternative access to the portion of the
21 Conservation Area serviced by such removed road or
22 trail.—

23 (c) COOPERATIVE AGREEMENTS.—In order to better
24 implement the management plan, the Secretary may enter
25 into cooperative agreements with appropriate Federal,

1 State, and local agencies pursuant to section 307(b) of the
2 Federal Land Policy and Management Act of 1976 (43
3 U.S.C. 1737(b)).

4 (d) RESEARCH ACTIVITIES.—In order to assist in the
5 development and implementation of the management plan,
6 the Secretary may authorize appropriate research, includ-
7 ing research concerning the environmental, biological,
8 hydrological, cultural, agricultural, recreational, and other
9 characteristics, resources, and values of the Conservation
10 Area, pursuant to section 307(a) of the Federal Land Pol-
11 icy and Management Act of 1976 (43 U.S.C. 1737(a)).

12 **SEC. 6. LAND ACQUISITION.**

13 (a) IN GENERAL.—

14 (1) PRIORITY TO CONSERVATION EASE-
15 MENTS.—In acquiring lands or interest in lands
16 under this section, the Secretary shall give priority
17 to such acquisitions in the form of conservation
18 easements.

19 (2) PRIVATE LANDS.—The Secretary is author-
20 ized to acquire privately held lands or interest in
21 lands within the boundaries of the Conservation
22 Planning District only from a willing seller through
23 donation, exchange, or purchase.

24 (3) COUNTY LANDS.—The Secretary is author-
25 ized to acquire county lands or interest in lands

1 within the boundaries of the Conservation Planning
2 District only with the consent of the county through
3 donation, exchange, or purchase.

4 (4) STATE LANDS.—The Secretary is author-
5 ized to acquire lands or interest in lands owned by
6 the State of Arizona located within the boundaries
7 of the Conservation Planning District only with the
8 consent of the State by donation, exchange, pur-
9 chase, or eminent domain.

10 (A) CONSIDERATION.—As consideration
11 for the acquisitions by the United States of
12 lands or interest in such lands under this sub-
13 section, the Secretary shall pay fair market
14 value for such lands or shall convey to the State
15 of Arizona all or some interest in Federal lands
16 (including buildings and other improvements on
17 such lands or other Federal property other than
18 real property) or any other asset of equal value
19 within the State of Arizona.

20 (B) TRANSFER OF JURISDICTION.—All
21 Federal agencies are authorized to transfer ju-
22 risdiction of Federal lands or interest in lands
23 (including buildings and other improvements on
24 such lands or other Federal property other than
25 real property) or any other asset within the

1 State of Arizona to the Bureau of Land Man-
2 agement for the purpose of acquiring lands or
3 interest in lands as provided for in this sub-
4 section.

5 (b) MANAGEMENT OF ACQUIRED LANDS.—Lands ac-
6 quired under this section shall, upon acquisition, become
7 part of the Conservation Area and shall be administered
8 as part of the Conservation Area. These lands shall be
9 managed in accordance with this Act, other applicable
10 laws, and the management plan.

11 **SEC. 7. REPORTS TO CONGRESS.**

12 (a) PROTECTION OF CERTAIN LANDS.—Not later
13 than 2 years after the date of the enactment of this Act,
14 the Secretary shall submit to Congress a report with rec-
15 ommendations on the most effective measures to protect
16 the lands within the Rincon Valley, Colossal Cave area,
17 and Agua Verde Creek corridor north of Interstate 10 to
18 provide an ecological link to Saguaro National Park and
19 the Rincon Mountains and contribute to local government
20 conservation priorities.

21 (b) IMPLEMENTATION OF THIS ACT.—Not later than
22 5 years after the date of the enactment of this Act, and
23 at least at the end of every 10-year period thereafter, the
24 Secretary shall submit to Congress a report describing the
25 implementation of this Act, the condition of the resources

1 and values of the Conservation Area, and the progress of
2 the Secretary in achieving the purposes for which the Con-
3 servation Area is established as set forth in section 3(a).

4 **SEC. 8. DEFINITIONS.**

5 For the purposes of this Act, the following definitions
6 apply:

7 (1) **ADVISORY COUNCIL.**—The term “Advisory
8 Council” means the Sonoita Valley Conservation
9 Planning District Advisory Council established pur-
10 suant to section 2(f).

11 (2) **CONSERVATION AREA.**—The term “Con-
12 servation Area” means the Las Cienegas National
13 Conservation Area established by section 3(a).

14 (3) **CONSERVATION PLANNING DISTRICT.**—The
15 term “Conservation Planning District” means the
16 Sonoita Valley Conservation Planning District estab-
17 lished by section 1(a).

18 (4) **MANAGEMENT PLAN.**—The term “manage-
19 ment plan” means the management plan for the
20 Conservation Area.

21 (5) **PUBLIC LANDS.**—The term “public lands”
22 has the meaning given the term in section 103(e) of
23 the Federal Land Policy and Management Act of
24 1976 (43 U.S.C. 1702(e)), except that such term

1 shall not include interest in lands not owned by the
2 United States.

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

○