

109TH CONGRESS
2^D SESSION

S. 3636

To establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2006

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

A BILL

To establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, 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 “Washington County Growth and Conservation Act of
6 2006”.

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

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

TITLE I—LAND DISPOSAL

- Sec. 101. Definitions.
- Sec. 102. Conveyance of public land in Washington County.
- Sec. 103. Disposition of Proceeds.

TITLE II—WILDERNESS AREAS

- Sec. 201. Additions to National Wilderness Preservation System.
- Sec. 202. Administration.
- Sec. 203. Adjacent Management.
- Sec. 204. Native American cultural and religious uses.
- Sec. 205. Release of wilderness study areas.
- Sec. 206. Wildlife management.
- Sec. 207. Wildfire management.
- Sec. 208. Climatological data collection.
- Sec. 209. National Park Service land.

TITLE III—WILD AND SCENIC RIVER DESIGNATION

- Sec. 301. Zion National Park Wild and Scenic Rivers.

TITLE IV—UTILITY CORRIDORS

- Sec. 401. Utility corridors and rights-of way.

TITLE V—HIGH DESERT OFF-HIGHWAY VEHICLE TRAIL

- Sec. 501. High Desert Off-Highway Vehicle Trail.

TITLE VI—RED CLIFFS NATIONAL CONSERVATION AREA

- Sec. 601. Short title.
- Sec. 602. Purpose.
- Sec. 603. Definitions.
- Sec. 604. Establishment of the Conservation Area.
- Sec. 605. Management.
- Sec. 606. Management plan amendments.
- Sec. 607. Acquisition of additional land.
- Sec. 608. Withdrawal.
- Sec. 609. Cooperative agreements.
- Sec. 610. No buffer zones.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

- Sec. 701. Authorization of appropriations.

1 SEC. 2. DEFINITIONS.

2 In this Act:

1 (1) CENTRAL MAP.—The term “Central Map”
 2 means the map entitled “Central Washington Coun-
 3 ty, Utah” and dated [_____].

4 (2) COUNTY.—The term “County” means
 5 Washington County, Utah.

6 (3) EASTERN MAP.—The term “Eastern Map”
 7 means the map entitled “Eastern Washington Coun-
 8 ty, Utah” and dated [_____].

9 (4) SECRETARY.—The term “Secretary” means
 10 the Secretary of the Interior.

11 (5) STATE.—The term “State” means the State
 12 of Utah.

13 (6) WESTERN MAP.—The term “Western Map”
 14 means the map entitled “Western Washington Coun-
 15 ty, Utah” and dated [_____].

16 **TITLE I—LAND DISPOSAL**

17 **SEC. 101. DEFINITIONS.**

18 In this title:

19 (1) MANAGEMENT PLAN.—The term “manage-
 20 ment plan” means the Bureau of Land Management
 21 St. George Field Office Resource Management Plan.

22 (2) SPECIAL ACCOUNT.—The term “special ac-
 23 count” means the special account established under
 24 section 103(a)(4).

1 **SEC. 102. CONVEYANCE OF PUBLIC LAND IN WASHINGTON**
2 **COUNTY.**

3 (a) IN GENERAL.—Notwithstanding sections 202 and
4 203 of the Federal Land Policy and Management Act of
5 1976 (43 U.S.C. 1712, 1713), the Secretary, in coopera-
6 tion with the County, in accordance with that Act, this
7 title, and other applicable law and subject to valid existing
8 rights, shall—

9 (1) conduct sales of the land described in sub-
10 section (b)(1) to qualified bidders; and

11 (2) with respect to the parcels of land described
12 in subsection (b)(2)—

13 (A) conduct sales of the parcels to quali-
14 fied bidders as the parcels becomes available for
15 disposal; or

16 (B) at the election of the Secretary, ex-
17 change the parcels of land for parcels of non-
18 Federal land or interests in non-Federal land in
19 accordance with section 206 of the Federal
20 Land Policy and Management Act of 1976 (43
21 U.S.C. 1716) and other applicable laws.

22 (b) DESCRIPTION OF LAND.—The land referred to in
23 subsection (a) consists of—

24 (1) the land identified on the Central Map as
25 “Directed Sale Lands”, totaling approximately
26 4,300 acres; and

1 (2) not less than 20,000 acres of land from the
2 land that is identified on the Central Map and the
3 Eastern Map as “Lands Eligible for Consideration
4 Under Section 102 Disposal”, excluding any land
5 that is—

6 (A) designated as wilderness by section
7 201(a);

8 (B) an area of critical environmental con-
9 cern; or

10 (C) in the Red Cliffs National Conserva-
11 tion Area established by section 604(a).

12 (c) AVAILABILITY OF MAP AND LEGAL DESCRIP-
13 TIONS.—The Central Map and Eastern Map shall be on
14 file and available for public inspection in (as appro-
15 priate)—

16 (1) the Office of the Director of the Bureau of
17 Land Management;

18 (2) the Office of the Utah State Director of the
19 Bureau of Land Management; and

20 (3) the St. George Field Office of the Bureau
21 of Land Management.

22 (d) JOINT SELECTION REQUIRED.—The Secretary
23 and the County shall jointly select which parcels of land
24 described in subsection (b)(2) to offer for sale or exchange.

1 (e) COMPLIANCE WITH LOCAL PLANNING AND ZON-
2 ING LAWS.—Before a sale or exchange of land under sub-
3 section (a), the County shall submit to the Secretary a
4 certification that qualified bidders have agreed to comply
5 with—

6 (1) County and city zoning and other applicable
7 ordinances; and

8 (2) any general plan for the area approved by
9 the County, including any revisions to the general
10 plan that are adopted by the County after the date
11 of enactment of this Act.

12 (f) METHOD OF SALE; CONSIDERATION.—The sale of
13 land under subsection (a) shall be—

14 (1) consistent with subsections (d) and (f) of
15 section 203 of the Federal Land Management Policy
16 Act of 1976 (43 U.S.C. 1713);

17 (2) through a competitive bidding process un-
18 less otherwise determined by the Secretary; and

19 (3) for not less than fair market value.

20 (g) WITHDRAWAL.—

21 (1) IN GENERAL.—Subject to valid existing
22 rights and except as provided in paragraph (2), the
23 land described in subsection (b) is withdrawn
24 from—

1 (A) all forms of entry and appropriation
2 under the public land laws, including the min-
3 ing laws;

4 (B) location, entry, and patent under the
5 mining laws; and

6 (C) operation of the mineral leasing, geo-
7 thermal leasing, and mineral materials laws.

8 (2) EXCEPTIONS.—Paragraph (1)(A) shall not
9 apply to a competitive sale, a land exchange between
10 the United States and a non-Federal party, or an
11 election by the County to obtain the land described
12 in subsection (b)(2) for public purposes under the
13 Act of June 14, 1926 (commonly known as the
14 “Recreation and Public Purposes Act”) (43 U.S.C.
15 869 et seq.).

16 (h) TIMING OF SALES.—

17 (1) IN GENERAL.—The Secretary shall—

18 (A) with respect to the land described in
19 subsection (b)(1)—

20 (i) not later than 1 year after the date
21 of enactment of this Act, offer for sale the
22 land identified on the Central Map as
23 “First Directed Sale”; and

24 (ii) beginning 1 year after the date of
25 the sale of land under clause (i) and at

1 least annually thereafter until the date on
2 which all of the parcels of land described
3 in subsection (b)(1) are sold, conduct sales
4 of the land described in subsection (b)(1),
5 except that all of the parcels of land shall
6 be offered for sale not later than January
7 1, 2013; and

8 (B) with respect to the land described in
9 subsection (b)(2), conduct sales or exchanges—

10 (i)(I) not earlier than January 1,
11 2010; or

12 (II) if the County requests an earlier
13 date, the date that is requested by the
14 County, subject to approval by the Sec-
15 retary; and

16 (ii) except as provided in paragraph
17 (2), at least annually thereafter until the
18 date on which all of the parcels of land de-
19 scribed in subsection (b)(2) are sold or ex-
20 changed.

21 (2) POSTPONEMENT; EXCLUSION FROM SALE.—

22 (A) REQUEST BY COUNTY FOR POSTPONE-
23 MENT OR EXCLUSION.—At the request of the
24 County, the Secretary shall postpone or exclude

1 from sale or exchange all or a portion of the
2 land described in subsection (b)(2).

3 (B) INDEFINITE POSTPONEMENT.—Unless
4 specifically requested by the County, a post-
5 ponement under subparagraph (A) shall not be
6 indefinite.

7 (i) RESTRICTIVE COVENANTS.—

8 (1) IN GENERAL.—The Secretary may include
9 in the deed of transfer of any parcel of land disposed
10 of under this section any restrictive covenant that
11 the Secretary determines to be necessary to protect
12 the interests of the United States.

13 (2) NOTICE.—At least 30 days before the date
14 on which a land sale is to be conducted under this
15 section, the Secretary shall publish in 1 or more
16 local newspapers a notice that describes any parcels
17 of land that would be subject to a restrictive cov-
18 enant.

19 **SEC. 103. DISPOSITION OF PROCEEDS.**

20 (a) DISPOSITION OF PROCEEDS.—Of the gross pro-
21 ceeds from a sale of land described in section 102(b)—

22 (1) 5 percent shall be paid directly to the State,
23 for the support of schools in accordance with section
24 9 of the Act of July 16, 1894 (28 Stat. 107, chapter
25 138);

1 (2) 2 percent shall be paid directly to the Coun-
2 ty for—

3 (A) administrative costs; and

4 (B) the costs of fire protection, flood con-
5 trol, public safety, and transportation;

6 (3) 8 percent shall be paid directly to the
7 Washington County Water Conservancy District for
8 water treatment, transmission facility infrastructure,
9 and water conservation in the County; and

10 (4) the remainder shall be deposited in a special
11 account in the Treasury of the United States and
12 shall be available without further appropriation to
13 the Secretary until expended for—

14 (A) the reimbursement of costs incurred by
15 the Utah State Office of the Bureau of Land
16 Management and the St. George Field Office of
17 the Bureau of Land Management in preparing
18 for the sale of land described in section 102(b),
19 including the costs of—

20 (i) surveys;

21 (ii) appraisals; and

22 (iii) compliance with—

23 (I) the National Environmental
24 Policy Act of 1969 (42 U.S.C. 4321
25 et seq.); and

1 (II) sections 201 and 202 of the
2 Federal Land Policy and Management
3 Act of 1976 (43 U.S.C. 1711, 1712);

4 (B) conservation projects within the Coun-
5 ty, including—

6 (i) the acquisition, in accordance with
7 the Washington County Habitat Conserva-
8 tion Plan dated December 1995, of non-
9 Federal land for inclusion in the Red Cliffs
10 National Conservation Area established by
11 section 604(a);

12 (ii) trail repair and reconstruction
13 within the Dixie National Forest;

14 (iii) projects relating to parks, trails,
15 and natural areas; and

16 (iv) other conservation projects that
17 the Secretary, after consultation with the
18 County, determine to be appropriate;

19 (C) the protection and management of the
20 Red Cliffs National Conservation Area estab-
21 lished by section 604(a), including the develop-
22 ment of any necessary amendments to the man-
23 agement plan under section 606;

24 (D) processing wilderness designation, in-
25 cluding the costs of appropriate fencing, sign-

1 age, public education, and enforcement for the
2 wilderness areas designated;

3 (E) establishing the High Desert Off-High-
4 way Vehicle Trail under section 501, includ-
5 ing—

6 (i) completing the travel plan required
7 under section 501(b); and

8 (ii) developing, implementing, and en-
9 forcing the management plan for the Trail
10 developed under section 501(e)(2); and

11 (F) the processing of public land use au-
12 thorizations and rights-of-way relating to the
13 development of land conveyed under this title.

14 (b) INVESTMENT OF SPECIAL ACCOUNT.—Any
15 amounts deposited in the special account shall earn inter-
16 est in an amount determined by the Secretary of the
17 Treasury on the basis of the current average market yield
18 on outstanding marketable obligations of the United
19 States of comparable maturities, and may be expended ac-
20 cording to the provisions of this section.

1 **TITLE II—WILDERNESS AREAS**

2 **SEC. 201. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
3 **VATION SYSTEM.**

4 (a) ADDITIONS.—The following land in the State is
5 designated as wilderness and as components of the Na-
6 tional Wilderness Preservation System:

7 (1) BEARTRAP CANYON.—Certain Federal land
8 managed by the Bureau of Land Management, com-
9 prising approximately 40 acres, as generally depicted
10 on the Eastern Map, which shall be known as the
11 “Beartrap Canyon Wilderness”.

12 (2) BLACKRIDGE.—Certain Federal land man-
13 aged by the Bureau of Land Management, com-
14 prising approximately 7,145 acres, as generally de-
15 picted on the Eastern Map, which shall be known as
16 the “Blackridge Wilderness”.

17 (3) CANAAN MOUNTAIN.—Certain Federal land
18 in the County managed by the Bureau of Land
19 Management, comprising approximately 35,344
20 acres, as generally depicted on the Eastern Map,
21 which shall be known as the “Canaan Mountain Wil-
22 derness”.

23 (4) COTTONWOOD.—Certain Federal land man-
24 aged by the Bureau of Land Management, com-
25 prising approximately 11,650 acres, as generally de-

1 depicted on the Central Map, which shall be known as
2 the “Cottonwood Wilderness”.

3 (5) COTTONWOOD FOREST.—Certain Federal
4 land managed by the Forest Service, comprising ap-
5 proximately 2,642 acres, as generally depicted on the
6 Central Map, which shall be known as the “Cotton-
7 wood Forest Wilderness.”

8 (6) COUGAR CANYON.—Certain Federal land
9 managed by the Bureau of Land Management, com-
10 prising approximately 10,568 acres, as generally de-
11 picted on the Western Map, which shall be known as
12 the “Cougar Canyon Wilderness.”

13 (7) DEEP CREEK.—Certain Federal land man-
14 aged by the Bureau of Land Management, com-
15 prising approximately 3,320 acres, as generally de-
16 picted on the Eastern Map, which shall be known as
17 the “Deep Creek Wilderness”.

18 (8) DEEP CREEK NORTH.—Certain Federal
19 land managed by the Bureau of Land Management,
20 comprising approximately 4,264 acres, as generally
21 depicted on the Eastern Map, which shall be known
22 as the “Deep Creek North Wilderness”.

23 (9) GOOSE CREEK.—Certain Federal land man-
24 aged by the Bureau of Land Management, com-
25 prising approximately 89 acres, as generally depicted

1 on the Eastern Map, which shall be known as the
2 “Goose Creek Wilderness”.

3 (10) LAVERKIN CREEK.—Certain Federal land
4 managed by the Bureau of Land Management, com-
5 prising approximately 445 acres, as generally de-
6 picted on the Eastern Map, which shall be known as
7 the “LaVerkin Creek Wilderness” .

8 (11) RED BUTTE.—Certain Federal land man-
9 aged by the Bureau of Land Management, com-
10 prising approximately 1,124 acres, as generally de-
11 picted on the Eastern Map, which shall be known as
12 the “Red Butte Wilderness”.

13 (12) RED MOUNTAIN.—Certain Federal land
14 managed by the Bureau of Land Management, com-
15 prising approximately 18,716 acres, as generally de-
16 picted on the Central Map, which shall be known as
17 the “Red Mountain Wilderness”.

18 (13) TAYLOR CREEK.—Certain Federal land
19 managed by the Bureau of Land Management, com-
20 prising approximately 35 acres, as generally depicted
21 on the Eastern Map, which shall be known as the
22 “Taylor Creek Wilderness”.

23 (14) WATCHMAN.—Certain Federal land man-
24 aged by the Bureau of Land Management, com-
25 prising approximately 600 acres, as generally de-

1 depicted on the Eastern Map, which shall be known as
2 the “Watchman Wilderness”.

3 (15) ZION.—

4 (A) IN GENERAL.—Certain Federal land in
5 the County managed by the National Park
6 Service, comprising approximately 123,743
7 acres, as generally depicted on the Eastern
8 Map, which shall be known as the “Zion Wil-
9 derness”.

10 (B) SUBSEQUENT ACQUISITION.—Any land
11 within Zion National Park that is subsequently
12 acquired by the National Park Service by pur-
13 chase from a willing seller, exchange, or dona-
14 tion, may become wilderness on the rec-
15 ommendation of the Secretary, in accordance
16 with the Wilderness Act (16 U.S.C. 1131 et
17 seq.).

18 (C) TRANSFER OF BUREAU OF LAND MAN-
19 AGEMENT LAND TO NATIONAL PARK SERV-
20 ICE.—

21 (i) IN GENERAL.—Administrative ju-
22 risdiction over approximately 1,009 acres
23 of Bureau of Land Management land, as
24 depicted on the Eastern Map, shall be
25 transferred from the Director of the Bu-

1 reau of Land Management to the Director
2 of the National Park Service.

3 (ii) NONWILDERNESS.—Approxi-
4 mately 390 acres of the land transferred
5 under clause (i) shall be managed by the
6 Director of the National Park Service as a
7 nonwilderness area under the Zion Na-
8 tional Park General Management Plan of
9 2001 and in accordance with the Act of
10 August 25, 1916 (commonly known as the
11 “National Park Service Organic Act”) (16
12 U.S.C. 1 et seq.).

13 (D) BOUNDARY ADJUSTMENT.—Any ad-
14 justments to the boundary of Zion National
15 Park under this paragraph shall be depicted on
16 the Eastern Map, Central Map, or Western
17 Map, as appropriate.

18 (b) BOUNDARY.—The boundary of any portion of a
19 wilderness area designated by subsection (a) that is bor-
20 dered by a road shall be at least 100 feet from the center
21 line of the road to allow public access.

22 (c) MAP AND LEGAL DESCRIPTION.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of enactment of this Act, the Secretary
25 shall file a map and legal description of each wilder-

1 ness area designated by subsection (a) with the
2 Committee on Resources of the House of Represent-
3 atives and the Committee on Energy and Natural
4 Resources of the Senate.

5 (2) EFFECT.—Each map and legal description
6 shall have the same force and effect as if included
7 in this section, except that the Secretary may correct
8 clerical and typographical errors in the map or legal
9 description.

10 (3) AVAILABILITY.—Each map and legal de-
11 scription shall be on file and available for public in-
12 spection in (as appropriate)—

13 (A) the Office of the Director of the Bu-
14 reau of Land Management;

15 (B) the Office of the Utah State Director
16 of the Bureau of Land Management;

17 (C) the St. George Field Office of the Bu-
18 reau of Land Management;

19 (D) the Dixie National Forest Supervisor's
20 Office; and

21 (E) the Office of the Superintendent of
22 Zion National Park.

23 (d) WITHDRAWAL.—Subject to valid existing rights,
24 the wilderness areas designated by subsection (a) are with-
25 drawn from—

1 (1) all forms of entry, appropriation, and dis-
2 posal under the public land laws;

3 (2) location, entry, and patent under the mining
4 laws; and

5 (3) operation of the mineral leasing, geothermal
6 leasing, and mineral materials laws.

7 **SEC. 202. ADMINISTRATION.**

8 (a) **MANAGEMENT.**—Subject to valid existing rights,
9 each area designated as wilderness by this title shall be
10 administered by the Secretary in accordance with the Wil-
11 derness Act (16 U.S.C. 1131 et seq.), except that—

12 (1) any reference in that Act to the effective
13 date shall be considered to be a reference to the date
14 of enactment of this Act; and

15 (2) any reference in that Act to the Secretary
16 of Agriculture shall be considered to be a reference
17 to the Secretary of the Interior with respect to land
18 under the jurisdiction of the Secretary of the Inte-
19 rior.

20 (b) **LIVESTOCK.**—Within the wilderness areas des-
21 ignated under this title that are administered by the Bu-
22 reau of Land Management, the grazing of livestock in
23 areas in which grazing is established as of the date of en-
24 actment of this Act shall be allowed to continue—

1 (1) subject to such reasonable regulations, poli-
2 cies, and practices that the Secretary considers nec-
3 essary; and

4 (2) consistent with section 4(d)(4) of the Wil-
5 derness Act (16 U.S.C. 1133(d)(4)), including the
6 guidelines set forth in Appendix A of House Report
7 101–405.

8 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
9 ESTS.—Any land or interest in land within the boundaries
10 of an area designated as wilderness by this title that is
11 acquired by the United States after the date of enactment
12 of this Act shall be added to and administered as part
13 of the wilderness area within which the acquired land or
14 interest is located.

15 (d) WATER RIGHTS.—

16 (1) FINDINGS.—Congress finds that—

17 (A) the land designated as wilderness by
18 section 201(a)—

19 (i) is arid in nature; and

20 (ii) includes ephemeral streams;

21 (B) the hydrology of the land designated
22 as wilderness by section 201(a) is locally char-
23 acterized by complex flow patterns and alluvial
24 fans with impermanent channels;

1 (C) the subsurface hydrogeology of the re-
2 gion of the wilderness is characterized by
3 groundwater subject to local and regional flow
4 gradients and artesian aquifers;

5 (D) the land designated as wilderness is
6 generally not suitable for use or development of
7 new water resource facilities;

8 (E) there are no actual or proposed water
9 resource facilities and no opportunities for di-
10 version, storage, or other uses of water occur-
11 ring outside the land designated as wilderness
12 that would adversely affect the wilderness or
13 other values of the land; and

14 (F) because of the unique nature and hy-
15 drology of the desert land designated as wilder-
16 ness and the existence of the Virgin River Re-
17 source Management and Recovery Program, it
18 is possible to provide for proper management
19 and protection of the wilderness, perennial
20 springs and other values of the land in ways not
21 used in other legislation.

22 (2) STATUTORY CONSTRUCTION.—Nothing in
23 this title—

24 (A) shall constitute or be construed to con-
25 stitute either an express or implied reservation

1 by the United States of any water or water
2 rights with respect to the land designated as
3 wilderness by this title;

4 (B) shall affect any water rights in the
5 State existing on the date of enactment of this
6 Act, including any water rights held by the
7 United States;

8 (C) shall be construed as establishing a
9 precedent with regard to any future wilderness
10 designations;

11 (D) shall affect the interpretation of, or
12 any designation made pursuant to, any other
13 Act; or

14 (E) shall be construed as limiting, altering,
15 modifying, or amending any of the interstate
16 compacts or equitable apportionment decrees
17 that apportion water among and between the
18 State and other States.

19 (3) UTAH WATER LAW.—The Secretary shall
20 follow the procedural and substantive requirements
21 of the law of the State in order to obtain and hold
22 any water rights not in existence on the date of en-
23 actment of this Act with respect to the wilderness
24 areas designated by this title.

25 (4) NEW PROJECTS.—

1 (A) WATER RESOURCE FACILITY.—As
2 used in this paragraph, the term “water re-
3 source facility”—

4 (i) means irrigation and pumping fa-
5 cilities, reservoirs, water conservation
6 works, aqueducts, canals, ditches, pipe-
7 lines, wells, hydropower projects, and
8 transmission and other ancillary facilities,
9 and other water diversion, storage, and
10 carriage structures; and

11 (ii) does not include wildlife guzzlers.

12 (B) RESTRICTION ON NEW WATER RE-
13 SOURCE FACILITIES.—Except as otherwise pro-
14 vided in this title, on and after the date of en-
15 actment of this Act, neither the President nor
16 any other officer, employee, or agent of the
17 United States shall fund, assist, authorize, or
18 issue a license or permit for the development of
19 any new water resource facility within the wil-
20 derness areas designated by this title.

21 (e) MILITARY OVERFLIGHTS.—Nothing in this title
22 precludes or restricts—

23 (1) low-level overflights and operations of mili-
24 tary aircraft, helicopters, missiles, or unmanned aer-
25 ial vehicles over wilderness areas designated under

1 this title, including military overflights and oper-
2 ations that can be seen or heard within the wilder-
3 ness areas;

4 (2) flight testing and evaluation; or

5 (3) the designation or creation of new units of
6 special use airspace, or the establishment of military
7 flight training routes over the wilderness areas des-
8 ignated under this title.

9 **SEC. 203. ADJACENT MANAGEMENT.**

10 (a) IN GENERAL.—Congress does not intend for the
11 designation of wilderness in the State pursuant to this
12 title to lead to the creation of protective perimeters or
13 buffer zones around any such wilderness area.

14 (b) NONWILDERNESS ACTIVITIES.—The fact that
15 nonwilderness activities or uses can be seen or heard from
16 areas within a wilderness designated under this title shall
17 not preclude the conduct of those activities or uses outside
18 the boundary of the wilderness area.

19 **SEC. 204. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
20 **USES.**

21 Nothing in this title diminishes—

22 (1) the rights of any Indian tribe; or

23 (2) any tribal rights regarding access to Fed-
24 eral land for tribal activities, including spiritual, cul-
25 tural, and traditional food-gathering activities.

1 **SEC. 205. RELEASE OF WILDERNESS STUDY AREAS.**

2 (a) FINDING.—Congress finds that, for the purposes
3 of section 603 of the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1782), any public land in
5 the County administered by the Bureau of Land Manage-
6 ment in the wilderness study areas that is not designated
7 as wilderness by section 201(a) or depicted as released on
8 the Central Map, Eastern Map, or Western Map has been
9 adequately studied for wilderness designation.

10 (b) RELEASE.—Any public land described in sub-
11 section (a) that is not designated as wilderness by this
12 title—

13 (1) is no longer subject to section 603(c) of the
14 Federal Land Policy and Management Act of 1976
15 (43 U.S.C. 1782(c));

16 (2) shall be managed in accordance with—

17 (A) land management plans adopted under
18 section 202 of that Act (43 U.S.C. 1712); and

19 (B) existing cooperative conservation
20 agreements; and

21 (3) shall be subject to the Endangered Species
22 Act of 1973 (16 U.S.C. 1531 et seq.).

23 **SEC. 206. WILDLIFE MANAGEMENT.**

24 (a) IN GENERAL.—In accordance with section
25 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
26 nothing in this title affects or diminishes the jurisdiction

1 of the State with respect to fish and wildlife management,
2 including the regulation of hunting, fishing, and trapping,
3 in the wilderness areas designated by this title.

4 (b) MANAGEMENT ACTIVITIES.—In furtherance of
5 the purposes and principles of the Wilderness Act, man-
6 agement activities to maintain or restore fish and wildlife
7 populations and the habitats to support such populations
8 may be carried out within wilderness areas designated by
9 this title where consistent with relevant wilderness man-
10 agement plans, in accordance with appropriate policies
11 such as those set forth in Appendix B of House Report
12 101–405, including the occasional and temporary use of
13 motorized vehicles, if such use, as determined by the Sec-
14 retary, would promote healthy, viable, and more naturally
15 distributed wildlife populations that would enhance wilder-
16 ness values and accomplish those purposes with the min-
17 imum impact necessary to reasonably accomplish the task.

18 (c) EXISTING ACTIVITIES.—Consistent with section
19 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and
20 in accordance with appropriate policies such as those set
21 forth in Appendix B of House Report 101–405, the State
22 may continue to use aircraft, including helicopters, to sur-
23 vey, capture, transplant, monitor, and provide water for
24 wildlife populations.

1 (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—

2 Subject to subsection (f), the Secretary shall authorize
3 structures and facilities, including existing structures and
4 facilities, for wildlife water development projects, including
5 guzzlers, in the wilderness areas designated by this title
6 if—

7 (1) the structures and facilities will, as deter-
8 mined by the Secretary, enhance wilderness values
9 by promoting healthy, viable, and more naturally
10 distributed wildlife populations; and

11 (2) the visual impacts of the structures and fa-
12 cilities on the wilderness areas can reasonably be
13 minimized.

14 (e) HUNTING, FISHING, AND TRAPPING.—In con-
15 sultation with the appropriate State agency (except in
16 emergencies), the Secretary may designate by regulation
17 areas in which, and establish periods during which, for
18 reasons of public safety, administration, or compliance
19 with applicable laws, no hunting, fishing, or trapping will
20 be permitted in the wilderness areas designated by this
21 title.

22 (f) COOPERATIVE AGREEMENT.—Not later than 1
23 year after the date of enactment of this Act, the Secretary
24 shall enter into a cooperative agreement with the State
25 that specifies the terms and conditions under which the

1 State or a designee of the State may carry out wildlife
2 management activities in the wilderness areas designated
3 by this title.

4 **SEC. 207. WILDFIRE MANAGEMENT.**

5 Consistent with section 4 of the Wilderness Act (16
6 U.S.C. 1133), nothing in this title precludes a Federal,
7 State, or local agency from conducting wildfire and man-
8 agement operations (including operations using aircraft or
9 mechanized equipment) to manage wildfires in the wilder-
10 ness areas designated by this title.

11 **SEC. 208. CLIMATOLOGICAL DATA COLLECTION.**

12 Subject to such terms and conditions as the Secretary
13 may prescribe, nothing in this title precludes the installa-
14 tion and maintenance of hydrologic, meteorologic, or cli-
15 matological collection devices in the wilderness areas des-
16 igned by this title if the facilities and access to the facili-
17 ties are essential to flood warning, flood control, and water
18 reservoir operation activities.

19 **SEC. 209. NATIONAL PARK SERVICE LAND.**

20 To the extent any of the provisions of this title con-
21 flict with the laws applicable to the National Park Service
22 for Zion National Park, the laws shall control.

1 **TITLE III—WILD AND SCENIC**
2 **RIVER DESIGNATION**

3 **SEC. 301. ZION NATIONAL PARK WILD AND SCENIC RIVERS.**

4 (a) DESIGNATION.—Section 3(a) of the Wild and
5 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
6 ing at the end the following:

7 “(167) ZION NATIONAL PARK, UTAH.—The ap-
8 proximately 165.5 miles of segments of the Virgin
9 River and tributaries of the Virgin River across Fed-
10 eral land within and adjacent to Zion National Park,
11 to be administered by the Secretary of the Interior,
12 subject to, and in accordance with, the agreement
13 between the United States, the State of Utah, the
14 Washington County Water Conservancy District,
15 and the Kane County Water Conservancy District
16 entitled ‘Zion National Park Water Rights Settle-
17 ment Agreement’ and dated December 4, 1996, in
18 the following classifications:

19 “(A) TAYLOR CREEK.—The 4.5-mile seg-
20 ment from the junction of the north, middle,
21 and south forks of Taylor Creek, west to the
22 park boundary and adjacent land rim-to-rim, as
23 a scenic river.

24 “(B) NORTH FORK OF TAYLOR CREEK.—
25 The segment from the head of North Fork to

1 the junction with Taylor Creek and adjacent
2 land rim-to-rim, as a wild river.

3 “(C) MIDDLE FORK OF TAYLOR CREEK.—
4 The segment from the head of Middle Fork on
5 Bureau of Land Management land to the junc-
6 tion with Taylor Creek and adjacent land rim-
7 to-rim, as a wild river.

8 “(D) SOUTH FORK OF TAYLOR CREEK.—
9 The segment from the head of South Fork to
10 the junction with Taylor Creek and adjacent
11 land rim-to-rim, as a wild river.

12 “(E) TIMBER CREEK AND TRIBUTARIES.—
13 The 3.1-mile segment from the head of Timber
14 Creek and tributaries of Timber Creek to the
15 junction with LaVerkin Creek and adjacent
16 land rim-to-rim, as a wild river.

17 “(F) LAVERKIN CREEK.—The 16.1-mile
18 segment beginning in T. 38 S., R. 11 W., sec.
19 21, on Bureau of Land Management land,
20 southwest through Zion National Park, and
21 ending at the south end of T. 40 S., R. 12 W.,
22 sec. 7, and adjacent land ½-mile wide, as a
23 wild river.

24 “(G) WILLIS CREEK.—The 1.9-mile seg-
25 ment beginning on Bureau of Land Manage-

1 ment land in the SWSW sec. 27, T. 38 S., R.
2 11 W., to the junction with LaVerkin Creek in
3 Zion National Park and adjacent land rim-to-
4 rim, as a wild river.

5 “(H) BEARTRAP CANYON.—The 2.3-mile
6 segment beginning on Bureau of Management
7 land in the SWNW sec. 3, T. 39 S., R. 11 W.,
8 to the junction with LaVerkin Creek and the
9 segment from the headwaters north of Long
10 Point to the junction with LaVerkin Creek and
11 adjacent land rim-to-rim, as a wild river.

12 “(I) HOP VALLEY CREEK.—The 3.3-mile
13 segment beginning at the southern boundary of
14 T. 39 S., R. 11 W., sec. 20, to the junction
15 with LaVerkin Creek and adjacent land ½-mile
16 wide, as a wild river.

17 “(J) CURRENT CREEK.—The 1.4-mile seg-
18 ment from the head of Current Creek to the
19 junction with LaVerkin Creek and adjacent
20 land rim-to-rim, as a wild river.

21 “(K) CANE CREEK.—The 0.6-mile segment
22 from the head of Smith Creek to the junction
23 with LaVerkin Creek and adjacent land ½-mile
24 wide, as a wild river.

1 “(L) SMITH CREEK.—The 1.3-mile seg-
2 ment from the head of Smith Creek to the junc-
3 tion with LaVerkin Creek and adjacent land ½-
4 mile wide, as a wild river.

5 “(M) NORTH CREEK LEFT AND RIGHT
6 FORKS.—The segment of the Left Fork from
7 the junction with Wildcat Canyon to the junc-
8 tion with Right Fork, from the head of Right
9 Fork to the junction with Left Fork, and from
10 the junction of the Left and Right Forks south-
11 west to Zion National Park boundary and adja-
12 cent land rim-to-rim, as a wild river.

13 “(N) WILDCAT CANYON (BLUE CREEK).—
14 The segment of Blue Creek from the Zion Na-
15 tional Park boundary to the junction with the
16 Right Fork of North Creek and adjacent land
17 rim-to-rim, as a wild river.

18 “(O) LITTLE CREEK.—The segment begin-
19 ning at the head of Little Creek to the junction
20 with the Left Fork of North Creek and adja-
21 cent land ½-mile wide, as a wild river.

22 “(P) RUSSELL GULCH.—The segment
23 from the head of Russell Gulch to the junction
24 with the Left Fork of North Creek and adja-
25 cent land rim-to-rim, as a wild river.

1 “(Q) GRAPEVINE WASH.—The 2.6-mile
2 segment from the Lower Kolob Plateau to the
3 junction with the Left Fork of North Creek and
4 adjacent land rim-to-rim, as a scenic river.

5 “(R) PINE SPRING WASH.—The 4.6-mile
6 segment to the junction with the left fork of
7 North Creek and adjacent land ½-mile, as a
8 scenic river.

9 “(S) WOLF SPRINGS WASH.—The 1.4-mile
10 segment from the head of Wolf Springs Wash
11 to the junction with Pine Spring Wash and ad-
12 jacent land ½-mile wide, as a scenic river.

13 “(T) KOLOB CREEK.—The 5.9-mile seg-
14 ment of Kolob Creek beginning in T. 39 S., R.
15 10 W., sec. 30, through Bureau of Land Man-
16 agement land and Zion National Park land to
17 the junction with the North Fork of the Virgin
18 River and adjacent land rim-to-rim, as a wild
19 river.

20 “(U) OAK CREEK.—The 1-mile stretch of
21 Oak Creek beginning in T. 39 S., R. 10 W.,
22 sec. 19, to the junction with Kolob Creek and
23 adjacent land rim-to-rim, as a wild river.

24 “(V) GOOSE CREEK.—The 4.6-mile seg-
25 ment of Goose Creek from the head of Goose

1 Creek to the junction with the North Fork of
2 the Virgin River and adjacent land rim-to-rim,
3 as a wild river.

4 “(W) DEEP CREEK.—The 5.3-mile seg-
5 ment of Deep Creek beginning on Bureau of
6 Land Management land at the northern bound-
7 ary of T. 39 S., R. 10 W., sec. 23, south to the
8 junction of the North Fork of the Virgin River
9 and adjacent land rim-to-rim, as a wild river.

10 “(X) NORTH FORK OF THE VIRGIN
11 RIVER.—The 10.8-mile segment of the North
12 Fork of the Virgin River beginning on Bureau
13 of Land Management land at the eastern bor-
14 der of T. 39 S., R. 10 W., sec. 35, to Temple
15 of Sinawava and adjacent land rim-to-rim, as a
16 wild river.

17 “(Y) NORTH FORK OF THE VIRGIN
18 RIVER.—The 8-mile segment of the North Fork
19 of the Virgin River from Temple of Sinawava
20 south to the Zion National Park boundary and
21 adjacent land ½-mile wide, as a scenic river.

22 “(Z) IMLAY CANYON.—The segment from
23 the head of Imlay Creek to the junction with
24 the North Fork of the Virgin River and adja-
25 cent land rim-to-rim, as a wild river.

1 “(AA) ORDERVILLE CANYON.—The seg-
2 ment from the eastern boundary of Zion Na-
3 tional Park to the junction with the North Fork
4 of the Virgin River and adjacent land rim-to-
5 rim, as a wild river.

6 “(BB) MYSTERY CANYON.—The segment
7 from the head of Mystery Canyon to the junc-
8 tion with the North Fork of the Virgin River
9 and adjacent land rim-to-rim, as a wild river.

10 “(CC) ECHO CANYON.—The segment from
11 the eastern boundary of Zion National Park to
12 the junction with the North Fork of the Virgin
13 River and adjacent land rim-to-rim, as a wild
14 river.

15 “(DD) BEHUNIN CANYON.—The segment
16 from the head of Behunin Canyon to the junc-
17 tion with the North Fork of the Virgin River
18 and adjacent land rim-to-rim, as a wild river.

19 “(EE) HEAPS CANYON.—The segment
20 from the head of Heaps Canyon to the junction
21 with the North Fork of the Virgin River and
22 adjacent land rim-to-rim, as a wild river.

23 “(FF) BIRCH CREEK.—The segment from
24 the head of Birch Creek to the junction with

1 the North Fork of the Virgin River and adja-
2 cent land 1/2-mile wide, as a wild river.

3 “(GG) OAK CREEK.—The segment of Oak
4 Creek from the head of Oak Creek to where the
5 forks join and adjacent land 1/2-mile wide, as a
6 wild river.

7 “(HH) OAK CREEK.—The 1-mile segment
8 of Oak Creek from the point at which the 2
9 forks of Oak Creek join to the junction with the
10 North Fork of the Virgin River and adjacent
11 land 1/2-mile wide, as a recreational river.

12 “(II) CLEAR CREEK.—The 6.4-mile seg-
13 ment of Clear Creek from the eastern boundary
14 of Zion National Park to the junction with Pine
15 Creek and adjacent land rim-to-rim, as a rec-
16 reational river.

17 “(JJ) PINE CREEK.—The 2-mile segment
18 of Pine Creek from the head of Pine Creek to
19 the junction with Clear Creek and adjacent land
20 rim-to-rim, as a wild river.

21 “(KK) PINE CREEK.—The 3-mile segment
22 of Pine Creek from the junction with Clear
23 Creek to the junction with the North Fork of
24 the Virgin River and adjacent land rim-to-rim,
25 as a recreational river.

1 “(LL) EAST FORK OF THE VIRGIN
2 RIVER.—The 8-mile segment of the East Fork
3 of the Virgin River from the eastern boundary
4 of Zion National Park through Parunuweap
5 Canyon to the western boundary of Zion Na-
6 tional Park and adjacent land ½-mile wide, as
7 a wild river.

8 “(MM) SHUNES CREEK.—The 3-mile seg-
9 ment of Shunes Creek from the dry waterfall on
10 land administered by the Bureau of Land Man-
11 agement through Zion National Park to the
12 western boundary of Zion National Park and
13 adjacent land ½-mile wide as a wild river.”.

14 (b) INCORPORATION OF ACQUIRED NON-FEDERAL
15 LAND.—If the United States acquires any non-Federal
16 land within or adjacent to Zion National Park that in-
17 cludes a river segment that is contiguous to a river seg-
18 ment of the Virgin River designated as a wild, scenic, or
19 recreational river by paragraph (167) of section 3(a) of
20 the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), the
21 acquired river segment shall be incorporated in, and be
22 administered as part of, the applicable wild, scenic, or rec-
23 reational river.

1 **TITLE IV—UTILITY CORRIDORS**

2 **SEC. 401. UTILITY CORRIDORS AND RIGHTS-OF WAY.**

3 (a) UTILITY CORRIDOR.—

4 (1) IN GENERAL.—Consistent with title II and
5 notwithstanding sections 202 and 503 of the Federal
6 Land Policy and Management Act of 1976 (43
7 U.S.C. 1712, 1763), the Secretary shall establish on
8 public land—

9 (A) corridors for utilities, water infrastruc-
10 ture, and transportation purposes, in the Coun-
11 ty, as generally depicted on the Central Map,
12 Eastern Map, and Western Map; and

13 (B) a corridor for transportation purposes
14 in the County, to be identified by the Secretary,
15 after—

16 (i) consultation with the County and
17 the Habitat Conservation Advisory Com-
18 mittee;

19 (ii) complying with the National Envi-
20 ronmental Policy Act of 1969 (42 U.S.C.
21 4321 et seq.); and

22 (iii) evaluating, at a minimum—

23 (I) a corridor within the Red
24 Cliffs National Conservation Area es-
25 tablished by section 604(a), beginning

1 on the western boundary of the Con-
 2 servation Area at a point, to be identi-
 3 fied by the Secretary, between Dia-
 4 mond Valley and Winchester Hills,
 5 and ending on the eastern boundary
 6 of the Conversation Area at a point,
 7 to be identified by the Secretary, be-
 8 tween milepost 10 and milepost 16 of
 9 Interstate 15; and

10 (II) a corridor outside the Red
 11 Cliffs National Conservation Area.

12 (2) WIDTH.—The utility corridors established
 13 under paragraph (1) shall be—

14 (A) 2,640-feet wide; or

15 (B) if the St. George Field Office Resource
 16 Management Plan of 1999 provides for a width
 17 other than 2,640 feet in a particular portion of
 18 the corridor, the width provided by the Plan for
 19 the particular portion.

20 (b) RIGHTS-OF-WAY.—

21 (1) IN GENERAL.—Notwithstanding sections
 22 202 and 503 of the Federal Land Policy and Man-
 23 agement Act of 1976 (43 U.S.C. 1712, 1763), and
 24 subject to valid and existing rights, the Secretary
 25 shall grant to the County and the Washington Coun-

1 ty Water Conservancy District nonexclusive rights-
2 of-way to nonwilderness Federal land in the County,
3 as generally depicted on the Central Map and East-
4 ern Map, for any reservoirs, canals, channels,
5 ditches, pipes, pipelines, tunnels, wells, well fields,
6 pump stations, storage facilities, and other facilities
7 and systems that are necessary for—

8 (A) the impoundment, storage, treatment,
9 transportation, or distribution of water or
10 wastewater; or

11 (B) flood control management.

12 (2) APPLICABLE REQUIREMENTS.—Any right-
13 of-way granted under paragraph (1) shall be con-
14 sistent with any general plan adopted by the County.

15 (3) DURATION; WAIVER OF FEES.—A right-of-
16 way granted under paragraph (1)—

17 (A) shall be valid in perpetuity; and

18 (B) shall not require the payment of rental
19 fees.

20 (4) COMPLIANCE WITH NEPA.—Before granting
21 a right-of-way under paragraph (1), the Secretary
22 shall comply with the National Environmental Policy
23 Act of 1969 (42 U.S.C. 4321 et seq.), including the
24 identification of potential impacts to fish and wildlife
25 resources and habitat.

1 (c) STATE WATER LAW.—Nothing in this title
2 shall—

3 (1) prejudice the decisions or abrogate the ju-
4 risdiction of the Utah State Engineer with respect to
5 the appropriation, permitting, certification, or adju-
6 dication of water rights;

7 (2) preempt State water law; or

8 (3) limit or supersede existing water rights or
9 interest in water rights under State law.

10 (d) WITHDRAWAL.—Subject to valid existing rights,
11 the areas designated as utility corridors or rights-of-way
12 by subsections (a) and (b) are withdrawn from location,
13 entry, and patent under the mining laws.

14 **TITLE V—HIGH DESERT OFF-**
15 **HIGHWAY VEHICLE TRAIL**

16 **SEC. 501. HIGH DESERT OFF-HIGHWAY VEHICLE TRAIL.**

17 (a) DEFINITIONS.—In this section:

18 (1) TRAIL.—The term “Trail” means the High
19 Desert Off-Highway Vehicle Trail designated under
20 subsection (c).

21 (2) TRAVEL PLAN.—The term “travel plan”
22 means the travel plan developed under subsection
23 (b).

24 (b) TRAVEL PLAN.—Not later than 2 years after the
25 date of enactment of this Act, the Secretary and the Sec-

1 retary of Agriculture shall jointly complete a travel plan
2 that identifies routes for the Trail.

3 (c) DESIGNATION OF TRAIL.—Not later than 30 days
4 after the date on which the travel plan is completed under
5 subsection (b), the Secretary and the Secretary of Agri-
6 culture shall jointly designate a system of trails, identified
7 in the travel plan, to be known as the “High Desert Off-
8 Highway Vehicle Trail”.

9 (d) REQUIREMENTS.—To be eligible for inclusion in
10 the Trail, a route shall be—

11 (1) open to motorized and mechanized uses on
12 and after the date of enactment of this Act; and

13 (2) located on land managed by the Director of
14 the Bureau of Land Management or the Chief of the
15 Forest Service.

16 (e) MANAGEMENT.—

17 (1) IN GENERAL.—The Secretary or the Sec-
18 retary of Agriculture shall manage portions of the
19 Trail under the jurisdiction of the Secretary or the
20 Secretary of Agriculture, as appropriate, in a man-
21 ner that—

22 (A) is consistent with motorized and
23 mechanized use of the Trail that is authorized
24 on the date of enactment of this Act pursuant

1 to applicable Federal and State laws and regu-
2 lations;

3 (B) ensures the safety of the people who
4 use the Trail; and

5 (C) does not damage sensitive habitat or
6 cultural resources.

7 (2) MANAGEMENT PLAN.—

8 (A) IN GENERAL.—Not later than 2 years
9 after the date on which the travel plan is com-
10 pleted under subsection (b), the Secretary and
11 the Secretary of Agriculture, in consultation
12 with the State, the County, and any other inter-
13 ested persons, shall jointly complete a manage-
14 ment plan for the Trail that includes a descrip-
15 tion of the routes identified in the travel plan
16 for inclusion in the Trail.

17 (B) COMPONENTS.—The management plan
18 shall—

19 (i) describe the appropriate uses and
20 management of the Trail;

21 (ii) authorize the use of motorized and
22 mechanized vehicles on the Trail; and

23 (iii) describe actions carried out to pe-
24 riodically evaluate and manage the appro-
25 priate levels of use and location of the

1 Trail to minimize environmental impacts
2 and prevent damage to cultural resources
3 from the use of the Trail.

4 (3) MONITORING AND EVALUATION.—

5 (A) ANNUAL ASSESSMENT.—The Secretary
6 and the Secretary of Agriculture shall annually
7 assess the effects of the use of off-highway vehi-
8 cles on the Trail on land and, in consultation
9 with the Utah Department of Natural Re-
10 sources, assess the effects of the Trail on wild-
11 life and wildlife habitat to minimize environ-
12 mental impacts and prevent damage to cultural
13 resources from the use of the Trail.

14 (B) CLOSURE.—Subject to valid existing
15 rights, the Secretary and the Secretary of Agri-
16 culture, as appropriate, in consultation with the
17 State and the County, may temporarily close or
18 permanently reroute, subject to subparagraph
19 (C), a portion of the Trail if the Secretary de-
20 termines that—

21 (i) the Trail is having an adverse im-
22 pact on—

23 (I) natural resources; or

24 (II) cultural resources;

25 (ii) the Trail threatens public safety;

1 (iii) closure of the Trail is necessary
2 to repair damage to the Trail; or

3 (iv) closure of the Trail is necessary
4 to repair resource damage.

5 (C) REROUTING.—Portions of the Trail
6 that are temporarily closed may be permanently
7 rerouted along existing roads and trails on pub-
8 lic land currently open to motorized use if the
9 Secretary determines, after consultation with
10 the Utah Department of Natural Resources,
11 that such rerouting will not significantly in-
12 crease or decrease the length of the Trail.

13 (D) NOTICE.—The Secretary and the Sec-
14 retary of Agriculture shall provide information
15 to the public regarding any routes on the Trail
16 that are closed under subparagraph (B), includ-
17 ing by providing appropriate signage along the
18 Trail.

19 (4) NOTICE OF OPEN ROUTES.—The Secretary
20 and the Secretary of Agriculture shall ensure that
21 visitors to the Trail have access to adequate notice
22 regarding the routes on the Trail that are open
23 through use of appropriate signage along the Trail
24 and through the distribution of maps, safety edu-
25 cation materials, and other information considered

1 appropriate by the Secretary and the Secretary of
2 Agriculture.

3 (f) NO EFFECT ON NON-FEDERAL LAND AND IN-
4 TERESTS IN LAND.—Nothing in this section shall be con-
5 strued to affect ownership, management, or other rights
6 related to non-Federal land or interests in land.

7 (g) MAP ON FILE.—The appropriate maps shall be
8 kept on file at the appropriate offices of the Secretary and
9 the Secretary of Agriculture.

10 **TITLE VI—RED CLIFFS NA-** 11 **TIONAL CONSERVATION AREA**

12 **SEC. 601. SHORT TITLE.**

13 This title may be cited as the “Red Cliffs National
14 Conservation Area Act”.

15 **SEC. 602. PURPOSE.**

16 The purpose of this title is to establish the Red Cliffs
17 National Conservation Area—

18 (1) to conserve, protect, and enhance for the
19 benefit and enjoyment of present and future genera-
20 tions the ecological resources, wildlife, endangered
21 species, and recreational resources of the Conserva-
22 tion Area, in accordance with the management plan;
23 and

1 (2) to serve the needs of communities in the vi-
2 cinity of the Conservation Area, in accordance with
3 the management plan.

4 **SEC. 603. DEFINITIONS.**

5 In this title:

6 (1) CONSERVATION AREA.—The term “Con-
7 servation Area” means the Red Cliffs National Con-
8 servation Area established by section 604(a).

9 (2) MANAGEMENT PLAN.—The term “manage-
10 ment plan” means—

11 (A) the management plan entitled the
12 “Washington County Habitat Conservation
13 Plan” and dated December 1995, as approved
14 by the Director of the United States Fish and
15 Wildlife Service on February 23, 1996; and

16 (B) the St. George Field Office Resource
17 Management Plan of March 15, 1999.

18 (3) PUBLIC LAND.—The term “public land”
19 has the meaning given the term “public lands” in
20 section 103 of the Federal Land Policy and Manage-
21 ment Act of 1976 (43 U.S.C. 1702).

22 **SEC. 604. ESTABLISHMENT OF THE CONSERVATION AREA.**

23 (a) IN GENERAL.—There is established in the State
24 the Red Cliffs National Conservation Area.

1 (b) AREA INCLUDED.—The Conservation Area shall
2 consist of approximately 61,473 acres of public land, as
3 generally depicted on the Central Map.

4 (c) MAP AND LEGAL DESCRIPTION.—

5 (1) MAP.—The Central Map shall be on file
6 and available for public inspection in the appropriate
7 offices of the Bureau of Land Management.

8 (2) LEGAL DESCRIPTION.—

9 (A) IN GENERAL.—As soon as practicable
10 after the date of enactment of this Act, the Sec-
11 retary shall submit to the Committee on Energy
12 and Natural Resources of the Senate and the
13 Committee on Resources of the House of Rep-
14 resentatives a legal description of the Conserva-
15 tion Area.

16 (B) FORCE AND EFFECT.—The legal de-
17 scription submitted under subparagraph (A)
18 shall have the same force and effect as if in-
19 cluded in this Act, except that the Secretary
20 may—

21 (i) correct minor errors in the legal
22 description; and

23 (ii) in consultation with the County
24 and the Habitat Conservation Advisory
25 Committee, make any minor boundary ad-

1 justments that the Secretary, the County,
2 and the Habitat Conservation Advisory
3 Committee determine to be necessary.

4 (C) AVAILABILITY.—The legal description
5 submitted under subparagraph (A) shall be on
6 file and available for public inspection in the of-
7 fice of the Director of the Bureau of Land
8 Management.

9 (3) CONFLICT.—If there is a conflict among the
10 Central Map, the acreage described in subsection
11 (b), or the legal description submitted under para-
12 graph (1), the Central Map shall control with re-
13 spect to determining the boundaries of the Conserva-
14 tion Area.

15 **SEC. 605. MANAGEMENT.**

16 (a) IN GENERAL.—The Secretary, acting through the
17 Director of the Bureau of Land Management, shall, sub-
18 ject to valid existing rights, manage the Conservation
19 Area—

20 (1) in a manner that conserves, protects, and
21 enhances the resources of the Conservation Area de-
22 scribed in section 602(1); and

23 (2) in accordance with—

24 (A) the management plan;

25 (B) this Act; and

1 (C) any other applicable laws.

2 (b) USE.—

3 (1) IN GENERAL.—The Secretary shall only
4 allow uses of the Conservation Area—

5 (A) in accordance with the St. George
6 Field Office Resource Management Plan dated
7 March 15, 1999;

8 (B) that are described in the Washington
9 County Habitat Conservation Plan dated De-
10 cember 1995 (including any appendices to the
11 plan);

12 (C) in accordance with the Red Cliffs
13 Desert Reserve Public Use Plan dated June 12,
14 2000; and

15 (D) that the Secretary determines would
16 further the purposes described in section 602.

17 (2) MOTORIZED AND MECHANIZED VEHI-
18 CLES.—Except in cases in which motorized or
19 mechanized vehicles are needed for administrative
20 purposes or to respond to an emergency, the use of
21 motorized or mechanized vehicles in the Conserva-
22 tion Area shall be permitted only on roads and trails
23 designated for the use of motorized or mechanized
24 vehicles.

1 (c) PREVENTIVE MEASURES.—Nothing in this Act
2 precludes any measures that the Secretary determines to
3 be necessary to prevent devastating fire or infestation of
4 insects or disease within the Conservation Area.

5 (d) WATER RIGHTS.—

6 (1) STATE WATER LAW.—The laws of the State
7 relating to water rights shall apply to the acquisition
8 and holding of any water rights in the Conservation
9 Area that are not in existence as of the date of en-
10 actment of this Act.

11 (2) EFFECT.—Nothing in this title—

12 (A) creates an express or implied reserva-
13 tion by the United States of any water or water
14 rights in the Conservation Area;

15 (B) affects any water rights in the State
16 (including any water rights held by the United
17 States) in existence on the date of enactment of
18 this Act;

19 (C) establishes a precedent with regard to
20 any future conservation area designations;

21 (D) affects the interpretation of, or any
22 designation made pursuant to, any other Act;

23 (E) limits, alters, modifies, or amends any
24 interstate compact or equitable apportionment

1 decree that apportions water among and be-
2 tween the State and other States; or

3 (F) prohibits the funding of, assistance
4 with, authorizing of, or issuance of a license,
5 permit, easement, or right-of-way for the devel-
6 opment of any new water resource facility with-
7 in the Conservation Area consistent with utility
8 development protocols provided in the manage-
9 ment plan.

10 **SEC. 606. MANAGEMENT PLAN AMENDMENTS.**

11 (a) IN GENERAL.—The management plan may be
12 amended as the Secretary determines to be necessary to
13 achieve the purposes of the Conservation Area described
14 in section 602.

15 (b) REQUIREMENTS.—Any amendments to the man-
16 agement plan adopted under subsection (a) shall comply
17 with the procedures for amendments outlined in the man-
18 agement plan, including the requirements that any amend-
19 ments shall—

20 (1) be developed with full public participation;

21 and

22 (2) take into consideration affected landowners,
23 Federal, State, and local agencies, and affected In-
24 dian tribes.

1 **SEC. 607. ACQUISITION OF ADDITIONAL LAND.**

2 (a) IN GENERAL.—The Secretary may acquire land
3 or interests in land in the Conservation Area—

4 (1) by donation;

5 (2) by purchase with donated or appropriated
6 funds;

7 (3) in exchange for Federal land outside the
8 Conservation Area, in accordance with—

9 (A) section 206 of the Federal Land Man-
10 agement and Policy Act of 1976 (43 U.S.C.
11 1716); and

12 (B) any other applicable law;

13 (4) with the concurrence of the appropriate
14 agency head, transfer from another Federal agency;
15 or

16 (5) in accordance with section 103(a)(4)(B)(i).

17 (b) STATE LAND.—Land or interests in land owned
18 by the State or a political subdivision of the State may
19 only be acquired by donation, exchange, or purchase.

20 (c) PRIVATE LAND.—Private land or interests in pri-
21 vate land may only be acquired from willing sellers.

22 (d) SUBSEQUENT ACQUISITION.—Any land or inter-
23 ests in land within the boundaries of the Conservation
24 Area that is acquired after the date of enactment of this
25 Act shall be—

- 1 (1) incorporated into the Conservation Area;
2 and
3 (2) managed as part of the Conservation Area,
4 in accordance with—
5 (A) this Act; and
6 (B) any other applicable laws.

7 **SEC. 608. WITHDRAWAL.**

8 (a) IN GENERAL.—Subject to valid existing rights,
9 all public land in the Conservation Area is withdrawn
10 from—

- 11 (1) all forms of entry, appropriation, and dis-
12 posal under the public land laws;
13 (2) location, entry, and patent under the mining
14 laws; and
15 (3) operation of the mineral leasing, geothermal
16 leasing, and mineral materials laws.

17 (b) ADDITIONAL LAND.—Notwithstanding any other
18 provision of law, if the Secretary acquires additional land
19 within the Conservation Area after the date of enactment
20 of this Act, the land is withdrawn from operation of the
21 laws referred to in subsection (a) on the date of acquisition
22 of the land.

23 **SEC. 609. COOPERATIVE AGREEMENTS.**

24 The Secretary may enter into cooperative agreements
25 with other Federal agencies, State and local agencies, and

1 nonprofit entities that provide for the management and
2 interpretation of natural and cultural resources in the
3 Conservation Area.

4 **SEC. 610. NO BUFFER ZONES.**

5 (a) IN GENERAL.—The establishment of the Con-
6 servation Area shall not create protective perimeters or
7 buffer zones around the Conservation Area.

8 (b) PRIVATE LAND.—If the use of, or conduct of an
9 activity on, private land outside the boundaries of the Con-
10 servation Area is consistent with applicable law, nothing
11 in this title concerning the establishment of the Conserva-
12 tion Area shall prohibit or limit the use or conduct of the
13 activity.

14 **TITLE VII—AUTHORIZATION OF**
15 **APPROPRIATIONS**

16 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated such sums
18 as are necessary to carry out this Act.

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