

106TH CONGRESS
1ST SESSION

H. R. 2941

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1999

Mr. KOLBE introduced the following bill; which was referred to the Committee
on 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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Las Cienegas National Conservation Area Establishment
6 Act of 1999”.

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. Definitions.
- Sec. 3. Establishment of Las Cienegas National Conservation Area.
- Sec. 4. Management of conservation area.
- Sec. 5. Management plan.

- Sec. 6. Acquisition of land and interests in land.
- Sec. 7. Coordinated management.
- Sec. 8. Withdrawal.
- Sec. 9. No buffer zones.
- Sec. 10. Water.
- Sec. 11. Reporting requirement.
- Sec. 12. Enforcement.
- Sec. 13. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONSERVATION AREA.—The term “con-
4 servation area” means the Las Cienegas National
5 Conservation Area established pursuant to section 3.

6 (2) MANAGEMENT PLAN.—The term “manage-
7 ment plan” means the management plan for the con-
8 servation area required under section 5.

9 (3) PUBLIC LAND.—The term “public land”
10 has the meaning given the term in section 103(e) of
11 the Federal Land Policy and Management Act of
12 1976 (43 U.S.C. 1702(e)).

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 **SEC. 3. ESTABLISHMENT OF LAS CIENEGAS NATIONAL CON-**
16 **SERVATION AREA.**

17 (a) ESTABLISHMENT; PURPOSES.—In order to con-
18 serve, protect, and enhance for the benefit and enjoyment
19 of present and future generations the unique and nation-
20 ally important aquatic, wildlife, vegetative, agricultural,
21 archaeological, paleontological, scientific, cave, cultural,

1 historical, recreational, educational, scenic, rangeland, and
2 riparian resources and values of the public land described
3 in subsection (b) while allowing environmentally respon-
4 sible and sustainable livestock grazing and recreation to
5 continue in appropriate areas, there is hereby established
6 the Las Cienegas National Conservation Area in the State
7 of Arizona.

8 (b) AREAS INCLUDED.—The conservation area shall
9 consist of public land and conservation easements on pri-
10 vate land located in portions of Pima, Santa Cruz, and
11 Cochise Counties, Arizona, depicted on the map entitled
12 “Las Cienegas National Conservation Area”, as revised on
13 September 22, 1999.

14 (c) MAP AND LEGAL DESCRIPTION.—As soon as
15 practicable after the date of the enactment of this Act,
16 the Secretary shall submit to Congress a legal description
17 of the conservation area. In case of a conflict between the
18 map referred to in subsection (b) and the legal description,
19 the map shall control. The map and legal description shall
20 have the same force and effect as if included in this Act.
21 Copies of the map and legal description shall be on file
22 and available for public inspection in the Office of the Di-
23 rector of the Bureau of Land Management, Department
24 of the Interior, and in the appropriate office of the Bureau
25 of Land Management in Arizona.

1 (d) TECHNICAL CORRECTIONS.—The Secretary may
2 correct clerical and typographic errors in the map and
3 legal description referred to in this section.

4 (e) FOREST LAND.—Any land included in the Coro-
5 nado National Forest that is located within the boundaries
6 of the conservation area established under this Act shall
7 be considered to be a part of the conservation area. The
8 Secretary of Agriculture shall revise the boundaries of the
9 Coronado National Forest to reflect the exclusion of such
10 lands from the Coronado National Forest.

11 **SEC. 4. MANAGEMENT OF CONSERVATION AREA.**

12 (a) IN GENERAL.—The Secretary shall manage the
13 conservation area in a manner that conserves, protects,
14 and enhances its resources and values, including the re-
15 sources and values specified in section 3(a), pursuant to
16 the Federal Land Policy and Management Act of 1976
17 (43 U.S.C. 1701 et seq.) and other applicable law, includ-
18 ing this Act. The management of the conservation area
19 shall be consistent with existing or future leases and
20 agreements, including memorandums of understanding,
21 and shall not diminish the rights of private landowners.

22 (b) AUTHORIZED USES.—

23 (1) IN GENERAL.—The Secretary shall allow
24 only such uses of the conservation area as the Sec-

1 retary finds will further the purposes for which the
2 conservation area is established.

3 (2) MOTORIZED VEHICLES.—Except where
4 needed for administrative purposes or to respond to
5 an emergency, use of motorized vehicles in the con-
6 servation area shall be permitted only on roads and
7 trails specifically designated for such use as part of
8 the management plan for the conservation area.
9 Nothing in this Act shall restrict legal access to
10 State trust land, private land, or Federal land within
11 or outside the boundary of the conservation area.

12 (3) MILITARY AIRSPACE.—Designation of the
13 conservation area shall not impose any altitude,
14 flight, or other airspace restrictions on current or
15 future military operations or missions at a minimum
16 from zero to 30,000 feet, as was approved by the
17 Federal Aviation Administration prior to the date of
18 the enactment of this Act.

19 (4) EASEMENTS.—The Secretary shall maintain
20 existing legal access of any private or public utility
21 in an existing easement to any inholding, unless
22 written permission is obtained by the property owner
23 of that inholding.

24 (c) HUNTING.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary shall permit hunting within the con-
3 servation area in accordance with the laws of the
4 State of Arizona.

5 (2) TIME AND PLACE REGULATIONS.—After
6 consultation with the Arizona Game and Fish De-
7 partment, the Secretary may issue regulations desig-
8 nating zones within the conservation area where,
9 and establishing time periods when, hunting shall
10 not be permitted for reasons of public safety, admin-
11 istration, resource protection, or public use and en-
12 joyment.

13 (d) PREVENTIVE MEASURES.—Nothing in the Act
14 shall preclude such measures as the Secretary determines
15 necessary to prevent devastating fire or infestation of in-
16 sects or disease within the conservation area under exist-
17 ing law.

18 **SEC. 5. MANAGEMENT PLAN.**

19 (a) PLAN REQUIRED.—Not later than 2 years after
20 the date of the enactment of this Act, the Secretary shall
21 develop and implement a comprehensive management
22 plan, based on the last land use management plan pro-
23 posed by the Sonoita Valley Planning Partnership for the
24 Empire-Cienega Resource Conservation Area prior to the
25 date of the enactment of this Act, for the long-term man-

1 agement of the conservation area in order to fulfill the
2 purposes for which the conservation area is established.
3 The management plan shall be developed with full public
4 participation and shall include provisions designed to as-
5 sure protection of the resources and values of the con-
6 servation area (including the resources and values speci-
7 fied in section 3(a)).

8 (b) CONTENTS.—The management plan shall include
9 the following:

10 (1) An implementation plan for a continuing
11 program of interpretation and public education
12 about the resources and values of the conservation
13 area.

14 (2) A proposal for administrative and public fa-
15 cilities to be developed or improved at a level com-
16 patible with achieving the resource objectives for the
17 conservation area and with the other proposed man-
18 agement activities to accommodate visitors to the
19 conservation area.

20 (3) Cultural resources management strategies
21 for the conservation area, prepared in consultation
22 with appropriate departments of the State of Ari-
23 zona, with emphasis on the preservation of the re-
24 sources of the conservation area and the interpre-
25 tive, educational, and long-term scientific uses of

1 these resources, giving priority to the enforcement of
2 the Archaeological Resources Protection Act of 1979
3 (16 U.S.C. 470aa et seq.) and the National Historic
4 Preservation Act (16 U.S.C. 470 et seq.) within the
5 conservation area.

6 (4) Wildlife management strategies for the con-
7 servation area, prepared in consultation with appro-
8 priate departments of the State of Arizona and
9 using previous studies of the area.

10 (5) Production livestock grazing management
11 strategies, prepared in consultation with appropriate
12 departments of the State of Arizona. The manage-
13 ment plan shall be designed to ensure the protection
14 of environmentally responsible and sustainable live-
15 stock uses of the land included in the conservation
16 area.

17 (6) Recreation management strategies, includ-
18 ing motorized and nonmotorized dispersed recreation
19 opportunities for the conservation area, prepared in
20 consultation with appropriate departments of the
21 State of Arizona.

22 (7) Cave resources management strategies pre-
23 pared in compliance with the goals and objectives of
24 the Federal Cave Resources Protection Act of 1988.

1 (c) COOPERATIVE AGREEMENTS.—In order to better
2 implement the management plan, the Secretary may enter
3 into cooperative agreements with appropriate Federal,
4 State, and local agencies pursuant to section 307(b) of the
5 Federal Land Policy and Management Act of 1976 (43
6 U.S.C. 1737(b)).

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

15 **SEC. 6. ACQUISITION OF LAND AND INTERESTS IN LAND.**

16 (a) STATE LAND.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 the Secretary is authorized to acquire land or inter-
19 ests in land owned by the State of Arizona or a sub-
20 division thereof and located within the boundaries of
21 the conservation area, by donation, exchange, emi-
22 nent domain, or, only in the case of conservation
23 easements or as provided by paragraph (2)(B), by
24 purchase.

25 (2) EMINENT DOMAIN.—

1 (A) IN GENERAL.—The Secretary of the
2 Interior may acquire all right, title, and interest
3 (including any mineral rights) of the State of
4 Arizona in and to Arizona State land by emi-
5 nent domain, only with the consent of the State
6 of Arizona.

7 (B) CONSIDERATION.—(i) As consideration
8 for the acquisition by the United States of Ari-
9 zona State land or interest in such land under
10 this paragraph, the Secretary of the Interior,
11 acting through the Bureau of Land Manage-
12 ment, may pay fair market value for such land
13 or may convey to the State of Arizona all right,
14 title, and interest of the United States, or some
15 lesser interest, in one or more parcels of Fed-
16 eral land (including buildings and other im-
17 provements on such land) under the jurisdiction
18 of the Bureau of Land Management in the
19 State of Arizona.

20 (ii) All Federal agencies are authorized to
21 transfer jurisdiction of Federal land or interest
22 in such land (including buildings and other im-
23 provements on such land) to the Bureau of
24 Land Management upon terms and conditions
25 agreed upon by the Federal agency transferring

1 such land or interest in land and the Bureau.
2 Land or interest in land (including buildings
3 and other improvements on such land) trans-
4 ferred to the Bureau under this clause shall be
5 so transferred only—

6 (I) for the purpose of acquiring Ari-
7 zona State land or interest in such land
8 within the boundaries of the conservation
9 area; and

10 (II) in accordance with this section.

11 (iii) The land or interests in land to be
12 conveyed under this paragraph shall be mutu-
13 ally agreed upon by the Secretary of the Inte-
14 rior and the State of Arizona.

15 (iv) The value of the land conveyed out of
16 Federal ownership under this paragraph either
17 shall be equal to the value of the land and min-
18 eral interests received by the United States or,
19 if not, shall be equalized by a payment made by
20 the Secretary of the Interior or the State of Ar-
21 izona, as necessary.

22 (b) PRIVATE LAND.—

23 (1) IN GENERAL.—The Secretary is authorized
24 to acquire privately owned land or interests therein
25 within the boundaries of the conservation area by

1 donation, exchange, or, only in the case of conserva-
2 tion easements, by purchase. Exchange under this
3 subsection shall be for land of equal value and shall
4 not reduce the tax base within the State of Arizona.

5 (2) EMINENT DOMAIN PROHIBITED; OTHER AC-
6 QUISSION LIMITED.—No privately owned land or in-
7 terests therein may be taken by eminent domain.
8 Except as provided in paragraph (3), no privately
9 owned land or interests therein may be purchased.

10 (3) EASEMENTS GIVEN PRIORITY.—In acquiring
11 land or interests in land under this subsection, the
12 Secretary shall give priority to, and whenever pos-
13 sible make such acquisitions in the form of, con-
14 servation easements. Such conservation easements
15 may be acquired only with the consent of, and with
16 just compensation made to, the owner of the land or
17 interests in land.

18 (c) JURISDICTION.—Non-Federal land within the
19 boundaries of the conservation area shall not fall under
20 the jurisdiction of the Secretary pursuant to this Act until
21 such land is acquired by the United States.

22 **SEC. 7. COORDINATED MANAGEMENT.**

23 The Secretary shall coordinate the management of
24 the conservation area with that of surrounding county,
25 State, and Federal land in such a manner as to provide

1 maximum assurance that the purposes of creating the con-
2 servation area are achieved.

3 **SEC. 8. WITHDRAWAL.**

4 Except as specifically authorized in this Act, and sub-
5 ject to valid existing rights, all public land within the con-
6 servation area and all land and interests therein which are
7 acquired by the United States after the date of the enact-
8 ment of this Act for inclusion in the conservation area are
9 withdrawn as follows:

10 (1) From all forms of entry, appropriation, or
11 disposal under the public land laws (including
12 amendments thereto).

13 (2) From location, entry, and patent under the
14 United States mining laws (including amendments
15 thereto).

16 (3) From disposition under all laws (including
17 amendments thereto) pertaining to mineral and geo-
18 thermal leasing.

19 **SEC. 9. NO BUFFER ZONES.**

20 Congress does not intend for the establishment of the
21 conservation area to lead to the creation of protective pe-
22 rimeters or buffer zones around the conservation area.
23 The fact that there may be activities or uses on land out-
24 side the conservation area that would not be permitted in
25 the conservation area, even if such activities can be seen,

1 heard, or detected from within the conservation area, shall
2 not preclude the activities or uses on the land up to the
3 boundary of the conservation area to the extent the activi-
4 ties or uses are consistent with other applicable law.

5 **SEC. 10. WATER.**

6 (a) RESERVATION.—Congress hereby reserves a
7 quantity of water, according to the laws and rules of the
8 State of Arizona, sufficient to fulfill the purposes, as speci-
9 fied in subsection 3(a), for which the conservation area
10 is established. The priority date of this reserved right shall
11 be the date of the enactment of this Act.

12 (b) PROTECTION OF RESERVATION.—The Secretary
13 and all other officers of the United States shall take all
14 steps necessary to protect the right reserved by subsection
15 (a), including the filing by the Secretary of a claim for
16 the quantification of such right in any present or future
17 appropriate stream adjudication in the courts of the State
18 of Arizona in which the United States is or may be joined
19 and which is conducted in accordance with section 208 of
20 the Act of July 10, 1952 (43 U.S.C. 666; commonly
21 known as the McCarran Amendment).

22 (c) RULES OF CONSTRUCTION.—Nothing in this Act
23 shall be construed as a relinquishment or reduction of any
24 water use or rights reserved or appropriated by the United
25 States in the State of Arizona on or before the date of

1 the enactment of this Act. The Federal rights reserved by
2 this section are specific to the conservation area, and noth-
3 ing in this Act related to reserved Federal water rights
4 shall be construed as establishing a precedent with regard
5 to any future designations, nor shall it constitute an inter-
6 pretation of any other Act or any designation made pursu-
7 ant thereto.

8 **SEC. 11. REPORTING REQUIREMENT.**

9 Not later than 5 years after the date of the enact-
10 ment of this Act, and at least at the end of every 10-year
11 period thereafter, the Secretary shall submit to Congress
12 a report describing the implementation of this Act, the
13 condition of the resources and values of the conservation
14 area, and the progress of the Secretary in achieving the
15 purposes for which the conservation area is established.

16 **SEC. 12. ENFORCEMENT.**

17 Any person who violates any regulation promulgated
18 by the Secretary to implement the provisions of this title
19 shall be subject to a fine under title 18, United States
20 Code, or imprisonment of not more than 1 year, or both
21 a fine and imprisonment.

22 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums as
24 are necessary to carry out this Act.

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