

106TH CONGRESS
2^D SESSION

H. R. 2941

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 22), 2000

Received

AN ACT

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,*

1 **SECTION 1. DEFINITIONS.**

2 For the purposes of this Act, the following definitions
3 apply:

4 (1) CONSERVATION AREA.—The term “Con-
5 servation Area” means the Las Cienegas National
6 Conservation Area established by section 4(a).

7 (2) ACQUISITION PLANNING DISTRICT.—The
8 term “Acquisition Planning District” means the
9 Sonoita Valley Acquisition Planning District estab-
10 lished by section 2(a).

11 (3) MANAGEMENT PLAN.—The term “manage-
12 ment plan” means the management plan for the
13 Conservation Area.

14 (4) PUBLIC LANDS.—The term “public lands”
15 has the meaning given the term in section 103(e) of
16 the Federal Land Policy and Management Act of
17 1976 (43 U.S.C. 1702(e)), except that such term
18 shall not include interest in lands not owned by the
19 United States.

20 (5) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 **SEC. 2. ESTABLISHMENT OF THE SONOITA VALLEY ACQUI-**
23 **SITION PLANNING DISTRICT.**

24 (a) IN GENERAL.—In order to provide for future ac-
25 quisitions of important conservation land within the
26 Sonoita Valley region of the State of Arizona, there is

1 hereby established the Sonoita Valley Acquisition Plan-
2 ning District.

3 (b) AREAS INCLUDED.—The Acquisition Planning
4 District shall consist of approximately 142,800 acres of
5 land in the Arizona counties of Pima and Santa Cruz, in-
6 cluding the Conservation Area, as generally depicted on
7 the map entitled “Sonoita Valley Acquisition Planning
8 District and Las Cienegas National Conservation Area”
9 and dated October 2, 2000.

10 (c) MAP AND LEGAL DESCRIPTION.—As soon as
11 practicable after the date of the enactment of this Act,
12 the Secretary shall submit to Congress a map and legal
13 description of the Acquisition Planning District. In case
14 of a conflict between the map referred to in subsection
15 (b) and the map and legal description submitted by the
16 Secretary, the map referred to in subsection (b) shall con-
17 trol. The map and legal description shall have the same
18 force and effect as if included in this Act, except that the
19 Secretary may correct clerical and typographical errors in
20 such map and legal description. Copies of the map and
21 legal description shall be on file and available for public
22 inspection in the Office of the Director of the Bureau of
23 Land Management, and in the appropriate office of the
24 Bureau of Land Management in Arizona.

1 **SEC. 3. PURPOSES OF THE ACQUISITION PLANNING DIS-**
2 **TRICT.**

3 (a) **IN GENERAL.**—The Secretary shall negotiate with
4 land owners for the acquisition of lands and interest in
5 lands suitable for Conservation Area expansion that meet
6 the purposes described in section 4(a). The Secretary shall
7 only acquire property under this Act pursuant to section
8 7.

9 (b) **FEDERAL LANDS.**—The Secretary, through the
10 Bureau of Land Management, shall administer the public
11 lands within the Acquisition Planning District pursuant
12 to this Act and the applicable provisions of the Federal
13 Land Policy and Management Act of 1976 (43 U.S.C.
14 1701 et seq.), subject to valid existing rights, and in ac-
15 cordance with the management plan. Such public lands
16 shall become part of the Conservation Area when they be-
17 come contiguous with the Conservation Area.

18 (c) **FISH AND WILDLIFE.**—Nothing in this Act shall
19 be construed as affecting the jurisdiction or responsibil-
20 ities of the State of Arizona with respect to fish and wild-
21 life within the Acquisition Planning District.

22 (d) **PROTECTION OF STATE AND PRIVATE LANDS**
23 **AND INTERESTS.**—Nothing in this Act shall be construed
24 as affecting any property rights or management authority
25 with regard to any lands or interest in lands held by the
26 State of Arizona, any political subdivision of the State of

1 Arizona, or any private property rights within the bound-
2 aries of the Acquisition Planning District.

3 (e) PUBLIC LANDS.—Nothing in this Act shall be
4 construed as in any way diminishing the Secretary’s or
5 the Bureau of Land Management’s authorities, rights, or
6 responsibilities for managing the public lands within the
7 Acquisition Planning District.

8 (f) COORDINATED MANAGEMENT.—The Secretary
9 shall coordinate the management of the public lands with-
10 in the Acquisition Planning District with that of sur-
11 rounding county, State, and private lands consistent with
12 the provisions of subsection (d).

13 **SEC. 4. ESTABLISHMENT OF THE LAS CIENEGAS NATIONAL**
14 **CONSERVATION AREA.**

15 (a) IN GENERAL.—In order to conserve, protect, and
16 enhance for the benefit and enjoyment of present and fu-
17 ture generations the unique and nationally important
18 aquatic, wildlife, vegetative, archaeological, paleontolog-
19 ical, scientific, cave, cultural, historical, recreational, edu-
20 cational, scenic, rangeland, and riparian resources and val-
21 ues of the public lands described in subsection (b) while
22 allowing livestock grazing and recreation to continue in
23 appropriate areas, there is hereby established the Las
24 Cienegas National Conservation Area in the State of Ari-
25 zona.

1 (b) AREAS INCLUDED.—The Conservation Area shall
2 consist of approximately 42,000 acres of public lands in
3 the Arizona counties of Pima and Santa Cruz, as generally
4 depicted on the map entitled “Sonoita Valley Acquisition
5 Planning District and Las Cienegas National Conserva-
6 tion Area” and dated October 2, 2000.

7 (c) MAPS AND LEGAL DESCRIPTION.—As soon as
8 practicable after the date of the enactment of this Act,
9 the Secretary shall submit to Congress a map and legal
10 description of the Conservation Area. In case of a conflict
11 between the map referred to in subsection (b) and the map
12 and legal description submitted by the Secretary, the map
13 referred to in subsection (b) shall control. The map and
14 legal description shall have the same force and effect as
15 if included in this Act, except that the Secretary may cor-
16 rect clerical and typographical errors in such map and
17 legal description. Copies of the map and legal description
18 shall be on file and available for public inspection in the
19 Office of the Director of the Bureau of Land Management,
20 and in the appropriate office of the Bureau of Land Man-
21 agement in Arizona.

22 (d) FOREST LANDS.—Any lands included in the
23 Coronado National Forest that are located within the
24 boundaries of the Conservation Area shall be considered
25 to be a part of the Conservation Area. The Secretary of

1 Agriculture shall revise the boundaries of the Coronado
2 National Forest to reflect the exclusion of such lands from
3 the Coronado National Forest.

4 **SEC. 5. MANAGEMENT OF THE LAS CIENEGAS NATIONAL**
5 **CONSERVATION AREA.**

6 (a) **IN GENERAL.**—The Secretary shall manage the
7 Conservation Area in a manner that conserves, protects,
8 and enhances its resources and values, including the re-
9 sources and values specified in section 4(a), pursuant to
10 the Federal Land Policy and Management Act of 1976
11 (43 U.S.C. 1701 et seq.) and other applicable law, includ-
12 ing this Act.

13 (b) **USES.**—The Secretary shall allow only such uses
14 of the Conservation Area as the Secretary finds will fur-
15 ther the purposes for which the Conservation Area is es-
16 tablished as set forth in section 4(a).

17 (c) **GRAZING.**—The Secretary of the Interior shall
18 permit grazing subject to all applicable laws, regulations,
19 and Executive Orders consistent with the purposes of this
20 Act.

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

1 (1) before the effective date of a management
2 plan prepared pursuant to section 6, on roads and
3 trails designated for use of motorized vehicles in the
4 management plan that applies on the date of the en-
5 actment of this Act; and

6 (2) after the effective date of a management
7 plan prepared pursuant to section 6, on roads and
8 trails designated for use of motor vehicles in that
9 management plan.

10 (e) **MILITARY AIRSPACE.**—Prior to the date of the
11 enactment of this Act the Federal Aviation Administration
12 approved restricted military airspace (Areas 2303A and
13 2303B) which covers portions of the Conservation Area.
14 Designation of the Conservation Area shall not impact or
15 impose any altitude, flight, or other airspace restrictions
16 on current or future military operations or missions.
17 Should the military require additional or modified airspace
18 in the future, the Congress does not intend for the des-
19 ignation of the Conservation Area to impede the military
20 from petitioning the Federal Aviation Administration to
21 change or expand existing restricted military airspace.

22 (f) **ACCESS TO STATE AND PRIVATE LANDS.**—Noth-
23 ing in this Act shall affect valid existing rights-of-way
24 within the Conservation Area. The Secretary shall provide

1 reasonable access to nonfederally owned lands or interest
2 in lands within the boundaries of the Conservation Area.

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

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

15 (i) NO BUFFER ZONES.—The establishment of the
16 Conservation Area shall not lead to the creation of protec-
17 tive perimeters or buffer zones around the Conservation
18 Area. The fact that there may be activities or uses on
19 lands outside the Conservation Area that would not be
20 permitted in the Conservation Area shall not preclude
21 such activities or uses on such lands up to the boundary
22 of the Conservation Area consistent with other applicable
23 laws.

24 (j) WITHDRAWALS.—Subject to valid existing rights
25 all Federal lands within the Conservation Area and all

1 lands and interest therein which are hereafter acquired by
2 the United States are hereby withdrawn from all forms
3 of entry, appropriation, or disposal under the public land
4 laws and from location, entry, and patent under the min-
5 ing laws, and from operation of the mineral leasing and
6 geothermal leasing laws and all amendments thereto.

7 **SEC. 6. MANAGEMENT PLAN.**

8 (a) **PLAN REQUIRED.**—Not later than 2 years after
9 the date of the enactment of this Act, the Secretary,
10 through the Bureau of Land Management, shall develop
11 and begin to implement a comprehensive management
12 plan for the long-term management of the public lands
13 within the Conservation Area in order to fulfill the pur-
14 poses for which it is established, as set forth in section
15 4(a). Consistent with the provisions of this Act, the man-
16 agement plan shall be developed—

17 (1) in consultation with appropriate depart-
18 ments of the State of Arizona, including wildlife and
19 land management agencies, with full public partici-
20 pation;

21 (2) from the draft Empire-Cienega Ecosystem
22 Management Plan/EIS, dated October 2000, as it
23 applies to Federal lands or lands with conservation
24 easements; and

1 (3) in accordance with the resource goals and
2 objectives developed through the Sonoita Valley
3 Planning Partnership process as incorporated in the
4 draft Empire-Cienega Ecosystem Management Plan/
5 EIS, dated October 2000, giving full consideration
6 to the management alternative preferred by the
7 Sonoita Valley Planning Partnership, as it applies to
8 Federal lands or lands with conservation easements.

9 (b) CONTENTS.—The management plan shall
10 include—

11 (1) provisions designed to ensure the protection
12 of the resources and values described in section 4(a);

13 (2) an implementation plan for a continuing
14 program of interpretation and public education
15 about the resources and values of the Conservation
16 Area;

17 (3) a proposal for minimal administrative and
18 public facilities to be developed or improved at a
19 level compatible with achieving the resource objec-
20 tives for the Conservation Area and with the other
21 proposed management activities to accommodate
22 visitors to the Conservation Area;

23 (4) cultural resources management strategies
24 for the Conservation Area, prepared in consultation
25 with appropriate departments of the State of Ari-

1 zona, with emphasis on the preservation of the re-
2 sources of the Conservation Area and the interpre-
3 tive, educational, and long-term scientific uses of
4 these resources, giving priority to the enforcement of
5 the Archaeological Resources Protection Act of 1979
6 (16 U.S.C. 470aa et seq.) and the National Historic
7 Preservation Act (16 U.S.C. 470 et seq.) within the
8 Conservation Area;

9 (5) wildlife management strategies for the Con-
10 servation Area, prepared in consultation with appro-
11 priate departments of the State of Arizona and
12 using previous studies of the Conservation Area;

13 (6) production livestock grazing management
14 strategies, prepared in consultation with appropriate
15 departments of the State of Arizona;

16 (7) provisions designed to ensure the protection
17 of environmentally sustainable livestock use on ap-
18 propriate lands within the Conservation Area;

19 (8) recreation management strategies, including
20 motorized and nonmotorized dispersed recreation op-
21 portunities for the Conservation Area, prepared in
22 consultation with appropriate departments of the
23 State of Arizona;

24 (9) cave resources management strategies pre-
25 pared in compliance with the goals and objectives of

1 the Federal Cave Resources Protection Act of 1988
2 (16 U.S.C. 4301 et seq.); and

3 (10) provisions designed to ensure that if a
4 road or trail located on public lands within the Con-
5 servation Area, or any portion of such a road or
6 trail, is removed, consideration shall be given to pro-
7 viding similar alternative access to the portion of the
8 Conservation Area serviced by such removed road or
9 trail.—

10 (c) COOPERATIVE AGREEMENTS.—In order to better
11 implement the management plan, the Secretary may enter
12 into cooperative agreements with appropriate Federal,
13 State, and local agencies pursuant to section 307(b) of the
14 Federal Land Policy and Management Act of 1976 (43
15 U.S.C. 1737(b)).

16 (d) RESEARCH ACTIVITIES.—In order to assist in the
17 development and implementation of the management plan,
18 the Secretary may authorize appropriate research, includ-
19 ing research concerning the environmental, biological,
20 hydrological, cultural, agricultural, recreational, and other
21 characteristics, resources, and values of the Conservation
22 Area, pursuant to section 307(a) of the Federal Land Pol-
23 icy and Management Act of 1976 (43 U.S.C. 1737(a)).

24 **SEC. 7. LAND ACQUISITION.**

25 (a) IN GENERAL.—

1 (1) PRIORITY TO CONSERVATION EASE-
2 MENTS.—In acquiring lands or interest in lands
3 under this section, the Secretary shall give priority
4 to such acquisitions in the form of conservation
5 easements.

6 (2) PRIVATE LANDS.—The Secretary is author-
7 ized to acquire privately held lands or interest in
8 lands within the boundaries of the Acquisition Plan-
9 ning District only from a willing seller through do-
10 nation, exchange, or purchase.

11 (3) COUNTY LANDS.—The Secretary is author-
12 ized to acquire county lands or interest in lands
13 within the boundaries of the Acquisition Planning
14 District only with the consent of the county through
15 donation, exchange, or purchase.

16 (4) STATE LANDS.—

17 (A) IN GENERAL.—The Secretary is au-
18 thorized to acquire lands or interest in lands
19 owned by the State of Arizona located within
20 the boundaries of the Acquisition Planning Dis-
21 trict only with the consent of the State and in
22 accordance with State law, by donation, ex-
23 change, or purchase.

24 (B) CONSIDERATION.—As consideration
25 for the acquisitions by the United States of

1 lands or interest in lands under this paragraph,
2 the Secretary shall pay fair market value for
3 such lands or shall convey to the State of Ari-
4 zona all or some interest in Federal lands (in-
5 cluding buildings and other improvements on
6 such lands or other Federal property other than
7 real property) or any other asset of equal value
8 within the State of Arizona.

9 (C) TRANSFER OF JURISDICTION.—All
10 Federal agencies are authorized to transfer ju-
11 risdiction of Federal lands or interest in lands
12 (including buildings and other improvements on
13 such lands or other Federal property other than
14 real property) or any other asset within the
15 State of Arizona to the Bureau of Land Man-
16 agement for the purpose of acquiring lands or
17 interest in lands as provided for in this para-
18 graph.

19 (b) MANAGEMENT OF ACQUIRED LANDS.—Lands ac-
20 quired under this section shall, upon acquisition, become
21 part of the Conservation Area and shall be administered
22 as part of the Conservation Area. These lands shall be
23 managed in accordance with this Act, other applicable
24 laws, and the management plan.

1 **SEC. 8. REPORTS TO CONGRESS.**

2 (a) PROTECTION OF CERTAIN LANDS.—Not later
3 than 2 years after the date of the enactment of this Act,
4 the Secretary shall submit to Congress a report describing
5 the most effective measures to protect the lands north of
6 the Acquisition Planning District within the Rincon Val-
7 ley, Colossal Cave area, and Agua Verde Creek corridor
8 north of Interstate 10 to provide an ecological link to
9 Saguaro National Park and the Rincon Mountains and
10 contribute to local government conservation priorities.

11 (b) IMPLEMENTATION OF THIS ACT.—Not later than
12 5 years after the date of the enactment of this Act, and
13 at least at the end of every 10-year period thereafter, the
14 Secretary shall submit to Congress a report describing the
15 implementation of this Act, the condition of the resources
16 and values of the Conservation Area, and the progress of
17 the Secretary in achieving the purposes for which the Con-
18 servation Area is established as set forth in section 4(a).

Passed the House of Representatives October 5,
2000.

Attest:

JEFF TRANDAHL,

Clerk.