

# Union Calendar No. 563

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2941

[Report No. 106-934]

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1999

Mr. KOLBE introduced the following bill; which was referred to the Committee on Resources

OCTOBER 4, 2000

Additional sponsor: Mr. PASTOR

OCTOBER 4, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 24, 1999]

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## 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,*

1 **SECTION 1. ESTABLISHMENT OF THE SONOITA VALLEY**  
2 **CONSERVATION PLANNING DISTRICT.**

3 (a) *IN GENERAL.*—In order to promote cooperation,  
4 conservation, and scientific research within the Sonoita  
5 Valley region of the State of Arizona, there is hereby estab-  
6 lished the Sonoita Valley Conservation Planning District.

7 (b) *AREAS INCLUDED.*—The Conservation Planning  
8 District shall consist of approximately 136,900 acres of  
9 land in the Arizona counties of Pima and Santa Cruz, in-  
10 cluding the Conservation Area, as generally depicted on the  
11 map entitled “Sonoita Valley Conservation Planning Dis-  
12 trict and Las Cienegas National Conservation Area” and  
13 dated September 11, 2000.

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

1 *in the appropriate office of the Bureau of Land Manage-*  
2 *ment in Arizona.*

3 **SEC. 2. MANAGEMENT OF THE CONSERVATION PLANNING**  
4 **DISTRICT.**

5 (a) *IN GENERAL.*—*The Secretary, through the Bureau*  
6 *of Land Management, shall administer the public lands*  
7 *within the Conservation Planning District pursuant to this*  
8 *Act and the applicable provisions of the Federal Land Pol-*  
9 *icy and Management Act of 1976 (43 U.S.C. 1701 et seq.)*  
10 *and subject to valid existing rights. The Secretary shall*  
11 *allow such uses of the public lands as the Secretary deter-*  
12 *mines will further the purposes described in section 1(a)*  
13 *for which the Conservation Planning District was estab-*  
14 *lished.*

15 (b) *FISH AND WILDLIFE.*—*Nothing in this Act shall*  
16 *be construed as affecting the jurisdiction or responsibilities*  
17 *of the State of Arizona with respect to fish and wildlife*  
18 *within the Conservation Planning District.*

19 (c) *PROTECTION OF STATE AND PRIVATE LANDS AND*  
20 *INTERESTS.*—*Nothing in this Act shall be construed as af-*  
21 *fecting any property rights of any lands or interest in lands*  
22 *held by the State of Arizona, any political subdivision of*  
23 *the State of Arizona, or any private property rights within*  
24 *the boundaries of the Conservation Planning District.*

1       (d) *PUBLIC LANDS.*—*Nothing in this Act shall be con-*  
2 *strued as in any way diminishing the Secretary’s or the*  
3 *Bureau of Land Management’s authorities, rights, or re-*  
4 *sponsibilities for managing the public lands within the*  
5 *Conservation Planning District.*

6       (e) *COORDINATED MANAGEMENT.*—*The Secretary shall*  
7 *coordinate the management of the public lands within the*  
8 *Conservation Planning District with that of surrounding*  
9 *county, State, and private lands consistent with the provi-*  
10 *sions of subsection (c).*

11       (f) *ADVISORY COUNCIL.*—

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

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

1           (A) 2 members appointed from nominees  
2 submitted by permittees holding grazing allot-  
3 ments within the Conservation Planning Dis-  
4 trict;

5           (B) 2 members interested in natural re-  
6 source conservation;

7           (C) 2 members interested in recreational ac-  
8 tivities;

9           (D) 2 members representing community  
10 group interests;

11           (E) 1 member representing general local  
12 and regional interests;

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

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

19           (3) *TERMINATION.*—Notwithstanding section  
20 14(a) of the Federal Advisory Committee Act, the Ad-  
21 visory Council shall terminate 10 years after the date  
22 of the enactment of this Act.

1 **SEC. 3. ESTABLISHMENT OF THE LAS CIENEGAS NATIONAL**  
2 **CONSERVATION AREA.**

3 (a) *IN GENERAL.*—*In order to conserve, protect, and*  
4 *enhance for the benefit and enjoyment of present and future*  
5 *generations the unique and nationally important aquatic,*  
6 *wildlife, vegetative, archaeological, paleontological, sci-*  
7 *entific, cave, cultural, historical, recreational, educational,*  
8 *scenic, rangeland, and riparian resources and values of the*  
9 *public lands described in subsection (b) while allowing live-*  
10 *stock grazing and recreation to continue in appropriate*  
11 *areas, there is hereby established the Las Cienegas National*  
12 *Conservation Area in the State of Arizona.*

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

19 (c) *MAPS AND LEGAL DESCRIPTION.*—*As soon as prac-*  
20 *ticable after the date of the enactment of this Act, the Sec-*  
21 *retary shall submit to Congress a map and legal description*  
22 *of the Conservation Area. In case of a conflict between the*  
23 *map referred to in subsection (b) and the map and legal*  
24 *description submitted by the Secretary, the map referred to*  
25 *in subsection (b) shall control. The map and legal descrip-*  
26 *tion shall have the same force and effect as if included in*

1 *this Act, except that the Secretary may correct clerical and*  
2 *typographical errors in such map and legal description.*  
3 *Copies of the map and legal description shall be on file and*  
4 *available for public inspection in the Office of the Director*  
5 *of the Bureau of Land Management, and in the appropriate*  
6 *office of the Bureau of Land Management in Arizona.*

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

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

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

23       (b) *USES.*—*The Secretary shall allow only such uses*  
24 *of the Conservation Area as the Secretary finds will further*

1 *the purposes for which the Conservation Area is established*  
2 *as set forth in section 3(a).*

3 (c) *GRAZING.*—*The Secretary of the Interior shall per-*  
4 *mit grazing subject to all applicable laws, regulations, and*  
5 *Executive Orders consistent with the purposes of this Act.*

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

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

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

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



1 *Should the military require additional or modified airspace*  
2 *in the future, the Congress does not intend for the designa-*  
3 *tion of the Conservation Area to impede the military from*  
4 *petitioning the Federal Aviation Administration to change*  
5 *or expand existing restricted military airspace.*

6 (f) *ACCESS TO STATE AND PRIVATE LANDS.—Nothing*  
7 *in this Act shall affect valid existing rights-of-way within*  
8 *the Conservation Area. The Secretary shall provide reason-*  
9 *able access to nonfederally owned lands or interest in lands*  
10 *within the boundaries of the Conservation Area.*

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

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

23 (i) *NO BUFFER ZONES.—The establishment of the*  
24 *Conservation Area shall not lead to the creation of protec-*  
25 *tive perimeters or buffer zones around the Conservation*

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

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

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

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

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

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

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

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

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

23               (2) *an implementation plan for a continuing*  
24               *program of interpretation and public education about*  
25               *the resources and values of the Conservation Area;*

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

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

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

21          (6) production livestock grazing management  
22          strategies, prepared in consultation with appropriate  
23          departments of the State of Arizona;

1           (7) provisions designed to ensure the protection  
2 of livestock uses of the lands included in the Conserva-  
3 tion Area;

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

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

13           (10) provisions designed to ensure that if a road  
14 or trail located on public lands within the Conserva-  
15 tion Area, or any portion of such a road or trail, is  
16 removed, consideration shall be given to providing  
17 similar alternative access to the portion of the Con-  
18 servation Area serviced by such removed road or trail.

19           (c) *COOPERATIVE AGREEMENTS.*—In order to better  
20 implement the management plan, the Secretary may enter  
21 into cooperative agreements with appropriate Federal,  
22 State, and local agencies pursuant to section 307(b) of the  
23 Federal Land Policy and Management Act of 1976 (43  
24 U.S.C. 1737(b)).

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

9 **SEC. 6. LAND ACQUISITION.**

10       (a) *IN GENERAL.*—

11           (1) *PRIORITY TO CONSERVATION EASEMENTS.*—  
12 *In acquiring lands or interest in lands under this sec-*  
13 *tion, the Secretary shall give priority to such acquisi-*  
14 *tions in the form of conservation easements.*

15           (2) *PRIVATE LANDS.*—*The Secretary is author-*  
16 *ized to acquire privately held lands or interest in*  
17 *lands within the boundaries of the Conservation Plan-*  
18 *ning District only from a willing seller through dona-*  
19 *tion, exchange, or purchase.*

20           (3) *COUNTY LANDS.*—*The Secretary is author-*  
21 *ized to acquire county lands or interest in lands with-*  
22 *in the boundaries of the Conservation Planning Dis-*  
23 *trict only with the consent of the county through do-*  
24 *nation, exchange, or purchase.*

1           (4) *STATE LANDS.*—*The Secretary is authorized*  
2 *to acquire lands or interest in lands owned by the*  
3 *State of Arizona located within the boundaries of the*  
4 *Conservation Planning District only with the consent*  
5 *of the State by donation, exchange, purchase, or emi-*  
6 *nent domain.*

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

17           (B) *TRANSFER OF JURISDICTION.*—*All Fed-*  
18 *eral agencies are authorized to transfer jurisdic-*  
19 *tion of Federal lands or interest in lands (in-*  
20 *cluding buildings and other improvements on*  
21 *such lands or other Federal property other than*  
22 *real property) or any other asset within the*  
23 *State of Arizona to the Bureau of Land Manage-*  
24 *ment for the purpose of acquiring lands or inter-*  
25 *est in lands as provided for in this subsection.*

1           (b) *MANAGEMENT OF ACQUIRED LANDS.*—Lands ac-  
2           quired under this section shall, upon acquisition, become  
3           part of the Conservation Area and shall be administered  
4           as part of the Conservation Area. These lands shall be man-  
5           aged in accordance with this Act, other applicable laws, and  
6           the management plan.

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

8           (a) *PROTECTION OF CERTAIN LANDS.*—Not later than  
9           2 years after the date of the enactment of this Act, the Sec-  
10          retary shall submit to Congress a report with recommenda-  
11          tions on the most effective measures to protect the lands  
12          within the Rincon Valley, Colossal Cave area, and Agua  
13          Verde Creek corridor north of Interstate 10 to provide an  
14          ecological link to Saguaro National Park and the Rincon  
15          Mountains and contribute to local government conservation  
16          priorities.

17          (b) *IMPLEMENTATION OF THIS ACT.*—Not later than  
18          5 years after the date of the enactment of this Act, and at  
19          least at the end of every 10-year period thereafter, the Sec-  
20          retary shall submit to Congress a report describing the im-  
21          plementation of this Act, the condition of the resources and  
22          values of the Conservation Area, and the progress of the Sec-  
23          retary in achieving the purposes for which the Conservation  
24          Area is established as set forth in section 3(a).



1 **SEC. 8. DEFINITIONS.**

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

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

8 (2) *CONSERVATION AREA.*—*The term “Conserva-*  
9 *tion Area” means the Las Cienegas National Con-*  
10 *servation Area established by section 3(a).*

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

15 (4) *MANAGEMENT PLAN.*—*The term “manage-*  
16 *ment plan” means the management plan for the Con-*  
17 *servation Area.*

18 (5) *PUBLIC LANDS.*—*The term “public lands”*  
19 *has the meaning given the term in section 103(e) of*  
20 *the Federal Land Policy and Management Act of*  
21 *1976 (43 U.S.C. 1702(e)), except that such term shall*  
22 *not include interest in lands not owned by the United*  
23 *States.*

24 (6) *SECRETARY.*—*The term “Secretary” means*  
25 *the Secretary of the Interior.*

**Union Calendar No. 563**

106TH CONGRESS  
2D SESSION

**H. R. 2941**

**[Report No. 106-934]**

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**A BILL**

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

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OCTOBER 4, 2000

Reported with an amendment, committed to the Com-  
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and ordered to be printed