

106TH CONGRESS  
2D SESSION

# H. R. 3605

To establish the San Rafael Western Legacy District in the State of Utah,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2000

Mr. CANNON (for himself and Mr. HANSEN) introduced the following bill;  
which was referred to the Committee on Resources

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## A BILL

To establish the San Rafael Western Legacy District in  
the State of 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.**

4 This Act may be cited as the “San Rafael Western  
5 Legacy District and National Conservation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CONSERVATION AREA.—The term “Con-  
9 servation Area” means the San Rafael National  
10 Conservation Area established by section 201.

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3           (3) WESTERN LEGACY DISTRICT.—The term  
4           “Western Legacy District” means the San Rafael  
5           Western Legacy District established by section 101.

6           **TITLE I—SAN RAFAEL WESTERN**  
7           **LEGACY DISTRICT**

8           **SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN**  
9           **LEGACY DISTRICT.**

10          (a) IN GENERAL.—In order to promote the preserva-  
11          tion, conservation, interpretation, scientific research, and  
12          development of the historical, cultural, natural, rec-  
13          reational, archeological, paleontological, environmental, bi-  
14          ological, educational, wilderness, and scenic resources of  
15          the San Rafael region of the State of Utah, as well as  
16          the economic viability of rural communities in the region,  
17          there is hereby established the San Rafael Western Legacy  
18          Districts.

19          (b) AREAS INCLUDED.—The Western Legacy Dis-  
20          trict shall consist of approximately 2,842,800 acres of land  
21          in the County of Emery, Utah, as generally depicted on  
22          the map entitled “San Rafael Western Legacy District  
23          and National Conservation Area” and dated \_\_\_\_\_.

24          (c) MAP AND LEGAL DESCRIPTION.—As soon as  
25          practicable after the date of the enactment of this Act,

1 the Secretary shall submit to the Congress a map and  
2 legal description of the Western Legacy District. The map  
3 and legal description shall have the same force and effect  
4 as if included in this Act, except the Secretary may correct  
5 clerical and typographical errors in such map and legal  
6 description. Copies of the map and legal description shall  
7 be on file and available for public inspection in the Office  
8 of the Director of the Bureau of Land Management, and  
9 in the appropriate office of the Bureau of the Land Man-  
10 agement in Utah.

11 (d) LEGACY COUNCIL.—

12 (1) IN GENERAL.—The Secretary shall establish  
13 a Legacy Council to advise the Secretary with re-  
14 spect to the Western Legacy District. The Legacy  
15 Council may furnish advice and recommendations to  
16 the Secretary with respect to management, grants,  
17 projects, and technical assistance.

18 (2) MEMBERSHIP.—The Legacy Council shall  
19 consist of not more than 10 members appointed by  
20 the Secretary. Two members shall be appointed from  
21 among the recommendations submitted by the Gov-  
22 ernor of Utah and 2 members shall be appointed  
23 from among the recommendations submitted by the  
24 Emery County Commissioners. The remaining mem-  
25 bers shall be persons recognized as experts in con-

1        servation of the historical, cultural, natural, rec-  
2        reational, archeological, environmental, biological,  
3        educational, and scenic resources or other disciplines  
4        directly related to the purposes for which the West-  
5        ern Legacy District is established.

6            (3) RELATIONSHIP TO OTHER LAW.—The es-  
7        tablishment and operation of the Legacy Council es-  
8        tablished under this section shall conform to the re-  
9        quirement of the Federal Advisory Committee Act (5  
10       U.S.C. App.) and the Federal Land Policy and Man-  
11       agement Act of 1976 (43 U.S.C. 1701 et seq.).

12        (e) ASSISTANCE.—

13            (1) IN GENERAL.—The Secretary may make  
14        grants and provide technical assistance to accom-  
15        plish the purposes of this section to any nonprofit or  
16        unit of government with authority in the boundaries  
17        of the Western Legacy District.

18            (2) PERMITTED USES.—Grants and technical  
19        assistance made under this section may be used for  
20        planning, reports, studies, interpretive exhibits, his-  
21        toric preservation projects, construction of cultural,  
22        recreational, educational, and interpretive facilities  
23        that are open to the public, and such other expendi-  
24        tures as are consistent with this Act.

1           (3) PLANNING.—Up to \$100,000 of amounts  
2           available to carry out this section each fiscal year,  
3           up to a total amount not to exceed \$200,000, may  
4           be provided under this subsection only to a unit of  
5           government or a political subdivision of the State of  
6           Utah for use for planning activities.

7           (4) MATCHING FUNDS.—Federal funding pro-  
8           vided under this section may not exceed 50 percent  
9           of the total cost of the activity carried out with such  
10          funding, except that non-Federal matching funds are  
11          not required with respect to—

12                   (A) planning activities carried out with as-  
13                   sistance under paragraph (3); and

14                   (B) use of assistance under this section for  
15                   facilities located on public lands and that are  
16                   owned by the Federal Government.

17          (5) AUTHORIZATION OF APPROPRIATIONS.—  
18          There are authorized to be appropriated under this  
19          section not more than \$1,000,000 annually for any  
20          fiscal year, not to exceed a total of \$10,000,000.

21 **SEC. 102. MANAGEMENT AND USE OF THE SAN RAFAEL**  
22 **WESTERN LEGACY DISTRICT.**

23          (a) IN GENERAL.—The Secretary, through the Bu-  
24          reau of Land Management, shall administer the public  
25          lands within the Western Legacy District pursuant to this

1 Act and the applicable provisions of the Federal Land Pol-  
2 icy and Management Act (43 U.S.C. 1701 et seq.). The  
3 Secretary shall allow such uses of the public land as the  
4 Secretary determines will further the purposes for which  
5 the Western Legacy District was established.

6 (b) FISH AND WILDLIFE.—Nothing in this Act shall  
7 be construed as affecting the jurisdiction or responsibil-  
8 ities of the State of Utah with respect to fish and wildlife  
9 within the Western Legacy District.

10 (c) PRIVATE LANDS.—Nothing in this Act shall be  
11 construed as affecting private property rights within the  
12 Western Legacy District.

13 (d) PUBLIC LANDS.—Nothing in this Act shall be  
14 construed as in any way diminishing the Secretary's or  
15 the Bureau of Land Management's authorities, rights, or  
16 responsibilities for managing the public lands within the  
17 Western Legacy District.

## 18 **TITLE II—SAN RAFAEL NA-** 19 **TIONAL CONSERVATION AREA**

### 20 **SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL** 21 **CONSERVATION AREA.**

22 (a) PURPOSES.—In order to conserve, protect, and  
23 enhance for the benefit and enjoyment of present and fu-  
24 ture generations the unique and nationally important val-  
25 ues of the Western Legacy District and the public lands

1 described in subsection (b), including historical, cultural,  
2 natural, recreational, scientific, archeological, paleontolog-  
3 ical, environmental, biological, wilderness, wildlife, edu-  
4 cational, and scenic resources, there is hereby established  
5 the San Rafael National Conservation Area in the State  
6 of Utah.

7 (b) AREAS INCLUDED.—The Conservation Area shall  
8 consist of approximately 947,000 acres of public lands in  
9 the County of Emery, Utah, as generally depicted on the  
10 map entitled “San Rafael Western Legacy District and  
11 National Conservation Area” and dated \_\_\_\_\_. Not-  
12 withstanding any depiction on such map, the boundary of  
13 the Conservation Area shall be set back 300 feet from the  
14 edge of the Interstate 70 right-of-way and 300 feet from  
15 the edge of the State Route 24 right-of-way.

16 (c) MAP AND LEGAL DESCRIPTION.—As soon as  
17 practicable after the date of the enactment of this Act,  
18 the Secretary shall submit to the Congress a map and  
19 legal description of the Conservation Area. The map and  
20 legal description shall have the same force and effect as  
21 if included in this Act, except the Secretary may correct  
22 clerical and typographical errors in such map and legal  
23 description. Copies of the map and legal description shall  
24 be on file and available for public inspection in the Office  
25 of the Director of the Bureau of Land Management and

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

3 **SEC. 202. MANAGEMENT OF THE SAN RAFAEL NATIONAL**  
4 **CONSERVATION AREA.**

5 (a) MANAGEMENT.—The Secretary, acting through  
6 the Bureau of Land Management, shall manage the Con-  
7 servation Area in a manner that conserves, protects, and  
8 enhances its resources and values, including those re-  
9 sources and values specified in section 201(a), and pursu-  
10 ant to the Federal Land Policy and Management Act of  
11 1976 (43 U.S.C. 1701 et seq.), and other applicable provi-  
12 sions of law, including 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. Except where needed for administrative pur-  
17 poses or to respond to an emergency, use of motorized ve-  
18 hicles in the Conservation Area shall be permitted only  
19 on roads and trails designated for use of motorized vehi-  
20 cles as part of the management plan prepared pursuant  
21 to subsection (e).

22 (c) WITHDRAWALS.—

23 (1) IN GENERAL.—Subject to valid existing  
24 rights and except as provided in paragraph (2), all  
25 Federal lands within the Conservation Area and all



1 lands and interests therein that are hereafter ac-  
2 quired by the United States are hereby withdrawn  
3 from all forms of entry, appropriation, or disposal  
4 under the public land laws and from location, entry,  
5 and patent under the mining laws, and from oper-  
6 ation of the mineral leasing and geothermal leasing  
7 laws and all amendments thereto.

8 (2) COMMUNICATION FACILITIES.—The Sec-  
9 retary may authorize the installation of communica-  
10 tions facilities within the Conservation Area, but  
11 only to the extent that they are necessary for public  
12 safety purposes. Such facilities must have a minimal  
13 impact on the resources of the Conservation Area  
14 and must be consistent with the management plan  
15 established under subsection (e).

16 (d) HUNTING, TRAPPING, AND FISHING.—The Sec-  
17 retary shall permit hunting, trapping, and fishing within  
18 the Conservation Area in accordance with applicable laws  
19 and regulations of the United States and the State of  
20 Utah, except that the Secretary, after consultation with  
21 the Utah Division of Wildlife Resources, may issue regula-  
22 tions designating zones where and establishing periods  
23 when no hunting, trapping, or fishing shall be permitted  
24 for reasons of public safety, administration, or public use  
25 and enjoyment.

1           (e) MANAGEMENT PLAN.—Within 4 years after the  
2 date of enactment of this Act, the Secretary shall develop  
3 a comprehensive plan for the long-range protection and  
4 management of the Conservation Area. The plan shall de-  
5 scribe the appropriate uses and management of the Con-  
6 servation Area consistent with the provisions of this Act.  
7 The plan may incorporate appropriate decisions contained  
8 in any current management or activity plan for the area  
9 and may use information developed in previous studies of  
10 the lands within or adjacent to the Conservation Area.

11           (f) STATE TRUST LANDS.—The State of Utah and  
12 the Secretary may agree to exchange Federal lands, Fed-  
13 eral mineral interests, or payment of money for lands and  
14 mineral interests of approximately equal value that are  
15 managed by the Utah School and Institutional Trust  
16 Lands Administration and inheld within the boundaries of  
17 the Conservation Area.

18           (g) ACCESS.—The Bureau of Land Management, the  
19 State of Utah, and Emery County may agree to resolve  
20 section 2477 of the Revised Statutes and other access  
21 issues within the Conservation Area.

22           (h) WILDLIFE MANAGEMENT.—Nothing in this Act  
23 shall be deemed to diminish the responsibility and author-  
24 ity of the State of Utah for management of fish and wild-  
25 life within the Conservation Area.

1 (i) GRAZING.—Where the Secretary of the Interior  
2 currently permits grazing, such grazing shall be allowed  
3 subject to all applicable laws, regulations, and executive  
4 orders.

5 (j) NO BUFFER ZONES.—The Congress does not in-  
6 tend for the establishment of the Conservation Area to  
7 lead to the creation of protective perimeters or buffer  
8 zones around the Conservation Area. The fact that there  
9 may be activities or uses on lands outside the Conservation  
10 Area that would not be permitted in the Conservation  
11 Area shall not preclude such activities or uses on such  
12 lands up to the boundary of the Conservation Area con-  
13 sistent with other applicable laws.

14 (k) WATER RIGHTS.—Establishment of the Con-  
15 servation Area shall not be construed to give rise to either  
16 an implied or express reservation of any water or water  
17 rights pertaining to either surface or ground water. Noth-  
18 ing in this title shall affect any valid existing surface water  
19 or ground water right in effect on the date of the enact-  
20 ment of this Act or any water right hereafter approved  
21 pursuant to the laws of the State of Utah or any other  
22 State.

23 (l) WILDERNESS ACTS.—Nothing in this Act alters  
24 the provisions of the Wilderness Act of 1964 (16 U.S.C.  
25 1131) or the Federal Land Policy and Management Act

1 of 1976 (43 U.S.C. 1701 et seq.) as they pertain to wilder-  
2 ness resources within the Conservation Area. Recognizing  
3 that the designation of wilderness areas requires an Act  
4 of Congress, the Bureau of Land Management, the State  
5 of Utah, Emery County, and affected stakeholders may  
6 work toward resolving various wilderness issues within the  
7 Conservation Area.

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