

ESTABLISHING THE LAS CIENEGAS NATIONAL
CONSERVATION AREA IN THE STATE OF ARIZONA

OCTOBER 4, 2000.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2941]

The Committee on Resources, to whom was referred the bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

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

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

(c) **MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Planning District. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

SEC. 2. MANAGEMENT OF THE CONSERVATION PLANNING DISTRICT.

(a) **IN GENERAL.**—The Secretary, through the Bureau of Land Management, shall administer the public lands within the Conservation Planning District pursuant to this Act and the applicable provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and subject to valid existing rights. The Secretary shall allow such uses of the public lands as the Secretary determines will fur-

ther the purposes described in section 1(a) for which the Conservation Planning District was established.

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

(c) PROTECTION OF STATE AND PRIVATE LANDS AND INTERESTS.—Nothing in this Act shall be construed as affecting any property rights of any lands or interest in lands held by the State of Arizona, any political subdivision of the State of Arizona, or any private property rights within the boundaries of the Conservation Planning District.

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

(e) COORDINATED MANAGEMENT.—The Secretary shall coordinate the management of the public lands within the Conservation Planning District with that of surrounding county, State, and private lands consistent with the provisions of subsection (c).

(f) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish a Sonoita Valley Conservation Planning District Advisory Council to advise the Secretary with respect to management of the public lands described in sections 1(b) and 3(b). The Advisory Council shall conform to the requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the Federal Advisory Committee Act (88 Stat. 770; 5 U.S.C. App. 1).

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

(A) 2 members appointed from nominees submitted by permittees holding grazing allotments within the Conservation Planning District;

(B) 2 members interested in natural resource conservation;

(C) 2 members interested in recreational activities;

(D) 2 members representing community group interests;

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

(F) 1 member appointed from nominees submitted by the Pima County Board of Supervisors; and

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

(3) TERMINATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, the Advisory Council shall terminate 10 years after the date of the enactment of this Act.

SEC. 3. ESTABLISHMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important aquatic, wildlife, vegetative, archaeological, paleontological, scientific, cave, cultural, historical, recreational, educational, scenic, rangeland, and riparian resources and values of the public lands described in subsection (b) while allowing livestock grazing and recreation to continue in appropriate areas, there is hereby established the Las Cienegas National Conservation Area in the State of Arizona.

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

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

(d) FOREST LANDS.—Any lands included in the Coronado National Forest that are located within the boundaries of the Conservation Area shall be considered to be a part of the Conservation Area. The Secretary of Agriculture shall revise the boundaries of the Coronado National Forest to reflect the exclusion of such lands from the Coronado National Forest.

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

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

(b) **USES.**—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established as set forth in section 3(a).

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

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

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

(2) after the effective date of a management plan prepared pursuant to section 5, on roads and trails designated for use of motor vehicles in that management plan.

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

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

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

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

(i) **NO BUFFER ZONES.**—The establishment of the Conservation Area shall not lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

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

SEC. 5. MANAGEMENT PLAN.

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

(1) in consultation with appropriate departments of the State of Arizona, including wildlife and land management agencies, with full public participation, and with the recommendations and advice of the Advisory Council;

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

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

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

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

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

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

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

(5) wildlife management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona and using previous studies of the Conservation Area;

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

(7) provisions designed to ensure the protection of livestock uses of the lands included in the Conservation Area;

(8) recreation management strategies, including motorized and nonmotorized dispersed recreation opportunities for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona;

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

(10) provisions designed to ensure that if a road or trail located on public lands within the Conservation Area, or any portion of such a road or trail, is removed, consideration shall be given to providing similar alternative access to the portion of the Conservation Area serviced by such removed road or trail.—

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

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

SEC. 6. LAND ACQUISITION.

(a) IN GENERAL.—

(1) PRIORITY TO CONSERVATION EASEMENTS.—In acquiring lands or interest in lands under this section, the Secretary shall give priority to such acquisitions in the form of conservation easements.

(2) PRIVATE LANDS.—The Secretary is authorized to acquire privately held lands or interest in lands within the boundaries of the Conservation Planning District only from a willing seller through donation, exchange, or purchase.

(3) COUNTY LANDS.—The Secretary is authorized to acquire county lands or interest in lands within the boundaries of the Conservation Planning District only with the consent of the county through donation, exchange, or purchase.

(4) STATE LANDS.—The Secretary is authorized to acquire lands or interest in lands owned by the State of Arizona located within the boundaries of the Conservation Planning District only with the consent of the State by donation, exchange, purchase, or eminent domain.

(A) CONSIDERATION.—As consideration for the acquisitions by the United States of lands or interest in such lands under this subsection, the Secretary shall pay fair market value for such lands or shall convey to the State of Arizona all or some interest in Federal lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset of equal value within the State of Arizona.

(B) TRANSFER OF JURISDICTION.—All Federal agencies are authorized to transfer jurisdiction of Federal lands or interest in lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset within the State of Arizona to the Bureau of Land Management for the purpose of acquiring lands or interest in lands as provided for in this subsection.

(b) MANAGEMENT OF ACQUIRED LANDS.—Lands acquired under this section shall, upon acquisition, become part of the Conservation Area and shall be administered as part of the Conservation Area. These lands shall be managed in accordance with this Act, other applicable laws, and the management plan.

SEC. 7. REPORTS TO CONGRESS.

(a) PROTECTION OF CERTAIN LANDS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report with recommendations on the most effective measures to protect the lands within the Rincon Valley, Colossal Cave area, and Agua Verde Creek corridor north of Interstate 10 to provide an ecological link to Saguaro National Park and the Rincon Mountains and contribute to local government conservation priorities.

(b) IMPLEMENTATION OF THIS ACT.—Not later than 5 years after the date of the enactment of this Act, and at least at the end of every 10-year period thereafter, the Secretary shall submit to Congress a report describing the implementation of this Act, the condition of the resources and values of the Conservation Area, and the progress of the Secretary in achieving the purposes for which the Conservation Area is established as set forth in section 3(a).

SEC. 8. DEFINITIONS.

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

(1) ADVISORY COUNCIL.—The term “Advisory Council” means the Sonoita Valley Conservation Planning District Advisory Council established pursuant to section 2(f).

(2) CONSERVATION AREA.—The term “Conservation Area” means the Las Cienegas National Conservation Area established by section 3(a).

(3) CONSERVATION PLANNING DISTRICT.—The term “Conservation Planning District” means the Sonoita Valley Conservation Planning District established by section 1(a).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Conservation Area.

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

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

PURPOSE OF THE BILL

The purpose of H.R. 2941 is to establish the Las Cienegas National Conservation Area in the State of Arizona.

BACKGROUND AND NEED FOR LEGISLATION

The establishment of the Sonoita Valley Conservation Planning District will promote cooperation, conservation, and scientific research within the Sonoita Valley region of the State of Arizona. The area shall consist of approximately 136,900 acres of land in the Arizona counties of Pima and Santa Cruz. An area within the Conservation Planning District is to be designated as the Las Cienegas National Conservation Area. This area, consisting of nearly 42,000 acres of federal public lands, will conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique aquatic, wildlife, cave, historical, and other resources and values while allowing livestock grazing and recreation to continue.

In 1995, the Sonoita Valley Planning Partnership (SVPP) was formed to work on public lands issues in the Empire-Cienega Resources Conservation Area, which the Bureau of Land Management established in 1988. The SVPP is comprised of various stakeholders, such as hiking clubs, conservation organizations, grazing and mining interests, off-highway vehicle clubs, mountain bike clubs, as well as federal, state, and county government entities. The SVPP has developed a collaborative management plan for these lands, and this National Conservation Area designation gives this plan's objectives permanence.

H.R. 2941 assures that designation of the National Conservation Area will not lead to the creation of protective perimeters or buffer zones and also assures that any activity or use on lands outside the conservation area not precluded as a result of the conservation area designation if that activity or use is consistent with other applicable law. The establishment of this Conservation Planning District and National Conservation Area will not affect any property rights of any lands or interest in lands held by the State of Arizona, any political subdivision of the State of Arizona, or any private land owner. In addition, reasonable access to non-federally owned lands or interest in lands within the Conservation Area must be provided. The establishment of the National Conservation Area also must allow multiple uses, such as grazing, motorized vehicles, military overflights, and hunting.

H.R. 2941 directs the Secretary of the Interior to develop a comprehensive management plan and have it completed within two years of the date of enactment. The bill also establishes an advisory committee representing a broad array of interests for the Conservation Planning District. In addition, H.R. 2941 specifies that State, county, and privately-held lands or interest in lands within the boundaries of the Conservation Planning District may be acquired as part of the National Conservation Area only if the land is donated, exchanged, purchased, or for State lands by eminent domain from a willing seller. The bill also directs the Secretary to give priority to conservation easements when acquiring these lands.

The intent of H.R. 2941 is for grazing to be a compatible use of the lands within the National Conservation Area. The Committee does not contemplate that the establishment of the National Conservation Area will adversely impact grazing, and in fact, this National Conservation Area is established with the understanding that grazing will be one of the tools used to properly manage the lands.

The intent of H.R. 2941 is that the practice of granting temporary rights of way for maintenance activities and permanent rights of way for natural gas pipeline looping activities immediately adjacent to existing rights of way, as well as the procedures and processes by which such temporary and permanent rights of way are applied for and granted, will neither be prevented nor hindered in the Las Cienegas National Conservation Area.

COMMITTEE ACTION

H.R. 2941 was introduced on September 24, 1999, by Congressman Jim Kolbe (R-AZ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Na-

tional Parks and Public Lands. On March 16, 2000, the National Parks and Public Lands Subcommittee held a hearing on the bill. On September 20, 2000, the Resources Committee met to consider the bill. The Subcommittee on National Parks and Public Lands was discharged from further consideration of the bill by unanimous consent. An amendment in the nature of a substitute was offered by Congressman Jim Hansen (R-UT). The amendment modified the concept of the bill by creating the Conservation Planning District for lands south of Interstate 10 and requiring a study to determine the most effective measures to protect the lands north of the Interstate within the Rincon Valley, Colossal Cave area, and Agua Verde Creek corridor to provide an ecological link to Saguaro National Park and the Rincon Mountains. The amendment also created an advisory committee and removed the provision dealing with water rights. The Hansen amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in this bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.* Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. The Committee believes that implementation of the bill would have little effect on the federal budget and that the costs incurred would be minimal.

2. *Congressional Budget Act.* As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, the Committee believes that this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *Government Reform Oversight Findings.* Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.* Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and

section 403 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt State, local, or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

