

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (c), is Pub. L. 100-534, Oct. 26, 1988, 102 Stat. 2699, known as the West Virginia National Interest River Conservation Act of 1987, which enacted this subchapter and sections 460m-26 to 460m-29 of this title, amended sections 460m-15 and 1274 of this title, and enacted provisions set out as notes under sections 460m-15 and 1274 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 460m-15 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

SUBCHAPTER CIX—SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

§ 460xx. Establishment

(a) In general

In order to protect the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the public lands surrounding the San Pedro River in Cochise County, Arizona, there is hereby established the San Pedro Riparian National Conservation Area (hereafter in this subchapter referred to as the “conservation area”).

(b) Area included

The conservation area shall consist of public lands as generally depicted on a map entitled “San Pedro Riparian National Conservation Area—Proposed” numbered AZ-040-OZ, dated January 1988, and consisting of approximately 56,431 acres.

(c) Map

As soon as is practicable after November 18, 1988, a map and legal description of the conservation area shall be filed by the Secretary of the Interior (hereafter in this subchapter referred to as the “Secretary”) with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Each such map shall have the same force and effect as if included in this subchapter. Such map shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior, and in the Bureau of Land Management offices of the State Director for Arizona, and the district office responsible for the management of the conservation area.

(Pub. L. 100-696, title I, §101, Nov. 18, 1988, 102 Stat. 4571.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

SHORT TITLE

Pub. L. 100-696, §1, Nov. 18, 1988, 102 Stat. 4571, provided: “That this Act [enacting this section, sections 460xx-1 to 460xx-6, 460yy, 460yy-1, 460zz to 460zz-11 of this title, sections 2081 to 2086, 2101 to 2106, 2121, and 2122 of Title 2, The Congress, and section 640d-31 of

Title 25, Indians, amending sections 2101, 2102, and 2106 of Title 2 and section 640d-11 of Title 25, and enacting provisions set out as notes under section 431 of this title and section 2101 of Title 2] be cited as the ‘Arizona-Idaho Conservation Act of 1988’.”

§ 460xx-1. Management

(a) General authorities

The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area. Such management shall be guided by this subchapter and, where not inconsistent with this subchapter, by the provisions of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.] (hereinafter in this subchapter referred to as “FLPMA”).

(b) Uses

The Secretary shall only allow such uses of the conservation area as he finds will further the primary purposes for which the conservation area is established. Except where needed for administrative or emergency purposes, the use of motorized vehicles in the conservation area shall only be allowed on roads specifically designated for such use as part of the management plan prepared pursuant to section 460xx-2 of this title. The Secretary shall have the power to implement such reasonable limits to visitation and use of the conservation area as he finds appropriate for the protection of the resources of the conservation area, including requiring permits for public use, or closing portions of the conservation area to public use.

(c) Withdrawals

Subject to valid existing rights, all Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto.

(d) Water rights

Congress reserves for the purposes of this reservation, a quantity of water sufficient to fulfill the purposes of the San Pedro Riparian National Conservation Area created by this subchapter. The priority date of such reserve rights shall be November 18, 1988. The Secretary shall file a claim for the quantification of such rights in an appropriate stream adjudication.

(e) Enforcement

Any person who violates any provision of this subchapter or any regulation promulgated by the Secretary to implement this subchapter shall be subject to a fine of up to \$10,000, or imprisonment for up to one year, or both.

(Pub. L. 100-696, title I, §102, Nov. 18, 1988, 102 Stat. 4571.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to

chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

§ 460xx-2. Management plan

(a) Development of plan

No later than 2 years after November 18, 1988, the Secretary shall develop a comprehensive plan for the long-range management and protection of the conservation area. The plan shall be developed with full opportunity for public participation and comment, and shall contain provisions designed to assure protection of the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreation resources and values of the conservation area.

(b) Recommendations

The Secretary shall, in the comprehensive plan referred to in subsection (a), develop recommendations to Congress on whether additional lands should be included in the conservation area.

(c) Cooperative agreements

The Secretary may enter into cooperative agreements with appropriate State and local agencies, pursuant to section 1737(b) of title 43, to better implement the plan developed pursuant to subsection (a).

(d) Research

In order to assist in the development of appropriate management strategies for the conservation area, the Secretary may authorize research on matters including the environmental, biological, hydrological, and cultural resources of the conservation area, pursuant to section 1737(a) of title 43.

(Pub. L. 100-696, title I, §103, Nov. 18, 1988, 102 Stat. 4572.)

§ 460xx-3. Advisory Committee

(a) Establishment

The Secretary shall establish a San Pedro Riparian National Conservation Area Advisory Committee, whose purpose shall be to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required pursuant to section 460xx-2 of this title.

(b) Representation

There shall be 7 members of the Committee, who shall be appointed by the Secretary. Members of the Committee shall be appointed for terms of three years, except that of the members first appointed 2 shall be appointed for terms of 1 year and 3 shall be appointed for terms of 2 years. The Secretary shall appoint one member from nominations supplied by the Governor of the State of Arizona, and one member from nominations supplied by the Supervisors of Cochise County, Arizona. The other members shall be persons with recognized backgrounds in wildlife conservation, riparian ecology, archeology, paleontology, or other disciplines directly related to the primary purposes for which the conservation area was created.

(Pub. L. 100-696, title I, §104, Nov. 18, 1988, 102 Stat. 4572.)

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 460xx-4. Land acquisition

The Secretary may acquire lands or interests in lands within the boundaries of the conservation area by exchange, purchase, or donation, except that any lands or interests therein owned by the State or local government may be acquired by donation or exchange only. Any purchase or exchange of lands to be added to the conservation area shall require the consent of the owner of those lands or rights.

(Pub. L. 100-696, title I, §105, Nov. 18, 1988, 102 Stat. 4573.)

LAND EXCHANGE AND CONSERVATION IN ARIZONA

For provisions relating to land exchange and conservation in southeastern Arizona, see section 539p of this title.

§ 460xx-5. Report to Congress

No later than five years after November 18, 1988, and every ten years thereafter, the Secretary shall report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, on the implementation of this subchapter. Such report shall include a detailed statement on the condition of the resources within the conservation area and of the progress of the Bureau of Land Management in achieving the purposes of this subchapter.

(Pub. L. 100-696, title I, §106, Nov. 18, 1988, 102 Stat. 4573; Pub. L. 103-437, §6(d)(22), Nov. 2, 1994, 108 Stat. 4584.)

AMENDMENTS

1994—Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

§ 460xx-6. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter.

(Pub. L. 100-696, title I, §107, Nov. 18, 1988, 102 Stat. 4573.)

SUBCHAPTER CX—CITY OF ROCKS NATIONAL RESERVE

§ 460yy. Establishment

(a) In general

There is hereby established the City of Rocks National Reserve (hereinafter referred to as the