

Section 460bbbb-1, Pub. L. 96-428, §2, Oct. 10, 1980, 94 Stat. 1839; Pub. L. 108-314, §3, Oct. 5, 2004, 118 Stat. 1199; Pub. L. 115-108, §2(2), (3), Jan. 8, 2018, 131 Stat. 2267, related to administration of the Park.

Section 460bbbb-2, Pub. L. 96-428, §3, Oct. 10, 1980, 94 Stat. 1840; Pub. L. 115-108, §2(3), (4), Jan. 8, 2018, 131 Stat. 2267, related to authority of Secretary regarding property and concessions.

Section 460bbbb-3, Pub. L. 96-428, §4, Oct. 10, 1980, 94 Stat. 1841, related to establishment of the Martin Luther King, Junior, National Historic Site Advisory Commission.

Section 460bbbb-4, Pub. L. 96-428, §5, Oct. 10, 1980, 94 Stat. 1842; Pub. L. 115-108, §2(3), Jan. 8, 2018, 131 Stat. 2267, related to prohibition of entrance or admission fees.

Section 460bbbb-5, Pub. L. 96-428, §6, Oct. 10, 1980, 94 Stat. 1842; Pub. L. 102-575, title XL, §4024(b), Oct. 30, 1992, 106 Stat. 4768, related to authorization of appropriations and limitation on authority to enter into contracts, incur obligations, or make payments.

Section 460bbbb-6, Pub. L. 96-428, §7, Oct. 10, 1980, 94 Stat. 1842, related to minimization of adverse impacts on preservation district.

Section 460bbbb-7, Pub. L. 96-428, §8, Oct. 10, 1980, 94 Stat. 1843, related to submission of comprehensive general management plan.

SUBCHAPTER CXL—JOHN WESLEY POWELL NATIONAL CONSERVATION AREA

PRIOR PROVISIONS

A prior subchapter CXL, relating to Ste. Genevieve National Historical Park and consisting of section 460cccc, was editorially reclassified as subchapter LIX-VV (§410xxx) of this chapter.

§ 460cccc. John Wesley Powell National Conservation Area

(a) Definitions

In this section:

(1) Map

The term “Map” means the Bureau of Land Management map entitled “Proposed John Wesley Powell National Conservation Area” and dated December 10, 2018.

(2) National Conservation Area

The term “National Conservation Area” means the John Wesley Powell National Conservation Area established by subsection (b)(1).

(b) Establishment

(1) In general

Subject to valid existing rights, there is established the John Wesley Powell National Conservation Area in the State of Utah.

(2) Area included

The National Conservation Area shall consist of approximately 29,868 acres of public land administered by the Bureau of Land Management as generally depicted on the Map.

(c) Purposes

The purposes of the National Conservation Area are to conserve, protect, and enhance for the benefit of present and future generations the nationally significant historic, cultural, natural, scientific, scenic, recreational, archaeological, educational, and wildlife resources of the National Conservation Area.

(d) Map and legal description

(1) In general

As soon as practicable after March 12, 2019, the Secretary shall prepare and file a map and

legal description of the National Conservation Area with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) Effect

The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct minor errors in the map or legal description.

(3) Availability

A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(e) Management

The Secretary shall manage the National Conservation Area—

(1) in a manner that conserves, protects, and enhances the resources of the National Conservation Area;

(2) in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law; and

(3) as a component of the National Landscape Conservation System.

(4) MANAGEMENT PLAN

(A) IN GENERAL.—Not later than 2 years after March 12, 2019, the Secretary shall develop a management plan for the National Conservation Area.

(B) CONSULTATION.—The Secretary shall prepare the management plan—

(i) in consultation and coordination with the State of Utah, Uintah County, and affected Indian Tribes; and

(ii) after providing for public input.

(f) Uses

The Secretary shall only allow such uses of the National Conservation Area as the Secretary determines would further the purposes for which the National Conservation is established.

(g) Acquisition

(1) In general

The Secretary may acquire land or interests in land within the boundaries of the National Conservation Area by purchase from a willing seller, donation, or exchange.

(2) Incorporation in National Conservation Area

Any land or interest in land located inside the boundary of the National Conservation Area that is acquired by the United States after March 12, 2019, shall be added to and administered as part of the National Conservation Area.

(3) State land

On request of the Utah School and Institutional Trust Lands Administration and, if practicable, not later than 5 years after March 12, 2019, the Secretary shall seek to acquire all State-owned land within the boundaries of the

National Conservation Area by exchange or purchase, subject to the appropriation of necessary funds.

(h) Motorized vehicles

(1) In general

Subject to paragraph (2), except in cases in which motorized vehicles are needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated in the management plan.

(2) Use of motorized vehicles prior to completion of management plan

Prior to completion of the management plan, the use of motorized vehicles within the National Conservation Area shall be permitted in accordance with the applicable Bureau of Land Management resource management plan.

(i) Grazing

The grazing of livestock in the National Conservation Area, where established before March 12, 2019, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(1) applicable law (including regulations);

(2) the purposes of the National Conservation Area; and

(3) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101-405).

(j) Fish and wildlife

Nothing in this section affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on Federal land in the State.

(k) Wildlife water projects

The Secretary, in consultation with the State of Utah, may authorize wildlife water projects (including guzzlers) within the National Conservation Area.

(l) Greater sage-grouse conservation projects

Nothing in this section affects the authority of the Secretary to undertake Greater sage-grouse (*Centrocercus urophasianus*) conservation projects to maintain and improve Greater sage-grouse habitat, including the management of vegetation through mechanical means, to further the purposes of the National Conservation Area.

(m) Water rights

Nothing in this section—

(1) constitutes an express or implied reservation by the United States of any water rights with respect to the National Conservation Area;

(2) affects any water rights in the State;

(3) affects the use or allocation, in existence on March 12, 2019, of any water, water right, or interest in water;

(4) affects any vested absolute or decreed conditional water right in existence on March 12, 2019, including any water right held by the United States;

(5) affects any interstate water compact in existence on March 12, 2019; or

(6) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before March 12, 2019.

(n) No buffer zones

(1) In general

Nothing in this section creates a protective perimeter or buffer zone around the National Conservation Area.

(2) Activities outside National Conservation Area

The fact that an authorized activity or use on land outside the National Conservation Area can be seen or heard within the National Conservation Area shall not preclude the activity or use outside the boundary of the Area.

(o) Withdrawal

(1) In general

Subject to valid existing rights, all Federal land in the National Conservation Area (including any land acquired after March 12, 2019) is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(p) Vegetation management

Nothing in this section prevents the Secretary from conducting vegetation management projects, including fuels reduction activities, within the National Conservation Area that are consistent with this section and that further the purposes of the National Conservation Area.

(q) Wildland fire operations

Nothing in this section prohibits the Secretary, in consultation with other Federal, State, local, and Tribal agencies, as appropriate, from conducting wildland fire prevention and restoration operations in the National Conservation Area, consistent with the purposes of this section.

(r) Recreation fees

Except for improved campgrounds, the Secretary is prohibited from collecting recreation entrance or use fees within the National Conservation Area.

(s) Outfitting and guide activities

Outfitting and guide services within the National Conservation Area, including commercial outfitting and guide services, are authorized in accordance with this section and other applicable law (including regulations).

(t) Non-Federal land

(1) In general

Nothing in this section affects non-Federal land or interests in non-Federal land within the National Conservation Area.

(2) Reasonable access

The Secretary shall provide reasonable access to non-Federal land or interests in non-

Federal land within the National Conservation Area.

(u) Research and interpretive management

The Secretary may establish programs and projects for the conduct of scientific, historical, cultural, archeological, and natural studies through the use of public and private partnerships that further the purposes of the National Conservation Area.

(Pub. L. 116–9, title I, §1118, Mar. 12, 2019, 133 Stat. 627.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (e)(2)(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.

PRIOR PROVISIONS

A prior section 460cccc, Pub. L. 115–141, div. G, title I, §121(a)(2), Mar. 23, 2018, 132 Stat. 661, which related to Ste. Genevieve National Historical Park, was transferred to section 410xxx of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of the Interior, see section 2 of Pub. L. 116–9, set out as a note under section 1 of this title.

SUBCHAPTER CXLI—SAN RAFAEL SWELL RECREATION AREA

§ 460ddd. Establishment of Recreation Area

(a) Establishment

(1) In general

Subject to valid existing rights, there is established the San Rafael Swell Recreation Area in the State.

(2) Area included

The Recreation Area shall consist of approximately 216,995 acres of Federal land managed by the Bureau of Land Management, as generally depicted on the Map.

(b) Purposes

The purposes of the Recreation Area are to provide for the protection, conservation, and enhancement of the recreational, cultural, natural, scenic, wildlife, ecological, historical, and educational resources of the Recreation Area.

(c) Map and legal description

(1) In general

As soon as practicable after March 12, 2019, the Secretary shall file a map and legal description of the Recreation Area with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) Effect

The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subchapter, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) Public availability

A copy of the map and legal description filed under paragraph (1) shall be on file and avail-

able for public inspection in the appropriate offices of the Bureau of Land Management.

(Pub. L. 116–9, title I, §1221, Mar. 12, 2019, 133 Stat. 668.)

EMERY COUNTY PUBLIC LAND MANAGEMENT

Pub. L. 116–9, title I, §§1211–1214, Mar. 12, 2019, 133 Stat. 667, provided that:

“SEC. 1211. DEFINITIONS.

“In this part [part II (§§1211–1255) of subtitle C of title I of Pub. L. 116–9, enacting this subchapter, amending section 1274 of this title, enacting provisions set out as a note under section 1274 of this title, and enacting provisions listed in a table of Wilderness Areas set out under section 1132 of this title and in a table of National Monuments set out under section 320301 of Title 54, National Parks Service and Related Programs]:

“(1) COUNCIL.—The term ‘Council’ means the San Rafael Swell Recreation Area Advisory Council established under section 1223(a) [16 U.S.C. 460ddd–2(a)].

“(2) COUNTY.—The term ‘County’ means Emery County in the State.

“(3) MANAGEMENT PLAN.—The term ‘Management Plan’ means the management plan for the Recreation Area developed under section 1222(c) [16 U.S.C. 460ddd–1(c)].

“(4) MAP.—The term ‘Map’ means the map entitled ‘Emery County Public Land Management Act of 2018 Overview Map’ and dated February 5, 2019.

“(5) RECREATION AREA.—The term ‘Recreation Area’ means the San Rafael Swell Recreation Area established by section 1221(a)(1) [16 U.S.C. 460ddd(a)(1)].

“(6) SECRETARY.—The term ‘Secretary’ means—

“(A) the Secretary [of the Interior], with respect to public land administered by the Bureau of Land Management; and

“(B) the Secretary of Agriculture, with respect to National Forest System land.

“(7) STATE.—The term ‘State’ means the State of Utah.

“(8) WILDERNESS AREA.—The term ‘wilderness area’ means a wilderness area designated by section 1231(a) [enacting provisions listed in a table of Wilderness Areas set out under section 1132 of this title].

“SEC. 1212. ADMINISTRATION.

“Nothing in this part affects or modifies—

“(1) any right of any federally recognized Indian Tribe; or

“(2) any obligation of the United States to any federally recognized Indian Tribe.

“SEC. 1213. EFFECT ON WATER RIGHTS.

“Nothing in this part—

“(1) affects the use or allocation, in existence on the date of enactment of this Act [Mar. 12, 2019], of any water, water right, or interest in water;

“(2) affects any water right (as defined by applicable State law) in existence on the date of enactment of this Act, including any water right held by the United States;

“(3) affects any interstate water compact in existence on the date of enactment of this Act;

“(4) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act; or

“(5) affects the management and operation of Flaming Gorge Dam and Reservoir, including the storage, management, and release of water.

“SEC. 1214. SAVINGS CLAUSE.

“Nothing in this part diminishes the authority of the Secretary under Public Law 92–195 (commonly known as the ‘Wild Free-Roaming Horses and Burros Act’) (16 U.S.C. 1331 et seq.).”

§ 460ddd–1. Management of Recreation Area

(a) In general

The Secretary shall administer the Recreation Area—