

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—

(1) in a manner that conserves, protects, and enhances the purposes for which the Recreation Area is established; and

(2) in accordance with—

(A) this section;

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

(C) other applicable laws.

(b) Uses

The Secretary shall allow only uses of the Recreation Area that are consistent with the purposes for which the Recreation Area is established.

(c) Management Plan

(1) In general

Not later than 5 years after March 12, 2019, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Recreation Area.

(2) Requirements

The Management Plan shall—

(A) describe the appropriate uses and management of the Recreation Area;

(B) be developed with extensive public input;

(C) take into consideration any information developed in studies of the land within the Recreation Area; and

(D) be developed fully consistent with the settlement agreement entered into on January 13, 2017, in the case in the United States District Court for the District of Utah styled “Southern Utah Wilderness Alliance, et al. v. U.S. Department of the Interior, et al.” and numbered 2:12-cv-257 DAK.

(d) Motorized vehicles; new roads

(1) Motorized vehicles

Except as needed for emergency response or administrative purposes, the use of motorized vehicles in the Recreation Area shall be permitted only on roads and motorized routes designated in the Management Plan for the use of motorized vehicles.

(2) New roads

No new permanent or temporary roads or other motorized vehicle routes shall be constructed within the Recreation Area after March 12, 2019.

(3) Existing roads

(A) In general

Necessary maintenance or repairs to existing roads designated in the Management Plan for the use of motorized vehicles, including necessary repairs to keep existing roads free of debris or other safety hazards, shall be permitted after March 12, 2019, consistent with the requirements of this section.

(B) Effect

Nothing in this subsection prevents the Secretary from rerouting an existing road or trail to protect Recreation Area resources from degradation or to protect public safety, as determined to be appropriate by the Secretary.

(e) Grazing

(1) In general

The grazing of livestock in the Recreation Area, if 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—

- (A) applicable law (including regulations); and
 (B) the purposes of the Recreation Area.

(2) Inventory

Not later than 5 years after March 12, 2019, the Secretary, in collaboration with any affected grazing permittee, shall carry out an inventory of facilities and improvements associated with grazing activities in the Recreation Area.

(f) Cold War sites

The Secretary shall manage the Recreation Area in a manner that educates the public about Cold War and historic uranium mine sites in the Recreation Area, subject to such terms and conditions as the Secretary considers necessary to protect public health and safety.

(g) Incorporation of acquired land and interests

Any land or interest in land located within the boundary of the Recreation Area that is acquired by the United States after March 12, 2019, shall—

- (1) become part of the Recreation Area; and
- (2) be managed in accordance with applicable laws, including as provided in this section.

(h) Withdrawal

Subject to valid existing rights, all Federal land within the Recreation Area, including any land or interest in land that is acquired by the United States within the Recreation Area after March 12, 2019, is withdrawn from—

- (1) entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(i) Study of nonmotorized recreation opportunities

Not later than 2 years after March 12, 2019, the Secretary, in consultation with interested parties, shall conduct a study of nonmotorized recreation trail opportunities, including bicycle trails, within the Recreation Area, consistent with the purposes of the Recreation Area.

(j) Cooperative agreement

The Secretary may enter into a cooperative agreement with the State in accordance with section 307(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(b)) and other applicable laws to provide for the protection, management, and maintenance of the Recreation Area.

(Pub. L. 116-9, title I, §1222, Mar. 12, 2019, 133 Stat. 668.)

Editorial Notes

REFERENCES IN TEXT

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

§ 460ddd-2. San Rafael Swell Recreation Area Advisory Council

(a) Establishment

Not later than 180 days after March 12, 2019, the Secretary shall establish an advisory council, to be known as the “San Rafael Swell Recreation Area Advisory Council”.

(b) Duties

The Council shall advise the Secretary with respect to the preparation and implementation of the Management Plan for the Recreation Area.

(c) Applicable law

The Council shall be subject to—

- (1) the Federal Advisory Committee Act (5 U.S.C. App.); and
- (2) section 1739 of title 43.

(d) Members

The Council shall include 7 members, to be appointed by the Secretary, of whom, to the maximum extent practicable—

- (1) 1 member shall represent the Emery County Commission;
- (2) 1 member shall represent motorized recreational users;
- (3) 1 member shall represent nonmotorized recreational users;
- (4) 1 member shall represent permittees holding grazing allotments within the Recreation Area or wilderness areas designated in this part;
- (5) 1 member shall represent conservation organizations;
- (6) 1 member shall have expertise in the historical uses of the Recreation Area; and
- (7) 1 member shall be appointed from the elected leadership of a Federally recognized Indian Tribe that has significant cultural or historical connections to, and expertise in, the landscape, archeological sites, or cultural sites within the County.

(Pub. L. 116-9, title I, §1223, Mar. 12, 2019, 133 Stat. 670.)

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c)(1), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

This part, referred to in subsec. (d)(4), is part II (§§1211-1255) of subtitle C of title I of Pub. L. 116-9, Mar. 12, 2019, 133 Stat. 667, which enacted this subchapter, amended section 1274 of this title, enacted provisions set out as notes under section 1274 of this title, and enacted 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.

SUBCHAPTER CXLII—VINAGRE WASH
SPECIAL MANAGEMENT AREA

§ 460eeee. Vinagre Wash Special Management Area

(a) Definitions

In this section: