

Public Law 101-621
101st Congress

An Act

Nov. 16, 1990
[H.R. 4559]

To establish the Red Rock Canyon National Conservation Area.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Red Rock Canyon National Conservation Area Establishment Act of 1990".

SEC. 2. DEFINITIONS.

For the purposes of this Act, the term—

(a) "conservation area" means the Red Rock Canyon National Conservation Area established pursuant to section 3 of this Act;

(b) "public lands" has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)); and

(c) "Secretary" means the Secretary of the Interior.

16 USC 460ccc-1.

SEC. 3. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) **IN GENERAL.**—(1) In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the area in southern Nevada containing and surrounding the Red Rock Canyon and the unique and nationally important geologic, archeological, ecological, cultural, scenic, scientific, wildlife, riparian, wilderness, endangered species, and recreation resources of the public lands therein contained, there is established the Red Rock Canyon National Conservation Area.

(2) The conservation area shall consist of approximately 83,100 acres of generally depicted on a map entitled "Red Rock Canyon National Conservation Area—Proposed" numbered NV-RRC-NCA-001, and dated June, 1990.

(3) The map referred to in paragraph (2) shall be on file and available for inspection in the appropriate offices of the Bureau of Land Management, Department of the Interior.

(b) **LEGAL DESCRIPTION.**—(1) As soon as practicable after the date of enactment of this Act, the Secretary shall file a legal description of the conservation area established by subsection (a) with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, and such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographic errors in legal description.

(2) The legal description described in paragraph (1) 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.

(c) **DISCREPANCIES.**—In case of any discrepancy between or among the map described in subsection (a), the amount of acreage stated in subsection (a), or the legal description filed by the Secretary pursu-

Red Rock
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ant to subsection (b), the map described in subsection (a) shall control any question concerning the boundaries of the conservation area.

SEC. 4. MANAGEMENT.

16 USC 460ccc-2.

(a) **IN GENERAL.**—The Secretary, acting through the Director of the Bureau of Land Management, shall, subject to valid existing rights, manage the conservation area to conserve, protect, and enhance the resources described in section 3 in accordance with this Act, the Federal Land Policy and Management Act of 1976, and other applicable laws. The Secretary shall only allow such uses of the conservation area as he finds will further the purposes for which the conservation area is established.

(b) **HUNTING.**—(1) Subject to paragraph (2), the Secretary shall permit hunting within the conservation area in accordance with the laws of the State of Nevada.

(2) The Secretary, after consultation with the Nevada Department of Wildlife, may issue regulations designating zones where and establishing when hunting shall not be permitted for reasons of public safety, administration, or public use and enjoyment.

(c) **PREVENTIVE MEASURES.**—Nothing in this Act shall preclude such measures as the Secretary deems necessary to prevent devastating fire or infestation of insects or disease within the conservation area.

(d) **MECHANIZED VEHICLES.**—Except when needed for administrative or emergency purposes, the use of mechanized vehicles in the conservation area shall be allowed only on roads and trails specifically designated for such use as provided in the management plan prepared pursuant to section 5.

(e) **LIMITS ON VISITATION AND USE.**—The Secretary may limit visitation and use of the conservation area as the Secretary finds appropriate for the protection of the resources of the conservation area.

SEC. 5. MANAGEMENT PLAN.

16 USC 460ccc-3.

(a) **IN GENERAL.**—(1) Within 3 full fiscal years following the fiscal year in which the date of enactment of this Act occurs, the Secretary shall develop and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, a general management plan for the conservation area, which shall describe the appropriate uses and development of the conservation area consistent with the purposes of this Act.

(2) The management plan described in paragraph (1) shall be developed with full public participation and shall include—

(A) an implementation plan for a continuing program of interpretation and public education about the resources and values of the conservation area;

(B) a proposal for administrative and public facilities to be developed, expanded, or improved for the conservation area including the Red Rock Canyon visitors center, to accommodate visitors to the conservation area;

(C) a cultural resources management plan for the conservation area prepared in consultation with the Nevada State Historic Preservation Officer, with emphasis on the preservation of the resources in 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;

(D) a wildlife resource management plan for the conservation area prepared in consultation with appropriate departments of the State of Nevada and using previous studies of the area; and

(E) a recreation management plan, including nonmotorized dispersed recreation opportunities for the conservation area in consultation with appropriate departments of the State of Nevada.

(b) **WILDERNESS STUDY AREAS.**—Subject to section 7 of this Act, nothing in this Act is intended to alter the requirements of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), or section 5(a) of the National Forest and Public Lands of Nevada Enhancement Act of 1988 (102 Stat. 2751), as those requirements apply to the lands within, or adjacent to the conservation area as of the date of enactment of this Act.

16 USC 460ccc-4. **SEC. 6. ACQUISITIONS.**

(a) **IN GENERAL.**—(1) Within the conservation area, and subject to the provisions of this section, the Secretary is authorized to acquire lands, interests in lands, and associated water rights, by donation, purchase with donated or appropriated funds, exchange for Federal lands outside the conservation area, or transfer from another Federal agency with the concurrence of the head of the appropriate agency thereof.

(2) Lands or interests therein owned by the State of Nevada or a political subdivision thereof may be acquired by donation or exchange only.

(3) No privately owned lands, interests in lands, or associated water rights, may be acquired without the consent of the owner thereof unless the Secretary determines that, in his judgment, the property is subject to, or threatened with, uses which are having, or would have, an adverse impact on the resource values for which the conservation area was established.

(4) Any lands, waters, or interests therein within the boundaries of the conservation area which after the date of enactment of this Act may be acquired by the United States shall be incorporated into the conservation area and be managed accordingly, and all provisions of this Act and other laws applicable to conservation areas shall apply to such incorporated lands.

(b) **LAND EXCHANGES.**—All exchanges pursuant to subsection (a) shall be made in a manner consistent with section 206 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1716).

16 USC 460ccc-5. **SEC. 7. WITHDRAWAL.**

Except as specifically authorized in this Act, and subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are acquired by the United States after the date of enactment of this Act for inclusion in the conservation area are withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from operation under the mineral leasing and geothermal leasing laws, and all amendments thereto.

SEC. 8. COOPERATIVE AGREEMENTS.

16 USC 460ccc-6.

In order to encourage unified and cost-effective management and interpretation of natural and cultural resources in the conservation area, the Secretary is authorized and encouraged to enter into cooperative agreements with other Federal, State, and local agencies and nonprofit entities providing for the management and interpretation of natural and cultural resources in the conservation area.

SEC. 9. COORDINATED MANAGEMENT.

16 USC 460ccc-7.

The Secretary shall coordinate the management of the conservation area with that of surrounding State and Federal lands in such a manner as best to meet the present and future needs of the American people.

SEC. 10. WATER.

16 USC 460ccc-8.

(a) Within the conservation area designated by this Act, there is hereby reserved a quantity of water sufficient to fulfill the purposes for which the conservation area is established.

(b) The priority date of the water rights reserved in paragraph (a) shall be the date of enactment of this Act.

(c) The Secretary shall take all steps necessary to protect the water rights reserved by this section, including the filing of a claim for quantification of such rights in any appropriate water adjudication in the courts of the State of Nevada in which the United States is or may be joined and which is conducted in accordance with the McCarren Amendment (43 U.S.C. 666).

(d) The Federal water rights reserved by this Act shall be in addition to any water rights which may have been previously secured by the United States for purposes other than for the conservation area.

(e) The Federal water rights reserved by this Act are specific to the conservation area designated by this Act. Nothing in this Act shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation.

SEC. 11. NO BUFFER ZONES.

16 USC 460ccc-9.

The Congress does not intend for the establishment of the conservation area to 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 to the extent consistent with other applicable law.

16 USC
460ccc-10.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 16, 1990.

LEGISLATIVE HISTORY—H.R. 4559:

HOUSE REPORTS: No. 101-739 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 101-527 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 136 (1990):

Sept. 25, considered and passed House.

Oct. 18, considered and passed Senate, amended.

Oct. 26, House concurred in Senate amendment with an amendment.

Oct. 27, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):

Nov. 16, Presidential remarks.