

103D CONGRESS
1ST SESSION

S. 172

To establish the Spring Mountains National Recreation Area in Nevada,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. BRYAN (for himself and Mr. REID) introduced the following bill; which
was read twice and referred to the Committee on Energy and Natural
Resources

A BILL

To establish the Spring Mountains National Recreation Area
in Nevada, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spring Mountains Na-
5 tional Recreation Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

8 (1) NATIONAL FOREST LANDS.—The term “Na-
9 tional Forest lands” means lands included in the
10 National Forest System (as defined in section 11(a))

1 of the Forest and Rangeland Renewable Resources
2 Planning Act of 1974 (16 U.S.C. 1609(a)).

3 (2) RECREATION AREA.—The term “Recreation
4 Area” means the Spring Mountains National Recre-
5 ation Area established by section 4.

6 (3) SECRETARY.—The term “Secretary” means
7 the Secretary of Agriculture.

8 **SEC. 3. PURPOSES.**

9 The purposes of this Act are to—

10 (1) preserve scenic, scientific, historic, cultural,
11 natural, wilderness, watershed, riparian, wildlife,
12 threatened and endangered species, and other values
13 contributing to public enjoyment and biological di-
14 versity in the Spring Mountains of Nevada;

15 (2) ensure appropriate conservation and man-
16 agement of natural recreation resources in the
17 Spring Mountains; and

18 (3) provide for the development of public recre-
19 ation opportunities in the Spring Mountains for the
20 enjoyment of present and future generations.

21 **SEC. 4. ESTABLISHMENT OF RECREATION AREA.**

22 (a) IN GENERAL.—Subject to valid existing rights,
23 there is established the Spring Mountains National Recre-
24 ation Area in Nevada.

1 (b) BOUNDARIES AND MAP.—The Recreation Area
2 shall consist of approximately 316,000 acres of federally
3 owned lands and waters in the Toiyabe National Forest,
4 as generally depicted on a map entitled “Spring Mountain
5 National Recreation Area—Proposed”, numbered NV-
6 CH, and dated August 2, 1992.

7 (c) MAP FILING.—As soon as practicable after the
8 date of enactment of this Act, the Secretary shall file a
9 map of the Recreation Area with the Committee on En-
10 ergy and Natural Resources of the Senate and the Com-
11 mittee on Interior and Insular Affairs of the House of
12 Representatives.

13 (d) PUBLIC INSPECTION.—The map shall be on file
14 and available for public inspection in the offices of the
15 Chief of the Forest Service, Department of Agriculture.

16 (e) DISCREPANCIES.—In the case of any discrepancy
17 between the acreage referred to in subsection (b) and the
18 map described in subsection (b), the map described in sub-
19 section (b) shall control with respect to any question con-
20 cerning the boundaries of the Recreation Area.

21 **SEC. 5. MANAGEMENT.**

22 (a) IN GENERAL.—The Secretary, acting through the
23 Chief of the Forest Service, shall manage the Recreation
24 Area in accordance with the laws applicable to the Na-
25 tional Forest System and this Act to provide for—

1 (1) the conservation of scenic, scientific, his-
2 toric, cultural, and other values contributing to pub-
3 lic enjoyment;

4 (2) the conservation of fish and wildlife popu-
5 lations and habitat, including the use of prescribed
6 fire to improve or maintain habitat;

7 (3) the protection of watersheds and the main-
8 tenance of free flowing streams and the quality of
9 ground and surface waters in accordance with appli-
10 cable Federal and State law;

11 (4) public outdoor recreation benefits, including
12 hunting, fishing, trapping, hiking, horseback riding,
13 backpacking, rock climbing, camping, and nature
14 study;

15 (5) wilderness areas as designated by Congress
16 pursuant to the Wilderness Act (16 U.S.C. 1131 et
17 seq.); and

18 (6) the management, utilization, and disposal of
19 natural resources in a manner compatible with the
20 purposes for which the Recreation Area is estab-
21 lished.

22 (b) HUNTING, TRAPPING, AND FISHING.—

23 (1) IN GENERAL.—Subject to paragraph (2),
24 the Secretary shall permit hunting, trapping, fishing,
25 and habitat management within the Recreation Area

1 in accordance with the laws of the United States and
2 the State of Nevada.

3 (2) EXCEPTIONS.—The Secretary, after con-
4 sultation with the Nevada Department of Wildlife,
5 may designate zones where and periods when hunt-
6 ing, trapping, or fishing shall not be permitted for
7 reasons of public safety, administration, or public
8 use and enjoyment.

9 (c) GRAZING.—The Secretary may permit the grazing
10 of livestock within the Recreation Area pursuant to Fed-
11 eral law and subject to such reasonable regulations, poli-
12 cies, and practices as the Secretary considers necessary.

13 (d) PREVENTIVE MEASURES.—Nothing in this Act
14 shall preclude such reasonable measures as the Secretary
15 considers necessary to protect the land and resources in
16 the Recreation Area from fire or insect or disease infesta-
17 tion.

18 **SEC. 6. MANAGEMENT PLAN.**

19 (a) IN GENERAL.—

20 (1) PROCEDURES.—

21 (A) DEVELOPMENT OF PLAN.—Not later
22 than 3 full fiscal years after the date of enact-
23 ment of this Act, the Secretary shall develop a
24 general management plan for the Recreation

1 Area as an amendment to the Toiyabe National
2 Forest Land and Resource Management Plan.

3 (B) SCOPE.—

4 (i) IN GENERAL.—Subject to clause
5 (ii), the amendment described in subpara-
6 graph (A) shall reflect the establishment of
7 the Recreation Area and be consistent with
8 this Act.

9 (ii) EFFECT ON TOIYABE PLAN.—

10 Nothing in this Act shall require the Sec-
11 retary to revise the Toiyabe National For-
12 est Land and Resource Management Plan
13 pursuant to section 6 of the Forest and
14 Rangeland Renewable Resources Planning
15 Act of 1974 (16 U.S.C. 1604).

16 (C) AVAILABILITY TO PUBLIC.—The gen-
17 eral management plan for the Recreation Area
18 shall be available to the public in a document
19 separate from the rest of the Toiyabe National
20 Forest Land and Resource Management Plan.

21 (2) CONTENTS.—The management plan de-
22 scribed in paragraph (1) shall be developed with full
23 public participation and shall include—

24 (A) implementation plans for a continuing
25 program of interpretation and public education

1 about the resources and values of the Recre-
2 ation Area;

3 (B) proposals for public facilities to be de-
4 veloped, expanded, or improved for the Recre-
5 ation Area, including one or more visitor cen-
6 ters to accommodate both local and out-of-State
7 visitors;

8 (C) plans for the management of natural
9 and cultural resources in the Recreation Area,
10 with emphasis on the preservation and long-
11 term scientific use of archaeological resources,
12 with priority in development given to the en-
13 forcement of the Archaeological Resources Pro-
14 tection Act of 1979 (16 U.S.C. 470aa et seq.)
15 and the National Historic Preservation Act (16
16 U.S.C. 470 et seq.) within the Recreation Area;

17 (D) wildlife and fish resource management
18 plans for the Recreation Area prepared in con-
19 sultation with appropriate departments of the
20 State of Nevada and using other available stud-
21 ies of the Recreation Area;

22 (E) recreation management plans for the
23 Recreation Area prepared in consultation with
24 appropriate departments of the State of Ne-
25 vada;

1 (F) wild horse and burro herd manage-
2 ment plans for the Recreation Area prepared in
3 consultation with appropriate departments and
4 commissions of the State of Nevada; and

5 (G) an inventory of all lands within the
6 Recreation Area not presently managed as Na-
7 tional Forest lands that will permit the Sec-
8 retary to evaluate possible future acquisitions.

9 (3) CONSULTATION.—The plans for the man-
10 agement of natural and cultural resources described
11 in paragraph (2)(C) shall be prepared in consulta-
12 tion with—

13 (A) the Advisory Council on Historic Pres-
14 ervation established by title II of the National
15 Historic Preservation Act (16 U.S.C. 470i et
16 seq.); and

17 (B) the Nevada State Department of Con-
18 servation and Natural Resources, Division of
19 Historic Preservation and Archaeology.

20 (b) WILDERNESS STUDY AREAS.—

21 (1) RECOMMENDATIONS.—The general manage-
22 ment plan for the Recreation Area shall include the
23 recommendations of the Bureau of Land Manage-
24 ment as to the suitability for preservation as wilder-
25 ness pursuant to the Wilderness Act (16 U.S.C.

1 1131 et seq.) of the 89,270 acres identified as the
2 Mt. Stirling, La Madre Mountains, and Pine Creek
3 Wilderness Study Areas on the Bureau of Land
4 Management Wilderness Status Map, dated March
5 1990.

6 (2) MANAGEMENT.—Pending submission of a
7 recommendation and until otherwise directed by Act
8 of Congress, the Secretary, acting through the Chief
9 of the Forest Service, shall manage the lands and
10 waters within the wilderness study areas referred to
11 in paragraph (1) so as to maintain their potential
12 for inclusion within the National Wilderness Preser-
13 vation System.

14 **SEC. 7. ACQUISITION OF LANDS.**

15 (a) IN GENERAL.—The Secretary may acquire by do-
16 nation, purchase with donated or appropriated funds, ex-
17 change, bequest, or otherwise such lands, or lesser inter-
18 ests in lands (including mineral interests, water rights,
19 and scenic easements) as the Secretary determines are
20 necessary to carry out this Act.

21 (b) EXCHANGES OUT OF FEDERAL OWNERSHIP.—
22 Federally owned lands, waters, or interests in lands or wa-
23 ters located within the Recreation Area may not be ex-
24 changed except in connection with an exchange for lands,

1 waters, or interests in lands or waters owned by the State
2 of Nevada or a political subdivision of the State.

3 (c) INCORPORATION OF ACQUIRED LANDS.—Any
4 lands, waters, or interests in lands or waters located with-
5 in the Recreation Area that are acquired by the United
6 States or are administratively transferred to the Secretary
7 after the date of enactment of this Act shall be incor-
8 porated into the Recreation Area and managed in accord-
9 ance with this Act and the laws applicable to the National
10 Forest System.

11 (d) LAND AND WATER CONSERVATION FUND.—

12 (1) BOUNDARIES.—For the purpose of section
13 7 of the Land and Water Conservation Fund Act of
14 1965 (16 U.S.C. 4601–9), when new boundaries are
15 established for a unit of the National Forest System
16 pursuant to subsection (c), the new boundaries shall
17 be treated as if they were the boundaries of the Na-
18 tional Forest as of January 1, 1965.

19 (2) AVAILABILITY OF FUNDS.—Money appro-
20 priated from the Land and Water Conservation
21 Fund shall be available for the acquisition of lands,
22 waters, and interests in lands and waters in further-
23 ance of the purposes of this Act.

1 **SEC. 8. WITHDRAWAL.**

2 (a) IN GENERAL.—Subject to valid existing rights
3 and except for the lands described in subsection (b), all
4 Federal lands within the Recreation Area and all lands,
5 waters, and interests in lands and waters within the
6 Recreation Area that are acquired by the United States
7 after the date of enactment of this Act are withdrawn
8 from—

9 (1) all forms of entry, appropriation, or disposal
10 under the public land laws;

11 (2) location, entry, and patent under the mining
12 laws; and

13 (3) operation under the mineral leasing and
14 geothermal leasing laws.

15 (b) EXCEPTION.—The lands referred to in subsection
16 (a) have the following legal description:

17 S^{1/2} Sec. 23, W^{1/2}E^{1/2} and W^{1/2} Sec. 27, E^{1/2}E^{1/2}
18 Sec. 28, E^{1/2}E^{1/2} Sec. 33, and W^{1/2} Sec. 34, T 23
19 S, R 58 E, Mt. Diablo Meridian.

20 **SEC. 9. COORDINATED MANAGEMENT.**

21 The Secretary shall coordinate the management of
22 the Recreation Area with the management of all proximate
23 lands in a manner that best meets the present and future
24 needs of the people of the United States.

1 **SEC. 10. COOPERATIVE AGREEMENTS.**

2 In order to encourage unified and cost-effective man-
3 agement and interpretation of natural and cultural re-
4 sources in southern Nevada, the Secretary may enter into
5 cooperative agreements with other Federal, State, and
6 local agencies, and with nonprofit entities, that provide for
7 the management and interpretation of natural and cul-
8 tural resources in southern Nevada.

9 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

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