

106TH CONGRESS
2D SESSION

S. 2273

To establish the Black Rock Desert-High Rock Canyon Emigrant Trails
National Conservation Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2000

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

A BILL

To establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, 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 “Black Rock Desert-
5 High Rock Canyon Emigrant Trails National Conserva-
6 tion Area Act of 2000”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

9 (1) The areas of northwestern Nevada known
10 as the Black Rock Desert and High Rock Canyon

1 contain and surround the last nationally significant,
2 untouched segments of the historic California Emi-
3 grant Trails, including wagon ruts, historic inscrip-
4 tions, and a wilderness landscape largely unchanged
5 since the days of the pioneers.

6 (2) The relative absence of development in the
7 Black Rock Desert and High Rock Canyon areas
8 from emigrant times to the present day offers a
9 unique opportunity to capture the terrain, sights,
10 and conditions of the overland trails as they were ex-
11 perienceed by the emigrants and to make available to
12 both present and future generations of Americans
13 the opportunity of experiencing emigrant conditions
14 in an unaltered setting.

15 (3) The Black Rock Desert and High Rock
16 Canyon areas are unique segments of the Northern
17 Great Basin and contain broad representation of the
18 Great Basin's land forms and plant and animal spe-
19 cies, including golden eagles and other birds of prey,
20 sage grouse, mule deer, pronghorn antelope, bighorn
21 sheep, free roaming horses and burros, threatened
22 fish and sensitive plants.

23 (4) The Black Rock-High Rock region contains
24 a number of cultural and natural resources that
25 have been declared eligible for National Historic

1 Landmark and Natural Landmark status, including
2 a portion of the 1843–44 John Charles Fremont ex-
3 ploration route, the site of the death of Peter
4 Lassen, early military facilities, and examples of
5 early homesteading and mining.

6 (5) The archeological, paleontological, and geo-
7 graphical resources of the Black Rock-High Rock re-
8 gion include numerous prehistoric and historic Na-
9 tive American sites, woolly mammoth sites, some of
10 the largest natural potholes of North America, and
11 a remnant dry Pleistocene lakebed (playa) where the
12 curvature of the Earth may be observed.

13 (6) The two large wilderness mosaics that
14 frame the conservation area offer exceptional oppor-
15 tunities for solitude and serve to protect the integ-
16 rity of the viewshed of the historic emigrant trails.

17 (7) Public lands in the conservation area have
18 been used for domestic livestock grazing for over a
19 century, with resultant benefits to community sta-
20 bility and contributions to the local and State econo-
21 mies. It has not been demonstrated that continu-
22 ation of this use would be incompatible with appro-
23 priate protection and sound management of the re-
24 source values of these lands; therefore, it is expected
25 that such grazing will continue in accordance with

1 the management plan for the conservation area and
2 other applicable laws and regulations.

3 (8) The Black Rock Desert playa is a unique
4 natural resource that serves as the primary destina-
5 tion for the majority of visitors to the conservation
6 area, including visitors associated with large-scale
7 permitted events. It is expected that such permitted
8 events will continue to be administered in accordance
9 with the management plan for the conservation area
10 and other applicable laws and regulations.

11 **SEC. 3. DEFINITIONS.**

12 As used in this Act:

13 (1) The term “Secretary” means the Secretary
14 of the Interior.

15 (2) The term “public lands” has the meaning
16 stated in section 103(e) of the Federal Land Policy
17 and Management Act of 1976 (43 U.S.C. 1702(e)).

18 (3) The term “conservation area” means the
19 Black Rock Desert-High Rock Canyon Emigrant
20 Trails National Conservation Area established pur-
21 suant to section 4 of this Act.

22 **SEC. 4. ESTABLISHMENT OF THE CONSERVATION AREA.**

23 (a) ESTABLISHMENT AND PURPOSES.—In order to
24 conserve, protect, and enhance for the benefit and enjoy-
25 ment of present and future generations the unique and

1 nationally important historical, cultural, paleontological,
2 scenic, scientific, biological, educational, wildlife, riparian,
3 wilderness, endangered species, and recreational values
4 and resources associated with the Applegate-Lassen and
5 Nobles Trails corridors and surrounding areas, there is
6 hereby established the Black Rock Desert-High Rock Can-
7 yon Emigrant Trails National Conservation Area in the
8 State of Nevada.

9 (b) AREAS INCLUDED.—The conservation area shall
10 consist of approximately _____ acres of public lands as
11 generally depicted on the map entitled “Black Rock Desert
12 Emigrant Trail National Conservation Area” and dated
13 _____.

14 (c) MAPS AND LEGAL DESCRIPTION.—As soon as
15 practicable after the date of the enactment of this Act,
16 the Secretary shall submit to Congress a map and legal
17 description of the conservation area. The map and legal
18 description shall have the same force and effect as if in-
19 cluded in this Act, except the Secretary may correct cler-
20 ical and typographical errors in such map and legal de-
21 scription. Copies of the map and legal description shall
22 be on file and available for public inspection in the appro-
23 priate offices of the Bureau of Land Management.

1 **SEC. 5. MANAGEMENT.**

2 (a) **MANAGEMENT.**—The Secretary, acting through
3 the Bureau of Land Management, shall manage the con-
4 servation area in a manner that conserves, protects and
5 enhances its resources and values, including those re-
6 sources and values specified in subsection 4(a), in accord-
7 ance with this Act, the Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. 1701 et seq.), and other
9 applicable provisions of law.

10 (b) **ACCESS.**—

11 (1) **IN GENERAL.**—The Secretary shall main-
12 tain adequate access for the reasonable use and en-
13 joyment of the conservation area.

14 (2) **EXISTING PUBLIC ROADS.**—The Secretary
15 is authorized to maintain public roads within the
16 boundaries of the conservation area in a manner
17 consistent with the purposes for which the conserva-
18 tion area was established.

19 (c) **USES.**—

20 (1) **OFF-HIGHWAY VEHICLE USE.**—Except
21 where needed for administrative purposes or to re-
22 spond to an emergency, use of motorized vehicles in
23 the conservation area shall be permitted only on
24 roads and trails and in other areas designated for
25 use of motorized vehicles as part of the management
26 plan prepared pursuant to subsection (e).

1 (2) PERMITTED EVENTS.—The Secretary may
2 continue to permit large-scale events in defined, low
3 impact areas of the Black Rock Desert playa in the
4 conservation area in accordance with the manage-
5 ment plan prepared pursuant to subsection (e).

6 (d) HUNTING, TRAPPING, AND FISHING.—Nothing in
7 this Act shall be deemed to diminish the jurisdiction of
8 the State of Nevada with respect to fish and wildlife man-
9 agement, including regulation of hunting and fishing, on
10 public lands within the conservation area.

11 (e) MANAGEMENT PLAN.—Within three years fol-
12 lowing the date of enactment of this Act, the Secretary
13 shall develop a comprehensive resource management plan
14 for the long-term protection and management of the con-
15 servation area. The plan shall be developed with full public
16 participation and shall describe the appropriate uses and
17 management of the conservation area consistent with the
18 provisions of this Act. The plan may incorporate appro-
19 priate decisions contained in any current management or
20 activity plan for the area and may use information devel-
21 oped in previous studies of the lands within or adjacent
22 to the conservation area.

23 (f) GRAZING.—Where the Secretary of the Interior
24 currently permits livestock grazing in the conservation

1 area, such grazing shall be allowed to continue subject to
2 all applicable laws, regulations, and executive orders.

3 (g) VISITOR SERVICE FACILITIES.—The Secretary is
4 authorized to establish, in cooperation with other public
5 or private entities as the Secretary may deem appropriate,
6 visitor service facilities for the purpose of providing infor-
7 mation about the historical, cultural, ecological, rec-
8 reational, and other resources of the conservation area.

9 **SEC. 6. WITHDRAWAL.**

10 (a) IN GENERAL.—Subject to valid existing rights,
11 and except as provided in section 9(b)(2), all Federal
12 lands within the conservation area and all lands and inter-
13 ests therein which are hereafter acquired by the United
14 States are hereby withdrawn from all forms of entry, ap-
15 propriation, or disposal under the public land laws, from
16 location, entry, and patent under the mining laws, and
17 from operation of the mineral leasing and geothermal leas-
18 ing laws and all amendments thereto.

19 **SEC. 7. NO BUFFER ZONES.**

20 The Congress does not intend for the establishment
21 of the conservation area to lead to the creation of protec-
22 tive perimeters or buffer zones around the conservation
23 area. The fact that there may be activities or uses on lands
24 outside the conservation area that would not be permitted
25 in the conservation area shall not preclude such activities

1 or uses on such lands up to the boundary of the conserva-
2 tion area consistent with other applicable laws.

3 **SEC. 8. WATER RIGHTS.**

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

8 (b) The priority date of the water rights reserved in
9 subsection (a) shall be the date of the enactment of this
10 Act.

11 (c) The Secretary shall take steps necessary to pro-
12 tect the rights reserved by this section, including the filing
13 of a claim for the quantification of such rights in any ap-
14 propriate water adjudication in the courts of the State of
15 Nevada in which the United States is or may be joined
16 and which is conducted in accordance with the McCarran
17 Amendment (43 U.S.C. 666).

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

22 (e) Nothing in this title shall be construed as a relin-
23 quishment or reduction of any water rights reserved or
24 appropriated by the United States in the State of Nevada
25 on or before the date of enactment of this Act.

1 **SEC. 9. WILDERNESS.**

2 (a) DESIGNATION.—In furtherance of the purposes of
3 the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the
4 following lands in the State of Nevada are designated as
5 wilderness, and, therefore, as components of the National
6 Wilderness Preservation System:

7 (1) Certain lands in the Black Rock Desert
8 Wilderness Study Area comprised of approximately
9 _____ acres, as generally depicted on a map enti-
10 tled “Black Rock Desert Wilderness—Proposed”
11 and dated _____, and which shall be known as the
12 Black Rock Desert Wilderness.

13 (2) Certain lands in the Pahute Peak Wilder-
14 ness Study Area comprised of approximately _____
15 acres, as generally depicted on a map entitled
16 “Pahute Peak Wilderness—Proposed” and dated
17 _____, and which shall be known as the Pahute
18 Peak Wilderness.

19 (3) Certain lands in the North Black Rock
20 Range Wilderness Study Area comprised of approxi-
21 mately _____ acres, as generally depicted on a map
22 entitled “North Black Rock Range Wilderness—Pro-
23 posed” and dated _____, and which shall be known
24 as the North Black Rock Range Wilderness.

25 (4) Certain lands in the East Fork High Rock
26 Canyon Wilderness Study Area comprised of ap-

1 proximately _____ acres, as generally depicted on
2 a map entitled “East Fork High Rock Canyon Wil-
3 derness—Proposed” and dated _____, and which
4 shall be known as the East Fork High Rock Canyon
5 Wilderness.

6 (5) Certain lands in the High Rock Lake Wil-
7 derness Study Area comprised of approximately
8 _____ acres, as generally depicted on a map enti-
9 tled “High Rock Lake Wilderness—Proposed” and
10 dated _____, and which shall be known as the
11 High Rock Lake Wilderness.

12 (6) Certain lands in the Yellow Rock Canyon
13 Wilderness Study Area comprised of approximately
14 _____ acres, as generally depicted on a map enti-
15 tled “Yellow Rock Canyon Wilderness—Proposed”
16 and dated _____, and which shall be known as the
17 Yellow Rock Canyon Wilderness.

18 (7) Certain lands in the Little High Rock Can-
19 yon Wilderness Study Area comprised of approxi-
20 mately _____ acres, as generally depicted on a map
21 entitled “Little High Rock Canyon Wilderness—Pro-
22 posed” and dated _____, and which shall be known
23 as the Little High Rock Canyon Wilderness.

24 (8) Certain lands in High Rock Canyon Wilder-
25 ness Study Area comprised of approximately _____

1 acres, as generally depicted on a map entitled “High
2 Rock Canyon Wilderness—Proposed” and dated
3 _____, and which shall be known as the High Rock
4 Canyon Wilderness.

5 (9) Certain lands in the Calico Mountains Wil-
6 derness Study Area comprised of approximately
7 _____ acres, as generally depicted on a map enti-
8 tled “Calico Mountains Wilderness—Proposed” and
9 dated _____, and which shall be known as the Cali-
10 co Mountains Wilderness.

11 (10) Certain lands in the South Jackson Moun-
12 tains Wilderness Study Area comprised of approxi-
13 mately _____ acres, as generally depicted on a map
14 entitled “South Jackson Mountains Wilderness—
15 Proposed” and dated _____, and which shall be
16 known as the South Jackson Mountains Wilderness.

17 (11) Certain lands in the North Jackson Moun-
18 tains Wilderness Study Area comprised of approxi-
19 mately _____ acres, as generally depicted on a map
20 entitled “North Jackson Mountains Wilderness—
21 Proposed” and dated _____, and which shall be
22 known as the North Jackson Mountains Wilderness.

23 (b) ADMINISTRATION OF WILDERNESS AREAS.—

24 (1) IN GENERAL.—Subject to valid existing
25 rights, and except as provided in paragraph (2),

1 each wilderness area designated by this Act shall be
2 administered by the Secretary in accordance with
3 the provisions of the Wilderness Act, except that any
4 reference in such provisions of the effective date of
5 the Wilderness Act shall be deemed to be a reference
6 to the date of enactment of this Act and any ref-
7 erence to the Secretary of Agriculture shall be
8 deemed to be a reference to the Secretary of the In-
9 terior.

10 (2) MINING ACTIVITIES ALLOWED.—Notwith-
11 standing any other provision of law, those lands in
12 the Calico Mountains Wilderness, as depicted on a
13 map entitled “Calico Mountains Wilderness—Special
14 Management Area,” and dated _____, shall be
15 open to exploration and development activities under
16 the mining laws for a period of fifteen years after
17 the date of enactment of this Act, subject to the
18 same regulations applied to such activities on public
19 lands not designated as wilderness or under wilder-
20 ness review.

21 (c) MAPS AND LEGAL DESCRIPTION.—As soon as
22 practicable after the date of the enactment of this Act,
23 the Secretary shall submit to Congress a map and legal
24 description of the wilderness areas designated under this
25 Act. The map and legal description shall have the same

1 force and effect as if included in this Act, except the Sec-
2 retary may correct clerical and typographical errors in
3 such map and legal description. Copies of the map and
4 legal description shall be on file and available for public
5 inspection in the appropriate offices of the Bureau of
6 Land Management.

7 (d) GRAZING.—Within the wilderness areas des-
8 ignated under subsection (a), the grazing of livestock,
9 where established prior to the date of enactment of this
10 Act, shall be permitted to continue subject to such reason-
11 able regulations, policies, and practices as the Secretary
12 deems necessary, as long as such regulations, policies, and
13 practices fully conform with and implement the intent of
14 Congress regarding grazing in such areas as such intent
15 is expressed in the Wilderness Act and section 101(f) of
16 Public Law 101–628.

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18 There is hereby authorized to be appropriated such
19 sums as may be necessary to carry out the provisions of
20 this Act.

○