

110TH CONGRESS  
2D SESSION

# S. 2834

To establish wilderness areas, promote conservation, and improve public land in Washington County, Utah, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 9, 2008

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

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## A BILL

To establish wilderness areas, promote conservation, and improve public land in Washington County, Utah, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Washington County Growth and Conservation Act of  
6 2008”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—WILDERNESS AREAS

- Sec. 101. Additions to National Wilderness Preservation System.
- Sec. 102. Administration of wilderness areas.
- Sec. 103. Release of wilderness study areas.

TITLE II—ZION NATIONAL PARK WILDERNESS

- Sec. 201. Definitions.
- Sec. 202. Zion National Park wilderness.

TITLE III—RED CLIFFS NATIONAL CONSERVATION AREA

- Sec. 301. Short title.
- Sec. 302. Red Cliffs National Conservation Area.

TITLE IV—BEAVER DAM WASH NATIONAL CONSERVATION AREA

- Sec. 401. Short title.
- Sec. 402. Beaver Dam Wash National Conservation Area.

TITLE V—WILD AND SCENIC RIVER DESIGNATION

- Sec. 501. Zion National Park Wild and Scenic Rivers.

TITLE VI—WASHINGTON COUNTY TRAVEL MANAGEMENT PLAN

- Sec. 601. Definitions.
- Sec. 602. Travel management plan.
- Sec. 603. Designation of trail.

TITLE VII—LAND DISPOSAL

- Sec. 701. Definitions.
- Sec. 702. Conveyance of public land in County.
- Sec. 703. Disposition of proceeds.

TITLE VIII—RIGHTS-OF-WAY

- Sec. 801. Definition of Water District.
- Sec. 802. Rights-of-way.

TITLE IX—MANAGEMENT OF PRIORITY BIOLOGICAL AREAS

- Sec. 901. Management of priority biological areas.

TITLE X—CONVEYANCE OF DIXIE NATIONAL FOREST LAND

- Sec. 1001. Definitions.
- Sec. 1002. Conveyance.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS

- Sec. 1101. Authorization of appropriations.

**1 SEC. 2. DEFINITIONS.**

**2** In this Act:

1           (1) CANAAN MOUNTAIN WILDERNESS MAP.—  
2           The term “Canaan Mountain Wilderness Map”  
3           means the map entitled “Canaan Mountain Wilder-  
4           ness” and dated March 20, 2008.

5           (2) COUNTY.—The term “County” means  
6           Washington County, Utah.

7           (3) NORTHEASTERN WASHINGTON COUNTY  
8           WILDERNESS MAP.—The term “Northeastern Wash-  
9           ington County Wilderness Map” means the map en-  
10          titled “Northeastern Washington County Wilder-  
11          ness” and dated March 20, 2008.

12          (4) NORTHWESTERN WASHINGTON COUNTY  
13          WILDERNESS MAP.—The term “Northwestern Wash-  
14          ington County Wilderness Map” means the map en-  
15          titled “Northwestern Washington County Wilder-  
16          ness” and dated March 20, 2008.

17          (5) RED CLIFFS NATIONAL CONSERVATION  
18          AREA MAP.—The term “Red Cliffs National Con-  
19          servation Area Map” means the map entitled “Red  
20          Cliffs National Conservation Area” and dated March  
21          20, 2008.

22          (6) SECRETARY.—The term “Secretary” means  
23          the Secretary of the Interior.

24          (7) STATE.—The term “State” means the State  
25          of Utah.

1           (8) WASHINGTON COUNTY GROWTH AND CON-  
2           SERVATION ACT MAP.—The term “Washington  
3           County Growth and Conservation Act Map” means  
4           the map entitled “Washington County Growth and  
5           Conservation Act Map” and dated April 9, 2008.

## 6           **TITLE I—WILDERNESS AREAS**

### 7           **SEC. 101. ADDITIONS TO NATIONAL WILDERNESS PRESER-** 8           **VATION SYSTEM.**

9           (a) ADDITIONS.—The following land in the State is  
10          designated as wilderness and as components of the Na-  
11          tional Wilderness Preservation System:

12           (1) BEARTRAP CANYON.—Certain Federal land  
13          managed by the Bureau of Land Management, com-  
14          prising approximately 40 acres, as generally depicted  
15          on the Northeastern Washington County Wilderness  
16          Map, which shall be known as the “Beartrap Canyon  
17          Wilderness”.

18           (2) BLACKRIDGE.—Certain Federal land man-  
19          aged by the Bureau of Land Management, com-  
20          prising approximately 13,120 acres, as generally de-  
21          picted on the Northeastern Washington County Wil-  
22          derness Map, which shall be known as the  
23          “Blackridge Wilderness”.

24           (3) CANAAN MOUNTAIN.—Certain Federal land  
25          in the County managed by the Bureau of Land

1 Management, comprising approximately 44,395  
2 acres, as generally depicted on the Canaan Mountain  
3 Wilderness Map, which shall be known as the  
4 “Canaan Mountain Wilderness”.

5 (4) COTTONWOOD.—Certain Federal land man-  
6 aged by the Bureau of Land Management, com-  
7 prising approximately 11,650 acres, as generally de-  
8 picted on the Red Cliffs National Conservation Area  
9 Map, which shall be known as the “Cottonwood Wil-  
10 derness”.

11 (5) COTTONWOOD FOREST.—Certain Federal  
12 land managed by the Forest Service, comprising ap-  
13 proximately 2,643 acres, as generally depicted on the  
14 Red Cliffs National Conservation Area Map, which  
15 shall be known as the “Cottonwood Forest Wilder-  
16 ness”.

17 (6) COUGAR CANYON.—Certain Federal land  
18 managed by the Bureau of Land Management, com-  
19 prising approximately 10,409 acres, as generally de-  
20 picted on the Northwestern Washington County Wil-  
21 derness Map, which shall be known as the “Cougar  
22 Canyon Wilderness”.

23 (7) DEEP CREEK.—Certain Federal land man-  
24 aged by the Bureau of Land Management, com-  
25 prising approximately 3,284 acres, as generally de-

1        depicted on the Northeastern Washington County Wil-  
2        derness Map, which shall be known as the “Deep  
3        Creek Wilderness”.

4            (8) DEEP CREEK NORTH.—Certain Federal  
5        land managed by the Bureau of Land Management,  
6        comprising approximately 4,262 acres, as generally  
7        depicted on the Northeastern Washington County  
8        Wilderness Map, which shall be known as the “Deep  
9        Creek North Wilderness”.

10           (9) DOC’S PASS.—Certain Federal land man-  
11        aged by the Bureau of Land Management, com-  
12        prising approximately 17,294 acres, as generally de-  
13        picted on the Northwestern Washington County Wil-  
14        derness Map, which shall be known as the “Doc’s  
15        Pass Wilderness”.

16           (10) DRY CREEK.—Certain Federal land man-  
17        aged by the Bureau of Land Management, com-  
18        prising approximately 8,149 acres, as generally de-  
19        picted on the Northeastern Washington County Wil-  
20        derness Map, which shall be known as the “Dry  
21        Creek Wilderness”.

22           (11) GOOSE CREEK.—Certain Federal land  
23        managed by the Bureau of Land Management, com-  
24        prising approximately 98 acres, as generally depicted  
25        on the Northeastern Washington County Wilderness

1 Map, which shall be known as the “Goose Creek  
2 Wilderness”.

3 (12) LAVERKIN CREEK.—Certain Federal land  
4 managed by the Bureau of Land Management, com-  
5 prising approximately 445 acres, as generally de-  
6 picted on the Northeastern Washington County Wil-  
7 derness Map, which shall be known as the  
8 “LaVerkin Creek Wilderness”.

9 (13) RED BUTTE.—Certain Federal land man-  
10 aged by the Bureau of Land Management, com-  
11 prising approximately 1,537 acres, as generally de-  
12 picted on the Northeastern Washington County Wil-  
13 derness Map, which shall be known as the “Red  
14 Butte Wilderness”.

15 (14) RED MOUNTAIN.—Certain Federal land  
16 managed by the Bureau of Land Management, com-  
17 prising approximately 18,729 acres, as generally de-  
18 picted on the Red Cliffs National Conservation Area  
19 Map, which shall be known as the “Red Mountain  
20 Wilderness”.

21 (15) SLAUGHTER CREEK.—Certain Federal  
22 land managed by the Bureau of Land Management,  
23 comprising approximately 3,901 acres, as generally  
24 depicted on the Northwestern Washington County

1 Wilderness Map, which shall be known as the  
2 “Slaughter Creek Wilderness”.

3 (16) TAYLOR CREEK.—Certain Federal land  
4 managed by the Bureau of Land Management, com-  
5 prising approximately 32 acres, as generally depicted  
6 on the Northeastern Washington County Wilderness  
7 Map, which shall be known as the “Taylor Creek  
8 Wilderness”.

9 (17) WATCHMAN.—Certain Federal land man-  
10 aged by the Bureau of Land Management, com-  
11 prising approximately 663 acres, as generally de-  
12 picted on the Northeastern Washington County Wil-  
13 derness Map, which shall be known as the “Watch-  
14 man Wilderness”.

15 (b) MAPS AND LEGAL DESCRIPTIONS.—

16 (1) IN GENERAL.—As soon as practicable after  
17 the date of enactment of this Act, the Secretary  
18 shall submit to the Committee on Energy and Nat-  
19 ural Resources of the Senate and the Committee on  
20 Natural Resources of the House of Representatives  
21 a map and legal description of each wilderness area  
22 designated by subsection (a).

23 (2) FORCE AND EFFECT.—Each map and legal  
24 description submitted under paragraph (1) shall  
25 have the same force and effect as if included in this



1 Act, except that the Secretary may correct any cler-  
2 ical or typographical errors in the map or legal de-  
3 scription.

4 (3) AVAILABILITY.—Each map and legal de-  
5 scription submitted under paragraph (1) shall be  
6 available in the appropriate offices of—

7 (A) the Bureau of Land Management; and

8 (B) the Forest Service.

9 (c) BOUNDARY.—The boundary of any portion of a  
10 wilderness area designated by subsection (a) that is bor-  
11 dered by a road shall be at least 100 feet from the center  
12 line of the road to allow public access.

13 **SEC. 102. ADMINISTRATION OF WILDERNESS AREAS.**

14 (a) MANAGEMENT.—Subject to valid existing rights,  
15 each area designated as wilderness by section 101(a) shall  
16 be administered by the Secretary in accordance with the  
17 Wilderness Act (16 U.S.C. 1131 et seq.), except that—

18 (1) any reference in that Act to the effective  
19 date shall be considered to be a reference to the date  
20 of enactment of this Act; and

21 (2) any reference in that Act to the Secretary  
22 of Agriculture shall be considered to be a reference  
23 to the Secretary with respect to land under the juris-  
24 diction of the Secretary.

1 (b) WITHDRAWAL.—Subject to valid existing rights,  
2 each area designated as wilderness by section 101(a) is  
3 withdrawn from—

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

6 (2) location, entry, and patenting under the  
7 mining laws; and

8 (3) operation of the mineral leasing, mineral  
9 materials, and geothermal leasing laws.

10 (c) LIVESTOCK.—The grazing of livestock in each  
11 area designated as wilderness by section 101(a), where es-  
12 tablished before the date of enactment of this Act, shall  
13 be permitted to continue—

14 (1) subject to such reasonable regulations, poli-  
15 cies, and practices that the Secretary considers nec-  
16 essary; and

17 (2) consistent with—

18 (A) section 4(d)(4) of the Wilderness Act  
19 (16 U.S.C. 1133(d)(4)); and

20 (B) the guidelines set forth in Appendix A  
21 of House Report 101–405.

22 (d) WILDFIRE, INSECT, AND DISEASE MANAGE-  
23 MENT.—In accordance with section 4(d)(1) of the Wilder-  
24 ness Act (16 U.S.C. 1133(d)(1)), the Secretary may take  
25 such measures in each area designated as wilderness by

1 section 101(a) as the Secretary determines to be necessary  
2 for the control and prevention of fire, insects, and diseases  
3 (including coordination of initiatives with any State or  
4 local agency that the Secretary determines to be appro-  
5 priate).

6 (e) BUFFER ZONES.—

7 (1) IN GENERAL.—Nothing in this title creates  
8 a protective perimeter or buffer zone around any  
9 area designated as wilderness by section 101(a).

10 (2) ACTIVITIES OUTSIDE CONSERVATION AREA  
11 OR WILDERNESS.—The fact that an activity or use  
12 on land outside any area designated as wilderness by  
13 section 101(a) can be seen or heard within the wil-  
14 derness shall not preclude the activity or use outside  
15 the boundary of the wilderness.

16 (f) MILITARY OVERFLIGHTS.—Nothing in this title  
17 restricts or precludes—

18 (1) low-level overflights of military aircraft over  
19 any area designated as wilderness by section 101(a),  
20 including military overflights that can be seen or  
21 heard within any wilderness area;

22 (2) flight testing and evaluation; or

23 (3) the designation or creation of new units of  
24 special use airspace, or the establishment of military  
25 flight training routes over any wilderness area.

1 (g) ACQUISITION AND INCORPORATION OF LAND AND  
2 INTERESTS IN LAND.—

3 (1) ACQUISITION AUTHORITY.—In accordance  
4 with applicable laws (including regulations), the Sec-  
5 retary may acquire from willing sellers, or through  
6 a voluntary donation or exchange, any land or inter-  
7 est in land that is located in any area designated as  
8 wilderness by section 101(a).

9 (2) INCORPORATION.—Any land or interest in  
10 land acquired by the Secretary under paragraph (1)  
11 shall be incorporated into, and administered as a  
12 part of, the wilderness area in which the land or in-  
13 terest in land is located.

14 (h) NATIVE AMERICAN CULTURAL AND RELIGIOUS  
15 USES.—Nothing in this title diminishes—

16 (1) the rights of any Indian tribe; or

17 (2) any tribal rights regarding access to Fed-  
18 eral land for tribal activities, including spiritual, cul-  
19 tural, and traditional food-gathering activities.

20 (i) CLIMATOLOGICAL DATA COLLECTION.—Con-  
21 sistent with the Wilderness Act (16 U.S.C. 1131 et seq.),  
22 subject to such terms and conditions as the Secretary may  
23 prescribe, nothing in this title precludes the Secretary  
24 from authorizing the installation and maintenance of hy-  
25 drologic, meteorologic, or climatological collection devices

1 in the wilderness areas designated by section 101(a) if the  
2 Secretary determines that the facilities and access to the  
3 facilities are essential to flood warning, flood control, or  
4 water reservoir operation activities.

5 (j) WATER RIGHTS.—

6 (1) STATUTORY CONSTRUCTION.—Nothing in  
7 this title—

8 (A) shall constitute or be construed to con-  
9 stitute either an express or implied reservation  
10 by the United States of any water or water  
11 rights with respect to the land designated as  
12 wilderness by section 101(a);

13 (B) shall affect any water rights in the  
14 State existing on the date of enactment of this  
15 Act, including any water rights held by the  
16 United States;

17 (C) shall be construed as establishing a  
18 precedent with regard to any future wilderness  
19 designations;

20 (D) shall affect the interpretation of, or  
21 any designation made pursuant to, any other  
22 Act; or

23 (E) shall be construed as limiting, altering,  
24 modifying, or amending any of the interstate  
25 compacts or equitable apportionment decrees

1           that apportion water among and between the  
2           State and other States.

3           (2) STATE WATER LAW.—The Secretary shall  
4           follow the procedural and substantive requirements  
5           of the law of the State in order to obtain and hold  
6           any water rights not in existence on the date of en-  
7           actment of this Act with respect to the wilderness  
8           areas designated by section 101(a).

9           (k) FISH AND WILDLIFE.—

10           (1) JURISDICTION OF STATE.—Nothing in this  
11           title affects the jurisdiction of the State with respect  
12           to fish and wildlife on public land located in the  
13           State.

14           (2) AUTHORITY OF SECRETARY.—In further-  
15           ance of the purposes and principles of the manage-  
16           ment activities under the Wilderness Act (16 U.S.C.  
17           1131 et seq.), the Secretary may carry out manage-  
18           ment activities to maintain or restore fish and wild-  
19           life populations (including activities to maintain and  
20           restore fish and wildlife habitats to support the pop-  
21           ulations) in any wilderness area designated by sec-  
22           tion 101(a) if the activities are—

23                   (A) consistent with applicable wilderness  
24                   management plans; and

25                   (B) carried out in accordance with—

1 (i) the Wilderness Act (16 U.S.C.  
2 1131 et seq.); and

3 (ii) applicable guidelines and policies,  
4 including applicable policies described in  
5 Appendix B of House Report 101–405, in-  
6 cluding the occasional and temporary use  
7 of motorized vehicles if the Secretary de-  
8 termines that the use would—

9 (I) promote healthy, viable, and  
10 more naturally distributed wildlife  
11 populations that would enhance wil-  
12 derness values; and

13 (II) ensure the accomplishment  
14 of the goals described in subclause (I)  
15 with a minimal necessary degree of  
16 impact to the wilderness.

17 (l) USE OF AIRCRAFT BY STATE.—Consistent with  
18 section 4(d)(1) of the Wilderness Act (16 U.S.C.  
19 1133(d)(1)) and in accordance with appropriate policies  
20 such as those set forth in Appendix B of House Report  
21 101–405, the State may use aircraft, including heli-  
22 copters, to survey, capture, transplant, monitor, and pro-  
23 vide water for wildlife populations.

24 (m) WILDLIFE WATER DEVELOPMENT PROJECTS.—  
25 Subject to subsection (n), the Secretary may authorize

1 structures and facilities, including existing structures and  
2 facilities, for wildlife water development projects, including  
3 guzzlers, in the wilderness areas designated by section  
4 101(a) if—

5 (1) the structures and facilities will, as deter-  
6 mined by the Secretary, enhance wilderness values  
7 by promoting healthy, viable, and more naturally  
8 distributed wildlife populations; and

9 (2) the visual impacts of the structures and fa-  
10 cilities on the wilderness areas can reasonably be  
11 minimized.

12 (n) COOPERATIVE AGREEMENT.—Not later than 1  
13 year after the date of enactment of this Act, the Secretary  
14 shall enter into a cooperative agreement with the State  
15 that specifies the terms and conditions under which the  
16 State or a designee of the State may carry out wildlife  
17 management activities in the wilderness areas designated  
18 by section 101(a).

19 **SEC. 103. RELEASE OF WILDERNESS STUDY AREAS.**

20 (a) FINDING.—Congress finds that, for the purposes  
21 of section 603 of the Federal Land Policy and Manage-  
22 ment Act of 1976 (43 U.S.C. 1782), any public land in  
23 the County administered by the Bureau of Land Manage-  
24 ment has been adequately studied for wilderness designa-  
25 tion.



1 (b) RELEASE.—Any public land described in sub-  
2 section (a) that is not designated as wilderness by section  
3 101(a)—

4 (1) is no longer subject to section 603(c) of the  
5 Federal Land Policy and Management Act of 1976  
6 (43 U.S.C. 1782(c)); and

7 (2) shall be managed in accordance with land  
8 management plans adopted under section 202 of  
9 that Act (43 U.S.C. 1712).

## 10 **TITLE II—ZION NATIONAL PARK** 11 **WILDERNESS**

### 12 **SEC. 201. DEFINITIONS.**

13 In this title:

14 (1) FEDERAL LAND.—The term “Federal land”  
15 means the parcel of land—

16 (A) that is—

17 (i) located in the County; and

18 (ii) managed by the Director of the  
19 National Park Service;

20 (B) consisting of approximately 123,743  
21 acres; and

22 (C) as generally depicted on the Zion Na-  
23 tional Park Wilderness Map.

1           (2) WILDERNESS AREA.—The term “Wilderness  
2     Area” means the Zion Wilderness designated by sec-  
3     tion 202(a).

4           (3) ZION NATIONAL PARK WILDERNESS MAP.—  
5     The term “Zion National Park Wilderness Map”  
6     means the map entitled “Zion National Park Wilder-  
7     ness” and dated April 2008.

8     **SEC. 202. ZION NATIONAL PARK WILDERNESS.**

9           (a) DESIGNATION.—Subject to valid existing rights,  
10    there is designated as wilderness and as a component of  
11    the National Wilderness Preservation System the Federal  
12    land, to be known as the “Zion Wilderness”.

13          (b) INCORPORATION OF ACQUIRED LAND.—Any land  
14    located in the Zion National Park that is acquired by the  
15    Director of the National Park Service through a voluntary  
16    sale, exchange, or donation may, on the recommendation  
17    of the Secretary, become part of the Wilderness Area, in  
18    accordance with the Wilderness Act (16 U.S.C. 1131 et  
19    seq.).

20          (c) MAP AND LEGAL DESCRIPTION.—

21           (1) IN GENERAL.—As soon as practicable after  
22    the date of enactment of this Act, the Secretary  
23    shall submit to the Committee on Energy and Nat-  
24    ural Resources of the Senate and the Committee on

1 Natural Resources of the House of Representatives  
2 a map and legal description of the Wilderness Area.

3 (2) FORCE AND EFFECT.—The map and legal  
4 description submitted under paragraph (1) shall  
5 have the same force and effect as if included in this  
6 Act, except that the Secretary may correct any cler-  
7 ical or typographical errors in the map or legal de-  
8 scription.

9 (3) AVAILABILITY.—The map and legal descrip-  
10 tion submitted under paragraph (1) shall be avail-  
11 able in the appropriate offices of the National Park  
12 Service.

### 13 **TITLE III—RED CLIFFS NA-** 14 **TIONAL CONSERVATION AREA**

#### 15 **SEC. 301. SHORT TITLE.**

16 This title may be cited as the “Red Cliffs National  
17 Conservation Area Act”.

#### 18 **SEC. 302. RED CLIFFS NATIONAL CONSERVATION AREA.**

19 (a) PURPOSES.—The purposes of this title are—

20 (1) to conserve, protect, and enhance for the  
21 benefit and enjoyment of future generations the eco-  
22 logical, wildlife, recreational, cultural, historical, nat-  
23 ural, educational, and paleontological resources of  
24 the National Conservation Area; and

25 (2) to protect each species that is—

1 (A) located in the National Conservation  
2 Area; and

3 (B) listed as an endangered species on the  
4 list of endangered species published under sec-  
5 tion 4(c)(1) of the Endangered Species Act of  
6 1973 (16 U.S.C. 1533(c)(1)).

7 (b) DEFINITIONS.—In this section:

8 (1) HABITAT CONSERVATION PLAN.—The term  
9 “habitat conservation plan” means the conservation  
10 plan entitled “Washington County Habitat Con-  
11 servation Plan” and dated December 1995.

12 (2) MANAGEMENT PLAN.—The term “manage-  
13 ment plan” means the management plan for the Na-  
14 tional Conservation Area developed by the Secretary  
15 under subsection (d)(1).

16 (3) NATIONAL CONSERVATION AREA.—The  
17 term “National Conservation Area” means the Red  
18 Cliffs National Conservation Area that—

19 (A) consists of approximately 44,695 acres  
20 of public land in the County, as generally de-  
21 picted on the Red Cliffs National Conservation  
22 Area Map; and

23 (B) is established by subsection (c).

1           (4) PUBLIC USE PLAN.—The term “public use  
2           plan” means the use plan entitled “Red Cliffs  
3           Desert Public Use Plan” and dated June 12, 2000.

4           (5) RESOURCE MANAGEMENT PLAN.—The term  
5           “resource management plan” means the manage-  
6           ment plan entitled “St. George Field Office Re-  
7           source Management Plan” and dated March 15,  
8           1999.

9           (c) ESTABLISHMENT.—Subject to valid existing  
10          rights, there is established in the State the Red Cliffs Na-  
11          tional Conservation Area.

12          (d) MANAGEMENT PLAN.—

13               (1) IN GENERAL.—Not later than 3 years after  
14               the date of enactment of this Act, in accordance  
15               with paragraph (2), the Secretary shall develop a  
16               comprehensive plan for the long-term management  
17               of the National Conservation Area.

18               (2) CONSULTATION.—In developing the man-  
19               agement plan required under paragraph (1), the  
20               Secretary shall consult with—

21                       (A) appropriate State and local govern-  
22                       mental entities; and

23                       (B) members of the public.

24               (3) INCORPORATION OF PLANS.—In developing  
25               the management plan required under paragraph (1),

1 to the extent consistent with this title, the Secretary  
2 may incorporate any provision of—

3 (A) the habitat conservation plan;

4 (B) the resource management plan; and

5 (C) the public use plan.

6 (e) MANAGEMENT.—

7 (1) IN GENERAL.—The Secretary shall manage  
8 the National Conservation Area—

9 (A) in a manner that conserves, protects,  
10 and enhances the resources of the National  
11 Conservation Area; and

12 (B) in accordance with—

13 (i) the Federal Land Policy and Man-  
14 agement Act of 1976 (43 U.S.C. 1701 et  
15 seq.);

16 (ii) this title; and

17 (iii) any other applicable law (includ-  
18 ing regulations).

19 (2) USES.—The Secretary shall only allow uses  
20 of the National Conservation Area that the Sec-  
21 retary determines would further a purpose described  
22 in subsection (a).

23 (3) MOTORIZED VEHICLES.—Except in cases in  
24 which motorized vehicles are needed for administra-  
25 tive purposes, or to respond to an emergency, the

1 use of motorized vehicles in the National Conserva-  
2 tion Area shall be permitted only on roads des-  
3 ignated by the management plan for the use of mo-  
4 torized vehicles.

5 (4) GRAZING.—The Secretary shall allow graz-  
6 ing to continue in any area of the National Con-  
7 servation Area in which grazing is allowed before the  
8 date of enactment of this Act—

9 (A) subject to any—

10 (i) applicable law (including regula-  
11 tions); and

12 (ii) Executive order; and

13 (B) in a manner consistent with the pur-  
14 poses described in subsection (a).

15 (5) WILDLAND FIRE OPERATIONS.—Nothing in  
16 this title prohibits the Secretary, in cooperation with  
17 other Federal, State, and local agencies, as appro-  
18 priate, from conducting wildland fire operations in  
19 the National Conservation Area.

20 (f) INCORPORATION OF ACQUIRED LAND AND INTER-  
21 ESTS.—Any land or interest in land that is located in the  
22 National Conservation Area that is acquired by the United  
23 States shall—

24 (1) become part of the National Conservation  
25 Area; and

1 (2) be managed in accordance with—

2 (A) the Federal Land Policy and Manage-  
3 ment Act of 1976 (43 U.S.C. 1701 et seq.);

4 (B) this title; and

5 (C) any other applicable law (including  
6 regulations).

7 (g) WITHDRAWAL.—

8 (1) IN GENERAL.—Subject to valid existing  
9 rights, all Federal land located in the National Con-  
10 servation Area are withdrawn from—

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

13 (B) location, entry, and patenting under  
14 the mining laws; and

15 (C) operation of the mineral leasing, min-  
16 eral materials, and geothermal leasing laws.

17 (2) ADDITIONAL LAND.—If the Secretary ac-  
18 quires additional land that is located in the National  
19 Conservation Area after the date of enactment of  
20 this Act, the land is withdrawn from operation of  
21 the laws referred to in paragraph (1) on the date of  
22 acquisition of the land.

23 (h) EFFECT.—Nothing in this title prohibits the au-  
24 thorization of the development of water resources within



1 the National Conservation Area if the development is car-  
 2 ried out in accordance with—

3 (1) each utility development protocol described  
 4 in the habitat conservation plan; and

5 (2) any other applicable law (including regula-  
 6 tions).

7 **TITLE IV—BEAVER DAM WASH**  
 8 **NATIONAL CONSERVATION**  
 9 **AREA**

10 **SEC. 401. SHORT TITLE.**

11 This title may be cited as the “Beaver Dam Wash  
 12 National Conservation Area Act”.

13 **SEC. 402. BEAVER DAM WASH NATIONAL CONSERVATION**  
 14 **AREA.**

15 (a) **PURPOSE.**—The purpose of this title is to con-  
 16 serve, protect, and enhance for the benefit and enjoyment  
 17 of future generations the cultural, archaeological, natural,  
 18 scientific, geological, historical, biological, wildlife, edu-  
 19 cational, recreational, and scenic resources of the Beaver  
 20 Dam Wash National Conservation Area.

21 (b) **DEFINITIONS.**—In this section:

22 (1) **MANAGEMENT PLAN.**—The term “manage-  
 23 ment plan” means the management plan for the Na-  
 24 tional Conservation Area developed by the Secretary  
 25 under subsection (d)(1).

1           (2) MAP.—The term “map” means the map en-  
2           titled “Beaver Dam Wash National Conservation  
3           Area” and dated March 20, 2008.

4           (3) NATIONAL CONSERVATION AREA.—The  
5           term “National Conservation Area” means the Bea-  
6           ver Dam Wash National Conservation Area that—

7                   (A) consists of approximately 68,083 acres  
8                   of public land in the County, as generally de-  
9                   picted on the map; and

10                   (B) is established by subsection (c).

11           (c) ESTABLISHMENT.—Subject to valid existing  
12           rights, there is established in the State the Beaver Dam  
13           Wash National Conservation Area.

14           (d) MANAGEMENT PLAN.—

15                   (1) IN GENERAL.—Not later than 3 years after  
16                   the date of enactment of this Act, in accordance  
17                   with paragraph (2), the Secretary shall develop a  
18                   comprehensive plan for the long-term management  
19                   of the National Conservation Area.

20                   (2) CONSULTATION.—In developing the man-  
21                   agement plan required under paragraph (1), the  
22                   Secretary shall consult with—

23                           (A) appropriate State and local govern-  
24                           mental entities; and

25                           (B) members of the public.

1 (e) MANAGEMENT.—

2 (1) IN GENERAL.—The Secretary shall manage  
3 the National Conservation Area—

4 (A) in a manner that conserves, protects,  
5 and enhances the resources of the National  
6 Conservation Area; and

7 (B) in accordance with—

8 (i) the Federal Land Policy and Man-  
9 agement Act of 1976 (43 U.S.C. 1701 et  
10 seq.);

11 (ii) this title; and

12 (iii) any other applicable law (includ-  
13 ing regulations).

14 (2) USES.—The Secretary shall only allow uses  
15 of the National Conservation Area that the Sec-  
16 retary determines would further the purpose de-  
17 scribed in subsection (a).

18 (3) MOTORIZED VEHICLES.—Except in cases in  
19 which motorized vehicles are needed for administra-  
20 tive purposes, or to respond to an emergency, the  
21 use of motorized vehicles in the National Conserva-  
22 tion Area shall be permitted only on roads des-  
23 igned by the management plan for the use of mo-  
24 torized vehicles.

1           (4) GRAZING.—The Secretary shall allow graz-  
2           ing to continue in any area of the National Con-  
3           servation Area in which grazing is allowed before the  
4           date of enactment of this Act—

5                   (A) subject to any—

6                           (i) applicable law (including regula-  
7                           tions); and

8                           (ii) Executive order; and

9                   (B) in a manner consistent with the pur-  
10                  pose described in subsection (a).

11           (5) WILDLAND FIRE OPERATIONS.—Nothing in  
12           this title prohibits the Secretary, in cooperation with  
13           other Federal, State, and local agencies, as appro-  
14           priate, from conducting wildland fire operations in  
15           the National Conservation Area.

16           (f) INCORPORATION OF ACQUIRED LAND AND INTER-  
17           ESTS.—Any land or interest in land that is located in the  
18           National Conservation Area that is acquired by the United  
19           States shall—

20                   (1) become part of the National Conservation  
21                  Area; and

22                   (2) be managed in accordance with—

23                           (A) the Federal Land Policy and Manage-  
24                           ment Act of 1976 (43 U.S.C. 1701 et seq.);

25                           (B) this title; and

1 (C) any other applicable law (including  
2 regulations).

3 (g) WITHDRAWAL.—

4 (1) IN GENERAL.—Subject to valid existing  
5 rights, all Federal land located in the National Con-  
6 servation Area are withdrawn from—

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

9 (B) location, entry, and patenting under  
10 the mining laws; and

11 (C) operation of the mineral leasing, min-  
12 eral materials, and geothermal leasing laws.

13 (2) ADDITIONAL LAND.—If the Secretary ac-  
14 quires additional land that is located in the National  
15 Conservation Area after the date of enactment of  
16 this Act, the land is withdrawn from operation of  
17 the laws referred to in paragraph (1) on the date of  
18 acquisition of the land.

## 19 **TITLE V—WILD AND SCENIC** 20 **RIVER DESIGNATION**

21 **SEC. 501. ZION NATIONAL PARK WILD AND SCENIC RIVERS.**

22 (a) DESIGNATION.—Section 3(a) of the Wild and  
23 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

1           (1) by redesignating paragraph (167) (relating  
2 to the Musconetcong River, New Jersey) as para-  
3 graph (169);

4           (2) by designating the undesignated paragraph  
5 relating to the White Salmon River, Washington, as  
6 paragraph (167);

7           (3) by designating the undesignated paragraph  
8 relating to the Black Butte River, California, as  
9 paragraph (168); and

10          (4) by adding at the end the following:

11           “(170) ZION NATIONAL PARK, UTAH.—The ap-  
12 proximately 165.5 miles of segments of the Virgin  
13 River and tributaries of the Virgin River across Fed-  
14 eral land within and adjacent to Zion National Park,  
15 to be administered by the Secretary of the Interior  
16 in the following classifications:

17           “(A) TAYLOR CREEK.—The 4.5-mile seg-  
18 ment from the junction of the north, middle,  
19 and south forks of Taylor Creek, west to the  
20 park boundary and adjacent land rim-to-rim, as  
21 a scenic river.

22           “(B) NORTH FORK OF TAYLOR CREEK.—  
23 The segment from the head of North Fork to  
24 the junction with Taylor Creek and adjacent  
25 land rim-to-rim, as a wild river.

1           “(C) MIDDLE FORK OF TAYLOR CREEK.—  
2           The segment from the head of Middle Fork on  
3           Bureau of Land Management land to the junc-  
4           tion with Taylor Creek and adjacent land rim-  
5           to-rim, as a wild river.

6           “(D) SOUTH FORK OF TAYLOR CREEK.—  
7           The segment from the head of South Fork to  
8           the junction with Taylor Creek and adjacent  
9           land rim-to-rim, as a wild river.

10          “(E) TIMBER CREEK AND TRIBUTARIES.—  
11          The 3.1-mile segment from the head of Timber  
12          Creek and tributaries of Timber Creek to the  
13          junction with LaVerkin Creek and adjacent  
14          land rim-to-rim, as a wild river.

15          “(F) LAVERKIN CREEK.—The 16.1-mile  
16          segment beginning in T. 38 S., R. 11 W., sec.  
17          21, on Bureau of Land Management land,  
18          southwest through Zion National Park, and  
19          ending at the south end of T. 40 S., R. 12 W.,  
20          sec. 7, and adjacent land ½-mile wide, as a  
21          wild river.

22          “(G) WILLIS CREEK.—The 1.9-mile seg-  
23          ment beginning on Bureau of Land Manage-  
24          ment land in the SWSW sec. 27, T. 38 S., R.  
25          11 W., to the junction with LaVerkin Creek in

1 Zion National Park and adjacent land rim-to-  
2 rim, as a wild river.

3 “(H) BEARTRAP CANYON.—The 2.3-mile  
4 segment beginning on Bureau of Management  
5 land in the SWNW sec. 3, T. 39 S., R. 11 W.,  
6 to the junction with LaVerkin Creek and the  
7 segment from the headwaters north of Long  
8 Point to the junction with LaVerkin Creek and  
9 adjacent land rim-to-rim, as a wild river.

10 “(I) HOP VALLEY CREEK.—The 3.3-mile  
11 segment beginning at the southern boundary of  
12 T. 39 S., R. 11 W., sec. 20, to the junction  
13 with LaVerkin Creek and adjacent land ½-mile  
14 wide, as a wild river.

15 “(J) CURRENT CREEK.—The 1.4-mile seg-  
16 ment from the head of Current Creek to the  
17 junction with LaVerkin Creek and adjacent  
18 land rim-to-rim, as a wild river.

19 “(K) CANE CREEK.—The 0.6-mile segment  
20 from the head of Smith Creek to the junction  
21 with LaVerkin Creek and adjacent land ½-mile  
22 wide, as a wild river.

23 “(L) SMITH CREEK.—The 1.3-mile seg-  
24 ment from the head of Smith Creek to the junc-



1 tion with LaVerkin Creek and adjacent land ½-  
2 mile wide, as a wild river.

3 “(M) NORTH CREEK LEFT AND RIGHT  
4 FORKS.—The segment of the Left Fork from  
5 the junction with Wildcat Canyon to the junc-  
6 tion with Right Fork, from the head of Right  
7 Fork to the junction with Left Fork, and from  
8 the junction of the Left and Right Forks south-  
9 west to Zion National Park boundary and adja-  
10 cent land rim-to-rim, as a wild river.

11 “(N) WILDCAT CANYON (BLUE CREEK).—  
12 The segment of Blue Creek from the Zion Na-  
13 tional Park boundary to the junction with the  
14 Right Fork of North Creek and adjacent land  
15 rim-to-rim, as a wild river.

16 “(O) LITTLE CREEK.—The segment begin-  
17 ning at the head of Little Creek to the junction  
18 with the Left Fork of North Creek and adja-  
19 cent land ½-mile wide, as a wild river.

20 “(P) RUSSELL GULCH.—The segment  
21 from the head of Russell Gulch to the junction  
22 with the Left Fork of North Creek and adja-  
23 cent land rim-to-rim, as a wild river.

24 “(Q) GRAPEVINE WASH.—The 2.6-mile  
25 segment from the Lower Kolob Plateau to the

1 junction with the Left Fork of North Creek and  
2 adjacent land rim-to-rim, as a scenic river.

3 “(R) PINE SPRING WASH.—The 4.6-mile  
4 segment to the junction with the left fork of  
5 North Creek and adjacent land ½-mile, as a  
6 scenic river.

7 “(S) WOLF SPRINGS WASH.—The 1.4-mile  
8 segment from the head of Wolf Springs Wash  
9 to the junction with Pine Spring Wash and ad-  
10 jacent land ½-mile wide, as a scenic river.

11 “(T) KOLOB CREEK.—The 5.9-mile seg-  
12 ment of Kolob Creek beginning in T. 39 S., R.  
13 10 W., sec. 30, through Bureau of Land Man-  
14 agement land and Zion National Park land to  
15 the junction with the North Fork of the Virgin  
16 River and adjacent land rim-to-rim, as a wild  
17 river.

18 “(U) OAK CREEK.—The 1-mile stretch of  
19 Oak Creek beginning in T. 39 S., R. 10 W.,  
20 sec. 19, to the junction with Kolob Creek and  
21 adjacent land rim-to-rim, as a wild river.

22 “(V) GOOSE CREEK.—The 4.6-mile seg-  
23 ment of Goose Creek from the head of Goose  
24 Creek to the junction with the North Fork of

1 the Virgin River and adjacent land rim-to-rim,  
2 as a wild river.

3 “(W) DEEP CREEK.—The 5.3-mile seg-  
4 ment of Deep Creek beginning on Bureau of  
5 Land Management land at the northern bound-  
6 ary of T. 39 S., R. 10 W., sec. 23, south to the  
7 junction of the North Fork of the Virgin River  
8 and adjacent land rim-to-rim, as a wild river.

9 “(X) NORTH FORK OF THE VIRGIN  
10 RIVER.—The 10.8-mile segment of the North  
11 Fork of the Virgin River beginning on Bureau  
12 of Land Management land at the eastern bor-  
13 der of T. 39 S., R. 10 W., sec. 35, to Temple  
14 of Sinawava and adjacent land rim-to-rim, as a  
15 wild river.

16 “(Y) NORTH FORK OF THE VIRGIN  
17 RIVER.—The 8-mile segment of the North Fork  
18 of the Virgin River from Temple of Sinawava  
19 south to the Zion National Park boundary and  
20 adjacent land 1/2-mile wide, as a scenic river.

21 “(Z) IMLAY CANYON.—The segment from  
22 the head of Imlay Creek to the junction with  
23 the North Fork of the Virgin River and adja-  
24 cent land rim-to-rim, as a wild river.

1           “(AA) ORDERVILLE CANYON.—The seg-  
2           ment from the eastern boundary of Zion Na-  
3           tional Park to the junction with the North Fork  
4           of the Virgin River and adjacent land rim-to-  
5           rim, as a wild river.

6           “(BB) MYSTERY CANYON.—The segment  
7           from the head of Mystery Canyon to the junc-  
8           tion with the North Fork of the Virgin River  
9           and adjacent land rim-to-rim, as a wild river.

10          “(CC) ECHO CANYON.—The segment from  
11          the eastern boundary of Zion National Park to  
12          the junction with the North Fork of the Virgin  
13          River and adjacent land rim-to-rim, as a wild  
14          river.

15          “(DD) BEHUNIN CANYON.—The segment  
16          from the head of Behunin Canyon to the junc-  
17          tion with the North Fork of the Virgin River  
18          and adjacent land rim-to-rim, as a wild river.

19          “(EE) HEAPS CANYON.—The segment  
20          from the head of Heaps Canyon to the junction  
21          with the North Fork of the Virgin River and  
22          adjacent land rim-to-rim, as a wild river.

23          “(FF) BIRCH CREEK.—The segment from  
24          the head of Birch Creek to the junction with

1 the North Fork of the Virgin River and adja-  
2 cent land 1/2-mile wide, as a wild river.

3 “(GG) OAK CREEK.—The segment of Oak  
4 Creek from the head of Oak Creek to where the  
5 forks join and adjacent land 1/2-mile wide, as a  
6 wild river.

7 “(HH) OAK CREEK.—The 1-mile segment  
8 of Oak Creek from the point at which the 2  
9 forks of Oak Creek join to the junction with the  
10 North Fork of the Virgin River and adjacent  
11 land 1/2-mile wide, as a recreational river.

12 “(II) CLEAR CREEK.—The 6.4-mile seg-  
13 ment of Clear Creek from the eastern boundary  
14 of Zion National Park to the junction with Pine  
15 Creek and adjacent land rim-to-rim, as a rec-  
16 reational river.

17 “(JJ) PINE CREEK.—The 2-mile segment  
18 of Pine Creek from the head of Pine Creek to  
19 the junction with Clear Creek and adjacent land  
20 rim-to-rim, as a wild river.

21 “(KK) PINE CREEK.—The 3-mile segment  
22 of Pine Creek from the junction with Clear  
23 Creek to the junction with the North Fork of  
24 the Virgin River and adjacent land rim-to-rim,  
25 as a recreational river.

1           “(LL) EAST FORK OF THE VIRGIN  
2 RIVER.—The 8-mile segment of the East Fork  
3 of the Virgin River from the eastern boundary  
4 of Zion National Park through Parunuweap  
5 Canyon to the western boundary of Zion Na-  
6 tional Park and adjacent land ½-mile wide, as  
7 a wild river.

8           “(MM) SHUNES CREEK.—The 3-mile seg-  
9 ment of Shunes Creek from the dry waterfall on  
10 land administered by the Bureau of Land Man-  
11 agement through Zion National Park to the  
12 western boundary of Zion National Park and  
13 adjacent land ½-mile wide as a wild river.”.

14       (b) INCORPORATION OF ACQUIRED NON-FEDERAL  
15 LAND.—If the United States acquires any non-Federal  
16 land within or adjacent to Zion National Park that in-  
17 cludes a river segment that is contiguous to a river seg-  
18 ment of the Virgin River designated as a wild, scenic, or  
19 recreational river by paragraph (170) of section 3(a) of  
20 the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), the  
21 acquired river segment shall be incorporated in, and be  
22 administered as part of, the applicable wild, scenic, or rec-  
23 reational river.

24       (c) SAVINGS CLAUSE.—The amendment made by  
25 subsection (a)(4) does not affect the agreement among the

1 United States, the State, the Washington County Water  
 2 Conservancy District, and the Kane County Water Con-  
 3 servancy District entitled “Zion National Park Water  
 4 Rights Settlement Agreement” and dated December 4,  
 5 1996.

6 **TITLE VI—WASHINGTON COUN-**  
 7 **TY TRAVEL MANAGEMENT**  
 8 **PLAN**

9 **SEC. 601. DEFINITIONS.**

10 In this title:

11 (1) SECRETARY CONCERNED.—The term “Sec-  
 12 retary concerned” means—

13 (A) the Secretary of Agriculture (acting  
 14 through the Chief of the Forest Service), with  
 15 respect to National Forest System land; and

16 (B) the Secretary, with respect to land  
 17 managed by the Bureau of Land Management.

18 (2) TRAIL.—The term “trail” means the High  
 19 Desert Off-Highway Vehicle Trail designated under  
 20 section 603(a)(1).

21 (3) TRAVEL MANAGEMENT PLAN.—The term  
 22 “travel management plan” means the travel manage-  
 23 ment plan developed under section 602(a)(1).

24 **SEC. 602. TRAVEL MANAGEMENT PLAN.**

25 (a) DEVELOPMENT.—

1           (1) IN GENERAL.—Not later than 3 years after  
2 the date of enactment of this Act, in accordance  
3 with the Federal Land Policy and Management Act  
4 of 1976 (43 U.S.C. 1701 et seq.), the Secretary, in  
5 consultation with appropriate Federal agencies and  
6 State, local, and tribal governments, shall develop a  
7 comprehensive travel management plan—

8           (A) to provide to the public a clearly  
9 marked network of roads and trails with signs  
10 and maps to promote—

11                   (i) public safety and awareness; and

12                   (ii) enhanced recreation opportunities;

13           (B) to help reduce in the County growing  
14 conflicts arising from interactions between—

15                   (i) motorized recreation; and

16                   (ii) the important resource values of  
17 public land;

18           (C) to promote citizen-based opportunities  
19 for—

20                   (i) the monitoring and stewardship of  
21 the trail; and

22                   (ii) trail system management; and

23           (D) to support law enforcement officials in  
24 promoting—



- 1 (i) compliance with off-highway vehi-  
2 cle laws (including regulations); and  
3 (ii) effective deterrents of abuses of  
4 public land.

5 (2) SCOPE; CONTENTS.—In developing the trav-  
6 el management plan, the Secretary shall—

7 (A) design the travel management plan for  
8 land that is—

- 9 (i) located in the County; and  
10 (ii) managed by the Bureau of Land  
11 Management;

12 (B) ensure that the travel management  
13 plan contains a map that depicts the trail; and

14 (C) designate a system of areas, roads, and  
15 trails for mechanical and motorized use on  
16 land—

- 17 (i) located in the County; and  
18 (ii) managed by the Bureau of Land  
19 Management.

20 (b) NORTHERN TRANSPORTATION ROUTE.—In devel-  
21 oping the travel management plan, the Secretary, in con-  
22 sultation with appropriate Federal agencies, the State,  
23 local governments (including the County and St. George  
24 City, Utah), and the public, shall identify 1 or more alter-  
25 natives for a northern transportation route in the County.

1 **SEC. 603. DESIGNATION OF TRAIL.**

2 (a) DESIGNATION.—

3 (1) IN GENERAL.—In accordance with para-  
4 graph (2), the Secretary, in coordination with the  
5 Secretary of Agriculture, shall designate a trail  
6 (which may include a system of trails)—

7 (A) to be designed and constructed for use  
8 by off-highway vehicles; and

9 (B) to be known as the “High Desert Off-  
10 Highway Vehicle Trail”.

11 (2) REQUIREMENTS.—In designating the trail,  
12 the Secretary concerned shall only include trails that  
13 are—

14 (A) as of the date of enactment of this  
15 Act, approved for use by off-highway vehicles;  
16 and

17 (B) located on land that is managed by—

18 (i) the Bureau of Land Management;

19 or

20 (ii) the Chief of the Forest Service.

21 (3) MAP.—A map that depicts the trail shall be  
22 on file and available for public inspection in appro-  
23 priate offices of—

24 (A) the Office of the Chief of the Forest  
25 Service; and

1 (B) the Office of the Director of the Bu-  
2 reau of Land Management.

3 (b) MANAGEMENT.—

4 (1) IN GENERAL.—The Secretary concerned  
5 shall manage the trail—

6 (A) in accordance with applicable laws (in-  
7 cluding regulations);

8 (B) to ensure the safety of citizens who  
9 use the trail; and

10 (C) in a manner by which to minimize any  
11 damage to sensitive habitat or cultural re-  
12 sources located in close proximity to the trail.

13 (2) MONITORING; EVALUATION.—To minimize  
14 the impacts of the use of the trail on environmental  
15 and cultural resources located in close proximity to  
16 the trail, the Secretary shall—

17 (A) in cooperation with the Secretary of  
18 Agriculture, annually assess the effects of the  
19 use of off-highway vehicles on—

20 (i) the trail; and

21 (ii) land located in close proximity to  
22 the trail; and

23 (B) in consultation with the Utah Depart-  
24 ment of Natural Resources, annually assess the

1 effects of the use of the trail on wildlife and  
2 wildlife habitat.

3 (3) NOTICE OF AVAILABLE ROUTES.—The Sec-  
4 retary, in coordination with the Secretary of Agri-  
5 culture, shall ensure that visitors to the trail have  
6 access to adequate notice relating to the availability  
7 of trail routes through—

8 (A) the placement of appropriate signage  
9 along the trail; and

10 (B) the distribution of maps, safety edu-  
11 cation materials, and other information that the  
12 Secretary, in cooperation with the Secretary of  
13 Agriculture, determines to be appropriate.

14 (c) EFFECT.—Nothing in this section affects the  
15 ownership, management, or other rights relating to any  
16 non-Federal land (including any interest in any non-Fed-  
17 eral land).

## 18 **TITLE VII—LAND DISPOSAL**

### 19 **SEC. 701. DEFINITIONS.**

20 In this title:

21 (1) CONSERVATION PLAN.—The term “con-  
22 servation plan” means the conservation plan entitled  
23 “Washington County Habitat Conservation Plan”  
24 and dated December 1995.

1           (2) MANAGEMENT PLAN.—The term “manage-  
2           ment plan” means the Bureau of Land Management  
3           St. George Field Office Resource Management Plan.

4           (3) SPECIAL ACCOUNT.—The term “special ac-  
5           count” means the special account established under  
6           section 703(a)(3).

7           (4) VISION DIXIE LAND USE AND TRANSPOR-  
8           TATION PLAN.—The term “Vision Dixie land use  
9           and transportation plan” means the management  
10          plan—

11                   (A) entitled “Vision Dixie 2035: Land Use  
12                   and Transportation Vision”;

13                   (B) adopted by the Washington County  
14                   Commission on February 4, 2008; and

15                   (C) on file in the Bureau of Land Manage-  
16                   ment St. George Field Office.

17 **SEC. 702. CONVEYANCE OF PUBLIC LAND IN COUNTY.**

18          (a) IN GENERAL.—In accordance with sections 202  
19          and 203 of the Federal Land Policy and Management Act  
20          of 1976 (43 U.S.C. 1712, 1713) and subject to valid exist-  
21          ing rights, the Secretary, in cooperation with the County,  
22          shall conduct sales of the land described in subsection (b)  
23          to qualified bidders in accordance with—

24                   (1) other provisions of that Act;

25                   (2) this title; and

1           (3) any applicable law (including regulations).

2           (b) DESCRIPTION OF LAND.—The land referred to in  
3 subsection (a) consists of—

4           (1) the land identified on the Washington  
5 County Growth and Conservation Act Map as “First  
6 Tier Lands”, totaling approximately 906 acres;

7           (2) the land identified on the Washington  
8 County Growth and Conservation Act Map as “Sec-  
9 ond Tier Lands”, totaling approximately 3,146  
10 acres; and

11           (3) not more than 5,000 acres of land from the  
12 land that is identified for disposal by the Bureau of  
13 Land Management through—

14                   (A) the management plan; or

15                   (B) a subsequent amendment to, or revi-  
16 sion of, the management plan that is under-  
17 taken—

18                           (i) with full public involvement; and

19                           (ii) in accordance with—

20                                   (I) sections 202 and 503 of the  
21 Federal Land Policy and Management  
22 Act of 1976 (43 U.S.C. 1712, 1763);  
23 and

24                                   (II) the Vision Dixie land use  
25 and transportation plan (including

1           each principle described in the Vision  
2           Dixie land use and transportation  
3           plan).

4           (c) JOINT SELECTION REQUIRED.—The Secretary  
5 and the County shall jointly select which parcels of land  
6 described in subsection (b)(3) to offer for sale.

7           (d) COMPLIANCE WITH LOCAL PLANNING AND ZON-  
8 ING LAWS.—Before a sale of land under subsection (a),  
9 the County shall submit to the Secretary a certification  
10 that qualified bidders have agreed to comply with—

11           (1) County and city zoning and other applicable  
12 ordinances; and

13           (2) any general plan for the area approved by  
14 the County, including any revision to the general  
15 plan that is adopted by the County after the date of  
16 enactment of this Act.

17           (e) METHOD OF SALE; CONSIDERATION.—The sale  
18 of land under subsection (a) shall be—

19           (1) consistent with subsections (d) and (f) of  
20 section 203 of the Federal Land Policy and Manage-  
21 ment Act of 1976 (43 U.S.C. 1713);

22           (2) through a competitive bidding process un-  
23 less otherwise determined by the Secretary; and

24           (3) for not less than fair market value.

25           (f) WITHDRAWAL.—

1           (1) IN GENERAL.—Subject to valid existing  
2 rights, and except as provided in paragraph (2), the  
3 land described in subsection (b) is withdrawn  
4 from—

5           (A) all forms of entry and appropriation  
6 under the public land laws;

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

9           (C) operation of the mineral leasing, geo-  
10 thermal leasing, and mineral materials laws.

11          (2) EXCEPTION.—Paragraph (1)(A) shall not  
12 apply to a competitive sale.

13 (g) TIMING OF SALES.—

14          (1) IN GENERAL.—The Secretary shall—

15           (A) with respect to the land described in  
16 subsection (b)(1)—

17           (i) not later than 18 months after the  
18 date of enactment of this Act, offer for  
19 sale the land identified on the Washington  
20 County Growth and Conservation Act Map  
21 as “First Tier Lands”; and

22           (ii) beginning 1 year after the date of  
23 the sale of land under clause (i), and at  
24 least annually thereafter until the date on  
25 which all of the parcels of land described



1           in subsection (b)(2) are sold, conduct sales  
 2           of each unsold parcel of land described in  
 3           subsection (b)(2), except that all of the  
 4           parcels of land shall be offered for sale not  
 5           later than January 1, 2013; and

6           (B) with respect to the land described in  
 7           subsection (b)(3), in accordance with this title  
 8           and any applicable law (including regulations),  
 9           conduct sales of each parcel of land as such  
 10          parcels become available for sale.

11          (2) POSTPONEMENT; EXCLUSION FROM SALE.—

12           (A) REQUEST BY COUNTY FOR POSTPONE-  
 13          MENT OR EXCLUSION.—At the request of the  
 14          County, the Secretary shall postpone or exclude  
 15          from sale all or a portion of the land described  
 16          in paragraph (1), (2), or (3) of subsection (b).

17           (B) INDEFINITE POSTPONEMENT.—Unless  
 18          specifically requested by the County, a post-  
 19          ponement under subparagraph (A) shall not be  
 20          indefinite.

21          (h) RESTRICTIVE COVENANTS.—

22           (1) IN GENERAL.—The Secretary may include  
 23          in the deed of transfer of any parcel of land disposed  
 24          of under this section any restrictive covenant that

1 the Secretary determines to be necessary to protect  
2 the interests of the United States.

3 (2) NOTICE.—Not later than 30 days before the  
4 date on which a land sale is to be conducted under  
5 this section, the Secretary shall publish in 1 or more  
6 local newspapers a notice that describes any parcels  
7 of land that would be subject to a restrictive cov-  
8 enant.

9 **SEC. 703. DISPOSITION OF PROCEEDS.**

10 (a) DISPOSITION OF PROCEEDS.—Of the gross pro-  
11 ceeds from a sale of land described in section 702(b)—

12 (1) 5 percent shall be paid directly to the State  
13 for the support of schools in accordance with section  
14 9 of the Act of July 16, 1894 (28 Stat. 107, chapter  
15 138);

16 (2) 10 percent shall be paid directly to the  
17 County for—

18 (A) administrative costs;

19 (B) the costs of fire protection, flood con-  
20 trol, public safety, and transportation; and

21 (C) costs arising from—

22 (i) water conservation, reuse, treat-  
23 ment, development, and delivery in accord-  
24 ance with local and regional plans;

25 (ii) the protection of open space;

1 (iii) the development of parks and  
2 public recreation areas;

3 (iv) the development and implementa-  
4 tion of local and regional plans (including  
5 the Vision Dixie land use and transpor-  
6 tation plan); and

7 (v) conservation projects carried out  
8 in the County; and

9 (3) the remainder shall be deposited in a special  
10 account in the Treasury of the United States and  
11 shall be available without further appropriation to  
12 the Secretary until expended, of which—

13 (A) the lesser of 9 percent of the amount  
14 deposited in the special account or \$15,000,000  
15 shall be used—

16 (i) to complete the management plan  
17 for the Red Cliffs National Conservation  
18 Area under section 302(d)(1);

19 (ii) to complete the management plan  
20 for the Beaver Dam Wash National Con-  
21 servation Area under section 402(d)(1);

22 (iii) to complete the travel manage-  
23 ment plan under section 602(a)(1);

1 (iv) to designate the High Desert Off-  
2 Highway Vehicle Trail under section  
3 603(a)(1);

4 (v) to carry out each wilderness area  
5 designated by section 101(a), including,  
6 with respect to each wilderness area, costs  
7 arising from—

8 (I) the construction of appro-  
9 priate fencing;

10 (II) the purchase of appropriate  
11 signage;

12 (III) public education activities;

13 and

14 (IV) enforcement activities;

15 (vi) for the reimbursement of costs in-  
16 curred by the Utah State Office of the Bu-  
17 reau of Land Management and the St.  
18 George Field Office of the Bureau of Land  
19 Management in preparing for the sale of  
20 land described in section 702(b), including  
21 the costs of—

22 (I) surveys;

23 (II) appraisals; and

24 (III) activities carried out to en-  
25 sure compliance with—

1 (aa) the National Environ-  
2 mental Policy Act of 1969 (42  
3 U.S.C. 4321 et seq.); and

4 (bb) sections 201 and 202 of  
5 the Federal Land Policy and  
6 Management Act of 1976 (43  
7 U.S.C. 1711, 1712);

8 (vii) for the reimbursement of admin-  
9 istrative costs incurred by the St. George  
10 Field Office of the Bureau of Land Man-  
11 agement in carrying out this Act; and

12 (viii) for each conservation purpose  
13 described in section 901; and

14 (B) the remainder of the amount deposited  
15 in the special account shall be used to acquire  
16 from a willing seller any parcel of non-Federal  
17 land (including any interest in a parcel of non-  
18 Federal land) located in the County including—

19 (i) any parcel of non-Federal land lo-  
20 cated in—

21 (I) the Red Cliffs National Con-  
22 servation Area, established by section  
23 302(c), in accordance with the con-  
24 servation plan;

1 (II) the Beaver Dam Wash Na-  
2 tional Conservation Area, established  
3 by section 402(c);

4 (III) any wilderness area des-  
5 ignated by section 101(a);

6 (IV) the Zion National Park; and

7 (V) the Dixie National Forest;

8 and

9 (ii) any parcel of land that—

10 (I) is environmentally sensitive;

11 (II) is critical for agriculture; or

12 (III) has critical open space, wa-  
13 tershed, or natural values.

14 (b) INVESTMENT OF SPECIAL ACCOUNT.—Any  
15 amounts deposited in the special account shall earn inter-  
16 est in an amount determined by the Secretary of the  
17 Treasury on the basis of the current average market yield  
18 on outstanding marketable obligations of the United  
19 States of comparable maturities, and may be expended ac-  
20 cording to the provisions of this section.

21 (c) ANNUAL REPORT.—

22 (1) IN GENERAL.—Not later than 2 years after  
23 the date of enactment of this Act and annually  
24 thereafter, the Secretary shall submit to the appro-  
25 priate committees of Congress a report that con-

1 tains, for the year covered by the report, an itemized  
 2 description of each activity carried out by the Sec-  
 3 retary using funds made available in accordance  
 4 with subsection (a)(3).

5 (2) PUBLIC AVAILABILITY.—The Secretary  
 6 shall make the report required under paragraph (1)  
 7 available to the public.

## 8 **TITLE VIII—RIGHTS-OF-WAY**

### 9 **SEC. 801. DEFINITION OF WATER DISTRICT.**

10 In this title, the term “Water District” means the  
 11 Washington County Water Conservancy District.

### 12 **SEC. 802. RIGHTS-OF-WAY.**

13 (a) IN GENERAL.—In accordance with sections 202  
 14 and 503 of the Federal Land Policy and Management Act  
 15 of 1976 (43 U.S.C. 1712, 1763), and subject to valid ex-  
 16 isting rights, the Secretary shall grant to the Water Dis-  
 17 trict nonexclusive rights-of-way for each reservoir depicted  
 18 on the Washington County Growth and Conservation Act  
 19 Map, totaling approximately 932 acres.

20 (b) DURATION; WAIVER OF FEES.—A right-of-way  
 21 granted by the Secretary under subsection (a) shall—

22 (1) be valid in perpetuity; and

23 (2) not require the payment of rental fees.

24 (c) COMPLIANCE WITH NATIONAL ENVIRONMENTAL  
 25 POLICY ACT OF 1969.—Before granting a right-of-way

1 under subsection (a), the Secretary shall comply with the  
2 National Environmental Policy Act of 1969 (42 U.S.C.  
3 4321 et seq.), including any requirement of the Act relat-  
4 ing to the identification of potential impacts to fish and  
5 wildlife resources and habitat.

6 (d) WITHDRAWAL.—Subject to valid existing rights,  
7 each area granted as a right-of-way by the Secretary  
8 under subsection (a) is withdrawn from location, entry,  
9 and patent under the mining laws.

## 10 **TITLE IX—MANAGEMENT OF** 11 **PRIORITY BIOLOGICAL AREAS**

### 12 **SEC. 901. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.**

13 (a) IN GENERAL.—In accordance with applicable  
14 Federal laws (including regulations), the Secretary shall—

15 (1) identify each priority biological area located  
16 in the County; and

17 (2) carry out the management of plant and ani-  
18 mal species and natural communities in each priority  
19 biological area, including activities relating to con-  
20 servation and restoration.

21 (b) GRANTS; COOPERATIVE AGREEMENTS.—In car-  
22 rying out subsection (a), the Secretary may make grants  
23 to, or enter into cooperative agreements with, State and  
24 local governmental entities and private entities to conduct  
25 research, develop scientific analyses, and carry out any



1 other initiative relating to the restoration or conservation  
2 of the priority biological areas.

3 **TITLE X—CONVEYANCE OF DIXIE**  
4 **NATIONAL FOREST LAND**

5 **SEC. 1001. DEFINITIONS.**

6 In this title:

7 (1) COVERED FEDERAL LAND.—The term “cov-  
8 ered Federal land” means the approximately 112  
9 acres of land in the Dixie National Forest in the  
10 State, as depicted on the map.

11 (2) LANDOWNER.—The term “landowner”  
12 means Kirk R. Harrison, who owns land in Pinto  
13 Valley, Utah.

14 (3) MAP.—The term “map” means the map en-  
15 titled “Harrison Proposal” and dated February 26,  
16 2008.

17 (4) SECRETARY.—The term “Secretary” means  
18 the Secretary of Agriculture.

19 **SEC. 1002. CONVEYANCE.**

20 (a) IN GENERAL.—As soon as practicable after the  
21 date of enactment of this Act, the Secretary shall convey  
22 to the landowner all right, title, and interest of the United  
23 States in and to the covered Federal land (including any  
24 improvements or appurtenances to the covered Federal  
25 land).

1 (b) LEGAL DESCRIPTION.—The exact acreage and  
2 legal description of the covered Federal land to be con-  
3 veyed under subsection (a) shall be determined by surveys  
4 satisfactory to the Secretary.

5 (c) CONSIDERATION.—

6 (1) IN GENERAL.—As consideration for the con-  
7 veyance under subsection (a), the landowner shall  
8 pay to the Secretary an amount equal to the fair  
9 market value of the covered Federal land, as deter-  
10 mined under paragraph (2).

11 (2) APPRAISAL.—The fair market value of the  
12 covered Federal land shall be determined by an ap-  
13 praisal acceptable to the Secretary that is performed  
14 in accordance with—

15 (A) the Uniform Appraisal Standards for  
16 covered Federal land Acquisitions, as developed  
17 by the Interagency Land Acquisition Con-  
18 ference;

19 (B) the Uniform Standards of Professional  
20 Appraisal Practice; and

21 (C) any other applicable law (including  
22 regulations).

23 (d) DISPOSITION AND USE OF PROCEEDS.—

24 (1) DISPOSITION OF PROCEEDS.—The Sec-  
25 retary shall deposit the proceeds of the sale of land

1 under subsection (a) in the fund established under  
2 Public Law 90–171 (commonly known as the “Sisk  
3 Act”) (16 U.S.C. 484a).

4 (2) USE OF PROCEEDS.—Amounts deposited  
5 under paragraph (1) shall be available to the Sec-  
6 retary, without further appropriation and until ex-  
7 pended, for the acquisition of real property or inter-  
8 ests in real property for inclusion in the Dixie Na-  
9 tional Forest in the State.

10 (e) MAP.—

11 (1) AVAILABILITY.—The map shall be on file  
12 and available for public inspection in the office of  
13 the Chief of the Forest Service.

14 (2) TECHNICAL CORRECTIONS.—The Secretary  
15 may make technical corrections to the map.

16 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
17 retary may require any additional terms and conditions  
18 for the conveyance under subsection (a) that the Secretary  
19 determines to be appropriate to protect the interests of  
20 the United States.

1    **TITLE XI—AUTHORIZATION OF**  
2                    **APPROPRIATIONS**

3    **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

4            There are authorized to be appropriated such sums  
5 as are necessary to carry out this Act and the amendments  
6 made by this Act.

○