

103^D CONGRESS
1ST SESSION

H. R. 1603

To authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1994 through 1997; to improve the management of the public lands; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. VENTO introduced the following bill; which was referred jointly to the Committees on Natural Resources and Rules

A BILL

To authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1994 through 1997; to improve the management of the public lands; 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. AUTHORIZATION.**

4 There are hereby authorized to be appropriated such
5 sums as may be necessary for programs, functions, and
6 activities of the Bureau of Land Management, Depart-
7 ment of the Interior (including amounts necessary for in-
8 creases in salary, pay, retirements, and other employee

1 benefits authorized by law, and for other nondiscretionary
2 costs), during fiscal years beginning on October 1, 1993,
3 and ending September 30, 1997.

4 **SEC. 2. STATUTORY REFERENCE.**

5 As used hereafter in this Act, the terms “the Act”
6 and “FLPMA” mean the Federal Land Policy and Man-
7 agement Act of 1976 (43 U.S.C. 1701 et seq.).

8 **SEC. 3. FLPMA DEFINITIONS.**

9 (a) AREAS OF CRITICAL ENVIRONMENTAL CON-
10 CERN.—Section 103(a) of the Act (43 U.S.C. 1702(a)) is
11 amended to read as follows:

12 “(a) The term ‘areas of critical environmental con-
13 cern’ means those areas (whether or not previously af-
14 fected by one or more uses or developments) identified by
15 the Secretary as areas where special management atten-
16 tion is required (which, among other things, may in some
17 instances include restrictions on or prohibitions of any fur-
18 ther development) in order—

19 “(1) to protect important resources and values
20 (including but not limited to environmental, ecologi-
21 cal, historic, cultural, scenic, fish and wildlife, and
22 scientific resources or values) located on or likely to
23 be affected by the use of specific portions of the
24 public lands (but Congress does not intend that the

1 Secretary establish protective perimeters or buffer
2 zones around such areas);

3 “(2) to protect life and provide safety from nat-
4 ural hazards; or

5 “(3) to protect or enhance the resources and
6 values of a conservation system unit, but it is not
7 the intent of Congress that the Secretary establish
8 protective perimeters or buffer zones around con-
9 servation system units.”.

10 (b) CONSERVATION SYSTEM UNIT.—Section 103 of
11 the Act (43 U.S.C. 1702) is amended by adding at the
12 end thereof the following new subsection:

13 “(q) The term ‘conservation system unit’ means any
14 unit of the National Park System, National Wildlife Ref-
15 uge System, National Wild and Scenic Rivers System, Na-
16 tional Trails System, National Wilderness Preservation
17 System, or a National Conservation Area, National Recre-
18 ation Area, or National Forest Monument.”.

19 **SEC. 4. MAJOR USES AND INVENTORIES.**

20 (a) DEFINITION.—Section 103(1) of the Act (43
21 U.S.C. 1702(1)) is amended—

22 (1) by striking “fish and wildlife development
23 and utilization,” and inserting in lieu thereof “main-
24 tenance of plant communities, maintenance of fish

1 and wildlife populations and habitat, utilization of
2 fish or wildlife populations,”; and

3 (2) by striking “and timber production” and in-
4 serting in lieu thereof “timber production, reforest-
5 ation, and scientific research”.

6 (b) INVENTORY.—Section 201(a) of the Act (43
7 U.S.C. 1711(a)) is amended by striking the period at the
8 end of the first sentence and inserting in lieu thereof “and
9 riparian areas.”.

10 (c) MANAGEMENT DECISIONS.—Section 202(e)(2) of
11 the Act (43 U.S.C. 1712(e)(2)) is amended by striking
12 “the Congress adopts a concurrent resolution” and insert-
13 ing in lieu thereof “there is enacted a joint resolution”.

14 **SEC. 5. PLANNING REQUIREMENTS.**

15 (a) DEADLINES.—Section 202(a) of the Act (43
16 U.S.C. 1712(a)) is amended—

17 (1) by designating section 202(a) as section
18 202(a)(1); and

19 (2) by adding at the end of section 202(a) the
20 following new paragraphs:

21 “(2) Land use plans meeting the requirements of this
22 Act shall be developed for all the public lands outside Alas-
23 ka no later than January 1, 1998, and for all public lands
24 no later than January 1, 2000.

1 “(3) Land use plans shall be revised from time to
2 time when the Secretary finds that conditions have
3 changed so as to make such revision appropriate or nec-
4 essary for proper management of the public lands covered
5 by any such plan. The Secretary shall review each plan
6 at least once every 15 years in order to determine the need
7 for or appropriateness of revision of such plan pursuant
8 to this paragraph.”.

9 (b) CRITERIA.—(1) Section 202(c)(1) of the Act (43
10 U.S.C. 1712(c)(1)) is amended to read as follows:

11 “(1) use and observe the principles of multiple
12 use and sustained yield set forth in this and other
13 applicable law and evaluate the feasibility of meas-
14 ures, consistent with such principles, that would en-
15 hance the extent to which the public lands can sup-
16 port increases in the numbers and types of plant
17 communities and fish and wildlife populations lo-
18 cated on or supported by such lands;”.

19 (2) Section 202(c)(3) of the Act (43 U.S.C.
20 1712(c)(3)) is amended to read as follows:

21 “(3) give priority to the designation and protec-
22 tion of areas of critical environmental concern and
23 to identification, protection, and enhancement of the
24 ecological, environmental, fish and wildlife, and
25 other resources and values of riparian areas;”.

1 (3) Section 202(c)(5) of the Act (43 U.S.C.
2 1712(c)(5)) is amended to read as follows:

3 “(5) consider present and potential uses (in-
4 cluding recreational and other nonconsumptive uses)
5 of the public lands;”.

6 **SEC. 6. PROFESSIONAL QUALIFICATIONS.**

7 Section 301(c) of the Act (43 U.S.C. 1731(c)) is
8 amended to read as follows:

9 “(c) In addition to the Director, there shall be a Dep-
10 uty Director and so many Assistant Directors, State Di-
11 rectors, and other employees as may be necessary, ap-
12 pointed by the Secretary. After May 1, 1989, no person
13 may be appointed as Deputy Director of the Bureau (ex-
14 cept for Deputy Director for External Affairs) or as an
15 Assistant Director or State Director who is not at the time
16 of appointment either a career appointee (as defined in
17 section 3132(4) of title 5, United States Code) or in the
18 competitive service. Other employees shall be appointed
19 subject to provisions of law applicable to appointments in
20 the competitive service, and shall be paid in accordance
21 with the provisions applicable to such service.”.

22 **SEC. 7. PENALTIES.**

23 (a) FLPMA.—Section 303(a) of the Act (43 U.S.C.
24 1733(a)) is amended by striking “no more than \$1,000”
25 and by inserting “no more than \$10,000”.

1 (b) PUBLIC LAW 92–195.—Section 8 of Public Law
2 92–195 (16 U.S.C. 1338(a)) is amended by striking “not
3 more than \$2,000” and by inserting “not more than
4 \$10,000”.

5 **SEC. 8. MANAGEMENT OF LANDS AND PUBLIC PARTICIPA-**
6 **TION.**

7 (a) IN GENERAL.—The last sentence of section
8 302(b) of the Act (43 U.S.C. 1732(b)) is amended to read
9 as follows:

10 “In managing the public lands, the Secretary, by reg-
11 ulation or otherwise, shall take any action necessary to
12 prevent unnecessary degradation of such lands, to mini-
13 mize adverse environmental impacts on such lands and
14 their resources resulting from use, occupancy, or develop-
15 ment of such lands, and to prevent impairment or deroga-
16 tion of the resources and values of conservation system
17 units.”.

18 (b) ADVISORY COUNCILS.—Section 309(a) of the Act
19 (43 U.S.C. 1739(b)) is amended—

20 (1) by striking the period at the end of the first
21 sentence and inserting in lieu thereof “, including
22 the protection of environmental quality, the manage-
23 ment and enhancement of fish and wildlife popu-
24 lations and habitat, and outdoor recreation.”; and

1 (2) by striking the period at the end of the
2 fourth sentence and inserting in lieu thereof “, who
3 shall provide an opportunity for interested members
4 of the public to suggest persons for appointment.”.

5 (c) ACEC REGULATIONS.—Section 310 of the Act
6 (43 U.S.C. 1740) is amended by designating the existing
7 provisions thereof as subsection (a) and adding the follow-
8 ing new subsection:

9 “(b) By regulation, the Secretary shall provide an op-
10 portunity for members of the public to propose specific
11 areas for consideration for designation as areas of critical
12 environmental concern pursuant to section 201 of this
13 Act.”.

14 **SEC. 9. FUTURE REAUTHORIZATIONS.**

15 Section 318(b) of the Act (43 U.S.C. 1748(b)) is
16 amended by striking “May 15, 1977, and not later than
17 May 15 of each second even numbered year thereafter”
18 and inserting in lieu thereof “January 1, 1993, and Janu-
19 ary 1 of each second odd-numbered year thereafter”.

20 **SEC. 10. EXEMPTION FROM STRICT LIABILITY.**

21 Section 504(h) of the Act (43 U.S.C. 1764(h)) is
22 amended by adding at the end thereof the following new
23 paragraph:

24 “(3) No regulation shall impose liability without fault
25 with respect to a right-of-way granted, issued, or renewed

1 under this Act to a nonprofit entity or an entity qualified
2 for financing under the Rural Electrification Act of 1936,
3 as amended, if such entity uses such right-of-way for the
4 delivery of electricity to parties having an equity interest
5 in such entity. However, the Secretary may condition the
6 grant, issuance, or renewal of a right-of-way to such entity
7 for such purpose on the provision by such entity of a bond
8 or other appropriate security, pursuant to subsection (i)
9 of this section.”.

10 **SEC. 11. CONGRESSIONAL REVIEWS.**

11 (a) SALES.—Section 203(c) of the Act (43 U.S.C.
12 1713(c)) is amended by striking “and then only if the
13 Congress has not adopted a concurrent resolution stating
14 that such House does not approve of such designation”,
15 and by inserting in lieu thereof “unless there is enacted
16 a joint resolution disapproving such designation”.

17 (b) WITHDRAWALS.—Section 204 of the Act (43
18 U.S.C. 1713) is amended as follows:

19 (1) By striking from subsection (c) the words
20 “if the Congress has adopted a concurrent resolution
21 stating that such House does not approve the with-
22 drawal” and by inserting in lieu thereof “if prior to
23 the end of such 90-day period there is enacted a
24 joint resolution disapproving the withdrawal”.

1 (2) By striking from subsection (l)(2) the words
2 “the Congress has adopted a concurrent resolution”
3 and by inserting in lieu thereof “there has been en-
4 acted a joint resolution”.

5 **SEC. 12. CONFORMING AMENDMENTS.**

6 (a) REPEAL.—Section 215 of the Act is hereby
7 repealed.

8 (b) GRAZING STUDY.—Section 401 of the Act (43
9 U.S.C. 1751) is amended by repealing subsection (a) and
10 paragraph (b)(1), by redesignating paragraph (b)(2) as
11 paragraph (a)(1), and by redesignating paragraph (b)(3)
12 as paragraph (a)(2).

13 **SEC. 13. JUDICIAL REVIEW.**

14 (a) Title VII of the Act is amended by adding at the
15 end thereof the following:

16 “JUDICIAL REVIEW

17 “SEC. 708. Any agency action or failure to act to im-
18 plement this Act, including the whole or part of any agen-
19 cy rule, order, license, sanction, relief, or the equivalent
20 or denial thereof, shall be subject to judicial review in ac-
21 cordance with and to the extent provided by the Adminis-
22 trative Procedure Act (5 U.S.C. 551–559 and 701 et seq.).
23 For the purposes of this section, the term ‘rule’ has the
24 same meaning as such term has in the Administrative Pro-
25 cedure Act (5 U.S.C. 551(4)).”.

1 (b) The table of contents of the Act is amended by
2 inserting after the item relating to section 707 the follow-
3 ing new item:

“Sec. 708. Judicial review.”.

4 **SEC. 14. CLAIMED RIGHTS-OF-WAY.**

5 The Act is hereby amended by adding at the end of
6 title III the following new sections 319 and 320:

7 **“SEC. 319. RECORDATION OF CLAIMED RIGHTS-OF-WAY.**

8 “(a) FILING REQUIREMENTS.—(1) Any party claim-
9 ing to be a holder of a right-of-way across public or other
10 Federal lands for the construction of a highway pursuant
11 to a grant made by Revised Statutes section 2477 (43
12 U.S.C. 932) that became operative before repeal of such
13 section on October 21, 1976, shall, on or before January
14 1, 1994, file for record in the office or offices of the Bu-
15 reau of Land Management responsible for management of
16 public lands within the State or States wherein such
17 claimed right-of-way is located either a notice of intent
18 to hold and maintain the right-of-way or a notice of aban-
19 donment of such party’s claim to be the holder of such
20 right-of-way. A notice of intent to hold and maintain such
21 a right-of-way shall be accompanied by information con-
22 cerning the actual construction, maintenance, and public
23 use on which such party bases its claim to have established
24 such a right-of-way, and by such other information regard-
25 ing the uses, location, and extent of such claimed right-

1 of-way as the Secretary of the Interior may require. The
2 Secretary may allow information already in the possession
3 of the Bureau of Land Management to be included by ref-
4 erence to the documents in which such information is re-
5 corded.

6 “(2) A party filing a notice pursuant to paragraph
7 (1) shall also simultaneously file a copy thereof in the ap-
8 propriate office of any other agency responsible for man-
9 agement of any Federal lands traversed by the claimed
10 right-of-way, and shall give public notice of the party’s in-
11 tention to hold and maintain or to abandon the claimed
12 right-of-way by publication of information concerning such
13 intention in one or more newspapers of general circulation
14 in the areas where the affected lands are located.

15 “(b) EFFECT.—(1) The failure of any party subject
16 to the requirements of subsection (a) to file the notices
17 or to publish the information required to be filed and pub-
18 lished by such subsection within the time specified by such
19 subsection shall be conclusively deemed to constitute an
20 abandonment and relinquishment of a right-of-way with
21 respect to which such filing and publication is required
22 by such subsection.

23 “(2) Recordation pursuant to this section shall not,
24 of itself, render valid any claim which would not otherwise
25 be valid under applicable law or provide a basis for chang-

1 ing the scope, alignment, or character or extent of use of
2 any claimed right-of-way; and nothing in this section shall
3 be construed as waiving, altering, or otherwise affecting
4 any terms or conditions applicable to any right-of-way
5 under this Act or any other applicable law.

6 “(c) INVESTIGATIONS.—(1) Upon receipt of a notice
7 filed pursuant to subsection (a) that a party intends to
8 hold and maintain a claimed right-of-way involving any
9 lands specified in paragraph (2) of this subsection, the
10 Secretary of the Interior, acting through an appropriate
11 officer of the Bureau of Land Management or (if any por-
12 tion of a claimed right-of-way covered by this subsection
13 is located within a unit of the National Park System) of
14 the National Park Service, shall conduct an investigation
15 to determine the validity of each such claimed right-of-
16 way. The Secretary shall provide an opportunity for the
17 public to contest or request an investigation of the validity
18 of any other claimed right-of-way.

19 “(2)(A) The Secretary shall investigate the validity
20 of each claimed right-of-way any portion of which in-
21 volves—

22 “(i) any lands within the National Park Sys-
23 tem, the National Wild and Scenic River System, or
24 the National Wilderness Preservation System; or

1 “(ii) any lands being managed so as to preserve
2 their suitability for designation as wilderness, pursu-
3 ant to section 603 of this Act or any other provision
4 of law or regulation; or

5 “(iii) any area of critical environmental con-
6 cern; or

7 “(iv) any other lands whose use for highway
8 purposes would be inconsistent with the land-use
9 plans for those lands.

10 “(B) The Secretary shall also investigate any claimed
11 right-of-way not involving lands specified in subparagraph
12 (A) but with respect to which a challenge is filed that
13 states grounds which, if proved or confirmed, would con-
14 stitute reason to doubt the validity of such claimed right-
15 of-way or any portion thereof.

16 “(3) If any portion of such claimed right-of-way is
17 on Federal lands managed by an agency other than the
18 Bureau of Land Management or the National Park Serv-
19 ice, the investigating officer shall request the comments
20 of such agency with respect to the validity of such right-
21 of-way.

22 “(4) Appropriate notice to the public, including the
23 owners of any non-Federal lands affected by the claimed
24 right-of-way, shall be provided with respect to initiation
25 of each investigation carried out pursuant to this para-

1 graph, and the investigating officer shall provide an oppor-
2 tunity for the public to submit comments concerning the
3 subject of the investigation.

4 “(5) If information or comments submitted to the in-
5 vestigating officer demonstrate that there is a dispute as
6 to any relevant facts with respect to the validity of a right-
7 of-way subject to an investigation under this paragraph,
8 the parties to such dispute shall be afforded an adjudica-
9 tory hearing on the record with respect to such disputed
10 issues of fact. Any such adjudicatory hearing shall be be-
11 fore a qualified administrative law judge whose findings
12 shall govern disposition of such issues of fact in any deter-
13 mination concerning the validity of a claimed right-of-way,
14 subject to administrative and judicial review under appli-
15 cable provisions of law.

16 “(6) If after an investigation pursuant to this para-
17 graph, the investigating officer finds either that a claimed
18 right-of-way or portion thereof is valid or that there is rea-
19 son to doubt the validity of such claimed right-of-way or
20 portion thereof, notice of such finding and the reasons
21 therefor shall be provided to the party claiming the right-
22 of-way and to all other affected parties, including the pub-
23 lic.

24 “(7) For purposes of this section, if any portion of
25 a claimed right-of-way includes lands managed pursuant

1 to section 603 of this Act, that fact shall constitute a rea-
2 son to doubt the validity of such portion of such right-
3 of-way.

4 “(d) APPEALS.—(1) Any claimed right-of-way or por-
5 tion thereof with respect to which it is found, pursuant
6 to subsection (c), that there is reason to doubt the validity,
7 shall be deemed to be invalid unless, within 30 days after
8 such finding the party claiming the right-of-way has filed
9 with the Secretary of the Interior an appeal of such find-
10 ing, and the Secretary thereafter determines the right-of-
11 way to be valid. Any party other than the party claiming
12 the right-of-way, may intervene in any appeal filed under
13 this paragraph in support of the finding of invalidity by
14 filing with the Secretary a notice of such intervention
15 within the period allowed for filing of the appeal.

16 “(2) Any finding by the investigating officer with re-
17 gard to the validity or invalidity of a claimed right-of-way
18 or portion thereof valid shall become final unless within
19 30 days after such finding a notice of appeal of such find-
20 ing is filed with the Secretary of the Interior.

21 “(3) Any decision by the Secretary with regard to an
22 appeal under this subsection shall be made after the party
23 claiming or contesting a right-of-way has been provided
24 with the evidence upon which the investigating officer’s
25 finding regarding its validity or invalidity was based and

1 has been given an opportunity to respond, including an
2 adjudicatory hearing on the record with respect to any dis-
3 puted issues of fact.

4 “(4)(A) Pending a final determination of validity with
5 respect to a claimed right-of-way that is subject to an ap-
6 peal under this subsection, the Federal land covered by
7 such claimed right-of-way shall be managed in accordance
8 with applicable law (including this Act) and management
9 plans as if such right-of-way did not exist, except that
10 such lands may continue to be used for lawful transpor-
11 tation, access, and related purposes of the same nature
12 and to the same extent as was properly permitted by the
13 Secretary on the date of enactment of this section. Any
14 such continued uses shall be subject to appropriate regula-
15 tions to protect the resources and values of the affected
16 lands.

17 “(B) Upon a final determination of invalidity with re-
18 spect to a claimed right-of-way subject to an appeal under
19 paragraph (3), Federal lands covered by such claimed
20 right-of-way shall be managed in accordance with applica-
21 ble law and management plans.

22 “(C) A determination by an investigating officer as
23 to the validity or invalidity of a claimed right-of-way may
24 be appealed to the Secretary by any person, provided such
25 appeal is made no later than 30 days after the determina-

1 tion of the investigating officer. Any person filing such an
2 appeal shall be afforded an adjudicatory hearing on the
3 record with regard to any disputed issue of fact. Any deci-
4 sion of the Secretary regarding such an appeal shall be
5 subject to judicial review.

6 “(5) Any decision by the Secretary pursuant to this
7 subsection shall be subject to judicial review under appli-
8 cable provisions of law, but nothing in this subsection shall
9 be construed as affording any right to seek or participate
10 in any judicial proceeding by any party not otherwise enti-
11 tled to seek or participate in such proceeding.

12 “(e) CHANGE IN USE.—Any change in the scope,
13 alignment, or character of use of a valid right-of-way es-
14 tablished pursuant to Revised Statutes section 2477 shall
15 be subject to terms and conditions required by section 505
16 of this Act or other applicable law.

17 “(f) SAVINGS CLAUSE.—Nothing in this section shall
18 be construed as increasing or diminishing the require-
19 ments of any applicable law with respect to establishment,
20 construction, or maintenance of a highway for purposes
21 of obtaining a valid right-of-way pursuant to Revised Stat-
22 utes section 2477 prior to its repeal.

1 **“SEC. 320. RIGHT-OF-WAY IN ALASKA CONSERVATION SYS-**
2 **TEM UNITS.**

3 “Nothing in this Act shall be construed as exempting
4 any proposal for any construction on or change in the
5 scope, alignment, or character or extent of use of any por-
6 tion of any right-of-way claimed to have been established
7 pursuant to Revised Statutes section 2477 on any lands
8 within any conservation system unit in Alaska from the
9 requirements of title XI of the Alaska National Interest
10 Lands Conservation Act.”.

11 **SEC. 15. WILD HORSE SANCTUARY REPORT.**

12 (a) WAITING PERIOD.—The Secretary shall take no
13 action to remove any animals covered by Public Law 92–
14 195 (commonly known as the “Wild Free-Roaming Horses
15 and Burros Act”) from any area being operated, under
16 an agreement with the Secretary, as a sanctuary for such
17 animals on May 22, 1991, or to alter arrangements exist-
18 ing on such date for care and maintenance of such ani-
19 mals, sooner than 120 days after transmittal to the House
20 Committee on Interior and Insular Affairs and the Senate
21 Committee on Energy and Natural Resources of the report
22 required by this section.

23 (b) REPORT.—(1) The Secretary of the Interior shall
24 report to the committees specified in subsection (a) con-
25 cerning the status of the sanctuaries specified in such sub-
26 section and any alternative arrangements that the Sec-

1 retary may be considering to assure the continued long-
2 term welfare of the wild horses located on such sanctuaries
3 on May 22, 1991, with a detailed estimate of the costs
4 and advantages or disadvantages of such alternatives as
5 compared with continuation of arrangements in effect on
6 such date for such animals.

7 (2) Prior to transmitting the report required by this
8 section to the committees specified herein, the Secretary
9 shall provide an opportunity for the public to make sug-
10 gestions concerning the alternative arrangements to be
11 discussed in such report, and to review and comment on
12 the report.

13 **SEC. 16. TABLE OF CONTENTS AMENDMENTS.**

14 The table of contents of the Act is amended by insert-
15 ing after the item relating to section 318 the following
16 new items:

“Sec. 319. Recordation of claimed rights-of-way.

“Sec. 320. Right-of-way in Alaska Conservation System Units.”.

17 **SEC. 17. BONNEVILLE SALT FLATS.**

18 Not later than 2 years after the date of the enact-
19 ment of this Act, the Secretary of the Interior shall con-
20 duct a study to determine the nature and extent of the
21 salt loss from the salt flat crust occurring at Bonneville
22 Salt Flats, Utah, and how best to preserve the resources
23 (including scenic, historic, economic, and recreational re-
24 sources) threatened by such salt loss. In conducting the

1 study, the Secretary shall consider whether to designate
2 the Bonneville Salt Flats as a national recreation area or
3 a national conservation area. Within 90 days after the
4 completion of the study, the Secretary shall submit a re-
5 port to the Congress concerning such study, together with
6 recommendations, if any, of the Secretary.

7 **SEC. 18. MANAGEMENT OF PUBLIC LANDS RELATING TO**
8 **NATURAL PRODUCTIVE CAPACITY.**

9 Section 302(a) of the Act (43 U.S.C. 1732(a)) is
10 amended—

11 (1) by inserting “(1)” after “(a)”; and

12 (2) by adding at the end thereof the following:

13 “(2) The Secretary shall manage the public lands to
14 maintain and restore their natural productive capacity and
15 shall take no action to diminish the long-term sustain-
16 ability of the biological resource as measured by the vari-
17 ety within and among the native species and communities
18 of which it is comprised, except that where a tract of such
19 public land has been dedicated to specific uses according
20 to any other provision of law it shall be managed in ac-
21 cordance with such law.”.

22 **SEC. 19. NATIONAL CONSERVATION AREAS.**

23 (a) DEFINITIONS.—As used in this section:

24 (1) “National Conservation Area” means a por-
25 tion of the public lands—

1 (A) that contains notable natural, environ-
2 mental, ecological, scientific, scenic, or cultural
3 resources or values (or a combination thereof);

4 (B) that should be—

5 (i) retained in national ownership,
6 withdrawn from mineral entry and from
7 mineral and geothermal leasing, and not be
8 managed to permit commercial harvesting
9 of timber; and

10 (ii) managed for purposes of conserv-
11 ing, protecting, and enhancing such re-
12 sources or values; and

13 (C) where generally only such uses of the
14 public lands as further such management pur-
15 poses should be permitted.

16 (2) “Secretary” means the Secretary of the In-
17 terior

18 (3) the term “public lands” and all other terms
19 shall have the same meaning as such terms have
20 when used in the Federal Land Policy and Manage-
21 ment Act of 1976, unless otherwise specified in this
22 section.

23 (b) IDENTIFICATION OF POTENTIAL NATIONAL CON-
24 SERVATION AREAS.—

1 (1) As soon as possible after the date of enact-
2 ment of this Act the Secretary shall undertake to
3 identify any portions of the public lands, not pre-
4 viously recommended for or designated as wilderness
5 and not subject to specific management require-
6 ments imposed by law, that would be suitable for
7 designation as one or more National Conservation
8 Areas.

9 (2) In the implementation of this subsection,
10 the Secretary shall provide an opportunity for mem-
11 bers of the public to make suggestions as to the
12 matters described in paragraph (3) of this sub-
13 section.

14 (3) No later than 3 years after the enactment
15 of this Act, the Secretary of the Interior shall report
16 to Congress concerning—

17 (A) any criteria, in addition to those speci-
18 fied in this section, that should be utilized in
19 order to identify a portion of the public lands
20 that should be considered for designation as a
21 National Conservation Area;

22 (B) any management requirements, in ad-
23 dition to those specified in this section, that
24 should be included in any legislation designat-

1 ing a portion of the public lands as a National
2 Conservation Area; and

3 (C) any portions of the public lands the
4 Secretary has identified as suitable and that the
5 Secretary recommends for designation as one or
6 more National Conservation Areas.

7 (c) DESIGNATION.—No portion of the public lands
8 shall be designated as a National Conservation Area ex-
9 cept by Act of Congress

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