A BILL

To modify the boundaries of the Agua Fria National Monument in the State of Arizona to clarify Bureau of Land Management administrative responsibilities regarding the Monument, and for other purposes.

1 Be it enacted by the Senate and House of Representatives 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 “Agua Fria National Monument Technical Corrections

6 Act of 2002”.

7 (b) TABLE OF CONTENTS.—The table of contents of

8 this Act is as follows:
Sec. 2. Definitions.

1 In this Act:


(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

(3) ADVISORY COMMITTEE.—The term "advisory committee" means the Agua Fria National Monument Advisory Committee established pursuant to section 4.

(4) STATE.—The term "State" means the State of Arizona.

Sec. 3. Boundary Modifications.

(a) REMOVAL OF LANDS.—The Secretary shall modify the boundaries of the Monument to exclude from the Monument the following parcels of land:

(1) The north 1/2 of section 17, township 11 north, range 3 east, Gila and Salt River meridian.
(2) All private lands located within section 25, township 11 north, range 3 east, Gila and Salt River meridian.

(b) ADJUSTMENT OF WESTERN BOUNDARY.—The Secretary shall modify the western boundary of the Monument to be at least 400 feet east of the existing State Department of Transportation right-of-way.

SEC. 4. ADMINISTRATION OF MONUMENT.

(a) MANAGEMENT AUTHORITY.—

(1) USE OF BUREAU OF LAND MANAGEMENT.—Subject to this Act, the administration, protection, and development of the Monument shall be exercised under the direction of the Secretary by the Bureau of Land Management.

(2) RELATED PROHIBITIONS.—The Secretary may not use the National Park Service or the Fish and Wildlife Service to administer the Monument. The Secretary may not include or manage the Monument, or any portion of the Monument, as a unit of the National Park System, the National Wilderness Preservation System, or the National Wildlife Refuge System, except by express authorization of Congress in a law enacted after the date of the enactment of this Act.
(b) REVIEW OF INTERIM MANAGEMENT POLICY.—

The Secretary shall review the interim management policy for the administration of the Monument, which is dated October 1, 2001, and was prepared by the Bureau of Land Management, to ensure the consistency of the policy with this Act.

(c) MANAGEMENT PLAN.—Within two years after the enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range management of the Monument. The plan shall be developed with full opportunity for public participation and comment and shall contain provisions designed to ensure protection of the archaeological, scientific, educational, historical, ranching, and recreational resources and values of the Monument.

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory committee for the Monument, to be known as the "Agua Fria National Monument Advisory Committee", whose purpose shall be to advise the Secretary with respect to the preparation and implementation of the management plan required by subsection (c).

(2) REPRESENTATION.—The advisory committee shall consist of eight members appointed by the Secretary, as follows:
(A) One member appointed from nominations submitted by the Governor of the State.

(B) One member appointed from nominations submitted by the State Game and Fish Commission.

(C) One member who is a recognized archaeologist residing in the State, appointed from nominations supplied by the Arizona Board of Regents.

(D) One member appointed from nominations supplied by the Board of Supervisors for Yavapai County, Arizona.

(E) One member holding a grazing permit within the boundaries of the Monument.

(F) One member who has a recognized background in wildlife conservation, riparian ecology, archaeology, paleontology, or other discipline directly related to the primary purposes for which the Monument was established.

(G) One member residing in Arizona appointed from nominations by the Inter-Tribal Council of Arizona.

(H) One member who represents recreational users of the Monument.
(3) TERMS.—Members of the advisory committee shall be appointed for terms of three years, except that of the members first appointed, two shall be appointed for terms of one year and three shall be appointed for terms of two years.

SEC. 5. EFFECT ON EXISTING AND HISTORICAL USES OF FEDERAL LANDS INCLUDED IN MONUMENT.

(a) RECOGNITION OF EXISTING USES.—The designation of the Monument by Proclamation 7263 shall not be construed to alter the existing authorized uses of the Federal lands included in the Monument. For purposes of this subsection, the Secretary shall treat a land use as an existing authorized land use if that land use was an authorized use as of January 1, 2000.

(b) HUNTING, TRAPPING, AND FISHING.—The Secretary shall allow hunting, trapping, and fishing on lands and waters within the Monument in accordance with applicable State law and in consultation with State agencies. The establishment of the Monument shall neither enlarge nor diminish the jurisdiction of the State of Arizona with respect to fish and wildlife management within the Monument.

(c) MOTORIZED VEHICLES.—The Secretary shall continue to allow the use of motorized vehicles on designated roads and trails within the Monument. Motorized
vehicle use off-road shall be prohibited, except for emergency, administrative, or any other purpose authorized by the Secretary. The Secretary shall also allow the use of wheeled game carriers within the Monument for the removal of downed big game.

(d) MAINTENANCE.—The designation of the Monument shall not be construed to affect the maintenance of, or access to, rights-of-way and other easements, and the improvements thereon, including electric transmission facilities, within the Monument.

SEC. 4. EFFECT ON GRAZING.

(a) FINDINGS.—Congress finds the following:

(1) Livestock grazing is an important historic and traditional use of the Federal lands included in the Monument.

(2) Continued livestock grazing on these lands is compatible with the purposes for which the Monument was established.

(b) GRAZING.—The Secretary shall permit the grazing of livestock in the Monument in accordance with all laws (including regulations) that apply to the issuance and administration of grazing leases and range improvements on other land under the jurisdiction of the Bureau of Land Management.
(c) Grazing Levels.—The establishment of the Monument shall neither diminish nor increase the authorized grazing levels in the Monument.

(d) Access and Improvements.—The establishment of the Monument shall have no impact on the ability of grazing lease holders, their designees, and their successors in interest to maintain, develop, and construct new stock tanks, wells, corrals, buildings, and other man-made structures and improvements within their allotments that are necessary for their grazing operations.

SEC. 7. Land Acquisition.

The Secretary may acquire State or privately held land or interests in land within the boundaries of the Monument only by donation, purchase with donated or appropriated funds from a willing seller, or exchange with a willing party.


Nothing in this Act or Presidential Proclamation 7263 of January 11, 2000, shall be construed to establish a new or implied reservation to the United States of any water or water-related right with respect to lands included in the Monument. No provision of this Act or the Proclamation shall be construed as authorizing the appropriation of water, except in accordance with the substantive and procedural law of the State.
SEC. 2. EFFECT ON USE OF PRESIDENTIAL AUTHORITY TO
EXPAND MONUMENT.

(a) FURTHER EXPANSION PRECLUDED.—Subject to
subsection (c), the designation of the Monument by Presi-
dential Proclamation 7263 of January 11, 2000, and the
enactment of this Act shall preclude the use by the Presi-
dent, or any designee of the President, of the authority
provided in the Act of June 8, 1906 (commonly known
as the Antiquities Act; U.S.C. 431 et seq.), to expand by
presidential proclamation the boundaries of the Monument
to include any other Federal lands.

(b) STUDY.—Within one year after the date of the
enactment of this Act, the Secretary, in consultation with
the Secretary of the Agriculture, shall submit to the Presi-
dent a study containing such recommendations as the Sec-
retaries consider appropriate regarding any boundary
changes to the Monument necessary to ensure the protec-
tion of the archaeological resources located within the
Monument and on adjacent lands, including National For-
est System lands.

(c) AUTHORIZATION OF BOUNDARY ADJUSTMENT.—
During the 90-day period beginning on the date of the
submission of the study under subsection (b), the Presi-
dent may adjust the boundaries of the Monument in light
of the recommendations contained in the study, except
1 that the total size of the Monument may not exceed
2 88,000 acres.