

113TH CONGRESS  
1ST SESSION

# H. R. 1799

To designate certain public lands in the Sonoran Desert of the State of Arizona as national conservation areas and wilderness areas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To designate certain public lands in the Sonoran Desert of the State of Arizona as national conservation areas and wilderness areas, 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 “Arizona Sonoran Desert Heritage Act of 2013”.

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

Sec. 1. Short title; Table of contents.

Sec. 2. Definitions.

Sec. 3. Belmont-Harquahala and Gila Bend National Conservation Areas.

Sec. 4. Designation of wilderness areas.

Sec. 5. Special management areas.

Sec. 6. Maps and legal descriptions.

Sec. 7. Management of national conservation areas, wilderness areas, and special management areas.

Sec. 8. Acquisition of land.

Sec. 9. Border security.

Sec. 10. Water rights.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) INDIAN TRIBE.—The term “Indian tribe”  
4 means any Indian tribe, band, nation, or other orga-  
5 nized group or community of Indians which is recog-  
6 nized as eligible by the Secretary for the special pro-  
7 grams and services provided by the United States to  
8 Indians because of their status as Indians.

9 (2) MANAGEMENT PLAN.—The term “manage-  
10 ment plan” means the management plan developed  
11 under section 3 for each national conservation area  
12 and section 5 for each special management area.

13 (3) NATIONAL CONSERVATION AREAS.—The  
14 term “National Conservation Areas” means the Bel-  
15 mont-Harquahala National Conservation Area and  
16 the Gila Bend National Conservation Area estab-  
17 lished by section 3.

18 (4) PUBLIC LAND.—The term “public land”  
19 has the meaning given the term “public lands” in  
20 section 103 of the Federal Land Policy and Manage-  
21 ment Act of 1976 (43 U.S.C. 1702).

1           (5) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3           (6) SPECIAL MANAGEMENT AREAS.—The term  
4           “Special Management Areas” means the Sentinel  
5           Plain Special Management Area and the Rainbow  
6           Valley Special Management Area established by sec-  
7           tion 5.

8           (7) STATE.—The term “State” means the State  
9           of Arizona.

10          (8) WILDERNESS AREAS.—The term “Wilder-  
11          ness Areas” means the wilderness areas designated  
12          by section 4.

13 **SEC. 3. BELMONT-HARQUAHALA AND GILA BEND NATIONAL**  
14 **CONSERVATION AREAS.**

15          (a) ESTABLISHMENT.—There are established in the  
16          State:

17               (1) BELMONT-HARQUAHALA NATIONAL CON-  
18               SERVATION AREA.—The Belmont-Harquahala Na-  
19               tional Conservation Area, consisting of approxi-  
20               mately 276,100 acres, as generally depicted on the  
21               map entitled “Belmont-Harquahala National Con-  
22               servation Area” and dated [\_\_\_\_\_ 2013].

23               (2) GILA BEND NATIONAL CONSERVATION  
24               AREA.—The Gila Bend National Conservation Area,  
25               consisting of approximately 406,298 acres, as gen-

1 erally depicted on the map entitled “Gila Bend  
2 Mountains National Conservation Area” and dated  
3 **【\_\_\_\_\_ 2013】**.

4 (b) PURPOSE.—The purpose of the National Con-  
5 servation Areas is to conserve, and thereby to protect, re-  
6 store, and enhance for the benefit and enjoyment of  
7 present and future generations the unique and important  
8 resources and values of the land, including the ecological,  
9 geological, cultural, archaeological, paleontological, nat-  
10 ural, scientific, recreational, wilderness, wildlife, riparian,  
11 historical, educational, and scenic resources of the public  
12 land.

13 (c) ADMINISTRATION OF NATIONAL CONSERVATION  
14 AREAS.—

15 (1) IN GENERAL.—The Secretary shall manage  
16 the National Conservation Areas—

17 (A) as components of the National Land-  
18 scape Conservation System;

19 (B) in a manner that conserves, and there-  
20 by protects, and enhances the resources and  
21 values of the National Conservation Areas de-  
22 scribed in subsection (b); and

23 (C) in accordance with—

1 (i) the Federal Land Policy and Man-  
2 agement Act of 1976 (43 U.S.C. 1701 et  
3 seq.);

4 (ii) this Act; and

5 (iii) any other applicable laws.

6 (2) MANAGEMENT PLANS.—

7 (A) IN GENERAL.—Not later than 3 years  
8 after the date of enactment of this Act, the Sec-  
9 retary shall develop a comprehensive manage-  
10 ment plan for the long-term protection and  
11 management of each of the National Conserva-  
12 tion Areas.

13 (B) PURPOSES.—Each management plan  
14 shall—

15 (i) describe the appropriate manage-  
16 ment and uses of the National Conserva-  
17 tion Areas consistent with the conservation  
18 purpose as specified in subsection (b) and  
19 (c);

20 (ii) be developed with extensive public  
21 input; and

22 (iii) take into consideration any infor-  
23 mation developed in studies of the land  
24 within the National Conservation Areas.

25 (3) USES.—

1 (A) IN GENERAL.—The Secretary shall  
2 allow only such uses of the National Conserva-  
3 tion Areas as the Secretary determines would  
4 further the conservation purpose for which the  
5 National Conservation Areas are established.

6 (B) USE OF MOTORIZED VEHICLES.—

7 (i) IN GENERAL.—Except as provided  
8 in clauses (ii) and (iii), use of motorized  
9 vehicles in the National Conservation  
10 Areas shall be allowed only—

11 (I) before the effective date of  
12 each management plan prepared pur-  
13 suant to paragraph (2), on roads and  
14 trails designated for use of motorized  
15 vehicles in the management plan that  
16 applies on the date of the enactment  
17 of this Act; and

18 (II) after the effective date of  
19 each management plan prepared pur-  
20 suant to paragraph (2), on roads and  
21 trails designated for use of motorized  
22 vehicles in that management plan.

23 (ii) ADMINISTRATIVE AND EMER-  
24 GENCY RESPONSE USE.—Clause (i) shall  
25 not limit the use of motor vehicles in the

1 National Conservation Areas for adminis-  
2 trative purposes or to respond to an emer-  
3 gency.

4 (iii) LIMITATION.—This subparagraph  
5 shall not apply to the Wilderness Areas.

6 (C) NEW ROADS.—No additional road shall  
7 be built within the National Conservation Areas  
8 after the date of enactment of this Act unless  
9 the road is identified in the Management Plans  
10 as necessary for public safety or resource pro-  
11 tection.

12 **SEC. 4. DESIGNATION OF WILDERNESS AREAS.**

13 (a) IN GENERAL.—In furtherance of the purposes of  
14 the Wilderness Act (16 U.S.C. 1131 et seq.), the following  
15 areas in the State are designated as wilderness areas and  
16 as components of the National Wilderness Preservation  
17 System:

18 (1) HUMMINGBIRD SPRINGS WILDERNESS ADDI-  
19 TIONS.—Certain public land in Maricopa County,  
20 Arizona, consisting of approximately 17,000 acres,  
21 as generally depicted on the map entitled “Hum-  
22 mingbird Springs Wilderness Additions” and dated  
23 **【\_\_\_\_\_ 2013】**, which is incorporated in, and  
24 shall be considered to be a part of, the Humming-  
25 bird Springs Wilderness, as designated by section

1 101(a)(12) of the Arizona Desert Wilderness Act of  
2 1990 (16 U.S.C. 1132 note 460ddd; 104 Stat.  
3 4469).

4 (2) WOOLSEY PEAK WILDERNESS ADDITIONS.—  
5 Certain public land in Maricopa County, Arizona,  
6 consisting of approximately 33,523 acres, as gen-  
7 erally depicted on the map entitled “Woolsey Peak  
8 Wilderness Additions” and dated [\_\_\_\_\_ 2013],  
9 which is incorporated in, and shall be considered to  
10 be a part of, the Woolsey Peak Wilderness, as des-  
11 ignated by section 101(a)(15) of the Arizona Desert  
12 Wilderness Act of 1990 (16 U.S.C. 1132 note  
13 460ddd; 104 Stat. 4469).

14 (3) BELMONT MOUNTAINS WILDERNESS.—Cer-  
15 tain public land in Maricopa County, Arizona, com-  
16 prising approximately 19,000 acres, as generally de-  
17 picted on the map entitled “Belmont Mountains Wil-  
18 derness” and dated [\_\_\_\_\_ 2013], which shall  
19 be known as the “Belmont Mountains Wilderness”.

20 (4) SADDLE MOUNTAIN CENTENNIAL WILDER-  
21 NESS.—Certain public land in Maricopa County, Ar-  
22 izona, comprising approximately 24,200 acres, as  
23 generally depicted on the map entitled “Saddle  
24 Mountain Centennial Wilderness” and dated

1       【\_\_\_\_\_ 2013】, which shall be known as the  
2       “Saddle Mountain Centennial Wilderness”.

3           (5) GILA BEND WILDERNESS.—Certain public  
4       land in Maricopa County, Arizona, comprising ap-  
5       proximately 68,800 acres, as generally depicted on  
6       the map entitled “Gila Bend Wilderness” and dated  
7       【\_\_\_\_\_ 2013】, which shall be known as the  
8       “Gila Bend Wilderness”.

9           (6) SONORAN DESERT NATIONAL MONUMENT  
10       WILDERNESS.—Certain public land in Maricopa  
11       County, Arizona, within the Sonoran Desert Na-  
12       tional Monument, comprising approximately 128,300  
13       acres, as generally depicted on the map entitled  
14       “Sonoran Desert National Monument Wilderness”  
15       and dated 【\_\_\_\_\_ 2013】, which shall be known  
16       as the “Sonoran Desert National Monument Wilder-  
17       ness”.

18       (b) ADMINISTRATION OF WILDERNESS.—Subject to  
19       valid existing rights, the Wilderness Areas designated by  
20       this Act shall be managed by the Secretary in accordance  
21       with the Wilderness Act (16 U.S.C. 1131 et seq.) and this  
22       Act, except that—

23           (1) any reference in the Wilderness Act to the  
24       effective date of that Act shall be considered to be  
25       a reference to the date of enactment of this Act; and

1           (2) any reference in the Wilderness Act to the  
2           Secretary of Agriculture shall be considered to be a  
3           reference to the Secretary of the Interior.

4 **SEC. 5. SPECIAL MANAGEMENT AREAS.**

5           (a) ESTABLISHMENT.—There are established in the  
6 State:

7           (1) SENTINEL PLAIN SPECIAL MANAGEMENT  
8           AREA.—

9                   (A) The Sentinel Plain Special Manage-  
10                   ment Area, consisting of approximately 120,600  
11                   acres, as generally depicted on the map entitled  
12                   “Sentinel Plain Special Management Area” and  
13                   dated [\_\_\_\_\_ 2013].

14                   (B) PURPOSE.—The purpose of the Sen-  
15                   tinel Plain Special Management Area is to en-  
16                   sure ecological connectivity and movement of  
17                   wildlife between the Barry M. Goldwater Air  
18                   Force Range and the Gila Bend National Con-  
19                   servation Area; to secure native habitat for na-  
20                   tive species; and to provide recreation and de-  
21                   velopment opportunities that are compatible  
22                   with native species and with Department of De-  
23                   fense activities related to the Barry M. Gold-  
24                   water Air Force Range.

1           (2) RAINBOW VALLEY SPECIAL MANAGEMENT  
2 AREA.—

3           (A) The Rainbow Valley Special Manage-  
4 ment Area, consisting of approximately 23,400  
5 acres, as generally depicted on the map entitled  
6 “Rainbow Valley Special Management Area”  
7 and dated [\_\_\_\_\_ 2013].

8           (B) PURPOSE.—The purpose of the Rain-  
9 bow Valley Special Management Area is to en-  
10 sure ecological connectivity and movement of  
11 wildlife between the Sierra Estrella Mountains  
12 and the Sonoran Desert National Monument.

13 (b) MANAGEMENT PLANS.—

14           (1) IN GENERAL.—Not later than 3 years after  
15 the date of enactment of this Act, the Secretary  
16 shall develop for each of the Special Management  
17 Area a comprehensive management plan for the  
18 long-term protection and management of that area.

19           (2) PURPOSES.—Each management plan  
20 shall—

21           (A) describe the appropriate uses and  
22 management of each special management area  
23 consistent with the conservation purpose as  
24 specified in section 5(a);

1 (B) be drafted with consultation from  
2 local, regional, and state jurisdictions;

3 (C) be developed with extensive public  
4 input;

5 (D) take into consideration any informa-  
6 tion developed in studies and plans for the land  
7 within each special management area;

8 (E) shall consider cooperative management  
9 alternatives between the Bureau of Land Man-  
10 agement and local, regional, and state jurisdic-  
11 tions that further the purposes outlined in sec-  
12 tion 5(a); and

13 (F) for the purposes of ensuring ecological  
14 connectivity and movement of wildlife through  
15 the Rainbow Valley and Sentinel Plain Special  
16 Management Areas, the management plans  
17 shall—

18 (i) prioritize landscape permeability,  
19 wildlife connectivity and continued move-  
20 ment of wildlife between the Sierra  
21 Estrella Mountains and the Sonoran  
22 Desert National Monument across Rain-  
23 bow Valley, and between the Barry M.  
24 Goldwater Air Force Range and the Gila

1 Bend National Conservation Area across  
2 Sentinel Plain, respectively;

3 (ii) identify the means to maintain  
4 permeability, connectivity and wildlife  
5 movement in the area including, but not  
6 limited to, wildlife crossing structures and  
7 other infrastructure improvements and the  
8 criteria to implement such alternatives;

9 (iii) incorporate current scientific  
10 knowledge of wildlife movement for a vari-  
11 ety of identified focal species; and

12 (iv) establish a monitoring program to  
13 determine the effectiveness of the plan for  
14 wildlife connectivity.

15 **SEC. 6. MAPS AND LEGAL DESCRIPTIONS.**

16 (a) IN GENERAL.—As soon as practicable after the  
17 date of enactment of this Act, the Secretary shall file maps  
18 and legal descriptions of the National Conservation Areas,  
19 the Wilderness Areas, and the Special Management Areas  
20 with—

21 (1) the Committee on Energy and Natural Re-  
22 sources of the Senate; and

23 (2) the Committee on Natural Resources of the  
24 House of Representatives.

1 (b) FORCE AND EFFECT.—The maps and legal de-  
2 scriptions filed under subsection (a) shall have the same  
3 force and effect as if included in this Act, except that the  
4 Secretary may correct clerical and typographical errors in  
5 the maps and legal descriptions.

6 (c) PUBLIC AVAILABILITY.—The maps and legal de-  
7 scriptions filed under subsection (a) shall be available for  
8 public inspection in—

9 (1) the Office of the Director of the Bureau of  
10 Land Management; and

11 (2) the appropriate office of the Bureau of  
12 Land Management in the State.

13 **SEC. 7. MANAGEMENT OF NATIONAL CONSERVATION**  
14 **AREAS, WILDERNESS AREAS, AND SPECIAL**  
15 **MANAGEMENT AREAS.**

16 (a) MILITARY USE.—Nothing in this Act restricts or  
17 precludes—

18 (1) overflights of military aircraft over the Na-  
19 tional Conservation Areas, Wilderness Areas, or Spe-  
20 cial Management Areas designated by this Act in-  
21 cluding military overflights that can be seen or  
22 heard within the areas;

23 (2) flight testing and evaluation; or

24 (3) the designation or creation of new units of  
25 special use airspace, or the establishment of military

1 flight training routes, over the National Conserva-  
2 tion Areas, Wilderness Areas, or Special Manage-  
3 ment Areas.

4 (b) HUNTING, FISH AND WILDLIFE.—

5 (1) HUNTING.—Nothing in this section or the  
6 Wilderness Act (16 U.S.C. 1131 et seq.) shall affect  
7 hunting, under applicable State and Federal laws  
8 and regulations, within a covered wilderness area.

9 (2) JURISDICTION.—As provided in section  
10 4(d)(7) of the Wilderness Act (16 U.S.C.  
11 1133(d)(7)), nothing in this section or the Wilder-  
12 ness Act shall be construed as affecting the jurisdic-  
13 tion or responsibilities of the State of Arizona with  
14 respect to fish and wildlife in the State.

15 (3) WILDLIFE MANAGEMENT.—Management ac-  
16 tivities to maintain or restore fish and wildlife popu-  
17 lations and the habitats to support such populations  
18 may be carried out within a covered wilderness area,  
19 where consistent with the Wilderness Act (16 U.S.C.  
20 1131 et seq.) and other applicable laws.

21 (4) COOPERATIVE AGREEMENT.—The Secretary  
22 shall enter into a cooperative agreement with the  
23 State of Arizona for management of fish and wildlife  
24 within a covered wilderness area. The cooperative  
25 agreement shall specify the terms and conditions

1 under which the State or a designee of the State  
2 may use wildlife management activities in a covered  
3 wilderness area consistent with the Wilderness Act  
4 (16 U.S.C. 1131 et seq.), and other applicable laws.

5 (c) LIVESTOCK GRAZING.—

6 (1) GRAZING IN NATIONAL CONSERVATION  
7 AREAS OR SPECIAL MANAGEMENT AREAS.—Except  
8 as provided in paragraph (2), the Secretary shall  
9 issue and administer any grazing leases or permits  
10 in the National Conservation Areas or Special Man-  
11 agement Areas in accordance with the laws (includ-  
12 ing regulations) applicable to the issuance and ad-  
13 ministration of such leases and permits on other  
14 land under the jurisdiction of the Bureau of Land  
15 Management.

16 (2) GRAZING IN WILDERNESS AREAS.—The  
17 grazing of livestock in a wilderness area designated  
18 by this Act, if established as of the date of enact-  
19 ment of this Act, shall be permitted to continue—

20 (A) subject to any reasonable regulations,  
21 policies, and practices that the Secretary deter-  
22 mines to be necessary; and

23 (B) in accordance with—

24 (i) section 4(d)(4) of the Wilderness  
25 Act (16 U.S.C. 1133(d)(4)); and

1                   (ii) the guidelines set forth in Appen-  
2                   dix A of the report of the Committee on  
3                   Interior and Insular Affairs of the House  
4                   of Representatives accompanying H.R.  
5                   2570 of the 101st Congress (H. Rept.  
6                   101-405).

7           (d) ACCESS TO PRIVATE LANDS.—The Secretary  
8 shall provide any owner of private property—

9                   (1) within the boundary of a national conserva-  
10                  tion area or special management area designated by  
11                  this Act adequate access to the property; and

12                  (2) within the boundary of a wilderness area  
13                  designated by this Act adequate access to the prop-  
14                  erty in accordance with section 5(a) of the Wilder-  
15                  ness Act (16 U.S.C. 1134(a)).

16           (e) VALID EXISTING RIGHTS.—The designation of  
17 the National Conservation Areas, Wilderness Areas, and  
18 Special Management Areas is subject to valid rights in ex-  
19 istence on the date of enactment of this Act.

20           (f) WITHDRAWAL.—Subject to valid existing rights,  
21 all public land within the National Conservation Areas,  
22 Wilderness Areas, and Special Management Areas, and all  
23 land and interests in land acquired by the United States  
24 within the National Conservation Areas, Wilderness  
25 Areas, or Special Management Areas is withdrawn from—

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

3           (2) location, entry, and patent under the mining  
4 laws; and

5           (3) right-of-way, leasing, or disposition under  
6 all laws relating to—

7                 (A) minerals; or

8                 (B) solar, wind, and geothermal energy.

9           (g) NO BUFFER ZONES.—

10           (1) IN GENERAL.—Nothing in this subtitle cre-  
11 ates a protective perimeter or buffer zone around the  
12 National Conservation Areas, Wilderness Areas, or  
13 Special Management Areas.

14           (2) ACTIVITIES OUTSIDE NATIONAL CONSERVA-  
15 TION AREAS, WILDERNESS AREAS, AND SPECIAL  
16 MANAGEMENT AREAS.—The fact that an activity or  
17 use on land outside a National Conservation Area,  
18 Wilderness Area, or Special Management Area can  
19 be seen or heard within the area shall not preclude  
20 the activity or use outside the boundary of the areas.

21           (h) FIRE, INSECTS, AND DISEASES.—Subject to such  
22 terms and conditions as the Secretary determines to be  
23 desirable and appropriate, the Secretary may undertake  
24 such measures as are necessary to control fire, insects,  
25 and diseases—

1           (1) in the Wilderness Areas, in accordance with  
2           section 4(d)(1) of the Wilderness Act (16 U.S.C.  
3           1133(d)(1)); and

4           (2) except as provided in paragraph (1), in the  
5           National Conservation Areas and Special Manage-  
6           ment Areas in accordance with this Act and any  
7           other applicable laws.

8           (i) INVASIVE SPECIES AND NOXIOUS WEEDS.—In ac-  
9           cordance with any applicable laws and subject to such  
10          terms and conditions as the Secretary determines to be  
11          desirable and appropriate, the Secretary may prescribe  
12          measures to control nonnative invasive plants and noxious  
13          weeds within the National Conservation Areas and Special  
14          Management Areas.

15          (j) NATIVE AMERICAN USES AND INTERESTS.—To  
16          the extent practicable, the Secretary shall ensure access  
17          to the National Conservation Areas, Wilderness Areas,  
18          and Special Management Areas by members of an Indian  
19          tribe for traditional cultural purposes, including spiritual  
20          or food-gathering activities. In implementing this para-  
21          graph, the Secretary, upon the request of an Indian tribe,  
22          may temporarily close to the general public use of one or  
23          more specific portions of a national conservation area, wil-  
24          derness area, or special management area in order to pro-  
25          tect the privacy of traditional cultural activities in such

1 areas by members of the Indian tribe. Any such closure  
2 shall be made to affect the smallest practicable area for  
3 the minimum period necessary for such purposes. Such ac-  
4 cess shall be consistent with the purpose and intent of  
5 Public Law 95–341 (42 U.S.C. 1996), commonly referred  
6 to as the American Indian Religious Freedom Act.

7 (k) UTILITY RIGHTS-OF-WAY.—Nothing in this Act  
8 precludes the Secretary from renewing an existing utility  
9 right-of-way through a national conservation area or spe-  
10 cial management area in a manner that minimizes harm  
11 to the purposes of the national conservation area or special  
12 management area described in subsection (b) and section  
13 5(a)—

14 (1) in accordance with—

15 (A) the National Environmental Policy Act  
16 of 1969 (42 U.S.C. 4321 et seq.); and

17 (B) any other applicable law; and

18 (2) subject to such terms and conditions as the  
19 Secretary determines to be appropriate.

20 (l) MAINTENANCE OF EXISTING COMMUNICATIONS  
21 FACILITIES.—The provisions of this Act shall not be con-  
22 strued to prevent—

23 (1) the maintenance of communications facili-  
24 ties, in existence on the date of the enactment of

1 this Act and located in a national conservation area;  
2 or

3 (2) limited motorized access to such facilities  
4 when non-motorized access means are not reasonably  
5 available or when time is of the essence, subject to  
6 such conditions as the Secretary considers to be de-  
7 sirable.

8 (m) MAINTENANCE OF AGUA CALIENTE ROAD.—In  
9 preparing resource management and travel management  
10 plans for the Lower Sonoran Field Office, the Secretary  
11 shall provide for protection of the existing, low-standard  
12 (BLM Maintenance Level 3) Agua Caliente which provides  
13 access to the wilderness and high conservation value lands  
14 designated by this Act, and shall assure that the wilder-  
15 ness environment and atmosphere enjoyed by users of this  
16 road, which Congress finds is well-matched to the rugged  
17 and wild character of the wilderness beyond the roadside,  
18 is not degraded by incompatible development within the  
19 road corridor or by improvement of the road itself other  
20 than as he determines necessary for public safety.

21 **SEC. 8. ACQUISITION OF LAND.**

22 (a) IN GENERAL.—The Secretary may acquire non-  
23 public land within the boundaries of the National Con-  
24 servation Areas, the Wilderness Areas, or the Special

1 Management Areas established by this Act only through  
2 exchange, donation, or purchase from a willing seller.

3 (b) MANAGEMENT.—Land acquired under this sec-  
4 tion shall—

5 (1) become part of the National Conservation  
6 Areas, the Wilderness Areas, or the Special Manage-  
7 ment Areas involved; and

8 (2) be managed in accordance with this Act and  
9 any other applicable laws.

10 **SEC. 9. BORDER SECURITY.**

11 Nothing in this Act—

12 (1) prevents the Secretary of Homeland Secu-  
13 rity from undertaking law enforcement and border  
14 security activities—

15 (A) in the National Conservation Areas  
16 and Special Management Areas outside the Wil-  
17 derness Areas, or

18 (B) in accordance with section 4(c) of the  
19 Wilderness Act (16 U.S.C. 1133(c)), within the  
20 Wilderness Areas, including the ability to use  
21 motorized access within a Wilderness Area  
22 while in pursuit of a suspect;

23 (2) affects the 2006 Memorandum of Under-  
24 standing among the Department of Homeland Secu-  
25 rity, the Department of the Interior, and the De-

1       partment of Agriculture regarding cooperative na-  
2       tional security and counterterrorism efforts on pub-  
3       lic land along the borders of the United States; or

4               (3) prevents the Secretary of Homeland Secu-  
5       rity from conducting any low-level overflights over  
6       the National Conservation Areas and Special Man-  
7       agement Areas or the Wilderness Areas that may be  
8       necessary for law enforcement and border security  
9       purposes.

10 **SEC. 10. WATER RIGHTS.**

11       (a) RESERVATION OF RIGHTS.—With respect to each  
12 wilderness area designated by this Act, Congress hereby  
13 reserves a quantity of water sufficient to fulfill the pur-  
14 poses of this Act. The priority date of such reserved rights  
15 shall be the date of enactment of this Act.

16       (b) PROTECTION OF RIGHTS.—The Secretary and all  
17 other officers of the United States shall take steps nec-  
18 essary to protect the rights reserved by subsection (a), in-  
19 cluding the filing by the Secretary of a claim for the quan-  
20 tification of such rights in any present or future appro-  
21 priate stream adjudication in the courts of the State in  
22 which the United States is or may be joined and which  
23 is conducted in accordance with the McCarran Amend-  
24 ment (43 U.S.C. 666).

1           (c) NO RELINQUISHMENT OR REDUCTION.—Nothing  
2 in this section shall be construed as a relinquishment or  
3 reduction of any water rights reserved or appropriated by  
4 the United States in the State on or before the date of  
5 enactment of this Act.

6           (d) RESERVATION FOR SPECIFIC WILDERNESS.—  
7 The Federal water rights reserved by this section are spe-  
8 cific to the wilderness located in the State designated by  
9 this Act. Nothing in this section related to reserved Fed-  
10 eral water rights shall be construed as establishing a  
11 precedent with regard to any future designations, nor shall  
12 it constitute an interpretation of any other Act or any des-  
13 ignation made pursuant thereto.

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