

111TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, 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 “Omnibus Public Land Management Act of 2009”.

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

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS  
PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

- Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.
- Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.
- Sec. 1003. Monongahela National Forest boundary confirmation.
- Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

- Sec. 1101. Definitions.
- Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.
- Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
- Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
- Sec. 1105. Trail plan and development.
- Sec. 1106. Maps and boundary descriptions.
- Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

- Sec. 1201. Definitions.
- Sec. 1202. Designation of wilderness areas.
- Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.
- Sec. 1204. Mount Hood National Recreation Area.
- Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
- Sec. 1206. Land exchanges.
- Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

- Sec. 1301. Designation of the Copper Salmon Wilderness.
- Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.
- Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

- Sec. 1401. Definitions.
- Sec. 1402. Voluntary grazing lease donation program.
- Sec. 1403. Box R Ranch land exchange.
- Sec. 1404. Deerfield land exchange.
- Sec. 1405. Soda Mountain Wilderness.
- Sec. 1406. Effect.

Subtitle F—Owyhee Public Land Management

- Sec. 1501. Definitions.

- Sec. 1502. Owyhee Science Review and Conservation Center.
- Sec. 1503. Wilderness areas.
- Sec. 1504. Designation of wild and scenic rivers.
- Sec. 1505. Land identified for disposal.
- Sec. 1506. Tribal cultural resources.
- Sec. 1507. Recreational travel management plans.
- Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

- Sec. 1601. Definitions.
- Sec. 1602. Designation of the Sabinoso Wilderness.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

- Sec. 1651. Definitions.
- Sec. 1652. Designation of Beaver Basin Wilderness.
- Sec. 1653. Administration.
- Sec. 1654. Effect.

Subtitle I—Oregon Badlands Wilderness

- Sec. 1701. Definitions.
- Sec. 1702. Oregon Badlands Wilderness.
- Sec. 1703. Release.
- Sec. 1704. Land exchanges.
- Sec. 1705. Protection of tribal treaty rights.

Subtitle J—Spring Basin Wilderness, Oregon

- Sec. 1751. Definitions.
- Sec. 1752. Spring Basin Wilderness.
- Sec. 1753. Release.
- Sec. 1754. Land exchanges.
- Sec. 1755. Protection of tribal treaty rights.

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

- Sec. 1801. Definitions.
- Sec. 1802. Designation of wilderness areas.
- Sec. 1803. Administration of wilderness areas.
- Sec. 1804. Release of wilderness study areas.
- Sec. 1805. Designation of wild and scenic rivers.
- Sec. 1806. Bridgeport Winter Recreation Area.
- Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.
- Sec. 1808. Ancient Bristlecone Pine Forest.

Subtitle L—Riverside County Wilderness, California

- Sec. 1851. Wilderness designation.
- Sec. 1852. Wild and scenic river designations, Riverside County, California.
- Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

- Sec. 1901. Definitions.
- Sec. 1902. Designation of wilderness areas.

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- Sec. 1903. Administration of wilderness areas.
- Sec. 1904. Authorization of appropriations.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

- Sec. 1951. Definitions.
- Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.
- Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.
- Sec. 1954. East Shore Trail Area.
- Sec. 1955. National forest area boundary adjustments.
- Sec. 1956. Authority to lease Leiffer tract.

Subtitle O—Washington County, Utah

- Sec. 1971. Definitions.
- Sec. 1972. Wilderness areas.
- Sec. 1973. Zion National Park wilderness.
- Sec. 1974. Red Cliffs National Conservation Area.
- Sec. 1975. Beaver Dam Wash National Conservation Area.
- Sec. 1976. Zion National Park wild and scenic river designation.
- Sec. 1977. Washington County comprehensive travel and transportation management plan.
- Sec. 1978. Land disposal and acquisition.
- Sec. 1979. Management of priority biological areas.
- Sec. 1980. Public purpose conveyances.
- Sec. 1981. Conveyance of Dixie National Forest land.
- Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.
- Sec. 1983. Authorization of appropriations.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

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- Sec. 2001. Definitions.
- Sec. 2002. Establishment of the National Landscape Conservation System.
- Sec. 2003. Authorization of appropriations.

Subtitle B—Prehistoric Trackways National Monument

- Sec. 2101. Findings.
- Sec. 2102. Definitions.
- Sec. 2103. Establishment.
- Sec. 2104. Administration.
- Sec. 2105. Authorization of appropriations.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

- Sec. 2201. Definitions.
- Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
- Sec. 2203. Management of the Conservation Area.
- Sec. 2204. Authorization of appropriations.

Subtitle D—Snake River Birds of Prey National Conservation Area

- Sec. 2301. Snake River Birds of Prey National Conservation Area.

Subtitle E—Dominguez-Escalante National Conservation Area

- Sec. 2401. Definitions.
- Sec. 2402. Dominguez-Escalante National Conservation Area.
- Sec. 2403. Dominguez Canyon Wilderness Area.
- Sec. 2404. Maps and legal descriptions.
- Sec. 2405. Management of Conservation Area and Wilderness.
- Sec. 2406. Management plan.
- Sec. 2407. Advisory council.
- Sec. 2408. Authorization of appropriations.

Subtitle F—Rio Puerco Watershed Management Program

- Sec. 2501. Rio Puerco Watershed Management Program.

Subtitle G—Land Conveyances and Exchanges

- Sec. 2601. Carson City, Nevada, land conveyances.
- Sec. 2602. Southern Nevada limited transition area conveyance.
- Sec. 2603. Nevada Cancer Institute land conveyance.
- Sec. 2604. Turnabout Ranch land conveyance, Utah.
- Sec. 2605. Boy Scouts land exchange, Utah.
- Sec. 2606. Douglas County, Washington, land conveyance.
- Sec. 2607. Twin Falls, Idaho, land conveyance.
- Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.
- Sec. 2609. Park City, Utah, land conveyance.
- Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.
- Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

- Sec. 3001. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

- Sec. 3101. Wildland firefighter safety.

Subtitle C—Wyoming Range

- Sec. 3201. Definitions.
- Sec. 3202. Withdrawal of certain land in the Wyoming range.
- Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.

Subtitle D—Land Conveyances and Exchanges

- Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.
- Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.
- Sec. 3303. Santa Fe National Forest; Pecos National Historical Park Land Exchange.
- Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.
- Sec. 3305. Kittitas County, Washington, land conveyance.
- Sec. 3306. Mammoth Community Water District use restrictions.
- Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.
- Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.
- Sec. 3309. Sandia pueblo land exchange technical amendment.

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## Subtitle E—Colorado Northern Front Range Study

- Sec. 3401. Purpose.
- Sec. 3402. Definitions.
- Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.

## TITLE IV—FOREST LANDSCAPE RESTORATION

- Sec. 4001. Purpose.
- Sec. 4002. Definitions.
- Sec. 4003. Collaborative Forest Landscape Restoration Program.
- Sec. 4004. Authorization of appropriations.

## TITLE V—RIVERS AND TRAILS

## Subtitle A—Additions to the National Wild and Scenic Rivers System

- Sec. 5001. Fossil Creek, Arizona.
- Sec. 5002. Snake River Headwaters, Wyoming.
- Sec. 5003. Taunton River, Massachusetts.

## Subtitle B—Wild and Scenic Rivers Studies

- Sec. 5101. Missisquoi and Trout Rivers Study.

## Subtitle C—Additions to the National Trails System

- Sec. 5201. Arizona National Scenic Trail.
- Sec. 5202. New England National Scenic Trail.
- Sec. 5203. Ice Age Floods National Geologic Trail.
- Sec. 5204. Washington-Rochambeau Revolutionary Route National Historic Trail.
- Sec. 5205. Pacific Northwest National Scenic Trail.
- Sec. 5206. Trail of Tears National Historic Trail.

## Subtitle D—National Trail System Amendments

- Sec. 5301. National Trails System willing seller authority.
- Sec. 5302. Revision of feasibility and suitability studies of existing national historic trails.
- Sec. 5303. Chisholm Trail and Great Western Trails Studies.

## TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

## Subtitle A—Cooperative Watershed Management Program

- Sec. 6001. Definitions.
- Sec. 6002. Program.
- Sec. 6003. Effect of subtitle.

## Subtitle B—Competitive Status for Federal Employees in Alaska

- Sec. 6101. Competitive status for certain Federal employees in the State of Alaska.

## Subtitle C—Management of the Baca National Wildlife Refuge

- Sec. 6201. Baca National Wildlife Refuge.

## Subtitle D—Paleontological Resources Preservation

- Sec. 6301. Definitions.
- Sec. 6302. Management.
- Sec. 6303. Public awareness and education program.
- Sec. 6304. Collection of paleontological resources.
- Sec. 6305. Curation of resources.
- Sec. 6306. Prohibited acts; criminal penalties.
- Sec. 6307. Civil penalties.
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- Sec. 6310. Regulations.
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- Sec. 6401. Definitions.
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TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

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- Sec. 7001. Paterson Great Falls National Historical Park, New Jersey.
- Sec. 7002. William Jefferson Clinton Birthplace Home National Historic Site.
- Sec. 7003. River Raisin National Battlefield Park.

Subtitle B—Amendments to Existing Units of the National Park System

- Sec. 7101. Funding for Keweenaw National Historical Park.
- Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.
- Sec. 7103. Little River Canyon National Preserve boundary expansion.
- Sec. 7104. Hopewell Culture National Historical Park boundary expansion.
- Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.
- Sec. 7106. Minute Man National Historical Park.
- Sec. 7107. Everglades National Park.
- Sec. 7108. Kalaupapa National Historical Park.
- Sec. 7109. Boston Harbor Islands National Recreation Area.
- Sec. 7110. Thomas Edison National Historical Park, New Jersey.
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- Sec. 7112. Martin Van Buren National Historic Site.
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- Sec. 7115. New River Gorge National River.
- Sec. 7116. Technical corrections.
- Sec. 7117. Dayton Aviation Heritage National Historical Park, Ohio.
- Sec. 7118. Fort Davis National Historic Site.

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## Subtitle C—Special Resource Studies

- Sec. 7201. Walnut Canyon study.
- Sec. 7202. Tule Lake Segregation Center, California.
- Sec. 7203. Estate Grange, St. Croix.
- Sec. 7204. Harriet Beecher Stowe House, Maine.
- Sec. 7205. Shepherdstown battlefield, West Virginia.
- Sec. 7206. Green McAdoo School, Tennessee.
- Sec. 7207. Harry S Truman Birthplace, Missouri.
- Sec. 7208. Battle of Matewan special resource study.
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- Sec. 7211. Battle of Camden, South Carolina.
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- Sec. 7301. American Battlefield Protection Program.
- Sec. 7302. Preserve America Program.
- Sec. 7303. Save America's Treasures Program.
- Sec. 7304. Route 66 Corridor Preservation Program.
- Sec. 7305. National Cave and Karst Research Institute.

## Subtitle E—Advisory Commissions

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- Sec. 7403. National Park System Advisory Board.
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## Subtitle B—Studies

- Sec. 8101. Chattahoochee Trace, Alabama and Georgia.
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Sec. 8204. John H. Chafee Blackstone River Valley National Heritage Corridor.

## TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

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- Sec. 9602. Guidelines and inspection of project facilities and technical assistance to transferred works operating entities.
- Sec. 9603. Extraordinary operation and maintenance work performed by the Secretary.
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- Sec. 10007. Compliance with Central Valley Project Improvement Act.
- Sec. 10008. No private right of action.
- Sec. 10009. Appropriations; Settlement Fund.
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- Sec. 10011. California Central Valley Spring Run Chinook salmon.

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- Sec. 10101. Study to develop water plan; report.

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- Sec. 12206. Effect on other laws.
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- Sec. 12301. Short title.
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- Sec. 12303. Definitions.
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2009

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- Sec. 12403. Definitions.
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- Sec. 12406. NOAA ocean acidification activities.
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- Sec. 13002. Amendments to the Fisheries Restoration and Irrigation Mitigation Act of 2000.
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1       **TITLE I—ADDITIONS TO THE**  
 2           **NATIONAL WILDERNESS**  
 3           **PRESERVATION SYSTEM**  
 4       **Subtitle A—Wild Monongahela**  
 5           **Wilderness**

6       **SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA**  
 7           **NATIONAL FOREST, WEST VIRGINIA.**

8           (a) DESIGNATION.—In furtherance of the purposes of  
 9 the Wilderness Act (16 U.S.C. 1131 et seq.), the following  
 10 Federal lands within the Monongahela National Forest in  
 11 the State of West Virginia are designated as wilderness  
 12 and as either a new component of the National Wilderness  
 13 Preservation System or as an addition to an existing com-  
 14 ponent of the National Wilderness Preservation System:

1           (1) Certain Federal land comprising approxi-  
2           mately 5,144 acres, as generally depicted on the  
3           map entitled “Big Draft Proposed Wilderness” and  
4           dated March 11, 2008, which shall be known as the  
5           “Big Draft Wilderness”.

6           (2) Certain Federal land comprising approxi-  
7           mately 11,951 acres, as generally depicted on the  
8           map entitled “Cranberry Expansion Proposed Wil-  
9           derness” and dated March 11, 2008, which shall be  
10          added to and administered as part of the Cranberry  
11          Wilderness designated by section 1(1) of Public Law  
12          97–466 (96 Stat. 2538).

13          (3) Certain Federal land comprising approxi-  
14          mately 7,156 acres, as generally depicted on the  
15          map entitled “Dolly Sods Expansion Proposed Wil-  
16          derness” and dated March 11, 2008, which shall be  
17          added to and administered as part of the Dolly Sods  
18          Wilderness designated by section 3(a)(13) of Public  
19          Law 93–622 (88 Stat. 2098).

20          (4) Certain Federal land comprising approxi-  
21          mately 698 acres, as generally depicted on the map  
22          entitled “Otter Creek Expansion Proposed Wilder-  
23          ness” and dated March 11, 2008, which shall be  
24          added to and administered as part of the Otter

1 Creek Wilderness designated by section 3(a)(14) of  
2 Public Law 93–622 (88 Stat. 2098).

3 (5) Certain Federal land comprising approxi-  
4 mately 6,792 acres, as generally depicted on the  
5 map entitled “Roaring Plains Proposed Wilderness”  
6 and dated March 11, 2008, which shall be known as  
7 the “Roaring Plains West Wilderness”.

8 (6) Certain Federal land comprising approxi-  
9 mately 6,030 acres, as generally depicted on the  
10 map entitled “Spice Run Proposed Wilderness” and  
11 dated March 11, 2008, which shall be known as the  
12 “Spice Run Wilderness”.

13 (b) MAPS AND LEGAL DESCRIPTION.—

14 (1) FILING AND AVAILABILITY.—As soon as  
15 practicable after the date of the enactment of this  
16 Act, the Secretary of Agriculture, acting through the  
17 Chief of the Forest Service, shall file with the Com-  
18 mittee on Natural Resources of the House of Rep-  
19 resentatives and the Committee on Energy and Nat-  
20 ural Resources of the Senate a map and legal de-  
21 scription of each wilderness area designated or ex-  
22 panded by subsection (a). The maps and legal de-  
23 scriptions shall be on file and available for public in-  
24 spection in the office of the Chief of the Forest Serv-

1 ice and the office of the Supervisor of the  
2 Monongahela National Forest.

3 (2) FORCE AND EFFECT.—The maps and legal  
4 descriptions referred to in this subsection shall have  
5 the same force and effect as if included in this sub-  
6 title, except that the Secretary may correct errors in  
7 the maps and descriptions.

8 (c) ADMINISTRATION.—Subject to valid existing  
9 rights, the Federal lands designated as wilderness by sub-  
10 section (a) shall be administered by the Secretary in ac-  
11 cordance with the Wilderness Act (16 U.S.C. 1131 et  
12 seq.). The Secretary may continue to authorize the com-  
13 petitive running event permitted from 2003 through 2007  
14 in the vicinity of the boundaries of the Dolly Sods Wilder-  
15 ness addition designated by paragraph (3) of subsection  
16 (a) and the Roaring Plains West Wilderness Area des-  
17 igned by paragraph (5) of such subsection, in a manner  
18 compatible with the preservation of such areas as wilder-  
19 ness.

20 (d) EFFECTIVE DATE OF WILDERNESS ACT.—With  
21 respect to the Federal lands designated as wilderness by  
22 subsection (a), any reference in the Wilderness Act (16  
23 U.S.C. 1131 et seq.) to the effective date of the Wilderness  
24 Act shall be deemed to be a reference to the date of the  
25 enactment of this Act.



1 (e) FISH AND WILDLIFE.—As provided in section  
2 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),  
3 nothing in this section affects the jurisdiction or responsi-  
4 bility of the State of West Virginia with respect to wildlife  
5 and fish.

6 **SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH**  
7 **WILDERNESS, MONONGAHELA NATIONAL**  
8 **FOREST.**

9 (a) BOUNDARY ADJUSTMENT.—The boundary of the  
10 Laurel Fork South Wilderness designated by section 1(3)  
11 of Public Law 97–466 (96 Stat. 2538) is modified to ex-  
12 clude two parcels of land, as generally depicted on the map  
13 entitled “Monongahela National Forest Laurel Fork  
14 South Wilderness Boundary Modification” and dated  
15 March 11, 2008, and more particularly described accord-  
16 ing to the site-specific maps and legal descriptions on file  
17 in the office of the Forest Supervisor, Monongahela Na-  
18 tional Forest. The general map shall be on file and avail-  
19 able for public inspection in the Office of the Chief of the  
20 Forest Service.

21 (b) MANAGEMENT.—Federally owned land delineated  
22 on the maps referred to in subsection (a) as the Laurel  
23 Fork South Wilderness, as modified by such subsection,  
24 shall continue to be administered by the Secretary of Agri-

1 culture in accordance with the Wilderness Act (16 U.S.C.  
2 1131 et seq.).

3 **SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY**

4 **CONFIRMATION.**

5 (a) IN GENERAL.—The boundary of the  
6 Monongahela National Forest is confirmed to include the  
7 tracts of land as generally depicted on the map entitled  
8 “Monongahela National Forest Boundary Confirmation”  
9 and dated March 13, 2008, and all Federal lands under  
10 the jurisdiction of the Secretary of Agriculture, acting  
11 through the Chief of the Forest Service, encompassed  
12 within such boundary shall be managed under the laws  
13 and regulations pertaining to the National Forest System.

14 (b) LAND AND WATER CONSERVATION FUND.—For  
15 the purposes of section 7 of the Land and Water Con-  
16 servation Fund Act of 1965 (16 U.S.C. 460l–9), the  
17 boundaries of the Monongahela National Forest, as con-  
18 firmed by subsection (a), shall be considered to be the  
19 boundaries of the Monongahela National Forest as of Jan-  
20 uary 1, 1965.

21 **SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.**

22 (a) PLAN.—

23 (1) IN GENERAL.—The Secretary of Agri-  
24 culture, in consultation with interested parties, shall  
25 develop a plan to provide for enhanced nonmotorized

1 recreation trail opportunities on lands not des-  
2 igned as wilderness within the Monongahela Na-  
3 tional Forest.

4 (2) NONMOTORIZED RECREATION TRAIL DE-  
5 FINED.—For the purposes of this subsection, the  
6 term “nonmotorized recreation trail” means a trail  
7 designed for hiking, bicycling, and equestrian use.

8 (b) REPORT.—Not later than two years after the date  
9 of the enactment of this Act, the Secretary of Agriculture  
10 shall submit to Congress a report on the implementation  
11 of the plan required under subsection (a), including the  
12 identification of priority trails for development.

13 (c) CONSIDERATION OF CONVERSION OF FOREST  
14 ROADS TO RECREATIONAL USES.—In considering possible  
15 closure and decommissioning of a Forest Service road  
16 within the Monongahela National Forest after the date of  
17 the enactment of this Act, the Secretary of Agriculture,  
18 in accordance with applicable law, may consider converting  
19 the road to nonmotorized uses to enhance recreational op-  
20 portunities within the Monongahela National Forest.

21 **Subtitle B—Virginia Ridge and**  
22 **Valley Wilderness**

23 **SEC. 1101. DEFINITIONS.**

24 In this subtitle:

1           (1) SCENIC AREAS.—The term “scenic areas”  
2 means the Seng Mountain National Scenic Area and  
3 the Bear Creek National Scenic Area.

4           (2) SECRETARY.—The term “Secretary” means  
5 the Secretary of Agriculture.

6 **SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOR-**  
7 **EST SYSTEM LAND IN JEFFERSON NATIONAL**  
8 **FOREST AS WILDERNESS OR A WILDERNESS**  
9 **STUDY AREA.**

10       (a) DESIGNATION OF WILDERNESS.—Section 1 of  
11 Public Law 100–326 (16 U.S.C. 1132 note; 102 Stat.  
12 584, 114 Stat. 2057), is amended—

13           (1) in the matter preceding paragraph (1), by  
14 striking “System—” and inserting “System.”;

15           (2) by striking “certain” each place it appears  
16 and inserting “Certain”;

17           (3) in each of paragraphs (1) through (6), by  
18 striking the semicolon at the end and inserting a pe-  
19 riod;

20           (4) in paragraph (7), by striking “; and” and  
21 inserting a period; and

22           (5) by adding at the end the following:

23           “(9) Certain land in the Jefferson National  
24 Forest comprising approximately 3,743 acres, as  
25 generally depicted on the map entitled ‘Brush Moun-

1       tain and Brush Mountain East’ and dated May 5,  
2       2008, which shall be known as the ‘Brush Mountain  
3       East Wilderness’.

4               “(10) Certain land in the Jefferson National  
5       Forest comprising approximately 4,794 acres, as  
6       generally depicted on the map entitled ‘Brush Moun-  
7       tain and Brush Mountain East’ and dated May 5,  
8       2008, which shall be known as the ‘Brush Mountain  
9       Wilderness’.

10              “(11) Certain land in the Jefferson National  
11       Forest comprising approximately 4,223 acres, as  
12       generally depicted on the map entitled ‘Seng Moun-  
13       tain and Raccoon Branch’ and dated April 28, 2008,  
14       which shall be known as the ‘Raccoon Branch Wil-  
15       derness’.

16              “(12) Certain land in the Jefferson National  
17       Forest comprising approximately 3,270 acres, as  
18       generally depicted on the map entitled ‘Stone Moun-  
19       tain’ and dated April 28, 2008, which shall be  
20       known as the ‘Stone Mountain Wilderness’.

21              “(13) Certain land in the Jefferson National  
22       Forest comprising approximately 8,470 acres, as  
23       generally depicted on the map entitled ‘Garden  
24       Mountain and Hunting Camp Creek’ and dated

1 April 28, 2008, which shall be known as the ‘Hunt-  
2 ing Camp Creek Wilderness’.

3 “(14) Certain land in the Jefferson National  
4 Forest comprising approximately 3,291 acres, as  
5 generally depicted on the map entitled ‘Garden  
6 Mountain and Hunting Camp Creek’ and dated  
7 April 28, 2008, which shall be known as the ‘Garden  
8 Mountain Wilderness’.

9 “(15) Certain land in the Jefferson National  
10 Forest comprising approximately 5,476 acres, as  
11 generally depicted on the map entitled ‘Mountain  
12 Lake Additions’ and dated April 28, 2008, which is  
13 incorporated in the Mountain Lake Wilderness des-  
14 ignated by section 2(6) of the Virginia Wilderness  
15 Act of 1984 (16 U.S.C. 1132 note; Public Law 98–  
16 586).

17 “(16) Certain land in the Jefferson National  
18 Forest comprising approximately 308 acres, as gen-  
19 erally depicted on the map entitled ‘Lewis Fork Ad-  
20 dition and Little Wilson Creek Additions’ and dated  
21 April 28, 2008, which is incorporated in the Lewis  
22 Fork Wilderness designated by section 2(3) of the  
23 Virginia Wilderness Act of 1984 (16 U.S.C. 1132  
24 note; Public Law 98–586).

1           “(17) Certain land in the Jefferson National  
2 Forest comprising approximately 1,845 acres, as  
3 generally depicted on the map entitled ‘Lewis Fork  
4 Addition and Little Wilson Creek Additions’ and  
5 dated April 28, 2008, which is incorporated in the  
6 Little Wilson Creek Wilderness designated by section  
7 2(5) of the Virginia Wilderness Act of 1984 (16  
8 U.S.C. 1132 note; Public Law 98–586).

9           “(18) Certain land in the Jefferson National  
10 Forest comprising approximately 2,219 acres, as  
11 generally depicted on the map entitled ‘Shawvers  
12 Run Additions’ and dated April 28, 2008, which is  
13 incorporated in the Shawvers Run Wilderness des-  
14 ignated by paragraph (4).

15           “(19) Certain land in the Jefferson National  
16 Forest comprising approximately 1,203 acres, as  
17 generally depicted on the map entitled ‘Peters Moun-  
18 tain Addition’ and dated April 28, 2008, which is in-  
19 corporated in the Peters Mountain Wilderness des-  
20 ignated by section 2(7) of the Virginia Wilderness  
21 Act of 1984 (16 U.S.C. 1132 note; Public Law 98–  
22 586).

23           “(20) Certain land in the Jefferson National  
24 Forest comprising approximately 263 acres, as gen-  
25 erally depicted on the map entitled ‘Kimberling

1 Creek Additions and Potential Wilderness Area’ and  
2 dated April 28, 2008, which is incorporated in the  
3 Kimberling Creek Wilderness designated by section  
4 2(2) of the Virginia Wilderness Act of 1984 (16  
5 U.S.C. 1132 note; Public Law 98–586).”.

6 (b) DESIGNATION OF WILDERNESS STUDY AREA.—  
7 The Virginia Wilderness Act of 1984 (16 U.S.C. 1132  
8 note; Public Law 98–586) is amended—

9 (1) in the first section, by inserting “as” after  
10 “cited”; and

11 (2) in section 6(a)—

12 (A) by striking “certain” each place it ap-  
13 pears and inserting “Certain”;

14 (B) in each of paragraphs (1) and (2), by  
15 striking the semicolon at the end and inserting  
16 a period;

17 (C) in paragraph (3), by striking “; and”  
18 and inserting a period; and

19 (D) by adding at the end the following:

20 “(5) Certain land in the Jefferson National  
21 Forest comprising approximately 3,226 acres, as  
22 generally depicted on the map entitled ‘Lynn Camp  
23 Creek Wilderness Study Area’ and dated April 28,  
24 2008, which shall be known as the ‘Lynn Camp  
25 Creek Wilderness Study Area’.”.



1 **SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTEN-**  
2 **TIAL WILDERNESS AREA, JEFFERSON NA-**  
3 **TIONAL FOREST, VIRGINIA.**

4 (a) DESIGNATION.—In furtherance of the purposes of  
5 the Wilderness Act (16 U.S.C. 1131 et seq.), certain land  
6 in the Jefferson National Forest comprising approxi-  
7 mately 349 acres, as generally depicted on the map enti-  
8 tled “Kimberling Creek Additions and Potential Wilder-  
9 ness Area” and dated April 28, 2008, is designated as  
10 a potential wilderness area for incorporation in the  
11 Kimberling Creek Wilderness designated by section 2(2)  
12 of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132  
13 note; Public Law 98–586).

14 (b) MANAGEMENT.—Except as provided in subsection  
15 (c) and subject to valid existing rights, the Secretary shall  
16 manage the potential wilderness area in accordance with  
17 the Wilderness Act (16 U.S.C. 1131 et seq.).

18 (c) ECOLOGICAL RESTORATION.—

19 (1) IN GENERAL.—For purposes of ecological  
20 restoration (including the elimination of nonnative  
21 species, removal of illegal, unused, or decommis-  
22 sioned roads, and any other activity necessary to re-  
23 store the natural ecosystems in the potential wilder-  
24 ness area), the Secretary may use motorized equip-  
25 ment and mechanized transport in the potential wil-  
26 derness area until the date on which the potential

1 wilderness area is incorporated into the Kimberling  
2 Creek Wilderness.

3 (2) LIMITATION.—To the maximum extent  
4 practicable, the Secretary shall use the minimum  
5 tool or administrative practice necessary to accom-  
6 plish ecological restoration with the least amount of  
7 adverse impact on wilderness character and re-  
8 sources.

9 (d) WILDERNESS DESIGNATION.—The potential wil-  
10 derness area shall be designated as wilderness and incor-  
11 porated in the Kimberling Creek Wilderness on the earlier  
12 of—

13 (1) the date on which the Secretary publishes in  
14 the Federal Register notice that the conditions in  
15 the potential wilderness area that are incompatible  
16 with the Wilderness Act (16 U.S.C. 1131 et seq.)  
17 have been removed; or

18 (2) the date that is 5 years after the date of en-  
19 actment of this Act.

20 **SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC**  
21 **AREAS, JEFFERSON NATIONAL FOREST, VIR-**  
22 **GINIA.**

23 (a) ESTABLISHMENT.—There are designated as Na-  
24 tional Scenic Areas—

1           (1) certain National Forest System land in the  
2           Jefferson National Forest, comprising approximately  
3           5,192 acres, as generally depicted on the map enti-  
4           tled “Seng Mountain and Raccoon Branch” and  
5           dated April 28, 2008, which shall be known as the  
6           “Seng Mountain National Scenic Area”; and

7           (2) certain National Forest System land in the  
8           Jefferson National Forest, comprising approximately  
9           5,128 acres, as generally depicted on the map enti-  
10          tled “Bear Creek” and dated April 28, 2008, which  
11          shall be known as the “Bear Creek National Scenic  
12          Area”.

13          (b) PURPOSES.—The purposes of the scenic areas  
14          are—

15               (1) to ensure the protection and preservation of  
16               scenic quality, water quality, natural characteristics,  
17               and water resources of the scenic areas;

18               (2) consistent with paragraph (1), to protect  
19               wildlife and fish habitat in the scenic areas;

20               (3) to protect areas in the scenic areas that  
21               may develop characteristics of old-growth forests;  
22               and

23               (4) consistent with paragraphs (1), (2), and  
24               (3), to provide a variety of recreation opportunities  
25               in the scenic areas.

1 (c) ADMINISTRATION.—

2 (1) IN GENERAL.—The Secretary shall admin-  
3 ister the scenic areas in accordance with—

4 (A) this subtitle; and

5 (B) the laws (including regulations) gen-  
6 erally applicable to the National Forest System.

7 (2) AUTHORIZED USES.—The Secretary shall  
8 only allow uses of the scenic areas that the Secretary  
9 determines will further the purposes of the scenic  
10 areas, as described in subsection (b).

11 (d) MANAGEMENT PLAN.—

12 (1) IN GENERAL.—Not later than 2 years after  
13 the date of enactment of this Act, the Secretary  
14 shall develop as an amendment to the land and re-  
15 source management plan for the Jefferson National  
16 Forest a management plan for the scenic areas.

17 (2) EFFECT.—Nothing in this subsection re-  
18 quires the Secretary to revise the land and resource  
19 management plan for the Jefferson National Forest  
20 under section 6 of the Forest and Rangeland Renew-  
21 able Resources Planning Act of 1974 (16 U.S.C.  
22 1604).

23 (e) ROADS.—

24 (1) IN GENERAL.—Except as provided in para-  
25 graph (2), after the date of enactment of this Act,

1 no roads shall be established or constructed within  
2 the scenic areas.

3 (2) LIMITATION.—Nothing in this subsection  
4 denies any owner of private land (or an interest in  
5 private land) that is located in a scenic area the  
6 right to access the private land.

7 (f) TIMBER HARVEST.—

8 (1) IN GENERAL.—Except as provided in para-  
9 graphs (2) and (3), no harvesting of timber shall be  
10 allowed within the scenic areas.

11 (2) EXCEPTIONS.—The Secretary may author-  
12 ize harvesting of timber in the scenic areas if the  
13 Secretary determines that the harvesting is nec-  
14 essary to—

15 (A) control fire;

16 (B) provide for public safety or trail ac-  
17 cess; or

18 (C) control insect and disease outbreaks.

19 (3) FIREWOOD FOR PERSONAL USE.—Firewood  
20 may be harvested for personal use along perimeter  
21 roads in the scenic areas, subject to any conditions  
22 that the Secretary may impose.

23 (g) INSECT AND DISEASE OUTBREAKS.—The Sec-  
24 retary may control insect and disease outbreaks—

25 (1) to maintain scenic quality;

1           (2) to prevent tree mortality;

2           (3) to reduce hazards to visitors; or

3           (4) to protect private land.

4           (h) VEGETATION MANAGEMENT.—The Secretary  
5 may engage in vegetation manipulation practices in the  
6 scenic areas to maintain the visual quality and wildlife  
7 clearings in existence on the date of enactment of this Act.

8           (i) MOTORIZED VEHICLES.—

9           (1) IN GENERAL.—Except as provided in para-  
10 graph (2), motorized vehicles shall not be allowed  
11 within the scenic areas.

12           (2) EXCEPTIONS.—The Secretary may author-  
13 ize the use of motorized vehicles—

14           (A) to carry out administrative activities  
15 that further the purposes of the scenic areas, as  
16 described in subsection (b);

17           (B) to assist wildlife management projects  
18 in existence on the date of enactment of this  
19 Act; and

20           (C) during deer and bear hunting sea-  
21 sons—

22           (i) on Forest Development Roads  
23 49410 and 84b; and

24           (ii) on the portion of Forest Develop-  
25 ment Road 6261 designated on the map

1                   described in subsection (a)(2) as “open  
2                   seasonally”.

3           (j) WILDFIRE SUPPRESSION.—Wildfire suppression  
4 within the scenic areas shall be conducted—

5               (1) in a manner consistent with the purposes of  
6 the scenic areas, as described in subsection (b); and

7               (2) using such means as the Secretary deter-  
8 mines to be appropriate.

9           (k) WATER.—The Secretary shall administer the sce-  
10 nic areas in a manner that maintains and enhances water  
11 quality.

12          (l) WITHDRAWAL.—Subject to valid existing rights,  
13 all Federal land in the scenic areas is withdrawn from—

14               (1) location, entry, and patent under the mining  
15 laws; and

16               (2) operation of the mineral leasing and geo-  
17 thermal leasing laws.

18 **SEC. 1105. TRAIL PLAN AND DEVELOPMENT.**

19          (a) TRAIL PLAN.—The Secretary, in consultation  
20 with interested parties, shall establish a trail plan to de-  
21 velop—

22               (1) in a manner consistent with the Wilderness  
23 Act (16 U.S.C. 1131 et seq.), hiking and equestrian  
24 trails in the wilderness areas designated by para-  
25 graphs (9) through (20) of section 1 of Public Law

1       100–326 (16 U.S.C. 1132 note) (as added by section  
2       1102(a)(5)); and

3           (2) nonmotorized recreation trails in the scenic  
4       areas.

5       (b) IMPLEMENTATION REPORT.—Not later than 2  
6 years after the date of enactment of this Act, the Sec-  
7 retary shall submit to Congress a report that describes  
8 the implementation of the trail plan, including the identi-  
9 fication of priority trails for development.

10       (c) SUSTAINABLE TRAIL REQUIRED.—The Secretary  
11 shall develop a sustainable trail, using a contour curvi-  
12 linear alignment, to provide for nonmotorized travel along  
13 the southern boundary of the Raccoon Branch Wilderness  
14 established by section 1(11) of Public Law 100–326 (16  
15 U.S.C. 1132 note) (as added by section 1102(a)(5)) con-  
16 necting to Forest Development Road 49352 in Smyth  
17 County, Virginia.

18 **SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.**

19       (a) IN GENERAL.—As soon as practicable after the  
20 date of enactment of this Act, the Secretary shall file with  
21 the Committee on Energy and Natural Resources of the  
22 Senate and the Committee on Natural Resources and the  
23 Committee on Agriculture of the House of Representatives  
24 maps and boundary descriptions of—

25           (1) the scenic areas;



1           (2) the wilderness areas designated by para-  
2           graphs (9) through (20) of section 1 of Public Law  
3           100–326 (16 U.S.C. 1132 note) (as added by section  
4           1102(a)(5));

5           (3) the wilderness study area designated by sec-  
6           tion 6(a)(5) of the Virginia Wilderness Act of 1984  
7           (16 U.S.C. 1132 note; Public Law 98–586) (as  
8           added by section 1102(b)(2)(D)); and

9           (4) the potential wilderness area designated by  
10          section 1103(a).

11          (b) FORCE AND EFFECT.—The maps and boundary  
12          descriptions filed under subsection (a) shall have the same  
13          force and effect as if included in this subtitle, except that  
14          the Secretary may correct any minor errors in the maps  
15          and boundary descriptions.

16          (c) AVAILABILITY OF MAP AND BOUNDARY DESCRIP-  
17          TION.—The maps and boundary descriptions filed under  
18          subsection (a) shall be on file and available for public in-  
19          spection in the Office of the Chief of the Forest Service.

20          (d) CONFLICT.—In the case of a conflict between a  
21          map filed under subsection (a) and the acreage of the ap-  
22          plicable areas specified in this subtitle, the map shall con-  
23          trol.

1 **SEC. 1107. EFFECTIVE DATE.**

2 Any reference in the Wilderness Act (16 U.S.C. 1131  
3 et seq.) to the effective date of that Act shall be considered  
4 to be a reference to the date of enactment of this Act for  
5 purposes of administering—

6 (1) the wilderness areas designated by para-  
7 graphs (9) through (20) of section 1 of Public Law  
8 100–326 (16 U.S.C. 1132 note) (as added by section  
9 1102(a)(5)); and

10 (2) the potential wilderness area designated by  
11 section 1103(a).

12 **Subtitle C—Mt. Hood Wilderness,**  
13 **Oregon**

14 **SEC. 1201. DEFINITIONS.**

15 In this subtitle:

16 (1) SECRETARY.—The term “Secretary” means  
17 the Secretary of Agriculture.

18 (2) STATE.—The term “State” means the State  
19 of Oregon.

20 **SEC. 1202. DESIGNATION OF WILDERNESS AREAS.**

21 (a) DESIGNATION OF LEWIS AND CLARK MOUNT  
22 HOOD WILDERNESS AREAS.—In accordance with the Wil-  
23 derness Act (16 U.S.C. 1131 et seq.), the following areas  
24 in the State of Oregon are designated as wilderness areas  
25 and as components of the National Wilderness Preserva-  
26 tion System:

1           (1) BADGER CREEK WILDERNESS ADDITIONS.—  
2           Certain Federal land managed by the Forest Serv-  
3           ice, comprising approximately 4,140 acres, as gen-  
4           erally depicted on the maps entitled “Badger Creek  
5           Wilderness—Badger Creek Additions” and “Badger  
6           Creek Wilderness—Bonney Butte”, dated July 16,  
7           2007, which is incorporated in, and considered to be  
8           a part of, the Badger Creek Wilderness, as des-  
9           ignated by section 3(3) of the Oregon Wilderness  
10          Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

11          (2) BULL OF THE WOODS WILDERNESS ADDI-  
12          TION.—Certain Federal land managed by the Forest  
13          Service, comprising approximately 10,180 acres, as  
14          generally depicted on the map entitled “Bull of the  
15          Woods Wilderness—Bull of the Woods Additions”,  
16          dated July 16, 2007, which is incorporated in, and  
17          considered to be a part of, the Bull of the Woods  
18          Wilderness, as designated by section 3(4) of the Or-  
19          egon Wilderness Act of 1984 (16 U.S.C. 1132 note;  
20          98 Stat. 273).

21          (3) CLACKAMAS WILDERNESS.—Certain Federal  
22          land managed by the Forest Service, comprising ap-  
23          proximately 9,470 acres, as generally depicted on the  
24          maps entitled “Clackamas Wilderness—Big Bot-  
25          tom”, “Clackamas Wilderness—Clackamas Canyon”,

1 “Clackamas Wilderness—Memaloose Lake”,  
2 “Clackamas Wilderness—Sisi Butte”, and  
3 “Clackamas Wilderness—South Fork Clackamas”,  
4 dated July 16, 2007, which shall be known as the  
5 “Clackamas Wilderness”.

6 (4) MARK O. HATFIELD WILDERNESS ADDI-  
7 TIONS.—Certain Federal land managed by the For-  
8 est Service, comprising approximately 25,960 acres,  
9 as generally depicted on the maps entitled “Mark O.  
10 Hatfield Wilderness—Gorge Face” and “Mark O.  
11 Hatfield Wilderness—Larch Mountain”, dated July  
12 16, 2007, which is incorporated in, and considered  
13 to be a part of, the Mark O. Hatfield Wilderness, as  
14 designated by section 3(1) of the Oregon Wilderness  
15 Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

16 (5) MOUNT HOOD WILDERNESS ADDITIONS.—  
17 Certain Federal land managed by the Forest Serv-  
18 ice, comprising approximately 18,450 acres, as gen-  
19 erally depicted on the maps entitled “Mount Hood  
20 Wilderness—Barlow Butte”, “Mount Hood Wilder-  
21 ness—Elk Cove/Mazama”, “Richard L. Kohnstamm  
22 Memorial Area”, “Mount Hood Wilderness—Sand  
23 Canyon”, “Mount Hood Wilderness—Sandy Addi-  
24 tions”, “Mount Hood Wilderness—Twin Lakes”,  
25 and “Mount Hood Wilderness—White River”, dated

1 July 16, 2007, and the map entitled “Mount Hood  
2 Wilderness—Cloud Cap”, dated July 20, 2007,  
3 which is incorporated in, and considered to be a part  
4 of, the Mount Hood Wilderness, as designated under  
5 section 3(a) of the Wilderness Act (16 U.S.C.  
6 1132(a)) and enlarged by section 3(d) of the Endan-  
7 gered American Wilderness Act of 1978 (16 U.S.C.  
8 1132 note; 92 Stat. 43).

9 (6) ROARING RIVER WILDERNESS.—Certain  
10 Federal land managed by the Forest Service, com-  
11 prising approximately 36,550 acres, as generally de-  
12 picted on the map entitled “Roaring River Wilder-  
13 ness—Roaring River Wilderness”, dated July 16,  
14 2007, which shall be known as the “Roaring River  
15 Wilderness”.

16 (7) SALMON-HUCKLEBERRY WILDERNESS ADDI-  
17 TIONS.—Certain Federal land managed by the For-  
18 est Service, comprising approximately 16,620 acres,  
19 as generally depicted on the maps entitled “Salmon-  
20 Huckleberry Wilderness—Alder Creek Addition”,  
21 “Salmon-Huckleberry Wilderness—Eagle Creek Ad-  
22 dition”, “Salmon-Huckleberry Wilderness—Hunch-  
23 back Mountain”, “Salmon-Huckleberry Wilder-  
24 ness—Inch Creek”, “Salmon-Huckleberry Wilder-  
25 ness—Mirror Lake”, and “Salmon-Huckleberry Wil-

1        derness—Salmon River Meadows”, dated July 16,  
2        2007, which is incorporated in, and considered to be  
3        a part of, the Salmon-Huckleberry Wilderness, as  
4        designated by section 3(2) of the Oregon Wilderness  
5        Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

6            (8) LOWER WHITE RIVER WILDERNESS.—Cer-  
7        tain Federal land managed by the Forest Service  
8        and Bureau of Land Management, comprising ap-  
9        proximately 2,870 acres, as generally depicted on the  
10       map entitled “Lower White River Wilderness—  
11       Lower White River”, dated July 16, 2007, which  
12       shall be known as the “Lower White River Wilder-  
13       ness”.

14           (b) RICHARD L. KOHNSTAMM MEMORIAL AREA.—  
15       Certain Federal land managed by the Forest Service, as  
16       generally depicted on the map entitled “Richard L.  
17       Kohnstamm Memorial Area”, dated July 16, 2007, is des-  
18       ignated as the “Richard L. Kohnstamm Memorial Area”.

19           (c) POTENTIAL WILDERNESS AREA; ADDITIONS TO  
20       WILDERNESS AREAS.—

21            (1) ROARING RIVER POTENTIAL WILDERNESS  
22       AREA.—

23            (A) IN GENERAL.—In furtherance of the  
24       purposes of the Wilderness Act (16 U.S.C.  
25       1131 et seq.), certain Federal land managed by

1 the Forest Service, comprising approximately  
2 900 acres identified as “Potential Wilderness”  
3 on the map entitled “Roaring River Wilder-  
4 ness”, dated July 16, 2007, is designated as a  
5 potential wilderness area.

6 (B) MANAGEMENT.—The potential wilder-  
7 ness area designated by subparagraph (A) shall  
8 be managed in accordance with section 4 of the  
9 Wilderness Act (16 U.S.C. 1133).

10 (C) DESIGNATION AS WILDERNESS.—On  
11 the date on which the Secretary publishes in  
12 the Federal Register notice that the conditions  
13 in the potential wilderness area designated by  
14 subparagraph (A) are compatible with the Wil-  
15 derness Act (16 U.S.C. 1131 et seq.), the po-  
16 tential wilderness shall be—

17 (i) designated as wilderness and as a  
18 component of the National Wilderness  
19 Preservation System; and

20 (ii) incorporated into the Roaring  
21 River Wilderness designated by subsection  
22 (a)(6).

23 (2) ADDITION TO THE MOUNT HOOD WILDER-  
24 NESS.—On completion of the land exchange under  
25 section 1206(a)(2), certain Federal land managed by

1 the Forest Service, comprising approximately 1,710  
2 acres, as generally depicted on the map entitled  
3 “Mount Hood Wilderness—Tilly Jane”, dated July  
4 20, 2007, shall be incorporated in, and considered to  
5 be a part of, the Mount Hood Wilderness, as des-  
6 ignated under section 3(a) of the Wilderness Act (16  
7 U.S.C. 1132(a)) and enlarged by section 3(d) of the  
8 Endangered American Wilderness Act of 1978 (16  
9 U.S.C. 1132 note; 92 Stat. 43) and subsection  
10 (a)(5).

11 (3) ADDITION TO THE SALMON-HUCKLEBERRY  
12 WILDERNESS.—On acquisition by the United States,  
13 the approximately 160 acres of land identified as  
14 “Land to be acquired by USFS” on the map entitled  
15 “Hunchback Mountain Land Exchange, Clackamas  
16 County”, dated June 2006, shall be incorporated in,  
17 and considered to be a part of, the Salmon-  
18 Huckleberry Wilderness, as designated by section  
19 3(2) of the Oregon Wilderness Act of 1984 (16  
20 U.S.C. 1132 note; 98 Stat. 273) and enlarged by  
21 subsection (a)(7).

22 (d) MAPS AND LEGAL DESCRIPTIONS.—

23 (1) IN GENERAL.—As soon as practicable after  
24 the date of enactment of this Act, the Secretary  
25 shall file a map and a legal description of each wil-



1        wilderness area and potential wilderness area des-  
2        igned by this section, with—

3                (A) the Committee on Energy and Natural  
4                Resources of the Senate; and

5                (B) the Committee on Natural Resources  
6                of the House of Representatives.

7                (2) FORCE OF LAW.—The maps and legal de-  
8        scriptions filed under paragraph (1) shall have the  
9        same force and effect as if included in this subtitle,  
10       except that the Secretary may correct typographical  
11       errors in the maps and legal descriptions.

12               (3) PUBLIC AVAILABILITY.—Each map and  
13       legal description filed under paragraph (1) shall be  
14       on file and available for public inspection in the ap-  
15       propriate offices of the Forest Service and Bureau  
16       of Land Management.

17               (4) DESCRIPTION OF LAND.—The boundaries of  
18       the areas designated as wilderness by subsection (a)  
19       that are immediately adjacent to a utility right-of-  
20       way or a Federal Energy Regulatory Commission  
21       project boundary shall be 100 feet from the bound-  
22       ary of the right-of-way or the project boundary.

23               (e) ADMINISTRATION.—

24               (1) IN GENERAL.—Subject to valid existing  
25       rights, each area designated as wilderness by this

1 section shall be administered by the Secretary that  
2 has jurisdiction over the land within the wilderness,  
3 in accordance with the Wilderness Act (16 U.S.C.  
4 1131 et seq.), except that—

5 (A) any reference in that Act to the effec-  
6 tive date shall be considered to be a reference  
7 to the date of enactment of this Act; and

8 (B) any reference in that Act to the Sec-  
9 retary of Agriculture shall be considered to be  
10 a reference to the Secretary that has jurisdic-  
11 tion over the land within the wilderness.

12 (2) INCORPORATION OF ACQUIRED LAND AND  
13 INTERESTS.—Any land within the boundary of a wil-  
14 derness area designated by this section that is ac-  
15 quired by the United States shall—

16 (A) become part of the wilderness area in  
17 which the land is located; and

18 (B) be managed in accordance with this  
19 section, the Wilderness Act (16 U.S.C. 1131 et  
20 seq.), and any other applicable law.

21 (f) BUFFER ZONES.—

22 (1) IN GENERAL.—As provided in the Oregon  
23 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-  
24 lic Law 98–328), Congress does not intend for des-  
25 ignation of wilderness areas in the State under this

1 section to lead to the creation of protective perim-  
2 eters or buffer zones around each wilderness area.

3 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

4 The fact that nonwilderness activities or uses can be  
5 seen or heard from within a wilderness area shall  
6 not, of itself, preclude the activities or uses up to the  
7 boundary of the wilderness area.

8 (g) FISH AND WILDLIFE.—Nothing in this section  
9 affects the jurisdiction or responsibilities of the State with  
10 respect to fish and wildlife.

11 (h) FIRE, INSECTS, AND DISEASES.—As provided in  
12 section 4(d)(1) of the Wilderness Act (16 U.S.C.  
13 1133(d)(1)), within the wilderness areas designated by  
14 this section, the Secretary that has jurisdiction over the  
15 land within the wilderness (referred to in this subsection  
16 as the “Secretary”) may take such measures as are nec-  
17 essary to control fire, insects, and diseases, subject to such  
18 terms and conditions as the Secretary determines to be  
19 desirable and appropriate.

20 (i) WITHDRAWAL.—Subject to valid rights in exist-  
21 ence on the date of enactment of this Act, the Federal  
22 land designated as wilderness by this section is withdrawn  
23 from all forms of—

24 (1) entry, appropriation, or disposal under the  
25 public land laws;

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

3           (3) disposition under all laws pertaining to min-  
4       eral and geothermal leasing or mineral materials.

5 **SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCE-**  
6                   **NIC RIVER PROTECTION IN THE MOUNT**  
7                   **HOOD AREA.**

8       (a) WILD AND SCENIC RIVER DESIGNATIONS,  
9 MOUNT HOOD NATIONAL FOREST.—

10           (1) IN GENERAL.—Section 3(a) of the Wild and  
11       Scenic Rivers Act (16 U.S.C. 1274(a)) is amended  
12       by adding at the end the following:

13           “(171) SOUTH FORK CLACKAMAS RIVER, OR-  
14       EGON.—The 4.2-mile segment of the South Fork  
15       Clackamas River from its confluence with the East  
16       Fork of the South Fork Clackamas to its confluence  
17       with the Clackamas River, to be administered by the  
18       Secretary of Agriculture as a wild river.

19           “(172) EAGLE CREEK, OREGON.—The 8.3-mile  
20       segment of Eagle Creek from its headwaters to the  
21       Mount Hood National Forest boundary, to be ad-  
22       ministered by the Secretary of Agriculture as a wild  
23       river.

24           “(173) MIDDLE FORK HOOD RIVER.—The 3.7-  
25       mile segment of the Middle Fork Hood River from

1 the confluence of Clear and Coe Branches to the  
2 north section line of section 11, township 1 south,  
3 range 9 east, to be administered by the Secretary of  
4 Agriculture as a scenic river.

5 “(174) SOUTH FORK ROARING RIVER, OR-  
6 EGON.—The 4.6-mile segment of the South Fork  
7 Roaring River from its headwaters to its confluence  
8 with Roaring River, to be administered by the Sec-  
9 retary of Agriculture as a wild river.

10 “(175) ZIG ZAG RIVER, OREGON.—The 4.3-mile  
11 segment of the Zig Zag River from its headwaters  
12 to the Mount Hood Wilderness boundary, to be ad-  
13 ministered by the Secretary of Agriculture as a wild  
14 river.

15 “(176) FIFTEENMILE CREEK, OREGON.—

16 “(A) IN GENERAL.—The 11.1-mile seg-  
17 ment of Fifteenmile Creek from its source at  
18 Senecal Spring to the southern edge of the  
19 northwest quarter of the northwest quarter of  
20 section 20, township 2 south, range 12 east, to  
21 be administered by the Secretary of Agriculture  
22 in the following classes:

23 “(i) The 2.6-mile segment from its  
24 source at Senecal Spring to the Badger

1 Creek Wilderness boundary, as a wild  
2 river.

3 “(ii) The 0.4-mile segment from the  
4 Badger Creek Wilderness boundary to the  
5 point 0.4 miles downstream, as a scenic  
6 river.

7 “(iii) The 7.9-mile segment from the  
8 point 0.4 miles downstream of the Badger  
9 Creek Wilderness boundary to the western  
10 edge of section 20, township 2 south,  
11 range 12 east as a wild river.

12 “(iv) The 0.2-mile segment from the  
13 western edge of section 20, township 2  
14 south, range 12 east, to the southern edge  
15 of the northwest quarter of the northwest  
16 quarter of section 20, township 2 south,  
17 range 12 east as a scenic river.

18 “(B) INCLUSIONS.—Notwithstanding sec-  
19 tion 3(b), the lateral boundaries of both the  
20 wild river area and the scenic river area along  
21 Fifteenmile Creek shall include an average of  
22 not more than 640 acres per mile measured  
23 from the ordinary high water mark on both  
24 sides of the river.

1           “(177) EAST FORK HOOD RIVER, OREGON.—  
2           The 13.5-mile segment of the East Fork Hood River  
3           from Oregon State Highway 35 to the Mount Hood  
4           National Forest boundary, to be administered by the  
5           Secretary of Agriculture as a recreational river.

6           “(178) COLLAWASH RIVER, OREGON.—The  
7           17.8-mile segment of the Collawash River from the  
8           headwaters of the East Fork Collawash to the con-  
9           fluence of the mainstream of the Collawash River  
10          with the Clackamas River, to be administered by the  
11          Secretary of Agriculture in the following classes:

12           “(A) The 11.0-mile segment from the  
13           headwaters of the East Fork Collawash River  
14           to Buckeye Creek, as a scenic river.

15           “(B) The 6.8-mile segment from Buckeye  
16           Creek to the Clackamas River, as a recreational  
17           river.

18           “(179) FISH CREEK, OREGON.—The 13.5-mile  
19           segment of Fish Creek from its headwaters to the  
20           confluence with the Clackamas River, to be adminis-  
21           tered by the Secretary of Agriculture as a rec-  
22           reational river.”.

23           (2) EFFECT.—The amendments made by para-  
24           graph (1) do not affect valid existing water rights.

1 (b) PROTECTION FOR HOOD RIVER, OREGON.—Sec-  
2 tion 13(a)(4) of the “Columbia River Gorge National Sce-  
3 nic Area Act” (16 U.S.C. 544k(a)(4)) is amended by strik-  
4 ing “for a period not to exceed twenty years from the date  
5 of enactment of this Act,”.

6 **SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.**

7 (a) DESIGNATION.—To provide for the protection,  
8 preservation, and enhancement of recreational, ecological,  
9 scenic, cultural, watershed, and fish and wildlife values,  
10 there is established the Mount Hood National Recreation  
11 Area within the Mount Hood National Forest.

12 (b) BOUNDARY.—The Mount Hood National Recre-  
13 ation Area shall consist of certain Federal land managed  
14 by the Forest Service and Bureau of Land Management,  
15 comprising approximately 34,550 acres, as generally de-  
16 picted on the maps entitled “National Recreation Areas—  
17 Mount Hood NRA”, “National Recreation Areas—  
18 Fifteenmile Creek NRA”, and “National Recreation  
19 Areas—Shellrock Mountain”, dated February 2007.

20 (c) MAP AND LEGAL DESCRIPTION.—

21 (1) SUBMISSION OF LEGAL DESCRIPTION.—As  
22 soon as practicable after the date of enactment of  
23 this Act, the Secretary shall file a map and a legal  
24 description of the Mount Hood National Recreation  
25 Area with—



1 (A) the Committee on Energy and Natural  
2 Resources of the Senate; and

3 (B) the Committee on Natural Resources  
4 of the House of Representatives.

5 (2) FORCE OF LAW.—The map and legal de-  
6 scription filed under paragraph (1) shall have the  
7 same force and effect as if included in this subtitle,  
8 except that the Secretary may correct typographical  
9 errors in the map and the legal description.

10 (3) PUBLIC AVAILABILITY.—The map and legal  
11 description filed under paragraph (1) shall be on file  
12 and available for public inspection in the appropriate  
13 offices of the Forest Service.

14 (d) ADMINISTRATION.—

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

16 (A) administer the Mount Hood National  
17 Recreation Area—

18 (i) in accordance with the laws (in-  
19 cluding regulations) and rules applicable to  
20 the National Forest System; and

21 (ii) consistent with the purposes de-  
22 scribed in subsection (a); and

23 (B) only allow uses of the Mount Hood  
24 National Recreation Area that are consistent  
25 with the purposes described in subsection (a).

1           (2) APPLICABLE LAW.—Any portion of a wil-  
2           derness area designated by section 1202 that is lo-  
3           cated within the Mount Hood National Recreation  
4           Area shall be administered in accordance with the  
5           Wilderness Act (16 U.S.C. 1131 et seq.).

6           (e) TIMBER.—The cutting, sale, or removal of timber  
7           within the Mount Hood National Recreation Area may be  
8           permitted—

9           (1) to the extent necessary to improve the  
10          health of the forest in a manner that—

11           (A) maximizes the retention of large  
12          trees—

13                   (i) as appropriate to the forest type;

14                   and

15                   (ii) to the extent that the trees pro-  
16                   mote stands that are fire-resilient and  
17                   healthy;

18           (B) improves the habitats of threatened,  
19          endangered, or sensitive species; or

20           (C) maintains or restores the composition  
21          and structure of the ecosystem by reducing the  
22          risk of uncharacteristic wildfire;

23          (2) to accomplish an approved management ac-  
24          tivity in furtherance of the purposes established by

1 this section, if the cutting, sale, or removal of timber  
2 is incidental to the management activity; or

3 (3) for de minimus personal or administrative  
4 use within the Mount Hood National Recreation  
5 Area, where such use will not impair the purposes  
6 established by this section.

7 (f) ROAD CONSTRUCTION.—No new or temporary  
8 roads shall be constructed or reconstructed within the  
9 Mount Hood National Recreation Area except as nec-  
10 essary—

11 (1) to protect the health and safety of individ-  
12 uals in cases of an imminent threat of flood, fire, or  
13 any other catastrophic event that, without interven-  
14 tion, would cause the loss of life or property;

15 (2) to conduct environmental cleanup required  
16 by the United States;

17 (3) to allow for the exercise of reserved or out-  
18 standing rights provided for by a statute or treaty;

19 (4) to prevent irreparable resource damage by  
20 an existing road; or

21 (5) to rectify a hazardous road condition.

22 (g) WITHDRAWAL.—Subject to valid existing rights,  
23 all Federal land within the Mount Hood National Recre-  
24 ation Area 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) disposition under all laws relating to min-  
6 eral and geothermal leasing.

7 (h) TRANSFER OF ADMINISTRATIVE JURISDIC-  
8 TION.—

9 (1) IN GENERAL.—Administrative jurisdiction  
10 over the Federal land described in paragraph (2) is  
11 transferred from the Bureau of Land Management  
12 to the Forest Service.

13 (2) DESCRIPTION OF LAND.—The land referred  
14 to in paragraph (1) is the approximately 130 acres  
15 of land administered by the Bureau of Land Man-  
16 agement that is within or adjacent to the Mount  
17 Hood National Recreation Area and that is identi-  
18 fied as “BLM Lands” on the map entitled “National  
19 Recreation Areas—Shellrock Mountain”, dated Feb-  
20 ruary 2007.

21 **SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER**

22 **BIG BOTTOM, AND CULTUS CREEK.**

23 (a) CRYSTAL SPRINGS WATERSHED SPECIAL RE-  
24 SOURCES MANAGEMENT UNIT.—

25 (1) ESTABLISHMENT.—



1 (II) location, entry, and patent  
2 under the mining laws; and

3 (III) disposition under all laws  
4 pertaining to mineral and geothermal  
5 leasing or mineral materials.

6 (ii) EXCEPTION.—Clause (i)(I) does  
7 not apply to the parcel of land generally  
8 depicted as “HES 151” on the map.

9 (2) PURPOSES.—The purposes of the Manage-  
10 ment Unit are—

11 (A) to ensure the protection of the quality  
12 and quantity of the Crystal Springs watershed  
13 as a clean drinking water source for the resi-  
14 dents of Hood River County, Oregon; and

15 (B) to allow visitors to enjoy the special  
16 scenic, natural, cultural, and wildlife values of  
17 the Crystal Springs watershed.

18 (3) MAP AND LEGAL DESCRIPTION.—

19 (A) SUBMISSION OF LEGAL DESCRIP-  
20 TION.—As soon as practicable after the date of  
21 enactment of this Act, the Secretary shall file  
22 a map and a legal description of the Manage-  
23 ment Unit with—

24 (i) the Committee on Energy and  
25 Natural Resources of the Senate; and

1 (ii) the Committee on Natural Re-  
2 sources of the House of Representatives.

3 (B) FORCE OF LAW.—The map and legal  
4 description filed under subparagraph (A) shall  
5 have the same force and effect as if included in  
6 this subtitle, except that the Secretary may cor-  
7 rect typographical errors in the map and legal  
8 description.

9 (C) PUBLIC AVAILABILITY.—The map and  
10 legal description filed under subparagraph (A)  
11 shall be on file and available for public inspec-  
12 tion in the appropriate offices of the Forest  
13 Service.

14 (4) ADMINISTRATION.—

15 (A) IN GENERAL.—The Secretary shall—

16 (i) administer the Management  
17 Unit—

18 (I) in accordance with the laws  
19 (including regulations) and rules ap-  
20 plicable to units of the National For-  
21 est System; and

22 (II) consistent with the purposes  
23 described in paragraph (2); and

1 (ii) only allow uses of the Manage-  
2 ment Unit that are consistent with the  
3 purposes described in paragraph (2).

4 (B) FUEL REDUCTION IN PROXIMITY TO  
5 IMPROVEMENTS AND PRIMARY PUBLIC  
6 ROADS.—To protect the water quality, water  
7 quantity, and scenic, cultural, natural, and  
8 wildlife values of the Management Unit, the  
9 Secretary may conduct fuel reduction and forest  
10 health management treatments to maintain and  
11 restore fire-resilient forest structures containing  
12 late successional forest structure characterized  
13 by large trees and multistoried canopies, as eco-  
14 logically appropriate, on National Forest Sys-  
15 tem land in the Management Unit—

16 (i) in any area located not more than  
17 400 feet from structures located on—

18 (I) National Forest System land;

19 or

20 (II) private land adjacent to Na-  
21 tional Forest System land;

22 (ii) in any area located not more than  
23 400 feet from the Cooper Spur Road, the  
24 Cloud Cap Road, or the Cooper Spur Ski  
25 Area Loop Road; and



1 (iii) on any other National Forest  
2 System land in the Management Unit, with  
3 priority given to activities that restore pre-  
4 viously harvested stands, including the re-  
5 moval of logging slash, smaller diameter  
6 material, and ladder fuels.

7 (5) PROHIBITED ACTIVITIES.—Subject to valid  
8 existing rights, the following activities shall be pro-  
9 hibited on National Forest System land in the Man-  
10 agement Unit:

11 (A) New road construction or renovation of  
12 existing non-System roads, except as necessary  
13 to protect public health and safety.

14 (B) Projects undertaken for the purpose of  
15 harvesting commercial timber (other than ac-  
16 tivities relating to the harvest of merchantable  
17 products that are byproducts of activities con-  
18 ducted to further the purposes described in  
19 paragraph (2)).

20 (C) Commercial livestock grazing.

21 (D) The placement of new fuel storage  
22 tanks.

23 (E) Except to the extent necessary to fur-  
24 ther the purposes described in paragraph (2),  
25 the application of any toxic chemicals (other

1 than fire retardants), including pesticides,  
2 rodenticides, or herbicides.

3 (6) FOREST ROAD CLOSURES.—

4 (A) IN GENERAL.—Except as provided in  
5 subparagraph (B), the Secretary may provide  
6 for the closure or gating to the general public  
7 of any Forest Service road within the Manage-  
8 ment Unit.

9 (B) EXCEPTION.—Nothing in this sub-  
10 section requires the Secretary to close the road  
11 commonly known as “Cloud Cap Road”, which  
12 shall be administered in accordance with other-  
13 wise applicable law.

14 (7) PRIVATE LAND.—

15 (A) EFFECT.—Nothing in this subsection  
16 affects the use of, or access to, any private  
17 property within the area identified on the map  
18 as the “Crystal Springs Zone of Contribution”  
19 by—

20 (i) the owners of the private property;

21 and

22 (ii) guests to the private property.

23 (B) COOPERATION.—The Secretary is en-  
24 couraged to work with private landowners who



1 (B) the approximately 280 acres identified  
2 as “Cultus Creek” on the map entitled  
3 “Clackamas Wilderness—South Fork  
4 Clackamas”, dated July 16, 2007.

5 (3) MAPS AND LEGAL DESCRIPTIONS.—

6 (A) IN GENERAL.—As soon as practicable  
7 after the date of enactment of this Act, the Sec-  
8 retary shall file maps and legal descriptions of  
9 the Federal land described in paragraph (2)  
10 with—

11 (i) the Committee on Energy and  
12 Natural Resources of the Senate; and

13 (ii) the Committee on Natural Re-  
14 sources of the House of Representatives.

15 (B) FORCE OF LAW.—The maps and legal  
16 descriptions filed under subparagraph (A) shall  
17 have the same force and effect as if included in  
18 this subtitle, except that the Secretary may cor-  
19 rect typographical errors in the maps and legal  
20 descriptions.

21 (C) PUBLIC AVAILABILITY.—Each map  
22 and legal description filed under subparagraph  
23 (A) shall be on file and available for public in-  
24 spection in the appropriate offices of the Forest  
25 Service.

1 (4) USE OF LAND.—

2 (A) IN GENERAL.—Subject to valid exist-  
3 ing rights, with respect to the Federal land de-  
4 scribed in paragraph (2), the Secretary shall  
5 only allow uses that are consistent with the pur-  
6 poses identified in paragraph (1).

7 (B) PROHIBITED USES.—The following  
8 shall be prohibited on the Federal land de-  
9 scribed in paragraph (2):

10 (i) Permanent roads.

11 (ii) Commercial enterprises.

12 (iii) Except as necessary to meet the  
13 minimum requirements for the administra-  
14 tion of the Federal land and to protect  
15 public health and safety—

16 (I) the use of motor vehicles; or

17 (II) the establishment of tem-  
18 porary roads.

19 (5) WITHDRAWAL.—Subject to valid existing  
20 rights, the Federal land described in paragraph (2)  
21 is withdrawn from—

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

24 (B) location, entry, and patent under the  
25 mining laws; and

1 (C) disposition under all laws relating to  
2 mineral and geothermal leasing.

3 **SEC. 1206. LAND EXCHANGES.**

4 (a) COOPER SPUR-GOVERNMENT CAMP LAND EX-  
5 CHANGE.—

6 (1) DEFINITIONS.—In this subsection:

7 (A) COUNTY.—The term “County” means  
8 Hood River County, Oregon.

9 (B) EXCHANGE MAP.—The term “ex-  
10 change map” means the map entitled “Cooper  
11 Spur/Government Camp Land Exchange”,  
12 dated June 2006.

13 (C) FEDERAL LAND.—The term “Federal  
14 land” means the approximately 120 acres of  
15 National Forest System land in the Mount  
16 Hood National Forest in Government Camp,  
17 Clackamas County, Oregon, identified as  
18 “USFS Land to be Conveyed” on the exchange  
19 map.

20 (D) MT. HOOD MEADOWS.—The term “Mt.  
21 Hood Meadows” means the Mt. Hood Meadows  
22 Oregon, Limited Partnership.

23 (E) NON-FEDERAL LAND.—The term  
24 “non-Federal land” means—

1 (i) the parcel of approximately 770  
2 acres of private land at Cooper Spur iden-  
3 tified as “Land to be acquired by USFS”  
4 on the exchange map; and

5 (ii) any buildings, furniture, fixtures,  
6 and equipment at the Inn at Cooper Spur  
7 and the Cooper Spur Ski Area covered by  
8 an appraisal described in paragraph  
9 (2)(D).

10 (2) COOPER SPUR-GOVERNMENT CAMP LAND  
11 EXCHANGE.—

12 (A) CONVEYANCE OF LAND.—Subject to  
13 the provisions of this subsection, if Mt. Hood  
14 Meadows offers to convey to the United States  
15 all right, title, and interest of Mt. Hood Mead-  
16 ows in and to the non-Federal land, the Sec-  
17 retary shall convey to Mt. Hood Meadows all  
18 right, title, and interest of the United States in  
19 and to the Federal land (other than any ease-  
20 ments reserved under subparagraph (G)), sub-  
21 ject to valid existing rights.

22 (B) COMPLIANCE WITH EXISTING LAW.—  
23 Except as otherwise provided in this subsection,  
24 the Secretary shall carry out the land exchange  
25 under this subsection in accordance with section

1           206 of the Federal Land Policy and Manage-  
2           ment Act of 1976 (43 U.S.C. 1716).

3           (C) CONDITIONS ON ACCEPTANCE.—

4           (i) TITLE.—As a condition of the land  
5           exchange under this subsection, title to the  
6           non-Federal land to be acquired by the  
7           Secretary under this subsection shall be ac-  
8           ceptable to the Secretary.

9           (ii) TERMS AND CONDITIONS.—The  
10          conveyance of the Federal land and non-  
11          Federal land shall be subject to such terms  
12          and conditions as the Secretary may re-  
13          quire.

14          (D) APPRAISALS.—

15          (i) IN GENERAL.—As soon as prac-  
16          ticable after the date of enactment of this  
17          Act, the Secretary and Mt. Hood Meadows  
18          shall select an appraiser to conduct an ap-  
19          praisal of the Federal land and non-Fed-  
20          eral land.

21          (ii) REQUIREMENTS.—An appraisal  
22          under clause (i) shall be conducted in ac-  
23          cordance with nationally recognized ap-  
24          praisal standards, including—



1 (I) the Uniform Appraisal Stand-  
2 ards for Federal Land Acquisitions;  
3 and

4 (II) the Uniform Standards of  
5 Professional Appraisal Practice.

6 (E) SURVEYS.—

7 (i) IN GENERAL.—The exact acreage  
8 and legal description of the Federal land  
9 and non-Federal land shall be determined  
10 by surveys approved by the Secretary.

11 (ii) COSTS.—The responsibility for the  
12 costs of any surveys conducted under  
13 clause (i), and any other administrative  
14 costs of carrying out the land exchange,  
15 shall be determined by the Secretary and  
16 Mt. Hood Meadows.

17 (F) DEADLINE FOR COMPLETION OF LAND  
18 EXCHANGE.—It is the intent of Congress that  
19 the land exchange under this subsection shall be  
20 completed not later than 16 months after the  
21 date of enactment of this Act.

22 (G) RESERVATION OF EASEMENTS.—As a  
23 condition of the conveyance of the Federal land,  
24 the Secretary shall reserve—

1 (i) a conservation easement to the  
2 Federal land to protect existing wetland,  
3 as identified by the Oregon Department of  
4 State Lands, that allows equivalent wet-  
5 land mitigation measures to compensate  
6 for minor wetland encroachments nec-  
7 essary for the orderly development of the  
8 Federal land; and

9 (ii) a trail easement to the Federal  
10 land that allows—

11 (I) nonmotorized use by the pub-  
12 lic of existing trails;

13 (II) roads, utilities, and infra-  
14 structure facilities to cross the trails;  
15 and

16 (III) improvement or relocation  
17 of the trails to accommodate develop-  
18 ment of the Federal land.

19 (b) PORT OF CASCADE LOCKS LAND EXCHANGE.—

20 (1) DEFINITIONS.—In this subsection:

21 (A) EXCHANGE MAP.—The term “ex-  
22 change map” means the map entitled “Port of  
23 Cascade Locks/Pacific Crest National Scenic  
24 Trail Land Exchange”, dated June 2006.

1 (B) FEDERAL LAND.—The term “Federal  
2 land” means the parcel of land consisting of ap-  
3 proximately 10 acres of National Forest System  
4 land in the Columbia River Gorge National Sce-  
5 nic Area identified as “USFS Land to be con-  
6 veyed” on the exchange map.

7 (C) NON-FEDERAL LAND.—The term  
8 “non-Federal land” means the parcels of land  
9 consisting of approximately 40 acres identified  
10 as “Land to be acquired by USFS” on the ex-  
11 change map.

12 (D) PORT.—The term “Port” means the  
13 Port of Cascade Locks, Cascade Locks, Oregon.

14 (2) LAND EXCHANGE, PORT OF CASCADE  
15 LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.—

16 (A) CONVEYANCE OF LAND.—Subject to  
17 the provisions of this subsection, if the Port of-  
18 fers to convey to the United States all right,  
19 title, and interest of the Port in and to the non-  
20 Federal land, the Secretary shall, subject to  
21 valid existing rights, convey to the Port all  
22 right, title, and interest of the United States in  
23 and to the Federal land.

24 (B) COMPLIANCE WITH EXISTING LAW.—  
25 Except as otherwise provided in this subsection,

1           the Secretary shall carry out the land exchange  
2           under this subsection in accordance with section  
3           206 of the Federal Land Policy and Manage-  
4           ment Act of 1976 (43 U.S.C. 1716).

5           (3) CONDITIONS ON ACCEPTANCE.—

6                 (A) TITLE.—As a condition of the land ex-  
7           change under this subsection, title to the non-  
8           Federal land to be acquired by the Secretary  
9           under this subsection shall be acceptable to the  
10          Secretary.

11                (B) TERMS AND CONDITIONS.—The con-  
12          veyance of the Federal land and non-Federal  
13          land shall be subject to such terms and condi-  
14          tions as the Secretary may require.

15           (4) APPRAISALS.—

16                (A) IN GENERAL.—As soon as practicable  
17          after the date of enactment of this Act, the Sec-  
18          retary shall select an appraiser to conduct an  
19          appraisal of the Federal land and non-Federal  
20          land.

21                (B) REQUIREMENTS.—An appraisal under  
22          subparagraph (A) shall be conducted in accord-  
23          ance with nationally recognized appraisal stand-  
24          ards, including—

1 (i) the Uniform Appraisal Standards  
2 for Federal Land Acquisitions; and

3 (ii) the Uniform Standards of Profes-  
4 sional Appraisal Practice.

5 (5) SURVEYS.—

6 (A) IN GENERAL.—The exact acreage and  
7 legal description of the Federal land and non-  
8 Federal land shall be determined by surveys ap-  
9 proved by the Secretary.

10 (B) COSTS.—The responsibility for the  
11 costs of any surveys conducted under subpara-  
12 graph (A), and any other administrative costs  
13 of carrying out the land exchange, shall be de-  
14 termined by the Secretary and the Port.

15 (6) DEADLINE FOR COMPLETION OF LAND EX-  
16 CHANGE.—It is the intent of Congress that the land  
17 exchange under this subsection shall be completed  
18 not later than 16 months after the date of enact-  
19 ment of this Act.

20 (c) HUNCHBACK MOUNTAIN LAND EXCHANGE AND  
21 BOUNDARY ADJUSTMENT.—

22 (1) DEFINITIONS.—In this subsection:

23 (A) COUNTY.—The term “County” means  
24 Clackamas County, Oregon.

1           (B) EXCHANGE MAP.—The term “ex-  
2           change map” means the map entitled “Hunch-  
3           back Mountain Land Exchange, Clackamas  
4           County”, dated June 2006.

5           (C) FEDERAL LAND.—The term “Federal  
6           land” means the parcel of land consisting of ap-  
7           proximately 160 acres of National Forest Sys-  
8           tem land in the Mount Hood National Forest  
9           identified as “USFS Land to be Conveyed” on  
10          the exchange map.

11          (D) NON-FEDERAL LAND.—The term  
12          “non-Federal land” means the parcel of land  
13          consisting of approximately 160 acres identified  
14          as “Land to be acquired by USFS” on the ex-  
15          change map.

16          (2) HUNCHBACK MOUNTAIN LAND EX-  
17          CHANGE.—

18               (A) CONVEYANCE OF LAND.—Subject to  
19               the provisions of this paragraph, if the County  
20               offers to convey to the United States all right,  
21               title, and interest of the County in and to the  
22               non-Federal land, the Secretary shall, subject to  
23               valid existing rights, convey to the County all  
24               right, title, and interest of the United States in  
25               and to the Federal land.

1 (B) COMPLIANCE WITH EXISTING LAW.—

2 Except as otherwise provided in this paragraph,  
3 the Secretary shall carry out the land exchange  
4 under this paragraph in accordance with section  
5 206 of the Federal Land Policy and Manage-  
6 ment Act of 1976 (43 U.S.C. 1716).

7 (C) CONDITIONS ON ACCEPTANCE.—

8 (i) TITLE.—As a condition of the land  
9 exchange under this paragraph, title to the  
10 non-Federal land to be acquired by the  
11 Secretary under this paragraph shall be  
12 acceptable to the Secretary.

13 (ii) TERMS AND CONDITIONS.—The  
14 conveyance of the Federal land and non-  
15 Federal land shall be subject to such terms  
16 and conditions as the Secretary may re-  
17 quire.

18 (D) APPRAISALS.—

19 (i) IN GENERAL.—As soon as prac-  
20 ticable after the date of enactment of this  
21 Act, the Secretary shall select an appraiser  
22 to conduct an appraisal of the Federal  
23 land and non-Federal land.

24 (ii) REQUIREMENTS.—An appraisal  
25 under clause (i) shall be conducted in ac-

1 cordance with nationally recognized ap-  
2 praisal standards, including—

3 (I) the Uniform Appraisal Stand-  
4 ards for Federal Land Acquisitions;  
5 and

6 (II) the Uniform Standards of  
7 Professional Appraisal Practice.

8 (E) SURVEYS.—

9 (i) IN GENERAL.—The exact acreage  
10 and legal description of the Federal land  
11 and non-Federal land shall be determined  
12 by surveys approved by the Secretary.

13 (ii) COSTS.—The responsibility for the  
14 costs of any surveys conducted under  
15 clause (i), and any other administrative  
16 costs of carrying out the land exchange,  
17 shall be determined by the Secretary and  
18 the County.

19 (F) DEADLINE FOR COMPLETION OF LAND  
20 EXCHANGE.—It is the intent of Congress that  
21 the land exchange under this paragraph shall be  
22 completed not later than 16 months after the  
23 date of enactment of this Act.

24 (3) BOUNDARY ADJUSTMENT.—



1 (A) IN GENERAL.—The boundary of the  
2 Mount Hood National Forest shall be adjusted  
3 to incorporate—

4 (i) any land conveyed to the United  
5 States under paragraph (2); and

6 (ii) the land transferred to the Forest  
7 Service by section 1204(h)(1).

8 (B) ADDITIONS TO THE NATIONAL FOREST  
9 SYSTEM.—The Secretary shall administer the  
10 land described in subparagraph (A)—

11 (i) in accordance with—

12 (I) the Act of March 1, 1911  
13 (commonly known as the “Weeks  
14 Law”) (16 U.S.C. 480 et seq.); and

15 (II) any laws (including regula-  
16 tions) applicable to the National For-  
17 est System; and

18 (ii) subject to sections 1202(c)(3) and  
19 1204(d), as applicable.

20 (C) LAND AND WATER CONSERVATION  
21 FUND.—For the purposes of section 7 of the  
22 Land and Water Conservation Fund Act of  
23 1965 (16 U.S.C. 460l–9), the boundaries of the  
24 Mount Hood National Forest modified by this  
25 paragraph shall be considered to be the bound-

1           aries of the Mount Hood National Forest in ex-  
2           istence as of January 1, 1965.

3           (d) CONDITIONS ON DEVELOPMENT OF FEDERAL  
4 LAND.—

5           (1) REQUIREMENTS APPLICABLE TO THE CON-  
6 VEYANCE OF FEDERAL LAND.—

7           (A) IN GENERAL.—As a condition of each  
8           of the conveyances of Federal land under this  
9           section, the Secretary shall include in the deed  
10          of conveyance a requirement that applicable  
11          construction activities and alterations shall be  
12          conducted in accordance with—

13                   (i) nationally recognized building and  
14                   property maintenance codes; and

15                   (ii) nationally recognized codes for de-  
16                   velopment in the wildland-urban interface  
17                   and wildfire hazard mitigation.

18           (B) APPLICABLE LAW.—To the maximum  
19           extent practicable, the codes required under  
20           subparagraph (A) shall be consistent with the  
21           nationally recognized codes adopted or ref-  
22           erenced by the State or political subdivisions of  
23           the State.

24           (C) ENFORCEMENT.—The requirements  
25           under subparagraph (A) may be enforced by the

1 same entities otherwise enforcing codes, ordi-  
2 nances, and standards.

3 (2) COMPLIANCE WITH CODES ON FEDERAL  
4 LAND.—The Secretary shall ensure that applicable  
5 construction activities and alterations undertaken or  
6 permitted by the Secretary on National Forest Sys-  
7 tem land in the Mount Hood National Forest are  
8 conducted in accordance with—

9 (A) nationally recognized building and  
10 property maintenance codes; and

11 (B) nationally recognized codes for devel-  
12 opment in the wildland-urban interface develop-  
13 ment and wildfire hazard mitigation.

14 (3) EFFECT ON ENFORCEMENT BY STATES AND  
15 POLITICAL SUBDIVISIONS.—Nothing in this sub-  
16 section alters or limits the power of the State or a  
17 political subdivision of the State to implement or en-  
18 force any law (including regulations), rule, or stand-  
19 ard relating to development or fire prevention and  
20 control.

21 **SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.**

22 (a) TRANSPORTATION PLAN.—

23 (1) IN GENERAL.—The Secretary shall seek to  
24 participate in the development of an integrated,  
25 multimodal transportation plan developed by the Or-

1       egon Department of Transportation for the Mount  
2       Hood region to achieve comprehensive solutions to  
3       transportation challenges in the Mount Hood re-  
4       gion—

5               (A) to promote appropriate economic devel-  
6       opment;

7               (B) to preserve the landscape of the Mount  
8       Hood region; and

9               (C) to enhance public safety.

10       (2) ISSUES TO BE ADDRESSED.—In partici-  
11       pating in the development of the transportation plan  
12       under paragraph (1), the Secretary shall seek to ad-  
13       dress—

14               (A) transportation alternatives between  
15       and among recreation areas and gateway com-  
16       munities that are located within the Mount  
17       Hood region;

18               (B) establishing park-and-ride facilities  
19       that shall be located at gateway communities;

20               (C) establishing intermodal transportation  
21       centers to link public transportation, parking,  
22       and recreation destinations;

23               (D) creating a new interchange on Oregon  
24       State Highway 26 located adjacent to or within  
25       Government Camp;

1           (E) designating, maintaining, and improv-  
2           ing alternative routes using Forest Service or  
3           State roads for—

4                   (i) providing emergency routes; or

5                   (ii) improving access to, and travel  
6           within, the Mount Hood region;

7           (F) the feasibility of establishing—

8                   (i) a gondola connection that—

9                           (I) connects Timberline Lodge to  
10           Government Camp; and

11                           (II) is located in close proximity  
12           to the site of the historic gondola cor-  
13           ridor; and

14                   (ii) an intermodal transportation cen-  
15           ter to be located in close proximity to Gov-  
16           ernment Camp;

17           (G) burying power lines located in, or adja-  
18           cent to, the Mount Hood National Forest along  
19           Interstate 84 near the City of Cascade Locks,  
20           Oregon; and

21           (H) creating mechanisms for funding the  
22           implementation of the transportation plan  
23           under paragraph (1), including—

24                   (i) funds provided by the Federal Gov-  
25           ernment;

- 1 (ii) public-private partnerships;  
2 (iii) incremental tax financing; and  
3 (iv) other financing tools that link  
4 transportation infrastructure improvements  
5 with development.

6 (b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP  
7 STRATEGY.—

8 (1) IN GENERAL.—The Secretary shall prepare  
9 a report on, and implementation schedule for, the  
10 vegetation management strategy (including rec-  
11 ommendations for biomass utilization) for the Mount  
12 Hood National Forest being developed by the Forest  
13 Service.

14 (2) SUBMISSION TO CONGRESS.—

15 (A) REPORT.—Not later than 1 year after  
16 the date of enactment of this Act, the Secretary  
17 shall submit the report to—

- 18 (i) the Committee on Energy and  
19 Natural Resources of the Senate; and  
20 (ii) the Committee on Natural Re-  
21 sources of the House of Representatives.

22 (B) IMPLEMENTATION SCHEDULE.—Not  
23 later than 1 year after the date on which the  
24 vegetation management strategy referred to in

1 paragraph (1) is completed, the Secretary shall  
2 submit the implementation schedule to—

- 3 (i) the Committee on Energy and  
4 Natural Resources of the Senate; and  
5 (ii) the Committee on Natural Re-  
6 sources of the House of Representatives.

7 (c) LOCAL AND TRIBAL RELATIONSHIPS.—

8 (1) MANAGEMENT PLAN.—

9 (A) IN GENERAL.—The Secretary, in con-  
10 sultation with Indian tribes with treaty-reserved  
11 gathering rights on land encompassed by the  
12 Mount Hood National Forest and in a manner  
13 consistent with the memorandum of under-  
14 standing entered into between the Department  
15 of Agriculture, the Bureau of Land Manage-  
16 ment, the Bureau of Indian Affairs, and the  
17 Confederated Tribes and Bands of the Warm  
18 Springs Reservation of Oregon, dated April 25,  
19 2003, as modified, shall develop and implement  
20 a management plan that meets the cultural  
21 foods obligations of the United States under ap-  
22 plicable treaties, including the Treaty with the  
23 Tribes and Bands of Middle Oregon of June  
24 25, 1855 (12 Stat. 963).

1           (B) EFFECT.—This paragraph shall be  
2           considered to be consistent with, and is in-  
3           tended to help implement, the gathering rights  
4           reserved by the treaty described in subpara-  
5           graph (A).

6           (2) SAVINGS PROVISIONS REGARDING RELA-  
7           TIONS WITH INDIAN TRIBES.—

8           (A) TREATY RIGHTS.—Nothing in this  
9           subtitle alters, modifies, enlarges, diminishes, or  
10          abrogates the treaty rights of any Indian tribe,  
11          including the off-reservation reserved rights se-  
12          cured by the Treaty with the Tribes and Bands  
13          of Middle Oregon of June 25, 1855 (12 Stat.  
14          963).

15          (B) TRIBAL LAND.—Nothing in this sub-  
16          title affects land held in trust by the Secretary  
17          of the Interior for Indian tribes or individual  
18          members of Indian tribes or other land acquired  
19          by the Army Corps of Engineers and adminis-  
20          tered by the Secretary of the Interior for the  
21          benefit of Indian tribes and individual members  
22          of Indian tribes.

23          (d) RECREATIONAL USES.—

24          (1) MOUNT HOOD NATIONAL FOREST REC-  
25          REATIONAL WORKING GROUP.—The Secretary may



1        establish a working group for the purpose of pro-  
2        viding advice and recommendations to the Forest  
3        Service on planning and implementing recreation en-  
4        hancements in the Mount Hood National Forest.

5            (2) CONSIDERATION OF CONVERSION OF FOR-  
6        EST ROADS TO RECREATIONAL USES.—In consid-  
7        ering a Forest Service road in the Mount Hood Na-  
8        tional Forest for possible closure and decommis-  
9        sioning after the date of enactment of this Act, the  
10       Secretary, in accordance with applicable law, shall  
11       consider, as an alternative to decommissioning the  
12       road, converting the road to recreational uses to en-  
13       hance recreational opportunities in the Mount Hood  
14       National Forest.

15           (3) IMPROVED TRAIL ACCESS FOR PERSONS  
16        WITH DISABILITIES.—The Secretary, in consultation  
17        with the public, may design and construct a trail at  
18        a location selected by the Secretary in Mount Hood  
19        National Forest suitable for use by persons with dis-  
20        abilities.

1                   **Subtitle D—Copper Salmon**  
2                   **Wilderness, Oregon**

3   **SEC. 1301. DESIGNATION OF THE COPPER SALMON WIL-**  
4                   **DERNESS.**

5           (a) DESIGNATION.—Section 3 of the Oregon Wilder-  
6   ness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-  
7   328) is amended—

8                   (1) in the matter preceding paragraph (1), by  
9           striking “eight hundred fifty-nine thousand six hun-  
10          dred acres” and inserting “873,300 acres”;

11                   (2) in paragraph (29), by striking the period at  
12          the end and inserting “; and”; and

13                   (3) by adding at the end the following:

14                   “(30) certain land in the Siskiyou National  
15          Forest, comprising approximately 13,700 acres, as  
16          generally depicted on the map entitled ‘Proposed  
17          Copper Salmon Wilderness Area’ and dated Decem-  
18          ber 7, 2007, to be known as the ‘Copper Salmon  
19          Wilderness’.”.

20           (b) MAPS AND LEGAL DESCRIPTION.—

21                   (1) IN GENERAL.—As soon as practicable after  
22          the date of enactment of this Act, the Secretary of  
23          Agriculture (referred to in this subtitle as the “Sec-  
24          retary”) shall file a map and a legal description of  
25          the Copper Salmon Wilderness with—

1 (A) the Committee on Energy and Natural  
2 Resources of the Senate; and

3 (B) the Committee on Natural Resources  
4 of the House of Representatives.

5 (2) FORCE OF LAW.—The map and legal de-  
6 scription filed under paragraph (1) shall have the  
7 same force and effect as if included in this subtitle,  
8 except that the Secretary may correct typographical  
9 errors in the map and legal description.

10 (3) BOUNDARY.—If the boundary of the Copper  
11 Salmon Wilderness shares a border with a road, the  
12 Secretary may only establish an offset that is not  
13 more than 150 feet from the centerline of the road.

14 (4) PUBLIC AVAILABILITY.—Each map and  
15 legal description filed under paragraph (1) shall be  
16 on file and available for public inspection in the ap-  
17 propriate offices of the Forest Service.

18 **SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK**

19 **RIVER, OREGON.**

20 Section 3(a)(76) of the Wild and Scenic Rivers Act  
21 (16 U.S.C. 1274(a)(76)) is amended—

22 (1) in the matter preceding subparagraph (A),  
23 by striking “19-mile segment” and inserting “29-  
24 mile segment”;

1           (2) in subparagraph (A), by striking “; and”  
2           and inserting a period; and

3           (3) by striking subparagraph (B) and inserting  
4           the following:

5                   “(B)(i) The approximately 0.6-mile seg-  
6                   ment of the North Fork Elk from its source in  
7                   sec. 21, T. 33 S., R. 12 W., Willamette Merid-  
8                   ian, downstream to 0.01 miles below Forest  
9                   Service Road 3353, as a scenic river.

10                   “(ii) The approximately 5.5-mile segment  
11                   of the North Fork Elk from 0.01 miles below  
12                   Forest Service Road 3353 to its confluence with  
13                   the South Fork Elk, as a wild river.

14                   “(C)(i) The approximately 0.9-mile seg-  
15                   ment of the South Fork Elk from its source in  
16                   the southeast quarter of sec. 32, T. 33 S., R.  
17                   12 W., Willamette Meridian, downstream to  
18                   0.01 miles below Forest Service Road 3353, as  
19                   a scenic river.

20                   “(ii) The approximately 4.2-mile segment  
21                   of the South Fork Elk from 0.01 miles below  
22                   Forest Service Road 3353 to its confluence with  
23                   the North Fork Elk, as a wild river.”.

1 **SEC. 1303. PROTECTION OF TRIBAL RIGHTS.**

2 (a) IN GENERAL.—Nothing in this subtitle shall be  
3 construed as diminishing any right of any Indian tribe.

4 (b) MEMORANDUM OF UNDERSTANDING.—The Sec-  
5 retary shall seek to enter into a memorandum of under-  
6 standing with the Coquille Indian Tribe regarding access  
7 to the Copper Salmon Wilderness to conduct historical and  
8 cultural activities.

9 **Subtitle E—Cascade-Siskiyou**  
10 **National Monument, Oregon**

11 **SEC. 1401. DEFINITIONS.**

12 In this subtitle:

13 (1) BOX R RANCH LAND EXCHANGE MAP.—The  
14 term “Box R Ranch land exchange map” means the  
15 map entitled “Proposed Rowlett Land Exchange”  
16 and dated June 13, 2006.

17 (2) BUREAU OF LAND MANAGEMENT LAND.—  
18 The term “Bureau of Land Management land”  
19 means the approximately 40 acres of land adminis-  
20 tered by the Bureau of Land Management identified  
21 as “Rowlett Selected”, as generally depicted on the  
22 Box R Ranch land exchange map.

23 (3) DEERFIELD LAND EXCHANGE MAP.—The  
24 term “Deerfield land exchange map” means the map  
25 entitled “Proposed Deerfield-BLM Property Line  
26 Adjustment” and dated May 1, 2008.

1           (4) DEERFIELD PARCEL.—The term “Deerfield  
2 parcel” means the approximately 1.5 acres of land  
3 identified as “From Deerfield to BLM”, as generally  
4 depicted on the Deerfield land exchange map.

5           (5) FEDERAL PARCEL.—The term “Federal  
6 parcel” means the approximately 1.3 acres of land  
7 administered by the Bureau of Land Management  
8 identified as “From BLM to Deerfield”, as generally  
9 depicted on the Deerfield land exchange map.

10          (6) GRAZING ALLOTMENT.—The term “grazing  
11 allotment” means any of the Box R, Buck Lake,  
12 Buck Mountain, Buck Point, Conde Creek, Cove  
13 Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly,  
14 Howard Prairie, Jenny Creek, Keene Creek, North  
15 Cove Creek, and Soda Mountain grazing allotments  
16 in the State.

17          (7) GRAZING LEASE.—The term “grazing  
18 lease” means any document authorizing the use of  
19 a grazing allotment for the purpose of grazing live-  
20 stock for commercial purposes.

21          (8) LANDOWNER.—The term “Landowner”  
22 means the owner of the Box R Ranch in the State.

23          (9) LESSEE.—The term “lessee” means a live-  
24 stock operator that holds a valid existing grazing  
25 lease for a grazing allotment.

1           (10) LIVESTOCK.—The term “livestock” does  
2 not include beasts of burden used for recreational  
3 purposes.

4           (11) MONUMENT.—The term “Monument”  
5 means the Cascade-Siskiyou National Monument in  
6 the State.

7           (12) ROWLETT PARCEL.—The term “Rowlett  
8 parcel” means the parcel of approximately 40 acres  
9 of private land identified as “Rowlett Offered”, as  
10 generally depicted on the Box R Ranch land ex-  
11 change map.

12           (13) SECRETARY.—The term “Secretary”  
13 means the Secretary of the Interior.

14           (14) STATE.—The term “State” means the  
15 State of Oregon.

16           (15) WILDERNESS.—The term “Wilderness”  
17 means the Soda Mountain Wilderness designated by  
18 section 1405(a).

19           (16) WILDERNESS MAP.—The term “wilderness  
20 map” means the map entitled “Soda Mountain Wil-  
21 derness” and dated May 5, 2008.

22 **SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PRO-**  
23 **GRAM.**

24           (a) EXISTING GRAZING LEASES.—

25           (1) DONATION OF LEASE.—

1           (A) ACCEPTANCE BY SECRETARY.—The  
2 Secretary shall accept any grazing lease that is  
3 donated by a lessee.

4           (B) TERMINATION.—The Secretary shall  
5 terminate any grazing lease acquired under sub-  
6 paragraph (A).

7           (C) NO NEW GRAZING LEASE.—Except as  
8 provided in paragraph (3), with respect to each  
9 grazing lease donated under subparagraph (A),  
10 the Secretary shall—

11           (i) not issue any new grazing lease  
12 within the grazing allotment covered by the  
13 grazing lease; and

14           (ii) ensure a permanent end to live-  
15 stock grazing on the grazing allotment cov-  
16 ered by the grazing lease.

17           (2) DONATION OF PORTION OF GRAZING  
18 LEASE.—

19           (A) IN GENERAL.—A lessee with a grazing  
20 lease for a grazing allotment partially within  
21 the Monument may elect to donate only that  
22 portion of the grazing lease that is within the  
23 Monument.



1 (B) ACCEPTANCE BY SECRETARY.—The  
2 Secretary shall accept the portion of a grazing  
3 lease that is donated under subparagraph (A).

4 (C) MODIFICATION OF LEASE.—Except as  
5 provided in paragraph (3), if a lessee donates a  
6 portion of a grazing lease under subparagraph  
7 (A), the Secretary shall—

8 (i) reduce the authorized grazing level  
9 and area to reflect the donation; and

10 (ii) modify the grazing lease to reflect  
11 the reduced level and area of use.

12 (D) AUTHORIZED LEVEL.—To ensure that  
13 there is a permanent reduction in the level and  
14 area of livestock grazing on the land covered by  
15 a portion of a grazing lease donated under sub-  
16 paragraph (A), the Secretary shall not allow  
17 grazing to exceed the authorized level and area  
18 established under subparagraph (C).

19 (3) COMMON ALLOTMENTS.—

20 (A) IN GENERAL.—If a grazing allotment  
21 covered by a grazing lease or portion of a graz-  
22 ing lease that is donated under paragraph (1)  
23 or (2) also is covered by another grazing lease  
24 that is not donated, the Secretary shall reduce

1 the grazing level on the grazing allotment to re-  
2 flect the donation.

3 (B) AUTHORIZED LEVEL.—To ensure that  
4 there is a permanent reduction in the level of  
5 livestock grazing on the land covered by the  
6 grazing lease or portion of a grazing lease do-  
7 nated under paragraph (1) or (2), the Secretary  
8 shall not allow grazing to exceed the level estab-  
9 lished under subparagraph (A).

10 (b) LIMITATIONS.—The Secretary—

11 (1) with respect to the Agate, Emigrant Creek,  
12 and Siskiyou allotments in and near the Monu-  
13 ment—

14 (A) shall not issue any grazing lease; and

15 (B) shall ensure a permanent end to live-  
16 stock grazing on each allotment; and

17 (2) shall not establish any new allotments for  
18 livestock grazing that include any Monument land  
19 (whether leased or not leased for grazing on the date  
20 of enactment of this Act).

21 (c) EFFECT OF DONATION.—A lessee who donates a  
22 grazing lease or a portion of a grazing lease under this  
23 section shall be considered to have waived any claim to  
24 any range improvement on the associated grazing allot-

1 ment or portion of the associated grazing allotment, as  
2 applicable.

3 **SEC. 1403. BOX R RANCH LAND EXCHANGE.**

4 (a) IN GENERAL.—For the purpose of protecting and  
5 consolidating Federal land within the Monument, the Sec-  
6 retary—

7 (1) may offer to convey to the Landowner the  
8 Bureau of Land Management land in exchange for  
9 the Rowlett parcel; and

10 (2) if the Landowner accepts the offer—

11 (A) the Secretary shall convey to the  
12 Landowner all right, title, and interest of the  
13 United States in and to the Bureau of Land  
14 Management land; and

15 (B) the Landowner shall convey to the  
16 Secretary all right, title, and interest of the  
17 Landowner in and to the Rowlett parcel.

18 (b) SURVEYS.—

19 (1) IN GENERAL.—The exact acreage and legal  
20 description of the Bureau of Land Management land  
21 and the Rowlett parcel shall be determined by sur-  
22 veys approved by the Secretary.

23 (2) COSTS.—The responsibility for the costs of  
24 any surveys conducted under paragraph (1), and any  
25 other administrative costs of carrying out the land

1 exchange, shall be determined by the Secretary and  
2 the Landowner.

3 (c) CONDITIONS.—The conveyance of the Bureau of  
4 Land Management land and the Rowlett parcel under this  
5 section shall be subject to—

6 (1) valid existing rights;

7 (2) title to the Rowlett parcel being acceptable  
8 to the Secretary and in conformance with the title  
9 approval standards applicable to Federal land acqui-  
10 sitions;

11 (3) such terms and conditions as the Secretary  
12 may require; and

13 (4) except as otherwise provided in this section,  
14 any laws (including regulations) applicable to the  
15 conveyance and acquisition of land by the Bureau of  
16 Land Management.

17 (d) APPRAISALS.—

18 (1) IN GENERAL.—The Bureau of Land Man-  
19 agement land and the Rowlett parcel shall be ap-  
20 praised by an independent appraiser selected by the  
21 Secretary.

22 (2) REQUIREMENTS.—An appraisal conducted  
23 under paragraph (1) shall be conducted in accord-  
24 ance with—

1 (A) the Uniform Appraisal Standards for  
2 Federal Land Acquisitions; and

3 (B) the Uniform Standards of Professional  
4 Appraisal Practice.

5 (3) APPROVAL.—The appraisals conducted  
6 under this subsection shall be submitted to the Sec-  
7 retary for approval.

8 (e) GRAZING ALLOTMENT.—As a condition of the  
9 land exchange authorized under this section, the lessee of  
10 the grazing lease for the Box R grazing allotment shall  
11 donate the Box R grazing lease in accordance with section  
12 1402(a)(1).

13 **SEC. 1404. DEERFIELD LAND EXCHANGE.**

14 (a) IN GENERAL.—For the purpose of protecting and  
15 consolidating Federal land within the Monument, the Sec-  
16 retary—

17 (1) may offer to convey to Deerfield Learning  
18 Associates the Federal parcel in exchange for the  
19 Deerfield parcel; and

20 (2) if Deerfield Learning Associates accepts the  
21 offer—

22 (A) the Secretary shall convey to Deerfield  
23 Learning Associates all right, title, and interest  
24 of the United States in and to the Federal par-  
25 cel; and

1           (B) Deerfield Learning Associates shall  
2           convey to the Secretary all right, title, and in-  
3           terest of Deerfield Learning Associates in and  
4           to the Deerfield parcel.

5           (b) SURVEYS.—

6           (1) IN GENERAL.—The exact acreage and legal  
7           description of the Federal parcel and the Deerfield  
8           parcel shall be determined by surveys approved by  
9           the Secretary.

10          (2) COSTS.—The responsibility for the costs of  
11          any surveys conducted under paragraph (1), and any  
12          other administrative costs of carrying out the land  
13          exchange, shall be determined by the Secretary and  
14          Deerfield Learning Associates.

15          (c) CONDITIONS.—

16          (1) IN GENERAL.—The conveyance of the Fed-  
17          eral parcel and the Deerfield parcel under this sec-  
18          tion shall be subject to—

19                 (A) valid existing rights;

20                 (B) title to the Deerfield parcel being ac-  
21                 ceptable to the Secretary and in conformance  
22                 with the title approval standards applicable to  
23                 Federal land acquisitions;

24                 (C) such terms and conditions as the Sec-  
25                 retary may require; and

1 (D) except as otherwise provided in this  
2 section, any laws (including regulations) appli-  
3 cable to the conveyance and acquisition of land  
4 by the Bureau of Land Management.

5 (d) APPRAISALS.—

6 (1) IN GENERAL.—The Federal parcel and the  
7 Deerfield parcel shall be appraised by an inde-  
8 pendent appraiser selected by the Secretary.

9 (2) REQUIREMENTS.—An appraisal conducted  
10 under paragraph (1) shall be conducted in accord-  
11 ance with—

12 (A) the Uniform Appraisal Standards for  
13 Federal Land Acquisitions; and

14 (B) the Uniform Standards of Professional  
15 Appraisal Practice.

16 (3) APPROVAL.—The appraisals conducted  
17 under this subsection shall be submitted to the Sec-  
18 retary for approval.

19 **SEC. 1405. SODA MOUNTAIN WILDERNESS.**

20 (a) DESIGNATION.—In accordance with the Wilder-  
21 ness Act (16 U.S.C. 1131 et seq.), approximately 24,100  
22 acres of Monument land, as generally depicted on the wil-  
23 derness map, is designated as wilderness and as a compo-  
24 nent of the National Wilderness Preservation System, to  
25 be known as the “Soda Mountain Wilderness”.

1 (b) MAP AND LEGAL DESCRIPTION.—

2 (1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of en-  
3 actment of this Act, the Secretary shall file a map  
4 and legal description of the Wilderness with—

5 (A) the Committee on Energy and Natural  
6 Resources of the Senate; and

7 (B) the Committee on Natural Resources  
8 of the House of Representatives.

9 (2) FORCE AND EFFECT.—

10 (A) IN GENERAL.—The map and legal de-  
11 scription filed under paragraph (1) shall have  
12 the same force and effect as if included in this  
13 subtitle, except that the Secretary may correct  
14 any clerical or typographical error in the map  
15 or legal description.

16 (B) NOTIFICATION.—The Secretary shall  
17 submit to Congress notice of any changes made  
18 in the map or legal description under subpara-  
19 graph (A), including notice of the reason for  
20 the change.

21 (3) PUBLIC AVAILABILITY.—The map and legal  
22 description filed under paragraph (1) shall be on file  
23 and available for public inspection in the appropriate  
24 offices of the Bureau of Land Management.  
25



1 (c) ADMINISTRATION OF WILDERNESS.—

2 (1) IN GENERAL.—Subject to valid existing  
3 rights, the Wilderness shall be administered by the  
4 Secretary in accordance with the Wilderness Act (16  
5 U.S.C. 1131 et seq.), except that—

6 (A) any reference in the Wilderness Act to  
7 the effective date of the Wilderness Act shall be  
8 considered to be a reference to the date of en-  
9 actment of this Act; and

10 (B) any reference in that Act to the Sec-  
11 retary of Agriculture shall be considered to be  
12 a reference to the Secretary of the Interior.

13 (2) FIRE, INSECT, AND DISEASE MANAGEMENT  
14 ACTIVITIES.—Except as provided by Presidential  
15 Proclamation Number 7318, dated June 9, 2000 (65  
16 Fed. Reg. 37247), within the wilderness areas des-  
17 ignated by this subtitle, the Secretary may take such  
18 measures in accordance with section 4(d)(1) of the  
19 Wilderness Act (16 U.S.C. 1133(d)(1)) as are nec-  
20 essary to control fire, insects, and diseases, subject  
21 to such terms and conditions as the Secretary deter-  
22 mines to be desirable and appropriate.

23 (3) LIVESTOCK.—Except as provided in section  
24 1402 and by Presidential Proclamation Number  
25 7318, dated June 9, 2000 (65 Fed. Reg. 37247),

1 the grazing of livestock in the Wilderness, if estab-  
2 lished before the date of enactment of this Act, shall  
3 be permitted to continue subject to such reasonable  
4 regulations as are considered necessary by the Sec-  
5 retary in accordance with—

6 (A) section 4(d)(4) of the Wilderness Act  
7 (16 U.S.C. 1133(d)(4)); and

8 (B) the guidelines set forth in Appendix A  
9 of the report of the Committee on Interior and  
10 Insular Affairs of the House of Representatives  
11 accompanying H.R. 2570 of the 101st Congress  
12 (H. Rept. 101–405).

13 (4) FISH AND WILDLIFE MANAGEMENT.—In ac-  
14 cordance with section 4(d)(7) of the Wilderness Act  
15 (16 U.S.C. 1133(d)(7)), nothing in this subtitle af-  
16 fects the jurisdiction of the State with respect to fish  
17 and wildlife on public land in the State.

18 (5) INCORPORATION OF ACQUIRED LAND AND  
19 INTERESTS.—Any land or interest in land within the  
20 boundary of the Wilderness that is acquired by the  
21 United States shall—

22 (A) become part of the Wilderness; and

23 (B) be managed in accordance with this  
24 subtitle, the Wilderness Act (16 U.S.C. 1131 et  
25 seq.), and any other applicable law.

1 **SEC. 1406. EFFECT.**

2 Nothing in this subtitle—

3 (1) affects the authority of a Federal agency to  
4 modify or terminate grazing permits or leases, ex-  
5 cept as provided in section 1402;

6 (2) authorizes the use of eminent domain;

7 (3) creates a property right in any grazing per-  
8 mit or lease on Federal land;

9 (4) establishes a precedent for future grazing  
10 permit or lease donation programs; or

11 (5) affects the allocation, ownership, interest, or  
12 control, in existence on the date of enactment of this  
13 Act, of any water, water right, or any other valid ex-  
14 isting right held by the United States, an Indian  
15 tribe, a State, or a private individual, partnership, or  
16 corporation.

17 **Subtitle F—Owyhee Public Land**  
18 **Management**

19 **SEC. 1501. DEFINITIONS.**

20 In this subtitle:

21 (1) **ACCOUNT.**—The term “account” means the  
22 Owyhee Land Acquisition Account established by  
23 section 1505(b)(1).

24 (2) **COUNTY.**—The term “County” means  
25 Owyhee County, Idaho.

1           (3) OWYHEE FRONT.—The term “Owyhee  
2 Front” means the area of the County from Jump  
3 Creek on the west to Mud Flat Road on the east  
4 and draining north from the crest of the Silver City  
5 Range to the Snake River.

6           (4) PLAN.—The term “plan” means a travel  
7 management plan for motorized and mechanized off-  
8 highway vehicle recreation prepared under section  
9 1507.

10           (5) PUBLIC LAND.—The term “public land”  
11 has the meaning given the term in section 103(e) of  
12 the Federal Land Policy and Management Act of  
13 1976 (43 U.S.C. 1702(e)).

14           (6) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Interior.

16           (7) STATE.—The term “State” means the State  
17 of Idaho.

18           (8) TRIBES.—The term “Tribes” means the  
19 Shoshone Paiute Tribes of the Duck Valley Reserva-  
20 tion.

21 **SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION**  
22 **CENTER.**

23           (a) ESTABLISHMENT.—The Secretary, in coordina-  
24 tion with the Tribes, State, and County, and in consulta-  
25 tion with the University of Idaho, Federal grazing permit-

1 tees, and public, shall establish the Owyhee Science Re-  
2 view and Conservation Center in the County to conduct  
3 research projects to address natural resources manage-  
4 ment issues affecting public and private rangeland in the  
5 County.

6 (b) PURPOSE.—The purpose of the center established  
7 under subsection (a) shall be to facilitate the collection  
8 and analysis of information to provide Federal and State  
9 agencies, the Tribes, the County, private landowners, and  
10 the public with information on improved rangeland man-  
11 agement.

12 **SEC. 1503. WILDERNESS AREAS.**

13 (a) WILDERNESS AREAS DESIGNATION.—

14 (1) IN GENERAL.—In accordance with the Wil-  
15 derness Act (16 U.S.C. 1131 et seq.), the following  
16 areas in the State are designated as wilderness areas  
17 and as components of the National Wilderness Pres-  
18 ervation System:

19 (A) BIG JACKS CREEK WILDERNESS.—Cer-  
20 tain land comprising approximately 52,826  
21 acres, as generally depicted on the map entitled  
22 “Little Jacks Creek and Big Jacks Creek Wil-  
23 derness” and dated May 5, 2008, which shall  
24 be known as the “Big Jacks Creek Wilderness”.

1 (B) BRUNEAU-JARBIDGE RIVERS WILDER-  
2 NESS.—Certain land comprising approximately  
3 89,996 acres, as generally depicted on the map  
4 entitled “Bruneau-Jarbidge Rivers Wilderness”  
5 and dated December 15, 2008, which shall be  
6 known as the “Bruneau-Jarbidge Rivers Wil-  
7 derness”.

8 (C) LITTLE JACKS CREEK WILDERNESS.—  
9 Certain land comprising approximately 50,929  
10 acres, as generally depicted on the map entitled  
11 “Little Jacks Creek and Big Jacks Creek Wil-  
12 derness” and dated May 5, 2008, which shall  
13 be known as the “Little Jacks Creek Wilder-  
14 ness”.

15 (D) NORTH FORK OWYHEE WILDER-  
16 NESS.—Certain land comprising approximately  
17 43,413 acres, as generally depicted on the map  
18 entitled “North Fork Owyhee and Pole Creek  
19 Wilderness” and dated May 5, 2008, which  
20 shall be known as the “North Fork Owyhee  
21 Wilderness”.

22 (E) OWYHEE RIVER WILDERNESS.—Cer-  
23 tain land comprising approximately 267,328  
24 acres, as generally depicted on the map entitled  
25 “Owyhee River Wilderness” and dated May 5,

1           2008, which shall be known as the “Owyhee  
2           River Wilderness”.

3           (F) POLE CREEK WILDERNESS.—Certain  
4           land comprising approximately 12,533 acres, as  
5           generally depicted on the map entitled “North  
6           Fork Owyhee and Pole Creek Wilderness” and  
7           dated May 5, 2008, which shall be known as  
8           the “Pole Creek Wilderness”.

9           (2) MAPS AND LEGAL DESCRIPTIONS.—

10           (A) IN GENERAL.—As soon as practicable  
11           after the date of enactment of this Act, the Sec-  
12           retary shall submit to the Committee on Energy  
13           and Natural Resources of the Senate and the  
14           Committee on Natural Resources of the House  
15           of Representatives a map and legal description  
16           for each area designated as wilderness by this  
17           subtitle.

18           (B) EFFECT.—Each map and legal de-  
19           scription submitted under subparagraph (A)  
20           shall have the same force and effect as if in-  
21           cluded in this subtitle, except that the Secretary  
22           may correct minor errors in the map or legal  
23           description.

24           (C) AVAILABILITY.—Each map and legal  
25           description submitted under subparagraph (A)

1 shall be available in the appropriate offices of  
2 the Bureau of Land Management.

3 (3) RELEASE OF WILDERNESS STUDY AREAS.—

4 (A) IN GENERAL.—Congress finds that, for  
5 the purposes of section 603(c) of the Federal  
6 Land Policy and Management Act of 1976 (43  
7 U.S.C. 1782(c)), the public land in the County  
8 administered by the Bureau of Land Manage-  
9 ment has been adequately studied for wilder-  
10 ness designation.

11 (B) RELEASE.—Any public land referred  
12 to in subparagraph (A) that is not designated  
13 as wilderness by this subtitle—

14 (i) is no longer subject to section  
15 603(c) of the Federal Land Policy and  
16 Management Act of 1976 (43 U.S.C.  
17 1782(c)); and

18 (ii) shall be managed in accordance  
19 with the applicable land use plan adopted  
20 under section 202 of that Act (43 U.S.C.  
21 1712).

22 (b) ADMINISTRATION.—

23 (1) IN GENERAL.—Subject to valid existing  
24 rights, each area designated as wilderness by this  
25 subtitle shall be administered by the Secretary in ac-



1 cordance with the Wilderness Act (16 U.S.C. 1131  
2 et seq.), except that—

3 (A) any reference in that Act to the effec-  
4 tive date shall be considered to be a reference  
5 to the date of enactment of this Act; and

6 (B) any reference in that Act to the Sec-  
7 retary of Agriculture shall be considered to be  
8 a reference to the Secretary of the Interior.

9 (2) WITHDRAWAL.—Subject to valid existing  
10 rights, the Federal land designated as wilderness by  
11 this subtitle is withdrawn from all forms of—

12 (A) entry, appropriation, or disposal under  
13 the public land laws;

14 (B) location, entry, and patent under the  
15 mining laws; and

16 (C) disposition under the mineral leasing,  
17 mineral materials, and geothermal leasing laws.

18 (3) LIVESTOCK.—

19 (A) IN GENERAL.—In the wilderness areas  
20 designated by this subtitle, the grazing of live-  
21 stock in areas in which grazing is established as  
22 of the date of enactment of this Act shall be al-  
23 lowed to continue, subject to such reasonable  
24 regulations, policies, and practices as the Sec-  
25 retary considers necessary, consistent with sec-

1           tion 4(d)(4) of the Wilderness Act (16 U.S.C.  
2           1133(d)(4)) and the guidelines described in Ap-  
3           pendix A of House Report 101–405.

4           (B) INVENTORY.—Not later than 1 year  
5           after the date of enactment of this Act, the Sec-  
6           retary shall conduct an inventory of existing fa-  
7           cilities and improvements associated with graz-  
8           ing activities in the wilderness areas and wild  
9           and scenic rivers designated by this subtitle.

10          (C) FENCING.—The Secretary may con-  
11          struct and maintain fencing around wilderness  
12          areas designated by this subtitle as the Sec-  
13          retary determines to be appropriate to enhance  
14          wilderness values.

15          (D) DONATION OF GRAZING PERMITS OR  
16          LEASES.—

17                 (i) ACCEPTANCE BY SECRETARY.—  
18                 The Secretary shall accept the donation of  
19                 any valid existing permits or leases author-  
20                 izing grazing on public land, all or a por-  
21                 tion of which is within the wilderness areas  
22                 designated by this subtitle.

23                 (ii) TERMINATION.—With respect to  
24                 each permit or lease donated under clause  
25                 (i), the Secretary shall—

1 (I) terminate the grazing permit  
2 or lease; and

3 (II) except as provided in clause  
4 (iii), ensure a permanent end to graz-  
5 ing on the land covered by the permit  
6 or lease.

7 (iii) COMMON ALLOTMENTS.—

8 (I) IN GENERAL.—If the land  
9 covered by a permit or lease donated  
10 under clause (i) is also covered by an-  
11 other valid existing permit or lease  
12 that is not donated under clause (i),  
13 the Secretary shall reduce the author-  
14 ized grazing level on the land covered  
15 by the permit or lease to reflect the  
16 donation of the permit or lease under  
17 clause (i).

18 (II) AUTHORIZED LEVEL.—To  
19 ensure that there is a permanent re-  
20 duction in the level of grazing on the  
21 land covered by a permit or lease do-  
22 nated under clause (i), the Secretary  
23 shall not allow grazing use to exceed  
24 the authorized level established under  
25 subclause (I).

1 (iv) PARTIAL DONATION.—

2 (I) IN GENERAL.—If a person  
3 holding a valid grazing permit or lease  
4 donates less than the full amount of  
5 grazing use authorized under the per-  
6 mit or lease, the Secretary shall—

7 (aa) reduce the authorized  
8 grazing level to reflect the dona-  
9 tion; and

10 (bb) modify the permit or  
11 lease to reflect the revised level of  
12 use.

13 (II) AUTHORIZED LEVEL.—To  
14 ensure that there is a permanent re-  
15 duction in the authorized level of  
16 grazing on the land covered by a per-  
17 mit or lease donated under subclause  
18 (I), the Secretary shall not allow graz-  
19 ing use to exceed the authorized level  
20 established under that subclause.

21 (4) ACQUISITION OF LAND AND INTERESTS IN  
22 LAND.—

23 (A) IN GENERAL.—Consistent with appli-  
24 cable law, the Secretary may acquire land or in-  
25 terests in land within the boundaries of the wil-

1           derness areas designated by this subtitle by  
2           purchase, donation, or exchange.

3           (B) INCORPORATION OF ACQUIRED  
4           LAND.—Any land or interest in land in, or ad-  
5           joining the boundary of, a wilderness area des-  
6           ignated by this subtitle that is acquired by the  
7           United States shall be added to, and adminis-  
8           tered as part of, the wilderness area in which  
9           the acquired land or interest in land is located.

10          (5) TRAIL PLAN.—

11           (A) IN GENERAL.—The Secretary, after  
12           providing opportunities for public comment,  
13           shall establish a trail plan that addresses hiking  
14           and equestrian trails on the land designated as  
15           wilderness by this subtitle, in a manner con-  
16           sistent with the Wilderness Act (16 U.S.C.  
17           1131 et seq.).

18           (B) REPORT.—Not later than 2 years after  
19           the date of enactment of this Act, the Secretary  
20           shall submit to Congress a report that describes  
21           the implementation of the trail plan.

22          (6) OUTFITTING AND GUIDE ACTIVITIES.—Con-  
23           sistent with section 4(d)(5) of the Wilderness Act  
24           (16 U.S.C. 1133(d)(5)), commercial services (includ-  
25           ing authorized outfitting and guide activities) are

1 authorized in wilderness areas designated by this  
2 subtitle to the extent necessary for activities that  
3 fulfill the recreational or other wilderness purposes  
4 of the areas.

5 (7) ACCESS TO PRIVATE PROPERTY.—In ac-  
6 cordance with section 5(a) of the Wilderness Act (16  
7 U.S.C. 1134(a)), the Secretary shall provide any  
8 owner of private property within the boundary of a  
9 wilderness area designated by this subtitle adequate  
10 access to the property.

11 (8) FISH AND WILDLIFE.—

12 (A) IN GENERAL.—Nothing in this subtitle  
13 affects the jurisdiction of the State with respect  
14 to fish and wildlife on public land in the State.

15 (B) MANAGEMENT ACTIVITIES.—

16 (i) IN GENERAL.—In furtherance of  
17 the purposes and principles of the Wilder-  
18 ness Act (16 U.S.C. 1131 et seq.), the Sec-  
19 retary may conduct any management ac-  
20 tivities that are necessary to maintain or  
21 restore fish and wildlife populations and  
22 habitats in the wilderness areas designated  
23 by this subtitle, if the management activi-  
24 ties are—

1 (I) consistent with relevant wil-  
2 derness management plans; and

3 (II) conducted in accordance with  
4 appropriate policies, such as the poli-  
5 cies established in Appendix B of  
6 House Report 101–405.

7 (ii) INCLUSIONS.—Management activi-  
8 ties under clause (i) may include the occa-  
9 sional and temporary use of motorized ve-  
10 hicles, if the use, as determined by the  
11 Secretary, would promote healthy, viable,  
12 and more naturally distributed wildlife  
13 populations that would enhance wilderness  
14 values while causing the minimum impact  
15 necessary to accomplish those tasks.

16 (C) EXISTING ACTIVITIES.—Consistent  
17 with section 4(d)(1) of the Wilderness Act (16  
18 U.S.C. 1133(d)(1)) and in accordance with ap-  
19 propriate policies, such as those established in  
20 Appendix B of House Report 101–405, the  
21 State may use aircraft (including helicopters) in  
22 the wilderness areas designated by this subtitle  
23 to survey, capture, transplant, monitor, and  
24 provide water for wildlife populations, including

1           bighorn sheep, and feral stock, feral horses, and  
2           feral burros.

3           (9) WILDFIRE, INSECT, AND DISEASE MANAGE-  
4           MENT.—Consistent with section 4(d)(1) of the Wil-  
5           derness Act (16 U.S.C. 1133(d)(1)), the Secretary  
6           may take any measures that the Secretary deter-  
7           mines to be necessary to control fire, insects, and  
8           diseases, including, as the Secretary determines ap-  
9           propriate, the coordination of those activities with a  
10          State or local agency.

11          (10) ADJACENT MANAGEMENT.—

12           (A) IN GENERAL.—The designation of a  
13           wilderness area by this subtitle shall not create  
14           any protective perimeter or buffer zone around  
15           the wilderness area.

16           (B) NONWILDERNESS ACTIVITIES.—The  
17           fact that nonwilderness activities or uses can be  
18           seen or heard from areas within a wilderness  
19           area designated by this subtitle shall not pre-  
20           clude the conduct of those activities or uses out-  
21           side the boundary of the wilderness area.

22          (11) MILITARY OVERFLIGHTS.—Nothing in this  
23          subtitle restricts or precludes—

24           (A) low-level overflights of military aircraft  
25           over the areas designated as wilderness by this



1 subtitle, including military overflights that can  
2 be seen or heard within the wilderness areas;

3 (B) flight testing and evaluation; or

4 (C) the designation or creation of new  
5 units of special use airspace, or the establish-  
6 ment of military flight training routes, over the  
7 wilderness areas.

8 (12) WATER RIGHTS.—

9 (A) IN GENERAL.—The designation of  
10 areas as wilderness by subsection (a) shall not  
11 create an express or implied reservation by the  
12 United States of any water or water rights for  
13 wilderness purposes with respect to such areas.

14 (B) EXCLUSIONS.—This paragraph does  
15 not apply to any components of the National  
16 Wild and Scenic Rivers System designated by  
17 section 1504.

18 **SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.**

19 (a) IN GENERAL.—Section 3(a) of the Wild and Sce-  
20 nic Rivers Act (16 U.S.C. 1274(a)) (as amended by sec-  
21 tion 1203(a)(1)) is amended by adding at the end the fol-  
22 lowing:

23 “(180) BATTLE CREEK, IDAHO.—The 23.4  
24 miles of Battle Creek from the confluence of the  
25 Owyhee River to the upstream boundary of the

1 Owyhee River Wilderness, to be administered by the  
2 Secretary of the Interior as a wild river.

3 “(181) BIG JACKS CREEK, IDAHO.—The 35.0  
4 miles of Big Jacks Creek from the downstream bor-  
5 der of the Big Jacks Creek Wilderness in sec. 8, T.  
6 8 S., R. 4 E., to the point at which it enters the NW  
7  $\frac{1}{4}$  of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to  
8 be administered by the Secretary of the Interior as  
9 a wild river.

10 “(182) BRUNEAU RIVER, IDAHO.—

11 “(A) IN GENERAL.—Except as provided in  
12 subparagraph (B), the 39.3-mile segment of the  
13 Bruneau River from the downstream boundary  
14 of the Bruneau-Jarbidge Wilderness to the up-  
15 stream confluence with the west fork of the  
16 Bruneau River, to be administered by the Sec-  
17 retary of the Interior as a wild river.

18 “(B) EXCEPTION.—Notwithstanding sub-  
19 paragraph (A), the 0.6-mile segment of the  
20 Bruneau River at the Indian Hot Springs pub-  
21 lic road access shall be administered by the Sec-  
22 retary of the Interior as a recreational river.

23 “(183) WEST FORK BRUNEAU RIVER, IDAHO.—  
24 The approximately 0.35 miles of the West Fork of  
25 the Bruneau River from the confluence with the

1 Jarbidge River to the downstream boundary of the  
2 Bruneau Canyon Grazing Allotment in the SE/NE  
3 of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be  
4 administered by the Secretary of the Interior as a  
5 wild river.

6 “(184) COTTONWOOD CREEK, IDAHO.—The 2.6  
7 miles of Cottonwood Creek from the confluence with  
8 Big Jacks Creek to the upstream boundary of the  
9 Big Jacks Creek Wilderness, to be administered by  
10 the Secretary of the Interior as a wild river.

11 “(185) DEEP CREEK, IDAHO.—The 13.1-mile  
12 segment of Deep Creek from the confluence with the  
13 Owyhee River to the upstream boundary of the  
14 Owyhee River Wilderness in sec. 30, T. 12 S., R. 2  
15 W., Boise Meridian, to be administered by the Sec-  
16 retary of the Interior as a wild river.

17 “(186) DICKSHOOTER CREEK, IDAHO.—The  
18 9.25 miles of Dickshooter Creek from the confluence  
19 with Deep Creek to a point on the stream  $\frac{1}{4}$  mile  
20 due west of the east boundary of sec. 16, T. 12 S.,  
21 R. 2 W., Boise Meridian, to be administered by the  
22 Secretary of the Interior as a wild river.

23 “(187) DUNCAN CREEK, IDAHO.—The 0.9-mile  
24 segment of Duncan Creek from the confluence with  
25 Big Jacks Creek upstream to the east boundary of

1       sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be ad-  
2       ministered by the Secretary of the Interior as a wild  
3       river.

4           “(188) JARBIDGE RIVER, IDAHO.—The 28.8  
5       miles of the Jarbidge River from the confluence with  
6       the West Fork Bruneau River to the upstream  
7       boundary of the Bruneau-Jarbidge Rivers Wilder-  
8       ness, to be administered by the Secretary of the In-  
9       terior as a wild river.

10          “(189) LITTLE JACKS CREEK, IDAHO.—The  
11       12.4 miles of Little Jacks Creek from the down-  
12       stream boundary of the Little Jacks Creek Wilder-  
13       ness, upstream to the mouth of OX Prong Creek, to  
14       be administered by the Secretary of the Interior as  
15       a wild river.

16          “(190) NORTH FORK OWYHEE RIVER, IDAHO.—  
17       The following segments of the North Fork of the  
18       Owyhee River, to be administered by the Secretary  
19       of the Interior:

20           “(A) The 5.7-mile segment from the  
21       Idaho-Oregon State border to the upstream  
22       boundary of the private land at the Juniper Mt.  
23       Road crossing, as a recreational river.

24           “(B) The 15.1-mile segment from the up-  
25       stream boundary of the North Fork Owyhee

1 River recreational segment designated in para-  
2 graph (A) to the upstream boundary of the  
3 North Fork Owyhee River Wilderness, as a wild  
4 river.

5 “(191) OWYHEE RIVER, IDAHO.—

6 “(A) IN GENERAL.—Subject to subpara-  
7 graph (B), the 67.3 miles of the Owyhee River  
8 from the Idaho-Oregon State border to the up-  
9 stream boundary of the Owyhee River Wilder-  
10 ness, to be administered by the Secretary of the  
11 Interior as a wild river.

12 “(B) ACCESS.—The Secretary of the Inte-  
13 rior shall allow for continued access across the  
14 Owyhee River at Crutchers Crossing, subject to  
15 such terms and conditions as the Secretary of  
16 the Interior determines to be necessary.

17 “(192) RED CANYON, IDAHO.—The 4.6 miles of  
18 Red Canyon from the confluence of the Owyhee  
19 River to the upstream boundary of the Owyhee River  
20 Wilderness, to be administered by the Secretary of  
21 the Interior as a wild river.

22 “(193) SHEEP CREEK, IDAHO.—The 25.6 miles  
23 of Sheep Creek from the confluence with the  
24 Bruneau River to the upstream boundary of the

1 Bruneau-Jarbidge Rivers Wilderness, to be adminis-  
2 tered by the Secretary of the Interior as a wild river.

3 “(194) SOUTH FORK OWYHEE RIVER, IDAHO.—

4 “(A) IN GENERAL.—Except as provided in  
5 subparagraph (B), the 31.4-mile segment of the  
6 South Fork of the Owyhee River upstream from  
7 the confluence with the Owyhee River to the up-  
8 stream boundary of the Owyhee River Wilder-  
9 ness at the Idaho–Nevada State border, to be  
10 administered by the Secretary of the Interior as  
11 a wild river.

12 “(B) EXCEPTION.—Notwithstanding sub-  
13 paragraph (A), the 1.2-mile segment of the  
14 South Fork of the Owyhee River from the point  
15 at which the river enters the southernmost  
16 boundary to the point at which the river exits  
17 the northernmost boundary of private land in  
18 sec. 25 and 26, T. 14 S., R. 5 W., Boise Merid-  
19 ian, shall be administered by the Secretary of  
20 the Interior as a recreational river.

21 “(195) WICKAHONEY CREEK, IDAHO.—The 1.5  
22 miles of Wickahoney Creek from the confluence of  
23 Big Jacks Creek to the upstream boundary of the  
24 Big Jacks Creek Wilderness, to be administered by  
25 the Secretary of the Interior as a wild river.”.

1 (b) BOUNDARIES.—Notwithstanding section 3(b) of  
2 the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the  
3 boundary of a river segment designated as a component  
4 of the National Wild and Scenic Rivers System under this  
5 subtitle shall extend not more than the shorter of—

6 (1) an average distance of  $\frac{1}{4}$  mile from the  
7 high water mark on both sides of the river segment;

8 or

9 (2) the distance to the nearest confined canyon  
10 rim.

11 (c) LAND ACQUISITION.—The Secretary shall not ac-  
12 quire any private land within the exterior boundary of a  
13 wild and scenic river corridor without the consent of the  
14 owner.

15 **SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.**

16 (a) IN GENERAL.—Consistent with applicable law,  
17 the Secretary may sell public land located within the Boise  
18 District of the Bureau of Land Management that, as of  
19 July 25, 2000, has been identified for disposal in appro-  
20 priate resource management plans.

21 (b) USE OF PROCEEDS.—

22 (1) IN GENERAL.—Notwithstanding any other  
23 provision of law (other than a law that specifically  
24 provides for a proportion of the proceeds of a land  
25 sale to be distributed to any trust fund of the

1 State), proceeds from the sale of public land under  
2 subsection (a) shall be deposited in a separate ac-  
3 count in the Treasury of the United States to be  
4 known as the “Owyhee Land Acquisition Account”.

5 (2) AVAILABILITY.—

6 (A) IN GENERAL.—Amounts in the ac-  
7 count shall be available to the Secretary, with-  
8 out further appropriation, to purchase land or  
9 interests in land in, or adjacent to, the wilder-  
10 ness areas designated by this subtitle, including  
11 land identified as “Proposed for Acquisition”  
12 on the maps described in section 1503(a)(1).

13 (B) APPLICABLE LAW.—Any purchase of  
14 land or interest in land under subparagraph (A)  
15 shall be in accordance with applicable law.

16 (3) APPLICABILITY.—This subsection applies to  
17 public land within the Boise District of the Bureau  
18 of Land Management sold on or after January 1,  
19 2008.

20 (4) ADDITIONAL AMOUNTS.—If necessary, the  
21 Secretary may use additional amounts appropriated  
22 to the Department of the Interior, subject to appli-  
23 cable reprogramming guidelines.

24 (c) TERMINATION OF AUTHORITY.—



1           (1) IN GENERAL.—The authority provided  
2 under this section terminates on the earlier of—

3           (A) the date that is 10 years after the date  
4 of enactment of this Act; or

5           (B) the date on which a total of  
6 \$8,000,000 from the account is expended.

7           (2) AVAILABILITY OF AMOUNTS.—Any amounts  
8 remaining in the account on the termination of au-  
9 thority under this section shall be—

10           (A) credited as sales of public land in the  
11 State;

12           (B) transferred to the Federal Land Dis-  
13 posal Account established under section 206(a)  
14 of the Federal Land Transaction Facilitation  
15 Act (43 U.S.C. 2305(a)); and

16           (C) used in accordance with that subtitle.

17 **SEC. 1506. TRIBAL CULTURAL RESOURCES.**

18           (a) COORDINATION.—The Secretary shall coordinate  
19 with the Tribes in the implementation of the Shoshone  
20 Paiute Cultural Resource Protection Plan.

21           (b) AGREEMENTS.—The Secretary shall seek to enter  
22 into agreements with the Tribes to implement the Sho-  
23 shone Paiute Cultural Resource Protection Plan to protect  
24 cultural sites and resources important to the continuation  
25 of the traditions and beliefs of the Tribes.

1 **SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.**

2 (a) IN GENERAL.—In accordance with the Federal  
3 Land Policy and Management Act of 1976 (43 U.S.C.  
4 1701 et seq.), the Secretary shall, in coordination with the  
5 Tribes, State, and County, prepare 1 or more travel man-  
6 agement plans for motorized and mechanized off-highway  
7 vehicle recreation for the land managed by the Bureau of  
8 Land Management in the County.

9 (b) INVENTORY.—Before preparing the plan under  
10 subsection (a), the Secretary shall conduct resource and  
11 route inventories of the area covered by the plan.

12 (c) LIMITATION TO DESIGNATED ROUTES.—

13 (1) IN GENERAL.—Except as provided in para-  
14 graph (2), the plan shall limit recreational motorized  
15 and mechanized off-highway vehicle use to a system  
16 of designated roads and trails established by the  
17 plan.

18 (2) EXCEPTION.—Paragraph (1) shall not  
19 apply to snowmobiles.

20 (d) TEMPORARY LIMITATION.—

21 (1) IN GENERAL.—Except as provided in para-  
22 graph (2), until the date on which the Secretary  
23 completes the plan, all recreational motorized and  
24 mechanized off-highway vehicle use shall be limited  
25 to roads and trails lawfully in existence on the day  
26 before the date of enactment of this Act.

1           (2) EXCEPTION.—Paragraph (1) shall not  
2 apply to—

3                   (A) snowmobiles; or

4                   (B) areas specifically identified as open,  
5 closed, or limited in the Owyhee Resource Man-  
6 agement Plan.

7 (e) SCHEDULE.—

8           (1) OWYHEE FRONT.—It is the intent of Con-  
9 gress that, not later than 1 year after the date of  
10 enactment of this Act, the Secretary shall complete  
11 a transportation plan for the Owyhee Front.

12           (2) OTHER BUREAU OF LAND MANAGEMENT  
13 LAND IN THE COUNTY.—It is the intent of Congress  
14 that, not later than 3 years after the date of enact-  
15 ment of this Act, the Secretary shall complete a  
16 transportation plan for Bureau of Land Manage-  
17 ment land in the County outside the Owyhee Front.

18 **SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.**

19           There are authorized to be appropriated such sums  
20 as are necessary to carry out this subtitle.

21 **Subtitle G—Sabinoso Wilderness,**  
22 **New Mexico**

23 **SEC. 1601. DEFINITIONS.**

24           In this subtitle:

1           (1) MAP.—The term “map” means the map en-  
2           titled “Sabinoso Wilderness” and dated September  
3           8, 2008.

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

6           (3) STATE.—The term “State” means the State  
7           of New Mexico.

8   **SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.**

9           (a) IN GENERAL.—In furtherance of the purposes of  
10          the Wilderness Act (16 U.S.C. 1131 et seq.), the approxi-  
11          mately 16,030 acres of land under the jurisdiction of the  
12          Taos Field Office Bureau of Land Management, New  
13          Mexico, as generally depicted on the map, is designated  
14          as wilderness and as a component of the National Wilder-  
15          ness Preservation System, to be known as the “Sabinoso  
16          Wilderness”.

17          (b) MAP AND LEGAL DESCRIPTION.—

18               (1) IN GENERAL.—As soon as practicable after  
19          the date of enactment of this Act, the Secretary  
20          shall file a map and a legal description of the  
21          Sabinoso Wilderness with—

22                       (A) the Committee on Energy and Natural  
23                       Resources of the Senate; and

24                       (B) the Committee on Natural Resources  
25                       of the House of Representatives.

1           (2) FORCE OF LAW.—The map and legal de-  
2           scription filed under paragraph (1) shall have the  
3           same force and effect as if included in this subtitle,  
4           except that the Secretary may correct any clerical  
5           and typographical errors in the map and legal de-  
6           scription.

7           (3) PUBLIC AVAILABILITY.—The map and legal  
8           description filed under paragraph (1) shall be on file  
9           and available for public inspection in the appropriate  
10          offices of the Bureau of Land Management.

11         (c) ADMINISTRATION OF WILDERNESS.—

12           (1) IN GENERAL.—Subject to valid existing  
13           rights, the Sabinoso Wilderness shall be adminis-  
14           tered by the Secretary in accordance with this sub-  
15           title and the Wilderness Act (16 U.S.C. 1131 et  
16           seq.), except that—

17                   (A) any reference in the Wilderness Act to  
18                   the effective date of that Act shall be consid-  
19                   ered to be a reference to the date of enactment  
20                   of this Act; and

21                   (B) any reference in the Wilderness Act to  
22                   the Secretary of Agriculture shall be considered  
23                   to be a reference to the Secretary of the Inte-  
24                   rior.

1           (2) INCORPORATION OF ACQUIRED LAND AND  
2 INTERESTS.—Any land or interest in land within the  
3 boundary of the Sabinoso Wilderness that is ac-  
4 quired by the United States shall—

5           (A) become part of the Sabinoso Wilder-  
6 ness; and

7           (B) be managed in accordance with this  
8 subtitle and any other laws applicable to the  
9 Sabinoso Wilderness.

10          (3) GRAZING.—The grazing of livestock in the  
11 Sabinoso Wilderness, if established before the date  
12 of enactment of this Act, shall be administered in  
13 accordance with—

14           (A) section 4(d)(4) of the Wilderness Act  
15 (16 U.S.C. 1133(d)(4)); and

16           (B) the guidelines set forth in Appendix A  
17 of the report of the Committee on Interior and  
18 Insular Affairs of the House of Representatives  
19 accompanying H.R. 2570 of the 101st Congress  
20 (H. Rept. 101–405).

21          (4) FISH AND WILDLIFE.—In accordance with  
22 section 4(d)(7) of the Wilderness Act (16 U.S.C.  
23 1133(d)(7)), nothing in this subtitle affects the ju-  
24 risdiction of the State with respect to fish and wild-  
25 life in the State.

1 (5) ACCESS.—

2 (A) IN GENERAL.—In accordance with sec-  
3 tion 5(a) of the Wilderness Act (16 U.S.C.  
4 1134(a)), the Secretary shall continue to allow  
5 private landowners adequate access to  
6 inholdings in the Sabinoso Wilderness.

7 (B) CERTAIN LAND.—For access purposes,  
8 private land within T. 16 N., R. 23 E., secs. 17  
9 and 20 and the N<sup>1</sup>/<sub>2</sub> of sec. 21, N.M.M., shall  
10 be managed as an inholding in the Sabinoso  
11 Wilderness.

12 (d) WITHDRAWAL.—Subject to valid existing rights,  
13 the land generally depicted on the map as “Lands With-  
14 drawn From Mineral Entry” and “Lands Released From  
15 Wilderness Study Area & Withdrawn From Mineral  
16 Entry” is withdrawn from—

17 (1) all forms of entry, appropriation, and dis-  
18 posal under the public land laws, except disposal by  
19 exchange in accordance with section 206 of the Fed-  
20 eral Land Policy and Management Act of 1976 (43  
21 U.S.C. 1716);

22 (2) location, entry, and patent under the mining  
23 laws; and

24 (3) operation of the mineral materials and geo-  
25 thermal leasing laws.

1 (e) RELEASE OF WILDERNESS STUDY AREAS.—Con-  
2 gress finds that, for the purposes of section 603(c) of the  
3 Federal Land Policy and Management Act of 1976 (43  
4 U.S.C. 1782(c)), the public lands within the Sabinoso Wil-  
5 derness Study Area not designated as wilderness by this  
6 subtitle—

7 (1) have been adequately studied for wilderness  
8 designation and are no longer subject to section  
9 603(c) of the Federal Land Policy and Management  
10 Act of 1976 (43 U.S.C. 1782(c)); and

11 (2) shall be managed in accordance with appli-  
12 cable law (including subsection (d)) and the land use  
13 management plan for the surrounding area.

14 **Subtitle H—Pictured Rocks**  
15 **National Lakeshore Wilderness**

16 **SEC. 1651. DEFINITIONS.**

17 In this subtitle:

18 (1) LINE OF DEMARCATION.—The term “line of  
19 demarcation” means the point on the bank or shore  
20 at which the surface waters of Lake Superior meet  
21 the land or sand beach, regardless of the level of  
22 Lake Superior.

23 (2) MAP.—The term “map” means the map en-  
24 titled “Pictured Rocks National Lakeshore Beaver



1 Basin Wilderness Boundary”, numbered 625/80,051,  
2 and dated April 16, 2007.

3 (3) NATIONAL LAKESHORE.—The term “Na-  
4 tional Lakeshore” means the Pictured Rocks Na-  
5 tional Lakeshore.

6 (4) SECRETARY.—The term “Secretary” means  
7 the Secretary of the Interior.

8 (5) WILDERNESS.—The term “Wilderness”  
9 means the Beaver Basin Wilderness designated by  
10 section 1652(a).

11 **SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.**

12 (a) IN GENERAL.—In accordance with the Wilderness  
13 Act (16 U.S.C. 1131 et seq.), the land described in sub-  
14 section (b) is designated as wilderness and as a component  
15 of the National Wilderness Preservation System, to be  
16 known as the “Beaver Basin Wilderness”.

17 (b) DESCRIPTION OF LAND.—The land referred to in  
18 subsection (a) is the land and inland water comprising ap-  
19 proximately 11,740 acres within the National Lakeshore,  
20 as generally depicted on the map.

21 (c) BOUNDARY.—

22 (1) LINE OF DEMARCATION.—The line of de-  
23 marcation shall be the boundary for any portion of  
24 the Wilderness that is bordered by Lake Superior.

1           (2) SURFACE WATER.—The surface water of  
2 Lake Superior, regardless of the fluctuating lake  
3 level, shall be considered to be outside the boundary  
4 of the Wilderness.

5           (d) MAP AND LEGAL DESCRIPTION.—

6           (1) AVAILABILITY OF MAP.—The map shall be  
7 on file and available for public inspection in the ap-  
8 propriate offices of the National Park Service.

9           (2) LEGAL DESCRIPTION.—As soon as prac-  
10 ticable after the date of enactment of this Act, the  
11 Secretary shall submit to the Committee on Energy  
12 and Natural Resources of the Senate and the Com-  
13 mittee on Natural Resources of the House of Rep-  
14 resentatives a legal description of the boundary of  
15 the Wilderness.

16           (3) FORCE AND EFFECT.—The map and the  
17 legal description submitted under paragraph (2)  
18 shall have the same force and effect as if included  
19 in this subtitle, except that the Secretary may cor-  
20 rect any clerical or typographical errors in the map  
21 and legal description.

22 **SEC. 1653. ADMINISTRATION.**

23           (a) MANAGEMENT.—Subject to valid existing rights,  
24 the Wilderness shall be administered by the Secretary in

1 accordance with the Wilderness Act (16 U.S.C. 1131 et  
2 seq.), except that—

3 (1) any reference in that Act to the effective  
4 date of that Act shall be considered to be a reference  
5 to the date of enactment of this Act; and

6 (2) with respect to land administered by the  
7 Secretary, any reference in that Act to the Secretary  
8 of Agriculture shall be considered to be a reference  
9 to the Secretary.

10 (b) USE OF ELECTRIC MOTORS.—The use of boats  
11 powered by electric motors on Little Beaver and Big Bea-  
12 ver Lakes may continue, subject to any applicable laws  
13 (including regulations).

14 **SEC. 1654. EFFECT.**

15 Nothing in this subtitle—

16 (1) modifies, alters, or affects any treaty rights;

17 (2) alters the management of the water of Lake  
18 Superior within the boundary of the Pictured Rocks  
19 National Lakeshore in existence on the date of en-  
20 actment of this Act; or

21 (3) prohibits—

22 (A) the use of motors on the surface water  
23 of Lake Superior adjacent to the Wilderness; or

24 (B) the beaching of motorboats at the line  
25 of demarcation.

1           **Subtitle I—Oregon Badlands**  
2                           **Wilderness**

3   **SEC. 1701. DEFINITIONS.**

4       In this subtitle:

5           (1) DISTRICT.—The term “District” means the  
6       Central Oregon Irrigation District.

7           (2) SECRETARY.—The term “Secretary” means  
8       the Secretary of the Interior.

9           (3) STATE.—The term “State” means the State  
10      of Oregon.

11          (4) WILDERNESS MAP.—The term “wilderness  
12      map” means the map entitled “Badlands Wilder-  
13      ness” and dated September 3, 2008.

14   **SEC. 1702. OREGON BADLANDS WILDERNESS.**

15      (a) DESIGNATION.—In accordance with the Wilder-  
16      ness Act (16 U.S.C. 1131 et seq.), the approximately  
17      29,301 acres of Bureau of Land Management land in the  
18      State, as generally depicted on the wilderness map, is des-  
19      ignated as wilderness and as a component of the National  
20      Wilderness Preservation System, to be known as the “Or-  
21      egon Badlands Wilderness”.

22      (b) ADMINISTRATION OF WILDERNESS.—

23          (1) IN GENERAL.—Subject to valid existing  
24      rights, the Oregon Badlands Wilderness shall be ad-  
25      ministered by the Secretary in accordance with the

1 Wilderness Act (16 U.S.C. 1131 et seq.), except  
2 that—

3 (A) any reference in the Wilderness Act to  
4 the effective date of that Act shall be consid-  
5 ered to be a reference to the date of enactment  
6 of this Act; and

7 (B) any reference in the Wilderness Act to  
8 the Secretary of Agriculture shall be considered  
9 to be a reference to the Secretary of the Inte-  
10 rior.

11 (2) INCORPORATION OF ACQUIRED LAND AND  
12 INTERESTS.—Any land or interest in land within the  
13 boundary of the Oregon Badlands Wilderness that is  
14 acquired by the United States shall—

15 (A) become part of the Oregon Badlands  
16 Wilderness; and

17 (B) be managed in accordance with this  
18 subtitle, the Wilderness Act (16 U.S.C. 1131 et  
19 seq.), and any other applicable law.

20 (3) GRAZING.—The grazing of livestock in the  
21 Oregon Badlands Wilderness, if established before  
22 the date of enactment of this Act, shall be permitted  
23 to continue subject to such reasonable regulations as  
24 are considered necessary by the Secretary in accord-  
25 ance with—

1 (A) section 4(d)(4) of the Wilderness Act  
2 (16 U.S.C. 1133(d)(4)); and

3 (B) the guidelines set forth in Appendix A  
4 of the report of the Committee on Interior and  
5 Insular Affairs of the House of Representatives  
6 accompanying H.R. 2570 of the 101st Congress  
7 (H. Rept. 101–405).

8 (4) ACCESS TO PRIVATE PROPERTY.—In ac-  
9 cordance with section 5(a) of the Wilderness Act (16  
10 U.S.C. 1134(a)), the Secretary shall provide any  
11 owner of private property within the boundary of the  
12 Oregon Badlands Wilderness adequate access to the  
13 property.

14 (c) POTENTIAL WILDERNESS.—

15 (1) IN GENERAL.—In furtherance of the pur-  
16 poses of the Wilderness Act (16 U.S.C. 1131 et  
17 seq.), a corridor of certain Federal land managed by  
18 the Bureau of Land Management with a width of 25  
19 feet, as generally depicted on the wilderness map as  
20 “Potential Wilderness”, is designated as potential  
21 wilderness.

22 (2) INTERIM MANAGEMENT.—The potential wil-  
23 derness designated by paragraph (1) shall be man-  
24 aged in accordance with the Wilderness Act (16  
25 U.S.C. 1131 et seq.), except that the Secretary may

1 allow nonconforming uses that are authorized and in  
2 existence on the date of enactment of this Act to  
3 continue in the potential wilderness.

4 (3) DESIGNATION AS WILDERNESS.—On the  
5 date on which the Secretary publishes in the Federal  
6 Register notice that any nonconforming uses in the  
7 potential wilderness designated by paragraph (1)  
8 that are permitted under paragraph (2) have termi-  
9 nated, the potential wilderness shall be—

10 (A) designated as wilderness and as a com-  
11 ponent of the National Wilderness Preservation  
12 System; and

13 (B) incorporated into the Oregon Badlands  
14 Wilderness.

15 (d) MAP AND LEGAL DESCRIPTION.—

16 (1) IN GENERAL.—As soon as practicable after  
17 the date of enactment of this Act, the Secretary  
18 shall file a map and legal description of the Oregon  
19 Badlands Wilderness with—

20 (A) the Committee on Energy and Natural  
21 Resources of the Senate; and

22 (B) the Committee on Natural Resources  
23 of the House of Representatives.

24 (2) FORCE OF LAW.—The map and legal de-  
25 scription filed under paragraph (1) shall have the

1 same force and effect as if included in this subtitle,  
2 except that the Secretary may correct typographical  
3 errors in the map and legal description.

4 (3) PUBLIC AVAILABILITY.—The map and legal  
5 description filed under paragraph (1) shall be on file  
6 and available for public inspection in the appropriate  
7 offices of the Bureau of Land Management.

8 **SEC. 1703. RELEASE.**

9 (a) FINDING.—Congress finds that, for the purposes  
10 of section 603(c) of the Federal Land Policy and Manage-  
11 ment Act of 1976 (43 U.S.C. 1782(c)), the portions of  
12 the Badlands wilderness study area that are not des-  
13 ignated as the Oregon Badlands Wilderness or as potential  
14 wilderness have been adequately studied for wilderness or  
15 potential wilderness designation.

16 (b) RELEASE.—Any public land described in sub-  
17 section (a) that is not designated as wilderness by this  
18 subtitle—

19 (1) is no longer subject to section 603(c) of the  
20 Federal Land Policy and Management Act of 1976  
21 (43 U.S.C. 1782(c)); and

22 (2) shall be managed in accordance with the ap-  
23 plicable land use plan adopted under section 202 of  
24 that Act (43 U.S.C. 1712).



1 **SEC. 1704. LAND EXCHANGES.**

2 (a) CLARNO LAND EXCHANGE.—

3 (1) CONVEYANCE OF LAND.—Subject to sub-  
4 sections (c) through (e), if the landowner offers to  
5 convey to the United States all right, title, and in-  
6 terest of the landowner in and to the non-Federal  
7 land described in paragraph (2)(A), the Secretary  
8 shall—

9 (A) accept the offer; and

10 (B) on receipt of acceptable title to the  
11 non-Federal land, convey to the Landowner all  
12 right, title, and interest of the United States in  
13 and to the Federal land described in paragraph  
14 (2)(B).

15 (2) DESCRIPTION OF LAND.—

16 (A) NON-FEDERAL LAND.—The non-Fed-  
17 eral land referred to in paragraph (1) is the ap-  
18 proximately 239 acres of non-Federal land iden-  
19 tified on the wilderness map as “Clarno to Fed-  
20 eral Government”.

21 (B) FEDERAL LAND.—The Federal land  
22 referred to in paragraph (1)(B) is the approxi-  
23 mately 209 acres of Federal land identified on  
24 the wilderness map as “Federal Government to  
25 Clarno”.

1           (3) SURVEYS.—The exact acreage and legal de-  
2           scription of the Federal land and non-Federal land  
3           described in paragraph (2) shall be determined by  
4           surveys approved by the Secretary.

5           (b) DISTRICT EXCHANGE.—

6           (1) CONVEYANCE OF LAND.—Subject to sub-  
7           sections (c) through (e), if the District offers to con-  
8           vey to the United States all right, title, and interest  
9           of the District in and to the non-Federal land de-  
10          scribed in paragraph (2)(A), the Secretary shall—

11                   (A) accept the offer; and

12                   (B) on receipt of acceptable title to the  
13           non-Federal land, convey to the District all  
14           right, title, and interest of the United States in  
15           and to the Federal land described in paragraph  
16           (2)(B).

17          (2) DESCRIPTION OF LAND.—

18           (A) NON-FEDERAL LAND.—The non-Fed-  
19           eral land referred to in paragraph (1) is the ap-  
20           proximately 527 acres of non-Federal land iden-  
21           tified on the wilderness map as “COID to Fed-  
22           eral Government”.

23           (B) FEDERAL LAND.—The Federal land  
24           referred to in paragraph (1)(B) is the approxi-  
25           mately 697 acres of Federal land identified on

1           the wilderness map as “Federal Government to  
2           COVID”.

3           (3) SURVEYS.—The exact acreage and legal de-  
4           scription of the Federal land and non-Federal land  
5           described in paragraph (2) shall be determined by  
6           surveys approved by the Secretary.

7           (c) APPLICABLE LAW.—Except as otherwise provided  
8           in this section, the Secretary shall carry out the land ex-  
9           changes under this section in accordance with section 206  
10          of the Federal Land Policy and Management Act of 1976  
11          (43 U.S.C. 1716).

12          (d) VALUATION, APPRAISALS, AND EQUALIZATION.—

13           (1) IN GENERAL.—The value of the Federal  
14           land and the non-Federal land to be conveyed in a  
15           land exchange under this section—

16                   (A) shall be equal, as determined by ap-  
17                   praisals conducted in accordance with para-  
18                   graph (2); or

19                   (B) if not equal, shall be equalized in ac-  
20                   cordance with paragraph (3).

21           (2) APPRAISALS.—

22                   (A) IN GENERAL.—The Federal land and  
23                   the non-Federal land to be exchanged under  
24                   this section shall be appraised by an inde-  
25                   pendent, qualified appraiser that is agreed to by

1 the Secretary and the owner of the non-Federal  
2 land to be exchanged.

3 (B) REQUIREMENTS.—An appraisal under  
4 subparagraph (A) shall be conducted in accord-  
5 ance with—

6 (i) the Uniform Appraisal Standards  
7 for Federal Land Acquisitions; and

8 (ii) the Uniform Standards of Profes-  
9 sional Appraisal Practice.

10 (3) EQUALIZATION.—

11 (A) IN GENERAL.—If the value of the Fed-  
12 eral land and the non-Federal land to be con-  
13 veyed in a land exchange under this section is  
14 not equal, the value may be equalized by—

15 (i) making a cash equalization pay-  
16 ment to the Secretary or to the owner of  
17 the non-Federal land, as appropriate, in  
18 accordance with section 206(b) of the Fed-  
19 eral Land Policy and Management Act of  
20 1976 (43 U.S.C. 1716(b)); or

21 (ii) reducing the acreage of the Fed-  
22 eral land or the non-Federal land to be ex-  
23 changed, as appropriate.

1 (B) CASH EQUALIZATION PAYMENTS.—

2 Any cash equalization payments received by the

3 Secretary under subparagraph (A)(i) shall be—

4 (i) deposited in the Federal Land Dis-

5 posal Account established by section

6 206(a) of the Federal Land Transaction

7 Facilitation Act (43 U.S.C. 2305(a)); and

8 (ii) used in accordance with that Act.

9 (e) CONDITIONS OF EXCHANGE.—

10 (1) IN GENERAL.—The land exchanges under

11 this section shall be subject to such terms and condi-

12 tions as the Secretary may require.

13 (2) COSTS.—As a condition of a conveyance of

14 Federal land and non-Federal land under this sec-

15 tion, the Federal Government and the owner of the

16 non-Federal land shall equally share all costs relat-

17 ing to the land exchange, including the costs of ap-

18 praisals, surveys, and any necessary environmental

19 clearances.

20 (3) VALID EXISTING RIGHTS.—The exchange of

21 Federal land and non-Federal land under this sec-

22 tion shall be subject to any easements, rights-of-way,

23 and other valid rights in existence on the date of en-

24 actment of this Act.

1 (f) COMPLETION OF LAND EXCHANGE.—It is the in-  
2 tent of Congress that the land exchanges under this sec-  
3 tion shall be completed not later than 2 years after the  
4 date of enactment of this Act.

5 **SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.**

6 Nothing in this subtitle alters, modifies, enlarges, di-  
7 minishes, or abrogates the treaty rights of any Indian  
8 tribe, including the off-reservation reserved rights secured  
9 by the Treaty with the Tribes and Bands of Middle Or-  
10 egon of June 25, 1855 (12 Stat. 963).

11 **Subtitle J—Spring Basin**  
12 **Wilderness, Oregon**

13 **SEC. 1751. DEFINITIONS.**

14 In this subtitle:

15 (1) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior.

17 (2) STATE.—The term “State” means the State  
18 of Oregon.

19 (3) TRIBES.—The term “Tribes” means the  
20 Confederated Tribes of the Warm Springs Reserva-  
21 tion of Oregon.

22 (4) WILDERNESS MAP.—The term “wilderness  
23 map” means the map entitled “Spring Basin Wilder-  
24 ness with Land Exchange Proposals” and dated  
25 September 3, 2008.

1 **SEC. 1752. SPRING BASIN WILDERNESS.**

2 (a) DESIGNATION.—In accordance with the Wilder-  
3 ness Act (16 U.S.C. 1131 et seq.), the approximately  
4 6,382 acres of Bureau of Land Management land in the  
5 State, as generally depicted on the wilderness map, is des-  
6 ignated as wilderness and as a component of the National  
7 Wilderness Preservation System, to be known as the  
8 “Spring Basin Wilderness”.

9 (b) ADMINISTRATION OF WILDERNESS.—

10 (1) IN GENERAL.—Subject to valid existing  
11 rights, the Spring Basin Wilderness shall be admin-  
12 istered by the Secretary in accordance with the Wil-  
13 derness Act (16 U.S.C. 1131 et seq.), except that—

14 (A) any reference in the Wilderness Act to  
15 the effective date of that Act shall be consid-  
16 ered to be a reference to the date of enactment  
17 of this Act; and

18 (B) any reference in the Wilderness Act to  
19 the Secretary of Agriculture shall be considered  
20 to be a reference to the Secretary of the Inte-  
21 rior.

22 (2) INCORPORATION OF ACQUIRED LAND AND  
23 INTERESTS.—Any land or interest in land within the  
24 boundary of the Spring Basin Wilderness that is ac-  
25 quired by the United States shall—

1 (A) become part of the Spring Basin Wil-  
2 derness; and

3 (B) be managed in accordance with this  
4 Act, the Wilderness Act (16 U.S.C. 1131 et  
5 seq.), and any other applicable law.

6 (3) GRAZING.—The grazing of livestock in the  
7 Spring Basin Wilderness, if established before the  
8 date of enactment of this Act, shall be permitted to  
9 continue subject to such reasonable regulations as  
10 are considered necessary by the Secretary, in accord-  
11 ance with—

12 (A) section 4(d)(4) of the Wilderness Act  
13 (16 U.S.C. 1133(d)(4)); and

14 (B) the guidelines set forth in Appendix A  
15 of the report of the Committee on Interior and  
16 Insular Affairs of the House of Representatives  
17 accompanying H.R. 2570 of the 101st Congress  
18 (H. Rept. 101–405).

19 (c) MAP AND LEGAL DESCRIPTION.—

20 (1) IN GENERAL.—As soon as practicable after  
21 the date of enactment of this Act, the Secretary  
22 shall file a map and a legal description of the Spring  
23 Basin Wilderness with—

24 (A) the Committee on Energy and Natural  
25 Resources of the Senate; and



1 (B) the Committee on Natural Resources  
2 of the House of Representatives.

3 (2) FORCE OF LAW.—The map and legal de-  
4 scription filed under paragraph (1) shall have the  
5 same force and effect as if included in this section,  
6 except that the Secretary may correct any typo-  
7 graphical errors in the map and legal description.

8 (3) PUBLIC AVAILABILITY.—The map and legal  
9 description filed under paragraph (1) shall be on file  
10 and available for public inspection in the appropriate  
11 offices of the Bureau of Land Management.

12 **SEC. 1753. RELEASE.**

13 (a) FINDING.—Congress finds that, for the purposes  
14 of section 603(c) of the Federal Land Policy and Manage-  
15 ment Act of 1976 (43 U.S.C. 1782(c)), the portions of  
16 the Spring Basin wilderness study area that are not des-  
17 ignated by section 1752(a) as the Spring Basin Wilderness  
18 in the following areas have been adequately studied for  
19 wilderness designation:

20 (1) T. 8 S., R. 19 E., sec. 10, NE  $\frac{1}{4}$ , W  $\frac{1}{2}$ .

21 (2) T. 8 S., R.19 E., sec. 25, SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ .

22 (3) T. 8 S., R. 20 E., sec. 19, SE  $\frac{1}{4}$ , S  $\frac{1}{2}$  of  
23 the S  $\frac{1}{2}$ .

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

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 the ap-  
8 plicable land use plan adopted under section 202 of  
9 that Act (43 U.S.C. 1712).

10 **SEC. 1754. LAND EXCHANGES.**

11 (a) CONFEDERATED TRIBES OF THE WARM SPRINGS  
12 RESERVATION LAND EXCHANGE.—

13 (1) CONVEYANCE OF LAND.—Subject to sub-  
14 sections (e) through (g), if the Tribes offer to convey  
15 to the United States all right, title, and interest of  
16 the Tribes in and to the non-Federal land described  
17 in paragraph (2)(A), the Secretary shall—

18 (A) accept the offer; and

19 (B) on receipt of acceptable title to the  
20 non-Federal land, convey to the Tribes all right,  
21 title, and interest of the United States in and  
22 to the Federal land described in paragraph  
23 (2)(B).

24 (2) DESCRIPTION OF LAND.—

1           (A) NON-FEDERAL LAND.—The non-Fed-  
2           eral land referred to in paragraph (1) is the ap-  
3           proximately 4,480 acres of non-Federal land  
4           identified on the wilderness map as “Lands pro-  
5           posed for transfer from the CTWSIR to the  
6           Federal Government”.

7           (B) FEDERAL LAND.—The Federal land  
8           referred to in paragraph (1)(B) is the approxi-  
9           mately 4,578 acres of Federal land identified on  
10          the wilderness map as “Lands proposed for  
11          transfer from the Federal Government to  
12          CTWSIR”.

13          (3) SURVEYS.—The exact acreage and legal de-  
14          scription of the Federal land and non-Federal land  
15          described in paragraph (2) shall be determined by  
16          surveys approved by the Secretary.

17          (4) WITHDRAWAL.—Subject to valid existing  
18          rights, the land acquired by the Secretary under this  
19          subsection is withdrawn from all forms of—

20                 (A) entry, appropriation, or disposal under  
21                 the public land laws;

22                 (B) location, entry, and patent under the  
23                 mining laws; and

1 (C) disposition under any law relating to  
2 mineral and geothermal leasing or mineral ma-  
3 terials.

4 (b) MCGREER LAND EXCHANGE.—

5 (1) CONVEYANCE OF LAND.—Subject to sub-  
6 sections (e) through (g), if the landowner offers to  
7 convey to the United States all right, title, and in-  
8 terest of the landowner in and to the non-Federal  
9 land described in paragraph (2)(A), the Secretary  
10 shall—

11 (A) accept the offer; and

12 (B) on receipt of acceptable title to the  
13 non-Federal land, convey to the landowner all  
14 right, title, and interest of the United States in  
15 and to the Federal land described in paragraph  
16 (2)(B).

17 (2) DESCRIPTION OF LAND.—

18 (A) NON-FEDERAL LAND.—The non-Fed-  
19 eral land referred to in paragraph (1) is the ap-  
20 proximately 18 acres of non-Federal land iden-  
21 tified on the wilderness map as “Lands pro-  
22 posed for transfer from McGreer to the Federal  
23 Government”.

24 (B) FEDERAL LAND.—The Federal land  
25 referred to in paragraph (1)(B) is the approxi-

1           mately 327 acres of Federal land identified on  
2           the wilderness map as “Lands proposed for  
3           transfer from the Federal Government to  
4           McGreer”.

5           (3) SURVEYS.—The exact acreage and legal de-  
6           scription of the Federal land and non-Federal land  
7           described in paragraph (2) shall be determined by  
8           surveys approved by the Secretary.

9           (c) KEYS LAND EXCHANGE.—

10           (1) CONVEYANCE OF LAND.—Subject to sub-  
11           sections (e) through (g), if the landowner offers to  
12           convey to the United States all right, title, and in-  
13           terest of the landowner in and to the non-Federal  
14           land described in paragraph (2)(A), the Secretary  
15           shall—

16                   (A) accept the offer; and

17                   (B) on receipt of acceptable title to the  
18           non-Federal land, convey to the landowner all  
19           right, title, and interest of the United States in  
20           and to the Federal land described in paragraph  
21           (2)(B).

22           (2) DESCRIPTION OF LAND.—

23                   (A) NON-FEDERAL LAND.—The non-Fed-  
24           eral land referred to in paragraph (1) is the ap-  
25           proximately 180 acres of non-Federal land iden-

1           tified on the wilderness map as “Lands pro-  
2           posed for transfer from Keys to the Federal  
3           Government”.

4           (B) FEDERAL LAND.—The Federal land  
5           referred to in paragraph (1)(B) is the approxi-  
6           mately 187 acres of Federal land identified on  
7           the wilderness map as “Lands proposed for  
8           transfer from the Federal Government to  
9           Keys”.

10          (3) SURVEYS.—The exact acreage and legal de-  
11          scription of the Federal land and non-Federal land  
12          described in paragraph (2) shall be determined by  
13          surveys approved by the Secretary.

14          (d) BOWERMAN LAND EXCHANGE.—

15           (1) CONVEYANCE OF LAND.—Subject to sub-  
16           sections (e) through (g), if the landowner offers to  
17           convey to the United States all right, title, and in-  
18           terest of the landowner in and to the non-Federal  
19           land described in paragraph (2)(A), the Secretary  
20           shall—

21                   (A) accept the offer; and

22                   (B) on receipt of acceptable title to the  
23           non-Federal land, convey to the landowner all  
24           right, title, and interest of the United States in

1 and to the Federal land described in paragraph  
2 (2)(B).

3 (2) DESCRIPTION OF LAND.—

4 (A) NON-FEDERAL LAND.—The non-Fed-  
5 eral land referred to in paragraph (1) is the ap-  
6 proximately 32 acres of non-Federal land iden-  
7 tified on the wilderness map as “Lands pro-  
8 posed for transfer from Bowerman to the Fed-  
9 eral Government”.

10 (B) FEDERAL LAND.—The Federal land  
11 referred to in paragraph (1)(B) is the approxi-  
12 mately 24 acres of Federal land identified on  
13 the wilderness map as “Lands proposed for  
14 transfer from the Federal Government to  
15 Bowerman”.

16 (3) SURVEYS.—The exact acreage and legal de-  
17 scription of the Federal land and non-Federal land  
18 described in paragraph (2) shall be determined by  
19 surveys approved by the Secretary.

20 (e) APPLICABLE LAW.—Except as otherwise provided  
21 in this section, the Secretary shall carry out the land ex-  
22 changes under this section in accordance with section 206  
23 of the Federal Land Policy and Management Act of 1976  
24 (43 U.S.C. 1716).

25 (f) VALUATION, APPRAISALS, AND EQUALIZATION.—

1           (1) IN GENERAL.—The value of the Federal  
2           land and the non-Federal land to be conveyed in a  
3           land exchange under this section—

4                   (A) shall be equal, as determined by ap-  
5                   praisals conducted in accordance with para-  
6                   graph (2); or

7                   (B) if not equal, shall be equalized in ac-  
8                   cordance with paragraph (3).

9           (2) APPRAISALS.—

10                   (A) IN GENERAL.—The Federal land and  
11                   the non-Federal land to be exchanged under  
12                   this section shall be appraised by an inde-  
13                   pendent, qualified appraiser that is agreed to by  
14                   the Secretary and the owner of the non-Federal  
15                   land to be exchanged.

16                   (B) REQUIREMENTS.—An appraisal under  
17                   subparagraph (A) shall be conducted in accord-  
18                   ance with—

19                           (i) the Uniform Appraisal Standards  
20                           for Federal Land Acquisitions; and

21                           (ii) the Uniform Standards of Profes-  
22                           sional Appraisal Practice.

23           (3) EQUALIZATION.—

24                   (A) IN GENERAL.—If the value of the Fed-  
25                   eral land and the non-Federal land to be con-



1           veyed in a land exchange under this section is  
2           not equal, the value may be equalized by—

3                   (i) making a cash equalization pay-  
4                   ment to the Secretary or to the owner of  
5                   the non-Federal land, as appropriate, in  
6                   accordance with section 206(b) of the Fed-  
7                   eral Land Policy and Management Act of  
8                   1976 (43 U.S.C. 1716(b)); or

9                   (ii) reducing the acreage of the Fed-  
10                  eral land or the non-Federal land to be ex-  
11                  changed, as appropriate.

12                (B) CASH EQUALIZATION PAYMENTS.—  
13                Any cash equalization payments received by the  
14                Secretary under subparagraph (A)(i) shall be—

15                   (i) deposited in the Federal Land Dis-  
16                   posal Account established by section  
17                   206(a) of the Federal Land Transaction  
18                   Facilitation Act (43 U.S.C. 2305(a)); and

19                   (ii) used in accordance with that Act.

20                (g) CONDITIONS OF EXCHANGE.—

21                   (1) IN GENERAL.—The land exchanges under  
22                   this section shall be subject to such terms and condi-  
23                   tions as the Secretary may require.

24                   (2) COSTS.—As a condition of a conveyance of  
25                   Federal land and non-Federal land under this sec-

1       tion, the Federal Government and the owner of the  
2       non-Federal land shall equally share all costs relat-  
3       ing to the land exchange, including the costs of ap-  
4       praisals, surveys, and any necessary environmental  
5       clearances.

6           (3) VALID EXISTING RIGHTS.—The exchange of  
7       Federal land and non-Federal land under this sec-  
8       tion shall be subject to any easements, rights-of-way,  
9       and other valid rights in existence on the date of en-  
10      actment of this Act.

11      (h) COMPLETION OF LAND EXCHANGE.—It is the in-  
12      tent of Congress that the land exchanges under this sec-  
13      tion shall be completed not later than 2 years after the  
14      date of enactment of this Act.

15      **SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.**

16      Nothing in this subtitle alters, modifies, enlarges, di-  
17      minishes, or abrogates the treaty rights of any Indian  
18      tribe, including the off-reservation reserved rights secured  
19      by the Treaty with the Tribes and Bands of Middle Or-  
20      egon of June 25, 1855 (12 Stat. 963).

21      **Subtitle K—Eastern Sierra and**  
22      **Northern San Gabriel Wilder-**  
23      **ness, California**

24      **SEC. 1801. DEFINITIONS.**

25      In this subtitle:

1           (1) FOREST.—The term “Forest” means the  
2 Ancient Bristlecone Pine Forest designated by sec-  
3 tion 1808(a).

4           (2) RECREATION AREA.—The term “Recreation  
5 Area” means the Bridgeport Winter Recreation Area  
6 designated by section 1806(a).

7           (3) SECRETARY.—The term “Secretary”  
8 means—

9                   (A) with respect to land under the jurisdic-  
10 tion of the Secretary of Agriculture, the Sec-  
11 retary of Agriculture; and

12                   (B) with respect to land under the jurisdic-  
13 tion of the Secretary of the Interior, the Sec-  
14 retary of the Interior.

15           (4) STATE.—The term “State” means the State  
16 of California.

17           (5) TRAIL.—The term “Trail” means the Pa-  
18 cific Crest National Scenic Trail.

19 **SEC. 1802. DESIGNATION OF WILDERNESS AREAS.**

20           In accordance with the Wilderness Act (16 U.S.C.  
21 1131 et seq.), the following areas in the State are des-  
22 ignated as wilderness and as components of the National  
23 Wilderness Preservation System:

24           (1) HOOVER WILDERNESS ADDITIONS.—

1           (A) IN GENERAL.—Certain land in the  
2 Humboldt-Toiyabe and Inyo National Forests,  
3 comprising approximately 79,820 acres and  
4 identified as “Hoover East Wilderness Addi-  
5 tion,” “Hoover West Wilderness Addition”, and  
6 “Bighorn Proposed Wilderness Addition”, as  
7 generally depicted on the maps described in  
8 subparagraph (B), is incorporated in, and shall  
9 be considered to be a part of, the Hoover Wil-  
10 derness.

11           (B) DESCRIPTION OF MAPS.—The maps  
12 referred to in subparagraph (A) are—

13           (i) the map entitled “Humboldt-  
14 Toiyabe National Forest Proposed Man-  
15 agement” and dated September 17, 2008;  
16 and

17           (ii) the map entitled “Bighorn Pro-  
18 posed Wilderness Additions” and dated  
19 September 23, 2008.

20           (C) EFFECT.—The designation of the wil-  
21 derness under subparagraph (A) shall not affect  
22 the ongoing activities of the adjacent United  
23 States Marine Corps Mountain Warfare Train-  
24 ing Center on land outside the designated wil-  
25 derness, in accordance with the agreement be-

1           tween the Center and the Humboldt-Toiyabe  
2           National Forest.

3           (2) OWENS RIVER HEADWATERS WILDER-  
4           NESS.—Certain land in the Inyo National Forest,  
5           comprising approximately 14,721 acres, as generally  
6           depicted on the map entitled “Owens River Head-  
7           waters Proposed Wilderness” and dated September  
8           16, 2008, which shall be known as the “Owens River  
9           Headwaters Wilderness”.

10           (3) JOHN MUIR WILDERNESS ADDITIONS.—

11           (A) IN GENERAL.—Certain land in the  
12           Inyo National Forest and certain land adminis-  
13           tered by the Bureau of Land Management in  
14           Inyo County, California, comprising approxi-  
15           mately 70,411 acres, as generally depicted on  
16           the maps described in subparagraph (B), is in-  
17           corporated in, and shall be considered to be a  
18           part of, the John Muir Wilderness.

19           (B) DESCRIPTION OF MAPS.—The maps  
20           referred to in subparagraph (A) are—

21           (i) the map entitled “John Muir Pro-  
22           posed Wilderness Addition (1 of 5)” and  
23           dated September 23, 2008;

1 (ii) the map entitled “John Muir Pro-  
2 posed Wilderness Addition (2 of 5)” and  
3 dated September 23, 2008;

4 (iii) the map entitled “John Muir Pro-  
5 posed Wilderness Addition (3 of 5)” and  
6 dated October 31, 2008;

7 (iv) the map entitled “John Muir Pro-  
8 posed Wilderness Addition (4 of 5)” and  
9 dated September 16, 2008; and

10 (v) the map entitled “John Muir Pro-  
11 posed Wilderness Addition (5 of 5)” and  
12 dated September 16, 2008.

13 (C) BOUNDARY REVISION.—The boundary  
14 of the John Muir Wilderness is revised as de-  
15 picted on the map entitled “John Muir Wilder-  
16 ness—Revised” and dated September 16, 2008.

17 (4) ANSEL ADAMS WILDERNESS ADDITION.—  
18 Certain land in the Inyo National Forest, comprising  
19 approximately 528 acres, as generally depicted on  
20 the map entitled “Ansel Adams Proposed Wilderness  
21 Addition” and dated September 16, 2008, is incor-  
22 porated in, and shall be considered to be a part of,  
23 the Ansel Adams Wilderness.

24 (5) WHITE MOUNTAINS WILDERNESS.—

1           (A) IN GENERAL.—Certain land in the  
2           Inyo National Forest and certain land adminis-  
3           tered by the Bureau of Land Management in  
4           Mono County, California, comprising approxi-  
5           mately 229,993 acres, as generally depicted on  
6           the maps described in subparagraph (B), which  
7           shall be known as the “White Mountains Wil-  
8           derness”.

9           (B) DESCRIPTION OF MAPS.—The maps  
10          referred to in subparagraph (A) are—

11                 (i) the map entitled “White Moun-  
12                 tains Proposed Wilderness-Map 1 of 2  
13                 (North)” and dated September 16, 2008;  
14                 and

15                 (ii) the map entitled “White Moun-  
16                 tains Proposed Wilderness-Map 2 of 2  
17                 (South)” and dated September 16, 2008.

18          (6) GRANITE MOUNTAIN WILDERNESS.—Cer-  
19          tain land in the Inyo National Forest and certain  
20          land administered by the Bureau of Land Manage-  
21          ment in Mono County, California, comprising ap-  
22          proximately 34,342 acres, as generally depicted on  
23          the map entitled “Granite Mountain Wilderness”  
24          and dated September 19, 2008, which shall be  
25          known as the “Granite Mountain Wilderness”.

1           (7) MAGIC MOUNTAIN WILDERNESS.—Certain  
2 land in the Angeles National Forest, comprising ap-  
3 proximately 12,282 acres, as generally depicted on  
4 the map entitled “Magic Mountain Proposed Wilder-  
5 ness” and dated December 16, 2008, which shall be  
6 known as the “Magic Mountain Wilderness”.

7           (8) PLEASANT VIEW RIDGE WILDERNESS.—Cer-  
8 tain land in the Angeles National Forest, comprising  
9 approximately 26,757 acres, as generally depicted on  
10 the map entitled “Pleasant View Ridge Proposed  
11 Wilderness” and dated December 16, 2008, which  
12 shall be known as the “Pleasant View Ridge Wilder-  
13 ness”.

14 **SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.**

15           (a) MANAGEMENT.—Subject to valid existing rights,  
16 the Secretary shall administer the wilderness areas and  
17 wilderness additions designated by this subtitle in accord-  
18 ance with the Wilderness Act (16 U.S.C. 1131 et seq.),  
19 except that—

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

23           (2) any reference in that Act to the Secretary  
24 of Agriculture shall be considered to be a reference  
25 to the Secretary that has jurisdiction over the land.



1 (b) MAP AND LEGAL DESCRIPTION.—

2 (1) IN GENERAL.—As soon as practicable after  
3 the date of enactment of this Act, the Secretary  
4 shall file a map and legal description of each wilder-  
5 ness area and wilderness addition designated by this  
6 subtitle with—

7 (A) the Committee on Natural Resources  
8 of the House of Representatives; and

9 (B) the Committee on Energy and Natural  
10 Resources of the Senate.

11 (2) FORCE OF LAW.—Each map and legal de-  
12 scription filed under paragraph (1) shall have the  
13 same force and effect as if included in this subtitle,  
14 except that the Secretary may correct any errors in  
15 the map and legal description.

16 (3) PUBLIC AVAILABILITY.—Each map and  
17 legal description filed under paragraph (1) shall be  
18 on file and available for public inspection in the ap-  
19 propriate offices of the Secretary.

20 (c) INCORPORATION OF ACQUIRED LAND AND INTER-  
21 ESTS.—Any land (or interest in land) within the boundary  
22 of a wilderness area or wilderness addition designated by  
23 this subtitle that is acquired by the Federal Government  
24 shall—

1           (1) become part of the wilderness area in which  
2           the land is located; and

3           (2) be managed in accordance with this subtitle,  
4           the Wilderness Act (16 U.S.C. 1131 et seq.), and  
5           any other applicable law.

6           (d) WITHDRAWAL.—Subject to valid rights in exist-  
7           ence on the date of enactment of this Act, any Federal  
8           land designated as a wilderness area or wilderness addi-  
9           tion by this subtitle is withdrawn from—

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

12           (2) location, entry, and patent under the mining  
13           laws; and

14           (3) disposition under laws relating to mineral  
15           and geothermal leasing or mineral materials.

16           (e) FIRE MANAGEMENT AND RELATED ACTIVI-  
17           TIES.—

18           (1) IN GENERAL.—The Secretary may take  
19           such measures in a wilderness area or wilderness ad-  
20           dition designated by this subtitle as are necessary  
21           for the control of fire, insects, and diseases in ac-  
22           cordance with section 4(d)(1) of the Wilderness Act  
23           (16 U.S.C. 1133(d)(1)) and House Report 98–40 of  
24           the 98th Congress.

1           (2) FUNDING PRIORITIES.—Nothing in this  
2 subtitle limits funding for fire and fuels manage-  
3 ment in the wilderness areas and wilderness addi-  
4 tions designated by this subtitle.

5           (3) REVISION AND DEVELOPMENT OF LOCAL  
6 FIRE MANAGEMENT PLANS.—As soon as practicable  
7 after the date of enactment of this Act, the Sec-  
8 retary shall amend the local fire management plans  
9 that apply to the land designated as a wilderness  
10 area or wilderness addition by this subtitle.

11          (4) ADMINISTRATION.—Consistent with para-  
12 graph (1) and other applicable Federal law, to en-  
13 sure a timely and efficient response to fire emer-  
14 gencies in the wilderness areas and wilderness addi-  
15 tions designated by this subtitle, the Secretary  
16 shall—

17           (A) not later than 1 year after the date of  
18 enactment of this Act, establish agency ap-  
19 proval procedures (including appropriate delega-  
20 tions of authority to the Forest Supervisor, Dis-  
21 trict Manager, or other agency officials) for re-  
22 sponding to fire emergencies; and

23           (B) enter into agreements with appropriate  
24 State or local firefighting agencies.

1           (f) ACCESS TO PRIVATE PROPERTY.—The Secretary  
2 shall provide any owner of private property within the  
3 boundary of a wilderness area or wilderness addition des-  
4 ignated by this subtitle adequate access to the property  
5 to ensure the reasonable use and enjoyment of the prop-  
6 erty by the owner.

7           (g) MILITARY ACTIVITIES.—Nothing in this subtitle  
8 precludes—

9                 (1) low-level overflights of military aircraft over  
10 the wilderness areas or wilderness additions des-  
11 ignated by this subtitle;

12                 (2) the designation of new units of special air-  
13 space over the wilderness areas or wilderness addi-  
14 tions designated by this subtitle; or

15                 (3) the use or establishment of military flight  
16 training routes over wilderness areas or wilderness  
17 additions designated by this subtitle.

18           (h) LIVESTOCK.—Grazing of livestock and the main-  
19 tenance of existing facilities relating to grazing in wilder-  
20 ness areas or wilderness additions designated by this sub-  
21 title, if established before the date of enactment of this  
22 Act, shall be permitted to continue in accordance with—

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

1           (2) the guidelines set forth in Appendix A of  
2 the report of the Committee on Interior and Insular  
3 Affairs of the House of Representatives accom-  
4 panying H.R. 2570 of the 101st Congress (H. Rept.  
5 101–405).

6           (i) FISH AND WILDLIFE MANAGEMENT.—

7           (1) IN GENERAL.—In furtherance of the pur-  
8 poses of the Wilderness Act (16 U.S.C. 1131 et  
9 seq.), the Secretary may carry out management ac-  
10 tivities to maintain or restore fish and wildlife popu-  
11 lations and fish and wildlife habitats in wilderness  
12 areas or wilderness additions designated by this sub-  
13 title if the activities are—

14                   (A) consistent with applicable wilderness  
15 management plans; and

16                   (B) carried out in accordance with applica-  
17 ble guidelines and policies.

18           (2) STATE JURISDICTION.—Nothing in this  
19 subtitle affects the jurisdiction of the State with re-  
20 spect to fish and wildlife on public land located in  
21 the State.

22           (j) HORSES.—Nothing in this subtitle precludes  
23 horseback riding in, or the entry of recreational or com-  
24 mercial saddle or pack stock into, an area designated as  
25 wilderness or as a wilderness addition by this subtitle—

1           (1) in accordance with section 4(d)(5) of the  
2           Wilderness Act (16 U.S.C. 1133(d)(5)); and

3           (2) subject to any terms and conditions deter-  
4           mined to be necessary by the Secretary.

5           (k) OUTFITTER AND GUIDE USE.—Outfitter and  
6           guide activities conducted under permits issued by the  
7           Forest Service on the additions to the John Muir, Ansel  
8           Adams, and Hoover wilderness areas designated by this  
9           subtitle shall be in addition to any existing limits estab-  
10          lished for the John Muir, Ansel Adams, and Hoover wil-  
11          derness areas.

12          (l) TRANSFER TO THE FOREST SERVICE.—

13               (1) WHITE MOUNTAINS WILDERNESS.—Admin-  
14               istrative jurisdiction over the approximately 946  
15               acres of land identified as “Transfer of Administra-  
16               tive Jurisdiction from BLM to FS” on the maps de-  
17               scribed in section 1802(5)(B) is transferred from the  
18               Bureau of Land Management to the Forest Service  
19               to be managed as part of the White Mountains Wil-  
20               derness.

21               (2) JOHN MUIR WILDERNESS.—Administrative  
22               jurisdiction over the approximately 143 acres of land  
23               identified as “Transfer of Administrative Jurisdic-  
24               tion from BLM to FS” on the maps described in  
25               section 1802(3)(B) is transferred from the Bureau

1 of Land Management to the Forest Service to be  
2 managed as part of the John Muir Wilderness.

3 (m) TRANSFER TO THE BUREAU OF LAND MANAGE-  
4 MENT.—Administrative jurisdiction over the approxi-  
5 mately 3,010 acres of land identified as “Land from FS  
6 to BLM” on the maps described in section 1802(6) is  
7 transferred from the Forest Service to the Bureau of Land  
8 Management to be managed as part of the Granite Moun-  
9 tain Wilderness.

10 **SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.**

11 (a) FINDING.—Congress finds that, for purposes of  
12 section 603 of the Federal Land Policy and Management  
13 Act of 1976 (43 U.S.C. 1782), any portion of a wilderness  
14 study area described in subsection (b) that is not des-  
15 ignated as a wilderness area or wilderness addition by this  
16 subtitle or any other Act enacted before the date of enact-  
17 ment of this Act has been adequately studied for wilder-  
18 ness.

19 (b) DESCRIPTION OF STUDY AREAS.—The study  
20 areas referred to in subsection (a) are—

21 (1) the Masonic Mountain Wilderness Study  
22 Area;

23 (2) the Mormon Meadow Wilderness Study  
24 Area;

1           (3) the Walford Springs Wilderness Study  
2       Area; and

3           (4) the Granite Mountain Wilderness Study  
4       Area.

5       (c) **RELEASE.**—Any portion of a wilderness study  
6 area described in subsection (b) that is not designated as  
7 a wilderness area or wilderness addition by this subtitle  
8 or any other Act enacted before the date of enactment of  
9 this Act shall not be subject to section 603(c) of the Fed-  
10 eral Land Policy and Management Act of 1976 (43 U.S.C.  
11 1782(c)).

12 **SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.**

13       (a) **IN GENERAL.**—Section 3(a) of the Wild and Sce-  
14 nic Rivers Act (16 U.S.C. 1274(a)) (as amended by sec-  
15 tion 1504(a)) is amended by adding at the end the fol-  
16 lowing:

17           “(196) **AMARGOSA RIVER, CALIFORNIA.**—The  
18 following segments of the Amargosa River in the  
19 State of California, to be administered by the Sec-  
20 retary of the Interior:

21           “(A) The approximately 4.1-mile segment  
22 of the Amargosa River from the northern  
23 boundary of sec. 7, T. 21 N., R. 7 E., to 100  
24 feet upstream of the Tecopa Hot Springs road  
25 crossing, as a scenic river.



1           “(B) The approximately 8-mile segment of  
2 the Amargosa River from 100 feet downstream  
3 of the Tecopa Hot Springs Road crossing to  
4 100 feet upstream of the Old Spanish Trail  
5 Highway crossing near Tecopa, as a scenic  
6 river.

7           “(C) The approximately 7.9-mile segment  
8 of the Amargosa River from the northern  
9 boundary of sec. 16, T. 20 N., R. 7 E., to .25  
10 miles upstream of the confluence with Sperry  
11 Wash in sec. 10, T. 19 N., R. 7 E., as a wild  
12 river.

13           “(D) The approximately 4.9-mile segment  
14 of the Amargosa River from .25 miles upstream  
15 of the confluence with Sperry Wash in sec. 10,  
16 T. 19 N., R. 7 E. to 100 feet upstream of the  
17 Dumont Dunes access road crossing in sec. 32,  
18 T. 19 N., R. 7 E., as a recreational river.

19           “(E) The approximately 1.4-mile segment  
20 of the Amargosa River from 100 feet down-  
21 stream of the Dumont Dunes access road cross-  
22 ing in sec. 32, T. 19 N., R. 7 E., as a rec-  
23 reational river.

24           “(197) OWENS RIVER HEADWATERS, CALI-  
25 FORNIA.—The following segments of the Owens

1 River in the State of California, to be administered  
2 by the Secretary of Agriculture:

3 “(A) The 2.3-mile segment of Deadman  
4 Creek from the 2-forked source east of San  
5 Joaquin Peak to the confluence with the  
6 unnamed tributary flowing north into Deadman  
7 Creek from sec. 12, T. 3 S., R. 26 E., as a wild  
8 river.

9 “(B) The 2.3-mile segment of Deadman  
10 Creek from the unnamed tributary confluence  
11 in sec. 12, T. 3 S., R. 26 E., to the Road 3S22  
12 crossing, as a scenic river.

13 “(C) The 4.1-mile segment of Deadman  
14 Creek from the Road 3S22 crossing to .25  
15 miles downstream of the Highway 395 crossing,  
16 as a recreational river.

17 “(D) The 3-mile segment of Deadman  
18 Creek from .25 miles downstream of the High-  
19 way 395 crossing to 100 feet upstream of Big  
20 Springs, as a scenic river.

21 “(E) The 1-mile segment of the Upper  
22 Owens River from 100 feet upstream of Big  
23 Springs to the private property boundary in sec.  
24 19, T. 2 S., R. 28 E., as a recreational river.

1           “(F) The 4-mile segment of Glass Creek  
2           from its 2-forked source to 100 feet upstream  
3           of the Glass Creek Meadow Trailhead parking  
4           area in sec. 29, T. 2 S., R.27 E., as a wild  
5           river.

6           “(G) The 1.3-mile segment of Glass Creek  
7           from 100 feet upstream of the trailhead park-  
8           ing area in sec. 29 to the end of Glass Creek  
9           Road in sec. 21, T. 2 S., R. 27 E., as a scenic  
10          river.

11          “(H) The 1.1-mile segment of Glass Creek  
12          from the end of Glass Creek Road in sec. 21,  
13          T. 2 S., R. 27 E., to the confluence with  
14          Deadman Creek, as a recreational river.

15          “(198) COTTONWOOD CREEK, CALIFORNIA.—  
16          The following segments of Cottonwood Creek in the  
17          State of California:

18          “(A) The 17.4-mile segment from its head-  
19          waters at the spring in sec. 27, T 4 S., R. 34  
20          E., to the Inyo National Forest boundary at the  
21          east section line of sec 3, T. 6 S., R. 36 E., as  
22          a wild river to be administered by the Secretary  
23          of Agriculture.

24          “(B) The 4.1-mile segment from the Inyo  
25          National Forest boundary to the northern

1 boundary of sec. 5, T.4 S., R. 34 E., as a rec-  
2 reational river, to be administered by the Sec-  
3 retary of the Interior.

4 “(199) PIRU CREEK, CALIFORNIA.—The fol-  
5 lowing segments of Piru Creek in the State of Cali-  
6 fornia, to be administered by the Secretary of Agri-  
7 culture:

8 “(A) The 3-mile segment of Piru Creek  
9 from 0.5 miles downstream of Pyramid Dam at  
10 the first bridge crossing to the boundary of the  
11 Sespe Wilderness, as a recreational river.

12 “(B) The 4.25-mile segment from the  
13 boundary of the Sespe Wilderness to the bound-  
14 ary between Los Angeles and Ventura Counties,  
15 as a wild river.”.

16 (b) EFFECT.—The designation of Piru Creek under  
17 subsection (a) shall not affect valid rights in existence on  
18 the date of enactment of this Act.

19 **SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.**

20 (a) DESIGNATION.—The approximately 7,254 acres  
21 of land in the Humboldt-Toiyabe National Forest identi-  
22 fied as the “Bridgeport Winter Recreation Area”, as gen-  
23 erally depicted on the map entitled “Humboldt-Toiyabe  
24 National Forest Proposed Management” and dated Sep-

1   tember 17, 2008, is designated as the Bridgeport Winter  
2   Recreation Area.

3       (b) MAP AND LEGAL DESCRIPTION.—

4           (1) IN GENERAL.—As soon as practicable after  
5   the date of enactment of this Act, the Secretary  
6   shall file a map and legal description of the Recreation  
7   Area with—

8           (A) the Committee on Natural Resources  
9           of the House of Representatives; and

10          (B) the Committee on Energy and Natural  
11          Resources of the Senate.

12          (2) FORCE OF LAW.—The map and legal de-  
13   scription filed under paragraph (1) shall have the  
14   same force and effect as if included in this subtitle,  
15   except that the Secretary may correct any errors in  
16   the map and legal description.

17          (3) PUBLIC AVAILABILITY.—The map and legal  
18   description filed under paragraph (1) shall be on file  
19   and available for public inspection in the appropriate  
20   offices of the Forest Service.

21       (c) MANAGEMENT.—

22           (1) INTERIM MANAGEMENT.—Until completion  
23   of the management plan required under subsection  
24   (d), and except as provided in paragraph (2), the  
25   Recreation Area shall be managed in accordance

1 with the Toiyabe National Forest Land and Re-  
2 source Management Plan of 1986 (as in effect on  
3 the day of enactment of this Act).

4 (2) USE OF SNOWMOBILES.—The winter use of  
5 snowmobiles shall be allowed in the Recreation  
6 Area—

7 (A) during periods of adequate snow cov-  
8 erage during the winter season; and

9 (B) subject to any terms and conditions  
10 determined to be necessary by the Secretary.

11 (d) MANAGEMENT PLAN.—To ensure the sound man-  
12 agement and enforcement of the Recreation Area, the Sec-  
13 retary shall, not later than 1 year after the date of enact-  
14 ment of this Act, undergo a public process to develop a  
15 winter use management plan that provides for—

16 (1) adequate signage;

17 (2) a public education program on allowable  
18 usage areas;

19 (3) measures to ensure adequate sanitation;

20 (4) a monitoring and enforcement strategy; and

21 (5) measures to ensure the protection of the  
22 Trail.

23 (e) ENFORCEMENT.—The Secretary shall prioritize  
24 enforcement activities in the Recreation Area—

1           (1) to prohibit degradation of natural resources  
2           in the Recreation Area;

3           (2) to prevent interference with nonmotorized  
4           recreation on the Trail; and

5           (3) to reduce user conflicts in the Recreation  
6           Area.

7           (f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The  
8           Secretary shall establish an appropriate snowmobile cross-  
9           ing point along the Trail in the area identified as “Pacific  
10          Crest Trail Proposed Crossing Area” on the map entitled  
11          “Humboldt-Toiyable National Forest Proposed Manage-  
12          ment” and dated September 17, 2008—

13           (1) in accordance with—

14           (A) the National Trails System Act (16  
15           U.S.C. 1241 et seq.); and

16           (B) any applicable environmental and pub-  
17           lic safety laws; and

18           (2) subject to the terms and conditions the Sec-  
19           retary determines to be necessary to ensure that the  
20           crossing would not—

21           (A) interfere with the nature and purposes  
22           of the Trail; or

23           (B) harm the surrounding landscape.

1 **SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-**  
2 **TOIYABE NATIONAL FOREST.**

3 Certain land in the Humboldt-Toiyabe National For-  
4 est, comprising approximately 3,690 acres identified as  
5 “Pickel Hill Management Area”, as generally depicted on  
6 the map entitled “Humboldt-Toiyabe National Forest Pro-  
7 posed Management” and dated September 17, 2008, shall  
8 be managed in a manner consistent with the non-Wilder-  
9 ness forest areas immediately surrounding the Pickel Hill  
10 Management Area, including the allowance of snowmobile  
11 use.

12 **SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.**

13 (a) DESIGNATION.—To conserve and protect the An-  
14 cient Bristlecone Pines by maintaining near-natural condi-  
15 tions and to ensure the survival of the Pines for the pur-  
16 poses of public enjoyment and scientific study, the ap-  
17 proximately 31,700 acres of public land in the State, as  
18 generally depicted on the map entitled “Ancient  
19 Bristlecone Pine Forest—Proposed” and dated July 16,  
20 2008, is designated as the “Ancient Bristlecone Pine For-  
21 est”.

22 (b) MAP AND LEGAL DESCRIPTION.—

23 (1) IN GENERAL.—As soon as practicable, but  
24 not later than 3 years after the date of enactment  
25 of this Act, the Secretary shall file a map and legal  
26 description of the Forest with—



1 (A) the Committee on Natural Resources  
2 of the House of Representatives; and

3 (B) the Committee on Energy and Natural  
4 Resources of the Senate.

5 (2) FORCE OF LAW.—The map and legal de-  
6 scription filed under paragraph (1) shall have the  
7 same force and effect as if included in this subtitle,  
8 except that the Secretary may correct any errors in  
9 the map and legal description.

10 (3) PUBLIC AVAILABILITY.—The map and legal  
11 description filed under paragraph (1) shall be on file  
12 and available for public inspection in the appropriate  
13 offices of the Forest Service.

14 (c) MANAGEMENT.—

15 (1) IN GENERAL.—The Secretary shall admin-  
16 ister the Forest—

17 (A) in a manner that—

18 (i) protect the resources and values of  
19 the area in accordance with the purposes  
20 for which the Forest is established, as de-  
21 scribed in subsection (a); and

22 (ii) promotes the objectives of the ap-  
23 plicable management plan (as in effect on  
24 the date of enactment of this Act), includ-  
25 ing objectives relating to—

1 (I) the protection of bristlecone  
2 pines for public enjoyment and sci-  
3 entific study;

4 (II) the recognition of the botan-  
5 ical, scenic, and historical values of  
6 the area; and

7 (III) the maintenance of near-  
8 natural conditions by ensuring that all  
9 activities are subordinate to the needs  
10 of protecting and preserving  
11 bristlecone pines and wood remnants;  
12 and

13 (B) in accordance with the National Forest  
14 Management Act of 1976 (16 U.S.C. 1600 et  
15 seq.), this section, and any other applicable  
16 laws.

17 (2) USES.—

18 (A) IN GENERAL.—The Secretary shall  
19 allow only such uses of the Forest as the Sec-  
20 retary determines would further the purposes  
21 for which the Forest is established, as described  
22 in subsection (a).

23 (B) SCIENTIFIC RESEARCH.—Scientific re-  
24 search shall be allowed in the Forest in accord-  
25 ance with the Inyo National Forest Land and

1 Resource Management Plan (as in effect on the  
2 date of enactment of this Act).

3 (3) WITHDRAWAL.—Subject to valid existing  
4 rights, all Federal land within the Forest is with-  
5 drawn from—

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

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

10 (C) disposition under all laws relating to  
11 mineral and geothermal leasing or mineral ma-  
12 terials.

## 13 **Subtitle L—Riverside County** 14 **Wilderness, California**

### 15 **SEC. 1851. WILDERNESS DESIGNATION.**

16 (a) DEFINITION OF SECRETARY.—In this section, the  
17 term “Secretary” means—

18 (1) with respect to land under the jurisdiction  
19 of the Secretary of Agriculture, the Secretary of Ag-  
20 riculture; and

21 (2) with respect to land under the jurisdiction  
22 of the Secretary of the Interior, the Secretary of the  
23 Interior.

24 (b) DESIGNATION OF WILDERNESS, CLEVELAND AND  
25 SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE

1 NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT  
2 LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

3 (1) DESIGNATIONS.—

4 (A) AGUA TIBIA WILDERNESS ADDI-  
5 TIONS.—In accordance with the Wilderness Act  
6 (16 U.S.C. 1131 et seq.), certain land in the  
7 Cleveland National Forest and certain land ad-  
8 ministered by the Bureau of Land Management  
9 in Riverside County, California, together com-  
10 prising approximately 2,053 acres, as generally  
11 depicted on the map titled “Proposed Addition  
12 to Agua Tibia Wilderness”, and dated May 9,  
13 2008, is designated as wilderness and is incor-  
14 porated in, and shall be deemed to be a part of,  
15 the Agua Tibia Wilderness designated by sec-  
16 tion 2(a) of Public Law 93–632 (88 Stat. 2154;  
17 16 U.S.C. 1132 note).

18 (B) CAHUILLA MOUNTAIN WILDERNESS.—

19 In accordance with the Wilderness Act (16  
20 U.S.C. 1131 et seq.), certain land in the San  
21 Bernardino National Forest, California, com-  
22 prising approximately 5,585 acres, as generally  
23 depicted on the map titled “Cahuilla Mountain  
24 Proposed Wilderness”, and dated May 1, 2008,  
25 is designated as wilderness and, therefore, as a

1 component of the National Wilderness Preser-  
2 vation System, which shall be known as the  
3 “Cahuilla Mountain Wilderness”.

4 (C) SOUTH FORK SAN JACINTO WILDER-  
5 NESS.—In accordance with the Wilderness Act  
6 (16 U.S.C. 1131 et seq.), certain land in the  
7 San Bernardino National Forest, California,  
8 comprising approximately 20,217 acres, as gen-  
9 erally depicted on the map titled “South Fork  
10 San Jacinto Proposed Wilderness”, and dated  
11 May 1, 2008, is designated as wilderness and,  
12 therefore, as a component of the National Wil-  
13 derness Preservation System, which shall be  
14 known as the “South Fork San Jacinto Wilder-  
15 ness”.

16 (D) SANTA ROSA WILDERNESS ADDI-  
17 TIONS.—In accordance with the Wilderness Act  
18 (16 U.S.C. 1131 et seq.), certain land in the  
19 San Bernardino National Forest, California,  
20 and certain land administered by the Bureau of  
21 Land Management in Riverside County, Cali-  
22 fornia, comprising approximately 2,149 acres,  
23 as generally depicted on the map titled “Santa  
24 Rosa-San Jacinto National Monument Expan-  
25 sion and Santa Rosa Wilderness Addition”, and

1           dated March 12, 2008, is designated as wilder-  
2           ness and is incorporated in, and shall be  
3           deemed to be a part of, the Santa Rosa Wilder-  
4           ness designated by section 101(a)(28) of Public  
5           Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132  
6           note) and expanded by paragraph (59) of sec-  
7           tion 102 of Public Law 103–433 (108 Stat.  
8           4472; 16 U.S.C. 1132 note).

9           (E) BEAUTY MOUNTAIN WILDERNESS.—In  
10          accordance with the Wilderness Act (16 U.S.C.  
11          1131 et seq.), certain land administered by the  
12          Bureau of Land Management in Riverside  
13          County, California, comprising approximately  
14          15,621 acres, as generally depicted on the map  
15          titled “Beauty Mountain Proposed Wilderness”,  
16          and dated April 3, 2007, is designated as wil-  
17          derness and, therefore, as a component of the  
18          National Wilderness Preservation System,  
19          which shall be known as the “Beauty Mountain  
20          Wilderness”.

21          (F) JOSHUA TREE NATIONAL PARK WIL-  
22          DERNESS ADDITIONS.—In accordance with the  
23          Wilderness Act (16 U.S.C. 1131 et seq.), cer-  
24          tain land in Joshua Tree National Park, com-  
25          prising approximately 36,700 acres, as gen-

1 erally depicted on the map numbered 156/  
2 80,055, and titled “Joshua Tree National Park  
3 Proposed Wilderness Additions”, and dated  
4 March 2008, is designated as wilderness and is  
5 incorporated in, and shall be deemed to be a  
6 part of, the Joshua Tree Wilderness designated  
7 by section 1(g) of Public Law 94–567 (90 Stat.  
8 2692; 16 U.S.C. 1132 note).

9 (G) OROCOPIA MOUNTAINS WILDERNESS  
10 ADDITIONS.—In accordance with the Wilderness  
11 Act (16 U.S.C. 1131 et seq.), certain land ad-  
12 ministered by the Bureau of Land Management  
13 in Riverside County, California, comprising ap-  
14 proximately 4,635 acres, as generally depicted  
15 on the map titled “Orocopia Mountains Pro-  
16 posed Wilderness Addition”, and dated May 8,  
17 2008, is designated as wilderness and is incor-  
18 porated in, and shall be deemed to be a part of,  
19 the Orocopia Mountains Wilderness as des-  
20 ignated by paragraph (44) of section 102 of  
21 Public Law 103–433 (108 Stat. 4472; 16  
22 U.S.C. 1132 note), except that the wilderness  
23 boundaries established by this subsection in  
24 Township 7 South, Range 13 East, exclude—

1 (i) a corridor 250 feet north of the  
2 centerline of the Bradshaw Trail;

3 (ii) a corridor 250 feet from both  
4 sides of the centerline of the vehicle route  
5 in the unnamed wash that flows between  
6 the Eagle Mountain Railroad on the south  
7 and the existing Orocopia Mountains Wil-  
8 derness boundary; and

9 (iii) a corridor 250 feet from both  
10 sides of the centerline of the vehicle route  
11 in the unnamed wash that flows between  
12 the Chocolate Mountain Aerial Gunnery  
13 Range on the south and the existing  
14 Orocopia Mountains Wilderness boundary.

15 (H) PALEN/McCOY WILDERNESS ADDI-  
16 TIONS.—In accordance with the Wilderness Act  
17 (16 U.S.C. 1131 et seq.), certain land adminis-  
18 tered by the Bureau of Land Management in  
19 Riverside County, California, comprising ap-  
20 proximately 22,645 acres, as generally depicted  
21 on the map titled “Palen-McCoy Proposed Wil-  
22 derness Additions”, and dated May 8, 2008, is  
23 designated as wilderness and is incorporated in,  
24 and shall be deemed to be a part of, the Palen/  
25 McCoy Wilderness as designated by paragraph



1 (47) of section 102 of Public Law 103–433  
2 (108 Stat. 4472; 16 U.S.C. 1132 note).

3 (I) PINTO MOUNTAINS WILDERNESS.—In  
4 accordance with the Wilderness Act (16 U.S.C.  
5 1131 et seq.), certain land administered by the  
6 Bureau of Land Management in Riverside  
7 County, California, comprising approximately  
8 24,404 acres, as generally depicted on the map  
9 titled “Pinto Mountains Proposed Wilderness”,  
10 and dated February 21, 2008, is designated as  
11 wilderness and, therefore, as a component of  
12 the National Wilderness Preservation System,  
13 which shall be known as the “Pinto Mountains  
14 Wilderness”.

15 (J) CHUCKWALLA MOUNTAINS WILDER-  
16 NESS ADDITIONS.—In accordance with the Wil-  
17 derness Act (16 U.S.C. 1131 et seq.), certain  
18 land administered by the Bureau of Land Man-  
19 agement in Riverside County, California, com-  
20 prising approximately 12,815 acres, as gen-  
21 erally depicted on the map titled “Chuckwalla  
22 Mountains Proposed Wilderness Addition”, and  
23 dated May 8, 2008, is designated as wilderness  
24 and is incorporated in, and shall be deemed to  
25 be a part of the Chuckwalla Mountains Wilder-

1           ness as designated by paragraph (12) of section  
2           102 of Public Law 103–433 (108 Stat. 4472;  
3           16 U.S.C. 1132 note).

4           (2) MAPS AND DESCRIPTIONS.—

5                 (A) IN GENERAL.—As soon as practicable  
6           after the date of the enactment of this Act, the  
7           Secretary shall file a map and legal description  
8           of each wilderness area and wilderness addition  
9           designated by this section with the Committee  
10          on Natural Resources of the House of Rep-  
11          resentatives and the Committee on Energy and  
12          Natural Resources of the Senate.

13                (B) FORCE OF LAW.—A map and legal de-  
14          scription filed under subparagraph (A) shall  
15          have the same force and effect as if included in  
16          this section, except that the Secretary may cor-  
17          rect errors in the map and legal description.

18                (C) PUBLIC AVAILABILITY.—Each map  
19          and legal description filed under subparagraph  
20          (A) shall be filed and made available for public  
21          inspection in the appropriate office of the Sec-  
22          retary.

23           (3) UTILITY FACILITIES.—Nothing in this sec-  
24          tion prohibits the construction, operation, or mainte-  
25          nance, using standard industry practices, of existing

1 utility facilities located outside of the wilderness  
2 areas and wilderness additions designated by this  
3 section.

4 (c) JOSHUA TREE NATIONAL PARK POTENTIAL WIL-  
5 DERNESS.—

6 (1) DESIGNATION OF POTENTIAL WILDER-  
7 NESS.—Certain land in the Joshua Tree National  
8 Park, comprising approximately 43,300 acres, as  
9 generally depicted on the map numbered 156/  
10 80,055, and titled “Joshua Tree National Park Pro-  
11 posed Wilderness Additions”, and dated March  
12 2008, is designated potential wilderness and shall be  
13 managed by the Secretary of the Interior insofar as  
14 practicable as wilderness until such time as the land  
15 is designated as wilderness pursuant to paragraph  
16 (2).

17 (2) DESIGNATION AS WILDERNESS.—The land  
18 designated potential wilderness by paragraph (1)  
19 shall be designated as wilderness and incorporated  
20 in, and be deemed to be a part of, the Joshua Tree  
21 Wilderness designated by section 1(g) of Public Law  
22 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note), effec-  
23 tive upon publication by the Secretary of the Interior  
24 in the Federal Register of a notice that—

1 (A) all uses of the land within the potential  
2 wilderness prohibited by the Wilderness Act (16  
3 U.S.C. 1131 et seq.) have ceased; and

4 (B) sufficient inholdings within the bound-  
5 aries of the potential wilderness have been ac-  
6 quired to establish a manageable wilderness  
7 unit.

8 (3) MAP AND DESCRIPTION.—

9 (A) IN GENERAL.—As soon as practicable  
10 after the date on which the notice required by  
11 paragraph (2) is published in the Federal Reg-  
12 ister, the Secretary shall file a map and legal  
13 description of the land designated as wilderness  
14 and potential wilderness by this section with the  
15 Committee on Natural Resources of the House  
16 of Representatives and the Committee on En-  
17 ergy and Natural Resources of the Senate.

18 (B) FORCE OF LAW.—The map and legal  
19 description filed under subparagraph (A) shall  
20 have the same force and effect as if included in  
21 this section, except that the Secretary may cor-  
22 rect errors in the map and legal description.

23 (C) PUBLIC AVAILABILITY.—Each map  
24 and legal description filed under subparagraph  
25 (A) shall be filed and made available for public

1 inspection in the appropriate office of the Sec-  
2 retary.

3 (d) ADMINISTRATION OF WILDERNESS.—

4 (1) MANAGEMENT.—Subject to valid existing  
5 rights, the land designated as wilderness or as a wil-  
6 derness addition by this section shall be adminis-  
7 tered by the Secretary in accordance with the Wil-  
8 derness Act (16 U.S.C. 1131 et seq.), except that—

9 (A) any reference in that Act to the effec-  
10 tive date of that Act shall be deemed to be a  
11 reference to—

12 (i) the date of the enactment of this  
13 Act; or

14 (ii) in the case of the wilderness addi-  
15 tion designated by subsection (c), the date  
16 on which the notice required by such sub-  
17 section is published in the Federal Reg-  
18 ister; and

19 (B) any reference in that Act to the Sec-  
20 retary of Agriculture shall be deemed to be a  
21 reference to the Secretary that has jurisdiction  
22 over the land.

23 (2) INCORPORATION OF ACQUIRED LAND AND  
24 INTERESTS.—Any land within the boundaries of a  
25 wilderness area or wilderness addition designated by

1       this section that is acquired by the United States  
2       shall—

3               (A) become part of the wilderness area in  
4               which the land is located; and

5               (B) be managed in accordance with this  
6               section, the Wilderness Act (16 U.S.C. 1131 et  
7               seq.), and any other applicable law.

8               (3) WITHDRAWAL.—Subject to valid rights in  
9               existence on the date of enactment of this Act, the  
10              land designated as wilderness by this section is with-  
11              drawn from all forms of—

12              (A) entry, appropriation, or disposal under  
13              the public land laws;

14              (B) location, entry, and patent under the  
15              mining laws; and

16              (C) disposition under all laws pertaining to  
17              mineral and geothermal leasing or mineral ma-  
18              terials.

19              (4) FIRE MANAGEMENT AND RELATED ACTIVI-  
20              TIES.—

21              (A) IN GENERAL.—The Secretary may  
22              take such measures in a wilderness area or wil-  
23              derness addition designated by this section as  
24              are necessary for the control of fire, insects,  
25              and diseases in accordance with section 4(d)(1)

1 of the Wilderness Act (16 U.S.C. 1133(d)(1))  
2 and House Report 98–40 of the 98th Congress.

3 (B) FUNDING PRIORITIES.—Nothing in  
4 this section limits funding for fire and fuels  
5 management in the wilderness areas and wilder-  
6 ness additions designated by this section.

7 (C) REVISION AND DEVELOPMENT OF  
8 LOCAL FIRE MANAGEMENT PLANS.—As soon as  
9 practicable after the date of enactment of this  
10 Act, the Secretary shall amend the local fire  
11 management plans that apply to the land des-  
12 ignated as a wilderness area or wilderness addi-  
13 tion by this section.

14 (D) ADMINISTRATION.—Consistent with  
15 subparagraph (A) and other applicable Federal  
16 law, to ensure a timely and efficient response to  
17 fire emergencies in the wilderness areas and  
18 wilderness additions designated by this section,  
19 the Secretary shall—

20 (i) not later than 1 year after the date  
21 of enactment of this Act, establish agency  
22 approval procedures (including appropriate  
23 delegations of authority to the Forest Su-  
24 pervisor, District Manager, or other agency

1 officials) for responding to fire emer-  
2 gencies; and

3 (ii) enter into agreements with appro-  
4 priate State or local firefighting agencies.

5 (5) GRAZING.—Grazing of livestock in a wilder-  
6 ness area or wilderness addition designated by this  
7 section shall be administered in accordance with the  
8 provisions of section 4(d)(4) of the Wilderness Act  
9 (16 U.S.C. 1133(d)(4)) and the guidelines set forth  
10 in House Report 96–617 to accompany H.R. 5487  
11 of the 96th Congress.

12 (6) NATIVE AMERICAN USES AND INTERESTS.—

13 (A) ACCESS AND USE.—To the extent  
14 practicable, the Secretary shall ensure access to  
15 the Cahuilla Mountain Wilderness by members  
16 of an Indian tribe for traditional cultural pur-  
17 poses. In implementing this paragraph, the Sec-  
18 retary, upon the request of an Indian tribe,  
19 may temporarily close to the general public use  
20 of one or more specific portions of the wilder-  
21 ness area in order to protect the privacy of tra-  
22 ditional cultural activities in such areas by  
23 members of the Indian tribe. Any such closure  
24 shall be made to affect the smallest practicable  
25 area for the minimum period necessary for such



1           purposes. Such access shall be consistent with  
2           the purpose and intent of Public Law 95–341  
3           (42 U.S.C. 1996), commonly referred to as the  
4           American Indian Religious Freedom Act, and  
5           the Wilderness Act (16 U.S.C. 1131 et seq.).

6           (B) INDIAN TRIBE DEFINED.—In this  
7           paragraph, the term “Indian tribe” means any  
8           Indian tribe, band, nation, or other organized  
9           group or community of Indians which is recog-  
10          nized as eligible by the Secretary of the Interior  
11          for the special programs and services provided  
12          by the United States to Indians because of their  
13          status as Indians.

14          (7) MILITARY ACTIVITIES.—Nothing in this sec-  
15          tion precludes—

16                 (A) low-level overflights of military aircraft  
17                 over the wilderness areas or wilderness addi-  
18                 tions designated by this section;

19                 (B) the designation of new units of special  
20                 airspace over the wilderness areas or wilderness  
21                 additions designated by this section; or

22                 (C) the use or establishment of military  
23                 flight training routes over wilderness areas or  
24                 wilderness additions designated by this section.

1 **SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVER-**  
2 **SIDE COUNTY, CALIFORNIA.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16  
4 U.S.C. 1274(a)) (as amended by section 1805) is amended  
5 by adding at the end the following new paragraphs:

6 “(200) NORTH FORK SAN JACINTO RIVER, CALI-  
7 FORNIA.—The following segments of the North Fork San  
8 Jacinto River in the State of California, to be adminis-  
9 tered by the Secretary of Agriculture:

10 “(A) The 2.12-mile segment from the source of  
11 the North Fork San Jacinto River at Deer Springs  
12 in Mt. San Jacinto State Park to the State Park  
13 boundary, as a wild river.

14 “(B) The 1.66-mile segment from the Mt. San  
15 Jacinto State Park boundary to the Lawler Park  
16 boundary in section 26, township 4 south, range 2  
17 east, San Bernardino meridian, as a scenic river.

18 “(C) The 0.68-mile segment from the Lawler  
19 Park boundary to its confluence with Fuller Mill  
20 Creek, as a recreational river.

21 “(D) The 2.15-mile segment from its confluence  
22 with Fuller Mill Creek to .25 miles upstream of the  
23 5S09 road crossing, as a wild river.

24 “(E) The 0.6-mile segment from .25 miles up-  
25 stream of the 5S09 road crossing to its confluence  
26 with Stone Creek, as a scenic river.

1           “(F) The 2.91-mile segment from the Stone  
2           Creek confluence to the northern boundary of sec-  
3           tion 17, township 5 south, range 2 east, San  
4           Bernardino meridian, as a wild river.

5           “(201) FULLER MILL CREEK, CALIFORNIA.—The  
6           following segments of Fuller Mill Creek in the State of  
7           California, to be administered by the Secretary of Agri-  
8           culture:

9           “(A) The 1.2-mile segment from the source of  
10          Fuller Mill Creek in the San Jacinto Wilderness to  
11          the Pinewood property boundary in section 13, town-  
12          ship 4 south, range 2 east, San Bernardino merid-  
13          ian, as a scenic river.

14          “(B) The 0.9-mile segment in the Pine Wood  
15          property, as a recreational river.

16          “(C) The 1.4-mile segment from the Pinewood  
17          property boundary in section 23, township 4 south,  
18          range 2 east, San Bernardino meridian, to its con-  
19          fluence with the North Fork San Jacinto River, as  
20          a scenic river.

21          “(202) PALM CANYON CREEK, CALIFORNIA.—The  
22          8.1-mile segment of Palm Canyon Creek in the State of  
23          California from the southern boundary of section 6, town-  
24          ship 7 south, range 5 east, San Bernardino meridian, to  
25          the San Bernardino National Forest boundary in section

1 1, township 6 south, range 4 east, San Bernardino merid-  
2 ian, to be administered by the Secretary of Agriculture  
3 as a wild river, and the Secretary shall enter into a cooper-  
4 ative management agreement with the Agua Caliente  
5 Band of Cahuilla Indians to protect and enhance river val-  
6 ues.

7 “(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-  
8 mile segment of Bautista Creek in the State of California  
9 from the San Bernardino National Forest boundary in  
10 section 36, township 6 south, range 2 east, San  
11 Bernardino meridian, to the San Bernardino National  
12 Forest boundary in section 2, township 6 south, range 1  
13 east, San Bernardino meridian, to be administered by the  
14 Secretary of Agriculture as a recreational river.”.

15 **SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO**  
16 **SANTA ROSA AND SAN JACINTO MOUNTAINS**  
17 **NATIONAL MONUMENT.**

18 (a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN  
19 JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2  
20 of the Santa Rosa and San Jacinto Mountains National  
21 Monument Act of 2000 (Public Law 106–351; 114 U.S.C.  
22 1362; 16 U.S.C. 431 note) is amended by adding at the  
23 end the following new subsection:

24 “(e) EXPANSION OF BOUNDARIES.—In addition to  
25 the land described in subsection (c), the boundaries of the

1 National Monument shall include the following lands iden-  
2 tified as additions to the National Monument on the map  
3 titled ‘Santa Rosa-San Jacinto National Monument Ex-  
4 pansion and Santa Rosa Wilderness Addition’, and dated  
5 March 12, 2008:

6           “(1) The ‘Santa Rosa Peak Area Monument  
7 Expansion’.

8           “(2) The ‘Snow Creek Area Monument Expan-  
9 sion’.

10           “(3) The ‘Tahquitz Peak Area Monument Ex-  
11 pansion’.

12           “(4) The ‘Southeast Area Monument Expan-  
13 sion’, which is designated as wilderness in section  
14 512(d), and is thus incorporated into, and shall be  
15 deemed part of, the Santa Rosa Wilderness.”.

16       (b) TECHNICAL AMENDMENTS TO THE SANTA ROSA  
17 AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT  
18 ACT OF 2000.—Section 7(d) of the Santa Rosa and San  
19 Jacinto Mountains National Monument Act of 2000 (Pub-  
20 lic Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note)  
21 is amended by striking “eight” and inserting “a majority  
22 of the appointed”.

1 **Subtitle M—Sequoia and Kings**  
2 **Canyon National Parks Wilder-**  
3 **ness, California**

4 **SEC. 1901. DEFINITIONS.**

5 In this subtitle:

6 (1) SECRETARY.—The term “Secretary” means  
7 the Secretary of the Interior.

8 (2) STATE.—The term “State” means the State  
9 of California.

10 **SEC. 1902. DESIGNATION OF WILDERNESS AREAS.**

11 In accordance with the Wilderness Act (16 U.S.C.  
12 1131 et seq.), the following areas in the State are des-  
13 ignated as wilderness areas and as components of the Na-  
14 tional Wilderness Preservation System:

15 (1) JOHN KREBS WILDERNESS.—

16 (A) DESIGNATION.—Certain land in Se-  
17 quoia and Kings Canyon National Parks, com-  
18 prising approximately 39,740 acres of land, and  
19 130 acres of potential wilderness additions as  
20 generally depicted on the map numbered 102/  
21 60014b, titled “John Krebs Wilderness”, and  
22 dated September 16, 2008.

23 (B) EFFECT.—Nothing in this paragraph  
24 affects—

1 (i) the cabins in, and adjacent to,  
2 Mineral King Valley; or

3 (ii) the private inholdings known as  
4 “Silver City” and “Kaweah Han”.

5 (C) POTENTIAL WILDERNESS ADDI-  
6 TIONS.—The designation of the potential wil-  
7 derness additions under subparagraph (A) shall  
8 not prohibit the operation, maintenance, and re-  
9 pair of the small check dams and water im-  
10 poundments on Lower Franklin Lake, Crystal  
11 Lake, Upper Monarch Lake, and Eagle Lake.  
12 The Secretary is authorized to allow the use of  
13 helicopters for the operation, maintenance, and  
14 repair of the small check dams and water im-  
15 poundments on Lower Franklin Lake, Crystal  
16 Lake, Upper Monarch Lake, and Eagle Lake.  
17 The potential wilderness additions shall be des-  
18 ignated as wilderness and incorporated into the  
19 John Krebs Wilderness established by this sec-  
20 tion upon termination of the non-conforming  
21 uses.

22 (2) SEQUOIA-KINGS CANYON WILDERNESS AD-  
23 DITION.—Certain land in Sequoia and Kings Canyon  
24 National Parks, California, comprising approxi-  
25 mately 45,186 acres as generally depicted on the

1 map titled “Sequoia-Kings Canyon Wilderness Addi-  
2 tion”, numbered 102/60015a, and dated March 10,  
3 2008, is incorporated in, and shall be considered to  
4 be a part of, the Sequoia-Kings Canyon Wilderness.

5 (3) RECOMMENDED WILDERNESS.—Land in Se-  
6 quoia and Kings Canyon National Parks that was  
7 managed as of the date of enactment of this Act as  
8 recommended or proposed wilderness but not des-  
9 ignated by this section as wilderness shall continue  
10 to be managed as recommended or proposed wilder-  
11 ness, as appropriate.

12 **SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.**

13 (a) IN GENERAL.—Subject to valid existing rights,  
14 each area designated as wilderness by this subtitle shall  
15 be administered by the Secretary in accordance with the  
16 Wilderness Act (16 U.S.C. 1131 et seq.), except that any  
17 reference in the Wilderness Act to the effective date of  
18 the Wilderness Act shall be considered to be a reference  
19 to the date of enactment of this Act.

20 (b) MAP AND LEGAL DESCRIPTION.—

21 (1) SUBMISSION OF MAP AND LEGAL DESCRIP-  
22 TION.—As soon as practicable, but not later than 3  
23 years, after the date of enactment of this Act, the  
24 Secretary shall file a map and legal description of



1 each area designated as wilderness by this subtitle  
2 with—

3 (A) the Committee on Energy and Natural  
4 Resources of the Senate; and

5 (B) the Committee on Natural Resources  
6 of the House of Representatives.

7 (2) FORCE AND EFFECT.—The map and legal  
8 description filed under paragraph (1) shall have the  
9 same force and effect as if included in this subtitle,  
10 except that the Secretary may correct any clerical or  
11 typographical error in the map or legal description.

12 (3) PUBLIC AVAILABILITY.—The map and legal  
13 description filed under paragraph (1) shall be on file  
14 and available for public inspection in the Office of  
15 the Secretary.

16 (c) HYDROLOGIC, METEOROLOGIC, AND CLIMATO-  
17 LOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIP-  
18 MENT.—The Secretary shall continue to manage mainte-  
19 nance and access to hydrologic, meteorologic, and climato-  
20 logical devices, facilities and associated equipment con-  
21 sistent with House Report 98–40.

22 (d) AUTHORIZED ACTIVITIES OUTSIDE WILDER-  
23 NESS.—Nothing in this subtitle precludes authorized ac-  
24 tivities conducted outside of an area designated as wilder-  
25 ness by this subtitle by cabin owners (or designees) in the

1 Mineral King Valley area or property owners or lessees  
2 (or designees) in the Silver City inholding, as identified  
3 on the map described in section 1902(1)(A).

4 (e) HORSEBACK RIDING.—Nothing in this subtitle  
5 precludes horseback riding in, or the entry of recreational  
6 or commercial saddle or pack stock into, an area des-  
7 ignated as wilderness by this subtitle—

8 (1) in accordance with section 4(d)(5) of the  
9 Wilderness Act (16 U.S.C. 1133(d)(5)); and

10 (2) subject to any terms and conditions deter-  
11 mined to be necessary by the Secretary.

12 **SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated such sums  
14 as are necessary to carry out this subtitle.

15 **Subtitle N—Rocky Mountain Na-**  
16 **tional Park Wilderness, Colo-**  
17 **rado**

18 **SEC. 1951. DEFINITIONS.**

19 In this subtitle:

20 (1) MAP.—The term “map” means the map en-  
21 titled “Rocky Mountain National Park Wilderness  
22 Act of 2007” and dated September 2006.

23 (2) PARK.—The term “Park” means Rocky  
24 Mountain National Park located in the State of Col-  
25 orado.



1           (2) AVAILABILITY; FORCE OF LAW.—The map  
2 and boundary description submitted under para-  
3 graph (1)(B) shall—

4           (A) be on file and available for public in-  
5 spection in appropriate offices of the National  
6 Park Service; and

7           (B) have the same force and effect as if in-  
8 cluded in this subtitle.

9       (c) INCLUSION OF POTENTIAL WILDERNESS.—

10           (1) IN GENERAL.—On publication in the Fed-  
11 eral Register of a notice by the Secretary that all  
12 uses inconsistent with the Wilderness Act (16 U.S.C.  
13 1131 et seq.) have ceased on the land identified on  
14 the map as a “Potential Wilderness Area”, the land  
15 shall be—

16           (A) included in the Wilderness; and

17           (B) administered in accordance with sub-  
18 section (e).

19           (2) BOUNDARY DESCRIPTION.—On inclusion in  
20 the Wilderness of the land referred to in paragraph  
21 (1), the Secretary shall modify the map and bound-  
22 ary description submitted under subsection (b) to re-  
23 flect the inclusion of the land.

24       (d) EXCLUSION OF CERTAIN LAND.—The following  
25 areas are specifically excluded from the Wilderness:

1           (1) The Grand River Ditch (including the main  
2 canal of the Grand River Ditch and a branch of the  
3 main canal known as the Specimen Ditch), the  
4 right-of-way for the Grand River Ditch, land 200  
5 feet on each side of the center line of the Grand  
6 River Ditch, and any associated appurtenances,  
7 structures, buildings, camps, and work sites in exist-  
8 ence as of June 1, 1998.

9           (2) Land owned by the St. Vrain & Left Hand  
10 Water Conservancy District, including Copeland  
11 Reservoir and the Inlet Ditch to the Reservoir from  
12 North St. Vrain Creek, comprising approximately  
13 35.38 acres.

14           (3) Land owned by the Wincenstsen-Harms  
15 Trust, comprising approximately 2.75 acres.

16           (4) Land within the area depicted on the map  
17 as the “East Shore Trail Area”.

18           (e) ADMINISTRATION.—Subject to valid existing  
19 rights, any land designated as wilderness under this sec-  
20 tion or added to the Wilderness after the date of enact-  
21 ment of this Act under subsection (c) shall be adminis-  
22 tered by the Secretary in accordance with this subtitle and  
23 the Wilderness Act (16 U.S.C. 1131 et seq.), except  
24 that—

1           (1) any reference in the Wilderness Act (16  
2 U.S.C. 1131 et seq.) to the effective date of that Act  
3 shall be considered to be a reference to the date of  
4 enactment of this Act, or the date on which the ad-  
5 ditional land is added to the Wilderness, respec-  
6 tively; and

7           (2) any reference in the Wilderness Act (16  
8 U.S.C. 1131 et seq.) to the Secretary of Agriculture  
9 shall be considered to be a reference to the Sec-  
10 retary.

11 (f) WATER RIGHTS.—

12           (1) FINDINGS.—Congress finds that—

13               (A) the United States has existing rights  
14 to water within the Park;

15               (B) the existing water rights are sufficient  
16 for the purposes of the Wilderness; and

17               (C) based on the findings described in sub-  
18 paragraphs (A) and (B), there is no need for  
19 the United States to reserve or appropriate any  
20 additional water rights to fulfill the purposes of  
21 the Wilderness.

22           (2) EFFECT.—Nothing in this subtitle—

23               (A) constitutes an express or implied res-  
24 ervation by the United States of water or water  
25 rights for any purpose; or

1 (B) modifies or otherwise affects any exist-  
2 ing water rights held by the United States for  
3 the Park.

4 (g) FIRE, INSECT, AND DISEASE CONTROL.—The  
5 Secretary may take such measures in the Wilderness as  
6 are necessary to control fire, insects, and diseases, as are  
7 provided for in accordance with—

8 (1) the laws applicable to the Park; and

9 (2) the Wilderness Act (16 U.S.C. 1131 et  
10 seq.).

11 **SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG**  
12 **THOMPSON PROJECTS.**

13 (a) CONDITIONAL WAIVER OF STRICT LIABILITY.—  
14 During any period in which the Water Supply and Storage  
15 Company (or any successor in interest to the company  
16 with respect to the Grand River Ditch) operates and main-  
17 tains the portion of the Grand River Ditch in the Park  
18 in compliance with an operations and maintenance agree-  
19 ment between the Water Supply and Storage Company  
20 and the National Park Service, the provisions of para-  
21 graph (6) of the stipulation approved June 28, 1907—

22 (1) shall be suspended; and

23 (2) shall not be enforceable against the Com-  
24 pany (or any successor in interest).

1 (b) AGREEMENT.—The agreement referred to in sub-  
2 section (a) shall—

3 (1) ensure that—

4 (A) Park resources are managed in accord-  
5 ance with the laws generally applicable to the  
6 Park, including—

7 (i) the Act of January 26, 1915 (16  
8 U.S.C. 191 et seq.); and

9 (ii) the National Park Service Organic  
10 Act (16 U.S.C. 1 et seq.);

11 (B) Park land outside the right-of-way cor-  
12 ridor remains unimpaired consistent with the  
13 National Park Service management policies in  
14 effect as of the date of enactment of this Act;  
15 and

16 (C) any use of Park land outside the right-  
17 of-way corridor (as of the date of enactment of  
18 this Act) shall be permitted only on a tem-  
19 porary basis, subject to such terms and condi-  
20 tions as the Secretary determines to be nec-  
21 essary; and

22 (2) include stipulations with respect to—

23 (A) flow monitoring and early warning  
24 measures;

25 (B) annual and periodic inspections;



1 (C) an annual maintenance plan;

2 (D) measures to identify on an annual  
3 basis capital improvement needs; and

4 (E) the development of plans to address  
5 the needs identified under subparagraph (D).

6 (c) LIMITATION.—Nothing in this section limits or  
7 otherwise affects—

8 (1) the liability of any individual or entity for  
9 damages to, loss of, or injury to any resource within  
10 the Park resulting from any cause or event that oc-  
11 curred before the date of enactment of this Act; or

12 (2) Public Law 101–337 (16 U.S.C. 19jj et  
13 seq.), including the defenses available under that Act  
14 for damage caused—

15 (A) solely by—

16 (i) an act of God;

17 (ii) an act of war; or

18 (iii) an act or omission of a third  
19 party (other than an employee or agent);

20 or

21 (B) by an activity authorized by Federal or  
22 State law.

23 (d) COLORADO-BIG THOMPSON PROJECT AND  
24 WINDY GAP PROJECT.—

1           (1) IN GENERAL.—Nothing in this subtitle, in-  
2           cluding the designation of the Wilderness, prohibits  
3           or affects current and future operation and mainte-  
4           nance activities in, under, or affecting the Wilder-  
5           ness that were allowed as of the date of enactment  
6           of this Act under the Act of January 26, 1915 (16  
7           U.S.C. 191), relating to the Alva B. Adams Tunnel  
8           or other Colorado–Big Thompson Project facilities  
9           located within the Park.

10           (2) ALVA B. ADAMS TUNNEL.—Nothing in this  
11           subtitle, including the designation of the Wilderness,  
12           prohibits or restricts the conveyance of water  
13           through the Alva B. Adams Tunnel for any purpose.

14           (e) RIGHT-OF-WAY.—Notwithstanding the Act of  
15           March 3, 1891 (43 U.S.C. 946) and the Act of May 11,  
16           1898 (43 U.S.C. 951), the right of way for the Grand  
17           River Ditch shall not be terminated, forfeited, or otherwise  
18           affected as a result of the water transported by the Grand  
19           River Ditch being used primarily for domestic purposes  
20           or any purpose of a public nature, unless the Secretary  
21           determines that the change in the main purpose or use  
22           adversely affects the Park.

23           (f) NEW RECLAMATION PROJECTS.—Nothing in the  
24           first section of the Act of January 26, 1915 (16 U.S.C.  
25           191), shall be construed to allow development in the Wil-

1 derness of any reclamation project not in existence as of  
2 the date of enactment of this Act.

3 (g) CLARIFICATION OF MANAGEMENT AUTHORITY.—

4 Nothing in this section reduces or limits the authority of  
5 the Secretary to manage land and resources within the  
6 Park under applicable law.

7 **SEC. 1954. EAST SHORE TRAIL AREA.**

8 (a) IN GENERAL.—Not later than 1 year after the  
9 date of enactment of this Act, the Secretary shall establish  
10 within the East Shore Trail Area in the Park an align-  
11 ment line for a trail, to be known as the “East Shore  
12 Trail”, to maximize the opportunity for sustained use of  
13 the Trail without causing—

14 (1) harm to affected resources; or

15 (2) conflicts among users.

16 (b) BOUNDARIES.—

17 (1) IN GENERAL.—After establishing the align-  
18 ment line for the Trail under subsection (a), the  
19 Secretary shall—

20 (A) identify the boundaries of the Trail,  
21 which shall not extend more than 25 feet east  
22 of the alignment line or be located within the  
23 Wilderness; and

24 (B) modify the map of the Wilderness pre-  
25 pared under section 1952(b)(1)(A) so that the

1 western boundary of the Wilderness is 50 feet  
2 east of the alignment line.

3 (2) ADJUSTMENTS.—To the extent necessary to  
4 protect Park resources, the Secretary may adjust the  
5 boundaries of the Trail, if the adjustment does not  
6 place any portion of the Trail within the boundary  
7 of the Wilderness.

8 (c) INCLUSION IN WILDERNESS.—On completion of  
9 the construction of the Trail, as authorized by the Sec-  
10 retary—

11 (1) any portion of the East Shore Trail Area  
12 that is not traversed by the Trail, that is not west  
13 of the Trail, and that is not within 50 feet of the  
14 centerline of the Trail shall be—

15 (A) included in the Wilderness; and

16 (B) managed as part of the Wilderness in  
17 accordance with section 1952; and

18 (2) the Secretary shall modify the map and  
19 boundary description of the Wilderness prepared  
20 under section 1952(b)(1)(A) to reflect the inclusion  
21 of the East Shore Trail Area land in the Wilderness.

22 (d) EFFECT.—Nothing in this section—

23 (1) requires the construction of the Trail along  
24 the alignment line established under subsection (a);  
25 or

1           (2) limits the extent to which any otherwise ap-  
2           plicable law or policy applies to any decision with re-  
3           spect to the construction of the Trail.

4           (e) RELATION TO LAND OUTSIDE WILDERNESS.—

5           (1) IN GENERAL.—Except as provided in this  
6           subsection, nothing in this subtitle affects the man-  
7           agement or use of any land not included within the  
8           boundaries of the Wilderness or the potential wilder-  
9           ness land.

10          (2) MOTORIZED VEHICLES AND MACHINERY.—

11          No use of motorized vehicles or other motorized ma-  
12          chinery that was not permitted on March 1, 2006,  
13          shall be allowed in the East Shore Trail Area except  
14          as the Secretary determines to be necessary for use  
15          in—

16                 (A) constructing the Trail, if the construc-  
17                 tion is authorized by the Secretary; or

18                 (B) maintaining the Trail.

19          (3) MANAGEMENT OF LAND BEFORE INCLU-  
20          SION.—Until the Secretary authorizes the construc-  
21          tion of the Trail and the use of the Trail for non-  
22          motorized bicycles, the East Shore Trail Area shall  
23          be managed—

24                 (A) to protect any wilderness characteris-  
25                 tics of the East Shore Trail Area; and

1 (B) to maintain the suitability of the East  
2 Shore Trail Area for inclusion in the Wilder-  
3 ness.

4 **SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUST-**  
5 **MENTS.**

6 (a) INDIAN PEAKS WILDERNESS BOUNDARY AD-  
7 JUSTMENT.—Section 3(a) of the Indian Peaks Wilderness  
8 Area, the Arapaho National Recreation Area and the Or-  
9 egon Islands Wilderness Area Act (16 U.S.C. 1132 note;  
10 Public Law 95–450) is amended—

11 (1) by striking “seventy thousand acres” and  
12 inserting “74,195 acres”; and

13 (2) by striking “, dated July 1978” and insert-  
14 ing “and dated May 2007”.

15 (b) ARAPAHO NATIONAL RECREATION AREA BOUND-  
16 ARY ADJUSTMENT.—Section 4(a) of the Indian Peaks  
17 Wilderness Area, the Arapaho National Recreation Area  
18 and the Oregon Islands Wilderness Area Act (16 U.S.C.  
19 460jj(a)) is amended—

20 (1) by striking “thirty-six thousand two hun-  
21 dred thirty-five acres” and inserting “35,235 acres”;  
22 and

23 (2) by striking “, dated July 1978” and insert-  
24 ing “and dated May 2007”.

1 **SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.**

2 (a) IN GENERAL.—Section 3(k) of Public Law 91–  
3 383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land  
4 described in subsection (b).

5 (b) DESCRIPTION OF THE LAND.—The parcel of land  
6 referred to in subsection (a) is the parcel of land known  
7 as the “Leiffer tract” that is—

8 (1) located near the eastern boundary of the  
9 Park in Larimer County, Colorado; and

10 (2) administered by the National Park Service.

11 **Subtitle O—Washington County,**  
12 **Utah**

13 **SEC. 1971. DEFINITIONS.**

14 In this subtitle:

15 (1) BEAVER DAM WASH NATIONAL CONSERVA-  
16 TION AREA MAP.—The term “Beaver Dam Wash  
17 National Conservation Area Map” means the map  
18 entitled “Beaver Dam Wash National Conservation  
19 Area” and dated December 18, 2008.

20 (2) CANAAN MOUNTAIN WILDERNESS MAP.—  
21 The term “Canaan Mountain Wilderness Map”  
22 means the map entitled “Canaan Mountain Wilder-  
23 ness” and dated June 21, 2008.

24 (3) COUNTY.—The term “County” means  
25 Washington County, Utah.

1           (4) NORTHEASTERN WASHINGTON COUNTY  
2 WILDERNESS MAP.—The term “Northeastern Wash-  
3 ington County Wilderness Map” means the map en-  
4 titled “Northeastern Washington County Wilder-  
5 ness” and dated November 12, 2008.

6           (5) NORTHWESTERN WASHINGTON COUNTY  
7 WILDERNESS MAP.—The term “Northwestern Wash-  
8 ington County Wilderness Map” means the map en-  
9 titled “Northwestern Washington County Wilder-  
10 ness” and dated June 21, 2008.

11           (6) RED CLIFFS NATIONAL CONSERVATION  
12 AREA MAP.—The term “Red Cliffs National Con-  
13 servation Area Map” means the map entitled “Red  
14 Cliffs National Conservation Area” and dated No-  
15 vember 12, 2008.

16           (7) SECRETARY.—The term “Secretary”  
17 means—

18           (A) with respect to land under the jurisdic-  
19 tion of the Secretary of Agriculture, the Sec-  
20 retary of Agriculture; and

21           (B) with respect to land under the jurisdic-  
22 tion of the Secretary of the Interior, the Sec-  
23 retary of the Interior.

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



1           (9) 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 November 13,  
6           2008.

7   **SEC. 1972. WILDERNESS AREAS.**

8           (a) ADDITIONS TO NATIONAL WILDERNESS PRESER-  
9           VATION SYSTEM.—

10           (1) ADDITIONS.—Subject to valid existing  
11           rights, the following land in the State is designated  
12           as wilderness and as components of the National  
13           Wilderness Preservation System:

14                   (A) BEARTRAP CANYON.—Certain Federal  
15                   land managed by the Bureau of Land Manage-  
16                   ment, comprising approximately 40 acres, as  
17                   generally depicted on the Northeastern Wash-  
18                   ington County Wilderness Map, which shall be  
19                   known as the “Beartrap Canyon Wilderness”.

20                   (B) BLACKRIDGE.—Certain Federal land  
21                   managed by the Bureau of Land Management,  
22                   comprising approximately 13,015 acres, as gen-  
23                   erally depicted on the Northeastern Washington  
24                   County Wilderness Map, which shall be known  
25                   as the “Blackridge Wilderness”.

1           (C) CANAAN MOUNTAIN.—Certain Federal  
2 land in the County managed by the Bureau of  
3 Land Management, comprising approximately  
4 44,531 acres, as generally depicted on the  
5 Canaan Mountain Wilderness Map, which shall  
6 be known as the “Canaan Mountain Wilder-  
7 ness”.

8           (D) COTTONWOOD CANYON.—Certain Fed-  
9 eral land managed by the Bureau of Land Man-  
10 agement, comprising approximately 11,712  
11 acres, as generally depicted on the Red Cliffs  
12 National Conservation Area Map, which shall  
13 be known as the “Cottonwood Canyon Wilder-  
14 ness”.

15           (E) COTTONWOOD FOREST.—Certain Fed-  
16 eral land managed by the Forest Service, com-  
17 prising approximately 2,643 acres, as generally  
18 depicted on the Red Cliffs National Conserva-  
19 tion Area Map, which shall be known as the  
20 “Cottonwood Forest Wilderness”.

21           (F) COUGAR CANYON.—Certain Federal  
22 land managed by the Bureau of Land Manage-  
23 ment, comprising approximately 10,409 acres,  
24 as generally depicted on the Northwestern  
25 Washington County Wilderness Map, which

1 shall be known as the “Cougar Canyon Wilder-  
2 ness”.

3 (G) DEEP CREEK.—Certain Federal land  
4 managed by the Bureau of Land Management,  
5 comprising approximately 3,284 acres, as gen-  
6 erally depicted on the Northeastern Washington  
7 County Wilderness Map, which shall be known  
8 as the “Deep Creek Wilderness”.

9 (H) DEEP CREEK NORTH.—Certain Fed-  
10 eral land managed by the Bureau of Land Man-  
11 agement, comprising approximately 4,262 acres,  
12 as generally depicted on the Northeastern  
13 Washington County Wilderness Map, which  
14 shall be known as the “Deep Creek North Wil-  
15 derness”.

16 (I) DOC’S PASS.—Certain Federal land  
17 managed by the Bureau of Land Management,  
18 comprising approximately 17,294 acres, as gen-  
19 erally depicted on the Northwestern Wash-  
20 ington County Wilderness Map, which shall be  
21 known as the “Doc’s Pass Wilderness”.

22 (J) GOOSE CREEK.—Certain Federal land  
23 managed by the Bureau of Land Management,  
24 comprising approximately 98 acres, as generally  
25 depicted on the Northeastern Washington

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

3 (K) LAVERKIN CREEK.—Certain Federal  
4 land managed by the Bureau of Land Manage-  
5 ment, comprising approximately 445 acres, as  
6 generally depicted on the Northeastern Wash-  
7 ington County Wilderness Map, which shall be  
8 known as the “LaVerkin Creek Wilderness”.

9 (L) RED BUTTE.—Certain Federal land  
10 managed by the Bureau of Land Management,  
11 comprising approximately 1,537 acres, as gen-  
12 erally depicted on the Northeastern Washington  
13 County Wilderness Map, which shall be known  
14 as the “Red Butte Wilderness”.

15 (M) RED MOUNTAIN.—Certain Federal  
16 land managed by the Bureau of Land Manage-  
17 ment, comprising approximately 18,729 acres,  
18 as generally depicted on the Red Cliffs National  
19 Conservation Area Map, which shall be known  
20 as the “Red Mountain Wilderness”.

21 (N) SLAUGHTER CREEK.—Certain Federal  
22 land managed by the Bureau of Land Manage-  
23 ment, comprising approximately 3,901 acres, as  
24 generally depicted on the Northwestern Wash-

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

3           (O) TAYLOR CREEK.—Certain Federal  
4           land managed by the Bureau of Land Manage-  
5           ment, comprising approximately 32 acres, as  
6           generally depicted on the Northeastern Wash-  
7           ington County Wilderness Map, which shall be  
8           known as the “Taylor Creek Wilderness”.

9           (2) MAPS AND LEGAL DESCRIPTIONS.—

10           (A) IN GENERAL.—As soon as practicable  
11           after the date of enactment of this Act, the Sec-  
12           retary shall submit to the Committee on Energy  
13           and Natural Resources of the Senate and the  
14           Committee on Natural Resources of the House  
15           of Representatives a map and legal description  
16           of each wilderness area designated by para-  
17           graph (1).

18           (B) FORCE AND EFFECT.—Each map and  
19           legal description submitted under subparagraph  
20           (A) shall have the same force and effect as if  
21           included in this subtitle, except that the Sec-  
22           retary may correct any clerical or typographical  
23           errors in the map or legal description.

1                   (C) AVAILABILITY.—Each map and legal  
2 description submitted under subparagraph (A)  
3 shall be available in the appropriate offices of—

4                   (i) the Bureau of Land Management;

5                   and

6                   (ii) the Forest Service.

7 (b) ADMINISTRATION OF WILDERNESS AREAS.—

8                   (1) MANAGEMENT.—Subject to valid existing  
9 rights, each area designated as wilderness by sub-  
10 section (a)(1) shall be administered by the Secretary  
11 in accordance with the Wilderness Act (16 U.S.C.  
12 1131 et seq.), except that—

13                   (A) any reference in the Wilderness Act to  
14 the effective date of that Act shall be consid-  
15 ered to be a reference to the date of enactment  
16 of this Act; and

17                   (B) any reference in the Wilderness Act to  
18 the Secretary of Agriculture shall be considered  
19 to be a reference to the Secretary that has ju-  
20 risdiction over the land.

21                   (2) LIVESTOCK.—The grazing of livestock in  
22 each area designated as wilderness by subsection  
23 (a)(1), where established before the date of enact-  
24 ment of this Act, shall be permitted to continue—

1 (A) subject to such reasonable regulations,  
2 policies, and practices that the Secretary con-  
3 siders necessary; and

4 (B) in accordance with—

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

7 (ii) the guidelines set forth in Appen-  
8 dix A of the report of the Committee on  
9 Interior and Insular Affairs of the House  
10 of Representatives accompanying H.R.  
11 2570 of the 101st Congress (H.Rep. 101-  
12 405) and H.R. 5487 of the 96th Congress  
13 (H. Rept. 96-617).

14 (3) WILDFIRE, INSECT, AND DISEASE MANAGE-  
15 MENT.—In accordance with section 4(d)(1) of the  
16 Wilderness Act (16 U.S.C. 1133(d)(1)), the Sec-  
17 retary may take such measures in each area des-  
18 ignated as wilderness by subsection (a)(1) as the  
19 Secretary determines to be necessary for the control  
20 of fire, insects, and diseases (including, as the Sec-  
21 retary determines to be appropriate, the coordination  
22 of those activities with a State or local agency).

23 (4) BUFFER ZONES.—

24 (A) IN GENERAL.—Nothing in this section  
25 creates a protective perimeter or buffer zone

1           around any area designated as wilderness by  
2           subsection (a)(1).

3           (B) ACTIVITIES OUTSIDE WILDERNESS.—

4           The fact that an activity or use on land outside  
5           any area designated as wilderness by subsection  
6           (a)(1) can be seen or heard within the wilder-  
7           ness shall not preclude the activity or use out-  
8           side the boundary of the wilderness.

9           (5) MILITARY OVERFLIGHTS.—Nothing in this  
10          section restricts or precludes—

11           (A) low-level overflights of military aircraft  
12           over any area designated as wilderness by sub-  
13           section (a)(1), including military overflights  
14           that can be seen or heard within any wilderness  
15           area;

16           (B) flight testing and evaluation; or

17           (C) the designation or creation of new  
18           units of special use airspace, or the establish-  
19           ment of military flight training routes over any  
20           wilderness area.

21           (6) ACQUISITION AND INCORPORATION OF LAND  
22          AND INTERESTS IN LAND.—

23           (A) ACQUISITION AUTHORITY.—In accord-  
24           ance with applicable laws (including regula-  
25           tions), the Secretary may acquire any land or



1 interest in land within the boundaries of the  
2 wilderness areas designated by subsection (a)(1)  
3 by purchase from willing sellers, donation, or  
4 exchange.

5 (B) INCORPORATION.—Any land or inter-  
6 est in land acquired by the Secretary under  
7 subparagraph (A) shall be incorporated into,  
8 and administered as a part of, the wilderness  
9 area in which the land or interest in land is lo-  
10 cated.

11 (7) NATIVE AMERICAN CULTURAL AND RELI-  
12 GIOUS USES.—Nothing in this section diminishes—

13 (A) the rights of any Indian tribe; or

14 (B) any tribal rights regarding access to  
15 Federal land for tribal activities, including spir-  
16 itual, cultural, and traditional food-gathering  
17 activities.

18 (8) CLIMATOLOGICAL DATA COLLECTION.—In  
19 accordance with the Wilderness Act (16 U.S.C. 1131  
20 et seq.) and subject to such terms and conditions as  
21 the Secretary may prescribe, the Secretary may au-  
22 thorize the installation and maintenance of hydro-  
23 logic, meteorologic, or climatological collection de-  
24 vices in the wilderness areas designated by sub-  
25 section (a)(1) if the Secretary determines that the

1 facilities and access to the facilities are essential to  
2 flood warning, flood control, or water reservoir oper-  
3 ation activities.

4 (9) WATER RIGHTS.—

5 (A) STATUTORY CONSTRUCTION.—Nothing  
6 in this section—

7 (i) shall constitute or be construed to  
8 constitute either an express or implied res-  
9 ervation by the United States of any water  
10 or water rights with respect to the land  
11 designated as wilderness by subsection  
12 (a)(1);

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

17 (iii) shall be construed as establishing  
18 a precedent with regard to any future wil-  
19 derness designations;

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

23 (v) shall be construed as limiting, al-  
24 tering, modifying, or amending any of the  
25 interstate compacts or equitable apportion-

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

3                   (B) STATE WATER LAW.—The Secretary  
4                   shall follow the procedural and substantive re-  
5                   quirements of the law of the State in order to  
6                   obtain and hold any water rights not in exist-  
7                   ence on the date of enactment of this Act with  
8                   respect to the wilderness areas designated by  
9                   subsection (a)(1).

10                  (10) FISH AND WILDLIFE.—

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

15                   (B) AUTHORITY OF SECRETARY.—In fur-  
16                   therance of the purposes and principles of the  
17                   Wilderness Act (16 U.S.C. 1131 et seq.), the  
18                   Secretary may carry out management activities  
19                   to maintain or restore fish and wildlife popu-  
20                   lations (including activities to maintain and re-  
21                   store fish and wildlife habitats to support the  
22                   populations) in any wilderness area designated  
23                   by subsection (a)(1) if the activities are—

24                   (i) consistent with applicable wilder-  
25                   ness management plans; and

1 (ii) carried out in accordance with—  
2 (I) the Wilderness Act (16  
3 U.S.C. 1131 et seq.); and  
4 (II) applicable guidelines and  
5 policies, including applicable policies  
6 described in Appendix B of House Re-  
7 port 101–405.

8 (11) WILDLIFE WATER DEVELOPMENT  
9 PROJECTS.—Subject to paragraph (12), the Sec-  
10 retary may authorize structures and facilities, in-  
11 cluding existing structures and facilities, for wildlife  
12 water development projects, including guzzlers, in  
13 the wilderness areas designated by subsection (a)(1)  
14 if—

15 (A) the structures and facilities will, as de-  
16 termined by the Secretary, enhance wilderness  
17 values by promoting healthy, viable, and more  
18 naturally distributed wildlife populations; and

19 (B) the visual impacts of the structures  
20 and facilities on the wilderness areas can rea-  
21 sonably be minimized.

22 (12) COOPERATIVE AGREEMENT.—Not later  
23 than 1 year after the date of enactment of this Act,  
24 the Secretary shall enter into a cooperative agree-  
25 ment with the State that specifies the terms and

1 conditions under which wildlife management activi-  
2 ties in the wilderness areas designated by subsection  
3 (a)(1) may be carried out.

4 (c) RELEASE OF WILDERNESS STUDY AREAS.—

5 (1) FINDING.—Congress finds that, for the pur-  
6 poses of section 603 of the Federal Land Policy and  
7 Management Act of 1976 (43 U.S.C. 1782), the  
8 public land in the County administered by the Bu-  
9 reau of Land Management has been adequately  
10 studied for wilderness designation.

11 (2) RELEASE.—Any public land described in  
12 paragraph (1) that is not designated as wilderness  
13 by subsection (a)(1)—

14 (A) is no longer subject to section 603(c)  
15 of the Federal Land Policy and Management  
16 Act of 1976 (43 U.S.C. 1782(c)); and

17 (B) shall be managed in accordance with  
18 applicable law and the land management plans  
19 adopted under section 202 of that Act (43  
20 U.S.C. 1712).

21 (d) TRANSFER OF ADMINISTRATIVE JURISDICTION  
22 TO NATIONAL PARK SERVICE.—Administrative jurisdic-  
23 tion over the land identified as the Watchman Wilderness  
24 on the Northeastern Washington County Wilderness Map  
25 is hereby transferred to the National Park Service, to be

1 included in, and administered as part of Zion National  
2 Park.

3 **SEC. 1973. ZION NATIONAL PARK WILDERNESS.**

4 (a) DEFINITIONS.—In this section:

5 (1) FEDERAL LAND.—The term “Federal land”  
6 means certain Federal land—

7 (A) that is—

8 (i) located in the County and Iron  
9 County, Utah; and

10 (ii) managed by the National Park  
11 Service;

12 (B) consisting of approximately 124,406  
13 acres; and

14 (C) as generally depicted on the Zion Na-  
15 tional Park Wilderness Map and the area added  
16 to the park under section 1972(d).

17 (2) WILDERNESS AREA.—The term “Wilderness  
18 Area” means the Zion Wilderness designated by sub-  
19 section (b)(1).

20 (3) ZION NATIONAL PARK WILDERNESS MAP.—  
21 The term “Zion National Park Wilderness Map”  
22 means the map entitled “Zion National Park Wilder-  
23 ness” and dated April 2008.

24 (b) ZION NATIONAL PARK WILDERNESS.—

1           (1) DESIGNATION.—Subject to valid existing  
2 rights, the Federal land is designated as wilderness  
3 and as a component of the National Wilderness  
4 Preservation System, to be known as the “Zion Wil-  
5 derness”.

6           (2) INCORPORATION OF ACQUIRED LAND.—Any  
7 land located in the Zion National Park that is ac-  
8 quired by the Secretary through a voluntary sale, ex-  
9 change, or donation may, on the recommendation of  
10 the Secretary, become part of the Wilderness Area,  
11 in accordance with the Wilderness Act (16 U.S.C.  
12 1131 et seq.).

13           (3) MAP AND LEGAL DESCRIPTION.—

14           (A) IN GENERAL.—As soon as practicable  
15 after the date of enactment of this Act, the Sec-  
16 retary shall submit to the Committee on Energy  
17 and Natural Resources of the Senate and the  
18 Committee on Natural Resources of the House  
19 of Representatives a map and legal description  
20 of the Wilderness Area.

21           (B) FORCE AND EFFECT.—The map and  
22 legal description submitted under subparagraph  
23 (A) shall have the same force and effect as if  
24 included in this Act, except that the Secretary

1           may correct any clerical or typographical errors  
2           in the map or legal description.

3           (C) AVAILABILITY.—The map and legal  
4           description submitted under subparagraph (A)  
5           shall be available in the appropriate offices of  
6           the National Park Service.

7 **SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.**

8           (a) PURPOSES.—The purposes of this section are—

9           (1) to conserve, protect, and enhance for the  
10          benefit and enjoyment of present and future genera-  
11          tions the ecological, scenic, wildlife, recreational, cul-  
12          tural, historical, natural, educational, and scientific  
13          resources of the National Conservation Area; and

14          (2) to protect each species that is—

15                (A) located in the National Conservation  
16                Area; and

17                (B) listed as a threatened or endangered  
18                species on the list of threatened species or the  
19                list of endangered species published under sec-  
20                tion 4(c)(1) of the Endangered Species Act of  
21                1973 (16 U.S.C. 1533(c)(1)).

22          (b) DEFINITIONS.—In this section:

23                (1) HABITAT CONSERVATION PLAN.—The term  
24                “habitat conservation plan” means the conservation



1 plan entitled “Washington County Habitat Con-  
2 servation Plan” and dated February 23, 1996.

3 (2) MANAGEMENT PLAN.—The term “manage-  
4 ment plan” means the management plan for the Na-  
5 tional Conservation Area developed by the Secretary  
6 under subsection (d)(1).

7 (3) NATIONAL CONSERVATION AREA.—The  
8 term “National Conservation Area” means the Red  
9 Cliffs National Conservation Area that—

10 (A) consists of approximately 44,725 acres  
11 of public land in the County, as generally de-  
12 picted on the Red Cliffs National Conservation  
13 Area Map; and

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

15 (4) PUBLIC USE PLAN.—The term “public use  
16 plan” means the use plan entitled “Red Cliffs  
17 Desert Reserve Public Use Plan” and dated June  
18 12, 2000, as amended.

19 (5) RESOURCE MANAGEMENT PLAN.—The term  
20 “resource management plan” means the manage-  
21 ment plan entitled “St. George Field Office Re-  
22 source Management Plan” and dated March 15,  
23 1999, as amended.

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

4           (d) MANAGEMENT PLAN.—

5               (1) IN GENERAL.—Not later than 3 years after  
6 the date of enactment of this Act and in accordance  
7 with paragraph (2), the Secretary shall develop a  
8 comprehensive plan for the long-term management  
9 of the National Conservation Area.

10           (2) CONSULTATION.—In developing the man-  
11 agement plan required under paragraph (1), the  
12 Secretary shall consult with—

13               (A) appropriate State, tribal, and local  
14 governmental entities; and

15               (B) members of the public.

16           (3) INCORPORATION OF PLANS.—In developing  
17 the management plan required under paragraph (1),  
18 to the extent consistent with this section, the Sec-  
19 retary may incorporate any provision of—

20               (A) the habitat conservation plan;

21               (B) the resource management plan; and

22               (C) the public use plan.

23           (e) MANAGEMENT.—

24               (1) IN GENERAL.—The Secretary shall manage  
25 the National Conservation Area—

1 (A) in a manner that conserves, protects,  
2 and enhances the resources of the National  
3 Conservation Area; and

4 (B) in accordance with—

5 (i) the Federal Land Policy and Man-  
6 agement Act of 1976 (43 U.S.C. 1701 et  
7 seq.);

8 (ii) this section; and

9 (iii) any other applicable law (includ-  
10 ing regulations).

11 (2) USES.—The Secretary shall only allow uses  
12 of the National Conservation Area that the Sec-  
13 retary determines would further a purpose described  
14 in subsection (a).

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

22 (4) GRAZING.—The grazing of livestock in the  
23 National Conservation Area, where established be-  
24 fore the date of enactment of this Act, shall be per-  
25 mitted to continue—

1 (A) subject to—

2 (i) such reasonable regulations, poli-  
3 cies, and practices as the Secretary con-  
4 siders necessary; and

5 (ii) applicable law; and

6 (B) in a manner consistent with the pur-  
7 poses described in subsection (a).

8 (5) WILDLAND FIRE OPERATIONS.—Nothing in  
9 this section prohibits the Secretary, in cooperation  
10 with other Federal, State, and local agencies, as ap-  
11 propriate, from conducting wildland fire operations  
12 in the National Conservation Area, consistent with  
13 the purposes of this section.

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

18 (1) become part of the National Conservation  
19 Area; and

20 (2) be managed in accordance with—

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

23 (B) this section; and

24 (C) any other applicable law (including  
25 regulations).

1 (g) WITHDRAWAL.—

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

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

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

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

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

17 (h) EFFECT.—Nothing in this section prohibits the  
18 authorization of the development of utilities within the Na-  
19 tional Conservation Area if the development is carried out  
20 in accordance with—

21 (1) each utility development protocol described  
22 in the habitat conservation plan; and

23 (2) any other applicable law (including regula-  
24 tions).

1 **SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION**  
2 **AREA.**

3 (a) **PURPOSE.**—The purpose of this section is to con-  
4 serve, protect, and enhance for the benefit and enjoyment  
5 of present and future generations the ecological, scenic,  
6 wildlife, recreational, cultural, historical, natural, edu-  
7 cational, and scientific resources of the Beaver Dam Wash  
8 National Conservation Area.

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

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

14 (2) **NATIONAL CONSERVATION AREA.**—The  
15 term “National Conservation Area” means the Bea-  
16 ver Dam Wash National Conservation Area that—

17 (A) consists of approximately 68,083 acres  
18 of public land in the County, as generally de-  
19 picted on the Beaver Dam Wash National Con-  
20 servation Area Map; and

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

22 (c) **ESTABLISHMENT.**—Subject to valid existing  
23 rights, there is established in the State the Beaver Dam  
24 Wash National Conservation Area.

25 (d) **MANAGEMENT PLAN.**—

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

6           (2) CONSULTATION.—In developing the man-  
7 agement plan required under paragraph (1), the  
8 Secretary shall consult with—

9                   (A) appropriate State, tribal, and local  
10 governmental entities; and

11                   (B) members of the public.

12           (3) MOTORIZED VEHICLES.—In developing the  
13 management plan required under paragraph (1), the  
14 Secretary shall incorporate the restrictions on mo-  
15 torized vehicles described in subsection (e)(3).

16 (e) MANAGEMENT.—

17           (1) IN GENERAL.—The Secretary shall manage  
18 the National Conservation Area—

19                   (A) in a manner that conserves, protects,  
20 and enhances the resources of the National  
21 Conservation Area; and

22                   (B) in accordance with—

23                           (i) the Federal Land Policy and Man-  
24 agement Act of 1976 (43 U.S.C. 1701 et  
25 seq.);

1 (ii) this section; and

2 (iii) any other applicable law (includ-  
3 ing regulations).

4 (2) USES.—The Secretary shall only allow uses  
5 of the National Conservation Area that the Sec-  
6 retary determines would further the purpose de-  
7 scribed in subsection (a).

8 (3) MOTORIZED VEHICLES.—

9 (A) IN GENERAL.—Except in cases in  
10 which motorized vehicles are needed for admin-  
11 istrative purposes, or to respond to an emer-  
12 gency, the use of motorized vehicles in the Na-  
13 tional Conservation Area shall be permitted  
14 only on roads designated by the management  
15 plan for the use of motorized vehicles.

16 (B) ADDITIONAL REQUIREMENT RELATING  
17 TO CERTAIN AREAS LOCATED IN THE NATIONAL  
18 CONSERVATION AREA.—In addition to the re-  
19 quirement described in subparagraph (A), with  
20 respect to the areas designated on the Beaver  
21 Dam Wash National Conservation Area Map as  
22 “Designated Road Areas”, motorized vehicles  
23 shall be permitted only on the roads identified  
24 on such map.



1           (4) GRAZING.—The grazing of livestock in the  
2           National Conservation Area, where established be-  
3           fore the date of enactment of this Act, shall be per-  
4           mitted to continue—

5                   (A) subject to—

6                           (i) such reasonable regulations, poli-  
7                           cies, and practices as the Secretary con-  
8                           siders necessary; and

9                           (ii) applicable law (including regula-  
10                          tions); and

11                   (B) in a manner consistent with the pur-  
12                   pose described in subsection (a).

13           (5) WILDLAND FIRE OPERATIONS.—Nothing in  
14           this section prohibits the Secretary, in cooperation  
15           with other Federal, State, and local agencies, as ap-  
16           propriate, from conducting wildland fire operations  
17           in the National Conservation Area, consistent with  
18           the purposes of this section.

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

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

25                   (2) be managed in accordance with—

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

3 (B) this section; and

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

6 (g) WITHDRAWAL.—

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

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

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

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

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

22 **SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER**  
23 **DESIGNATION.**

24 (a) DESIGNATION.—Section 3(a) of the Wild and  
25 Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by

1 section 1852) is amended by adding at the end the fol-  
2 lowing:

3           “(204) ZION NATIONAL PARK, UTAH.—The ap-  
4 proximately 165.5 miles of segments of the Virgin  
5 River and tributaries of the Virgin River across Fed-  
6 eral land within and adjacent to Zion National Park,  
7 as generally depicted on the map entitled ‘Wild and  
8 Scenic River Segments Zion National Park and Bu-  
9 reau of Land Management’ and dated April 2008, to  
10 be administered by the Secretary of the Interior in  
11 the following classifications:

12           “(A) TAYLOR CREEK.—The 4.5-mile seg-  
13 ment from the junction of the north, middle,  
14 and south forks of Taylor Creek, west to the  
15 park boundary and adjacent land rim-to-rim, as  
16 a scenic river.

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

21           “(C) MIDDLE FORK OF TAYLOR CREEK.—  
22 The segment from the head of Middle Fork on  
23 Bureau of Land Management land to the junc-  
24 tion with Taylor Creek and adjacent land rim-  
25 to-rim, as a wild river.

1           “(D) SOUTH FORK OF TAYLOR CREEK.—

2           The segment from the head of South Fork to  
3           the junction with Taylor Creek and adjacent  
4           land rim-to-rim, as a wild river.

5           “(E) TIMBER CREEK AND TRIBUTARIES.—

6           The 3.1-mile segment from the head of Timber  
7           Creek and tributaries of Timber Creek to the  
8           junction with LaVerkin Creek and adjacent  
9           land rim-to-rim, as a wild river.

10          “(F) LAVERKIN CREEK.—The 16.1-mile

11          segment beginning in T. 38 S., R. 11 W., sec.  
12          21, on Bureau of Land Management land,  
13          southwest through Zion National Park, and  
14          ending at the south end of T. 40 S., R. 12 W.,  
15          sec. 7, and adjacent land  $\frac{1}{2}$ -mile wide, as a  
16          wild river.

17          “(G) WILLIS CREEK.—The 1.9-mile seg-

18          ment beginning on Bureau of Land Manage-  
19          ment land in the SWSW sec. 27, T. 38 S., R.  
20          11 W., to the junction with LaVerkin Creek in  
21          Zion National Park and adjacent land rim-to-  
22          rim, as a wild river.

23          “(H) BEARTRAP CANYON.—The 2.3-mile

24          segment beginning on Bureau of Management  
25          land in the SWNW sec. 3, T. 39 S., R. 11 W.,

1 to the junction with LaVerkin Creek and the  
2 segment from the headwaters north of Long  
3 Point to the junction with LaVerkin Creek and  
4 adjacent land rim-to-rim, as a wild river.

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

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

14 “(K) CANE CREEK.—The 0.6-mile seg-  
15 ment from the head of Smith Creek to the junc-  
16 tion with LaVerkin Creek and adjacent land  
17 ½-mile wide, as a wild river.

18 “(L) SMITH CREEK.—The 1.3-mile seg-  
19 ment from the head of Smith Creek to the junc-  
20 tion with LaVerkin Creek and adjacent land  
21 ½-mile wide, as a wild river.

22 “(M) NORTH CREEK LEFT AND RIGHT  
23 FORKS.—The segment of the Left Fork from  
24 the junction with Wildcat Canyon to the junc-  
25 tion with Right Fork, from the head of Right

1 Fork to the junction with Left Fork, and from  
2 the junction of the Left and Right Forks south-  
3 west to Zion National Park boundary and adja-  
4 cent land rim-to-rim, as a wild river.

5 “(N) WILDCAT CANYON (BLUE CREEK).—  
6 The segment of Blue Creek from the Zion Na-  
7 tional Park boundary to the junction with the  
8 Right Fork of North Creek and adjacent land  
9 rim-to-rim, as a wild river.

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

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

18 “(Q) GRAPEVINE WASH.—The 2.6-mile  
19 segment from the Lower Kolob Plateau to the  
20 junction with the Left Fork of North Creek and  
21 adjacent land rim-to-rim, as a scenic river.

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

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

5           “(T) KOLOB CREEK.—The 5.9-mile seg-  
6 ment of Kolob Creek beginning in T. 39 S., R.  
7 10 W., sec. 30, through Bureau of Land Man-  
8 agement land and Zion National Park land to  
9 the junction with the North Fork of the Virgin  
10 River and adjacent land rim-to-rim, as a wild  
11 river.

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

16           “(V) GOOSE CREEK.—The 4.6-mile seg-  
17 ment of Goose Creek from the head of Goose  
18 Creek to the junction with the North Fork of  
19 the Virgin River and adjacent land rim-to-rim,  
20 as a wild river.

21           “(W) DEEP CREEK.—The 5.3-mile seg-  
22 ment of Deep Creek beginning on Bureau of  
23 Land Management land at the northern bound-  
24 ary of T. 39 S., R. 10 W., sec. 23, south to the

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

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

10 “(Y) NORTH FORK OF THE VIRGIN  
11 RIVER.—The 8-mile segment of the North Fork  
12 of the Virgin River from Temple of Sinawava  
13 south to the Zion National Park boundary and  
14 adjacent land ½-mile wide, as a recreational  
15 river.

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

20 “(AA) ORDERVILLE CANYON.—The seg-  
21 ment from the eastern boundary of Zion Na-  
22 tional Park to the junction with the North Fork  
23 of the Virgin River and adjacent land rim-to-  
24 rim, as a wild river.



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

5           “(CC) ECHO CANYON.—The segment from  
6 the eastern boundary of Zion National Park to  
7 the junction with the North Fork of the Virgin  
8 River and adjacent land rim-to-rim, as a wild  
9 river.

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

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

18          “(FF) BIRCH CREEK.—The segment from  
19 the head of Birch Creek to the junction with  
20 the North Fork of the Virgin River and adja-  
21 cent land 1/2-mile wide, as a wild river.

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

1           “(HH) OAK CREEK.—The 1–mile segment  
2 of Oak Creek from the point at which the 2  
3 forks of Oak Creek join to the junction with the  
4 North Fork of the Virgin River and adjacent  
5 land ½–mile wide, as a recreational river.

6           “(II) CLEAR CREEK.—The 6.4–mile seg-  
7 ment of Clear Creek from the eastern boundary  
8 of Zion National Park to the junction with Pine  
9 Creek and adjacent land rim-to-rim, as a rec-  
10 reational river.

11           “(JJ) PINE CREEK .—The 2–mile segment  
12 of Pine Creek from the head of Pine Creek to  
13 the junction with Clear Creek and adjacent land  
14 rim-to-rim, as a wild river.

15           “(KK) PINE CREEK.—The 3–mile segment  
16 of Pine Creek from the junction with Clear  
17 Creek to the junction with the North Fork of  
18 the Virgin River and adjacent land rim-to-rim,  
19 as a recreational river.

20           “(LL) EAST FORK OF THE VIRGIN  
21 RIVER.—The 8–mile segment of the East Fork  
22 of the Virgin River from the eastern boundary  
23 of Zion National Park through Parunuweap  
24 Canyon to the western boundary of Zion Na-

1            tional Park and adjacent land ½-mile wide, as  
2            a wild river.

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

9            (b) INCORPORATION OF ACQUIRED NON-FEDERAL  
10          LAND.—If the United States acquires any non-Federal  
11          land within or adjacent to Zion National Park that in-  
12          cludes a river segment that is contiguous to a river seg-  
13          ment of the Virgin River designated as a wild, scenic, or  
14          recreational river by paragraph (204) of section 3(a) of  
15          the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as  
16          added by subsection (a)), the acquired river segment shall  
17          be incorporated in, and be administered as part of, the  
18          applicable wild, scenic, or recreational river.

19          (c) SAVINGS CLAUSE.—The amendment made by  
20          subsection (a) does not affect the agreement among the  
21          United States, the State, the Washington County Water  
22          Conservancy District, and the Kane County Water Con-  
23          servancy District entitled “Zion National Park Water  
24          Rights Settlement Agreement” and dated December 4,  
25          1996.

1 **SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAV-**  
2 **EL AND TRANSPORTATION MANAGEMENT**  
3 **PLAN.**

4 (a) DEFINITIONS.—In this section:

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

7 (2) SECRETARY CONCERNED.—The term “Sec-  
8 retary concerned” means—

9 (A) with respect to land managed by the  
10 Bureau of Land Management, the Secretary;  
11 and

12 (B) with respect to land managed by the  
13 Forest Service, the Secretary of Agriculture.

14 (3) TRAIL.—The term “trail” means the High  
15 Desert Off-Highway Vehicle Trail designated under  
16 subsection (c)(1)(A).

17 (4) TRAVEL MANAGEMENT PLAN.—The term  
18 “travel management plan” means the comprehensive  
19 travel and transportation management plan devel-  
20 oped under subsection (b)(1).

21 (b) COMPREHENSIVE TRAVEL AND TRANSPORTATION  
22 MANAGEMENT PLAN.—

23 (1) IN GENERAL.—Not later than 3 years after  
24 the date of enactment of this Act, in accordance  
25 with the Federal Land Policy and Management Act  
26 of 1976 (43 U.S.C. 1701 et seq.) and other applica-

1 ble laws (including regulations), the Secretary, in  
2 consultation with appropriate Federal agencies and  
3 State, tribal, and local governmental entities, and  
4 after an opportunity for public comment, shall de-  
5 velop a comprehensive travel management plan for  
6 the land managed by the Bureau of Land Manage-  
7 ment in the County—

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 and general  
13 access opportunities;

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

16 (i) motorized recreation; and

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

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

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

23 (ii) trail system management; and

24 (D) to support law enforcement officials in  
25 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) in consultation with appropriate Fed-  
8 eral agencies, State, tribal, and local govern-  
9 mental entities (including the County and St.  
10 George City, Utah), and the public, identify 1  
11 or more alternatives for a northern transpor-  
12 tation route in the County;

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

15 (C) designate a system of areas, roads, and  
16 trails for mechanical and motorized use.

17 (c) DESIGNATION OF TRAIL.—

18 (1) DESIGNATION.—

19 (A) IN GENERAL.—As a component of the  
20 travel management plan, and in accordance  
21 with subparagraph (B), the Secretary, in co-  
22 ordination with the Secretary of Agriculture,  
23 and after an opportunity for public comment,  
24 shall designate a trail (which may include a sys-  
25 tem of trails)—

1 (i) for use by off-highway vehicles;

2 and

3 (ii) to be known as the “High Desert  
4 Off-Highway Vehicle Trail”.

5 (B) REQUIREMENTS.—In designating the  
6 trail, the Secretary shall only include trails that  
7 are—

8 (i) as of the date of enactment of this  
9 Act, authorized for use by off-highway ve-  
10 hicles; and

11 (ii) located on land that is managed  
12 by the Bureau of Land Management in the  
13 County.

14 (C) NATIONAL FOREST LAND.—The Sec-  
15 retary of Agriculture, in coordination with the  
16 Secretary and in accordance with applicable  
17 law, may designate a portion of the trail on Na-  
18 tional Forest System land within the County.

19 (D) MAP.—A map that depicts the trail  
20 shall be on file and available for public inspec-  
21 tion in the appropriate offices of—

22 (i) the Bureau of Land Management;

23 and

24 (ii) the Forest Service.

25 (2) MANAGEMENT.—

1 (A) IN GENERAL.—The Secretary con-  
2 cerned shall manage the trail—

3 (i) in accordance with applicable laws  
4 (including regulations);

5 (ii) to ensure the safety of citizens  
6 who use the trail; and

7 (iii) in a manner by which to minimize  
8 any damage to sensitive habitat or cultural  
9 resources.

10 (B) MONITORING; EVALUATION.—To mini-  
11 mize the impacts of the use of the trail on envi-  
12 ronmental and cultural resources, the Secretary  
13 concerned shall—

14 (i) annually assess the effects of the  
15 use of off-highway vehicles on—

16 (I) the trail; and

17 (II) land located in proximity to  
18 the trail; and

19 (ii) in consultation with the Utah De-  
20 partment of Natural Resources, annually  
21 assess the effects of the use of the trail on  
22 wildlife and wildlife habitat.

23 (C) CLOSURE.—The Secretary concerned,  
24 in consultation with the State and the County,  
25 and subject to subparagraph (D), may tempo-



1 rarely close or permanently reroute a portion of  
2 the trail if the Secretary concerned determines  
3 that—

4 (i) the trail is having an adverse im-  
5 pact on—

6 (I) wildlife habitats;

7 (II) natural resources;

8 (III) cultural resources; or

9 (IV) traditional uses;

10 (ii) the trail threatens public safety;

11 or

12 (iii) closure of the trail is necessary—

13 (I) to repair damage to the trail;

14 or

15 (II) to repair resource damage.

16 (D) REROUTING.—Any portion of the trail  
17 that is temporarily closed by the Secretary con-  
18 cerned under subparagraph (C) may be perma-  
19 nently rerouted along any road or trail—

20 (i) that is—

21 (I) in existence as of the date of  
22 the closure of the portion of the trail;

23 (II) located on public land; and

24 (III) open to motorized use; and

1 (ii) if the Secretary concerned deter-  
2 mines that rerouting the portion of the  
3 trail would not significantly increase or de-  
4 crease the length of the trail.

5 (E) NOTICE OF AVAILABLE ROUTES.—The  
6 Secretary, in coordination with the Secretary of  
7 Agriculture, shall ensure that visitors to the  
8 trail have access to adequate notice relating to  
9 the availability of trail routes through—

10 (i) the placement of appropriate sign-  
11 age along the trail; and

12 (ii) the distribution of maps, safety  
13 education materials, and other information  
14 that the Secretary concerned determines to  
15 be appropriate.

16 (3) EFFECT.—Nothing in this section affects  
17 the ownership, management, or other rights relating  
18 to any non-Federal land (including any interest in  
19 any non-Federal land).

20 **SEC. 1978. LAND DISPOSAL AND ACQUISITION.**

21 (a) IN GENERAL.—Consistent with applicable law,  
22 the Secretary of the Interior may sell public land located  
23 within Washington County, Utah, that, as of July 25,  
24 2000, has been identified for disposal in appropriate re-  
25 source management plans.

1 (b) USE OF PROCEEDS.—

2 (1) IN GENERAL.—Notwithstanding any other  
3 provision of law (other than a law that specifically  
4 provides for a portion of the proceeds of a land sale  
5 to be distributed to any trust fund of the State),  
6 proceeds from the sale of public land under sub-  
7 section (a) shall be deposited in a separate account  
8 in the Treasury to be known as the “Washington  
9 County, Utah Land Acquisition Account”.

10 (2) AVAILABILITY.—

11 (A) IN GENERAL.—Amounts in the ac-  
12 count shall be available to the Secretary, with-  
13 out further appropriation, to purchase from  
14 willing sellers lands or interests in land within  
15 the wilderness areas and National Conservation  
16 Areas established by this subtitle.

17 (B) APPLICABILITY.—Any purchase of  
18 land or interest in land under subparagraph (A)  
19 shall be in accordance with applicable law.

20 **SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.**

21 (a) IN GENERAL.—In accordance with applicable  
22 Federal laws (including regulations), the Secretary of the  
23 Interior shall—

24 (1) identify areas located in the County where  
25 biological conservation is a priority; and

1           (2) undertake activities to conserve and restore  
2           plant and animal species and natural communities  
3           within such areas.

4           (b) GRANTS; COOPERATIVE AGREEMENTS.—In car-  
5           rying out subsection (a), the Secretary of the Interior may  
6           make grants to, or enter into cooperative agreements with,  
7           State, tribal, and local governmental entities and private  
8           entities to conduct research, develop scientific analyses,  
9           and carry out any other initiative relating to the restora-  
10          tion or conservation of the areas.

11 **SEC. 1980. PUBLIC PURPOSE CONVEYANCES.**

12          (a) IN GENERAL.—Notwithstanding the land use  
13          planning requirements of sections 202 and 203 of the Fed-  
14          eral Land Policy and Management Act of 1976 (43 U.S.C.  
15          1712, 1713), upon the request of the appropriate local  
16          governmental entity, as described below, the Secretary  
17          shall convey the following parcels of public land without  
18          consideration, subject to the provisions of this section:

19               (1) TEMPLE QUARRY.—The approximately 122-  
20               acre parcel known as “Temple Quarry” as generally  
21               depicted on the Washington County Growth and  
22               Conservation Act Map as “Parcel B”, to the City of  
23               St. George, Utah, for open space and public recre-  
24               ation purposes.

1           (2) HURRICANE CITY SPORTS PARK.—The ap-  
2           proximately 41-acre parcel as generally depicted on  
3           the Washington County Growth and Conservation  
4           Act Map as “Parcel C”, to the City of Hurricane,  
5           Utah, for public recreation purposes and public ad-  
6           ministrative offices.

7           (3) WASHINGTON COUNTY SCHOOL DISTRICT.—  
8           The approximately 70-acre parcel as generally de-  
9           picted on the Washington County Growth and Con-  
10          servation Act Map as “Parcel D”, to the Wash-  
11          ington County Public School District for use for  
12          public school and related educational and adminis-  
13          trative purposes.

14          (4) WASHINGTON COUNTY JAIL.—The approxi-  
15          mately 80-acre parcel as generally depicted on the  
16          Washington County Growth and Conservation Act  
17          Map as “Parcel E”, to Washington County, Utah,  
18          for expansion of the Purgatory Correctional Facility.

19          (5) HURRICANE EQUESTRIAN PARK.—The ap-  
20          proximately 40-acre parcel as generally depicted on  
21          the Washington County Growth and Conservation  
22          Act Map as “Parcel F”, to the City of Hurricane,  
23          Utah, for use as a public equestrian park.

24          (b) MAP AND LEGAL DESCRIPTIONS.—As soon as  
25          practicable after the date of enactment of this Act, the

1 Secretary shall finalize legal descriptions of the parcels to  
2 be conveyed under this section. The Secretary may correct  
3 any minor errors in the map referenced in subsection (a)  
4 or in the applicable legal descriptions. The map and legal  
5 descriptions shall be on file and available for public inspec-  
6 tion in the appropriate offices of the Bureau of Land Man-  
7 agement.

8 (c) REVERSION.—

9 (1) IN GENERAL.—If any parcel conveyed under  
10 this section ceases to be used for the public purpose  
11 for which the parcel was conveyed, as described in  
12 subsection (a), the land shall, at the discretion of the  
13 Secretary based on his determination of the best in-  
14 terests of the United States, revert to the United  
15 States.

16 (2) RESPONSIBILITY OF LOCAL GOVERNMENTAL  
17 ENTITY.—If the Secretary determines pursuant to  
18 paragraph (1) that the land should revert to the  
19 United States, and if the Secretary determines that  
20 the land is contaminated with hazardous waste, the  
21 local governmental entity to which the land was con-  
22 veyed shall be responsible for remediation of the con-  
23 tamination.

1 **SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST**  
2 **LAND.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED FEDERAL LAND.—The term “cov-  
5 ered Federal land” means the approximately 66.07  
6 acres of land in the Dixie National Forest in the  
7 State, as depicted on the map.

8 (2) LANDOWNER.—The term “landowner”  
9 means Kirk R. Harrison, who owns land in Pinto  
10 Valley, Utah.

11 (3) MAP.—The term “map” means the map en-  
12 titled “Conveyance of Dixie National Forest Land”  
13 and dated December 18, 2008.

14 (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of Agriculture.

16 (b) CONVEYANCE.—

17 (1) IN GENERAL.—The Secretary may convey  
18 to the landowner all right, title, and interest of the  
19 United States in and to any of the covered Federal  
20 land (including any improvements or appurtenances  
21 to the covered Federal land) by sale or exchange.

22 (2) LEGAL DESCRIPTION.—The exact acreage  
23 and legal description of the covered Federal land to  
24 be conveyed under paragraph (1) shall be deter-  
25 mined by surveys satisfactory to the Secretary.

26 (3) CONSIDERATION.—

1           (A) IN GENERAL.—As consideration for  
2 any conveyance by sale under paragraph (1),  
3 the landowner shall pay to the Secretary an  
4 amount equal to the fair market value of any  
5 Federal land conveyed, as determined under  
6 subparagraph (B).

7           (B) APPRAISAL.—The fair market value of  
8 any Federal land that is conveyed under para-  
9 graph (1) shall be determined by an appraisal  
10 acceptable to the Secretary that is performed in  
11 accordance with—

12                   (i) the Uniform Appraisal Standards  
13 for Federal Land Acquisitions;

14                   (ii) the Uniform Standards of Profes-  
15 sional Appraisal Practice; and

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

18 (4) DISPOSITION AND USE OF PROCEEDS.—

19           (A) DISPOSITION OF PROCEEDS.—The  
20 Secretary shall deposit the proceeds of any sale  
21 of land under paragraph (1) in the fund estab-  
22 lished under Public Law 90–171 (commonly  
23 known as the “Sisk Act”) (16 U.S.C. 484a).

24           (B) USE OF PROCEEDS.—Amounts depos-  
25 ited under subparagraph (A) shall be available



1 to the Secretary, without further appropriation  
2 and until expended, for the acquisition of real  
3 property or interests in real property for inclu-  
4 sion in the Dixie National Forest in the State.

5 (5) ADDITIONAL TERMS AND CONDITIONS.—

6 The Secretary may require any additional terms and  
7 conditions for any conveyance under paragraph (1)  
8 that the Secretary determines to be appropriate to  
9 protect the interests of the United States.

10 **SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS**

11 **BAND OF PAIUTE INDIANS.**

12 (a) DEFINITIONS.—In this section:

13 (1) PARCEL A.—The term “Parcel A” means  
14 the parcel that consists of approximately 640 acres  
15 of land that is—

16 (A) managed by the Bureau of Land Man-  
17 agement;

18 (B) located in Washington County, Utah;

19 and

20 (C) depicted on the map entitled “Wash-  
21 ington County Growth and Conservation Act  
22 Map”.

23 (2) SECRETARY.—The term “Secretary” means  
24 the Secretary of the Interior.

1           (3) **TRIBE.**—The term “Tribe” means the  
2 Shivwits Band of Paiute Indians of the State of  
3 Utah.

4           (b) **PARCEL TO BE HELD IN TRUST.**—

5           (1) **IN GENERAL.**—At the request of the Tribe,  
6 the Secretary shall take into trust for the benefit of  
7 the Tribe all right, title, and interest of the United  
8 States in and to Parcel A.

9           (2) **SURVEY; LEGAL DESCRIPTION.**—

10           (A) **SURVEY.**—Not later than 180 days  
11 after the date of enactment of this Act, the Sec-  
12 retary, acting through the Director of the Bu-  
13 reau of Land Management, shall complete a  
14 survey of Parcel A to establish the boundary of  
15 Parcel A.

16           (B) **LEGAL DESCRIPTION OF PARCEL A.**—

17           (i) **IN GENERAL.**—Upon the comple-  
18 tion of the survey under subparagraph (A),  
19 the Secretary shall publish in the Federal  
20 Register a legal description of—

21                           (I) the boundary line of Parcel A;

22                           and

23                           (II) Parcel A.

24           (ii) **TECHNICAL CORRECTIONS.**—Be-  
25 fore the date of publication of the legal de-

1           descriptions under clause (i), the Secretary  
2           may make minor corrections to correct  
3           technical and clerical errors in the legal de-  
4           scriptions.

5                   (iii) EFFECT.—Effective beginning on  
6           the date of publication of the legal descrip-  
7           tions under clause (i), the legal descrip-  
8           tions shall be considered to be the official  
9           legal descriptions of Parcel A.

10       (3) EFFECT.—Nothing in this section—

11                   (A) affects any valid right in existence on  
12           the date of enactment of this Act;

13                   (B) enlarges, impairs, or otherwise affects  
14           any right or claim of the Tribe to any land or  
15           interest in land other than to Parcel A that  
16           is—

17                           (i) based on an aboriginal or Indian  
18           title; and

19                           (ii) in existence as of the date of en-  
20           actment of this Act; or

21                   (C) constitutes an express or implied res-  
22           ervation of water or a water right with respect  
23           to Parcel A.

24       (4) LAND TO BE MADE A PART OF THE RES-  
25       ERVATION.—Land taken into trust pursuant to this

1 section shall be considered to be part of the reserva-  
2 tion of the Tribe.

3 **SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums  
5 as are necessary to carry out this subtitle.

6 **TITLE II—BUREAU OF LAND**  
7 **MANAGEMENT AUTHORIZA-**  
8 **TIONS**

9 **Subtitle A—National Landscape**  
10 **Conservation System**

11 **SEC. 2001. DEFINITIONS.**

12 In this subtitle:

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

15 (2) SYSTEM.—The term “system” means the  
16 National Landscape Conservation System estab-  
17 lished by section 2002(a).

18 **SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE**  
19 **CONSERVATION SYSTEM.**

20 (a) ESTABLISHMENT.—In order to conserve, protect,  
21 and restore nationally significant landscapes that have  
22 outstanding cultural, ecological, and scientific values for  
23 the benefit of current and future generations, there is es-  
24 tablished in the Bureau of Land Management the Na-  
25 tional Landscape Conservation System.

1 (b) COMPONENTS.—The system shall include each of  
2 the following areas administered by the Bureau of Land  
3 Management:

4 (1) Each area that is designated as—

5 (A) a national monument;

6 (B) a national conservation area;

7 (C) a wilderness study area;

8 (D) a national scenic trail or national his-  
9 toric trail designated as a component of the Na-  
10 tional Trails System;

11 (E) a component of the National Wild and  
12 Scenic Rivers System; or

13 (F) a component of the National Wilder-  
14 ness Preservation System.

15 (2) Any area designated by Congress to be ad-  
16 ministered for conservation purposes, including—

17 (A) the Steens Mountain Cooperative Man-  
18 agement and Protection Area;

19 (B) the Headwaters Forest Reserve;

20 (C) the Yaquina Head Outstanding Nat-  
21 ural Area;

22 (D) public land within the California  
23 Desert Conservation Area administered by the  
24 Bureau of Land Management for conservation  
25 purposes; and

1 (E) any additional area designated by Con-  
2 gress for inclusion in the system.

3 (c) MANAGEMENT.—The Secretary shall manage the  
4 system—

5 (1) in accordance with any applicable law (in-  
6 cluding regulations) relating to any component of  
7 the system included under subsection (b); and

8 (2) in a manner that protects the values for  
9 which the components of the system were des-  
10 igned.

11 (d) EFFECT.—

12 (1) IN GENERAL.—Nothing in this subtitle en-  
13 hances, diminishes, or modifies any law or proclama-  
14 tion (including regulations relating to the law or  
15 proclamation) under which the components of the  
16 system described in subsection (b) were established  
17 or are managed, including—

18 (A) the Alaska National Interest Lands  
19 Conservation Act (16 U.S.C. 3101 et seq.);

20 (B) the Wilderness Act (16 U.S.C. 1131 et  
21 seq.);

22 (C) the Wild and Scenic Rivers Act (16  
23 U.S.C. 1271 et seq.);

24 (D) the National Trails System Act (16  
25 U.S.C. 1241 et seq.); and

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

3 (2) FISH AND WILDLIFE.—Nothing in this sub-  
4 title shall be construed as affecting the authority, ju-  
5 risdiction, or responsibility of the several States to  
6 manage, control, or regulate fish and resident wild-  
7 life under State law or regulations, including the  
8 regulation of hunting, fishing, trapping and rec-  
9 reational shooting on public land managed by the  
10 Bureau of Land Management. Nothing in this sub-  
11 title shall be construed as limiting access for hunt-  
12 ing, fishing, trapping, or recreational shooting.

13 **SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums  
15 as are necessary to carry out this subtitle.

16 **Subtitle B—Prehistoric Trackways**  
17 **National Monument**

18 **SEC. 2101. FINDINGS.**

19 Congress finds that—

20 (1) in 1987, a major deposit of Paleozoic Era  
21 fossilized footprint megatrackways was discovered in  
22 the Robledo Mountains in southern New Mexico;

23 (2) the trackways contain footprints of numer-  
24 ous amphibians, reptiles, and insects (including pre-  
25 viously unknown species), plants, and petrified wood

1 dating back approximately 280,000,000 years, which  
2 collectively provide new opportunities to understand  
3 animal behaviors and environments from a time pre-  
4 dating the dinosaurs;

5 (3) title III of Public Law 101–578 (104 Stat.  
6 2860)—

7 (A) provided interim protection for the site  
8 at which the trackways were discovered; and

9 (B) directed the Secretary of the Interior  
10 to—

11 (i) prepare a study assessing the sig-  
12 nificance of the site; and

13 (ii) based on the study, provide rec-  
14 ommendations for protection of the paleon-  
15 tological resources at the site;

16 (4) the Bureau of Land Management completed  
17 the Paleozoic Trackways Scientific Study Report in  
18 1994, which characterized the site as containing  
19 “the most scientifically significant Early Permian  
20 tracksites” in the world;

21 (5) despite the conclusion of the study and the  
22 recommendations for protection, the site remains un-  
23 protected and many irreplaceable trackways speci-  
24 mens have been lost to vandalism or theft; and



1           (6) designation of the trackways site as a Na-  
2           tional Monument would protect the unique fossil re-  
3           sources for present and future generations while al-  
4           lowing for public education and continued scientific  
5           research opportunities.

6 **SEC. 2102. DEFINITIONS.**

7           In this subtitle:

8           (1) **MONUMENT.**—The term “Monument”  
9           means the Prehistoric Trackways National Monu-  
10          ment established by section 2103(a).

11          (2) **PUBLIC LAND.**—The term “public land”  
12          has the meaning given the term “public lands” in  
13          section 103 of the Federal Land Policy and Manage-  
14          ment Act of 1976 (43 U.S.C. 1702).

15          (3) **SECRETARY.**—The term “Secretary” means  
16          the Secretary of the Interior.

17 **SEC. 2103. ESTABLISHMENT.**

18          (a) **IN GENERAL.**—In order to conserve, protect, and  
19          enhance the unique and nationally important paleontolog-  
20          ical, scientific, educational, scenic, and recreational re-  
21          sources and values of the public land described in sub-  
22          section (b), there is established the Prehistoric Trackways  
23          National Monument in the State of New Mexico.

24          (b) **DESCRIPTION OF LAND.**—The Monument shall  
25          consist of approximately 5,280 acres of public land in

1 Doña Ana County, New Mexico, as generally depicted on  
2 the map entitled “Prehistoric Trackways National Monu-  
3 ment” and dated December 17, 2008.

4 (c) MAP; LEGAL DESCRIPTION.—

5 (1) IN GENERAL.—As soon as practicable after  
6 the date of enactment of this Act, the Secretary  
7 shall prepare and submit to Congress an official map  
8 and legal description of the Monument.

9 (2) CORRECTIONS.—The map and legal descrip-  
10 tion submitted under paragraph (1) shall have the  
11 same force and effect as if included in this subtitle,  
12 except that the Secretary may correct any clerical or  
13 typographical errors in the legal description and the  
14 map.

15 (3) CONFLICT BETWEEN MAP AND LEGAL DE-  
16 SCRIPTION.—In the case of a conflict between the  
17 map and the legal description, the map shall control.

18 (4) AVAILABILITY OF MAP AND LEGAL DE-  
19 SCRIPTION.—Copies of the map and legal description  
20 shall be on file and available for public inspection in  
21 the appropriate offices of the Bureau of Land Man-  
22 agement.

23 (d) MINOR BOUNDARY ADJUSTMENTS.—If additional  
24 paleontological resources are discovered on public land ad-  
25 jacent to the Monument after the date of enactment of

1 this Act, the Secretary may make minor boundary adjust-  
2 ments to the Monument to include the resources in the  
3 Monument.

4 **SEC. 2104. ADMINISTRATION.**

5 (a) MANAGEMENT.—

6 (1) IN GENERAL.—The Secretary shall manage  
7 the Monument—

8 (A) in a manner that conserves, protects,  
9 and enhances the resources and values of the  
10 Monument, including the resources and values  
11 described in section 2103(a); and

12 (B) in accordance with—

13 (i) this subtitle;

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

17 (iii) other applicable laws.

18 (2) NATIONAL LANDSCAPE CONSERVATION SYS-  
19 TEM.—The Monument shall be managed as a com-  
20 ponent of the National Landscape Conservation Sys-  
21 tem.

22 (b) MANAGEMENT PLAN.—

23 (1) IN GENERAL.—Not later than 3 years after  
24 the date of enactment of this Act, the Secretary  
25 shall develop a comprehensive management plan for

1 the long-term protection and management of the  
2 Monument.

3 (2) COMPONENTS.—The management plan  
4 under paragraph (1)—

5 (A) shall—

6 (i) describe the appropriate uses and  
7 management of the Monument, consistent  
8 with the provisions of this subtitle; and

9 (ii) allow for continued scientific re-  
10 search at the Monument during the devel-  
11 opment of the management plan; and

12 (B) may—

13 (i) incorporate any appropriate deci-  
14 sions contained in any current manage-  
15 ment or activity plan for the land described  
16 in section 2103(b); and

17 (ii) use information developed in stud-  
18 ies of any land within or adjacent to the  
19 Monument that were conducted before the  
20 date of enactment of this Act.

21 (c) AUTHORIZED USES.—The Secretary shall only  
22 allow uses of the Monument that the Secretary determines  
23 would further the purposes for which the Monument has  
24 been established.

1 (d) INTERPRETATION, EDUCATION, AND SCIENTIFIC  
2 RESEARCH.—

3 (1) IN GENERAL.—The Secretary shall provide  
4 for public interpretation of, and education and sci-  
5 entific research on, the paleontological resources of  
6 the Monument, with priority given to exhibiting and  
7 curating the resources in Doña Ana County, New  
8 Mexico.

9 (2) COOPERATIVE AGREEMENTS.—The Sec-  
10 retary may enter into cooperative agreements with  
11 appropriate public entities to carry out paragraph  
12 (1).

13 (e) SPECIAL MANAGEMENT AREAS.—

14 (1) IN GENERAL.—The establishment of the  
15 Monument shall not change the management status  
16 of any area within the boundary of the Monument  
17 that is—

18 (A) designated as a wilderness study area  
19 and managed in accordance with section 603(c)  
20 of the Federal Land Policy and Management  
21 Act of 1976 (43 U.S.C. 1782(c)); or

22 (B) managed as an area of critical environ-  
23 ment concern.

24 (2) CONFLICT OF LAWS.—If there is a conflict  
25 between the laws applicable to the areas described in

1 paragraph (1) and this subtitle, the more restrictive  
2 provision shall control.

3 (f) MOTORIZED VEHICLES.—

4 (1) IN GENERAL.—Except as needed for admin-  
5 istrative purposes or to respond to an emergency,  
6 the use of motorized vehicles in the Monument shall  
7 be allowed only on roads and trails designated for  
8 use by motorized vehicles under the management  
9 plan prepared under subsection (b).

10 (2) PERMITTED EVENTS.—The Secretary may  
11 issue permits for special recreation events involving  
12 motorized vehicles within the boundaries of the  
13 Monument—

14 (A) to the extent the events do not harm  
15 paleontological resources; and

16 (B) subject to any terms and conditions  
17 that the Secretary determines to be necessary.

18 (g) WITHDRAWALS.—Subject to valid existing rights,  
19 any Federal land within the Monument and any land or  
20 interest in land that is acquired by the United States for  
21 inclusion in the Monument after the date of enactment  
22 of this Act are withdrawn from—

23 (1) entry, appropriation, or disposal under the  
24 public land laws;

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

3           (3) operation of the mineral leasing laws, geo-  
4           thermal leasing laws, and minerals materials laws.

5           (h) GRAZING.—The Secretary may allow grazing to  
6           continue in any area of the Monument in which grazing  
7           is allowed before the date of enactment of this Act, subject  
8           to applicable laws (including regulations).

9           (i) WATER RIGHTS.—Nothing in this subtitle con-  
10          stitutes an express or implied reservation by the United  
11          States of any water or water rights with respect to the  
12          Monument.

13       **SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.**

14          There are authorized to be appropriated such sums  
15          as are necessary to carry out this subtitle.

16       **Subtitle C—Fort Stanton-Snowy**  
17       **River Cave National Conserva-**  
18       **tion Area**

19       **SEC. 2201. DEFINITIONS.**

20          In this subtitle:

21           (1) CONSERVATION AREA.—The term “Con-  
22           servation Area” means the Fort Stanton-Snowy  
23           River Cave National Conservation Area established  
24           by section 2202(a).

1           (2) **MANAGEMENT PLAN.**—The term “manage-  
2           ment plan” means the management plan developed  
3           for the Conservation Area under section 2203(c).

4           (3) **SECRETARY.**—The term “Secretary” means  
5           the Secretary of the Interior, acting through the Di-  
6           rector of the Bureau of Land Management.

7   **SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY**  
8                   **RIVER CAVE NATIONAL CONSERVATION**  
9                   **AREA.**

10          (a) **ESTABLISHMENT; PURPOSES.**—There is estab-  
11          lished the Fort Stanton-Snowy River Cave National Con-  
12          servation Area in Lincoln County, New Mexico, to protect,  
13          conserve, and enhance the unique and nationally impor-  
14          tant historic, cultural, scientific, archaeological, natural,  
15          and educational subterranean cave resources of the Fort  
16          Stanton-Snowy River cave system.

17          (b) **AREA INCLUDED.**—The Conservation Area shall  
18          include the area within the boundaries depicted on the  
19          map entitled “Fort Stanton-Snowy River Cave National  
20          Conservation Area” and dated December 15, 2008.

21          (c) **MAP AND LEGAL DESCRIPTION.**—

22               (1) **IN GENERAL.**—As soon as practicable after  
23               the date of enactment of this Act, the Secretary  
24               shall submit to Congress a map and legal description  
25               of the Conservation Area.



1           (2) EFFECT.—The map and legal description of  
2 the Conservation Area shall have the same force and  
3 effect as if included in this subtitle, except that the  
4 Secretary may correct any minor errors in the map  
5 and legal description.

6           (3) PUBLIC AVAILABILITY.—The map and legal  
7 description of the Conservation Area shall be avail-  
8 able for public inspection in the appropriate offices  
9 of the Bureau of Land Management.

10 **SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.**

11       (a) MANAGEMENT.—

12           (1) IN GENERAL.—The Secretary shall manage  
13 the Conservation Area—

14               (A) in a manner that conserves, protects,  
15 and enhances the resources and values of the  
16 Conservation Area, including the resources and  
17 values described in section 2202(a); and

18               (B) in accordance with—

19                   (i) this subtitle;

20                   (ii) the Federal Land Policy and Man-  
21 agement Act of 1976 (43 U.S.C. 1701 et  
22 seq.); and

23                   (iii) any other applicable laws.

1           (2) USES.—The Secretary shall only allow uses  
2 of the Conservation Area that are consistent with  
3 the protection of the cave resources.

4           (3) REQUIREMENTS.—In administering the  
5 Conservation Area, the Secretary shall provide for—

6           (A) the conservation and protection of the  
7 natural and unique features and environs for  
8 scientific, educational, and other appropriate  
9 public uses of the Conservation Area;

10           (B) public access, as appropriate, while  
11 providing for the protection of the cave re-  
12 sources and for public safety;

13           (C) the continuation of other existing uses  
14 or other new uses of the Conservation Area that  
15 do not impair the purposes for which the Con-  
16 servation Area is established;

17           (D) management of the surface area of the  
18 Conservation Area in accordance with the Fort  
19 Stanton Area of Critical Environmental Con-  
20 cern Final Activity Plan dated March, 2001, or  
21 any amendments to the plan, consistent with  
22 this subtitle; and

23           (E) scientific investigation and research  
24 opportunities within the Conservation Area, in-  
25 cluding through partnerships with colleges, uni-

1           versities, schools, scientific institutions, re-  
2           searchers, and scientists to conduct research  
3           and provide educational and interpretive serv-  
4           ices within the Conservation Area.

5           (b) WITHDRAWALS.—Subject to valid existing rights,  
6 all Federal surface and subsurface land within the Con-  
7 servation Area and all land and interests in the land that  
8 are acquired by the United States after the date of enact-  
9 ment of this Act for inclusion in the Conservation Area,  
10 are withdrawn from—

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

13           (2) location, entry, and patent under the mining  
14           laws; and

15           (3) operation under the mineral leasing and  
16           geothermal leasing laws.

17           (c) MANAGEMENT PLAN.—

18           (1) IN GENERAL.—Not later than 2 years after  
19           the date of enactment of this Act, the Secretary  
20           shall develop a comprehensive plan for the long-term  
21           management of the Conservation Area.

22           (2) PURPOSES.—The management plan shall—

23           (A) describe the appropriate uses and  
24           management of the Conservation Area;

1 (B) incorporate, as appropriate, decisions  
2 contained in any other management or activity  
3 plan for the land within or adjacent to the Con-  
4 servation Area;

5 (C) take into consideration any informa-  
6 tion developed in studies of the land and re-  
7 sources within or adjacent to the Conservation  
8 Area; and

9 (D) provide for a cooperative agreement  
10 with Lincoln County, New Mexico, to address  
11 the historical involvement of the local commu-  
12 nity in the interpretation and protection of the  
13 resources of the Conservation Area.

14 (d) RESEARCH AND INTERPRETIVE FACILITIES.—

15 (1) IN GENERAL.—The Secretary may establish  
16 facilities for—

17 (A) the conduct of scientific research; and

18 (B) the interpretation of the historical, cul-  
19 tural, scientific, archaeological, natural, and  
20 educational resources of the Conservation Area.

21 (2) COOPERATIVE AGREEMENTS.—The Sec-  
22 retary may, in a manner consistent with this sub-  
23 title, enter into cooperative agreements with the  
24 State of New Mexico and other institutions and or-

1 organizations to carry out the purposes of this sub-  
2 title.

3 (e) WATER RIGHTS.—Nothing in this subtitle con-  
4 stitutes an express or implied reservation of any water  
5 right.

6 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums  
8 as are necessary to carry out this subtitle.

9 **Subtitle D—Snake River Birds of**  
10 **Prey National Conservation Area**

11 **SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CON-**  
12 **SERVATION AREA.**

13 (a) RENAMING.—Public Law 103–64 is amended—

14 (1) in section 2(2) (16 U.S.C. 460iii–1(2)), by  
15 inserting “Morley Nelson” before “Snake River  
16 Birds of Prey National Conservation Area”; and

17 (2) in section 3(a)(1) (16 U.S.C. 460iii–  
18 2(a)(1)), by inserting “Morley Nelson” before  
19 “Snake River Birds of Prey National Conservation  
20 Area”.

21 (b) REFERENCES.—Any reference in a law, map, reg-  
22 ulation, document, paper, or other record of the United  
23 States to the Snake River Birds of Prey National Con-  
24 servation Area shall be deemed to be a reference to the

1 Morley Nelson Snake River Birds of Prey National Con-  
2 servation Area.

3 (c) TECHNICAL CORRECTIONS.—Public Law 103–64  
4 is further amended—

5 (1) in section 3(a)(1) (16 U.S.C. 460iii–  
6 2(a)(1)), by striking “(hereafter referred to as the  
7 ‘conservation area’)”; and

8 (2) in section 4 (16 U.S.C. 460iii–3)—

9 (A) in subsection (a)(2), by striking “Con-  
10 servation Area” and inserting “conservation  
11 area”; and

12 (B) in subsection (d), by striking “Visitors  
13 Center” and inserting “visitors center”.

14 **Subtitle E—Dominguez-Escalante**  
15 **National Conservation Area**

16 **SEC. 2401. DEFINITIONS.**

17 In this subtitle:

18 (1) CONSERVATION AREA.—The term “Con-  
19 servation Area” means the Dominguez-Escalante  
20 National Conservation Area established by section  
21 2402(a)(1).

22 (2) COUNCIL.—The term “Council” means the  
23 Dominguez-Escalante National Conservation Area  
24 Advisory Council established under section 2407.

1           (3) MANAGEMENT PLAN.—The term “manage-  
2           ment plan” means the management plan developed  
3           under section 2406.

4           (4) MAP.—The term “Map” means the map en-  
5           titled “Dominguez-Escalante National Conservation  
6           Area” and dated September 15, 2008.

7           (5) SECRETARY.—The term “Secretary” means  
8           the Secretary of the Interior.

9           (6) STATE.—The term “State” means the State  
10          of Colorado.

11          (7) WILDERNESS.—The term “Wilderness”  
12          means the Dominguez Canyon Wilderness Area des-  
13          ignated by section 2403(a).

14 **SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA-**  
15 **TION AREA.**

16          (a) ESTABLISHMENT.—

17           (1) IN GENERAL.—There is established the  
18           Dominguez-Escalante National Conservation Area in  
19           the State.

20           (2) AREA INCLUDED.—The Conservation Area  
21           shall consist of approximately 209,610 acres of pub-  
22           lic land, as generally depicted on the Map.

23          (b) PURPOSES.—The purposes of the Conservation  
24          Area are to conserve and protect for the benefit and enjoy-  
25          ment of present and future generations—

1           (1) the unique and important resources and val-  
2           ues of the land, including the geological, cultural, ar-  
3           chaeological, paleontological, natural, scientific, rec-  
4           reational, wilderness, wildlife, riparian, historical,  
5           educational, and scenic resources of the public land;  
6           and

7           (2) the water resources of area streams, based  
8           on seasonally available flows, that are necessary to  
9           support aquatic, riparian, and terrestrial species and  
10          communities.

11         (c) MANAGEMENT.—

12           (1) IN GENERAL.—The Secretary shall manage  
13          the Conservation Area—

14                 (A) as a component of the National Land-  
15                 scape Conservation System;

16                 (B) in a manner that conserves, protects,  
17                 and enhances the resources and values of the  
18                 Conservation Area described in subsection (b);

19                 and

20                 (C) in accordance with—

21                         (i) the Federal Land Policy and Man-  
22                         agement Act of 1976 (43 U.S.C. 1701 et  
23                         seq.);

24                         (ii) this subtitle; and

25                         (iii) any other applicable laws.



1 (2) USES.—

2 (A) IN GENERAL.—The Secretary shall  
3 allow only such uses of the Conservation Area  
4 as the Secretary determines would further the  
5 purposes for which the Conservation Area is es-  
6 tablished.

7 (B) USE OF MOTORIZED VEHICLES.—

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

12 (I) before the effective date of  
13 the management plan, only on roads  
14 and trails designated for use of motor  
15 vehicles in the management plan that  
16 applies on the date of the enactment  
17 of this Act to the public land in the  
18 Conservation Area; and

19 (II) after the effective date of the  
20 management plan, only on roads and  
21 trails designated in the management  
22 plan for the use of motor vehicles.

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

1 Conservation Area for administrative pur-  
2 poses or to respond to an emergency.

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

5 **SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.**

6 (a) IN GENERAL.—In accordance with the Wilderness  
7 Act (16 U.S.C. 1131 et seq.), the approximately 66,280  
8 acres of public land in Mesa, Montrose, and Delta Coun-  
9 ties, Colorado, as generally depicted on the Map, is des-  
10 ignated as wilderness and as a component of the National  
11 Wilderness Preservation System, to be known as the  
12 “Dominguez Canyon Wilderness Area”.

13 (b) ADMINISTRATION OF WILDERNESS.—The Wilder-  
14 ness shall be managed by the Secretary in accordance with  
15 the Wilderness Act (16 U.S.C. 1131 et seq.) and this sub-  
16 title, except that—

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

20 (2) any reference in the Wilderness Act to the  
21 Secretary of Agriculture shall be considered to be a  
22 reference to the Secretary of the Interior.

23 **SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.**

24 (a) IN GENERAL.—As soon as practicable after the  
25 date of enactment of this Act, the Secretary shall file a

1 map and a legal description of the Conservation Area and  
2 the Wilderness with—

3 (1) the Committee on Energy and Natural Re-  
4 sources of the Senate; and

5 (2) the Committee on Natural Resources of the  
6 House of Representatives.

7 (b) **FORCE AND EFFECT.**—The Map and legal de-  
8 scriptions filed under subsection (a) shall have the same  
9 force and effect as if included in this subtitle, except that  
10 the Secretary may correct clerical and typographical er-  
11 rors in the Map and legal descriptions.

12 (c) **PUBLIC AVAILABILITY.**—The Map and legal de-  
13 scriptions filed under subsection (a) shall be available for  
14 public inspection in the appropriate offices of the Bureau  
15 of Land Management.

16 **SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND**  
17 **WILDERNESS.**

18 (a) **WITHDRAWAL.**—Subject to valid existing rights,  
19 all Federal land within the Conservation Area and the Wil-  
20 derness and all land and interests in land acquired by the  
21 United States within the Conservation Area or the Wilder-  
22 ness is withdrawn from—

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

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

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

5 (b) GRAZING.—

6           (1) GRAZING IN CONSERVATION AREA.—Except  
7 as provided in paragraph (2), the Secretary shall  
8 issue and administer any grazing leases or permits  
9 in the Conservation Area in accordance with the  
10 laws (including regulations) applicable to the  
11 issuance and administration of such leases and per-  
12 mits on other land under the jurisdiction of the Bu-  
13 reau of Land Management.

14           (2) GRAZING IN WILDERNESS.—The grazing of  
15 livestock in the Wilderness, if established as of the  
16 date of enactment of this Act, shall be permitted to  
17 continue—

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

21                   (B) in accordance with—

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

24                           (ii) the guidelines set forth in Appen-  
25 dix A of the report of the Committee on

1 Interior and Insular Affairs of the House  
2 of Representatives accompanying H.R.  
3 2570 of the 101st Congress (H. Rept.  
4 101–405).

5 (c) NO BUFFER ZONES.—

6 (1) IN GENERAL.—Nothing in this subtitle cre-  
7 ates a protective perimeter or buffer zone around the  
8 Conservation Area.

9 (2) ACTIVITIES OUTSIDE CONSERVATION  
10 AREA.—The fact that an activity or use on land out-  
11 side the Conservation Area can be seen or heard  
12 within the Conservation Area shall not preclude the  
13 activity or use outside the boundary of the Conserva-  
14 tion Area.

15 (d) ACQUISITION OF LAND.—

16 (1) IN GENERAL.—The Secretary may acquire  
17 non-Federal land within the boundaries of the Con-  
18 servation Area or the Wilderness only through ex-  
19 change, donation, or purchase from a willing seller.

20 (2) MANAGEMENT.—Land acquired under para-  
21 graph (1) shall—

22 (A) become part of the Conservation Area  
23 and, if applicable, the Wilderness; and

24 (B) be managed in accordance with this  
25 subtitle and any other applicable laws.

1 (e) FIRE, INSECTS, AND DISEASES.—Subject to such  
2 terms and conditions as the Secretary determines to be  
3 desirable and appropriate, the Secretary may undertake  
4 such measures as are necessary to control fire, insects,  
5 and diseases—

6 (1) in the Wilderness, in accordance with sec-  
7 tion 4(d)(1) of the Wilderness Act (16 U.S.C.  
8 1133(d)(1)); and

9 (2) except as provided in paragraph (1), in the  
10 Conservation Area in accordance with this subtitle  
11 and any other applicable laws.

12 (f) ACCESS.—The Secretary shall continue to provide  
13 private landowners adequate access to inholdings in the  
14 Conservation Area.

15 (g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In  
16 accordance with any applicable laws and subject to such  
17 terms and conditions as the Secretary determines to be  
18 desirable and appropriate, the Secretary may prescribe  
19 measures to control nonnative invasive plants and noxious  
20 weeds within the Conservation Area.

21 (h) WATER RIGHTS.—

22 (1) EFFECT.—Nothing in this subtitle—

23 (A) affects the use or allocation, in exist-  
24 ence on the date of enactment of this Act, of  
25 any water, water right, or interest in water;

1 (B) affects any vested absolute or decreed  
2 conditional water right in existence on the date  
3 of enactment of this Act, including any water  
4 right held by the United States;

5 (C) affects any interstate water compact in  
6 existence on the date of enactment of this Act;

7 (D) authorizes or imposes any new re-  
8 served Federal water rights; or

9 (E) shall be considered to be a relinquish-  
10 ment or reduction of any water rights reserved  
11 or appropriated by the United States in the  
12 State on or before the date of enactment of this  
13 Act.

14 (2) WILDERNESS WATER RIGHTS.—

15 (A) IN GENERAL.—The Secretary shall en-  
16 sure that any water rights within the Wilder-  
17 ness required to fulfill the purposes of the Wil-  
18 derness are secured in accordance with sub-  
19 paragraphs (B) through (G).

20 (B) STATE LAW.—

21 (i) PROCEDURAL REQUIREMENTS.—

22 Any water rights within the Wilderness for  
23 which the Secretary pursues adjudication  
24 shall be adjudicated, changed, and admin-  
25 istered in accordance with the procedural

1 requirements and priority system of State  
2 law.

3 (ii) ESTABLISHMENT OF WATER  
4 RIGHTS.—

5 (I) IN GENERAL.—Except as pro-  
6 vided in subclause (II), the purposes  
7 and other substantive characteristics  
8 of the water rights pursued under this  
9 paragraph shall be established in ac-  
10 cordance with State law.

11 (II) EXCEPTION.—Notwith-  
12 standing subclause (I) and in accord-  
13 ance with this subtitle, the Secretary  
14 may appropriate and seek adjudica-  
15 tion of water rights to maintain sur-  
16 face water levels and stream flows on  
17 and across the Wilderness to fulfill  
18 the purposes of the Wilderness.

19 (C) DEADLINE.—The Secretary shall  
20 promptly, but not earlier than January 2009,  
21 appropriate the water rights required to fulfill  
22 the purposes of the Wilderness.

23 (D) REQUIRED DETERMINATION.—The  
24 Secretary shall not pursue adjudication for any  
25 instream flow water rights unless the Secretary



1 makes a determination pursuant to subpara-  
2 graph (E)(ii) or (F).

3 (E) COOPERATIVE ENFORCEMENT.—

4 (i) IN GENERAL.—The Secretary shall  
5 not pursue adjudication of any Federal  
6 instream flow water rights established  
7 under this paragraph if—

8 (I) the Secretary determines,  
9 upon adjudication of the water rights  
10 by the Colorado Water Conservation  
11 Board, that the Board holds water  
12 rights sufficient in priority, amount,  
13 and timing to fulfill the purposes of  
14 the Wilderness; and

15 (II) the Secretary has entered  
16 into a perpetual agreement with the  
17 Colorado Water Conservation Board  
18 to ensure the full exercise, protection,  
19 and enforcement of the State water  
20 rights within the Wilderness to reli-  
21 ably fulfill the purposes of the Wilder-  
22 ness.

23 (ii) ADJUDICATION.—If the Secretary  
24 determines that the provisions of clause (i)  
25 have not been met, the Secretary shall ad-

1            judicate and exercise any Federal water  
2            rights required to fulfill the purposes of  
3            the Wilderness in accordance with this  
4            paragraph.

5            (F) INSUFFICIENT WATER RIGHTS.—If the  
6            Colorado Water Conservation Board modifies  
7            the instream flow water rights obtained under  
8            subparagraph (E) to such a degree that the  
9            Secretary determines that water rights held by  
10           the State are insufficient to fulfill the purposes  
11           of the Wilderness, the Secretary shall adju-  
12           dicate and exercise Federal water rights re-  
13           quired to fulfill the purposes of the Wilderness  
14           in accordance with subparagraph (B).

15           (G) FAILURE TO COMPLY.—The Secretary  
16           shall promptly act to exercise and enforce the  
17           water rights described in subparagraph (E) if  
18           the Secretary determines that—

19                   (i) the State is not exercising its  
20                   water rights consistent with subparagraph  
21                   (E)(i)(I); or

22                   (ii) the agreement described in sub-  
23                   paragraph (E)(i)(II) is not fulfilled or com-  
24                   plied with sufficiently to fulfill the pur-  
25                   poses of the Wilderness.

1 (3) WATER RESOURCE FACILITY.—

2 (A) IN GENERAL.—Notwithstanding any  
3 other provision of law and subject to subpara-  
4 graph (B), beginning on the date of enactment  
5 of this Act, neither the President nor any other  
6 officer, employee, or agent of the United States  
7 shall fund, assist, authorize, or issue a license  
8 or permit for the development of any new irri-  
9 gation and pumping facility, reservoir, water  
10 conservation work, aqueduct, canal, ditch, pipe-  
11 line, well, hydropower project, transmission,  
12 other ancillary facility, or other water, diver-  
13 sion, storage, or carriage structure in the Wil-  
14 derness.

15 (B) EXCEPTION.—Notwithstanding sub-  
16 paragraph (A), the Secretary may allow con-  
17 struction of new livestock watering facilities  
18 within the Wilderness in accordance with—

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

21 (ii) the guidelines set forth in Appen-  
22 dix A of the report of the Committee on  
23 Interior and Insular Affairs of the House  
24 of Representatives accompanying H.R.

1                   2570 of the 101st Congress (H. Rept.  
2                   101–405).

3                   (4) CONSERVATION AREA WATER RIGHTS.—

4                   With respect to water within the Conservation Area,  
5                   nothing in this subtitle—

6                   (A) authorizes any Federal agency to ap-  
7                   propriate or otherwise acquire any water right  
8                   on the mainstem of the Gunnison River; or

9                   (B) prevents the State from appropriating  
10                  or acquiring, or requires the State to appro-  
11                  priate or acquire, an instream flow water right  
12                  on the mainstem of the Gunnison River.

13                  (5) WILDERNESS BOUNDARIES ALONG GUNNI-  
14                  SON RIVER.—

15                  (A) IN GENERAL.—In areas in which the  
16                  Gunnison River is used as a reference for defin-  
17                  ing the boundary of the Wilderness, the bound-  
18                  ary shall—

19                         (i) be located at the edge of the river;

20                         and

21                         (ii) change according to the river  
22                         level.

23                  (B) EXCLUSION FROM WILDERNESS.—Re-  
24                  gardless of the level of the Gunnison River, no

1           portion of the Gunnison River is included in the  
2           Wilderness.

3           (i) EFFECT.—Nothing in this subtitle—

4           (1) diminishes the jurisdiction of the State with  
5           respect to fish and wildlife in the State; or

6           (2) imposes any Federal water quality standard  
7           upstream of the Conservation Area or within the  
8           mainstem of the Gunnison River that is more re-  
9           strictive than would be applicable had the Conserva-  
10          tion Area not been established.

11          (j) VALID EXISTING RIGHTS.—The designation of  
12          the Conservation Area and Wilderness is subject to valid  
13          rights in existence on the date of enactment of this Act.

14          **SEC. 2406. MANAGEMENT PLAN.**

15          (a) IN GENERAL.—Not later than 3 years after the  
16          date of enactment of this Act, the Secretary shall develop  
17          a comprehensive management plan for the long-term pro-  
18          tection and management of the Conservation Area.

19          (b) PURPOSES.—The management plan shall—

20               (1) describe the appropriate uses and manage-  
21               ment of the Conservation Area;

22               (2) be developed with extensive public input;

23               (3) take into consideration any information de-  
24               veloped in studies of the land within the Conserva-  
25               tion Area; and

1           (4) include a comprehensive travel management  
2       plan.

3       **SEC. 2407. ADVISORY COUNCIL.**

4           (a) ESTABLISHMENT.—Not later than 180 days after  
5       the date of enactment of this Act, the Secretary shall es-  
6       tablish an advisory council, to be known as the  
7       “Dominguez-Escalante National Conservation Area Advi-  
8       sory Council”.

9           (b) DUTIES.—The Council shall advise the Secretary  
10       with respect to the preparation and implementation of the  
11       management plan.

12          (c) APPLICABLE LAW.—The Council shall be subject  
13       to—

14           (1) the Federal Advisory Committee Act (5  
15       U.S.C. App.); and

16           (2) the Federal Land Policy and Management  
17       Act of 1976 (43 U.S.C. 1701 et seq.).

18          (d) MEMBERS.—The Council shall include 10 mem-  
19       bers to be appointed by the Secretary, of whom, to the  
20       extent practicable—

21           (1) 1 member shall be appointed after consid-  
22       ering the recommendations of the Mesa County  
23       Commission;

1           (2) 1 member shall be appointed after consid-  
2           ering the recommendations of the Montrose County  
3           Commission;

4           (3) 1 member shall be appointed after consid-  
5           ering the recommendations of the Delta County  
6           Commission;

7           (4) 1 member shall be appointed after consid-  
8           ering the recommendations of the permittees holding  
9           grazing allotments within the Conservation Area or  
10          the Wilderness; and

11          (5) 5 members shall reside in, or within reason-  
12          able proximity to, Mesa County, Delta County, or  
13          Montrose County, Colorado, with backgrounds that  
14          reflect—

15                (A) the purposes for which the Conserva-  
16                tion Area or Wilderness was established; and

17                (B) the interests of the stakeholders that  
18                are affected by the planning and management  
19                of the Conservation Area and Wilderness.

20          (e) REPRESENTATION.—The Secretary shall ensure  
21          that the membership of the Council is fairly balanced in  
22          terms of the points of view represented and the functions  
23          to be performed by the Council.

1 (f) DURATION.—The Council shall terminate on the  
2 date that is 1 year from the date on which the manage-  
3 ment plan is adopted by the Secretary.

4 **SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums  
6 as are necessary to carry out this subtitle.

7 **Subtitle F—Rio Puerco Watershed**  
8 **Management Program**

9 **SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PRO-**  
10 **GRAM.**

11 (a) RIO PUERCO MANAGEMENT COMMITTEE.—Sec-  
12 tion 401(b) of the Omnibus Parks and Public Lands Man-  
13 agement Act of 1996 (Public Law 104–333; 110 Stat.  
14 4147) is amended—

15 (1) in paragraph (2)—

16 (A) by redesignating subparagraphs (I)  
17 through (N) as subparagraphs (J) through (O),  
18 respectively; and

19 (B) by inserting after subparagraph (H)  
20 the following:

21 “(I) the Environmental Protection Agen-  
22 cy;”; and

23 (2) in paragraph (4), by striking “enactment of  
24 this Act” and inserting “enactment of the Omnibus  
25 Public Land Management Act of 2009”.



1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 401(e) of the Omnibus Parks and Public Lands Manage-  
3 ment Act of 1996 (Public Law 104–333; 110 Stat. 4148)  
4 is amended by striking “enactment of this Act” and in-  
5 serting “enactment of the Omnibus Public Land Manage-  
6 ment Act of 2009”.

7 **Subtitle G—Land Conveyances and**  
8 **Exchanges**

9 **SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.**

10 (a) DEFINITIONS.—In this section:

11 (1) CITY.—The term “City” means Carson City  
12 Consolidated Municipality, Nevada.

13 (2) MAP.—The term “Map” means the map en-  
14 titled “Carson City, Nevada Area”, dated November  
15 7, 2008, and on file and available for public inspec-  
16 tion in the appropriate offices of—

17 (A) the Bureau of Land Management;

18 (B) the Forest Service; and

19 (C) the City.

20 (3) SECRETARY.—The term “Secretary”  
21 means—

22 (A) with respect to land in the National  
23 Forest System, the Secretary of Agriculture,  
24 acting through the Chief of the Forest Service;  
25 and

1 (B) with respect to other Federal land, the  
2 Secretary of the Interior.

3 (4) SECRETARIES.—The term “Secretaries”  
4 means the Secretary of Agriculture and the Sec-  
5 retary of the Interior, acting jointly.

6 (5) TRIBE.—The term “Tribe” means the  
7 Washoe Tribe of Nevada and California, which is a  
8 federally recognized Indian tribe.

9 (b) CONVEYANCES OF FEDERAL LAND AND CITY  
10 LAND.—

11 (1) IN GENERAL.—Notwithstanding section 202  
12 of the Federal Land Policy and Management Act of  
13 1976 (43 U.S.C. 1712), if the City offers to convey  
14 to the United States title to the non-Federal land  
15 described in paragraph (2)(A) that is acceptable to  
16 the Secretary of Agriculture—

17 (A) the Secretary shall accept the offer;  
18 and

19 (B) not later than 180 days after the date  
20 on which the Secretary receives acceptable title  
21 to the non-Federal land described in paragraph  
22 (2)(A), the Secretaries shall convey to the City,  
23 subject to valid existing rights and for no con-  
24 sideration, except as provided in paragraph  
25 (3)(A), all right, title, and interest of the

1 United States in and to the Federal land (other  
2 than any easement reserved under paragraph  
3 (3)(B)) or interest in land described in para-  
4 graph (2)(B).

5 (2) DESCRIPTION OF LAND.—

6 (A) NON-FEDERAL LAND.—The non-Fed-  
7 eral land referred to in paragraph (1) is the ap-  
8 proximately 2,264 acres of land administered by  
9 the City and identified on the Map as “To U.S.  
10 Forest Service”.

11 (B) FEDERAL LAND.—The Federal land  
12 referred to in paragraph (1)(B) is—

13 (i) the approximately 935 acres of  
14 Forest Service land identified on the Map  
15 as “To Carson City for Natural Areas”;

16 (ii) the approximately 3,604 acres of  
17 Bureau of Land Management land identi-  
18 fied on the Map as “Silver Saddle Ranch  
19 and Carson River Area”;

20 (iii) the approximately 1,848 acres of  
21 Bureau of Land Management land identi-  
22 fied on the Map as “To Carson City for  
23 Parks and Public Purposes”; and

24 (iv) the approximately 75 acres of  
25 City land in which the Bureau of Land

1 Management has a reversionary interest  
2 that is identified on the Map as “Rever-  
3 sionary Interest of the United States Re-  
4 leased”.

5 (3) CONDITIONS.—

6 (A) CONSIDERATION.—Before the convey-  
7 ance of the 62-acre Bernhard parcel to the  
8 City, the City shall deposit in the special ac-  
9 count established by subsection (e)(2)(A) an  
10 amount equal to 25 percent of the difference  
11 between—

12 (i) the amount for which the Bern-  
13 hard parcel was purchased by the City on  
14 July 18, 2001; and

15 (ii) the amount for which the Bern-  
16 hard parcel was purchased by the Sec-  
17 retary on March 24, 2006.

18 (B) CONSERVATION EASEMENT.—As a  
19 condition of the conveyance of the land de-  
20 scribed in paragraph (2)(B)(ii), the Secretary,  
21 in consultation with Carson City and affected  
22 local interests, shall reserve a perpetual con-  
23 servation easement to the land to protect, pre-  
24 serve, and enhance the conservation values of  
25 the land, consistent with paragraph (4)(B).

1           (C) COSTS.—Any costs relating to the con-  
2           veyance under paragraph (1), including any  
3           costs for surveys and other administrative costs,  
4           shall be paid by the recipient of the land being  
5           conveyed.

6           (4) USE OF LAND.—

7           (A) NATURAL AREAS.—

8           (i) IN GENERAL.—Except as provided  
9           in clause (ii), the land described in para-  
10          graph (2)(B)(i) shall be managed by the  
11          City to maintain undeveloped open space  
12          and to preserve the natural characteristics  
13          of the land in perpetuity.

14          (ii) EXCEPTION.—Notwithstanding  
15          clause (i), the City may—

16               (I) conduct projects on the land  
17               to reduce fuels;

18               (II) construct and maintain  
19               trails, trailhead facilities, and any in-  
20               frastructure on the land that is re-  
21               quired for municipal water and flood  
22               management activities; and

23               (III) maintain or reconstruct any  
24               improvements on the land that are in

1 existence on the date of enactment of  
2 this Act.

3 (B) SILVER SADDLE RANCH AND CARSON  
4 RIVER AREA.—

5 (i) IN GENERAL.—Except as provided  
6 in clause (ii), the land described in para-  
7 graph (2)(B)(ii) shall—

8 (I) be managed by the City to  
9 protect and enhance the Carson River,  
10 the floodplain and surrounding up-  
11 land, and important wildlife habitat;  
12 and

13 (II) be used for undeveloped open  
14 space, passive recreation, customary  
15 agricultural practices, and wildlife  
16 protection.

17 (ii) EXCEPTION.—Notwithstanding  
18 clause (i), the City may—

19 (I) construct and maintain trails  
20 and trailhead facilities on the land;

21 (II) conduct projects on the land  
22 to reduce fuels;

23 (III) maintain or reconstruct any  
24 improvements on the land that are in

1 existence on the date of enactment of  
2 this Act; and

3 (IV) allow the use of motorized  
4 vehicles on designated roads, trails,  
5 and areas in the south end of Prison  
6 Hill.

7 (C) PARKS AND PUBLIC PURPOSES.—The  
8 land described in paragraph (2)(B)(iii) shall be  
9 managed by the City for—

10 (i) undeveloped open space; and

11 (ii) recreation or other public pur-  
12 poses consistent with the Act of June 14,  
13 1926 (commonly known as the “Recreation  
14 and Public Purposes Act”) (43 U.S.C. 869  
15 et seq.).

16 (D) REVERSIONARY INTEREST.—

17 (i) RELEASE.—The reversionary inter-  
18 est described in paragraph (2)(B)(iv) shall  
19 terminate on the date of enactment of this  
20 Act.

21 (ii) CONVEYANCE BY CITY.—

22 (I) IN GENERAL.—If the City  
23 sells, leases, or otherwise conveys any  
24 portion of the land described in para-

1 graph (2)(B)(iv), the sale, lease, or  
2 conveyance of land shall be—

3 (aa) through a competitive  
4 bidding process; and

5 (bb) except as provided in  
6 subclause (II), for not less than  
7 fair market value.

8 (II) CONVEYANCE TO GOVERN-  
9 MENT OR NONPROFIT.—A sale, lease,  
10 or conveyance of land described in  
11 paragraph (2)(B)(iv) to the Federal  
12 Government, a State government, a  
13 unit of local government, or a non-  
14 profit organization shall be for consid-  
15 eration in an amount equal to the  
16 price established by the Secretary of  
17 the Interior under section 2741 of  
18 title 43, Code of Federal Regulation  
19 (or successor regulations).

20 (III) DISPOSITION OF PRO-  
21 CEEDS.—The gross proceeds from the  
22 sale, lease, or conveyance of land  
23 under subclause (I) shall be distrib-  
24 uted in accordance with subsection  
25 (e)(1).



1           (5) REVERSION.—If land conveyed under para-  
2           graph (1) is used in a manner that is inconsistent  
3           with the uses described in subparagraph (A), (B),  
4           (C), or (D) of paragraph (4), the land shall, at the  
5           discretion of the Secretary, revert to the United  
6           States.

7           (6) MISCELLANEOUS PROVISIONS.—

8           (A) IN GENERAL.—On conveyance of the  
9           non-Federal land under paragraph (1) to the  
10          Secretary of Agriculture, the non-Federal land  
11          shall—

12                   (i) become part of the Humboldt-  
13                   Toiyabe National Forest; and

14                   (ii) be administered in accordance  
15                   with the laws (including the regulations)  
16                   and rules generally applicable to the Na-  
17                   tional Forest System.

18          (B) MANAGEMENT PLAN.—The Secretary  
19          of Agriculture, in consultation with the City  
20          and other interested parties, may develop and  
21          implement a management plan for National  
22          Forest System land that ensures the protection  
23          and stabilization of the National Forest System  
24          land to minimize the impacts of flooding on the  
25          City.

1           (7) CONVEYANCE TO BUREAU OF LAND MAN-  
2           AGEMENT.—

3           (A) IN GENERAL.—If the City offers to  
4           convey to the United States title to the non-  
5           Federal land described in subparagraph (B)  
6           that is acceptable to the Secretary of the Inte-  
7           rior, the land shall, at the discretion of the Sec-  
8           retary, be conveyed to the United States.

9           (B) DESCRIPTION OF LAND.—The non-  
10          Federal land referred to in subparagraph (A) is  
11          the approximately 46 acres of land adminis-  
12          tered by the City and identified on the Map as  
13          “To Bureau of Land Management”.

14          (C) COSTS.—Any costs relating to the con-  
15          veyance under subparagraph (A), including any  
16          costs for surveys and other administrative costs,  
17          shall be paid by the Secretary of the Interior.

18          (c) TRANSFER OF ADMINISTRATIVE JURISDICTION  
19          FROM THE FOREST SERVICE TO THE BUREAU OF LAND  
20          MANAGEMENT.—

21          (1) IN GENERAL.—Administrative jurisdiction  
22          over the approximately 50 acres of Forest Service  
23          land identified on the Map as “Parcel #1” is trans-  
24          ferred, from the Secretary of Agriculture to the Sec-  
25          retary of the Interior.

1           (2) COSTS.—Any costs relating to the transfer  
2           under paragraph (1), including any costs for surveys  
3           and other administrative costs, shall be paid by the  
4           Secretary of the Interior.

5           (3) USE OF LAND.—

6           (A) RIGHT-OF-WAY.—Not later than 120  
7           days after the date of enactment of this Act,  
8           the Secretary of the Interior shall grant to the  
9           City a right-of-way for the maintenance of flood  
10          management facilities located on the land.

11          (B) DISPOSAL.—The land referred to in  
12          paragraph (1) shall be disposed of in accord-  
13          ance with subsection (d).

14          (C) DISPOSITION OF PROCEEDS.—The  
15          gross proceeds from the disposal of land under  
16          subparagraph (B) shall be distributed in ac-  
17          cordance with subsection (e)(1).

18          (d) DISPOSAL OF CARSON CITY LAND.—

19          (1) IN GENERAL.—Notwithstanding sections  
20          202 and 203 of the Federal Land Policy and Man-  
21          agement Act of 1976 (43 U.S.C. 1712, 1713), the  
22          Secretary of the Interior shall, in accordance with  
23          that Act, this subsection, and other applicable law,  
24          and subject to valid existing rights, conduct sales of

1 the Federal land described in paragraph (2) to  
2 qualified bidders.

3 (2) DESCRIPTION OF LAND.—The Federal land  
4 referred to in paragraph (1) is—

5 (A) the approximately 108 acres of Bureau  
6 of Land Management land identified as “Lands  
7 for Disposal” on the Map; and

8 (B) the approximately 50 acres of land  
9 identified as “Parcel #1” on the Map.

10 (3) COMPLIANCE WITH LOCAL PLANNING AND  
11 ZONING LAWS.—Before a sale of Federal land under  
12 paragraph (1), the City shall submit to the Sec-  
13 retary a certification that qualified bidders have  
14 agreed to comply with—

15 (A) City zoning ordinances; and

16 (B) any master plan for the area approved  
17 by the City.

18 (4) METHOD OF SALE; CONSIDERATION.—The  
19 sale of Federal land under paragraph (1) shall be—

20 (A) consistent with subsections (d) and (f)  
21 of section 203 of the Federal Land Policy and  
22 Management Act of 1976 (43 U.S.C. 1713);

23 (B) unless otherwise determined by the  
24 Secretary, through a competitive bidding proc-  
25 ess; and

1 (C) for not less than fair market value.

2 (5) WITHDRAWAL.—

3 (A) IN GENERAL.—Subject to valid exist-  
4 ing rights and except as provided in subpara-  
5 graph (B), the Federal land described in para-  
6 graph (2) is withdrawn from—

7 (i) all forms of entry and appropria-  
8 tion under the public land laws;

9 (ii) location, entry, and patent under  
10 the mining laws; and

11 (iii) operation of the mineral leasing  
12 and geothermal leasing laws.

13 (B) EXCEPTION.—Subparagraph (A)(i)  
14 shall not apply to sales made consistent with  
15 this subsection.

16 (6) DEADLINE FOR SALE.—

17 (A) IN GENERAL.—Except as provided in  
18 subparagraph (B), not later than 1 year after  
19 the date of enactment of this Act, if there is a  
20 qualified bidder for the land described in sub-  
21 paragraphs (A) and (B) of paragraph (2), the  
22 Secretary of the Interior shall offer the land for  
23 sale to the qualified bidder.

24 (B) POSTPONEMENT; EXCLUSION FROM  
25 SALE.—

1                   (i) REQUEST BY CARSON CITY FOR  
2                   POSTPONEMENT OR EXCLUSION.—At the  
3                   request of the City, the Secretary shall  
4                   postpone or exclude from the sale under  
5                   subparagraph (A) all or a portion of the  
6                   land described in subparagraphs (A) and  
7                   (B) of paragraph (2).

8                   (ii) INDEFINITE POSTPONEMENT.—  
9                   Unless specifically requested by the City, a  
10                  postponement under clause (i) shall not be  
11                  indefinite.

12               (e) DISPOSITION OF PROCEEDS.—

13               (1) IN GENERAL.—Of the proceeds from the  
14               sale of land under subsections (b)(4)(D)(ii) and  
15               (d)(1)—

16               (A) 5 percent shall be paid directly to the  
17               State for use in the general education program  
18               of the State; and

19               (B) the remainder shall be deposited in a  
20               special account in the Treasury of the United  
21               States, to be known as the “Carson City Spe-  
22               cial Account”, and shall be available without  
23               further appropriation to the Secretary until ex-  
24               pended to—

1 (i) reimburse costs incurred by the  
2 Bureau of Land Management for pre-  
3 paring for the sale of the Federal land de-  
4 scribed in subsection (d)(2), including the  
5 costs of—

6 (I) surveys and appraisals; and

7 (II) compliance with—

8 (aa) the National Environ-  
9 mental Policy Act of 1969 (42  
10 U.S.C. 4321 et seq.); and

11 (bb) sections 202 and 203 of  
12 the Federal Land Policy and  
13 Management Act of 1976 (43  
14 U.S.C. 1712, 1713);

15 (ii) reimburse costs incurred by the  
16 Bureau of Land Management and Forest  
17 Service for preparing for, and carrying out,  
18 the transfers of land to be held in trust by  
19 the United States under subsection (h)(1);  
20 and

21 (iii) acquire environmentally sensitive  
22 land or an interest in environmentally sen-  
23 sitive land in the City.

24 (2) SILVER SADDLE ENDOWMENT ACCOUNT.—

1           (A) ESTABLISHMENT.—There is estab-  
2           lished in the Treasury of the United States a  
3           special account, to be known as the “Silver  
4           Saddle Endowment Account”, consisting of  
5           such amounts as are deposited under subsection  
6           (b)(3)(A).

7           (B) AVAILABILITY OF AMOUNTS.—  
8           Amounts deposited in the account established  
9           by paragraph (1) shall be available to the Sec-  
10          retary, without further appropriation, for the  
11          oversight and enforcement of the conservation  
12          easement established under subsection  
13          (b)(3)(B).

14          (f) URBAN INTERFACE.—

15           (1) IN GENERAL.—Except as otherwise pro-  
16          vided in this section and subject to valid existing  
17          rights, the Federal land described in paragraph (2)  
18          is permanently withdrawn from—

19           (A) all forms of entry and appropriation  
20          under the public land laws and mining laws;

21           (B) location and patent under the mining  
22          laws; and

23           (C) operation of the mineral laws, geo-  
24          thermal leasing laws, and mineral material  
25          laws.



1           (2) DESCRIPTION OF LAND.—The land referred  
2 to in paragraph (1) consists of approximately 19,747  
3 acres, which is identified on the Map as “Urban  
4 Interface Withdrawal”.

5           (3) INCORPORATION OF ACQUIRED LAND AND  
6 INTERESTS.—Any land or interest in land within the  
7 boundaries of the land described in paragraph (2)  
8 that is acquired by the United States after the date  
9 of enactment of this Act shall be withdrawn in ac-  
10 cordance with this subsection.

11           (4) OFF-HIGHWAY VEHICLE MANAGEMENT.—  
12 Until the date on which the Secretary, in consulta-  
13 tion with the State, the City, and any other inter-  
14 ested persons, completes a transportation plan for  
15 Federal land in the City, the use of motorized and  
16 mechanical vehicles on Federal land within the City  
17 shall be limited to roads and trails in existence on  
18 the date of enactment of this Act unless the use of  
19 the vehicles is needed—

20                   (A) for administrative purposes; or

21                   (B) to respond to an emergency.

22           (g) AVAILABILITY OF FUNDS.—Section 4(e) of the  
23 Southern Nevada Public Land Management Act of 1998  
24 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007;

1 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is  
2 amended—

3 (1) in paragraph (3)(A)(iv), by striking “Clark,  
4 Lincoln, and White Pine Counties and Washoe  
5 County (subject to paragraph 4)” and inserting  
6 “Clark, Lincoln, and White Pine Counties and  
7 Washoe County (subject to paragraph 4) and Car-  
8 son City (subject to paragraph (5))”;

9 (2) in paragraph (3)(A)(v), by striking “Clark,  
10 Lincoln, and White Pine Counties” and inserting  
11 “Clark, Lincoln, and White Pine Counties and Car-  
12 son City (subject to paragraph (5))”;

13 (3) in paragraph (4), by striking “2011” and  
14 inserting “2015”; and

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

16 “(5) LIMITATION FOR CARSON CITY.—Carson  
17 City shall be eligible to nominate for expenditure  
18 amounts to acquire land or an interest in land for  
19 parks or natural areas and for conservation initia-  
20 tives—

21 “(A) adjacent to the Carson River; or

22 “(B) within the floodplain of the Carson  
23 River.”.

24 (h) TRANSFER OF LAND TO BE HELD IN TRUST FOR  
25 WASHOE TRIBE.—

1           (1) IN GENERAL.—Subject to valid existing  
2 rights, all right, title, and interest of the United  
3 States in and to the land described in paragraph  
4 (2)—

5           (A) shall be held in trust by the United  
6 States for the benefit and use of the Tribe; and

7           (B) shall be part of the reservation of the  
8 Tribe.

9           (2) DESCRIPTION OF LAND.—The land referred  
10 to in paragraph (1) consists of approximately 293  
11 acres, which is identified on the Map as “To Washoe  
12 Tribe”.

13           (3) SURVEY.—Not later than 180 days after  
14 the date of enactment of this Act, the Secretary of  
15 Agriculture shall complete a survey of the boundary  
16 lines to establish the boundaries of the land taken  
17 into trust under paragraph (1).

18           (4) USE OF LAND.—

19           (A) GAMING.—Land taken into trust  
20 under paragraph (1) shall not be eligible, or  
21 considered to have been taken into trust, for  
22 class II gaming or class III gaming (as those  
23 terms are defined in section 4 of the Indian  
24 Gaming Regulatory Act (25 U.S.C. 2703)).

1                   (B) TRUST LAND FOR CEREMONIAL USE  
2                   AND CONSERVATION.—With respect to the use  
3                   of the land taken into trust under paragraph  
4                   (1) that is above the 5,200' elevation contour,  
5                   the Tribe—

6                   (i) shall limit the use of the land to—

7                               (I) traditional and customary  
8                               uses; and

9                               (II) stewardship conservation for  
10                              the benefit of the Tribe; and

11                   (ii) shall not permit any—

12                               (I) permanent residential or rec-  
13                               reational development on the land; or

14                               (II) commercial use of the land,  
15                               including commercial development or  
16                               gaming.

17                   (C) TRUST LAND FOR COMMERCIAL AND  
18                   RESIDENTIAL USE.—With respect to the use of  
19                   the land taken into trust under paragraph (1),  
20                   the Tribe shall limit the use of the land below  
21                   the 5,200' elevation to—

22                               (i) traditional and customary uses;

23                               (ii) stewardship conservation for the  
24                               benefit of the Tribe; and

1 (iii)(I) residential or recreational de-  
2 velopment; or

3 (II) commercial use.

4 (D) THINNING; LANDSCAPE RESTORA-  
5 TION.—With respect to the land taken into  
6 trust under paragraph (1), the Secretary of Ag-  
7 riculture, in consultation and coordination with  
8 the Tribe, may carry out any thinning and  
9 other landscape restoration activities on the  
10 land that is beneficial to the Tribe and the For-  
11 est Service.

12 (i) CORRECTION OF SKUNK HARBOR CONVEY-  
13 ANCE.—

14 (1) PURPOSE.—The purpose of this subsection  
15 is to amend Public Law 108–67 (117 Stat. 880) to  
16 make a technical correction relating to the land con-  
17 veyance authorized under that Act.

18 (2) TECHNICAL CORRECTION.—Section 2 of  
19 Public Law 108–67 (117 Stat. 880) is amended—

20 (A) by striking “Subject to” and inserting  
21 the following:

22 “(a) IN GENERAL.—Subject to”;

23 (B) in subsection (a) (as designated by  
24 paragraph (1)), by striking “the parcel” and all  
25 that follows through the period at the end and

1           inserting the following: “and to approximately  
2           23 acres of land identified as ‘Parcel A’ on the  
3           map entitled ‘Skunk Harbor Conveyance Cor-  
4           rection’ and dated September 12, 2008, the  
5           western boundary of which is the low water line  
6           of Lake Tahoe at elevation 6,223.0’ (Lake  
7           Tahoe Datum).”; and

8                   (C) by adding at the end the following:

9           “(b) SURVEY AND LEGAL DESCRIPTION.—

10                   “(1) IN GENERAL.—Not later than 180 days  
11           after the date of enactment of this subsection, the  
12           Secretary of Agriculture shall complete a survey and  
13           legal description of the boundary lines to establish  
14           the boundaries of the trust land.

15                   “(2) TECHNICAL CORRECTIONS.—The Sec-  
16           retary may correct any technical errors in the survey  
17           or legal description completed under paragraph (1).

18           “(c) PUBLIC ACCESS AND USE.—Nothing in this Act  
19           prohibits any approved general public access (through ex-  
20           isting easements or by boat) to, or use of, land remaining  
21           within the Lake Tahoe Basin Management Unit after the  
22           conveyance of the land to the Secretary of the Interior,  
23           in trust for the Tribe, under subsection (a), including ac-  
24           cess to, and use of, the beach and shoreline areas adjacent  
25           to the portion of land conveyed under that subsection.”.

1           (3) DATE OF TRUST STATUS.—The trust land  
2 described in section 2(a) of Public Law 108–67 (117  
3 Stat. 880) shall be considered to be taken into trust  
4 as of August 1, 2003.

5           (4) TRANSFER.—The Secretary of the Interior,  
6 acting on behalf of and for the benefit of the Tribe,  
7 shall transfer to the Secretary of Agriculture admin-  
8 istrative jurisdiction over the land identified as  
9 “Parcel B” on the map entitled “Skunk Harbor  
10 Conveyance Correction” and dated September 12,  
11 2008.

12          (j) AGREEMENT WITH FOREST SERVICE.—The Sec-  
13 retary of Agriculture, in consultation with the Tribe, shall  
14 develop and implement a cooperative agreement that en-  
15 sures regular access by members of the Tribe and other  
16 people in the community of the Tribe across National For-  
17 est System land from the City to Lake Tahoe for cultural  
18 and religious purposes.

19          (k) ARTIFACT COLLECTION.—

20           (1) NOTICE.—At least 180 days before con-  
21 ducting any ground disturbing activities on the land  
22 identified as “Parcel #2” on the Map, the City shall  
23 notify the Tribe of the proposed activities to provide  
24 the Tribe with adequate time to inventory and col-  
25 lect any artifacts in the affected area.

1           (2) AUTHORIZED ACTIVITIES.—On receipt of  
2 notice under paragraph (1), the Tribe may collect  
3 and possess any artifacts relating to the Tribe in the  
4 land identified as “Parcel #2” on the Map.

5           (1) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated such sums as are nec-  
7 essary to carry out this section.

8 **SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA**  
9 **CONVEYANCE.**

10          (a) DEFINITIONS.—In this section:

11           (1) CITY.—The term “City” means the City of  
12 Henderson, Nevada.

13           (2) SECRETARY.—The term “Secretary” means  
14 the Secretary of the Interior.

15           (3) STATE.—The term “State” means the State  
16 of Nevada.

17           (4) TRANSITION AREA.—The term “Transition  
18 Area” means the approximately 502 acres of Fed-  
19 eral land located in Henderson, Nevada, and identi-  
20 fied as “Limited Transition Area” on the map enti-  
21 tled “Southern Nevada Limited Transition Area  
22 Act” and dated March 20, 2006.

23          (b) SOUTHERN NEVADA LIMITED TRANSITION  
24 AREA.—



1           (1) CONVEYANCE.—Notwithstanding the Fed-  
2           eral Land Policy and Management Act of 1976 (43  
3           U.S.C. 1701 et seq.), on request of the City, the  
4           Secretary shall, without consideration and subject to  
5           all valid existing rights, convey to the City all right,  
6           title, and interest of the United States in and to the  
7           Transition Area.

8           (2) USE OF LAND FOR NONRESIDENTIAL DE-  
9           VELOPMENT.—

10           (A) IN GENERAL.—After the conveyance to  
11           the City under paragraph (1), the City may sell,  
12           lease, or otherwise convey any portion or por-  
13           tions of the Transition Area for purposes of  
14           nonresidential development.

15           (B) METHOD OF SALE.—

16           (i) IN GENERAL.—The sale, lease, or  
17           conveyance of land under subparagraph  
18           (A) shall be through a competitive bidding  
19           process.

20           (ii) FAIR MARKET VALUE.—Any land  
21           sold, leased, or otherwise conveyed under  
22           subparagraph (A) shall be for not less than  
23           fair market value.

24           (C) COMPLIANCE WITH CHARTER.—Except  
25           as provided in subparagraphs (B) and (D), the

1 City may sell, lease, or otherwise convey parcels  
2 within the Transition Area only in accordance  
3 with the procedures for conveyances established  
4 in the City Charter.

5 (D) DISPOSITION OF PROCEEDS.—The  
6 gross proceeds from the sale of land under sub-  
7 paragraph (A) shall be distributed in accord-  
8 ance with section 4(e) of the Southern Nevada  
9 Public Land Management Act of 1998 (112  
10 Stat. 2345).

11 (3) USE OF LAND FOR RECREATION OR OTHER  
12 PUBLIC PURPOSES.—The City may elect to retain  
13 parcels in the Transition Area for public recreation  
14 or other public purposes consistent with the Act of  
15 June 14, 1926 (commonly known as the “Recreation  
16 and Public Purposes Act”) (43 U.S.C. 869 et seq.)  
17 by providing to the Secretary written notice of the  
18 election.

19 (4) NOISE COMPATIBILITY REQUIREMENTS.—  
20 The City shall—

21 (A) plan and manage the Transition Area  
22 in accordance with section 47504 of title 49,  
23 United States Code (relating to airport noise  
24 compatibility planning), and regulations pro-  
25 mulgated in accordance with that section; and

1           (B) agree that if any land in the Transi-  
2           tion Area is sold, leased, or otherwise conveyed  
3           by the City, the sale, lease, or conveyance shall  
4           contain a limitation to require uses compatible  
5           with that airport noise compatibility planning.

6           (5) REVERSION.—

7           (A) IN GENERAL.—If any parcel of land in  
8           the Transition Area is not conveyed for nonresi-  
9           dential development under this section or re-  
10          served for recreation or other public purposes  
11          under paragraph (3) by the date that is 20  
12          years after the date of enactment of this Act,  
13          the parcel of land shall, at the discretion of the  
14          Secretary, revert to the United States.

15          (B) INCONSISTENT USE.—If the City uses  
16          any parcel of land within the Transition Area  
17          in a manner that is inconsistent with the uses  
18          specified in this subsection—

19                 (i) at the discretion of the Secretary,  
20                 the parcel shall revert to the United  
21                 States; or

22                 (ii) if the Secretary does not make an  
23                 election under clause (i), the City shall sell  
24                 the parcel of land in accordance with this  
25                 subsection.

1 **SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEY-**  
2 **ANCE.**

3 (a) DEFINITIONS.—In this section:

4 (1) ALTA-HUALAPAI SITE.—The term “Alta-  
5 Hualapai Site” means the approximately 80 acres of  
6 land that is—

7 (A) patented to the City under the Act of  
8 June 14, 1926 (commonly known as the  
9 “Recreation and Public Purposes Act”) (43  
10 U.S.C. 869 et seq.); and

11 (B) identified on the map as the “Alta-  
12 Hualapai Site”.

13 (2) CITY.—The term “City” means the city of  
14 Las Vegas, Nevada.

15 (3) INSTITUTE.—The term “Institute” means  
16 the Nevada Cancer Institute, a nonprofit organiza-  
17 tion described under section 501(c)(3) of the Inter-  
18 nal Revenue Code of 1986, the principal place of  
19 business of which is at 10441 West Twain Avenue,  
20 Las Vegas, Nevada.

21 (4) MAP.—The term “map” means the map ti-  
22 tled “Nevada Cancer Institute Expansion Act” and  
23 dated July 17, 2006.

24 (5) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior, acting through the Di-  
26 rector of the Bureau of Land Management.

1           (6) WATER DISTRICT.—The term “Water Dis-  
2           trict” means the Las Vegas Valley Water District.

3           (b) LAND CONVEYANCE.—

4           (1) SURVEY AND LEGAL DESCRIPTION.—The  
5           City shall prepare a survey and legal description of  
6           the Alta-Hualapai Site. The survey shall conform to  
7           the Bureau of Land Management cadastral survey  
8           standards and be subject to approval by the Sec-  
9           retary.

10          (2) ACCEPTANCE.—The Secretary may accept  
11          the relinquishment by the City of all or part of the  
12          Alta-Hualapai Site.

13          (3) CONVEYANCE FOR USE AS NONPROFIT CAN-  
14          CER INSTITUTE.—After relinquishment of all or part  
15          of the Alta-Hualapai Site to the Secretary, and not  
16          later than 180 days after request of the Institute,  
17          the Secretary shall convey to the Institute, subject  
18          to valid existing rights, the portion of the Alta-  
19          Hualapai Site that is necessary for the development  
20          of a nonprofit cancer institute.

21          (4) ADDITIONAL CONVEYANCES.—Not later  
22          than 180 days after a request from the City, the  
23          Secretary shall convey to the City, subject to valid  
24          existing rights, any remaining portion of the Alta-  
25          Hualapai Site necessary for ancillary medical or

1 nonprofit use compatible with the mission of the In-  
2 stitute.

3 (5) APPLICABLE LAW.—Any conveyance by the  
4 City of any portion of the land received under this  
5 section shall be for no less than fair market value  
6 and the proceeds shall be distributed in accordance  
7 with section 4(e)(1) of Public Law 105–263 (112  
8 Stat. 2345).

9 (6) TRANSACTION COSTS.—All land conveyed by  
10 the Secretary under this section shall be at no cost,  
11 except that the Secretary may require the recipient  
12 to bear any costs associated with transfer of title or  
13 any necessary land surveys.

14 (7) REPORT.—Not later than 180 days after  
15 the date of the enactment of this Act, the Secretary  
16 shall submit to the Committee on Natural Resources  
17 of the House of Representatives and the Committee  
18 on Energy and Natural Resources of the Senate a  
19 report on all transactions conducted under Public  
20 Law 105–263 (112 Stat. 2345).

21 (c) RIGHTS-OF-WAY.—Consistent with the Federal  
22 Land Policy and Management Act of 1976 (43 U.S.C.  
23 1701), the Secretary may grant rights-of-way to the Water  
24 District on a portion of the Alta-Hualapai Site for a flood  
25 control project and a water pumping facility.

1 (d) REVERSION.—Any property conveyed pursuant to  
2 this section which ceases to be used for the purposes speci-  
3 fied in this section shall, at the discretion of the Secretary,  
4 revert to the United States, along with any improvements  
5 thereon or thereto.

6 **SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.**

7 (a) DEFINITIONS.—In this section:

8 (1) FEDERAL LAND.—The term “Federal land”  
9 means the approximately 25 acres of Bureau of  
10 Land Management land identified on the map as  
11 “Lands to be conveyed to Turnabout Ranch”.

12 (2) MAP.—The term “map” means the map en-  
13 titled “Turnabout Ranch Conveyance” dated May  
14 12, 2006, and on file in the office of the Director  
15 of the Bureau of Land Management.

16 (3) MONUMENT.—The term “Monument”  
17 means the Grand Staircase-Escalante National  
18 Monument located in southern Utah.

19 (4) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21 (5) TURNABOUT RANCH.—The term “Turn-  
22 about Ranch” means the Turnabout Ranch in  
23 Escalante, Utah, owned by Aspen Education Group.

24 (b) CONVEYANCE OF FEDERAL LAND TO TURN-  
25 ABOUT RANCH.—

1           (1) IN GENERAL.—Notwithstanding the land  
2 use planning requirements of sections 202 and 203  
3 of the Federal Land Policy and Management Act of  
4 1976 (43 U.S.C. 1712, 1713), if not later than 30  
5 days after completion of the appraisal required  
6 under paragraph (2), Turnabout Ranch of  
7 Escalante, Utah, submits to the Secretary an offer  
8 to acquire the Federal land for the appraised value,  
9 the Secretary shall, not later than 30 days after the  
10 date of the offer, convey to Turnabout Ranch all  
11 right, title, and interest to the Federal land, subject  
12 to valid existing rights.

13           (2) APPRAISAL.—Not later than 90 days after  
14 the date of enactment of this Act, the Secretary  
15 shall complete an appraisal of the Federal land. The  
16 appraisal shall be completed in accordance with the  
17 “Uniform Appraisal Standards for Federal Land Ac-  
18 quisitions” and the “Uniform Standards of Profes-  
19 sional Appraisal Practice”. All costs associated with  
20 the appraisal shall be born by Turnabout Ranch.

21           (3) PAYMENT OF CONSIDERATION.—Not later  
22 than 30 days after the date on which the Federal  
23 land is conveyed under paragraph (1), as a condition  
24 of the conveyance, Turnabout Ranch shall pay to the  
25 Secretary an amount equal to the appraised value of



1 the Federal land, as determined under paragraph  
2 (2).

3 (4) COSTS OF CONVEYANCE.—As a condition of  
4 the conveyance, any costs of the conveyance under  
5 this section shall be paid by Turnabout Ranch.

6 (5) DISPOSITION OF PROCEEDS.—The Sec-  
7 retary shall deposit the proceeds from the convey-  
8 ance of the Federal land under paragraph (1) in the  
9 Federal Land Deposit Account established by sec-  
10 tion 206 of the Federal Land Transaction Facilita-  
11 tion Act(43 U.S.C. 2305), to be expended in accord-  
12 ance with that Act.

13 (c) MODIFICATION OF MONUMENT BOUNDARY.—  
14 When the conveyance authorized by subsection (b) is com-  
15 pleted, the boundaries of the Grand Staircase-Escalante  
16 National Monument in the State of Utah are hereby modi-  
17 fied to exclude the Federal land conveyed to Turnabout  
18 Ranch.

19 **SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.**

20 (a) DEFINITIONS.—In this section:

21 (1) BOY SCOUTS.—The term “Boy Scouts”  
22 means the Utah National Parks Council of the Boy  
23 Scouts of America.

24 (2) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior.

1 (b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—

2 (1) AUTHORITY TO CONVEY.—

3 (A) IN GENERAL.—Subject to paragraph  
4 (3) and notwithstanding the Act of June 14,  
5 1926 (commonly known as the “Recreation and  
6 Public Purposes Act”) (43 U.S.C. 869 et seq.),  
7 the Boy Scouts may convey to Brian Head Re-  
8 sort, subject to valid existing rights and, except  
9 as provided in subparagraph (B), any rights re-  
10 served by the United States, all right, title, and  
11 interest granted to the Boy Scouts by the origi-  
12 nal patent to the parcel described in paragraph  
13 (2)(A) in exchange for the conveyance by Brian  
14 Head Resort to the Boy Scouts of all right,  
15 title, and interest in and to the parcels de-  
16 scribed in paragraph (2)(B).

17 (B) REVERSIONARY INTEREST.—On con-  
18 veyance of the parcel of land described in para-  
19 graph (2)(A), the Secretary shall have discre-  
20 tion with respect to whether or not the rever-  
21 sionary interests of the United States are to be  
22 exercised.

23 (2) DESCRIPTION OF LAND.—The parcels of  
24 land referred to in paragraph (1) are—

1 (A) the 120-acre parcel that is part of a  
2 tract of public land acquired by the Boy Scouts  
3 under the Act of June 14, 1926 (commonly  
4 known as the “Recreation and Public Purposes  
5 Act”) (43 U.S.C. 869 et seq.) for the purpose  
6 of operating a camp, which is more particularly  
7 described as the W 1/2 SE 1/4 and SE 1/4 SE  
8 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base  
9 and Meridian; and

10 (B) the 2 parcels of private land owned by  
11 Brian Head Resort that total 120 acres, which  
12 are more particularly described as—

13 (i) NE 1/4 NW 1/4 and NE 1/4 NE  
14 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake  
15 Base and Meridian; and

16 (ii) SE 1/4 SE 1/4 sec. 24, T. 35. S.,  
17 R. 9 W., Salt Lake Base Meridian.

18 (3) CONDITIONS.—On conveyance to the Boy  
19 Scouts under paragraph (1)(A), the parcels of land  
20 described in paragraph (2)(B) shall be subject to the  
21 terms and conditions imposed on the entire tract of  
22 land acquired by the Boy Scouts for a camp under  
23 the Bureau of Land Management patent numbered  
24 43–75–0010.

1           (4) MODIFICATION OF PATENT.—On completion  
2 of the exchange under paragraph (1)(A), the Sec-  
3 retary shall amend the original Bureau of Land  
4 Management patent providing for the conveyance to  
5 the Boy Scouts under the Act of June 14, 1926  
6 (commonly known as the “Recreation and Public  
7 Purposes Act”) (43 U.S.C. 869 et seq.) numbered  
8 43–75–0010 to take into account the exchange  
9 under paragraph (1)(A).

10 **SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CON-**  
11 **VEYANCE.**

12 (a) DEFINITIONS.—In this section:

13           (1) PUBLIC LAND.—The term “public land”  
14 means the approximately 622 acres of Federal land  
15 managed by the Bureau of Land Management and  
16 identified for conveyance on the map prepared by  
17 the Bureau of Land Management entitled “Douglas  
18 County Public Utility District Proposal” and dated  
19 March 2, 2006.

20           (2) PUD.—The term “PUD” means the Public  
21 Utility District No. 1 of Douglas County, Wash-  
22 ington.

23           (3) SECRETARY.—The term “Secretary” means  
24 the Secretary of the Interior.

1           (4) WELLS HYDROELECTRIC PROJECT.—The  
2           term “Wells Hydroelectric Project” means Federal  
3           Energy Regulatory Commission Project No. 2149.

4           (b) CONVEYANCE OF PUBLIC LAND, WELLS HYDRO-  
5           ELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF  
6           DOUGLAS COUNTY, WASHINGTON.—

7           (1) CONVEYANCE REQUIRED.—Notwithstanding  
8           the land use planning requirements of sections 202  
9           and 203 of the Federal Land Policy and Manage-  
10          ment Act of 1976 (43 U.S.C. 1712, 1713), and not-  
11          withstanding section 24 of the Federal Power Act  
12          (16 U.S.C. 818) and Federal Power Order for  
13          Project 2149, and subject to valid existing rights, if  
14          not later than 45 days after the date of completion  
15          of the appraisal required under paragraph (2), the  
16          Public Utility District No. 1 of Douglas County,  
17          Washington, submits to the Secretary an offer to ac-  
18          quire the public land for the appraised value, the  
19          Secretary shall convey, not later than 30 days after  
20          the date of the offer, to the PUD all right, title, and  
21          interest of the United States in and to the public  
22          land.

23          (2) APPRAISAL.—Not later than 60 days after  
24          the date of enactment of this Act, the Secretary  
25          shall complete an appraisal of the public land. The

1 appraisal shall be conducted in accordance with the  
2 “Uniform Appraisal Standards for Federal Land Ac-  
3 quisitions” and the “Uniform Standards of Profes-  
4 sional Appraisal Practice”.

5 (3) PAYMENT.—Not later than 30 days after  
6 the date on which the public land is conveyed under  
7 this subsection, the PUD shall pay to the Secretary  
8 an amount equal to the appraised value of the public  
9 land as determined under paragraph (2).

10 (4) MAP AND LEGAL DESCRIPTIONS.—As soon  
11 as practicable after the date of enactment of this  
12 Act, the Secretary shall finalize legal descriptions of  
13 the public land to be conveyed under this subsection.  
14 The Secretary may correct any minor errors in the  
15 map referred to in subsection (a)(1) or in the legal  
16 descriptions. The map and legal descriptions shall be  
17 on file and available for public inspection in appro-  
18 priate offices of the Bureau of Land Management.

19 (5) COSTS OF CONVEYANCE.—As a condition of  
20 conveyance, any costs related to the conveyance  
21 under this subsection shall be paid by the PUD.

22 (6) DISPOSITION OF PROCEEDS.—The Sec-  
23 retary shall deposit the proceeds from the sale in the  
24 Federal Land Disposal Account established by sec-  
25 tion 206 of the Federal Land Transaction Facilita-

1       tion Act (43 U.S.C. 2305) to be expended to im-  
2       prove access to public lands administered by the Bu-  
3       reau of Land Management in the State of Wash-  
4       ington.

5       (c) SEGREGATION OF LANDS.—

6           (1) WITHDRAWAL.—Except as provided in sub-  
7       section (b)(1), effective immediately upon enactment  
8       of this Act, and subject to valid existing rights, the  
9       public land is withdrawn from—

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

13           (B) location, entry, and patenting under  
14       the mining laws, and all amendments thereto;  
15       and

16           (C) operation of the mineral leasing, min-  
17       eral materials, and geothermal leasing laws, and  
18       all amendments thereto.

19           (2) DURATION.—This subsection expires two  
20       years after the date of enactment of this Act or on  
21       the date of the completion of the conveyance under  
22       subsection (b), whichever is earlier.

23       (d) RETAINED AUTHORITY.—The Secretary shall re-  
24       tain the authority to place conditions on the license to in-  
25       sure adequate protection and utilization of the public land

1 granted to the Secretary in section 4(e) of the Federal  
2 Power Act (16 U.S.C. 797(e)) until the Federal Energy  
3 Regulatory Commission has issued a new license for the  
4 Wells Hydroelectric Project, to replace the original license  
5 expiring May 31, 2012, consistent with section 15 of the  
6 Federal Power Act (16 U.S.C. 808).

7 **SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.**

8 (a) CONVEYANCE.—As soon as practicable after the  
9 date of enactment of this Act, the Secretary of the Inte-  
10 rior, acting through the Director of the Bureau of Land  
11 Management, shall convey to the city of Twin Falls, Idaho,  
12 subject to valid existing rights, without consideration, all  
13 right, title, and interest of the United States in and to  
14 the 4 parcels of land described in subsection (b).

15 (b) LAND DESCRIPTION.—The 4 parcels of land to  
16 be conveyed under subsection (a) are the approximately  
17 165 acres of land in Twin Falls County, Idaho, that are  
18 identified as “Land to be conveyed to Twin Falls” on the  
19 map titled “Twin Falls Land Conveyance” and dated July  
20 28, 2008.

21 (c) MAP ON FILE.—A map depicting the land de-  
22 scribed in subsection (b) shall be on file and available for  
23 public inspection in the appropriate offices of the Bureau  
24 of Land Management.

25 (d) USE OF CONVEYED LANDS.—



1           (1) PURPOSE.—The land conveyed under this  
2 section shall be used to support the public purposes  
3 of the Auger Falls Project, including a limited agri-  
4 cultural exemption to allow for water quality and  
5 wildlife habitat improvements.

6           (2) RESTRICTION.—The land conveyed under  
7 this section shall not be used for residential or com-  
8 mercial purposes, except for the limited agricultural  
9 exemption described in paragraph (1).

10          (3) ADDITIONAL TERMS AND CONDITIONS.—  
11 The Secretary of the Interior may require such addi-  
12 tional terms and conditions in connection with the  
13 conveyance as the Secretary considers appropriate to  
14 protect the interests of the United States.

15          (e) REVERSION.—If the land conveyed under this sec-  
16 tion is no longer used in accordance with subsection (d)—

17           (1) the land shall, at the discretion of the Sec-  
18 retary based on his determination of the best inter-  
19 ests of the United States, revert to the United  
20 States; and

21           (2) if the Secretary chooses to have the land re-  
22 vert to the United States and if the Secretary deter-  
23 mines that the land is environmentally contami-  
24 nated, the city of Twin Falls, Idaho, or any other

1 person responsible for the contamination shall reme-  
2 diate the contamination.

3 (f) ADMINISTRATIVE COSTS.—The Secretary shall re-  
4 quire that the city of Twin Falls, Idaho, pay all survey  
5 costs and other administrative costs necessary for the  
6 preparation and completion of any patents of and transfer  
7 of title to property under this section.

8 **SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RE-**  
9 **LEASE, NEVADA.**

10 (a) FINDING.—Congress finds that the land de-  
11 scribed in subsection (c) has been adequately studied for  
12 wilderness designation under section 603 of the Federal  
13 Land Policy and Management Act of 1976 (43 U.S.C.  
14 1782).

15 (b) RELEASE.—The land described in subsection  
16 (c)—

17 (1) is no longer subject to section 603(c) of the  
18 Federal Land Policy and Management Act of 1976  
19 (43 U.S.C. 1782(c)); and

20 (2) shall be managed in accordance with—

21 (A) land management plans adopted under  
22 section 202 of that Act (43 U.S.C. 1712); and

23 (B) cooperative conservation agreements in  
24 existence on the date of the enactment of this  
25 Act.

1           (c) DESCRIPTION OF LAND.—The land referred to in  
2 subsections (a) and (b) is the approximately 70 acres of  
3 land in the Sunrise Mountain Instant Study Area of Clark  
4 County, Nevada, that is designated on the map entitled  
5 “Sunrise Mountain ISA Release Areas” and dated Sep-  
6 tember 6, 2008.

7 **SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.**

8           (a) CONVEYANCE OF LAND BY THE BUREAU OF  
9 LAND MANAGEMENT TO PARK CITY, UTAH.—

10           (1) LAND TRANSFER.—Notwithstanding the  
11 planning requirements of sections 202 and 203 of  
12 the Federal Land Policy and Management Act of  
13 1976 (43 U.S.C. 1712, 1713), the Secretary of the  
14 Interior shall convey, not later than 180 days after  
15 the date of the enactment of this Act, to Park City,  
16 Utah, all right, title, and interest of the United  
17 States in and to two parcels of real property located  
18 in Park City, Utah, that are currently under the  
19 management jurisdiction of the Bureau of Land  
20 Management and designated as parcel 8 (commonly  
21 known as the White Acre parcel) and parcel 16  
22 (commonly known as the Gambel Oak parcel). The  
23 conveyance shall be subject to all valid existing  
24 rights.

1           (2) DEED RESTRICTION.—The conveyance of  
2           the lands under paragraph (1) shall be made by a  
3           deed or deeds containing a restriction requiring that  
4           the lands be maintained as open space and used  
5           solely for public recreation purposes or other pur-  
6           poses consistent with their maintenance as open  
7           space. This restriction shall not be interpreted to  
8           prohibit the construction or maintenance of rec-  
9           reational facilities, utilities, or other structures that  
10          are consistent with the maintenance of the lands as  
11          open space or its use for public recreation purposes.

12          (3) CONSIDERATION.—In consideration for the  
13          transfer of the land under paragraph (1), Park City  
14          shall pay to the Secretary of the Interior an amount  
15          consistent with conveyances to governmental entities  
16          for recreational purposes under the Act of June 14,  
17          1926 (commonly known as the Recreation and Pub-  
18          lic Purposes Act; 43 U.S.C. 869 et seq.).

19          (b) SALE OF BUREAU OF LAND MANAGEMENT LAND  
20          IN PARK CITY, UTAH, AT AUCTION.—

21          (1) SALE OF LAND.—Not later than 180 days  
22          after the date of the enactment of this Act, the Sec-  
23          retary of the Interior shall offer for sale any right,  
24          title, or interest of the United States in and to two  
25          parcels of real property located in Park City, Utah,

1       that are currently under the management jurisdic-  
2       tion of the Bureau of Land Management and are  
3       designated as parcels 17 and 18 in the Park City,  
4       Utah, area. The sale of the land shall be carried out  
5       in accordance with the Federal Land Policy and  
6       Management Act of 1976 (43 U.S.C. 1701) and  
7       other applicable law, other than the planning provi-  
8       sions of sections 202 and 203 of such Act (43  
9       U.S.C. 1712, 1713), and shall be subject to all valid  
10      existing rights.

11           (2) METHOD OF SALE.—The sale of the land  
12      under paragraph (1) shall be consistent with sub-  
13      sections (d) and (f) of section 203 of the Federal  
14      Land Policy and Management Act of 1976 (43  
15      U.S.C. 1713) through a competitive bidding process  
16      and for not less than fair market value.

17           (c) DISPOSITION OF LAND SALES PROCEEDS.—All  
18      proceeds derived from the sale of land described in this  
19      section shall be deposited in the Federal Land Disposal  
20      Account established by section 206(a) of the Federal Land  
21      Transaction Facilitation Act (43 U.S.C. 2305(a)).

22      **SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.**

23           (a) DEFINITIONS.—In this section:

24                   (1) CITY.—The term “City” means Carson City  
25      Consolidated Municipality, Nevada.

1           (2) MAP.—The term “Map” means the map en-  
2           titled “Carson City, Nevada Area”, dated November  
3           7, 2008, and on file and available for public inspec-  
4           tion in the appropriate offices of—

5                   (A) the Bureau of Land Management;

6                   (B) the Forest Service; and

7                   (C) the City.

8           (3) SECRETARY.—The term “Secretary”  
9           means—

10                   (A) with respect to land in the National  
11           Forest System, the Secretary of Agriculture,  
12           acting through the Chief of the Forest Service;  
13           and

14                   (B) with respect to other Federal land, the  
15           Secretary of the Interior.

16           (4) SECRETARIES.—The term “Secretaries”  
17           means the Secretary of Agriculture and the Sec-  
18           retary of the Interior, acting jointly.

19           (5) TRIBE.—The term “Tribe” means the  
20           Washoe Tribe of Nevada and California, which is a  
21           federally recognized Indian tribe.

22           (b) CONVEYANCES OF FEDERAL LAND AND CITY  
23           LAND.—

24                   (1) IN GENERAL.—Notwithstanding section 202  
25           of the Federal Land Policy and Management Act of

1       1976 (43 U.S.C. 1712), if the City offers to convey  
2       to the United States title to the non-Federal land  
3       described in paragraph (2)(A) that is acceptable to  
4       the Secretary of Agriculture—

5               (A) the Secretary shall accept the offer;  
6       and

7               (B) not later than 180 days after the date  
8       on which the Secretary receives acceptable title  
9       to the non-Federal land described in paragraph  
10       (2)(A), the Secretaries shall convey to the City,  
11       subject to valid existing rights and for no con-  
12       sideration, except as provided in paragraph  
13       (3)(A), all right, title, and interest of the  
14       United States in and to the Federal land (other  
15       than any easement reserved under paragraph  
16       (3)(B)) or interest in land described in para-  
17       graph (2)(B).

18       (2) DESCRIPTION OF LAND.—

19               (A) NON-FEDERAL LAND.—The non-Fed-  
20       eral land referred to in paragraph (1) is the ap-  
21       proximately 2,264 acres of land administered by  
22       the City and identified on the Map as “To U.S.  
23       Forest Service”.

24               (B) FEDERAL LAND.—The Federal land  
25       referred to in paragraph (1)(B) is—

1 (i) the approximately 935 acres of  
2 Forest Service land identified on the Map  
3 as “To Carson City for Natural Areas”;

4 (ii) the approximately 3,604 acres of  
5 Bureau of Land Management land identi-  
6 fied on the Map as “Silver Saddle Ranch  
7 and Carson River Area”;

8 (iii) the approximately 1,848 acres of  
9 Bureau of Land Management land identi-  
10 fied on the Map as “To Carson City for  
11 Parks and Public Purposes”; and

12 (iv) the approximately 75 acres of  
13 City land in which the Bureau of Land  
14 Management has a reversionary interest  
15 that is identified on the Map as “Rever-  
16 sionary Interest of the United States Re-  
17 leased”.

18 (3) CONDITIONS.—

19 (A) CONSIDERATION.—Before the convey-  
20 ance of the 62-acre Bernhard parcel to the  
21 City, the City shall deposit in the special ac-  
22 count established by subsection (e)(2)(A) an  
23 amount equal to 25 percent of the difference  
24 between—



1 (i) the amount for which the Bern-  
2 hard parcel was purchased by the City on  
3 July 18, 2001; and

4 (ii) the amount for which the Bern-  
5 hard parcel was purchased by the Sec-  
6 retary on March 24, 2006.

7 (B) CONSERVATION EASEMENT.—As a  
8 condition of the conveyance of the land de-  
9 scribed in paragraph (2)(B)(ii), the Secretary,  
10 in consultation with Carson City and affected  
11 local interests, shall reserve a perpetual con-  
12 servation easement to the land to protect, pre-  
13 serve, and enhance the conservation values of  
14 the land, consistent with paragraph (4)(B).

15 (C) COSTS.—Any costs relating to the con-  
16 veyance under paragraph (1), including any  
17 costs for surveys and other administrative costs,  
18 shall be paid by the recipient of the land being  
19 conveyed.

20 (4) USE OF LAND.—

21 (A) NATURAL AREAS.—

22 (i) IN GENERAL.—Except as provided  
23 in clause (ii), the land described in para-  
24 graph (2)(B)(i) shall be managed by the  
25 City to maintain undeveloped open space

1 and to preserve the natural characteristics  
2 of the land in perpetuity.

3 (ii) EXCEPTION.—Notwithstanding  
4 clause (i), the City may—

5 (I) conduct projects on the land  
6 to reduce fuels;

7 (II) construct and maintain  
8 trails, trailhead facilities, and any in-  
9 frastructure on the land that is re-  
10 quired for municipal water and flood  
11 management activities; and

12 (III) maintain or reconstruct any  
13 improvements on the land that are in  
14 existence on the date of enactment of  
15 this Act.

16 (B) SILVER SADDLE RANCH AND CARSON  
17 RIVER AREA.—

18 (i) IN GENERAL.—Except as provided  
19 in clause (ii), the land described in para-  
20 graph (2)(B)(ii) shall—

21 (I) be managed by the City to  
22 protect and enhance the Carson River,  
23 the floodplain and surrounding up-  
24 land, and important wildlife habitat;  
25 and

1 (II) be used for undeveloped open  
2 space, passive recreation, customary  
3 agricultural practices, and wildlife  
4 protection.

5 (ii) EXCEPTION.—Notwithstanding  
6 clause (i), the City may—

7 (I) construct and maintain trails  
8 and trailhead facilities on the land;

9 (II) conduct projects on the land  
10 to reduce fuels;

11 (III) maintain or reconstruct any  
12 improvements on the land that are in  
13 existence on the date of enactment of  
14 this Act; and

15 (IV) allow the use of motorized  
16 vehicles on designated roads, trails,  
17 and areas in the south end of Prison  
18 Hill.

19 (C) PARKS AND PUBLIC PURPOSES.—The  
20 land described in paragraph (2)(B)(iii) shall be  
21 managed by the City for—

22 (i) undeveloped open space; and

23 (ii) recreation or other public pur-  
24 poses consistent with the Act of June 14,  
25 1926 (commonly known as the “Recreation

1 and Public Purposes Act”) (43 U.S.C. 869  
2 et seq.).

3 (D) REVERSIONARY INTEREST.—

4 (i) RELEASE.—The reversionary inter-  
5 est described in paragraph (2)(B)(iv) shall  
6 terminate on the date of enactment of this  
7 Act.

8 (ii) CONVEYANCE BY CITY.—

9 (I) IN GENERAL.—If the City  
10 sells, leases, or otherwise conveys any  
11 portion of the land described in para-  
12 graph (2)(B)(iv), the sale, lease, or  
13 conveyance of land shall be—

14 (aa) through a competitive  
15 bidding process; and

16 (bb) except as provided in  
17 subclause (II), for not less than  
18 fair market value.

19 (II) CONVEYANCE TO GOVERN-  
20 MENT OR NONPROFIT.—A sale, lease,  
21 or conveyance of land described in  
22 paragraph (2)(B)(iv) to the Federal  
23 Government, a State government, a  
24 unit of local government, or a non-  
25 profit organization shall be for consid-

1                   eration in an amount equal to the  
2                   price established by the Secretary of  
3                   the Interior under section 2741 of  
4                   title 43, Code of Federal Regulation  
5                   (or successor regulations).

6                   (III) DISPOSITION OF PRO-  
7                   CEEDS.—The gross proceeds from the  
8                   sale, lease, or conveyance of land  
9                   under subclause (I) shall be distrib-  
10                  uted in accordance with subsection  
11                  (e)(1).

12                 (5) REVERSION.—If land conveyed under para-  
13                 graph (1) is used in a manner that is inconsistent  
14                 with the uses described in subparagraph (A), (B),  
15                 (C), or (D) of paragraph (4), the land shall, at the  
16                 discretion of the Secretary, revert to the United  
17                 States.

18                 (6) MISCELLANEOUS PROVISIONS.—

19                   (A) IN GENERAL.—On conveyance of the  
20                   non-Federal land under paragraph (1) to the  
21                   Secretary of Agriculture, the non-Federal land  
22                   shall—

23                   (i) become part of the Humboldt-  
24                   Toiyabe National Forest; and

1                   (ii) be administered in accordance  
2                   with the laws (including the regulations)  
3                   and rules generally applicable to the Na-  
4                   tional Forest System.

5                   (B) MANAGEMENT PLAN.—The Secretary  
6                   of Agriculture, in consultation with the City  
7                   and other interested parties, may develop and  
8                   implement a management plan for National  
9                   Forest System land that ensures the protection  
10                  and stabilization of the National Forest System  
11                  land to minimize the impacts of flooding on the  
12                  City.

13                  (7) CONVEYANCE TO BUREAU OF LAND MAN-  
14                  AGEMENT.—

15                  (A) IN GENERAL.—If the City offers to  
16                  convey to the United States title to the non-  
17                  Federal land described in subparagraph (B)  
18                  that is acceptable to the Secretary of the Inte-  
19                  rior, the land shall, at the discretion of the Sec-  
20                  retary, be conveyed to the United States.

21                  (B) DESCRIPTION OF LAND.—The non-  
22                  Federal land referred to in subparagraph (A) is  
23                  the approximately 46 acres of land adminis-  
24                  tered by the City and identified on the Map as  
25                  “To Bureau of Land Management”.

1                   (C) COSTS.—Any costs relating to the con-  
2                   veyance under subparagraph (A), including any  
3                   costs for surveys and other administrative costs,  
4                   shall be paid by the Secretary of the Interior.

5           (c) TRANSFER OF ADMINISTRATIVE JURISDICTION  
6 FROM THE FOREST SERVICE TO THE BUREAU OF LAND  
7 MANAGEMENT.—

8                   (1) IN GENERAL.—Administrative jurisdiction  
9                   over the approximately 50 acres of Forest Service  
10                  land identified on the Map as “Parcel #1” is trans-  
11                  ferred, from the Secretary of Agriculture to the Sec-  
12                  retary of the Interior.

13                  (2) COSTS.—Any costs relating to the transfer  
14                  under paragraph (1), including any costs for surveys  
15                  and other administrative costs, shall be paid by the  
16                  Secretary of the Interior.

17                  (3) USE OF LAND.—

18                         (A) RIGHT-OF-WAY.—Not later than 120  
19                         days after the date of enactment of this Act,  
20                         the Secretary of the Interior shall grant to the  
21                         City a right-of-way for the maintenance of flood  
22                         management facilities located on the land.

23                         (B) DISPOSAL.—The land referred to in  
24                         paragraph (1) shall be disposed of in accord-  
25                         ance with subsection (d).

1           (C) DISPOSITION OF PROCEEDS.—The  
2           gross proceeds from the disposal of land under  
3           subparagraph (B) shall be distributed in ac-  
4           cordance with subsection (e)(1).

5           (d) DISPOSAL OF CARSON CITY LAND.—

6           (1) IN GENERAL.—Notwithstanding sections  
7           202 and 203 of the Federal Land Policy and Man-  
8           agement Act of 1976 (43 U.S.C. 1712, 1713), the  
9           Secretary of the Interior shall, in accordance with  
10          that Act, this subsection, and other applicable law,  
11          and subject to valid existing rights, conduct sales of  
12          the Federal land described in paragraph (2) to  
13          qualified bidders.

14          (2) DESCRIPTION OF LAND.—The Federal land  
15          referred to in paragraph (1) is—

16                (A) the approximately 108 acres of Bureau  
17                of Land Management land identified as “Lands  
18                for Disposal” on the Map; and

19                (B) the approximately 50 acres of land  
20                identified as “Parcel #1” on the Map.

21          (3) COMPLIANCE WITH LOCAL PLANNING AND  
22          ZONING LAWS.—Before a sale of Federal land under  
23          paragraph (1), the City shall submit to the Sec-  
24          retary a certification that qualified bidders have  
25          agreed to comply with—



1 (A) City zoning ordinances; and

2 (B) any master plan for the area approved  
3 by the City.

4 (4) METHOD OF SALE; CONSIDERATION.—The  
5 sale of Federal land under paragraph (1) shall be—

6 (A) consistent with subsections (d) and (f)  
7 of section 203 of the Federal Land Policy and  
8 Management Act of 1976 (43 U.S.C. 1713);

9 (B) unless otherwise determined by the  
10 Secretary, through a competitive bidding proc-  
11 ess; and

12 (C) for not less than fair market value.

13 (5) WITHDRAWAL.—

14 (A) IN GENERAL.—Subject to valid exist-  
15 ing rights and except as provided in subpara-  
16 graph (B), the Federal land described in para-  
17 graph (2) is withdrawn from—

18 (i) all forms of entry and appropria-  
19 tion under the public land laws;

20 (ii) location, entry, and patent under  
21 the mining laws; and

22 (iii) operation of the mineral leasing  
23 and geothermal leasing laws.

1           (B) EXCEPTION.—Subparagraph (A)(i)  
2 shall not apply to sales made consistent with  
3 this subsection.

4           (6) DEADLINE FOR SALE.—

5           (A) IN GENERAL.—Except as provided in  
6 subparagraph (B), not later than 1 year after  
7 the date of enactment of this Act, if there is a  
8 qualified bidder for the land described in sub-  
9 paragraphs (A) and (B) of paragraph (2), the  
10 Secretary of the Interior shall offer the land for  
11 sale to the qualified bidder.

12           (B) POSTPONEMENT; EXCLUSION FROM  
13 SALE.—

14           (i) REQUEST BY CARSON CITY FOR  
15 POSTPONEMENT OR EXCLUSION.—At the  
16 request of the City, the Secretary shall  
17 postpone or exclude from the sale under  
18 subparagraph (A) all or a portion of the  
19 land described in subparagraphs (A) and  
20 (B) of paragraph (2).

21           (ii) INDEFINITE POSTPONEMENT.—  
22 Unless specifically requested by the City, a  
23 postponement under clause (i) shall not be  
24 indefinite.

25           (e) DISPOSITION OF PROCEEDS.—

1           (1) IN GENERAL.—Of the proceeds from the  
2           sale of land under subsections (b)(4)(D)(ii) and  
3           (d)(1)—

4                   (A) 5 percent shall be paid directly to the  
5           State for use in the general education program  
6           of the State; and

7                   (B) the remainder shall be deposited in a  
8           special account in the Treasury of the United  
9           States, to be known as the “Carson City Spe-  
10          cial Account”, and shall be available without  
11          further appropriation to the Secretary until ex-  
12          pended to—

13                   (i) reimburse costs incurred by the  
14          Bureau of Land Management for pre-  
15          paring for the sale of the Federal land de-  
16          scribed in subsection (d)(2), including the  
17          costs of—

18                           (I) surveys and appraisals; and

19                           (II) compliance with—

20                                   (aa) the National Environ-  
21          mental Policy Act of 1969 (42  
22          U.S.C. 4321 et seq.); and

23                                   (bb) sections 202 and 203 of  
24          the Federal Land Policy and

1 Management Act of 1976 (43  
2 U.S.C. 1712, 1713);

3 (ii) reimburse costs incurred by the  
4 Bureau of Land Management and Forest  
5 Service for preparing for, and carrying out,  
6 the transfers of land to be held in trust by  
7 the United States under subsection (h)(1);  
8 and

9 (iii) acquire environmentally sensitive  
10 land or an interest in environmentally sen-  
11 sitive land in the City.

12 (2) SILVER SADDLE ENDOWMENT ACCOUNT.—

13 (A) ESTABLISHMENT.—There is estab-  
14 lished in the Treasury of the United States a  
15 special account, to be known as the “Silver  
16 Saddle Endowment Account”, consisting of  
17 such amounts as are deposited under subsection  
18 (b)(3)(A).

19 (B) AVAILABILITY OF AMOUNTS.—  
20 Amounts deposited in the account established  
21 by paragraph (1) shall be available to the Sec-  
22 retary, without further appropriation, for the  
23 oversight and enforcement of the conservation  
24 easement established under subsection  
25 (b)(3)(B).

1 (f) URBAN INTERFACE.—

2 (1) IN GENERAL.—Except as otherwise pro-  
3 vided in this section and subject to valid existing  
4 rights, the Federal land described in paragraph (2)  
5 is permanently withdrawn from—

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

8 (B) location and patent under the mining  
9 laws; and

10 (C) operation of the mineral laws, geo-  
11 thermal leasing laws, and mineral material  
12 laws.

13 (2) DESCRIPTION OF LAND.—The land referred  
14 to in paragraph (1) consists of approximately 19,747  
15 acres, which is identified on the Map as “Urban  
16 Interface Withdrawal”.

17 (3) INCORPORATION OF ACQUIRED LAND AND  
18 INTERESTS.—Any land or interest in land within the  
19 boundaries of the land described in paragraph (2)  
20 that is acquired by the United States after the date  
21 of enactment of this Act shall be withdrawn in ac-  
22 cordance with this subsection.

23 (4) OFF-HIGHWAY VEHICLE MANAGEMENT.—  
24 Until the date on which the Secretary, in consulta-  
25 tion with the State, the City, and any other inter-

1       ested persons, completes a transportation plan for  
2       Federal land in the City, the use of motorized and  
3       mechanical vehicles on Federal land within the City  
4       shall be limited to roads and trails in existence on  
5       the date of enactment of this Act unless the use of  
6       the vehicles is needed—

7                   (A) for administrative purposes; or

8                   (B) to respond to an emergency.

9       (g) AVAILABILITY OF FUNDS.—Section 4(e) of the  
10      Southern Nevada Public Land Management Act of 1998  
11      (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007;  
12      117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is  
13      amended—

14           (1) in paragraph (3)(A)(iv), by striking “Clark,  
15      Lincoln, and White Pine Counties and Washoe  
16      County (subject to paragraph 4))” and inserting  
17      “Clark, Lincoln, and White Pine Counties and  
18      Washoe County (subject to paragraph 4)) and Car-  
19      son City (subject to paragraph (5))”;

20           (2) in paragraph (3)(A)(v), by striking “Clark,  
21      Lincoln, and White Pine Counties” and inserting  
22      “Clark, Lincoln, and White Pine Counties and Car-  
23      son City (subject to paragraph (5))”;

24           (3) in paragraph (4), by striking “2011” and  
25      inserting “2015”; and

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

2 “(5) LIMITATION FOR CARSON CITY.—Carson  
3 City shall be eligible to nominate for expenditure  
4 amounts to acquire land or an interest in land for  
5 parks or natural areas and for conservation initia-  
6 tives—

7 “(A) adjacent to the Carson River; or

8 “(B) within the floodplain of the Carson  
9 River.”.

10 (h) TRANSFER OF LAND TO BE HELD IN TRUST FOR  
11 WASHOE TRIBE.—

12 (1) IN GENERAL.—Subject to valid existing  
13 rights, all right, title, and interest of the United  
14 States in and to the land described in paragraph  
15 (2)—

16 (A) shall be held in trust by the United  
17 States for the benefit and use of the Tribe; and

18 (B) shall be part of the reservation of the  
19 Tribe.

20 (2) DESCRIPTION OF LAND.—The land referred  
21 to in paragraph (1) consists of approximately 293  
22 acres, which is identified on the Map as “To Washoe  
23 Tribe”.

24 (3) SURVEY.—Not later than 180 days after  
25 the date of enactment of this Act, the Secretary of

1       Agriculture shall complete a survey of the boundary  
2       lines to establish the boundaries of the land taken  
3       into trust under paragraph (1).

4               (4) USE OF LAND.—

5               (A) GAMING.—Land taken into trust  
6       under paragraph (1) shall not be eligible, or  
7       considered to have been taken into trust, for  
8       class II gaming or class III gaming (as those  
9       terms are defined in section 4 of the Indian  
10       Gaming Regulatory Act (25 U.S.C. 2703)).

11              (B) TRUST LAND FOR CEREMONIAL USE  
12       AND CONSERVATION.—With respect to the use  
13       of the land taken into trust under paragraph  
14       (1) that is above the 5,200' elevation contour,  
15       the Tribe—

16                      (i) shall limit the use of the land to—

17                              (I) traditional and customary  
18       uses; and

19                              (II) stewardship conservation for  
20       the benefit of the Tribe; and

21                      (ii) shall not permit any—

22                              (I) permanent residential or rec-  
23       reational development on the land; or



1 (II) commercial use of the land,  
2 including commercial development or  
3 gaming.

4 (C) TRUST LAND FOR COMMERCIAL AND  
5 RESIDENTIAL USE.—With respect to the use of  
6 the land taken into trust under paragraph (1),  
7 the Tribe shall limit the use of the land below  
8 the 5,200' elevation to—

9 (i) traditional and customary uses;

10 (ii) stewardship conservation for the  
11 benefit of the Tribe; and

12 (iii)(I) residential or recreational de-  
13 velopment; or

14 (II) commercial use.

15 (D) THINNING; LANDSCAPE RESTORA-  
16 TION.—With respect to the land taken into  
17 trust under paragraph (1), the Secretary of Ag-  
18 riculture, in consultation and coordination with  
19 the Tribe, may carry out any thinning and  
20 other landscape restoration activities on the  
21 land that is beneficial to the Tribe and the For-  
22 est Service.

23 (i) CORRECTION OF SKUNK HARBOR CONVEY-  
24 ANCE.—

1           (1) PURPOSE.—The purpose of this subsection  
2 is to amend Public Law 108–67 (117 Stat. 880) to  
3 make a technical correction relating to the land con-  
4 veyance authorized under that Act.

5           (2) TECHNICAL CORRECTION.—Section 2 of  
6 Public Law 108–67 (117 Stat. 880) is amended—

7                   (A) by striking “Subject to” and inserting  
8 the following:

9           “(a) IN GENERAL.—Subject to”;

10                   (B) in subsection (a) (as designated by  
11 paragraph (1)), by striking “the parcel” and all  
12 that follows through the period at the end and  
13 inserting the following: “and to approximately  
14 23 acres of land identified as ‘Parcel A’ on the  
15 map entitled ‘Skunk Harbor Conveyance Cor-  
16 rection’ and dated September 12, 2008, the  
17 western boundary of which is the low water line  
18 of Lake Tahoe at elevation 6,223.0’ (Lake  
19 Tahoe Datum).”; and

20                   (C) by adding at the end the following:

21           “(b) SURVEY AND LEGAL DESCRIPTION.—

22                   (1) IN GENERAL.—Not later than 180 days  
23 after the date of enactment of this subsection, the  
24 Secretary of Agriculture shall complete a survey and

1 legal description of the boundary lines to establish  
2 the boundaries of the trust land.

3 “(2) TECHNICAL CORRECTIONS.—The Sec-  
4 retary may correct any technical errors in the survey  
5 or legal description completed under paragraph (1).

6 “(c) PUBLIC ACCESS AND USE.—Nothing in this Act  
7 prohibits any approved general public access (through ex-  
8 isting easements or by boat) to, or use of, land remaining  
9 within the Lake Tahoe Basin Management Unit after the  
10 conveyance of the land to the Secretary of the Interior,  
11 in trust for the Tribe, under subsection (a), including ac-  
12 cess to, and use of, the beach and shoreline areas adjacent  
13 to the portion of land conveyed under that subsection.”.

14 (3) DATE OF TRUST STATUS.—The trust land  
15 described in section 2(a) of Public Law 108–67 (117  
16 Stat. 880) shall be considered to be taken into trust  
17 as of August 1, 2003.

18 (4) TRANSFER.—The Secretary of the Interior,  
19 acting on behalf of and for the benefit of the Tribe,  
20 shall transfer to the Secretary of Agriculture admin-  
21 istrative jurisdiction over the land identified as  
22 “Parcel B” on the map entitled “Skunk Harbor  
23 Conveyance Correction” and dated September 12,  
24 2008.

1 (j) AGREEMENT WITH FOREST SERVICE.—The Sec-  
2 retary of Agriculture, in consultation with the Tribe, shall  
3 develop and implement a cooperative agreement that en-  
4 sures regular access by members of the Tribe and other  
5 people in the community of the Tribe across National For-  
6 est System land from the City to Lake Tahoe for cultural  
7 and religious purposes.

8 (k) ARTIFACT COLLECTION.—

9 (1) NOTICE.—At least 180 days before con-  
10 ducting any ground disturbing activities on the land  
11 identified as “Parcel #2” on the Map, the City shall  
12 notify the Tribe of the proposed activities to provide  
13 the Tribe with adequate time to inventory and col-  
14 lect any artifacts in the affected area.

15 (2) AUTHORIZED ACTIVITIES.—On receipt of  
16 notice under paragraph (1), the Tribe may collect  
17 and possess any artifacts relating to the Tribe in the  
18 land identified as “Parcel #2” on the Map.

19 (l) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated such sums as are nec-  
21 essary to carry out this section.

22 **SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA**  
23 **CONVEYANCE.**

24 (a) DEFINITIONS.—In this section:

1           (1) CITY.—The term “City” means the City of  
2 Henderson, Nevada.

3           (2) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5           (3) STATE.—The term “State” means the State  
6 of Nevada.

7           (4) TRANSITION AREA.—The term “Transition  
8 Area” means the approximately 502 acres of Fed-  
9 eral land located in Henderson, Nevada, and identi-  
10 fied as “Limited Transition Area” on the map enti-  
11 tled “Southern Nevada Limited Transition Area  
12 Act” and dated March 20, 2006.

13       (b) SOUTHERN NEVADA LIMITED TRANSITION  
14 AREA.—

15           (1) CONVEYANCE.—Notwithstanding the Fed-  
16 eral Land Policy and Management Act of 1976 (43  
17 U.S.C. 1701 et seq.), on request of the City, the  
18 Secretary shall, without consideration and subject to  
19 all valid existing rights, convey to the City all right,  
20 title, and interest of the United States in and to the  
21 Transition Area.

22           (2) USE OF LAND FOR NONRESIDENTIAL DE-  
23 VELOPMENT.—

24           (A) IN GENERAL.—After the conveyance to  
25 the City under paragraph (1), the City may sell,

1 lease, or otherwise convey any portion or por-  
2 tions of the Transition Area for purposes of  
3 nonresidential development.

4 (B) METHOD OF SALE.—

5 (i) IN GENERAL.—The sale, lease, or  
6 conveyance of land under subparagraph  
7 (A) shall be through a competitive bidding  
8 process.

9 (ii) FAIR MARKET VALUE.—Any land  
10 sold, leased, or otherwise conveyed under  
11 subparagraph (A) shall be for not less than  
12 fair market value.

13 (C) COMPLIANCE WITH CHARTER.—Except  
14 as provided in subparagraphs (B) and (D), the  
15 City may sell, lease, or otherwise convey parcels  
16 within the Transition Area only in accordance  
17 with the procedures for conveyances established  
18 in the City Charter.

19 (D) DISPOSITION OF PROCEEDS.—The  
20 gross proceeds from the sale of land under sub-  
21 paragraph (A) shall be distributed in accord-  
22 ance with section 4(e) of the Southern Nevada  
23 Public Land Management Act of 1998 (112  
24 Stat. 2345).

1           (3) USE OF LAND FOR RECREATION OR OTHER  
2 PUBLIC PURPOSES.—The City may elect to retain  
3 parcels in the Transition Area for public recreation  
4 or other public purposes consistent with the Act of  
5 June 14, 1926 (commonly known as the “Recreation  
6 and Public Purposes Act”) (43 U.S.C. 869 et seq.)  
7 by providing to the Secretary written notice of the  
8 election.

9           (4) NOISE COMPATIBILITY REQUIREMENTS.—  
10 The City shall—

11           (A) plan and manage the Transition Area  
12 in accordance with section 47504 of title 49,  
13 United States Code (relating to airport noise  
14 compatibility planning), and regulations pro-  
15 mulgated in accordance with that section; and

16           (B) agree that if any land in the Transi-  
17 tion Area is sold, leased, or otherwise conveyed  
18 by the City, the sale, lease, or conveyance shall  
19 contain a limitation to require uses compatible  
20 with that airport noise compatibility planning.

21           (5) REVERSION.—

22           (A) IN GENERAL.—If any parcel of land in  
23 the Transition Area is not conveyed for nonresi-  
24 dential development under this section or re-  
25 served for recreation or other public purposes

1           under paragraph (3) by the date that is 20  
2           years after the date of enactment of this Act,  
3           the parcel of land shall, at the discretion of the  
4           Secretary, revert to the United States.

5           (B) INCONSISTENT USE.—If the City uses  
6           any parcel of land within the Transition Area  
7           in a manner that is inconsistent with the uses  
8           specified in this subsection—

9                   (i) at the discretion of the Secretary,  
10           the parcel shall revert to the United  
11           States; or

12                   (ii) if the Secretary does not make an  
13           election under clause (i), the City shall sell  
14           the parcel of land in accordance with this  
15           subsection.

16 **SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEY-**  
17 **ANCE.**

18           (a) DEFINITIONS.—In this section:

19                   (1) ALTA-HUALAPAI SITE.—The term “Alta-  
20           Hualapai Site” means the approximately 80 acres of  
21           land that is—

22                   (A) patented to the City under the Act of  
23           June 14, 1926 (commonly known as the  
24           “Recreation and Public Purposes Act”) (43  
25           U.S.C. 869 et seq.); and



1 (B) identified on the map as the “Alta-  
2 Hualapai Site”.

3 (2) CITY.—The term “City” means the city of  
4 Las Vegas, Nevada.

5 (3) INSTITUTE.—The term “Institute” means  
6 the Nevada Cancer Institute, a nonprofit organiza-  
7 tion described under section 501(c)(3) of the Inter-  
8 nal Revenue Code of 1986, the principal place of  
9 business of which is at 10441 West Twain Avenue,  
10 Las Vegas, Nevada.

11 (4) MAP.—The term “map” means the map ti-  
12 tled “Nevada Cancer Institute Expansion Act” and  
13 dated July 17, 2006.

14 (5) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Interior, acting through the Di-  
16 rector of the Bureau of Land Management.

17 (6) WATER DISTRICT.—The term “Water Dis-  
18 trict” means the Las Vegas Valley Water District.

19 (b) LAND CONVEYANCE.—

20 (1) SURVEY AND LEGAL DESCRIPTION.—The  
21 City shall prepare a survey and legal description of  
22 the Alta-Hualapai Site. The survey shall conform to  
23 the Bureau of Land Management cadastral survey  
24 standards and be subject to approval by the Sec-  
25 retary.

1           (2) ACCEPTANCE.—The Secretary may accept  
2           the relinquishment by the City of all or part of the  
3           Alta-Hualapai Site.

4           (3) CONVEYANCE FOR USE AS NONPROFIT CAN-  
5           CER INSTITUTE.—After relinquishment of all or part  
6           of the Alta-Hualapai Site to the Secretary, and not  
7           later than 180 days after request of the Institute,  
8           the Secretary shall convey to the Institute, subject  
9           to valid existing rights, the portion of the Alta-  
10          Hualapai Site that is necessary for the development  
11          of a nonprofit cancer institute.

12          (4) ADDITIONAL CONVEYANCES.—Not later  
13          than 180 days after a request from the City, the  
14          Secretary shall convey to the City, subject to valid  
15          existing rights, any remaining portion of the Alta-  
16          Hualapai Site necessary for ancillary medical or  
17          nonprofit use compatible with the mission of the In-  
18          stitute.

19          (5) APPLICABLE LAW.—Any conveyance by the  
20          City of any portion of the land received under this  
21          section shall be for no less than fair market value  
22          and the proceeds shall be distributed in accordance  
23          with section 4(e)(1) of Public Law 105–263 (112  
24          Stat. 2345).

1           (6) TRANSACTION COSTS.—All land conveyed by  
2           the Secretary under this section shall be at no cost,  
3           except that the Secretary may require the recipient  
4           to bear any costs associated with transfer of title or  
5           any necessary land surveys.

6           (7) REPORT.—Not later than 180 days after  
7           the date of the enactment of this Act, the Secretary  
8           shall submit to the Committee on Natural Resources  
9           of the House of Representatives and the Committee  
10          on Energy and Natural Resources of the Senate a  
11          report on all transactions conducted under Public  
12          Law 105–263 (112 Stat. 2345).

13          (c) RIGHTS-OF-WAY.—Consistent with the Federal  
14          Land Policy and Management Act of 1976 (43 U.S.C.  
15          1701), the Secretary may grant rights-of-way to the Water  
16          District on a portion of the Alta-Hualapai Site for a flood  
17          control project and a water pumping facility.

18          (d) REVERSION.—Any property conveyed pursuant to  
19          this section which ceases to be used for the purposes speci-  
20          fied in this section shall, at the discretion of the Secretary,  
21          revert to the United States, along with any improvements  
22          thereon or thereto.

23   **SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.**

24          (a) DEFINITIONS.—In this section:

1           (1) FEDERAL LAND.—The term “Federal land”  
2 means the approximately 25 acres of Bureau of  
3 Land Management land identified on the map as  
4 “Lands to be conveyed to Turnabout Ranch”.

5           (2) MAP.—The term “map” means the map en-  
6 titled “Turnabout Ranch Conveyance” dated May  
7 12, 2006, and on file in the office of the Director  
8 of the Bureau of Land Management.

9           (3) MONUMENT.—The term “Monument”  
10 means the Grand Staircase-Escalante National  
11 Monument located in southern Utah.

12           (4) SECRETARY.—The term “Secretary” means  
13 the Secretary of the Interior.

14           (5) TURNABOUT RANCH.—The term “Turn-  
15 about Ranch” means the Turnabout Ranch in  
16 Escalante, Utah, owned by Aspen Education Group.

17 (b) CONVEYANCE OF FEDERAL LAND TO TURN-  
18 ABOUT RANCH.—

19           (1) IN GENERAL.—Notwithstanding the land  
20 use planning requirements of sections 202 and 203  
21 of the Federal Land Policy and Management Act of  
22 1976 (43 U.S.C. 1712, 1713), if not later than 30  
23 days after completion of the appraisal required  
24 under paragraph (2), Turnabout Ranch of  
25 Escalante, Utah, submits to the Secretary an offer

1 to acquire the Federal land for the appraised value,  
2 the Secretary shall, not later than 30 days after the  
3 date of the offer, convey to Turnabout Ranch all  
4 right, title, and interest to the Federal land, subject  
5 to valid existing rights.

6 (2) APPRAISAL.—Not later than 90 days after  
7 the date of enactment of this Act, the Secretary  
8 shall complete an appraisal of the Federal land. The  
9 appraisal shall be completed in accordance with the  
10 “Uniform Appraisal Standards for Federal Land Ac-  
11 quisitions” and the “Uniform Standards of Profes-  
12 sional Appraisal Practice”. All costs associated with  
13 the appraisal shall be born by Turnabout Ranch.

14 (3) PAYMENT OF CONSIDERATION.—Not later  
15 than 30 days after the date on which the Federal  
16 land is conveyed under paragraph (1), as a condition  
17 of the conveyance, Turnabout Ranch shall pay to the  
18 Secretary an amount equal to the appraised value of  
19 the Federal land, as determined under paragraph  
20 (2).

21 (4) COSTS OF CONVEYANCE.—As a condition of  
22 the conveyance, any costs of the conveyance under  
23 this section shall be paid by Turnabout Ranch.

24 (5) DISPOSITION OF PROCEEDS.—The Sec-  
25 retary shall deposit the proceeds from the convey-

1           ance of the Federal land under paragraph (1) in the  
2           Federal Land Deposit Account established by sec-  
3           tion 206 of the Federal Land Transaction Facilita-  
4           tion Act(43 U.S.C. 2305), to be expended in accord-  
5           ance with that Act.

6           (c) MODIFICATION OF MONUMENT BOUNDARY.—  
7           When the conveyance authorized by subsection (b) is com-  
8           pleted, the boundaries of the Grand Staircase-Escalante  
9           National Monument in the State of Utah are hereby modi-  
10          fied to exclude the Federal land conveyed to Turnabout  
11          Ranch.

12       **SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.**

13           (a) DEFINITIONS.—In this section:

14               (1) BOY SCOUTS.—The term “Boy Scouts”  
15               means the Utah National Parks Council of the Boy  
16               Scouts of America.

17               (2) SECRETARY.—The term “Secretary” means  
18               the Secretary of the Interior.

19           (b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—

20               (1) AUTHORITY TO CONVEY.—

21                       (A) IN GENERAL.—Subject to paragraph  
22                       (3) and notwithstanding the Act of June 14,  
23                       1926 (commonly known as the “Recreation and  
24                       Public Purposes Act”) (43 U.S.C. 869 et seq.),  
25                       the Boy Scouts may convey to Brian Head Re-

1 sort, subject to valid existing rights and, except  
2 as provided in subparagraph (B), any rights re-  
3 served by the United States, all right, title, and  
4 interest granted to the Boy Scouts by the origi-  
5 nal patent to the parcel described in paragraph  
6 (2)(A) in exchange for the conveyance by Brian  
7 Head Resort to the Boy Scouts of all right,  
8 title, and interest in and to the parcels de-  
9 scribed in paragraph (2)(B).

10 (B) REVERSIONARY INTEREST.—On con-  
11 veyance of the parcel of land described in para-  
12 graph (2)(A), the Secretary shall have discre-  
13 tion with respect to whether or not the rever-  
14 sionary interests of the United States are to be  
15 exercised.

16 (2) DESCRIPTION OF LAND.—The parcels of  
17 land referred to in paragraph (1) are—

18 (A) the 120-acre parcel that is part of a  
19 tract of public land acquired by the Boy Scouts  
20 under the Act of June 14, 1926 (commonly  
21 known as the “Recreation and Public Purposes  
22 Act”) (43 U.S.C. 869 et seq.) for the purpose  
23 of operating a camp, which is more particularly  
24 described as the W 1/2 SE 1/4 and SE 1/4 SE

1           1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base  
2           and Meridian; and

3                   (B) the 2 parcels of private land owned by  
4           Brian Head Resort that total 120 acres, which  
5           are more particularly described as—

6                           (i) NE 1/4 NW 1/4 and NE 1/4 NE  
7                   1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake  
8                   Base and Meridian; and

9                           (ii) SE 1/4 SE 1/4 sec. 24, T. 35. S.,  
10           R. 9 W., Salt Lake Base Meridian.

11           (3) CONDITIONS.—On conveyance to the Boy  
12           Scouts under paragraph (1)(A), the parcels of land  
13           described in paragraph (2)(B) shall be subject to the  
14           terms and conditions imposed on the entire tract of  
15           land acquired by the Boy Scouts for a camp under  
16           the Bureau of Land Management patent numbered  
17           43-75-0010.

18           (4) MODIFICATION OF PATENT.—On completion  
19           of the exchange under paragraph (1)(A), the Sec-  
20           retary shall amend the original Bureau of Land  
21           Management patent providing for the conveyance to  
22           the Boy Scouts under the Act of June 14, 1926  
23           (commonly known as the “Recreation and Public  
24           Purposes Act”) (43 U.S.C. 869 et seq.) numbered



1 43-75-0010 to take into account the exchange  
2 under paragraph (1)(A).

3 **SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CON-**  
4 **VEYANCE.**

5 (a) DEFINITIONS.—In this section:

6 (1) PUBLIC LAND.—The term “public land”  
7 means the approximately 622 acres of Federal land  
8 managed by the Bureau of Land Management and  
9 identified for conveyance on the map prepared by  
10 the Bureau of Land Management entitled “Douglas  
11 County Public Utility District Proposal” and dated  
12 March 2, 2006.

13 (2) PUD.—The term “PUD” means the Public  
14 Utility District No. 1 of Douglas County, Wash-  
15 ington.

16 (3) SECRETARY.—The term “Secretary” means  
17 the Secretary of the Interior.

18 (4) WELLS HYDROELECTRIC PROJECT.—The  
19 term “Wells Hydroelectric Project” means Federal  
20 Energy Regulatory Commission Project No. 2149.

21 (b) CONVEYANCE OF PUBLIC LAND, WELLS HYDRO-  
22 ELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF  
23 DOUGLAS COUNTY, WASHINGTON.—

24 (1) CONVEYANCE REQUIRED.—Notwithstanding  
25 the land use planning requirements of sections 202

1       and 203 of the Federal Land Policy and Manage-  
2       ment Act of 1976 (43 U.S.C. 1712, 1713), and not-  
3       withstanding section 24 of the Federal Power Act  
4       (16 U.S.C. 818) and Federal Power Order for  
5       Project 2149, and subject to valid existing rights, if  
6       not later than 45 days after the date of completion  
7       of the appraisal required under paragraph (2), the  
8       Public Utility District No. 1 of Douglas County,  
9       Washington, submits to the Secretary an offer to ac-  
10      quire the public land for the appraised value, the  
11      Secretary shall convey, not later than 30 days after  
12      the date of the offer, to the PUD all right, title, and  
13      interest of the United States in and to the public  
14      land.

15           (2) APPRAISAL.—Not later than 60 days after  
16      the date of enactment of this Act, the Secretary  
17      shall complete an appraisal of the public land. The  
18      appraisal shall be conducted in accordance with the  
19      “Uniform Appraisal Standards for Federal Land Ac-  
20      quisitions” and the “Uniform Standards of Profes-  
21      sional Appraisal Practice”.

22           (3) PAYMENT.—Not later than 30 days after  
23      the date on which the public land is conveyed under  
24      this subsection, the PUD shall pay to the Secretary

1 an amount equal to the appraised value of the public  
2 land as determined under paragraph (2).

3 (4) MAP AND LEGAL DESCRIPTIONS.—As soon  
4 as practicable after the date of enactment of this  
5 Act, the Secretary shall finalize legal descriptions of  
6 the public land to be conveyed under this subsection.  
7 The Secretary may correct any minor errors in the  
8 map referred to in subsection (a)(1) or in the legal  
9 descriptions. The map and legal descriptions shall be  
10 on file and available for public inspection in appro-  
11 priate offices of the Bureau of Land Management.

12 (5) COSTS OF CONVEYANCE.—As a condition of  
13 conveyance, any costs related to the conveyance  
14 under this subsection shall be paid by the PUD.

15 (6) DISPOSITION OF PROCEEDS.—The Sec-  
16 retary shall deposit the proceeds from the sale in the  
17 Federal Land Disposal Account established by sec-  
18 tion 206 of the Federal Land Transaction Facilita-  
19 tion Act (43 U.S.C. 2305) to be expended to im-  
20 prove access to public lands administered by the Bu-  
21 reau of Land Management in the State of Wash-  
22 ington.

23 (c) SEGREGATION OF LANDS.—

24 (1) WITHDRAWAL.—Except as provided in sub-  
25 section (b)(1), effective immediately upon enactment

1 of this Act, and subject to valid existing rights, the  
2 public land is withdrawn from—

3 (A) all forms of entry, appropriation, or  
4 disposal under the public land laws, and all  
5 amendments thereto;

6 (B) location, entry, and patenting under  
7 the mining laws, and all amendments thereto;  
8 and

9 (C) operation of the mineral leasing, min-  
10 eral materials, and geothermal leasing laws, and  
11 all amendments thereto.

12 (2) DURATION.—This subsection expires two  
13 years after the date of enactment of this Act or on  
14 the date of the completion of the conveyance under  
15 subsection (b), whichever is earlier.

16 (d) RETAINED AUTHORITY.—The Secretary shall re-  
17 tain the authority to place conditions on the license to in-  
18 sure adequate protection and utilization of the public land  
19 granted to the Secretary in section 4(e) of the Federal  
20 Power Act (16 U.S.C. 797(e)) until the Federal Energy  
21 Regulatory Commission has issued a new license for the  
22 Wells Hydroelectric Project, to replace the original license  
23 expiring May 31, 2012, consistent with section 15 of the  
24 Federal Power Act (16 U.S.C. 808).

1 **SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.**

2 (a) CONVEYANCE.—As soon as practicable after the  
3 date of enactment of this Act, the Secretary of the Inte-  
4 rior, acting through the Director of the Bureau of Land  
5 Management, shall convey to the city of Twin Falls, Idaho,  
6 subject to valid existing rights, without consideration, all  
7 right, title, and interest of the United States in and to  
8 the 4 parcels of land described in subsection (b).

9 (b) LAND DESCRIPTION.—The 4 parcels of land to  
10 be conveyed under subsection (a) are the approximately  
11 165 acres of land in Twin Falls County, Idaho, that are  
12 identified as “Land to be conveyed to Twin Falls” on the  
13 map titled “Twin Falls Land Conveyance” and dated July  
14 28, 2008.

15 (c) MAP ON FILE.—A map depicting the land de-  
16 scribed in subsection (b) shall be on file and available for  
17 public inspection in the appropriate offices of the Bureau  
18 of Land Management.

19 (d) USE OF CONVEYED LANDS.—

20 (1) PURPOSE.—The land conveyed under this  
21 section shall be used to support the public purposes  
22 of the Auger Falls Project, including a limited agri-  
23 cultural exemption to allow for water quality and  
24 wildlife habitat improvements.

25 (2) RESTRICTION.—The land conveyed under  
26 this section shall not be used for residential or com-

1       mercial purposes, except for the limited agricultural  
2       exemption described in paragraph (1).

3           (3) ADDITIONAL TERMS AND CONDITIONS.—

4       The Secretary of the Interior may require such addi-  
5       tional terms and conditions in connection with the  
6       conveyance as the Secretary considers appropriate to  
7       protect the interests of the United States.

8       (e) REVERSION.—If the land conveyed under this sec-  
9       tion is no longer used in accordance with subsection (d)—

10           (1) the land shall, at the discretion of the Sec-  
11       retary based on his determination of the best inter-  
12       ests of the United States, revert to the United  
13       States; and

14           (2) if the Secretary chooses to have the land re-  
15       vert to the United States and if the Secretary deter-  
16       mines that the land is environmentally contami-  
17       nated, the city of Twin Falls, Idaho, or any other  
18       person responsible for the contamination shall reme-  
19       diate the contamination.

20       (f) ADMINISTRATIVE COSTS.—The Secretary shall re-  
21       quire that the city of Twin Falls, Idaho, pay all survey  
22       costs and other administrative costs necessary for the  
23       preparation and completion of any patents of and transfer  
24       of title to property under this section.

1 **SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RE-**  
2 **LEASE, NEVADA.**

3 (a) FINDING.—Congress finds that the land de-  
4 scribed in subsection (c) has been adequately studied for  
5 wilderness designation under section 603 of the Federal  
6 Land Policy and Management Act of 1976 (43 U.S.C.  
7 1782).

8 (b) RELEASE.—The land described in subsection  
9 (c)—

10 (1) is no longer subject to section 603(c) of the  
11 Federal Land Policy and Management Act of 1976  
12 (43 U.S.C. 1782(c)); and

13 (2) shall be managed in accordance with—

14 (A) land management plans adopted under  
15 section 202 of that Act (43 U.S.C. 1712); and

16 (B) cooperative conservation agreements in  
17 existence on the date of the enactment of this  
18 Act.

19 (c) DESCRIPTION OF LAND.—The land referred to in  
20 subsections (a) and (b) is the approximately 70 acres of  
21 land in the Sunrise Mountain Instant Study Area of Clark  
22 County, Nevada, that is designated on the map entitled  
23 “Sunrise Mountain ISA Release Areas” and dated Sep-  
24 tember 6, 2008.

1 **SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.**

2 (a) CONVEYANCE OF LAND BY THE BUREAU OF  
3 LAND MANAGEMENT TO PARK CITY, UTAH.—

4 (1) LAND TRANSFER.—Notwithstanding the  
5 planning requirements of sections 202 and 203 of  
6 the Federal Land Policy and Management Act of  
7 1976 (43 U.S.C. 1712, 1713), the Secretary of the  
8 Interior shall convey, not later than 180 days after  
9 the date of the enactment of this Act, to Park City,  
10 Utah, all right, title, and interest of the United  
11 States in and to two parcels of real property located  
12 in Park City, Utah, that are currently under the  
13 management jurisdiction of the Bureau of Land  
14 Management and designated as parcel 8 (commonly  
15 known as the White Acre parcel) and parcel 16  
16 (commonly known as the Gambel Oak parcel). The  
17 conveyance shall be subject to all valid existing  
18 rights.

19 (2) DEED RESTRICTION.—The conveyance of  
20 the lands under paragraph (1) shall be made by a  
21 deed or deeds containing a restriction requiring that  
22 the lands be maintained as open space and used  
23 solely for public recreation purposes or other pur-  
24 poses consistent with their maintenance as open  
25 space. This restriction shall not be interpreted to  
26 prohibit the construction or maintenance of rec-



1 recreational facilities, utilities, or other structures that  
2 are consistent with the maintenance of the lands as  
3 open space or its use for public recreation purposes.

4 (3) CONSIDERATION.—In consideration for the  
5 transfer of the land under paragraph (1), Park City  
6 shall pay to the Secretary of the Interior an amount  
7 consistent with conveyances to governmental entities  
8 for recreational purposes under the Act of June 14,  
9 1926 (commonly known as the Recreation and Pub-  
10 lic Purposes Act; 43 U.S.C. 869 et seq.).

11 (b) SALE OF BUREAU OF LAND MANAGEMENT LAND  
12 IN PARK CITY, UTAH, AT AUCTION.—

13 (1) SALE OF LAND.—Not later than 180 days  
14 after the date of the enactment of this Act, the Sec-  
15 retary of the Interior shall offer for sale any right,  
16 title, or interest of the United States in and to two  
17 parcels of real property located in Park City, Utah,  
18 that are currently under the management jurisdic-  
19 tion of the Bureau of Land Management and are  
20 designated as parcels 17 and 18 in the Park City,  
21 Utah, area. The sale of the land shall be carried out  
22 in accordance with the Federal Land Policy and  
23 Management Act of 1976 (43 U.S.C. 1701) and  
24 other applicable law, other than the planning provi-  
25 sions of sections 202 and 203 of such Act (43

1 U.S.C. 1712, 1713), and shall be subject to all valid  
2 existing rights.

3 (2) METHOD OF SALE.—The sale of the land  
4 under paragraph (1) shall be consistent with sub-  
5 sections (d) and (f) of section 203 of the Federal  
6 Land Policy and Management Act of 1976 (43  
7 U.S.C. 1713) through a competitive bidding process  
8 and for not less than fair market value.

9 (c) DISPOSITION OF LAND SALES PROCEEDS.—All  
10 proceeds derived from the sale of land described in this  
11 section shall be deposited in the Federal Land Disposal  
12 Account established by section 206(a) of the Federal Land  
13 Transaction Facilitation Act (43 U.S.C. 2305(a)).

14 **SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CER-**  
15 **TAIN LANDS IN RENO, NEVADA.**

16 (a) RAILROAD LANDS DEFINED.—For the purposes  
17 of this section, the term “railroad lands” means those  
18 lands within the City of Reno, Nevada, located within por-  
19 tions of sections 10, 11, and 12 of T.19 N., R. 19 E.,  
20 and portions of section 7 of T.19 N., R. 20 E., Mount  
21 Diablo Meridian, Nevada, that were originally granted to  
22 the Union Pacific Railroad under the provisions of the Act  
23 of July 1, 1862, commonly known as the Union Pacific  
24 Railroad Act.

1 (b) RELEASE OF REVERSIONARY INTEREST.—Any  
2 reversionary interests of the United States (including in-  
3 terests under the Act of July 1, 1862, commonly known  
4 as the Union Pacific Railroad Act) in and to the railroad  
5 lands as defined in subsection (a) of this section are here-  
6 by released.

7 **SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE**  
8 **TUOLUMNE RANCHERIA.**

9 (a) IN GENERAL.—

10 (1) FEDERAL LANDS.—Subject to valid existing  
11 rights, all right, title, and interest (including im-  
12 provements and appurtenances) of the United States  
13 in and to the Federal lands described in subsection  
14 (b), the Federal lands shall be declared to be held  
15 in trust by the United States for the benefit of the  
16 Tribe for nongaming purposes, and shall be subject  
17 to the same terms and conditions as those lands de-  
18 scribed in the California Indian Land Transfer Act  
19 (Public Law 106–568; 114 Stat. 2921).

20 (2) TRUST LANDS.—Lands described in sub-  
21 section (c) of this section that are taken or to be  
22 taken in trust by the United States for the benefit  
23 of the Tribe shall be subject to subsection (c) of sec-  
24 tion 903 of the California Indian Land Transfer Act  
25 (Public Law 106–568; 114 Stat. 2921).

1 (b) FEDERAL LANDS DESCRIBED.—The Federal  
2 lands described in this subsection, comprising approxi-  
3 mately 66 acres, are as follows:

4 (1) Township 1 North, Range 16 East, Section  
5 6, Lots 10 and 12, MDM, containing 50.24 acres  
6 more or less.

7 (2) Township 1 North, Range 16 East, Section  
8 5, Lot 16, MDM, containing 15.35 acres more or  
9 less.

10 (3) Township 2 North, Range 16 East, Section  
11 32, Indian Cemetery Reservation within Lot 22,  
12 MDM, containing 0.4 acres more or less.

13 (c) TRUST LANDS DESCRIBED.—The trust lands de-  
14 scribed in this subsection, comprising approximately 357  
15 acres, are commonly referred to as follows:

16 (1) Thomas property, pending trust acquisition,  
17 104.50 acres.

18 (2) Coenenburg property, pending trust acquisi-  
19 tion, 192.70 acres, subject to existing easements of  
20 record, including but not limited to a non-exclusive  
21 easement for ingress and egress for the benefit of  
22 adjoining property as conveyed by Easement Deed  
23 recorded July 13, 1984, in Volume 755, Pages 189  
24 to 192, and as further defined by Stipulation and  
25 Judgment entered by Tuolumne County Superior

1 Court on September 2, 1983, and recorded June 4,  
2 1984, in Volume 751, Pages 61 to 67.

3 (3) Assessor Parcel No. 620505300, 1.5 acres,  
4 trust land.

5 (4) Assessor Parcel No. 620505400, 19.23  
6 acres, trust land.

7 (5) Assessor Parcel No. 620505600, 3.46 acres,  
8 trust land.

9 (6) Assessor Parcel No. 620505700, 7.44 acres,  
10 trust land.

11 (7) Assessor Parcel No. 620401700, 0.8 acres,  
12 trust land.

13 (8) A portion of Assessor Parcel No.  
14 620500200, 2.5 acres, trust land.

15 (9) Assessor Parcel No. 620506200, 24.87  
16 acres, trust land.

17 (d) SURVEY.—As soon as practicable after the date  
18 of the enactment of this Act, the Office of Cadastral Sur-  
19 vey of the Bureau of Land Management shall complete  
20 fieldwork required for a survey of the lands described in  
21 subsections (b) and (c) for the purpose of incorporating  
22 those lands within the boundaries of the Tuolumne  
23 Rancheria. Not later than 90 days after that fieldwork is  
24 completed, that office shall complete the survey.

25 (e) LEGAL DESCRIPTIONS.—

1           (1) PUBLICATION.—On approval by the Com-  
2           munity Council of the Tribe of the survey completed  
3           under subsection (d), the Secretary of the Interior  
4           shall publish in the Federal Register—

5                   (A) a legal description of the new bound-  
6                   ary lines of the Tuolumne Rancheria; and

7                   (B) a legal description of the land surveyed  
8                   under subsection (d).

9           (2) EFFECT.—Beginning on the date on which  
10           the legal descriptions are published under paragraph  
11           (1), such legal descriptions shall be the official legal  
12           descriptions of those boundary lines of the Tuolumne  
13           Rancheria and the lands surveyed.

14           **TITLE III—FOREST SERVICE**  
15                   **AUTHORIZATIONS**

16           **Subtitle A—Watershed Restoration**  
17                   **and Enhancement**

18           **SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT**

19                   **AGREEMENTS.**

20           Section 323 of the Department of the Interior and  
21           Related Agencies Appropriations Act, 1999 (16 U.S.C.  
22           1011 note; Public Law 105–277), is amended—

23                   (1) in subsection (a), by striking “each of fiscal  
24                   years 2006 through 2011” and inserting “fiscal year  
25                   2006 and each fiscal year thereafter”;



1           (2) WILDLAND FIREFIGHTER.—The term  
2 “wildland firefighter” means any person who partici-  
3 pates in wildland firefighting activities—

4           (A) under the direction of either of the  
5 Secretaries; or

6           (B) under a contract or compact with a  
7 federally recognized Indian tribe.

8 (b) ANNUAL REPORT TO CONGRESS.—

9           (1) IN GENERAL.—The Secretaries shall jointly  
10 submit to Congress an annual report on the wildland  
11 firefighter safety practices of the Secretaries, includ-  
12 ing training programs and activities for wildland fire  
13 suppression, prescribed burning, and wildland fire  
14 use, during the preceding calendar year.

15           (2) TIMELINE.—Each report under paragraph  
16 (1) shall—

17           (A) be submitted by not later than March  
18 of the year following the calendar year covered  
19 by the report; and

20           (B) include—

21           (i) a description of, and any changes  
22 to, wildland firefighter safety practices, in-  
23 cluding training programs and activities  
24 for wildland fire suppression, prescribed  
25 burning, and wildland fire use;



1 (ii) statistics and trend analyses;

2 (iii) an estimate of the amount of  
3 Federal funds expended by the Secretaries  
4 on wildland firefighter safety practices, in-  
5 cluding training programs and activities  
6 for wildland fire suppression, prescribed  
7 burning, and wildland fire use;

8 (iv) progress made in implementing  
9 recommendations from the Inspector Gen-  
10 eral, the Government Accountability Office,  
11 the Occupational Safety and Health Ad-  
12 ministration, or an agency report relating  
13 to a wildland firefighting fatality issued  
14 during the preceding 10 years; and

15 (v) a description of—

16 (I) the provisions relating to  
17 wildland firefighter safety practices in  
18 any Federal contract or other agree-  
19 ment governing the provision of  
20 wildland firefighters by a non-Federal  
21 entity;

22 (II) a summary of any actions  
23 taken by the Secretaries to ensure  
24 that the provisions relating to safety  
25 practices, including training, are com-

1                                   plied with by the non-Federal entity;  
2                                   and  
3                                   (III) the results of those actions.

## 4                   **Subtitle C—Wyoming Range**

### 5   **SEC. 3201. DEFINITIONS.**

6       In this subtitle:

7           (1) **SECRETARY.**—The term “Secretary” means  
8       the Secretary of the Interior.

9           (2) **WYOMING RANGE WITHDRAWAL AREA.**—  
10       The term “Wyoming Range Withdrawal Area”  
11       means all National Forest System land and federally  
12       owned minerals located within the boundaries of the  
13       Bridger-Teton National Forest identified on the map  
14       entitled “Wyoming Range Withdrawal Area” and  
15       dated October 17, 2007, on file with the Office of  
16       the Chief of the Forest Service and the Office of the  
17       Supervisor of the Bridger-Teton National Forest.

### 18   **SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYO-** 19                                   **MING RANGE.**

20       (a) **WITHDRAWAL.**—Except as provided in subsection  
21       (f), subject to valid existing rights as of the date of enact-  
22       ment of this Act and the provisions of this subtitle, land  
23       in the Wyoming Range Withdrawal Area is withdrawn  
24       from—

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

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

5           (3) disposition under laws relating to mineral  
6           and geothermal leasing.

7           (b) EXISTING RIGHTS.—If any right referred to in  
8           subsection (a) is relinquished or otherwise acquired by the  
9           United States (including through donation under section  
10          3203) after the date of enactment of this Act, the land  
11          subject to that right shall be withdrawn in accordance with  
12          this section.

13          (c) BUFFERS.—Nothing in this section requires—

14                (1) the creation of a protective perimeter or  
15                buffer area outside the boundaries of the Wyoming  
16                Range Withdrawal Area; or

17                (2) any prohibition on activities outside of the  
18                boundaries of the Wyoming Range Withdrawal Area  
19                that can be seen or heard from within the bound-  
20                aries of the Wyoming Range Withdrawal Area.

21          (d) LAND AND RESOURCE MANAGEMENT PLAN.—

22                (1) IN GENERAL.—Subject to paragraph (2),  
23                the Bridger-Teton National Land and Resource  
24                Management Plan (including any revisions to the

1 Plan) shall apply to any land within the Wyoming  
2 Range Withdrawal Area.

3 (2) CONFLICTS.—If there is a conflict between  
4 this subtitle and the Bridger-Teton National Land  
5 and Resource Management Plan, this subtitle shall  
6 apply.

7 (e) PRIOR LEASE SALES.—Nothing in this section  
8 prohibits the Secretary from taking any action necessary  
9 to issue, deny, remove the suspension of, or cancel a lease,  
10 or any sold lease parcel that has not been issued, pursuant  
11 to any lease sale conducted prior to the date of enactment  
12 of this Act, including the completion of any requirements  
13 under the National Environmental Policy Act of 1969 (42  
14 U.S.C. 4321 et seq.).

15 (f) EXCEPTION.—Notwithstanding the withdrawal in  
16 subsection (a), the Secretary may lease oil and gas re-  
17 sources in the Wyoming Range Withdrawal Area that are  
18 within 1 mile of the boundary of the Wyoming Range  
19 Withdrawal Area in accordance with the Mineral Leasing  
20 Act (30 U.S.C. 181 et seq.) and subject to the following  
21 conditions:

22 (1) The lease may only be accessed by direc-  
23 tional drilling from a lease held by production on the  
24 date of enactment of this Act on National Forest

1 System land that is adjacent to, and outside of, the  
2 Wyoming Range Withdrawal Area.

3 (2) The lease shall prohibit, without exception  
4 or waiver, surface occupancy and surface disturb-  
5 ance for any activities, including activities related to  
6 exploration, development, or production.

7 (3) The directional drilling may extend no fur-  
8 ther than 1 mile inside the boundary of the Wyo-  
9 ming Range Withdrawal Area.

10 **SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EX-**  
11 **ISTING MINING OR LEASING RIGHTS IN THE**  
12 **WYOMING RANGE.**

13 (a) NOTIFICATION OF LEASEHOLDERS.—Not later  
14 than 120 days after the date of enactment of this Act,  
15 the Secretary shall provide notice to holders of valid exist-  
16 ing mining or leasing rights within the Wyoming Range  
17 Withdrawal Area of the potential opportunity for repur-  
18 chase of those rights and retirement under this section.

19 (b) REQUEST FOR LEASE RETIREMENT.—

20 (1) IN GENERAL.—A holder of a valid existing  
21 mining or leasing right within the Wyoming Range  
22 Withdrawal Area may submit a written notice to the  
23 Secretary of the interest of the holder in the retire-  
24 ment and repurchase of that right.

1           (2) LIST OF INTERESTED HOLDERS.—The Sec-  
2           retary shall prepare a list of interested holders and  
3           make the list available to any non-Federal entity or  
4           person interested in acquiring that right for retire-  
5           ment by the Secretary.

6           (c) PROHIBITION.—The Secretary may not use any  
7           Federal funds to purchase any right referred to in sub-  
8           section (a).

9           (d) DONATION AUTHORITY.—The Secretary shall—  
10           (1) accept the donation of any valid existing  
11           mining or leasing right in the Wyoming Range With-  
12           drawal Area from the holder of that right or from  
13           any non-Federal entity or person that acquires that  
14           right; and

15           (2) on acceptance, cancel that right.

16           (e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing  
17           in this subtitle affects any authority the Secretary may  
18           otherwise have to modify, suspend, or terminate a lease  
19           without compensation, or to recognize the transfer of a  
20           valid existing mining or leasing right, if otherwise author-  
21           ized by law.

1 **Subtitle D—Land Conveyances and**  
2 **Exchanges**

3 **SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE,**  
4 **ALASKA.**

5 (a) DEFINITIONS.—In this section:

6 (1) CITY.—The term “City” means the city of  
7 Coffman Cove, Alaska.

8 (2) SECRETARY.—The term “Secretary” means  
9 the Secretary of Agriculture.

10 (b) CONVEYANCE.—

11 (1) IN GENERAL.—Subject to valid existing  
12 rights, the Secretary shall convey to the City, with-  
13 out consideration and by quitclaim deed all right,  
14 title, and interest of the United States, except as  
15 provided in paragraphs (3) and (4), in and to the  
16 parcel of National Forest System land described in  
17 paragraph (2).

18 (2) DESCRIPTION OF LAND.—

19 (A) IN GENERAL.—The parcel of National  
20 Forest System land referred to in paragraph  
21 (1) is the approximately 12 acres of land identi-  
22 fied in U.S. Survey 10099, as depicted on the  
23 plat entitled “Subdivision of U.S. Survey No.  
24 10099” and recorded as Plat 2003–1 on Janu-

1           ary 21, 2003, Petersburg Recording District,  
2           Alaska.

3                   (B) EXCLUDED LAND.—The parcel of Na-  
4           tional Forest System land conveyed under para-  
5           graph (1) does not include the portion of U.S.  
6           Survey 10099 that is north of the right-of-way  
7           for Forest Development Road 3030–295 and  
8           southeast of Tract CC–8.

9                   (3) RIGHT-OF-WAY.—The United States may  
10          reserve a right-of-way to provide access to the Na-  
11          tional Forest System land excluded from the convey-  
12          ance to the City under paragraph (2)(B).

13                   (4) REVERSION.—If any portion of the land  
14          conveyed under paragraph (1) (other than a portion  
15          of land sold under paragraph (5)) ceases to be used  
16          for public purposes, the land shall, at the option of  
17          the Secretary, revert to the United States.

18                   (5) CONDITIONS ON SUBSEQUENT CONVEY-  
19          ANCES.—If the City sells any portion of the land  
20          conveyed to the City under paragraph (1)—

21                           (A) the amount of consideration for the  
22                           sale shall reflect fair market value, as deter-  
23                           mined by an appraisal; and

24                           (B) the City shall pay to the Secretary an  
25                           amount equal to the gross proceeds of the sale,



1           which shall be available, without further appro-  
2           priation, for the Tongass National Forest.

3 **SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST**  
4           **LAND CONVEYANCE, MONTANA.**

5           (a) DEFINITIONS.—In this section:

6           (1) COUNTY.—The term “County” means Jef-  
7           ferson County, Montana.

8           (2) MAP.—The term “map” means the map  
9           that is—

10                   (A) entitled “Elkhorn Cemetery”;

11                   (B) dated May 9, 2005; and

12                   (C) on file in the office of the Beaverhead-  
13           Deerlodge National Forest Supervisor.

14           (3) SECRETARY.—The term “Secretary” means  
15           the Secretary of Agriculture.

16           (b) CONVEYANCE TO JEFFERSON COUNTY, MON-  
17           TANA.—

18           (1) CONVEYANCE.—Not later than 180 days  
19           after the date of enactment of this Act and subject  
20           to valid existing rights, the Secretary (acting  
21           through the Regional Forester, Northern Region,  
22           Missoula, Montana) shall convey by quitclaim deed  
23           to the County for no consideration, all right, title,  
24           and interest of the United States, except as provided

1 in paragraph (5), in and to the parcel of land de-  
2 scribed in paragraph (2).

3 (2) DESCRIPTION OF LAND.—The parcel of  
4 land referred to in paragraph (1) is the parcel of ap-  
5 proximately 9.67 acres of National Forest System  
6 land (including any improvements to the land) in the  
7 County that is known as the “Elkhorn Cemetery”,  
8 as generally depicted on the map.

9 (3) USE OF LAND.—As a condition of the con-  
10 veyance under paragraph (1), the County shall—

11 (A) use the land described in paragraph  
12 (2) as a County cemetery; and

13 (B) agree to manage the cemetery with  
14 due consideration and protection for the historic  
15 and cultural values of the cemetery, under such  
16 terms and conditions as are agreed to by the  
17 Secretary and the County.

18 (4) EASEMENT.—In conveying the land to the  
19 County under paragraph (1), the Secretary, in ac-  
20 cordance with applicable law, shall grant to the  
21 County an easement across certain National Forest  
22 System land, as generally depicted on the map, to  
23 provide access to the land conveyed under that para-  
24 graph.

1           (5) REVERSION.—In the quitclaim deed to the  
2           County, the Secretary shall provide that the land  
3           conveyed to the County under paragraph (1) shall  
4           revert to the Secretary, at the election of the Sec-  
5           retary, if the land is—

6                   (A) used for a purpose other than the pur-  
7                   poses described in paragraph (3)(A); or

8                   (B) managed by the County in a manner  
9                   that is inconsistent with paragraph (3)(B).

10 **SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL**  
11 **HISTORICAL PARK LAND EXCHANGE.**

12           (a) DEFINITIONS.—In this section:

13                   (1) FEDERAL LAND.—The term “Federal land”  
14                   means the approximately 160 acres of Federal land  
15                   within the Santa Fe National Forest in the State,  
16                   as depicted on the map.

17                   (2) LANDOWNER.—The term “landowner”  
18                   means the 1 or more owners of the non-Federal  
19                   land.

20                   (3) MAP.—The term “map” means the map en-  
21                   titled “Proposed Land Exchange for Pecos National  
22                   Historical Park”, numbered 430/80,054, dated No-  
23                   vember 19, 1999, and revised September 18, 2000.

24                   (4) NON-FEDERAL LAND.—The term “non-Fed-  
25                   eral land” means the approximately 154 acres of

1 non-Federal land in the Park, as depicted on the  
2 map.

3 (5) PARK.—The term “Park” means the Pecos  
4 National Historical Park in the State.

5 (6) SECRETARIES.—The term “Secretaries”  
6 means the Secretary of the Interior and the Sec-  
7 retary of Agriculture, acting jointly.

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

10 (b) LAND EXCHANGE.—

11 (1) IN GENERAL.—If the Secretary of the Inte-  
12 rior accepts the non-Federal land, title to which is  
13 acceptable to the Secretary of the Interior, the Sec-  
14 retary of Agriculture shall, subject to the conditions  
15 of this section and the National Environmental Pol-  
16 icy Act of 1969 (42 U.S.C. 4321 et seq.), convey to  
17 the landowner the Federal land.

18 (2) EASEMENT.—

19 (A) IN GENERAL.—As a condition of the  
20 conveyance of the non-Federal land, the land-  
21 owner may reserve an easement (including an  
22 easement for service access) for water pipelines  
23 to 2 well sites located in the Park, as generally  
24 depicted on the map.

1 (B) ROUTE.—The Secretary of the Interior  
2 and the landowner shall determine the appro-  
3 priate route of the easement through the non-  
4 Federal land.

5 (C) TERMS AND CONDITIONS.—The ease-  
6 ment shall include such terms and conditions  
7 relating to the use of, and access to, the well  
8 sites and pipeline, as the Secretary of the Inte-  
9 rior and the landowner determine to be appro-  
10 priate.

11 (D) APPLICABLE LAW.—The easement  
12 shall be established, operated, and maintained  
13 in compliance with applicable Federal, State,  
14 and local laws.

15 (3) VALUATION, APPRAISALS, AND EQUALI-  
16 ZATION.—

17 (A) IN GENERAL.—The value of the Fed-  
18 eral land and non-Federal land—

19 (i) shall be equal, as determined by  
20 appraisals conducted in accordance with  
21 subparagraph (B); or

22 (ii) if the value is not equal, shall be  
23 equalized in accordance with subparagraph  
24 (C).

25 (B) APPRAISALS.—

1 (i) IN GENERAL.—The Federal land  
2 and non-Federal land shall be appraised by  
3 an independent appraiser selected by the  
4 Secretaries.

5 (ii) REQUIREMENTS.—An appraisal  
6 conducted under clause (i) shall be con-  
7 ducted in accordance with—

8 (I) the Uniform Appraisal Stand-  
9 ards for Federal Land Acquisitions;  
10 and

11 (II) the Uniform Standards of  
12 Professional Appraisal Practice.

13 (iii) APPROVAL.—The appraisals con-  
14 ducted under this subparagraph shall be  
15 submitted to the Secretaries for approval.

16 (C) EQUALIZATION OF VALUES.—

17 (i) IN GENERAL.—If the values of the  
18 non-Federal land and the Federal land are  
19 not equal, the values may be equalized in  
20 accordance with section 206 of the Federal  
21 Land Policy and Management Act of 1976  
22 (43 U.S.C. 1716).

23 (ii) CASH EQUALIZATION PAY-  
24 MENTS.—Any amounts received by the  
25 Secretary of Agriculture as a cash equali-

1                    zation payment under section 206(b) of the  
2                    Federal Land Policy and Management Act  
3                    of 1976 (43 U.S.C. 1716(b)) shall—

4                    (I) be deposited in the fund es-  
5                    tablished by Public Law 90–171  
6                    (commonly known as the “Sisk Act”)  
7                    (16 U.S.C. 484a); and

8                    (II) be available for expenditure,  
9                    without further appropriation, for the  
10                   acquisition of land and interests in  
11                   land in the State.

12                   (4) COSTS.—Before the completion of the ex-  
13                   change under this subsection, the Secretaries and  
14                   the landowner shall enter into an agreement that al-  
15                   locates the costs of the exchange among the Secre-  
16                   taries and the landowner.

17                   (5) APPLICABLE LAW.—Except as otherwise  
18                   provided in this section, the exchange of land and in-  
19                   terests in land under this section shall be in accord-  
20                   ance with—

21                   (A) section 206 of the Federal Land Policy  
22                   and Management Act of 1976 (43 U.S.C.  
23                   1716); and

24                   (B) other applicable Federal, State, and  
25                   local laws.

1           (6) ADDITIONAL TERMS AND CONDITIONS.—

2           The Secretaries may require, in addition to any re-  
3           quirements under this section, such terms and condi-  
4           tions relating to the exchange of Federal land and  
5           non-Federal land and the granting of easements  
6           under this section as the Secretaries determine to be  
7           appropriate to protect the interests of the United  
8           States.

9           (7) COMPLETION OF THE EXCHANGE.—

10           (A) IN GENERAL.—The exchange of Fed-  
11           eral land and non-Federal land shall be com-  
12           pleted not later than 180 days after the later  
13           of—

14                   (i) the date on which the requirements  
15                   of the National Environmental Policy Act  
16                   of 1969 (42 U.S.C. 4321 et seq.) have  
17                   been met;

18                   (ii) the date on which the Secretary of  
19                   the Interior approves the appraisals under  
20                   paragraph (3)(B)(iii); or

21                   (iii) the date on which the Secretaries  
22                   and the landowner agree on the costs of  
23                   the exchange and any other terms and con-  
24                   ditions of the exchange under this sub-  
25                   section.



1           (B) NOTICE.—The Secretaries shall sub-  
2           mit to the Committee on Energy and Natural  
3           Resources of the Senate and the Committee on  
4           Resources of the House of Representatives no-  
5           tice of the completion of the exchange of Fed-  
6           eral land and non-Federal land under this sub-  
7           section.

8           (c) ADMINISTRATION.—

9           (1) IN GENERAL.—The Secretary of the Inte-  
10          rior shall administer the non-Federal land acquired  
11          under this section in accordance with the laws gen-  
12          erally applicable to units of the National Park Sys-  
13          tem, including the Act of August 25, 1916 (com-  
14          monly known as the “National Park Service Organic  
15          Act”) (16 U.S.C. 1 et seq.).

16          (2) MAPS.—

17               (A) IN GENERAL.—The map shall be on  
18               file and available for public inspection in the  
19               appropriate offices of the Secretaries.

20               (B) TRANSMITTAL OF REVISED MAP TO  
21               CONGRESS.—Not later than 180 days after  
22               completion of the exchange, the Secretaries  
23               shall transmit to the Committee on Energy and  
24               Natural Resources of the Senate and the Com-

1           mittee on Resources of the House of Represent-  
2           atives a revised map that depicts—

3                   (i) the Federal land and non-Federal  
4                   land exchanged under this section; and

5                   (ii) the easement described in sub-  
6                   section (b)(2).

7 **SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEY-**  
8 **ANCE, NEW MEXICO.**

9           (a) DEFINITIONS.—In this section:

10                   (1) CLAIM.—The term “Claim” means a claim  
11                   of the Claimants to any right, title, or interest in  
12                   any land located in lot 10, sec. 22, T. 18 N., R. 12  
13                   E., New Mexico Principal Meridian, San Miguel  
14                   County, New Mexico, except as provided in sub-  
15                   section (b)(1).

16                   (2) CLAIMANTS.—The term “Claimants” means  
17                   Ramona Lawson and Boyd Lawson.

18                   (3) FEDERAL LAND.—The term “Federal land”  
19                   means a parcel of National Forest System land in  
20                   the Santa Fe National Forest, New Mexico, that  
21                   is—

22                           (A) comprised of approximately 6.20 acres  
23                           of land; and

24                           (B) described and delineated in the survey.

1           (4) SECRETARY.—The term “Secretary” means  
2           the Secretary of Agriculture, acting through the  
3           Forest Service Regional Forester, Southwestern Re-  
4           gion.

5           (5) SURVEY.—The term “survey” means the  
6           survey plat entitled “Boundary Survey and Con-  
7           servation Easement Plat”, prepared by Chris A.  
8           Chavez, Land Surveyor, Forest Service,  
9           NMPLS#12793, and recorded on February 27,  
10          2007, at book 55, page 93, of the land records of  
11          San Miguel County, New Mexico.

12          (b) SANTA FE NATIONAL FOREST LAND CONVEY-  
13          ANCE.—

14                (1) IN GENERAL.—The Secretary shall, except  
15                as provided in subparagraph (A) and subject to valid  
16                existing rights, convey and quitclaim to the Claim-  
17                ants all right, title, and interest of the United States  
18                in and to the Federal land in exchange for—

19                        (A) the grant by the Claimants to the  
20                        United States of a scenic easement to the Fed-  
21                        eral land that—

22                                (i) protects the purposes for which the  
23                                Federal land was designated under the  
24                                Wild and Scenic Rivers Act (16 U.S.C.  
25                                1271 et seq.); and

1 (ii) is determined to be acceptable by  
2 the Secretary; and

3 (B) a release of the United States by the  
4 Claimants of—

5 (i) the Claim; and

6 (ii) any additional related claims of  
7 the Claimants against the United States.

8 (2) SURVEY.—The Secretary, with the approval  
9 of the Claimants, may make minor corrections to the  
10 survey and legal description of the Federal land to  
11 correct clerical, typographical, and surveying errors.

12 (3) SATISFACTION OF CLAIM.—The conveyance  
13 of Federal land under paragraph (1) shall constitute  
14 a full satisfaction of the Claim.

15 **SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEY-**  
16 **ANCE.**

17 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-  
18 riculture shall convey, without consideration, to the King  
19 and Kittitas Counties Fire District #51 of King and  
20 Kittitas Counties, Washington (in this section referred to  
21 as the “District”), all right, title, and interest of the  
22 United States in and to a parcel of National Forest Sys-  
23 tem land in Kittitas County, Washington, consisting of ap-  
24 proximately 1.5 acres within the SW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of  
25 section 4, township 22 north, range 11 east, Willamette

1 meridian, for the purpose of permitting the District to use  
2 the parcel as a site for a new Snoqualmie Pass fire and  
3 rescue station.

4 (b) REVERSIONARY INTEREST.—If the Secretary de-  
5 termines at any time that the real property conveyed  
6 under subsection (a) is not being used in accordance with  
7 the purpose of the conveyance specified in such subsection,  
8 all right, title, and interest in and to the property shall  
9 revert, at the option of the Secretary, to the United States,  
10 and the United States shall have the right of immediate  
11 entry onto the property. Any determination of the Sec-  
12 retary under this subsection shall be made on the record  
13 after an opportunity for a hearing.

14 (c) SURVEY.—If necessary, the exact acreage and  
15 legal description of the lands to be conveyed under sub-  
16 section (a) shall be determined by a survey satisfactory  
17 to the Secretary. The cost of a survey shall be borne by  
18 the District.

19 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
20 Secretary may require such additional terms and condi-  
21 tions in connection with the conveyance under subsection  
22 (a) as the Secretary considers appropriate to protect the  
23 interests of the United States.

1 **SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE**  
2 **RESTRICTIONS.**

3 Notwithstanding Public Law 90–171 (commonly  
4 known as the “Sisk Act”) (16 U.S.C. 484a), the approxi-  
5 mately 36.25 acres patented to the Mammoth County  
6 Water District (now known as the “Mammoth Community  
7 Water District”) by Patent No. 04–87–0038, on June 26,  
8 1987, and recorded in volume 482, at page 516, of the  
9 official records of the Recorder’s Office, Mono County,  
10 California, may be used for any public purpose.

11 **SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL**  
12 **FOREST, UTAH.**

13 (a) DEFINITIONS.—In this section:

14 (1) CITY.—The term “City” means the City of  
15 Bountiful, Utah.

16 (2) FEDERAL LAND.—The term “Federal land”  
17 means the land under the jurisdiction of the Sec-  
18 retary identified on the map as “Shooting Range  
19 Special Use Permit Area”.

20 (3) MAP.—The term “map” means the map en-  
21 titled “Bountiful City Land Consolidation Act” and  
22 dated October 15, 2007.

23 (4) NON-FEDERAL LAND.—The term “non-Fed-  
24 eral land” means the 3 parcels of City land com-  
25 prising a total of approximately 1,680 acres, as gen-  
26 erally depicted on the map.

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

3           (b) EXCHANGE.—Subject to subsections (d) through  
4 (h), if the City conveys to the Secretary all right, title,  
5 and interest of the City in and to the non-Federal land,  
6 the Secretary shall convey to the City all right, title, and  
7 interest of the United States in and to the Federal land.

8           (c) AVAILABILITY OF MAP.—The map shall be on file  
9 and available for public inspection in the appropriate of-  
10 fices of the Forest Service.

11          (d) VALUATION AND EQUALIZATION.—

12           (1) VALUATION.—The value of the Federal land  
13 and the non-Federal land to be conveyed under sub-  
14 section (b)—

15                   (A) shall be equal, as determined by ap-  
16 praisals carried out in accordance with section  
17 206 of the Federal Land Policy and Manage-  
18 ment Act of 1976 (43 U.S.C. 1716); or

19                   (B) if not equal, shall be equalized in ac-  
20 cordance with paragraph (2).

21           (2) EQUALIZATION.—If the value of the Federal  
22 land and the non-Federal land to be conveyed in a  
23 land exchange under this section is not equal, the  
24 value may be equalized by—

1           (A) making a cash equalization payment to  
2           the Secretary or to the City, as appropriate; or

3           (B) reducing the acreage of the Federal  
4           land or the non-Federal land to be exchanged,  
5           as appropriate.

6           (e) APPLICABLE LAW.—Section 206 of the Federal  
7 Land Policy and Management Act of 1976 (43 U.S.C.  
8 1716) shall apply to the land exchange authorized under  
9 subsection (b), except that the Secretary may accept a  
10 cash equalization payment in excess of 25 percent of the  
11 value of the Federal land.

12          (f) CONDITIONS.—

13           (1) LIABILITY.—

14           (A) IN GENERAL.—As a condition of the  
15           exchange under subsection (b), the Secretary  
16           shall—

17                   (i) require that the City—

18                           (I) assume all liability for the  
19                           shooting range located on the Federal  
20                           land, including the past, present, and  
21                           future condition of the Federal land;  
22                           and

23                           (II) hold the United States harm-  
24                           less for any liability for the condition  
25                           of the Federal land; and



1                   (ii) comply with the hazardous sub-  
2                   stances disclosure requirements of section  
3                   120(h) of the Comprehensive Environ-  
4                   mental Response, Compensation, and Li-  
5                   ability Act of 1980 (42 U.S.C. 9620(h)).

6                   (B) LIMITATION.—Clauses (ii) and (iii) of  
7                   section 120(h)(3)(A) of the Comprehensive En-  
8                   vironmental Response, Compensation, and Li-  
9                   ability Act (42 U.S.C. 9620(h)(3)(A)) shall not  
10                  apply to the conveyance of Federal land under  
11                  subsection (b).

12                  (2) ADDITIONAL TERMS AND CONDITIONS.—  
13                  The land exchange under subsection (b) shall be  
14                  subject to—

15                         (A) valid existing rights; and

16                         (B) such additional terms and conditions  
17                         as the Secretary may require.

18                  (g) MANAGEMENT OF ACQUIRED LAND.—The non-  
19                  Federal land acquired by the Secretary under subsection  
20                  (b) shall be—

21                         (1) added to, and administered as part of, the  
22                         Wasatch-Cache National Forest; and

23                         (2) managed by the Secretary in accordance  
24                         with—

1 (A) the Act of March 1, 1911 (commonly  
2 known as the “Weeks Law”) (16 U.S.C. 480 et  
3 seq.); and

4 (B) any laws (including regulations) appli-  
5 cable to the National Forest System.

6 (h) EASEMENTS; RIGHTS-OF-WAY.—

7 (1) BONNEVILLE SHORELINE TRAIL EASE-  
8 MENT.—In carrying out the land exchange under  
9 subsection (b), the Secretary shall ensure that an  
10 easement not less than 60 feet in width is reserved  
11 for the Bonneville Shoreline Trail.

12 (2) OTHER RIGHTS-OF-WAY.—The Secretary  
13 and the City may reserve any other rights-of-way for  
14 utilities, roads, and trails that—

15 (A) are mutually agreed to by the Sec-  
16 retary and the City; and

17 (B) the Secretary and the City consider to  
18 be in the public interest.

19 (i) DISPOSAL OF REMAINING FEDERAL LAND.—

20 (1) IN GENERAL.—The Secretary may, by sale  
21 or exchange, dispose of all, or a portion of, the par-  
22 cel of National Forest System land comprising ap-  
23 proximately 220 acres, as generally depicted on the  
24 map that remains after the conveyance of the Fed-  
25 eral land authorized under subsection (b), if the Sec-

1       retary determines, in accordance with paragraph (2),  
2       that the land or portion of the land is in excess of  
3       the needs of the National Forest System.

4           (2) REQUIREMENTS.—A determination under  
5       paragraph (1) shall be made—

6           (A) pursuant to an amendment of the land  
7       and resource management plan for the  
8       Wasatch-Cache National Forest; and

9           (B) after carrying out a public process  
10       consistent with the National Environmental  
11       Policy Act of 1969 (42 U.S.C. 4321 et seq.).

12          (3) CONSIDERATION.—As consideration for any  
13       conveyance of Federal land under paragraph (1), the  
14       Secretary shall require payment of an amount equal  
15       to not less than the fair market value of the con-  
16       veyed National Forest System land.

17          (4) RELATION TO OTHER LAWS.—Any convey-  
18       ance of Federal land under paragraph (1) by ex-  
19       change shall be subject to section 206 of the Federal  
20       Land Policy and Management Act of 1976 (43  
21       U.S.C. 1716).

22          (5) DISPOSITION OF PROCEEDS.—Any amounts  
23       received by the Secretary as consideration under  
24       subsection (d) or paragraph (3) shall be—

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

4 (B) available to the Secretary, without fur-  
5 ther appropriation and until expended, for the  
6 acquisition of land or interests in land to be in-  
7 cluded in the Wasatch-Cache National Forest.

8 (6) ADDITIONAL TERMS AND CONDITIONS.—  
9 Any conveyance of Federal land under paragraph  
10 (1) shall be subject to—

11 (A) valid existing rights; and

12 (B) such additional terms and conditions  
13 as the Secretary may require.

14 **SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH**  
15 **RIVER OF NO RETURN WILDERNESS.**

16 (a) PURPOSES.—The purposes of this section are—

17 (1) to adjust the boundaries of the wilderness  
18 area; and

19 (2) to authorize the Secretary to sell the land  
20 designated for removal from the wilderness area due  
21 to encroachment.

22 (b) DEFINITIONS.—In this section:

23 (1) LAND DESIGNATED FOR EXCLUSION.—The  
24 term “land designated for exclusion” means the par-  
25 cel of land that is—

1 (A) comprised of approximately 10.2 acres  
2 of land;

3 (B) generally depicted on the survey plat  
4 entitled “Proposed Boundary Change  
5 FCRONRW Sections 15 (unsurveyed) Town-  
6 ship 14 North, Range 13 East, B.M., Custer  
7 County, Idaho” and dated November 14, 2001;  
8 and

9 (C) more particularly described in the sur-  
10 vey plat and legal description on file in—

11 (i) the office of the Chief of the For-  
12 est Service, Washington, DC; and

13 (ii) the office of the Intermountain  
14 Regional Forester, Ogden, Utah.

15 (2) LAND DESIGNATED FOR INCLUSION.—The  
16 term “land designated for inclusion” means the par-  
17 cel of National Forest System land that is—

18 (A) comprised of approximately 10.2 acres  
19 of land;

20 (B) located in unsurveyed section 22, T.  
21 14 N., R. 13 E., Boise Meridian, Custer Coun-  
22 ty, Idaho;

23 (C) generally depicted on the map entitled  
24 “Challis National Forest, T.14 N., R. 13 E.,  
25 B.M., Custer County, Idaho, Proposed Bound-

1           ary Change FCRONRW” and dated September  
2           19, 2007; and

3                   (D) more particularly described on the  
4           map and legal description on file in—

5                           (i) the office of the Chief of the For-  
6                           est Service, Washington, DC; and

7                           (ii) the Intermountain Regional For-  
8                           ester, Ogden, Utah.

9           (3) SECRETARY.—The term “Secretary” means  
10       the Secretary of Agriculture.

11           (4) WILDERNESS AREA.—The term “wilderness  
12       area” means the Frank Church River of No Return  
13       Wilderness designated by section 3 of the Central  
14       Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note;  
15       94 Stat. 948).

16       (c) BOUNDARY ADJUSTMENT.—

17           (1) ADJUSTMENT TO WILDERNESS AREA.—

18                   (A) INCLUSION.—The wilderness area shall  
19       include the land designated for inclusion.

20                   (B) EXCLUSION.—The wilderness area  
21       shall not include the land designated for exclu-  
22       sion.

23           (2) CORRECTIONS TO LEGAL DESCRIPTIONS.—

24       The Secretary may make corrections to the legal de-  
25       scriptions.

1 (d) CONVEYANCE OF LAND DESIGNATED FOR EX-  
2 CLUSION.—

3 (1) IN GENERAL.—Subject to paragraph (2), to  
4 resolve the encroachment on the land designated for  
5 exclusion, the Secretary may sell for consideration in  
6 an amount equal to fair market value—

7 (A) the land designated for exclusion; and

8 (B) as the Secretary determines to be nec-  
9 essary, not more than 10 acres of land adjacent  
10 to the land designated for exclusion.

11 (2) CONDITIONS.—The sale of land under para-  
12 graph (1) shall be subject to the conditions that—

13 (A) the land to be conveyed be appraised  
14 in accordance with the Uniform Appraisal  
15 Standards for Federal Land Acquisitions;

16 (B) the person buying the land shall pay—

17 (i) the costs associated with apprais-  
18 ing and, if the land needs to be resurveyed,  
19 resurveying the land; and

20 (ii) any analyses and closing costs as-  
21 sociated with the conveyance;

22 (C) for management purposes, the Sec-  
23 retary may reconfigure the description of the  
24 land for sale; and

1 (D) the owner of the adjacent private land  
2 shall have the first opportunity to buy the land.

3 (3) DISPOSITION OF PROCEEDS.—

4 (A) IN GENERAL.—The Secretary shall de-  
5 posit the cash proceeds from a sale of land  
6 under paragraph (1) in the fund established  
7 under Public Law 90–171 (commonly known as  
8 the “Sisk Act”) (16 U.S.C. 484a).

9 (B) AVAILABILITY AND USE.—Amounts  
10 deposited under subparagraph (A)—

11 (i) shall remain available until ex-  
12 pended for the acquisition of land for Na-  
13 tional Forest purposes in the State of  
14 Idaho; and

15 (ii) shall not be subject to transfer or  
16 reprogramming for—

17 (I) wildland fire management; or

18 (II) any other emergency pur-  
19 poses.

20 **SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL**  
21 **AMENDMENT.**

22 Section 413(b) of the T’uf Shur Bien Preservation  
23 Trust Area Act (16 U.S.C. 539m–11) is amended—

24 (1) in paragraph (1), by inserting “3,” after  
25 “sections”; and





1 Highway 46, as generally depicted on the map  
2 entitled “Colorado Northern Front Range  
3 Mountain Backdrop Protection Study Act:  
4 Study Area” and dated August 27, 2008.

5 (B) EXCLUSIONS.—The term “study area”  
6 does not include land within the city limits of  
7 the cities of Arvada, Boulder, or Golden, Colo-  
8 rado.

9 (4) UNDEVELOPED LAND.—The term “undevel-  
10 oped land” means land—

11 (A) that is located within the study area;

12 (B) that is free or primarily free of struc-  
13 tures; and

14 (C) the development of which is likely to  
15 affect adversely the scenic, wildlife, or rec-  
16 reational value of the study area.

17 **SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUN-**  
18 **TAIN BACKDROP STUDY.**

19 (a) STUDY; REPORT.—Not later than 1 year after the  
20 date of enactment of this Act and except as provided in  
21 subsection (c), the Secretary shall—

22 (1) conduct a study of the land within the study  
23 area; and

24 (2) complete a report that—

1 (A) identifies the present ownership of the  
2 land within the study area;

3 (B) identifies any undeveloped land that  
4 may be at risk of development; and

5 (C) describes any actions that could be  
6 taken by the United States, the State, a polit-  
7 ical subdivision of the State, or any other par-  
8 ties to preserve the open and undeveloped char-  
9 acter of the land within the study area.

10 (b) REQUIREMENTS.—The Secretary shall conduct  
11 the study and develop the report under subsection (a) with  
12 the support and participation of 1 or more of the following  
13 State and local entities:

14 (1) The Colorado Department of Natural Re-  
15 sources.

16 (2) Colorado State Forest Service.

17 (3) Colorado State Conservation Board.

18 (4) Great Outdoors Colorado.

19 (5) Boulder, Jefferson, and Gilpin Counties,  
20 Colorado.

21 (c) LIMITATION.—If the State and local entities spec-  
22 ified in subsection (b) do not support and participate in  
23 the conduct of the study and the development of the report  
24 under this section, the Secretary may—

1           (1) decrease the area covered by the study area,  
2           as appropriate; or

3           (2)(A) opt not to conduct the study or develop  
4           the report; and

5           (B) submit to the Committee on Energy and  
6           Natural Resources of the Senate and the Committee  
7           on Natural Resources of the House of Representa-  
8           tives notice of the decision not to conduct the study  
9           or develop the report.

10          (d) EFFECT.—Nothing in this subtitle authorizes the  
11 Secretary to take any action that would affect the use of  
12 any land not owned by the United States.

13       **TITLE IV—FOREST LANDSCAPE**  
14                               **RESTORATION**

15       **SEC. 4001. PURPOSE.**

16          The purpose of this title is to encourage the collabo-  
17 rative, science-based ecosystem restoration of priority for-  
18 est landscapes through a process that—

19           (1) encourages ecological, economic, and social  
20           sustainability;

21           (2) leverages local resources with national and  
22           private resources;

23           (3) facilitates the reduction of wildfire manage-  
24           ment costs, including through reestablishing natural

1 fire regimes and reducing the risk of  
2 uncharacteristic wildfire; and

3 (4) demonstrates the degree to which—

4 (A) various ecological restoration tech-  
5 niques—

6 (i) achieve ecological and watershed  
7 health objectives; and

8 (ii) affect wildfire activity and man-  
9 agement costs; and

10 (B) the use of forest restoration byprod-  
11 ucts can offset treatment costs while benefitting  
12 local rural economies and improving forest  
13 health.

14 **SEC. 4002. DEFINITIONS.**

15 In this title:

16 (1) FUND.—The term “Fund” means the Col-  
17 laborative Forest Landscape Restoration Fund es-  
18 tablished by section 4003(f).

19 (2) PROGRAM.—The term “program” means  
20 the Collaborative Forest Landscape Restoration Pro-  
21 gram established under section 4003(a).

22 (3) PROPOSAL.—The term “proposal” means a  
23 collaborative forest landscape restoration proposal  
24 described in section 4003(b).

1           (4) SECRETARY.—The term “Secretary” means  
2           the Secretary of Agriculture, acting through the  
3           Chief of the Forest Service.

4           (5) STRATEGY.—The term “strategy” means a  
5           landscape restoration strategy described in section  
6           4003(b)(1).

7   **SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORA-**  
8                                   **TION PROGRAM.**

9           (a) IN GENERAL.—The Secretary, in consultation  
10          with the Secretary of the Interior, shall establish a Col-  
11          laborative Forest Landscape Restoration Program to se-  
12          lect and fund ecological restoration treatments for priority  
13          forest landscapes in accordance with—

14                 (1) the Endangered Species Act of 1973 (16  
15                 U.S.C. 1531 et seq.);

16                 (2) the National Environmental Policy Act of  
17                 1969 (42 U.S.C. 4321 et seq.); and

18                 (3) any other applicable law.

19          (b) ELIGIBILITY CRITERIA.—To be eligible for nomi-  
20          nation under subsection (c), a collaborative forest land-  
21          scape restoration proposal shall—

22                 (1) be based on a landscape restoration strategy  
23                 that—

24                         (A) is complete or substantially complete;

1 (B) identifies and prioritizes ecological res-  
2 toration treatments for a 10-year period within  
3 a landscape that is—

4 (i) at least 50,000 acres;

5 (ii) comprised primarily of forested  
6 National Forest System land, but may also  
7 include land under the jurisdiction of the  
8 Bureau of Land Management, land under  
9 the jurisdiction of the Bureau of Indian  
10 Affairs, or other Federal, State, tribal, or  
11 private land;

12 (iii) in need of active ecosystem res-  
13 toration; and

14 (iv) accessible by existing or proposed  
15 wood-processing infrastructure at an ap-  
16 propriate scale to use woody biomass and  
17 small-diameter wood removed in ecological  
18 restoration treatments;

19 (C) incorporates the best available science  
20 and scientific application tools in ecological res-  
21 toration strategies;

22 (D) fully maintains, or contributes toward  
23 the restoration of, the structure and composi-  
24 tion of old growth stands according to the pre-  
25 fire suppression old growth conditions char-

1           acteristic of the forest type, taking into account  
2           the contribution of the stand to landscape fire  
3           adaptation and watershed health and retaining  
4           the large trees contributing to old growth struc-  
5           ture;

6           (E) would carry out any forest restoration  
7           treatments that reduce hazardous fuels by—

8                   (i) focusing on small diameter trees,  
9                   thinning, strategic fuel breaks, and fire use  
10                  to modify fire behavior, as measured by  
11                  the projected reduction of  
12                  uncharacteristically severe wildfire effects  
13                  for the forest type (such as adverse soil  
14                  impacts, tree mortality or other impacts);  
15                  and

16                   (ii) maximizing the retention of large  
17                   trees, as appropriate for the forest type, to  
18                   the extent that the trees promote fire-resil-  
19                   ient stands; and

20           (F)(i) does not include the establishment  
21           of permanent roads; and

22                   (ii) would commit funding to decommission  
23                   all temporary roads constructed to carry out  
24                   the strategy;



1           (2) be developed and implemented through a  
2 collaborative process that—

3           (A) includes multiple interested persons  
4 representing diverse interests; and

5           (B)(i) is transparent and nonexclusive; or

6           (ii) meets the requirements for a resource  
7 advisory committee under subsections (c)  
8 through (f) of section 205 of Public Law 106–  
9 393 (16 U.S.C. 500 note);

10          (3) describe plans to—

11           (A) reduce the risk of uncharacteristic  
12 wildfire, including through the use of fire for  
13 ecological restoration and maintenance and re-  
14 establishing natural fire regimes, where appro-  
15 priate;

16           (B) improve fish and wildlife habitat, in-  
17 cluding for endangered, threatened, and sen-  
18 sitive species;

19           (C) maintain or improve water quality and  
20 watershed function;

21           (D) prevent, remediate, or control inva-  
22 sions of exotic species;

23           (E) maintain, decommission, and rehabili-  
24 tate roads and trails;

1 (F) use woody biomass and small-diameter  
2 trees produced from projects implementing the  
3 strategy;

4 (G) report annually on performance, in-  
5 cluding through performance measures from the  
6 plan entitled the “10 Year Comprehensive  
7 Strategy Implementation Plan” and dated De-  
8 cember 2006; and

9 (H) take into account any applicable com-  
10 munity wildfire protection plan;

11 (4) analyze any anticipated cost savings, includ-  
12 ing those resulting from—

13 (A) reduced wildfire management costs;  
14 and

15 (B) a decrease in the unit costs of imple-  
16 menting ecological restoration treatments over  
17 time;

18 (5) estimate—

19 (A) the annual Federal funding necessary  
20 to implement the proposal; and

21 (B) the amount of new non-Federal invest-  
22 ment for carrying out the proposal that would  
23 be leveraged;

1           (6) describe the collaborative process through  
2           which the proposal was developed, including a de-  
3           scription of—

4                   (A) participation by or consultation with  
5                   State, local, and Tribal governments; and

6                   (B) any established record of successful  
7                   collaborative planning and implementation of  
8                   ecological restoration projects on National For-  
9                   est System land and other land included in the  
10                  proposal by the collaborators; and

11           (7) benefit local economies by providing local  
12           employment or training opportunities through con-  
13           tracts, grants, or agreements for restoration plan-  
14           ning, design, implementation, or monitoring with—

15                   (A) local private, nonprofit, or cooperative  
16                   entities;

17                   (B) Youth Conservation Corps crews or re-  
18                   lated partnerships, with State, local, and non-  
19                   profit youth groups;

20                   (C) existing or proposed small or micro-  
21                   businesses, clusters, or incubators; or

22                   (D) other entities that will hire or train  
23                   local people to complete such contracts, grants,  
24                   or agreements; and

1           (8) be subject to any other requirements that  
2           the Secretary, in consultation with the Secretary of  
3           the Interior, determines to be necessary for the effi-  
4           cient and effective administration of the program.

5           (c) NOMINATION PROCESS.—

6           (1) SUBMISSION.—A proposal shall be sub-  
7           mitted to—

8                   (A) the appropriate Regional Forester; and

9                   (B) if actions under the jurisdiction of the  
10           Secretary of the Interior are proposed, the ap-  
11           propriate—

12                   (i) State Director of the Bureau of  
13           Land Management;

14                   (ii) Regional Director of the Bureau  
15           of Indian Affairs; or

16                   (iii) other official of the Department  
17           of the Interior.

18           (2) NOMINATION.—

19                   (A) IN GENERAL.—A Regional Forester  
20           may nominate for selection by the Secretary  
21           any proposals that meet the eligibility criteria  
22           established by subsection (b).

23                   (B) CONCURRENCE.—Any proposal nomi-  
24           nated by the Regional Forester that proposes  
25           actions under the jurisdiction of the Secretary

1 of the Interior shall include the concurrence of  
2 the appropriate—

3 (i) State Director of the Bureau of  
4 Land Management;

5 (ii) Regional Director of the Bureau  
6 of Indian Affairs; or

7 (iii) other official of the Department  
8 of the Interior.

9 (3) DOCUMENTATION.—With respect to each  
10 proposal that is nominated under paragraph (2)—

11 (A) the appropriate Regional Forester  
12 shall—

13 (i) include a plan to use Federal funds  
14 allocated to the region to fund those costs  
15 of planning and carrying out ecological res-  
16 toration treatments on National Forest  
17 System land, consistent with the strategy,  
18 that would not be covered by amounts  
19 transferred to the Secretary from the  
20 Fund; and

21 (ii) provide evidence that amounts  
22 proposed to be transferred to the Secretary  
23 from the Fund during the first 2 fiscal  
24 years following selection would be used to  
25 carry out ecological restoration treatments

1                   consistent with the strategy during the  
2                   same fiscal year in which the funds are  
3                   transferred to the Secretary;

4                   (B) if actions under the jurisdiction of the  
5                   Secretary of the Interior are proposed, the nom-  
6                   ination shall include a plan to fund such ac-  
7                   tions, consistent with the strategy, by the ap-  
8                   propriate—

9                   (i) State Director of the Bureau of  
10                  Land Management;

11                  (ii) Regional Director of the Bureau  
12                  of Indian Affairs; or

13                  (iii) other official of the Department  
14                  of the Interior; and

15                  (C) if actions on land not under the juris-  
16                  diction of the Secretary or the Secretary of the  
17                  Interior are proposed, the appropriate Regional  
18                  Forester shall provide evidence that the land-  
19                  owner intends to participate in, and provide ap-  
20                  propriate funding to carry out, the actions.

21                  (d) SELECTION PROCESS.—

22                  (1) IN GENERAL.—After consulting with the ad-  
23                  visory panel established under subsection (e), the  
24                  Secretary, in consultation with the Secretary of the

1 Interior, shall, subject to paragraph (2), select the  
2 best proposals that—

3 (A) have been nominated under subsection  
4 (c)(2); and

5 (B) meet the eligibility criteria established  
6 by subsection (b).

7 (2) CRITERIA.—In selecting proposals under  
8 paragraph (1), the Secretary shall give special con-  
9 sideration to—

10 (A) the strength of the proposal and strat-  
11 egy;

12 (B) the strength of the ecological case of  
13 the proposal and the proposed ecological res-  
14 toration strategies;

15 (C) the strength of the collaborative proc-  
16 ess and the likelihood of successful collaboration  
17 throughout implementation;

18 (D) whether the proposal is likely to  
19 achieve reductions in long-term wildfire man-  
20 agement costs;

21 (E) whether the proposal would reduce the  
22 relative costs of carrying out ecological restora-  
23 tion treatments as a result of the use of woody  
24 biomass and small-diameter trees; and

1 (F) whether an appropriate level of non-  
2 Federal investment would be leveraged in car-  
3 rying out the proposal.

4 (3) LIMITATION.—The Secretary may select not  
5 more than—

6 (A) 10 proposals to be funded during any  
7 fiscal year;

8 (B) 2 proposals in any 1 region of the Na-  
9 tional Forest System to be funded during any  
10 fiscal year; and

11 (C) the number of proposals that the Sec-  
12 retary determines are likely to receive adequate  
13 funding.

14 (e) ADVISORY PANEL.—

15 (1) IN GENERAL.—The Secretary shall establish  
16 and maintain an advisory panel comprised of not  
17 more than 15 members to evaluate, and provide rec-  
18 ommendations on, each proposal that has been nomi-  
19 nated under subsection (c)(2).

20 (2) REPRESENTATION.—The Secretary shall en-  
21 sure that the membership of the advisory panel is  
22 fairly balanced in terms of the points of view rep-  
23 resented and the functions to be performed by the  
24 advisory panel.



1           (3) INCLUSION.—The advisory panel shall in-  
2           clude experts in ecological restoration, fire ecology,  
3           fire management, rural economic development, strat-  
4           egies for ecological adaptation to climate change,  
5           fish and wildlife ecology, and woody biomass and  
6           small-diameter tree utilization.

7           (f) COLLABORATIVE FOREST LANDSCAPE RESTORA-  
8           TION FUND.—

9           (1) ESTABLISHMENT.—There is established in  
10          the Treasury of the United States a fund, to be  
11          known as the “Collaborative Forest Landscape Res-  
12          toration Fund”, to be used to pay up to 50 percent  
13          of the cost of carrying out and monitoring ecological  
14          restoration treatments on National Forest System  
15          land for each proposal selected to be carried out  
16          under subsection (d).

17          (2) INCLUSION.—The cost of carrying out eco-  
18          logical restoration treatments as provided in para-  
19          graph (1) may, as the Secretary determines to be  
20          appropriate, include cancellation and termination  
21          costs required to be obligated for contracts to carry  
22          out ecological restoration treatments on National  
23          Forest System land for each proposal selected to be  
24          carried out under subsection (d).

1           (3) CONTENTS.—The Fund shall consist of  
2 such amounts as are appropriated to the Fund  
3 under paragraph (6).

4           (4) EXPENDITURES FROM FUND.—

5                 (A) IN GENERAL.—On request by the Sec-  
6 retary, the Secretary of the Treasury shall  
7 transfer from the Fund to the Secretary such  
8 amounts as the Secretary determines are appro-  
9 priate, in accordance with paragraph (1).

10                (B) LIMITATION.—The Secretary shall not  
11 expend money from the Fund on any 1 pro-  
12 posal—

13                         (i) during a period of more than 10  
14 fiscal years; or

15                         (ii) in excess of \$4,000,000 in any 1  
16 fiscal year.

17           (5) ACCOUNTING AND REPORTING SYSTEM.—

18 The Secretary shall establish an accounting and re-  
19 porting system for the Fund.

20           (6) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated to the Fund  
22 \$40,000,000 for each of fiscal years 2009 through  
23 2019, to remain available until expended.

24           (g) PROGRAM IMPLEMENTATION AND MONI-  
25 TORING.—

1           (1) WORK PLAN.—Not later than 180 days  
2 after the date on which a proposal is selected to be  
3 carried out, the Secretary shall create, in collabora-  
4 tion with the interested persons, an implementation  
5 work plan and budget to implement the proposal  
6 that includes—

7           (A) a description of the manner in which  
8 the proposal would be implemented to achieve  
9 ecological and community economic benefit, in-  
10 cluding capacity building to accomplish restora-  
11 tion;

12           (B) a business plan that addresses—

13           (i) the anticipated unit treatment cost  
14 reductions over 10 years;

15           (ii) the anticipated costs for infra-  
16 structure needed for the proposal;

17           (iii) the projected sustainability of the  
18 supply of woody biomass and small-dia-  
19 meter trees removed in ecological restoration  
20 treatments; and

21           (iv) the projected local economic bene-  
22 fits of the proposal;

23           (C) documentation of the non-Federal in-  
24 vestment in the priority landscape, including  
25 the sources and uses of the investments; and

1 (D) a plan to decommission any temporary  
2 roads established to carry out the proposal.

3 (2) PROJECT IMPLEMENTATION.—Amounts  
4 transferred to the Secretary from the Fund shall be  
5 used to carry out ecological restoration treatments  
6 that are—

7 (A) consistent with the proposal and strat-  
8 egy; and

9 (B) identified through the collaborative  
10 process described in subsection (b)(2).

11 (3) ANNUAL REPORT.—The Secretary, in col-  
12 laboration with the Secretary of the Interior and in-  
13 terested persons, shall prepare an annual report on  
14 the accomplishments of each selected proposal that  
15 includes—

16 (A) a description of all acres (or other ap-  
17 propriate unit) treated and restored through  
18 projects implementing the strategy;

19 (B) an evaluation of progress, including  
20 performance measures and how prior year eval-  
21 uations have contributed to improved project  
22 performance;

23 (C) a description of community benefits  
24 achieved, including any local economic benefits;

1 (D) the results of the multiparty moni-  
2 toring, evaluation, and accountability process  
3 under paragraph (4); and

4 (E) a summary of the costs of—

5 (i) treatments; and

6 (ii) relevant fire management activi-  
7 ties.

8 (4) MULTIPARTY MONITORING.—The Secretary  
9 shall, in collaboration with the Secretary of the Inte-  
10 rior and interested persons, use a multiparty moni-  
11 toring, evaluation, and accountability process to as-  
12 sess the positive or negative ecological, social, and  
13 economic effects of projects implementing a selected  
14 proposal for not less than 15 years after project im-  
15 plementation commences.

16 (h) REPORT.—Not later than 5 years after the first  
17 fiscal year in which funding is made available to carry out  
18 ecological restoration projects under the program, and  
19 every 5 years thereafter, the Secretary, in consultation  
20 with the Secretary of the Interior, shall submit a report  
21 on the program, including an assessment of whether, and  
22 to what extent, the program is fulfilling the purposes of  
23 this title, to—

24 (1) the Committee on Energy and Natural Re-  
25 sources of the Senate;

1           (2) the Committee on Appropriations of the  
2       Senate;

3           (3) the Committee on Natural Resources of the  
4       House of Representatives; and

5           (4) the Committee on Appropriations of the  
6       House of Representatives.

7       **SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.**

8       There are authorized to be appropriated to the Sec-  
9       retary and the Secretary of the Interior such sums as are  
10      necessary to carry out this title.

11      **TITLE V—RIVERS AND TRAILS**  
12      **Subtitle A—Additions to the Na-**  
13      **tional Wild and Scenic Rivers**  
14      **System**

15      **SEC. 5001. FOSSIL CREEK, ARIZONA.**

16      Section 3(a) of the Wild and Scenic Rivers Act (16  
17      U.S.C. 1274(a)) (as amended by section 1852) is amended  
18      by adding at the end the following:

19           “(205) FOSSIL CREEK, ARIZONA.—Approxi-  
20      mately 16.8 miles of Fossil Creek from the con-  
21      fluence of Sand Rock and Calf Pen Canyons to the  
22      confluence with the Verde River, to be administered  
23      by the Secretary of Agriculture in the following  
24      classes:



1 (i) provide unparalleled fishing, hunt-  
2 ing, boating, and other recreational activi-  
3 ties for—

4 (I) local residents; and

5 (II) millions of visitors from  
6 around the world; and

7 (ii) are national treasures;

8 (C) each year, recreational activities on the  
9 rivers and streams of the headwaters of the  
10 Snake River System generate millions of dollars  
11 for the economies of—

12 (i) Teton County, Wyoming; and

13 (ii) Lincoln County, Wyoming;

14 (D) to ensure that future generations of  
15 citizens of the United States enjoy the benefits  
16 of the rivers and streams of the headwaters of  
17 the Snake River System, Congress should apply  
18 the protections provided by the Wild and Scenic  
19 Rivers Act (16 U.S.C. 1271 et seq.) to those  
20 rivers and streams; and

21 (E) the designation of the rivers and  
22 streams of the headwaters of the Snake River  
23 System under the Wild and Scenic Rivers Act  
24 (16 U.S.C. 1271 et seq.) will signify to the citi-  
25 zens of the United States the importance of



1 maintaining the outstanding and remarkable  
2 qualities of the Snake River System while—

3 (i) preserving public access to those  
4 rivers and streams;

5 (ii) respecting private property rights  
6 (including existing water rights); and

7 (iii) continuing to allow historic uses  
8 of the rivers and streams.

9 (2) PURPOSES.—The purposes of this section  
10 are—

11 (A) to protect for current and future gen-  
12 erations of citizens of the United States the  
13 outstandingly remarkable scenic, natural, wild-  
14 life, fishery, recreational, scientific, historic, and  
15 ecological values of the rivers and streams of  
16 the headwaters of the Snake River System,  
17 while continuing to deliver water and operate  
18 and maintain valuable irrigation water infra-  
19 structure; and

20 (B) to designate approximately 387.7 miles  
21 of the rivers and streams of the headwaters of  
22 the Snake River System as additions to the Na-  
23 tional Wild and Scenic Rivers System.

24 (c) DEFINITIONS.—In this section:

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

3           (A) the Secretary of Agriculture (acting  
4       through the Chief of the Forest Service), with  
5       respect to each river segment described in para-  
6       graph (205) of section 3(a) of the Wild and  
7       Scenic Rivers Act (16 U.S.C. 1274(a)) (as  
8       added by subsection (d)) that is not located  
9       in—

10                   (i) Grand Teton National Park;  
11                   (ii) Yellowstone National Park;  
12                   (iii) the John D. Rockefeller, Jr. Me-  
13       morial Parkway; or

14                   (iv) the National Elk Refuge; and

15           (B) the Secretary of the Interior, with re-  
16       spect to each river segment described in para-  
17       graph (205) of section 3(a) of the Wild and  
18       Scenic Rivers Act (16 U.S.C. 1274(a)) (as  
19       added by subsection (d)) that is located in—

20                   (i) Grand Teton National Park;

21                   (ii) Yellowstone National Park;

22                   (iii) the John D. Rockefeller, Jr. Me-  
23       morial Parkway; or

24                   (iv) the National Elk Refuge.

1           (2) STATE.—The term “State” means the State  
2           of Wyoming.

3           (d) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE  
4 RIVER HEADWATERS, WYOMING.—Section 3(a) of the  
5 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as  
6 amended by section 5001) is amended by adding at the  
7 end the following:

8           “(206) SNAKE RIVER HEADWATERS, WYO-  
9           MING.—The following segments of the Snake River  
10          System, in the State of Wyoming:

11           “(A) BAILEY CREEK.—The 7-mile segment  
12          of Bailey Creek, from the divide with the Little  
13          Greys River north to its confluence with the  
14          Snake River, as a wild river.

15           “(B) BLACKROCK CREEK.—The 22-mile  
16          segment from its source to the Bridger-Teton  
17          National Forest boundary, as a scenic river.

18           “(C) BUFFALO FORK OF THE SNAKE  
19          RIVER.—The portions of the Buffalo Fork of  
20          the Snake River, consisting of—

21           “(i) the 55-mile segment consisting of  
22          the North Fork, the Soda Fork, and the  
23          South Fork, upstream from Turpin Mead-  
24          ows, as a wild river;

1                   “(ii) the 14-mile segment from Turpin  
2 Meadows to the upstream boundary of  
3 Grand Teton National Park, as a scenic  
4 river; and

5                   “(iii) the 7.7-mile segment from the  
6 upstream boundary of Grand Teton Na-  
7 tional Park to its confluence with the  
8 Snake River, as a scenic river.

9                   “(D) CRYSTAL CREEK.—The portions of  
10 Crystal Creek, consisting of—

11                   “(i) the 14-mile segment from its  
12 source to the Gros Ventre Wilderness  
13 boundary, as a wild river; and

14                   “(ii) the 5-mile segment from the  
15 Gros Ventre Wilderness boundary to its  
16 confluence with the Gros Ventre River, as  
17 a scenic river.

18                   “(E) GRANITE CREEK.—The portions of  
19 Granite Creek, consisting of—

20                   “(i) the 12-mile segment from its  
21 source to the end of Granite Creek Road,  
22 as a wild river; and

23                   “(ii) the 9.5-mile segment from Gran-  
24 ite Hot Springs to the point 1 mile up-

1 stream from its confluence with the  
2 Hoback River, as a scenic river.

3 “(F) GROS VENTRE RIVER.—The portions  
4 of the Gros Ventre River, consisting of—

5 “(i) the 16.5-mile segment from its  
6 source to Darwin Ranch, as a wild river;

7 “(ii) the 39-mile segment from Dar-  
8 win Ranch to the upstream boundary of  
9 Grand Teton National Park, excluding the  
10 section along Lower Slide Lake, as a sce-  
11 nic river; and

12 “(iii) the 3.3-mile segment flowing  
13 across the southern boundary of Grand  
14 Teton National Park to the Highlands  
15 Drive Loop Bridge, as a scenic river.

16 “(G) HOBACK RIVER.—The 10-mile seg-  
17 ment from the point 10 miles upstream from its  
18 confluence with the Snake River to its con-  
19 fluence with the Snake River, as a recreational  
20 river.

21 “(H) LEWIS RIVER.—The portions of the  
22 Lewis River, consisting of—

23 “(i) the 5-mile segment from Sho-  
24 shone Lake to Lewis Lake, as a wild river;  
25 and



1 mile upstream from the Highway 89 bridge  
2 at Alpine Junction, as a recreational river,  
3 the boundary of the western edge of the  
4 corridor for the portion of the segment ex-  
5 tending from the point 3.3 miles down-  
6 stream of the mouth of the Hoback River  
7 to the point 4 miles downstream of the  
8 mouth of the Hoback River being the ordi-  
9 nary high water mark.

10 “(L) WILLOW CREEK.—The 16.2-mile seg-  
11 ment from the point 16.2 miles upstream from  
12 its confluence with the Hoback River to its con-  
13 fluence with the Hoback River, as a wild river.

14 “(M) WOLF CREEK.—The 7-mile segment  
15 from its source to its confluence with the Snake  
16 River, as a wild river.”.

17 (e) MANAGEMENT.—

18 (1) IN GENERAL.—Each river segment de-  
19 scribed in paragraph (205) of section 3(a) of the  
20 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as  
21 added by subsection (d)) shall be managed by the  
22 Secretary concerned.

23 (2) MANAGEMENT PLAN.—

24 (A) IN GENERAL.—In accordance with  
25 subparagraph (A), not later than 3 years after

1           the date of enactment of this Act, the Secretary  
2           concerned shall develop a management plan for  
3           each river segment described in paragraph  
4           (205) of section 3(a) of the Wild and Scenic  
5           Rivers Act (16 U.S.C. 1274(a)) (as added by  
6           subsection (d)) that is located in an area under  
7           the jurisdiction of the Secretary concerned.

8           (B) REQUIRED COMPONENT.—Each man-  
9           agement plan developed by the Secretary con-  
10          cerned under subparagraph (A) shall contain,  
11          with respect to the river segment that is the  
12          subject of the plan, a section that contains an  
13          analysis and description of the availability and  
14          compatibility of future development with the  
15          wild and scenic character of the river segment  
16          (with particular emphasis on each river segment  
17          that contains 1 or more parcels of private land).

18          (3) QUANTIFICATION OF WATER RIGHTS RE-  
19          SERVED BY RIVER SEGMENTS.—

20                (A) The Secretary concerned shall apply  
21                for the quantification of the water rights re-  
22                served by each river segment designated by this  
23                section in accordance with the procedural re-  
24                quirements of the laws of the State of Wyo-  
25                ming.



1           (B) For the purpose of the quantification  
2           of water rights under this subsection, with re-  
3           spect to each Wild and Scenic River segment  
4           designated by this section—

5                   (i) the purposes for which the seg-  
6                   ments are designated, as set forth in this  
7                   section, are declared to be beneficial uses;  
8                   and

9                   (ii) the priority date of such right  
10                  shall be the date of enactment of this Act.

11           (4) STREAM GAUGES.—Consistent with the  
12           Wild and Scenic Rivers Act (16 U.S.C. 1271 et  
13           seq.), the Secretary may carry out activities at  
14           United States Geological Survey stream gauges that  
15           are located on the Snake River (including tributaries  
16           of the Snake River), including flow measurements  
17           and operation, maintenance, and replacement.

18           (5) CONSENT OF PROPERTY OWNER.—No prop-  
19           erty or interest in property located within the bound-  
20           aries of any river segment described in paragraph  
21           (205) of section 3(a) of the Wild and Scenic Rivers  
22           Act (16 U.S.C. 1274(a)) (as added by subsection  
23           (d)) may be acquired by the Secretary without the  
24           consent of the owner of the property or interest in  
25           property.

1 (6) EFFECT OF DESIGNATIONS.—

2 (A) IN GENERAL.—Nothing in this section  
3 affects valid existing rights, including—

4 (i) all interstate water compacts in ex-  
5 istence on the date of enactment of this  
6 Act (including full development of any ap-  
7 portionment made in accordance with the  
8 compacts);

9 (ii) water rights in the States of Idaho  
10 and Wyoming; and

11 (iii) water rights held by the United  
12 States.

13 (B) JACKSON LAKE; JACKSON LAKE  
14 DAM.—Nothing in this section shall affect the  
15 management and operation of Jackson Lake or  
16 Jackson Lake Dam, including the storage, man-  
17 agement, and release of water.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated such sums as are nec-  
20 essary to carry out this section.

21 **SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.**

22 (a) DESIGNATION.—Section 3(a) of the Wild and  
23 Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by  
24 section 5002(d)) is amended by adding at the end the fol-  
25 lowing:

1           “(206) TAUNTON RIVER, MASSACHUSETTS.—

2           The main stem of the Taunton River from its head-  
3           waters at the confluence of the Town and Matfield  
4           Rivers in the Town of Bridgewater downstream 40  
5           miles to the confluence with the Quequechan River  
6           at the Route 195 Bridge in the City of Fall River,  
7           to be administered by the Secretary of the Interior  
8           in cooperation with the Taunton River Stewardship  
9           Council as follows:

10                   “(A) The 18-mile segment from the con-  
11                   fluence of the Town and Matfield Rivers to  
12                   Route 24 in the Town of Raynham, as a scenic  
13                   river.

14                   “(B) The 5-mile segment from Route 24 to  
15                   0.5 miles below Weir Bridge in the City of  
16                   Taunton, as a recreational river.

17                   “(C) The 8-mile segment from 0.5 miles  
18                   below Weir Bridge to Muddy Cove in the Town  
19                   of Dighton, as a scenic river.

20                   “(D) The 9-mile segment from Muddy  
21                   Cove to the confluence with the Quequechan  
22                   River at the Route 195 Bridge in the City of  
23                   Fall River, as a recreational river.”.

24           (b) MANAGEMENT OF TAUNTON RIVER, MASSACHU-  
25           SETTS.—

1 (1) TAUNTON RIVER STEWARDSHIP PLAN.—

2 (A) IN GENERAL.—Each river segment  
3 designated by section 3(a)(206) of the Wild and  
4 Scenic Rivers Act (as added by subsection (a))  
5 shall be managed in accordance with the Taun-  
6 ton River Stewardship Plan, dated July 2005  
7 (including any amendment to the Taunton  
8 River Stewardship Plan that the Secretary of  
9 the Interior (referred to in this subsection as  
10 the “Secretary”) determines to be consistent  
11 with this section).

12 (B) EFFECT.—The Taunton River Stew-  
13 ardship Plan described in subparagraph (A)  
14 shall be considered to satisfy each requirement  
15 relating to the comprehensive management plan  
16 required under section 3(d) of the Wild and  
17 Scenic Rivers Act (16 U.S.C. 1274(d)).

18 (2) COOPERATIVE AGREEMENTS.—To provide  
19 for the long-term protection, preservation, and en-  
20 hancement of each river segment designated by sec-  
21 tion 3(a)(206) of the Wild and Scenic Rivers Act (as  
22 added by subsection (a)), pursuant to sections 10(e)  
23 and 11(b)(1) of the Wild and Scenic Rivers Act (16  
24 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may  
25 enter into cooperative agreements (which may in-

1       clude provisions for financial and other assistance)  
2       with—

3               (A) the Commonwealth of Massachusetts  
4               (including political subdivisions of the Common-  
5               wealth of Massachusetts);

6               (B) the Taunton River Stewardship Coun-  
7               cil; and

8               (C) any appropriate nonprofit organiza-  
9               tion, as determined by the Secretary.

10       (3) RELATION TO NATIONAL PARK SYSTEM.—

11       Notwithstanding section 10(c) of the Wild and Scenic  
12       Rivers Act (16 U.S.C. 1281(c)), each river seg-  
13       ment designated by section 3(a)(206) of the Wild  
14       and Scenic Rivers Act (as added by subsection (a))  
15       shall not be—

16               (A) administered as a unit of the National  
17               Park System; or

18               (B) subject to the laws (including regula-  
19               tions) that govern the administration of the Na-  
20               tional Park System.

21       (4) LAND MANAGEMENT.—

22               (A) ZONING ORDINANCES.—The zoning or-  
23               dinances adopted by the Towns of Bridgewater,  
24               Halifax, Middleborough, Raynham, Berkley,  
25               Dighton, Freetown, and Somerset, and the Cit-

1           ies of Taunton and Fall River, Massachusetts  
2           (including any provision of the zoning ordi-  
3           nances relating to the conservation of  
4           floodplains, wetlands, and watercourses associ-  
5           ated with any river segment designated by sec-  
6           tion 3(a)(206) of the Wild and Scenic Rivers  
7           Act (as added by subsection (a))), shall be con-  
8           sidered to satisfy each standard and require-  
9           ment described in section 6(c) of the Wild and  
10          Scenic Rivers Act (16 U.S.C. 1277(c)).

11           (B) VILLAGES.—For the purpose of sec-  
12          tion 6(c) of the Wild and Scenic Rivers Act (16  
13          U.S.C. 1277(c)), each town described in sub-  
14          paragraph (A) shall be considered to be a vil-  
15          lage.

16           (C) ACQUISITION OF LAND.—

17           (i) LIMITATION OF AUTHORITY OF  
18          SECRETARY.—With respect to each river  
19          segment designated by section 3(a)(206) of  
20          the Wild and Scenic Rivers Act (as added  
21          by subsection (a)), the Secretary may only  
22          acquire parcels of land—

23                   (I) by donation; or

24                   (II) with the consent of the  
25                   owner of the parcel of land.

1 (ii) PROHIBITION RELATING TO AC-  
2 QUISSION OF LAND BY CONDEMNATION.—  
3 In accordance with section 6(c) of the Wild  
4 and Scenic Rivers Act (16 U.S.C.  
5 1277(c)), with respect to each river seg-  
6 ment designated by section 3(a)(206) of  
7 the Wild and Scenic Rivers Act (as added  
8 by subsection (a)), the Secretary may not  
9 acquire any parcel of land by condemna-  
10 tion.

11 **Subtitle B—Wild and Scenic Rivers**  
12 **Studies**

13 **SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.**

14 (a) DESIGNATION FOR STUDY.—Section 5(a) of the  
15 Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amend-  
16 ed by adding at the end the following:

17 “(140) MISSISQUOI AND TROUT RIVERS,  
18 VERMONT.—The approximately 25-mile segment of  
19 the upper Missisquoi from its headwaters in Lowell  
20 to the Canadian border in North Troy, the approxi-  
21 mately 25-mile segment from the Canadian border  
22 in East Richford to Enosburg Falls, and the ap-  
23 proximately 20-mile segment of the Trout River  
24 from its headwaters to its confluence with the  
25 Missisquoi River.”.

1 (b) STUDY AND REPORT.—Section 5(b) of the Wild  
2 and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended  
3 by adding at the end the following:

4 “(19) MISSISQUOI AND TROUT RIVERS,  
5 VERMONT.—Not later than 3 years after the date on  
6 which funds are made available to carry out this  
7 paragraph, the Secretary of the Interior shall—

8 “(A) complete the study of the Missisquoi  
9 and Trout Rivers, Vermont, described in sub-  
10 section (a)(140); and

11 “(B) submit a report describing the results  
12 of that study to the appropriate committees of  
13 Congress.”.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated such sums as are nec-  
16 essary to carry out this section.

17 **Subtitle C—Additions to the**  
18 **National Trails System**

19 **SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.**

20 Section 5(a) of the National Trails System Act (16  
21 U.S.C. 1244(a)) is amended by adding at the end the fol-  
22 lowing:

23 “(27) ARIZONA NATIONAL SCENIC TRAIL.—

24 “(A) IN GENERAL.—The Arizona National  
25 Scenic Trail, extending approximately 807 miles



1 across the State of Arizona from the U.S.–Mex-  
2 ico international border to the Arizona–Utah  
3 border, as generally depicted on the map enti-  
4 tled ‘Arizona National Scenic Trail’ and dated  
5 December 5, 2007, to be administered by the  
6 Secretary of Agriculture, in consultation with  
7 the Secretary of the Interior and appropriate  
8 State, tribal, and local governmental agencies.

9 “(B) AVAILABILITY OF MAP.—The map  
10 shall be on file and available for public inspec-  
11 tion in appropriate offices of the Forest Serv-  
12 ice.”.

13 **SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.**

14 (a) AUTHORIZATION AND ADMINISTRATION.—Sec-  
15 tion 5(a) of the National Trails System Act (16 U.S.C.  
16 1244(a)) (as amended by section 5201) is amended by  
17 adding at the end the following:

18 “(28) NEW ENGLAND NATIONAL SCENIC  
19 TRAIL.—The New England National Scenic Trail, a  
20 continuous trail extending approximately 220 miles  
21 from the border of New Hampshire in the town of  
22 Royalston, Massachusetts to Long Island Sound in  
23 the town of Guilford, Connecticut, as generally de-  
24 picted on the map titled ‘New England National  
25 Scenic Trail Proposed Route’, numbered T06/

1       80,000, and dated October 2007. The map shall be  
2       on file and available for public inspection in the ap-  
3       propriate offices of the National Park Service. The  
4       Secretary of the Interior, in consultation with appro-  
5       priate Federal, State, tribal, regional, and local  
6       agencies, and other organizations, shall administer  
7       the trail after considering the recommendations of  
8       the report titled the ‘Metacomet Monadnock  
9       Mattabesset Trail System National Scenic Trail  
10      Feasibility Study and Environmental Assessment’,  
11      prepared by the National Park Service, and dated  
12      Spring 2006. The United States shall not acquire  
13      for the trail any land or interest in land without the  
14      consent of the owner.”.

15      (b) MANAGEMENT.—The Secretary of the Interior  
16      (referred to in this section as the “Secretary”) shall con-  
17      sider the actions outlined in the Trail Management Blue-  
18      print described in the report titled the “Metacomet Mo-  
19      nadnock Mattabessett Trail System National Scenic Trail  
20      Feasibility Study and Environmental Assessment”, pre-  
21      pared by the National Park Service, and dated Spring  
22      2006, as the framework for management and administra-  
23      tion of the New England National Scenic Trail. Additional  
24      or more detailed plans for administration, management,  
25      protection, access, maintenance, or development of the

1 trail may be developed consistent with the Trail Manage-  
2 ment Blueprint, and as approved by the Secretary.

3 (c) COOPERATIVE AGREEMENTS.—The Secretary is  
4 authorized to enter into cooperative agreements with the  
5 Commonwealth of Massachusetts (and its political subdivi-  
6 sions), the State of Connecticut (and its political subdivi-  
7 sions), and other regional, local, and private organizations  
8 deemed necessary and desirable to accomplish cooperative  
9 trail administrative, management, and protection objec-  
10 tives consistent with the Trail Management Blueprint. An  
11 agreement under this subsection may include provisions  
12 for limited financial assistance to encourage participation  
13 in the planning, acquisition, protection, operation, develop-  
14 ment, or maintenance of the trail.

15 (d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to  
16 section 6 of the National Trails System Act (16 U.S.C.  
17 1245), the Secretary is encouraged to work with the State  
18 of New Hampshire and appropriate local and private orga-  
19 nizations to include that portion of the Metacomet-Monad-  
20nock Trail in New Hampshire (which lies between  
21 Royalston, Massachusetts and Jaffrey, New Hampshire)  
22 as a component of the New England National Scenic  
23 Trail. Inclusion of this segment, as well as other potential  
24 side or connecting trails, is contingent upon written appli-  
25 cation to the Secretary by appropriate State and local ju-

1 jurisdictions and a finding by the Secretary that trail man-  
2 agement and administration is consistent with the Trail  
3 Management Blueprint.

4 **SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.**

5 (a) FINDINGS; PURPOSE.—

6 (1) FINDINGS.—Congress finds that—

7 (A) at the end of the last Ice Age, some  
8 12,000 to 17,000 years ago, a series of cata-  
9 clysmic floods occurred in what is now the  
10 northwest region of the United States, leaving  
11 a lasting mark of dramatic and distinguishing  
12 features on the landscape of parts of the States  
13 of Montana, Idaho, Washington and Oregon;

14 (B) geological features that have excep-  
15 tional value and quality to illustrate and inter-  
16 pret this extraordinary natural phenomenon are  
17 present on Federal, State, tribal, county, mu-  
18 nicipal, and private land in the region; and

19 (C) in 2001, a joint study team headed by  
20 the National Park Service that included about  
21 70 members from public and private entities  
22 completed a study endorsing the establishment  
23 of an Ice Age Floods National Geologic Trail—

24 (i) to recognize the national signifi-  
25 cance of this phenomenon; and

1                   (ii) to coordinate public and private  
2                   sector entities in the presentation of the  
3                   story of the Ice Age floods.

4           (2) PURPOSE.—The purpose of this section is  
5           to designate the Ice Age Floods National Geologic  
6           Trail in the States of Montana, Idaho, Washington,  
7           and Oregon, enabling the public to view, experience,  
8           and learn about the features and story of the Ice  
9           Age floods through the collaborative efforts of public  
10           and private entities.

11   (b) DEFINITIONS.—In this section:

12           (1) ICE AGE FLOODS; FLOODS.—The term “Ice  
13           Age floods” or “floods” means the cataclysmic floods  
14           that occurred in what is now the northwestern  
15           United States during the last Ice Age from massive,  
16           rapid and recurring drainage of Glacial Lake Mis-  
17           soula.

18           (2) PLAN.—The term “plan” means the cooper-  
19           ative management and interpretation plan author-  
20           ized under subsection (f)(5).

21           (3) SECRETARY.—The term “Secretary” means  
22           the Secretary of the Interior.

23           (4) TRAIL.—The term “Trail” means the Ice  
24           Age Floods National Geologic Trail designated by  
25           subsection (c).

1 (c) DESIGNATION.—In order to provide for public ap-  
2 preciation, understanding, and enjoyment of the nationally  
3 significant natural and cultural features of the Ice Age  
4 floods and to promote collaborative efforts for interpreta-  
5 tion and education among public and private entities lo-  
6 cated along the pathways of the floods, there is designated  
7 the Ice Age Floods National Geologic Trail.

8 (d) LOCATION.—

9 (1) MAP.—The route of the Trail shall be as  
10 generally depicted on the map entitled “Ice Age  
11 Floods National Geologic Trail,” numbered P43/  
12 80,000 and dated June 2004.

13 (2) ROUTE.—The route shall generally follow  
14 public roads and highways.

15 (3) REVISION.—The Secretary may revise the  
16 map by publication in the Federal Register of a no-  
17 tice of availability of a new map as part of the plan.

18 (e) MAP AVAILABILITY.—The map referred to in sub-  
19 section (d)(1) shall be on file and available for public in-  
20 spection in the appropriate offices of the National Park  
21 Service.

22 (f) ADMINISTRATION.—

23 (1) IN GENERAL.—The Secretary, acting  
24 through the Director of the National Park Service,

1 shall administer the Trail in accordance with this  
2 section.

3 (2) LIMITATION.—Except as provided in para-  
4 graph (6)(B), the Trail shall not be considered to be  
5 a unit of the National Park System.

6 (3) TRAIL MANAGEMENT OFFICE.—To improve  
7 management of the Trail and coordinate Trail activi-  
8 ties with other public agencies and private entities,  
9 the Secretary may establish and operate a trail man-  
10 agement office at a central location within the vicin-  
11 ity of the Trail.

12 (4) INTERPRETIVE FACILITIES.—The Secretary  
13 may plan, design, and construct interpretive facili-  
14 ties for sites associated with the Trail if the facilities  
15 are constructed in partnership with State, local, trib-  
16 al, or non-profit entities and are consistent with the  
17 plan.

18 (5) MANAGEMENT PLAN.—

19 (A) IN GENERAL.—Not later than 3 years  
20 after funds are made available to carry out this  
21 section, the Secretary shall prepare a coopera-  
22 tive management and interpretation plan for  
23 the Trail.

24 (B) CONSULTATION.—The Secretary shall  
25 prepare the plan in consultation with—

1 (i) State, local, and tribal govern-  
2 ments;

3 (ii) the Ice Age Floods Institute;

4 (iii) private property owners; and

5 (iv) other interested parties.

6 (C) CONTENTS.—The plan shall—

7 (i) confirm and, if appropriate, ex-  
8 pand on the inventory of features of the  
9 floods contained in the National Park  
10 Service study entitled “Ice Age Floods,  
11 Study of Alternatives and Environmental  
12 Assessment” (February 2001) by—

13 (I) locating features more accu-  
14 rately;

15 (II) improving the description of  
16 features; and

17 (III) reevaluating the features in  
18 terms of their interpretive potential;

19 (ii) review and, if appropriate, modify  
20 the map of the Trail referred to in sub-  
21 section (d)(1);

22 (iii) describe strategies for the coordi-  
23 nated development of the Trail, including  
24 an interpretive plan for facilities, waysides,  
25 roadside pullouts, exhibits, media, and pro-



1           grams that present the story of the floods  
2           to the public effectively; and

3                   (iv) identify potential partnering op-  
4           portunities in the development of interpre-  
5           tive facilities and educational programs to  
6           educate the public about the story of the  
7           floods.

8           (6) COOPERATIVE MANAGEMENT.—

9                   (A) IN GENERAL.—In order to facilitate  
10          the development of coordinated interpretation,  
11          education, resource stewardship, visitor facility  
12          development and operation, and scientific re-  
13          search associated with the Trail and to promote  
14          more efficient administration of the sites associ-  
15          ated with the Trail, the Secretary may enter  
16          into cooperative management agreements with  
17          appropriate officials in the States of Montana,  
18          Idaho, Washington, and Oregon in accordance  
19          with the authority provided for units of the Na-  
20          tional Park System under section 3(l) of Public  
21          Law 91–383 (16 U.S.C. 1a–2(l)).

22                   (B) AUTHORITY.—For purposes of this  
23          paragraph only, the Trail shall be considered a  
24          unit of the National Park System.

1           (7) COOPERATIVE AGREEMENTS.—The Sec-  
2           retary may enter into cooperative agreements with  
3           public or private entities to carry out this section.

4           (8) EFFECT ON PRIVATE PROPERTY RIGHTS.—  
5           Nothing in this section—

6                   (A) requires any private property owner to  
7                   allow public access (including Federal, State, or  
8                   local government access) to private property; or

9                   (B) modifies any provision of Federal,  
10                  State, or local law with respect to public access  
11                  to or use of private land.

12           (9) LIABILITY.—Designation of the Trail by  
13           subsection (c) does not create any liability for, or af-  
14           fect any liability under any law of, any private prop-  
15           erty owner with respect to any person injured on the  
16           private property.

17           (g) AUTHORIZATION OF APPROPRIATIONS.—There  
18           are authorized to be appropriated such sums as are nec-  
19           essary to carry out this section, of which not more than  
20           \$12,000,000 may be used for development of the Trail.

21           **SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY**  
22                                   **ROUTE NATIONAL HISTORIC TRAIL.**

23           Section 5(a) of the National Trails System Act (16  
24           U.S.C. 1244(a)) (as amended by section 5202(a)) is  
25           amended by adding at the end the following:

1           “(29) WASHINGTON-ROCHAMBEAU REVOLU-  
2           TIONARY ROUTE NATIONAL HISTORIC TRAIL.—

3           “(A) IN GENERAL.—The Washington-Ro-  
4           chambeau Revolutionary Route National His-  
5           toric Trail, a corridor of approximately 600  
6           miles following the route taken by the armies of  
7           General George Washington and Count Ro-  
8           chambeau between Newport, Rhode Island, and  
9           Yorktown, Virginia, in 1781 and 1782, as gen-  
10          erally depicted on the map entitled ‘WASH-  
11          INGTON-ROCHAMBEAU            REVOLU-  
12          TIONARY ROUTE NATIONAL HISTORIC  
13          TRAIL’, numbered T01/80,001, and dated  
14          June 2007.

15          “(B) MAP.—The map referred to in sub-  
16          paragraph (A) shall be on file and available for  
17          public inspection in the appropriate offices of  
18          the National Park Service.

19          “(C) ADMINISTRATION.—The trail shall be  
20          administered by the Secretary of the Interior,  
21          in consultation with—

22                  “(i) other Federal, State, tribal, re-  
23                  gional, and local agencies; and

24                  “(ii) the private sector.

1           “(D) LAND ACQUISITION.—The United  
2 States shall not acquire for the trail any land  
3 or interest in land outside the exterior boundary  
4 of any federally-managed area without the con-  
5 sent of the owner of the land or interest in  
6 land.”.

7 **SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.**

8           Section 5(a) of the National Trails System Act (16  
9 U.S.C. 1244(a)) (as amended by section 5204) is amended  
10 by adding at the end the following:

11           “(30) PACIFIC NORTHWEST NATIONAL SCENIC  
12 TRAIL.—

13           “(A) IN GENERAL.—The Pacific Northwest  
14 National Scenic Trail, a trail of approximately  
15 1,200 miles, extending from the Continental Di-  
16 vide in Glacier National Park, Montana, to the  
17 Pacific Ocean Coast in Olympic National Park,  
18 Washington, following the route depicted on the  
19 map entitled ‘Pacific Northwest National Scenic  
20 Trail: Proposed Trail’, numbered T12/80,000,  
21 and dated February 2008 (referred to in this  
22 paragraph as the ‘map’).

23           “(B) AVAILABILITY OF MAP.—The map  
24 shall be on file and available for public inspec-

1           tion in the appropriate offices of the Forest  
2           Service.

3           “(C)    ADMINISTRATION.—The    Pacific  
4           Northwest National Scenic Trail shall be ad-  
5           ministered by the Secretary of Agriculture.

6           “(D)   LAND   ACQUISITION.—The   United  
7           States shall not acquire for the Pacific North-  
8           west National Scenic Trail any land or interest  
9           in land outside the exterior boundary of any  
10          federally-managed area without the consent of  
11          the owner of the land or interest in land.”.

12   **SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.**

13          Section 5(a)(16) of the National Trails System Act  
14   (16 U.S.C. 1244(a)(16)) is amended as follows:

15          (1) By amending subparagraph (C) to read as  
16          follows:

17               “(C) In addition to the areas otherwise  
18               designated under this paragraph, the following  
19               routes and land components by which the Cher-  
20               okee Nation was removed to Oklahoma are  
21               components of the Trail of Tears National His-  
22               toric Trail, as generally described in the envi-  
23               ronmentally preferred alternative of the Novem-  
24               ber 2007 Feasibility Study Amendment and

1 Environmental Assessment for Trail of Tears  
2 National Historic Trail:

3 “(i) The Benge and Bell routes.

4 “(ii) The land components of the des-  
5 igned water routes in Alabama, Arkan-  
6 sas, Oklahoma, and Tennessee.

7 “(iii) The routes from the collection  
8 forts in Alabama, Georgia, North Carolina,  
9 and Tennessee to the emigration depots.

10 “(iv) The related campgrounds located  
11 along the routes and land components de-  
12 scribed in clauses (i) through (iii).”.

13 (2) In subparagraph (D)—

14 (A) by striking the first sentence; and

15 (B) by adding at the end the following:

16 “No lands or interests in lands outside the exte-  
17 rior boundaries of any federally administered  
18 area may be acquired by the Federal Govern-  
19 ment for the Trail of Tears National Historic  
20 Trail except with the consent of the owner  
21 thereof.”.

1     **Subtitle D—National Trail System**  
2                     **Amendments**

3     **SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AU-**  
4                     **THORITY.**

5             (a) AUTHORITY TO ACQUIRE LAND FROM WILLING  
6     SELLERS FOR CERTAIN TRAILS.—

7             (1) OREGON NATIONAL HISTORIC TRAIL.—Sec-  
8             tion 5(a)(3) of the National Trails System Act (16  
9             U.S.C. 1244(a)(3)) is amended by adding at the end  
10            the following: “No land or interest in land outside  
11            the exterior boundaries of any federally administered  
12            area may be acquired by the Federal Government  
13            for the trail except with the consent of the owner of  
14            the land or interest in land. The authority of the  
15            Federal Government to acquire fee title under this  
16            paragraph shall be limited to an average of not more  
17            than  $\frac{1}{4}$  mile on either side of the trail.”.

18            (2) MORMON PIONEER NATIONAL HISTORIC  
19            TRAIL.—Section 5(a)(4) of the National Trails Sys-  
20            tem Act (16 U.S.C. 1244(a)(4)) is amended by add-  
21            ing at the end the following: “No land or interest in  
22            land outside the exterior boundaries of any federally  
23            administered area may be acquired by the Federal  
24            Government for the trail except with the consent of  
25            the owner of the land or interest in land. The au-

1       thority of the Federal Government to acquire fee  
2       title under this paragraph shall be limited to an av-  
3       erage of not more than  $\frac{1}{4}$  mile on either side of the  
4       trail.”.

5           (3) CONTINENTAL DIVIDE NATIONAL SCENIC  
6       TRAIL.—Section 5(a)(5) of the National Trails Sys-  
7       tem Act (16 U.S.C. 1244(a)(5)) is amended by add-  
8       ing at the end the following: “No land or interest in  
9       land outside the exterior boundaries of any federally  
10      administered area may be acquired by the Federal  
11      Government for the trail except with the consent of  
12      the owner of the land or interest in land. The au-  
13      thority of the Federal Government to acquire fee  
14      title under this paragraph shall be limited to an av-  
15      erage of not more than  $\frac{1}{4}$  mile on either side of the  
16      trail.”.

17          (4) LEWIS AND CLARK NATIONAL HISTORIC  
18      TRAIL.—Section 5(a)(6) of the National Trails Sys-  
19      tem Act (16 U.S.C. 1244(a)(6)) is amended by add-  
20      ing at the end the following: “No land or interest in  
21      land outside the exterior boundaries of any federally  
22      administered area may be acquired by the Federal  
23      Government for the trail except with the consent of  
24      the owner of the land or interest in land. The au-  
25      thority of the Federal Government to acquire fee



1 title under this paragraph shall be limited to an av-  
2 erage of not more than  $\frac{1}{4}$  mile on either side of the  
3 trail.”.

4 (5) IDITAROD NATIONAL HISTORIC TRAIL.—  
5 Section 5(a)(7) of the National Trails System Act  
6 (16 U.S.C. 1244(a)(7)) is amended by adding at the  
7 end the following: “No land or interest in land out-  
8 side the exterior boundaries of any federally admin-  
9 istered area may be acquired by the Federal Govern-  
10 ment for the trail except with the consent of the  
11 owner of the land or interest in land. The authority  
12 of the Federal Government to acquire fee title under  
13 this paragraph shall be limited to an average of not  
14 more than  $\frac{1}{4}$  mile on either side of the trail.”.

15 (6) NORTH COUNTRY NATIONAL SCENIC  
16 TRAIL.—Section 5(a)(8) of the National Trails Sys-  
17 tem Act (16 U.S.C. 1244(a)(8)) is amended by add-  
18 ing at the end the following: “No land or interest in  
19 land outside the exterior boundaries of any federally  
20 administered area may be acquired by the Federal  
21 Government for the trail except with the consent of  
22 the owner of the land or interest in land.”.

23 (7) ICE AGE NATIONAL SCENIC TRAIL.—Section  
24 5(a)(10) of the National Trails System Act (16  
25 U.S.C. 1244(a)(10)) is amended by adding at the

1 end the following: “No land or interest in land out-  
2 side the exterior boundaries of any federally admin-  
3 istered area may be acquired by the Federal Govern-  
4 ment for the trail except with the consent of the  
5 owner of the land or interest in land.”.

6 (8) POTOMAC HERITAGE NATIONAL SCENIC  
7 TRAIL.—Section 5(a)(11) of the National Trails Sys-  
8 tem Act (16 U.S.C. 1244(a)(11)) is amended—

9 (A) by striking the fourth and fifth sen-  
10 tences; and

11 (B) by adding at the end the following:  
12 “No land or interest in land outside the exterior  
13 boundaries of any federally administered area  
14 may be acquired by the Federal Government for  
15 the trail except with the consent of the owner  
16 of the land or interest in land.”.

17 (9) NEZ PERCE NATIONAL HISTORIC TRAIL.—  
18 Section 5(a)(14) of the National Trails System Act  
19 (16 U.S.C. 1244(a)(14)) is amended—

20 (A) by striking the fourth and fifth sen-  
21 tences; and

22 (B) by adding at the end the following:  
23 “No land or interest in land outside the exterior  
24 boundaries of any federally administered area  
25 may be acquired by the Federal Government for

1           the trail except with the consent of the owner  
2           of the land or interest in land. The authority of  
3           the Federal Government to acquire fee title  
4           under this paragraph shall be limited to an av-  
5           erage of not more than  $\frac{1}{4}$  mile on either side  
6           of the trail.”.

7           (b) CONFORMING AMENDMENT.—Section 10 of the  
8           National Trails System Act (16 U.S.C. 1249) is amended  
9           by striking subsection (c) and inserting the following:

10          “(c) AUTHORIZATION OF APPROPRIATIONS.—

11           “(1) IN GENERAL.—Except as otherwise pro-  
12           vided in this Act, there are authorized to be appro-  
13           priated such sums as are necessary to implement the  
14           provisions of this Act relating to the trails des-  
15           ignated by section 5(a).

16           “(2) NATCHEZ TRACE NATIONAL SCENIC  
17           TRAIL.—

18           “(A) IN GENERAL.—With respect to the  
19           Natchez Trace National Scenic Trail (referred  
20           to in this paragraph as the ‘trail’) designated  
21           by section 5(a)(12)—

22           “(i) not more than \$500,000 shall be  
23           appropriated for the acquisition of land or  
24           interests in land for the trail; and

1                   “(ii) not more than \$2,000,000 shall  
2                   be appropriated for the development of the  
3                   trail.

4                   “(B) PARTICIPATION BY VOLUNTEER  
5                   TRAIL GROUPS.—The administering agency for  
6                   the trail shall encourage volunteer trail groups  
7                   to participate in the development of the trail.”.

8 **SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY**  
9                   **STUDIES OF EXISTING NATIONAL HISTORIC**  
10                  **TRAILS.**

11                  Section 5 of the National Trails System Act (16  
12 U.S.C. 1244) is amended by adding at the end the fol-  
13 lowing:

14                  “(g) REVISION OF FEASIBILITY AND SUITABILITY  
15 STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

16                  “(1) DEFINITIONS.—In this subsection:

17                         “(A) ROUTE.—The term ‘route’ includes a  
18 trail segment commonly known as a cutoff.

19                         “(B) SHARED ROUTE.—The term ‘shared  
20 route’ means a route that was a segment of  
21 more than 1 historic trail, including a route  
22 shared with an existing national historic trail.

23                  “(2) REQUIREMENTS FOR REVISION.—

24                         “(A) IN GENERAL.—The Secretary of the  
25 Interior shall revise the feasibility and suit-

1 ability studies for certain national trails for  
2 consideration of possible additions to the trails.

3 “(B) STUDY REQUIREMENTS AND OBJEC-  
4 TIVES.—The study requirements and objectives  
5 specified in subsection (b) shall apply to a study  
6 required by this subsection.

7 “(C) COMPLETION AND SUBMISSION OF  
8 STUDY.—A study listed in this subsection shall  
9 be completed and submitted to Congress not  
10 later than 3 complete fiscal years from the date  
11 funds are made available for the study.

12 “(3) OREGON NATIONAL HISTORIC TRAIL.—

13 “(A) STUDY REQUIRED.—The Secretary of  
14 the Interior shall undertake a study of the  
15 routes of the Oregon Trail listed in subpara-  
16 graph (B) and generally depicted on the map  
17 entitled ‘Western Emigrant Trails 1830/1870’  
18 and dated 1991/1993, and of such other routes  
19 of the Oregon Trail that the Secretary con-  
20 siders appropriate, to determine the feasibility  
21 and suitability of designation of 1 or more of  
22 the routes as components of the Oregon Na-  
23 tional Historic Trail.

1                   “(B) COVERED ROUTES.—The routes to be  
2                   studied under subparagraph (A) shall include  
3                   the following:

4                   “(i) Whitman Mission route.

5                   “(ii) Upper Columbia River.

6                   “(iii) Cowlitz River route.

7                   “(iv) Meek cutoff.

8                   “(v) Free Emigrant Road.

9                   “(vi) North Alternate Oregon Trail.

10                  “(vii) Goodale’s cutoff.

11                  “(viii) North Side alternate route.

12                  “(ix) Cutoff to Barlow road.

13                  “(x) Naches Pass Trail.

14                  “(4) PONY EXPRESS NATIONAL HISTORIC  
15                  TRAIL.—The Secretary of the Interior shall under-  
16                  take a study of the approximately 20-mile southern  
17                  alternative route of the Pony Express Trail from  
18                  Wathena, Kansas, to Troy, Kansas, and such other  
19                  routes of the Pony Express Trail that the Secretary  
20                  considers appropriate, to determine the feasibility  
21                  and suitability of designation of 1 or more of the  
22                  routes as components of the Pony Express National  
23                  Historic Trail.

24                  “(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

1           “(A) STUDY REQUIRED.—The Secretary of  
2           the Interior shall undertake a study of the Mis-  
3           souri Valley, central, and western routes of the  
4           California Trail listed in subparagraph (B) and  
5           generally depicted on the map entitled ‘Western  
6           Emigrant Trails 1830/1870’ and dated 1991/  
7           1993, and of such other and shared Missouri  
8           Valley, central, and western routes that the  
9           Secretary considers appropriate, to determine  
10          the feasibility and suitability of designation of  
11          1 or more of the routes as components of the  
12          California National Historic Trail.

13           “(B) COVERED ROUTES.—The routes to be  
14          studied under subparagraph (A) shall include  
15          the following:

16           “(i) MISSOURI VALLEY ROUTES.—

17           “(I) Blue Mills-Independence  
18          Road.

19           “(II) Westport Landing Road.

20           “(III) Westport-Lawrence Road.

21           “(IV) Fort Leavenworth-Blue  
22          River route.

23           “(V) Road to Amazonia.

24           “(VI) Union Ferry Route.

1                   “(VII) Old Wyoming-Nebraska  
2 City cutoff.

3                   “(VIII) Lower Plattsmouth  
4 Route.

5                   “(IX) Lower Bellevue Route.

6                   “(X) Woodbury cutoff.

7                   “(XI) Blue Ridge cutoff.

8                   “(XII) Westport Road.

9                   “(XIII) Gum Springs-Fort Leav-  
10 enworth route.

11                   “(XIV) Atchison/Independence  
12 Creek routes.

13                   “(XV) Fort Leavenworth-Kansas  
14 River route.

15                   “(XVI) Nebraska City cutoff  
16 routes.

17                   “(XVII) Minersville-Nebraska  
18 City Road.

19                   “(XVIII) Upper Plattsmouth  
20 route.

21                   “(XIX) Upper Bellevue route.

22                   “(ii) CENTRAL ROUTES.—

23                   “(I) Cherokee Trail, including  
24 splits.



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1 “(II) Weber Canyon route of  
2 Hastings cutoff.

3 “(III) Bishop Creek cutoff.

4 “(IV) McAuley cutoff.

5 “(V) Diamond Springs cutoff.

6 “(VI) Secret Pass.

7 “(VII) Greenhorn cutoff.

8 “(VIII) Central Overland Trail.

9 “(iii) WESTERN ROUTES.—

10 “(I) Bidwell-Bartleson route.

11 “(II) Georgetown/Dagget Pass  
12 Trail.

13 “(III) Big Trees Road.

14 “(IV) Grizzly Flat cutoff.

15 “(V) Nevada City Road.

16 “(VI) Yreka Trail.

17 “(VII) Henness Pass route.

18 “(VIII) Johnson cutoff.

19 “(IX) Luther Pass Trail.

20 “(X) Volcano Road.

21 “(XI) Sacramento-Coloma  
22 Wagon Road.

23 “(XII) Burnett cutoff.

24 “(XIII) Placer County Road to  
25 Auburn.

1           “(6) MORMON PIONEER NATIONAL HISTORIC  
2 TRAIL.—

3           “(A) STUDY REQUIRED.—The Secretary of  
4 the Interior shall undertake a study of the  
5 routes of the Mormon Pioneer Trail listed in  
6 subparagraph (B) and generally depicted in the  
7 map entitled ‘Western Emigrant Trails 1830/  
8 1870’ and dated 1991/1993, and of such other  
9 routes of the Mormon Pioneer Trail that the  
10 Secretary considers appropriate, to determine  
11 the feasibility and suitability of designation of  
12 1 or more of the routes as components of the  
13 Mormon Pioneer National Historic Trail.

14           “(B) COVERED ROUTES.—The routes to be  
15 studied under subparagraph (A) shall include  
16 the following:

17           “(i) 1846 Subsequent routes A and B  
18 (Lucas and Clarke Counties, Iowa).

19           “(ii) 1856–57 Handcart route (Iowa  
20 City to Council Bluffs).

21           “(iii) Keokuk route (Iowa).

22           “(iv) 1847 Alternative Elkhorn and  
23 Loup River Crossings in Nebraska.

24           “(v) Fort Leavenworth Road; Ox Bow  
25 route and alternates in Kansas and Mis-

1                   souri (Oregon and California Trail routes  
2                   used by Mormon emigrants).

3                   “(vi) 1850 Golden Pass Road in  
4                   Utah.

5                   “(7) SHARED CALIFORNIA AND OREGON TRAIL  
6                   ROUTES.—

7                   “(A) STUDY REQUIRED.—The Secretary of  
8                   the Interior shall undertake a study of the  
9                   shared routes of the California Trail and Or-  
10                  regon Trail listed in subparagraph (B) and gen-  
11                  erally depicted on the map entitled ‘Western  
12                  Emigrant Trails 1830/1870’ and dated 1991/  
13                  1993, and of such other shared routes that the  
14                  Secretary considers appropriate, to determine  
15                  the feasibility and suitability of designation of  
16                  1 or more of the routes as shared components  
17                  of the California National Historic Trail and  
18                  the Oregon National Historic Trail.

19                  “(B) COVERED ROUTES.—The routes to be  
20                  studied under subparagraph (A) shall include  
21                  the following:

22                         “(i) St. Joe Road.

23                         “(ii) Council Bluffs Road.

24                         “(iii) Sublette cutoff.

25                         “(iv) Applegate route.

1 “(v) Old Fort Kearny Road (Oxbow  
2 Trail).

3 “(vi) Childs cutoff.

4 “(vii) Raft River to Applegate.”.

5 **SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS**  
6 **STUDIES.**

7 Section 5(c) of the National Trails System Act (16  
8 U.S.C. 1244(c)) is amended by adding at the end the fol-  
9 lowing:

10 “(44) CHISHOLM TRAIL.—

11 “(A) IN GENERAL.—The Chisholm Trail  
12 (also known as the ‘Abilene Trail’), from the vi-  
13 cinity of San Antonio, Texas, segments from  
14 the vicinity of Cuero, Texas, to Ft. Worth,  
15 Texas, Duncan, Oklahoma, alternate segments  
16 used through Oklahoma, to Enid, Oklahoma,  
17 Caldwell, Kansas, Wichita, Kansas, Abilene,  
18 Kansas, and commonly used segments running  
19 to alternative Kansas destinations.

20 “(B) REQUIREMENT.—In conducting the  
21 study required under this paragraph, the Sec-  
22 retary of the Interior shall identify the point at  
23 which the trail originated south of San Antonio,  
24 Texas.

25 “(45) GREAT WESTERN TRAIL.—

1           “(A) IN GENERAL.—The Great Western  
2 Trail (also known as the ‘Dodge City Trail’),  
3 from the vicinity of San Antonio, Texas, north-  
4 by-northwest through the vicinities of Kerrville  
5 and Menard, Texas, north-by-northeast through  
6 the vicinities of Coleman and Albany, Texas,  
7 north through the vicinity of Vernon, Texas, to  
8 Doan’s Crossing, Texas, northward through or  
9 near the vicinities of Altus, Lone Wolf, Canute,  
10 Vici, and May, Oklahoma, north through Kan-  
11 sas to Dodge City, and north through Nebraska  
12 to Ogallala.

13           “(B) REQUIREMENT.—In conducting the  
14 study required under this paragraph, the Sec-  
15 retary of the Interior shall identify the point at  
16 which the trail originated south of San Antonio,  
17 Texas.”.

18 **TITLE VI—DEPARTMENT OF THE**  
19 **INTERIOR AUTHORIZATIONS**  
20 **Subtitle A—Cooperative Watershed**  
21 **Management Program**

22 **SEC. 6001. DEFINITIONS.**

23 In this subtitle:

24           (1) **AFFECTED STAKEHOLDER.**—The term “af-  
25 fected stakeholder” means an entity that signifi-

1           cantly affects, or is significantly affected by, the  
2           quality or quantity of water in a watershed, as de-  
3           termined by the Secretary.

4           (2) GRANT RECIPIENT.—The term “grant re-  
5           cipient” means a watershed group that the Secretary  
6           has selected to receive a grant under section  
7           6002(e)(2).

8           (3) PROGRAM.—The term “program” means  
9           the Cooperative Watershed Management Program  
10          established by the Secretary under section 6002(a).

11          (4) SECRETARY.—The term “Secretary” means  
12          the Secretary of the Interior.

13          (5) WATERSHED GROUP.—The term “water-  
14          shed group” means a self-sustaining, cooperative wa-  
15          tershed-wide group that—

16                (A) is comprised of representatives of the  
17                affected stakeholders of the relevant watershed;

18                (B) incorporates the perspectives of a di-  
19                verse array of stakeholders, including, to the  
20                maximum extent practicable—

21                   (i) representatives of—

22                               (I) hydroelectric production;

23                               (II) livestock grazing;

24                               (III) timber production;

25                               (IV) land development;

- 1 (V) recreation or tourism;
- 2 (VI) irrigated agricultural pro-
- 3 duction;
- 4 (VII) the environment;
- 5 (VIII) potable water purveyors
- 6 and industrial water users; and
- 7 (IX) private property owners
- 8 within the watershed;
- 9 (ii) any Federal agency that has au-
- 10 thority with respect to the watershed;
- 11 (iii) any State agency that has author-
- 12 ity with respect to the watershed;
- 13 (iv) any local agency that has author-
- 14 ity with respect to the watershed; and
- 15 (v) any Indian tribe that—
- 16 (I) owns land within the water-
- 17 shed; or
- 18 (II) has land in the watershed
- 19 that is held in trust;
- 20 (C) is a grassroots, nonregulatory entity
- 21 that addresses water availability and quality
- 22 issues within the relevant watershed;
- 23 (D) is capable of promoting the sustainable
- 24 use of the water resources of the relevant wa-

1            watershed and improving the functioning condition  
2            of rivers and streams through—

3                    (i) water conservation;

4                    (ii) improved water quality;

5                    (iii) ecological resiliency; and

6                    (iv) the reduction of water conflicts;

7                    and

8                    (E) makes decisions on a consensus basis,  
9                    as defined in the bylaws of the watershed  
10                    group.

11            (6) WATERSHED MANAGEMENT PROJECT.—The  
12            term “watershed management project” means any  
13            project (including a demonstration project) that—

14                    (A) enhances water conservation, including  
15                    alternative water uses;

16                    (B) improves water quality;

17                    (C) improves ecological resiliency of a river  
18                    or stream;

19                    (D) reduces the potential for water con-  
20                    flicts; or

21                    (E) advances any other goals associated  
22                    with water quality or quantity that the Sec-  
23                    retary determines to be appropriate.



1 **SEC. 6002. PROGRAM.**

2 (a) ESTABLISHMENT.—Not later than 180 days after  
3 the date of enactment of this Act, the Secretary shall es-  
4 tablish a program, to be known as the “Cooperative Wa-  
5 tershed Management Program”, under which the Sec-  
6 retary shall provide grants—

7 (1)(A) to form a watershed group; or

8 (B) to enlarge a watershed group; and

9 (2) to conduct 1 or more projects in accordance  
10 with the goals of a watershed group.

11 (b) APPLICATION.—

12 (1) ESTABLISHMENT OF APPLICATION PROC-  
13 ESS; CRITERIA.—Not later than 1 year after the  
14 date of enactment of this Act, the Secretary shall es-  
15 tablish—

16 (A) an application process for the pro-  
17 gram; and

18 (B) in consultation with the States,  
19 prioritization and eligibility criteria for consid-  
20 ering applications submitted in accordance with  
21 the application process.

22 (c) DISTRIBUTION OF GRANT FUNDS.—

23 (1) IN GENERAL.—In distributing grant funds  
24 under this section, the Secretary—

25 (A) shall comply with paragraph (2); and

1 (B) may give priority to watershed groups  
2 that—

3 (i) represent maximum diversity of in-  
4 terests; or

5 (ii) serve subbasin-sized watersheds  
6 with an 8-digit hydrologic unit code, as de-  
7 fined by the United States Geological Sur-  
8 vey.

9 (2) FUNDING PROCEDURE.—

10 (A) FIRST PHASE.—

11 (i) IN GENERAL.—The Secretary may  
12 provide to a grant recipient a first-phase  
13 grant in an amount not greater than  
14 \$100,000 each year for a period of not  
15 more than 3 years.

16 (ii) MANDATORY USE OF FUNDS.—A  
17 grant recipient that receives a first-phase  
18 grant shall use the funds—

19 (I) to establish or enlarge a wa-  
20 tershed group;

21 (II) to develop a mission state-  
22 ment for the watershed group;

23 (III) to develop project concepts;  
24 and

1 (IV) to develop a restoration  
2 plan.

3 (iii) ANNUAL DETERMINATION OF  
4 ELIGIBILITY.—

5 (I) DETERMINATION.—For each  
6 year of a first-phase grant, not later  
7 than 270 days after the date on which  
8 a grant recipient first receives grant  
9 funds for the year, the Secretary shall  
10 determine whether the grant recipient  
11 has made sufficient progress during  
12 the year to justify additional funding.

13 (II) EFFECT OF DETERMINA-  
14 TION.—If the Secretary determines  
15 under subclause (I) that the progress  
16 of a grant recipient during the year  
17 covered by the determination justifies  
18 additional funding, the Secretary shall  
19 provide to the grant recipient grant  
20 funds for the following year.

21 (iv) ADVANCEMENT CONDITIONS.—A  
22 grant recipient shall not be eligible to re-  
23 ceive a second-phase grant under subpara-  
24 graph (B) until the date on which the Sec-

1                   retary determines that the watershed  
2                   group—

3                   (I) has approved articles of incor-  
4                   poration and bylaws governing the or-  
5                   ganization; and

6                   (II)(aa) holds regular meetings;

7                   (bb) has completed a mission  
8                   statement; and

9                   (cc) has developed a restoration  
10                  plan and project concepts for the wa-  
11                  tershed.

12                 (v) EXCEPTION.—A watershed group  
13                 that has not applied for or received first-  
14                 phase grants may apply for and receive  
15                 second-phase grants under subparagraph  
16                 (B) if the Secretary determines that the  
17                 group has satisfied the requirements of  
18                 first-phase grants.

19                 (B) SECOND PHASE.—

20                 (i) IN GENERAL.—A watershed group  
21                 may apply for and receive second-phase  
22                 grants of \$1,000,000 each year for a pe-  
23                 riod of not more than 4 years if—

1 (I) the watershed group has ap-  
2 plied for and received watershed  
3 grants under subparagraph (A); or

4 (II) the Secretary determines  
5 that the watershed group has satisfied  
6 the requirements of first-phase grants.

7 (ii) MANDATORY USE OF FUNDS.—A  
8 grant recipient that receives a second-  
9 phase grant shall use the funds to plan  
10 and carry out watershed management  
11 projects.

12 (iii) ANNUAL DETERMINATION OF  
13 ELIGIBILITY.—

14 (I) DETERMINATION.—For each  
15 year of the second-phase grant, not  
16 later than 270 days after the date on  
17 which a grant recipient first receives  
18 grant funds for the year, the Sec-  
19 retary shall determine whether the  
20 grant recipient has made sufficient  
21 progress during the year to justify ad-  
22 ditional funding.

23 (II) EFFECT OF DETERMINA-  
24 TION.—If the Secretary determines  
25 under subclause (I) that the progress

1 of a grant recipient during the year  
2 justifies additional funding, the Sec-  
3 retary shall provide to the grant re-  
4 cipient grant funds for the following  
5 year.

6 (iv) **ADVANCEMENT CONDITION.**—A  
7 grant recipient shall not be eligible to re-  
8 ceive a third-phase grant under subpara-  
9 graph (C) until the date on which the Sec-  
10 retary determines that the grant recipient  
11 has—

12 (I) completed each requirement  
13 of the second-phase grant; and

14 (II) demonstrated that 1 or more  
15 pilot projects of the grant recipient  
16 have resulted in demonstrable im-  
17 provements, as determined by the Sec-  
18 retary, in the functioning condition of  
19 at least 1 river or stream in the wa-  
20 tershed.

21 (C) **THIRD PHASE.**—

22 (i) **FUNDING LIMITATION.**—

23 (I) **IN GENERAL.**—Except as pro-  
24 vided in subclause (II), the Secretary  
25 may provide to a grant recipient a

1 third-phase grant in an amount not  
2 greater than \$5,000,000 for a period  
3 of not more than 5 years.

4 (II) EXCEPTION.—The Secretary  
5 may provide to a grant recipient a  
6 third-phase grant in an amount that  
7 is greater than the amount described  
8 in subclause (I) if the Secretary deter-  
9 mines that the grant recipient is capa-  
10 ble of using the additional amount to  
11 further the purposes of the program  
12 in a way that could not otherwise be  
13 achieved by the grant recipient using  
14 the amount described in subclause (I).

15 (ii) MANDATORY USE OF FUNDS.—A  
16 grant recipient that receives a third-phase  
17 grant shall use the funds to plan and carry  
18 out at least 1 watershed management  
19 project.

20 (3) AUTHORIZING USE OF FUNDS FOR ADMINIS-  
21 TRATIVE AND OTHER COSTS.—A grant recipient that  
22 receives a grant under this section may use the  
23 funds—

24 (A) to pay for—

1 (i) administrative and coordination  
2 costs, if the costs are not greater than the  
3 lesser of—

4 (I) 20 percent of the total  
5 amount of the grant; or

6 (II) \$100,000;

7 (ii) the salary of not more than 1 full-  
8 time employee of the watershed group; and

9 (iii) any legal fees arising from the es-  
10 tablishment of the relevant watershed  
11 group; and

12 (B) to fund—

13 (i) water quality and quantity studies  
14 of the relevant watershed; and

15 (ii) the planning, design, and imple-  
16 mentation of any projects relating to water  
17 quality or quantity.

18 (d) COST SHARE.—

19 (1) PLANNING.—The Federal share of the cost  
20 of an activity provided assistance through a first-  
21 phase grant shall be 100 percent.

22 (2) PROJECTS CARRIED OUT UNDER SECOND  
23 PHASE.—

24 (A) IN GENERAL.—The Federal share of  
25 the cost of any activity of a watershed manage-



1           ment project provided assistance through a sec-  
2           ond-phase grant shall not exceed 50 percent of  
3           the total cost of the activity.

4                   (B) FORM OF NON-FEDERAL SHARE.—The  
5           non-Federal share under subparagraph (A) may  
6           be in the form of in-kind contributions.

7           (3) PROJECTS CARRIED OUT UNDER THIRD  
8           PHASE.—

9                   (A) IN GENERAL.—The Federal share of  
10          the costs of any activity of a watershed group  
11          of a grant recipient relating to a watershed  
12          management project provided assistance  
13          through a third-phase grant shall not exceed 50  
14          percent of the total costs of the watershed man-  
15          agement project.

16                   (B) FORM OF NON-FEDERAL SHARE.—The  
17          non-Federal share under subparagraph (A) may  
18          be in the form of in-kind contributions.

19          (e) ANNUAL REPORTS.—

20                   (1) IN GENERAL.—Not later than 1 year after  
21          the date on which a grant recipient first receives  
22          funds under this section, and annually thereafter, in  
23          accordance with paragraph (2), the watershed group  
24          shall submit to the Secretary a report that describes  
25          the progress of the watershed group.

1           (2) REQUIRED DEGREE OF DETAIL.—The con-  
2           tents of an annual report required under paragraph  
3           (1) shall contain sufficient information to enable the  
4           Secretary to complete each report required under  
5           subsection (f), as determined by the Secretary.

6           (f) REPORT.—Not later than 5 years after the date  
7           of enactment of this Act, and every 5 years thereafter,  
8           the Secretary shall submit to the Committee on Energy  
9           and Natural Resources of the Senate and the Committee  
10          on Natural Resources of the House of Representatives a  
11          report that describes—

12           (1) the ways in which the program assists the  
13          Secretary—

14           (A) in addressing water conflicts;  
15           (B) in conserving water;  
16           (C) in improving water quality; and  
17           (D) in improving the ecological resiliency  
18          of a river or stream; and

19           (2) benefits that the program provides, includ-  
20          ing, to the maximum extent practicable, a quan-  
21          titative analysis of economic, social, and environ-  
22          mental benefits.

23          (g) AUTHORIZATION OF APPROPRIATIONS.—There  
24          are authorized to be appropriated to carry out this sec-  
25          tion—

- 1           (1) \$2,000,000 for each of fiscal years 2008  
2           and 2009;
- 3           (2) \$5,000,000 for fiscal year 2010;
- 4           (3) \$10,000,000 for fiscal year 2011; and
- 5           (4) \$20,000,000 for each of fiscal years 2012  
6           through 2020.

7 **SEC. 6003. EFFECT OF SUBTITLE.**

8           Nothing in this subtitle affects the applicability of  
9 any Federal, State, or local law with respect to any water-  
10 shed group.

11 **Subtitle B—Competitive Status for**  
12 **Federal Employees in Alaska**

13 **SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL**  
14 **EMPLOYEES IN THE STATE OF ALASKA.**

15           Section 1308 of the Alaska National Interest Lands  
16 Conservation Act (16 U.S.C. 3198) is amended by adding  
17 at the end the following:

18           “(e) COMPETITIVE STATUS.—

19               “(1) IN GENERAL.—Nothing in subsection (a)  
20           provides that any person hired pursuant to the pro-  
21           gram established under that subsection is not eligi-  
22           ble for competitive status in the same manner as  
23           any other employee hired as part of the competitive  
24           service.

1           “(2) REDESIGNATION OF CERTAIN POSI-  
2           TIONS.—

3           “(A) PERSONS SERVING IN ORIGINAL POSI-  
4           TIONS.—Not later than 60 days after the date  
5           of enactment of this subsection, with respect to  
6           any person hired into a permanent position pur-  
7           suant to the program established under sub-  
8           section (a) who is serving in that position as of  
9           the date of enactment of this subsection, the  
10          Secretary shall redesignate that position and  
11          the person serving in that position as having  
12          been part of the competitive service as of the  
13          date that the person was hired into that posi-  
14          tion.

15          “(B) PERSONS NO LONGER SERVING IN  
16          ORIGINAL POSITIONS.—With respect to any per-  
17          son who was hired pursuant to the program es-  
18          tablished under subsection (a) that is no longer  
19          serving in that position as of the date of enact-  
20          ment of this subsection—

21                 “(i) the person may provide to the  
22                 Secretary a request for redesignation of  
23                 the service as part of the competitive serv-  
24                 ice that includes evidence of the employ-  
25                 ment; and



1           “(2) PURPOSE.—The purpose of the Baca Na-  
2           tional Wildlife Refuge shall be to restore, enhance,  
3           and maintain wetland, upland, riparian, and other  
4           habitats for native wildlife, plant, and fish species in  
5           the San Luis Valley.”;

6           (2) in subsection (c)—

7                 (A) by striking “The Secretary” and in-  
8                 serting the following:

9                 “(1) IN GENERAL.—The Secretary”; and

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

11               “(2) REQUIREMENTS.—In administering the  
12               Baca National Wildlife Refuge, the Secretary shall,  
13               to the maximum extent practicable—

14                         “(A) emphasize migratory bird conserva-  
15                         tion; and

16                         “(B) take into consideration the role of the  
17                         Refuge in broader landscape conservation ef-  
18                         forts.”; and

19           (3) in subsection (d)—

20                 (A) in paragraph (1), by striking “and” at  
21                 the end;

22                 (B) in paragraph (2), by striking the pe-  
23                 riod at the end and inserting “; and”; and

24                 (C) by adding at the end the following:

1           “(3) subject to any agreement in existence as of  
2           the date of enactment of this paragraph, and to the  
3           extent consistent with the purposes of the Refuge,  
4           use decreed water rights on the Refuge in approxi-  
5           mately the same manner that the water rights have  
6           been used historically.”.

## 7           **Subtitle D—Paleontological** 8           **Resources Preservation**

### 9   **SEC. 6301. DEFINITIONS.**

10          In this subtitle:

11           (1) **CASUAL COLLECTING.**—The term “casual  
12           collecting” means the collecting of a reasonable  
13           amount of common invertebrate and plant paleon-  
14           tological resources for non-commercial personal use,  
15           either by surface collection or the use of non-pow-  
16           ered hand tools resulting in only negligible disturb-  
17           ance to the Earth’s surface and other resources. As  
18           used in this paragraph, the terms “reasonable  
19           amount”, “common invertebrate and plant paleon-  
20           tological resources” and “negligible disturbance”  
21           shall be determined by the Secretary.

22           (2) **FEDERAL LAND.**—The term “Federal land”  
23           means—

24                   (A) land controlled or administered by the  
25                   Secretary of the Interior, except Indian land; or

1           (B) National Forest System land con-  
2           trolled or administered by the Secretary of Ag-  
3           riculture.

4           (3) INDIAN LAND.—The term “Indian Land”  
5           means land of Indian tribes, or Indian individuals,  
6           which are either held in trust by the United States  
7           or subject to a restriction against alienation imposed  
8           by the United States.

9           (4) PALEONTOLOGICAL RESOURCE.—The term  
10          “paleontological resource” means any fossilized re-  
11          mains, traces, or imprints of organisms, preserved in  
12          or on the earth’s crust, that are of paleontological  
13          interest and that provide information about the his-  
14          tory of life on earth, except that the term does not  
15          include—

16                (A) any materials associated with an ar-  
17                chaeological resource (as defined in section 3(1)  
18                of the Archaeological Resources Protection Act  
19                of 1979 (16 U.S.C. 470bb(1)); or

20                (B) any cultural item (as defined in section  
21                2 of the Native American Graves Protection  
22                and Repatriation Act (25 U.S.C. 3001)).

23          (5) SECRETARY.—The term “Secretary” means  
24          the Secretary of the Interior with respect to land  
25          controlled or administered by the Secretary of the



1 Interior or the Secretary of Agriculture with respect  
2 to National Forest System land controlled or admin-  
3 istered by the Secretary of Agriculture.

4 (6) STATE.—The term “State” means the 50  
5 States, the District of Columbia, the Commonwealth  
6 of Puerto Rico, and any other territory or possession  
7 of the United States.

8 **SEC. 6302. MANAGEMENT.**

9 (a) IN GENERAL.—The Secretary shall manage and  
10 protect paleontological resources on Federal land using  
11 scientific principles and expertise. The Secretary shall de-  
12 velop appropriate plans for inventory, monitoring, and the  
13 scientific and educational use of paleontological resources,  
14 in accordance with applicable agency laws, regulations,  
15 and policies. These plans shall emphasize interagency co-  
16 ordination and collaborative efforts where possible with  
17 non-Federal partners, the scientific community, and the  
18 general public.

19 (b) COORDINATION.—To the extent possible, the Sec-  
20 retary of the Interior and the Secretary of Agriculture  
21 shall coordinate in the implementation of this subtitle.

1 **SEC. 6303. PUBLIC AWARENESS AND EDUCATION PRO-**  
2 **GRAM.**

3 The Secretary shall establish a program to increase  
4 public awareness about the significance of paleontological  
5 resources.

6 **SEC. 6304. COLLECTION OF PALEONTOLOGICAL RE-**  
7 **SOURCES.**

8 (a) PERMIT REQUIREMENT.—

9 (1) IN GENERAL.—Except as provided in this  
10 subtitle, a paleontological resource may not be col-  
11 lected from Federal land without a permit issued  
12 under this subtitle by the Secretary.

13 (2) CASUAL COLLECTING EXCEPTION.—The  
14 Secretary may allow casual collecting without a per-  
15 mit on Federal land controlled or administered by  
16 the Bureau of Land Management, the Bureau of  
17 Reclamation, and the Forest Service, where such col-  
18 lection is consistent with the laws governing the  
19 management of those Federal land and this subtitle.

20 (3) PREVIOUS PERMIT EXCEPTION.—Nothing in  
21 this section shall affect a valid permit issued prior  
22 to the date of enactment of this Act.

23 (b) CRITERIA FOR ISSUANCE OF A PERMIT.—The  
24 Secretary may issue a permit for the collection of a paleon-  
25 tological resource pursuant to an application if the Sec-  
26 retary determines that—

1           (1) the applicant is qualified to carry out the  
2 permitted activity;

3           (2) the permitted activity is undertaken for the  
4 purpose of furthering paleontological knowledge or  
5 for public education;

6           (3) the permitted activity is consistent with any  
7 management plan applicable to the Federal land  
8 concerned; and

9           (4) the proposed methods of collecting will not  
10 threaten significant natural or cultural resources.

11       (c) PERMIT SPECIFICATIONS.—A permit for the col-  
12 lection of a paleontological resource issued under this sec-  
13 tion shall contain such terms and conditions as the Sec-  
14 retary deems necessary to carry out the purposes of this  
15 subtitle. Every permit shall include requirements that—

16           (1) the paleontological resource that is collected  
17 from Federal land under the permit will remain the  
18 property of the United States;

19           (2) the paleontological resource and copies of  
20 associated records will be preserved for the public in  
21 an approved repository, to be made available for sci-  
22 entific research and public education; and

23           (3) specific locality data will not be released by  
24 the permittee or repository without the written per-  
25 mission of the Secretary.

1 (d) MODIFICATION, SUSPENSION, AND REVOCATION  
2 OF PERMITS.—

3 (1) The Secretary may modify, suspend, or re-  
4 voke a permit issued under this section—

5 (A) for resource, safety, or other manage-  
6 ment considerations; or

7 (B) when there is a violation of term or  
8 condition of a permit issued pursuant to this  
9 section.

10 (2) The permit shall be revoked if any person  
11 working under the authority of the permit is con-  
12 victed under section 6306 or is assessed a civil pen-  
13 alty under section 6307.

14 (e) AREA CLOSURES.—In order to protect paleon-  
15 tological or other resources or to provide for public safety,  
16 the Secretary may restrict access to or close areas under  
17 the Secretary's jurisdiction to the collection of paleontolog-  
18 ical resources.

19 **SEC. 6305. CURATION OF RESOURCES.**

20 Any paleontological resource, and any data and  
21 records associated with the resource, collected under a per-  
22 mit, shall be deposited in an approved repository. The Sec-  
23 retary may enter into agreements with non-Federal reposi-  
24 tories regarding the curation of these resources, data, and  
25 records.

1 **SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.**

2 (a) IN GENERAL.—A person may not—

3 (1) excavate, remove, damage, or otherwise  
4 alter or deface or attempt to excavate, remove, dam-  
5 age, or otherwise alter or deface any paleontological  
6 resources located on Federal land unless such activ-  
7 ity is conducted in accordance with this subtitle;

8 (2) exchange, transport, export, receive, or offer  
9 to exchange, transport, export, or receive any pale-  
10 ontological resource if the person knew or should  
11 have known such resource to have been excavated or  
12 removed from Federal land in violation of any provi-  
13 sions, rule, regulation, law, ordinance, or permit in  
14 effect under Federal law, including this subtitle; or

15 (3) sell or purchase or offer to sell or purchase  
16 any paleontological resource if the person knew or  
17 should have known such resource to have been exca-  
18 vated, removed, sold, purchased, exchanged, trans-  
19 ported, or received from Federal land.

20 (b) FALSE LABELING OFFENSES.—A person may not  
21 make or submit any false record, account, or label for,  
22 or any false identification of, any paleontological resource  
23 excavated or removed from Federal land.

24 (c) PENALTIES.—A person who knowingly violates or  
25 counsels, procures, solicits, or employs another person to  
26 violate subsection (a) or (b) shall, upon conviction, be

1 fined in accordance with title 18, United States Code, or  
2 imprisoned not more than 2 years, or both; but if the sum  
3 of the commercial and paleontological value of the paleon-  
4 tological resources involved and the cost of restoration and  
5 repair of such resources does not exceed \$500, such person  
6 shall be fined in accordance with title 18, United States  
7 Code, or imprisoned not more than 5 years, or both.

8 (d) **MULTIPLE OFFENSES.**—In the case of a second  
9 or subsequent violation by the same person, the amount  
10 of the penalty assessed under subsection (c) may be dou-  
11 bled.

12 (e) **GENERAL EXCEPTION.**—Nothing in subsection  
13 (a) shall apply to any person with respect to any paleon-  
14 tological resource which was in the lawful possession of  
15 such person prior to the date of enactment of this Act.

16 **SEC. 6307. CIVIL PENALTIES.**

17 (a) **IN GENERAL.**—

18 (1) **HEARING.**—A person who violates any pro-  
19 hibition contained in an applicable regulation or per-  
20 mit issued under this subtitle may be assessed a  
21 penalty by the Secretary after the person is given  
22 notice and opportunity for a hearing with respect to  
23 the violation. Each violation shall be considered a  
24 separate offense for purposes of this section.

1           (2) AMOUNT OF PENALTY.—The amount of  
2 such penalty assessed under paragraph (1) shall be  
3 determined under regulations promulgated pursuant  
4 to this subtitle, taking into account the following  
5 factors:

6           (A) The scientific or fair market value,  
7 whichever is greater, of the paleontological re-  
8 source involved, as determined by the Secretary.

9           (B) The cost of response, restoration, and  
10 repair of the resource and the paleontological  
11 site involved.

12           (C) Any other factors considered relevant  
13 by the Secretary assessing the penalty.

14           (3) MULTIPLE OFFENSES.—In the case of a  
15 second or subsequent violation by the same person,  
16 the amount of a penalty assessed under paragraph  
17 (2) may be doubled.

18           (4) LIMITATION.—The amount of any penalty  
19 assessed under this subsection for any 1 violation  
20 shall not exceed an amount equal to double the cost  
21 of response, restoration, and repair of resources and  
22 paleontological site damage plus double the scientific  
23 or fair market value of resources destroyed or not  
24 recovered.

1 (b) PETITION FOR JUDICIAL REVIEW; COLLECTION  
2 OF UNPAID ASSESSMENTS.—

3 (1) JUDICIAL REVIEW.—Any person against  
4 whom an order is issued assessing a penalty under  
5 subsection (a) may file a petition for judicial review  
6 of the order in the United States District Court for  
7 the District of Columbia or in the district in which  
8 the violation is alleged to have occurred within the  
9 30-day period beginning on the date the order mak-  
10 ing the assessment was issued. Upon notice of such  
11 filing, the Secretary shall promptly file such a cer-  
12 tified copy of the record on which the order was  
13 issued. The court shall hear the action on the record  
14 made before the Secretary and shall sustain the ac-  
15 tion if it is supported by substantial evidence on the  
16 record considered as a whole.

17 (2) FAILURE TO PAY.—If any person fails to  
18 pay a penalty under this section within 30 days—

19 (A) after the order making assessment has  
20 become final and the person has not filed a pe-  
21 tition for judicial review of the order in accord-  
22 ance with paragraph (1); or

23 (B) after a court in an action brought in  
24 paragraph (1) has entered a final judgment up-  
25 holding the assessment of the penalty, the Sec-



1           retary may request the Attorney General to in-  
2           stitute a civil action in a district court of the  
3           United States for any district in which the per-  
4           son if found, resides, or transacts business, to  
5           collect the penalty (plus interest at currently  
6           prevailing rates from the date of the final order  
7           or the date of the final judgment, as the case  
8           may be). The district court shall have jurisdic-  
9           tion to hear and decide any such action. In  
10          such action, the validity, amount, and appro-  
11          priateness of such penalty shall not be subject  
12          to review. Any person who fails to pay on a  
13          timely basis the amount of an assessment of a  
14          civil penalty as described in the first sentence of  
15          this paragraph shall be required to pay, in addi-  
16          tion to such amount and interest, attorneys fees  
17          and costs for collection proceedings.

18          (c) HEARINGS.—Hearings held during proceedings  
19          instituted under subsection (a) shall be conducted in ac-  
20          cordance with section 554 of title 5, United States Code.

21          (d) USE OF RECOVERED AMOUNTS.—Penalties col-  
22          lected under this section shall be available to the Secretary  
23          and without further appropriation may be used only as  
24          follows:

1           (1) To protect, restore, or repair the paleon-  
2           tological resources and sites which were the subject  
3           of the action, or to acquire sites with equivalent re-  
4           sources, and to protect, monitor, and study the re-  
5           sources and sites. Any acquisition shall be subject to  
6           any limitations contained in the organic legislation  
7           for such Federal land.

8           (2) To provide educational materials to the  
9           public about paleontological resources and sites.

10          (3) To provide for the payment of rewards as  
11          provided in section 6308.

12 **SEC. 6308. REWARDS AND FORFEITURE.**

13          (a) REWARDS.—The Secretary may pay from pen-  
14          alties collected under section 6306 or 6307 or from appro-  
15          priated funds—

16                (1) consistent with amounts established in regu-  
17                lations by the Secretary; or

18                (2) if no such regulation exists, an amount up  
19                to ½ of the penalties, to any person who furnishes  
20                information which leads to the finding of a civil vio-  
21                lation, or the conviction of criminal violation, with  
22                respect to which the penalty was paid. If several per-  
23                sons provided the information, the amount shall be  
24                divided among the persons. No officer or employee  
25                of the United States or of any State or local govern-

1           ment who furnishes information or renders service in  
2           the performance of his official duties shall be eligible  
3           for payment under this subsection.

4           (b) FORFEITURE.—All paleontological resources with  
5           respect to which a violation under section 6306 or 6307  
6           occurred and which are in the possession of any person,  
7           and all vehicles and equipment of any person that were  
8           used in connection with the violation, shall be subject to  
9           civil forfeiture, or upon conviction, to criminal forfeiture.  
10          All provisions of law relating to the seizure, forfeiture, and  
11          condemnation of property for a violation of this subtitle,  
12          the disposition of such property or the proceeds from the  
13          sale thereof, and remission or mitigation of such for-  
14          feiture, as well as the procedural provisions of chapter 46  
15          of title 18, United States Code, shall apply to the seizures  
16          and forfeitures incurred or alleged to have incurred under  
17          the provisions of this subtitle.

18          (c) TRANSFER OF SEIZED RESOURCES.—The Sec-  
19          retary may transfer administration of seized paleontolog-  
20          ical resources to Federal or non-Federal educational insti-  
21          tutions to be used for scientific or educational purposes.

22          **SEC. 6309. CONFIDENTIALITY.**

23          Information concerning the nature and specific loca-  
24          tion of a paleontological resource shall be exempt from dis-  
25          closure under section 552 of title 5, United States Code,

1 and any other law unless the Secretary determines that  
2 disclosure would—

3 (1) further the purposes of this subtitle;

4 (2) not create risk of harm to or theft or de-  
5 struction of the resource or the site containing the  
6 resource; and

7 (3) be in accordance with other applicable laws.

8 **SEC. 6310. REGULATIONS.**

9 As soon as practical after the date of enactment of  
10 this Act, the Secretary shall issue such regulations as are  
11 appropriate to carry out this subtitle, providing opportuni-  
12 ties for public notice and comment.

13 **SEC. 6311. SAVINGS PROVISIONS.**

14 Nothing in this subtitle shall be construed to—

15 (1) invalidate, modify, or impose any additional  
16 restrictions or permitting requirements on any ac-  
17 tivities permitted at any time under the general min-  
18 ing laws, the mineral or geothermal leasing laws,  
19 laws providing for minerals materials disposal, or  
20 laws providing for the management or regulation of  
21 the activities authorized by the aforementioned laws  
22 including but not limited to the Federal Land Policy  
23 Management Act (43 U.S.C. 1701–1784), Public  
24 Law 94–429 (commonly known as the “Mining in  
25 the Parks Act”) (16 U.S.C. 1901 et seq.), the Sur-

1 face Mining Control and Reclamation Act of 1977  
2 (30 U.S.C. 1201–1358), and the Organic Adminis-  
3 tration Act (16 U.S.C. 478, 482, 551);

4 (2) invalidate, modify, or impose any additional  
5 restrictions or permitting requirements on any ac-  
6 tivities permitted at any time under existing laws  
7 and authorities relating to reclamation and multiple  
8 uses of Federal land;

9 (3) apply to, or require a permit for, casual col-  
10 lecting of a rock, mineral, or invertebrate or plant  
11 fossil that is not protected under this subtitle;

12 (4) affect any land other than Federal land or  
13 affect the lawful recovery, collection, or sale of pale-  
14 ontological resources from land other than Federal  
15 land;

16 (5) alter or diminish the authority of a Federal  
17 agency under any other law to provide protection for  
18 paleontological resources on Federal land in addition  
19 to the protection provided under this subtitle; or

20 (6) create any right, privilege, benefit, or enti-  
21 tlement for any person who is not an officer or em-  
22 ployee of the United States acting in that capacity.  
23 No person who is not an officer or employee of the  
24 United States acting in that capacity shall have  
25 standing to file any civil action in a court of the

1 United States to enforce any provision or amend-  
2 ment made by this subtitle.

3 **SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums  
5 as may be necessary to carry out this subtitle.

6 **Subtitle E—Izembek National**  
7 **Wildlife Refuge Land Exchange**

8 **SEC. 6401. DEFINITIONS.**

9 In this subtitle:

10 (1) CORPORATION.—The term “Corporation”  
11 means the King Cove Corporation.

12 (2) FEDERAL LAND.—The term “Federal land”  
13 means—

14 (A) the approximately 206 acres of Federal  
15 land located within the Refuge, as generally de-  
16 picted on the map; and

17 (B) the approximately 1,600 acres of Fed-  
18 eral land located on Sitkinak Island, as gen-  
19 erally depicted on the map.

20 (3) MAP.—The term “map” means each of—

21 (A) the map entitled “Izembek and Alaska  
22 Peninsula National Wildlife Refuges” and dated  
23 September 2, 2008; and

1 (B) the map entitled “Sitkinak Island–  
2 Alaska Maritime National Wildlife Refuge” and  
3 dated September 2, 2008.

4 (4) NON-FEDERAL LAND.—The term “non-Fed-  
5 eral land” means—

6 (A) the approximately 43,093 acres of land  
7 owned by the State, as generally depicted on  
8 the map; and

9 (B) the approximately 13,300 acres of land  
10 owned by the Corporation (including approxi-  
11 mately 5,430 acres of land for which the Cor-  
12 poration shall relinquish the selection rights of  
13 the Corporation under the Alaska Native  
14 Claims Settlement Act (43 U.S.C. 1601 et seq.)  
15 as part of the land exchange under section  
16 6402(a)), as generally depicted on the map.

17 (5) REFUGE.—The term “Refuge” means the  
18 Izembek National Wildlife Refuge.

19 (6) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21 (7) STATE.—The term “State” means the State  
22 of Alaska.

23 (8) TRIBE.—The term “Tribe” means the  
24 Agdaagux Tribe of King Cove, Alaska.

1 **SEC. 6402. LAND EXCHANGE.**

2 (a) IN GENERAL.—Upon receipt of notification by  
3 the State and the Corporation of the intention of the State  
4 and the Corporation to exchange the non-Federal land for  
5 the Federal land, subject to the conditions and require-  
6 ments described in this subtitle, the Secretary may convey  
7 to the State all right, title, and interest of the United  
8 States in and to the Federal land. The Federal land within  
9 the Refuge shall be transferred for the purpose of con-  
10 structing a single-lane gravel road between the commu-  
11 nities of King Cove and Cold Bay, Alaska.

12 (b) COMPLIANCE WITH NATIONAL ENVIRONMENTAL  
13 POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.—

14 (1) IN GENERAL.—In determining whether to  
15 carry out the land exchange under subsection (a),  
16 the Secretary shall—

17 (A) comply with the National Environ-  
18 mental Policy Act of 1969 (42 U.S.C. 4321 et  
19 seq.); and

20 (B) except as provided in subsection (c),  
21 comply with any other applicable law (including  
22 regulations).

23 (2) ENVIRONMENTAL IMPACT STATEMENT.—

24 (A) IN GENERAL.—Not later than 60 days  
25 after the date on which the Secretary receives  
26 notification under subsection (a), the Secretary



1 shall initiate the preparation of an environ-  
2 mental impact statement required under the  
3 National Environmental Policy Act of 1969 (42  
4 U.S.C. 4321 et seq.).

5 (B) REQUIREMENTS.—The environmental  
6 impact statement prepared under subparagraph  
7 (A) shall contain—

8 (i) an analysis of—

9 (I) the proposed land exchange;  
10 and

11 (II) the potential construction  
12 and operation of a road between the  
13 communities of King Cove and Cold  
14 Bay, Alaska; and

15 (ii) an evaluation of a specific road  
16 corridor through the Refuge that is identi-  
17 fied in consultation with the State, the  
18 City of King Cove, Alaska, and the Tribe.

19 (3) COOPERATING AGENCIES.—

20 (A) IN GENERAL.—During the preparation  
21 of the environmental impact statement under  
22 paragraph (2), each entity described in sub-  
23 paragraph (B) may participate as a cooperating  
24 agency.

1 (B) AUTHORIZED ENTITIES.—An author-  
2 ized entity may include—

3 (i) any Federal agency that has per-  
4 mitting jurisdiction over the road described  
5 in paragraph (2)(B)(i)(II);

6 (ii) the State;

7 (iii) the Aleutians East Borough of  
8 the State;

9 (iv) the City of King Cove, Alaska;

10 (v) the Tribe; and

11 (vi) the Alaska Migratory Bird Co-  
12 Management Council.

13 (c) VALUATION.—The conveyance of the Federal land  
14 and non-Federal land under this section shall not be sub-  
15 ject to any requirement under any Federal law (including  
16 regulations) relating to the valuation, appraisal, or equali-  
17 zation of land.

18 (d) PUBLIC INTEREST DETERMINATION.—

19 (1) CONDITIONS FOR LAND EXCHANGE.—Sub-  
20 ject to paragraph (2), to carry out the land exchange  
21 under subsection (a), the Secretary shall determine  
22 that the land exchange (including the construction of  
23 a road between the City of King Cove, Alaska, and  
24 the Cold Bay Airport) is in the public interest.

1           (2) LIMITATION OF AUTHORITY OF SEC-  
2           RETARY.—The Secretary may not, as a condition for  
3           a finding that the land exchange is in the public in-  
4           terest—

5                   (A) require the State or the Corporation to  
6                   convey additional land to the United States; or

7                   (B) impose any restriction on the subsist-  
8                   ence uses (as defined in section 803 of the  
9                   Alaska National Interest Lands Conservation  
10                  Act (16 U.S.C. 3113)) of waterfowl by rural  
11                  residents of the State.

12          (e) KINZAROFF LAGOON.—The land exchange under  
13          subsection (a) shall not be carried out before the date on  
14          which the parcel of land owned by the State that is located  
15          in the Kinzaroff Lagoon has been designated by the State  
16          as a State refuge, in accordance with the applicable laws  
17          (including regulations) of the State.

18          (f) DESIGNATION OF ROAD CORRIDOR.—In desig-  
19          nating the road corridor described in subsection  
20          (b)(2)(B)(ii), the Secretary shall—

21                   (1) minimize the adverse impact of the road  
22                   corridor on the Refuge;

23                   (2) transfer the minimum acreage of Federal  
24                   land that is required for the construction of the road  
25                   corridor; and

1           (3) to the maximum extent practicable, incor-  
2           porate into the road corridor roads that are in exist-  
3           ence as of the date of enactment of this Act.

4           (g) **ADDITIONAL TERMS AND CONDITIONS.**—The  
5           land exchange under subsection (a) shall be subject to any  
6           other term or condition that the Secretary determines to  
7           be necessary.

8           **SEC. 6403. KING COVE ROAD.**

9           (a) **REQUIREMENTS RELATING TO USE, BARRIER**  
10          **CABLES, AND DIMENSIONS.**—

11          (1) **LIMITATIONS ON USE.**—

12                 (A) **IN GENERAL.**—Except as provided in  
13                 subparagraph (B), any portion of the road con-  
14                 structed on the Federal land conveyed pursuant  
15                 to this subtitle shall be used primarily for  
16                 health and safety purposes (including access to  
17                 and from the Cold Bay Airport) and only for  
18                 noncommercial purposes.

19                 (B) **EXCEPTIONS.**—Notwithstanding sub-  
20                 paragraph (A), the use of taxis, commercial  
21                 vans for public transportation, and shared rides  
22                 (other than organized transportation of employ-  
23                 ees to a business or other commercial facility)  
24                 shall be allowed on the road described in sub-  
25                 paragraph (A).

1           (C) REQUIREMENT OF AGREEMENT.—The  
2           limitations of the use of the road described in  
3           this paragraph shall be enforced in accordance  
4           with an agreement entered into between the  
5           Secretary and the State.

6           (2) REQUIREMENT OF BARRIER CABLE.—The  
7           road described in paragraph (1)(A) shall be con-  
8           structed to include a cable barrier on each side of  
9           the road, as described in the record of decision enti-  
10          tled “Mitigation Measure MM-11, King Cove Access  
11          Project Final Environmental Impact Statement  
12          Record of Decision” and dated January 22, 2004,  
13          unless a different type barrier is required as a miti-  
14          gation measure in the Record of Decision for Final  
15          Environmental Impact Statement required in section  
16          6402(b)(2).

17          (3) REQUIRED DIMENSIONS AND DESIGN FEA-  
18          TURES.—The road described in paragraph (1)(A)  
19          shall—

20                 (A) have a width of not greater than a sin-  
21                 gle lane, in accordance with the applicable road  
22                 standards of the State;

23                 (B) be constructed with gravel;

24                 (C) be constructed to comply with any spe-  
25                 cific design features identified in the Record of

1           Decision for Final Environmental Impact State-  
2           ment required in section 6402(b)(2) as Mitiga-  
3           tion Measures relative to the passage and mi-  
4           gration of wildlife, and also the exchange of  
5           tidal flows, where applicable, in accordance with  
6           applicable Federal and State design standards;  
7           and

8                   (D) if determined to be necessary, be con-  
9           structed to include appropriate safety pullouts.

10       (b) SUPPORT FACILITIES.—Support facilities for the  
11 road described in subsection (a)(1)(A) shall not be located  
12 within the Refuge.

13       (c) FEDERAL PERMITS.—It is the intent of Congress  
14 that any Federal permit required for construction of the  
15 road be issued or denied not later than 1 year after the  
16 date of application for the permit.

17       (d) APPLICABLE LAW.—Nothing in this section  
18 amends, or modifies the application of, section 1110 of  
19 the Alaska National Interest Lands Conservation Act (16  
20 U.S.C. 3170).

21       (e) MITIGATION PLAN.—

22           (1) IN GENERAL.—Based on the evaluation of  
23 impacts determined through the completion of the  
24 environmental impact statement under section  
25 6402(b)(2), the Secretary, in consultation with the

1 entities described in section 6402(b)(3)(B), shall de-  
2 velop an enforceable mitigation plan.

3 (2) CORRECTIVE MODIFICATIONS.—The Sec-  
4 retary may make corrective modifications to the  
5 mitigation plan developed under paragraph (1) if—

6 (A) the mitigation standards required  
7 under the mitigation plan are maintained; and

8 (B) the Secretary provides an opportunity  
9 for public comment with respect to any pro-  
10 posed corrective modification.

11 (3) AVOIDANCE OF WILDLIFE IMPACTS.—Road  
12 construction shall adhere to any specific mitigation  
13 measures included in the Record of Decision for  
14 Final Environmental Impact Statement required in  
15 section 6402(b)(2) that—

16 (A) identify critical periods during the cal-  
17 endar year when the refuge is utilized by wild-  
18 life, especially migratory birds; and

19 (B) include specific mandatory strategies  
20 to alter, limit or halt construction activities dur-  
21 ing identified high risk periods in order to mini-  
22 mize impacts to wildlife, and

23 (C) allow for the timely construction of the  
24 road.

1           (4) MITIGATION OF WETLAND LOSS.—The plan  
2           developed under this subsection shall comply with  
3           section 404 of the Federal Water Pollution Control  
4           Act (33 U.S.C. 1344) with regard to minimizing, to  
5           the greatest extent practicable, the filling, frag-  
6           mentation or loss of wetlands, especially intertidal  
7           wetlands, and shall evaluate mitigating effect of  
8           those wetlands transferred in Federal ownership  
9           under the provisions of this subtitle.

10 **SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.**

11           (1) FEDERAL LAND.—Upon completion of the  
12           land exchange under section 6402(a)—

13                   (A) the boundary of the land designated as  
14                   wilderness within the Refuge shall be modified  
15                   to exclude the Federal land conveyed to the  
16                   State under the land exchange; and

17                   (B) the Federal land located on Sitkinak  
18                   Island that is withdrawn for use by the Coast  
19                   Guard shall, at the request of the State, be  
20                   transferred by the Secretary to the State upon  
21                   the relinquishment or termination of the with-  
22                   drawal.

23           (2) NON-FEDERAL LAND.—Upon completion of  
24           the land exchange under section 6402(a), the non-



1 Federal land conveyed to the United States under  
2 this subtitle shall be—

3 (A) added to the Refuge or the Alaska Pe-  
4 ninsula National Wildlife Refuge, as appro-  
5 priate, as generally depicted on the map; and

6 (B) administered in accordance with the  
7 laws generally applicable to units of the Na-  
8 tional Wildlife Refuge System.

9 (3) WILDERNESS ADDITIONS.—

10 (A) IN GENERAL.—Upon completion of the  
11 land exchange under section 6402(a), approxi-  
12 mately 43,093 acres of land as generally de-  
13 picted on the map shall be added to—

14 (i) the Izembek National Wildlife Ref-  
15 uge Wilderness; or

16 (ii) the Alaska Peninsula National  
17 Wildlife Refuge Wilderness.

18 (B) ADMINISTRATION.—The land added as  
19 wilderness under subparagraph (A) shall be ad-  
20 ministered by the Secretary in accordance with  
21 the Wilderness Act (16 U.S.C. 1131 et seq.)  
22 and other applicable laws (including regula-  
23 tions).

1 **SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.**

2 (a) NOTIFICATION TO VOID LAND EXCHANGE.—If  
3 the Secretary, the State, and the Corporation enter into  
4 the land exchange authorized under section 6402(a), the  
5 State or the Corporation may notify the Secretary in writ-  
6 ing of the intention of the State or Corporation to void  
7 the exchange if construction of the road through the Ref-  
8 uge has not begun.

9 (b) DISPOSITION OF LAND EXCHANGE.—Upon the  
10 latter of the date on which the Secretary receives a request  
11 under subsection (a), and the date on which the Secretary  
12 determines that the Federal land conveyed under the land  
13 exchange under section 6402(a) has not been adversely  
14 impacted (other than any nominal impact associated with  
15 the preparation of an environmental impact statement  
16 under section 6402(b)(2)), the land exchange shall be null  
17 and void.

18 (c) RETURN OF PRIOR OWNERSHIP STATUS OF FED-  
19 ERAL AND NON-FEDERAL LAND.—If the land exchange  
20 is voided under subsection (b)—

21 (1) the Federal land and non-Federal land shall  
22 be returned to the respective ownership status of  
23 each land prior to the land exchange;

24 (2) the parcel of the Federal land that is lo-  
25 cated in the Refuge shall be managed as part of the  
26 Izembek National Wildlife Refuge Wilderness; and

1           (3) each selection of the Corporation under the  
2       Alaska Native Claims Settlement Act (43 U.S.C.  
3       1601 et seq.) that was relinquished under this sub-  
4       title shall be reinstated.

5   **SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.**

6       (a) **IN GENERAL.**—Any legislative authority for con-  
7       struction of a road shall expire at the end of the 7-year  
8       period beginning on the date of the enactment of this sub-  
9       title unless a construction permit has been issued during  
10      that period.

11      (b) **EXTENSION OF AUTHORITY.**—If a construction  
12      permit is issued within the allotted period, the 7-year au-  
13      thority shall be extended for a period of 5 additional years  
14      beginning on the date of issuance of the construction per-  
15      mit.

16      (c) **EXTENSION OF AUTHORITY AS RESULT OF**  
17      **LEGAL CHALLENGES.**—

18           (1) **IN GENERAL.**—Prior to the issuance of a  
19      construction permit, if a lawsuit or administrative  
20      appeal is filed challenging the land exchange or con-  
21      struction of the road (including a challenge to the  
22      NEPA process, decisions, or any required permit  
23      process required to complete construction of the  
24      road), the 7-year deadline or the five-year extension  
25      period, as appropriate, shall be extended for a time

1 period equivalent to the time consumed by the full  
2 adjudication of the legal challenge or related admin-  
3 istrative process.

4 (2) INJUNCTION.—After a construction permit  
5 has been issued, if a court issues an injunction  
6 against construction of the road, the 7-year deadline  
7 or 5-year extension, as appropriate, shall be ex-  
8 tended for a time period equivalent to time period  
9 that the injunction is in effect.

10 (d) APPLICABILITY OF SECTION 6405.—Upon the ex-  
11 piration of the legislative authority under this section, if  
12 a road has not been constructed, the land exchange shall  
13 be null and void and the land ownership shall revert to  
14 the respective ownership status prior to the land exchange  
15 as provided in section 6405.

## 16 **Subtitle F—Wolf Livestock Loss** 17 **Demonstration Project**

### 18 **SEC. 6501. DEFINITIONS.**

19 In this subtitle:

20 (1) INDIAN TRIBE.—The term “Indian tribe”  
21 has the meaning given the term in section 4 of the  
22 Indian Self-Determination and Education Assistance  
23 Act (25 U.S.C. 450b).

24 (2) LIVESTOCK.—The term “livestock” means  
25 cattle, swine, horses, mules, sheep, goats, livestock

1 guard animals, and other domestic animals, as de-  
2 termined by the Secretary.

3 (3) PROGRAM.—The term “program” means  
4 the demonstration program established under section  
5 6502(a).

6 (4) SECRETARIES.—The term “Secretaries”  
7 means the Secretary of the Interior and the Sec-  
8 retary of Agriculture, acting jointly.

9 **SEC. 6502. WOLF COMPENSATION AND PREVENTION PRO-**  
10 **GRAM.**

11 (a) IN GENERAL.—The Secretaries shall establish a  
12 5-year demonstration program to provide grants to States  
13 and Indian tribes—

14 (1) to assist livestock producers in undertaking  
15 proactive, non-lethal activities to reduce the risk of  
16 livestock loss due to predation by wolves; and

17 (2) to compensate livestock producers for live-  
18 stock losses due to such predation.

19 (b) CRITERIA AND REQUIREMENTS.—The Secretaries  
20 shall—

21 (1) establish criteria and requirements to imple-  
22 ment the program; and

23 (2) when promulgating regulations to imple-  
24 ment the program under paragraph (1), consult with

1 States that have implemented State programs that  
2 provide assistance to—

3 (A) livestock producers to undertake  
4 proactive activities to reduce the risk of live-  
5 stock loss due to predation by wolves; or

6 (B) provide compensation to livestock pro-  
7 ducers for livestock losses due to such preda-  
8 tion.

9 (c) ELIGIBILITY.—To be eligible to receive a grant  
10 under subsection (a), a State or Indian tribe shall—

11 (1) designate an appropriate agency of the  
12 State or Indian tribe to administer the 1 or more  
13 programs funded by the grant;

14 (2) establish 1 or more accounts to receive  
15 grant funds;

16 (3) maintain files of all claims received under  
17 programs funded by the grant, including supporting  
18 documentation;

19 (4) submit to the Secretary—

20 (A) annual reports that include—

21 (i) a summary of claims and expendi-  
22 tures under the program during the year;  
23 and

24 (ii) a description of any action taken  
25 on the claims; and

1 (B) such other reports as the Secretary  
2 may require to assist the Secretary in deter-  
3 mining the effectiveness of activities provided  
4 assistance under this section; and

5 (5) promulgate rules for reimbursing livestock  
6 producers under the program.

7 (d) ALLOCATION OF FUNDING.—The Secretaries  
8 shall allocate funding made available to carry out this sub-  
9 title—

10 (1) equally between the uses identified in para-  
11 graphs (1) and (2) of subsection (a); and

12 (2) among States and Indian tribes based on—

13 (A) the level of livestock predation in the  
14 State or on the land owned by, or held in trust  
15 for the benefit of, the Indian tribe;

16 (B) whether the State or Indian tribe is lo-  
17 cated in a geographical area that is at high risk  
18 for livestock predation; or

19 (C) any other factors that the Secretaries  
20 determine are appropriate.

21 (e) ELIGIBLE LAND.—Activities and losses described  
22 in subsection (a) may occur on Federal, State, or private  
23 land, or land owned by, or held in trust for the benefit  
24 of, an Indian tribe.

1 (f) FEDERAL COST SHARE.—The Federal share of  
2 the cost of any activity provided assistance made available  
3 under this subtitle shall not exceed 50 percent of the total  
4 cost of the activity.

5 **SEC. 6503. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to carry out  
7 this subtitle \$1,000,000 for fiscal year 2009 and each fis-  
8 cal year thereafter.

9 **TITLE VII—NATIONAL PARK**  
10 **SERVICE AUTHORIZATIONS**  
11 **Subtitle A—Additions to the**  
12 **National Park System**

13 **SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTOR-**  
14 **ICAL PARK, NEW JERSEY.**

15 (a) DEFINITIONS.—In this section:

16 (1) CITY.—The term “City” means the City of  
17 Paterson, New Jersey.

18 (2) COMMISSION.—The term “Commission”  
19 means the Paterson Great Falls National Historical  
20 Park Advisory Commission established by subsection  
21 (e)(1).

22 (3) HISTORIC DISTRICT.—The term “Historic  
23 District” means the Great Falls Historic District in  
24 the State.





1 (i)(I) the Secretary has acquired suffi-  
2 cient land or an interest in land within the  
3 boundary of the Park to constitute a man-  
4 ageable unit; or

5 (II) the State or City, as appropriate,  
6 has entered into a written agreement with  
7 the Secretary to donate—

8 (aa) the Great Falls State Park,  
9 including facilities for Park adminis-  
10 tration and visitor services; or

11 (bb) any portion of the Great  
12 Falls State Park agreed to between  
13 the Secretary and the State or City;  
14 and

15 (ii) the Secretary has entered into a  
16 written agreement with the State, City, or  
17 other public entity, as appropriate, pro-  
18 viding that—

19 (I) land owned by the State,  
20 City, or other public entity within the  
21 Historic District will be managed con-  
22 sistent with this section; and

23 (II) future uses of land within  
24 the Historic District will be compat-  
25 ible with the designation of the Park.

1           (2) PURPOSE.—The purpose of the Park is to  
2           preserve and interpret for the benefit of present and  
3           future generations certain historical, cultural, and  
4           natural resources associated with the Historic Dis-  
5           trict.

6           (3) BOUNDARIES.—The Park shall include the  
7           following sites, as generally depicted on the Map:

8                   (A) The upper, middle, and lower race-  
9                   ways.

10                   (B) Mary Ellen Kramer (Great Falls)  
11                   Park and adjacent land owned by the City.

12                   (C) A portion of Upper Raceway Park, in-  
13                   cluding the Ivanhoe Wheelhouse and the Society  
14                   for Establishing Useful Manufactures Gate-  
15                   house.

16                   (D) Overlook Park and adjacent land, in-  
17                   cluding the Society for Establishing Useful  
18                   Manufactures Hydroelectric Plant and Adminis-  
19                   tration Building.

20                   (E) The Allied Textile Printing site, in-  
21                   cluding the Colt Gun Mill ruins, Mallory Mill  
22                   ruins, Waverly Mill ruins, and Todd Mill ruins.

23                   (F) The Rogers Locomotive Company  
24                   Erecting Shop, including the Paterson Museum.

25                   (G) The Great Falls Visitor Center.

1           (4) AVAILABILITY OF MAP.—The Map shall be  
2 on file and available for public inspection in the ap-  
3 propriate offices of the National Park Service.

4           (5) PUBLICATION OF NOTICE.—Not later than  
5 60 days after the date on which the conditions in  
6 clauses (i) and (ii) of paragraph (1)(B) are satisfied,  
7 the Secretary shall publish in the Federal Register  
8 notice of the establishment of the Park, including an  
9 official boundary map for the Park.

10 (c) ADMINISTRATION.—

11           (1) IN GENERAL.—The Secretary shall admin-  
12 ister the Park in accordance with—

13                   (A) this section; and

14                   (B) the laws generally applicable to units  
15 of the National Park System, including—

16                           (i) the National Park Service Organic  
17 Act (16 U.S.C. 1 et seq.); and

18                           (ii) the Act of August 21, 1935 (16  
19 U.S.C. 461 et seq.).

20           (2) STATE AND LOCAL JURISDICTION.—Noth-  
21 ing in this section enlarges, diminishes, or modifies  
22 any authority of the State, or any political subdivi-  
23 sion of the State (including the City)—

24                   (A) to exercise civil and criminal jurisdic-  
25 tion; or

1 (B) to carry out State laws (including reg-  
2 ulations) and rules on non-Federal land located  
3 within the boundary of the Park.

4 (3) COOPERATIVE AGREEMENTS.—

5 (A) IN GENERAL.—As the Secretary deter-  
6 mines to be appropriate to carry out this sec-  
7 tion, the Secretary may enter into cooperative  
8 agreements with the owner of the Great Falls  
9 Visitor Center or any nationally significant  
10 properties within the boundary of the Park  
11 under which the Secretary may identify, inter-  
12 pret, restore, and provide technical assistance  
13 for the preservation of the properties.

14 (B) RIGHT OF ACCESS.—A cooperative  
15 agreement entered into under subparagraph (A)  
16 shall provide that the Secretary, acting through  
17 the Director of the National Park Service, shall  
18 have the right of access at all reasonable times  
19 to all public portions of the property covered by  
20 the agreement for the purposes of—

21 (i) conducting visitors through the  
22 properties; and

23 (ii) interpreting the properties for the  
24 public.

1           (C) CHANGES OR ALTERATIONS.—No  
2 changes or alterations shall be made to any  
3 properties covered by a cooperative agreement  
4 entered into under subparagraph (A) unless the  
5 Secretary and the other party to the agreement  
6 agree to the changes or alterations.

7           (D) CONVERSION, USE, OR DISPOSAL.—  
8 Any payment made by the Secretary under this  
9 paragraph shall be subject to an agreement that  
10 the conversion, use, or disposal of a project for  
11 purposes contrary to the purposes of this sec-  
12 tion, as determined by the Secretary, shall enti-  
13 tle the United States to reimbursement in  
14 amount equal to the greater of—

15           (i) the amounts made available to the  
16 project by the United States; or

17           (ii) the portion of the increased value  
18 of the project attributable to the amounts  
19 made available under this paragraph, as  
20 determined at the time of the conversion,  
21 use, or, disposal.

22           (E) MATCHING FUNDS.—

23           (i) IN GENERAL.—As a condition of  
24 the receipt of funds under this paragraph,  
25 the Secretary shall require that any Fed-

1           eral funds made available under a coopera-  
2           tive agreement shall be matched on a 1-to-  
3           1 basis by non-Federal funds.

4                   (ii) FORM.—With the approval of the  
5           Secretary, the non-Federal share required  
6           under clause (i) may be in the form of do-  
7           nated property, goods, or services from a  
8           non-Federal source.

9           (4) ACQUISITION OF LAND.—

10                   (A) IN GENERAL.—The Secretary may ac-  
11           quire land or interests in land within the  
12           boundary of the Park by donation, purchase  
13           from a willing seller with donated or appro-  
14           priated funds, or exchange.

15                   (B) DONATION OF STATE OWNED LAND.—  
16           Land or interests in land owned by the State or  
17           any political subdivision of the State may only  
18           be acquired by donation.

19           (5) TECHNICAL ASSISTANCE AND PUBLIC IN-  
20           TERPRETATION.—The Secretary may provide tech-  
21           nical assistance and public interpretation of related  
22           historic and cultural resources within the boundary  
23           of the Historic District.

24           (d) MANAGEMENT PLAN.—

1           (1) IN GENERAL.—Not later than 3 fiscal years  
2 after the date on which funds are made available to  
3 carry out this subsection, the Secretary, in consulta-  
4 tion with the Commission, shall complete a manage-  
5 ment plan for the Park in accordance with—

6                   (A) section 12(b) of Public Law 91–383  
7           (commonly known as the “National Park Serv-  
8           ice General Authorities Act”) (16 U.S.C. 1a–  
9           7(b)); and

10                   (B) other applicable laws.

11           (2) COST SHARE.—The management plan shall  
12 include provisions that identify costs to be shared by  
13 the Federal Government, the State, and the City,  
14 and other public or private entities or individuals for  
15 necessary capital improvements to, and maintenance  
16 and operations of, the Park.

17           (3) SUBMISSION TO CONGRESS.—On completion  
18 of the management plan, the Secretary shall submit  
19 the management plan to—

20                   (A) the Committee on Energy and Natural  
21           Resources of the Senate; and

22                   (B) the Committee on Natural Resources  
23           of the House of Representatives.

24           (e) PATERSON GREAT FALLS NATIONAL HISTORICAL  
25 PARK ADVISORY COMMISSION.—



1           (1) ESTABLISHMENT.—There is established a  
2           commission to be known as the “Paterson Great  
3           Falls National Historical Park Advisory Commis-  
4           sion”.

5           (2) DUTIES.—The duties of the Commission  
6           shall be to advise the Secretary in the development  
7           and implementation of the management plan.

8           (3) MEMBERSHIP.—

9           (A) COMPOSITION.—The Commission shall  
10          be composed of 9 members, to be appointed by  
11          the Secretary, of whom—

12                 (i) 4 members shall be appointed after  
13                 consideration of recommendations sub-  
14                 mitted by the Governor of the State;

15                 (ii) 2 members shall be appointed  
16                 after consideration of recommendations  
17                 submitted by the City Council of Paterson,  
18                 New Jersey;

19                 (iii) 1 member shall be appointed  
20                 after consideration of recommendations  
21                 submitted by the Board of Chosen  
22                 Freeholders of Passaic County, New Jer-  
23                 sey; and

1 (iv) 2 members shall have experience  
2 with national parks and historic preserva-  
3 tion.

4 (B) INITIAL APPOINTMENTS.—The Sec-  
5 retary shall appoint the initial members of the  
6 Commission not later than the earlier of—

7 (i) the date that is 30 days after the  
8 date on which the Secretary has received  
9 all of the recommendations for appoint-  
10 ments under subparagraph (A); or

11 (ii) the date that is 30 days after the  
12 Park is established in accordance with sub-  
13 section (b).

14 (4) TERM; VACANCIES.—

15 (A) TERM.—

16 (i) IN GENERAL.—A member shall be  
17 appointed for a term of 3 years.

18 (ii) REAPPOINTMENT.—A member  
19 may be reappointed for not more than 1  
20 additional term.

21 (B) VACANCIES.—A vacancy on the Com-  
22 mission shall be filled in the same manner as  
23 the original appointment was made.

24 (5) MEETINGS.—The Commission shall meet at  
25 the call of—

1 (A) the Chairperson; or

2 (B) a majority of the members of the Com-  
3 mission.

4 (6) QUORUM.—A majority of the Commission  
5 shall constitute a quorum.

6 (7) CHAIRPERSON AND VICE CHAIRPERSON.—

7 (A) IN GENERAL.—The Commission shall  
8 select a Chairperson and Vice Chairperson from  
9 among the members of the Commission.

10 (B) VICE CHAIRPERSON.—The Vice Chair-  
11 person shall serve as Chairperson in the ab-  
12 sence of the Chairperson.

13 (C) TERM.—A member may serve as  
14 Chairperson or Vice Chairman for not more  
15 than 1 year in each office.

16 (8) COMMISSION PERSONNEL MATTERS.—

17 (A) COMPENSATION OF MEMBERS.—

18 (i) IN GENERAL.—Members of the  
19 Commission shall serve without compensa-  
20 tion.

21 (ii) TRAVEL EXPENSES.—Members of  
22 the Commission shall be allowed travel ex-  
23 penses, including per diem in lieu of sub-  
24 sistence, at rates authorized for an em-  
25 ployee of an agency under subchapter I of

1 chapter 57 of title 5, United States Code,  
2 while away from the home or regular place  
3 of business of the member in the perform-  
4 ance of the duties of the Commission.

5 (B) STAFF.—

6 (i) IN GENERAL.—The Secretary shall  
7 provide the Commission with any staff  
8 members and technical assistance that the  
9 Secretary, after consultation with the Com-  
10 mission, determines to be appropriate to  
11 enable the Commission to carry out the du-  
12 ties of the Commission.

13 (ii) DETAIL OF EMPLOYEES.—The  
14 Secretary may accept the services of per-  
15 sonnel detailed from—

16 (I) the State;

17 (II) any political subdivision of  
18 the State; or

19 (III) any entity represented on  
20 the Commission.

21 (9) FACA NONAPPLICABILITY.—Section 14(b)  
22 of the Federal Advisory Committee Act (5 U.S.C.  
23 App.) shall not apply to the Commission.

1           (10) TERMINATION.—The Commission shall  
2 terminate 10 years after the date of enactment of  
3 this Act.

4           (f) STUDY OF HINCHLIFFE STADIUM.—

5           (1) IN GENERAL.—Not later than 3 fiscal years  
6 after the date on which funds are made available to  
7 carry out this section, the Secretary shall complete  
8 a study regarding the preservation and interpreta-  
9 tion of Hinchliffe Stadium, which is listed on the  
10 National Register of Historic Places.

11           (2) INCLUSIONS.—The study shall include an  
12 assessment of—

13                   (A) the potential for listing the stadium as  
14 a National Historic Landmark; and

15                   (B) options for maintaining the historic in-  
16 tegrity of Hinchliffe Stadium.

17           (g) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated such sums as are nec-  
19 essary to carry out this section.

20 **SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE**  
21 **HOME NATIONAL HISTORIC SITE.**

22           (a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF  
23 HISTORIC SITE.—Should the Secretary of the Interior ac-  
24 quire, by donation only from the Clinton Birthplace Foun-  
25 dation, Inc., fee simple, unencumbered title to the William

1 Jefferson Clinton Birthplace Home site located at 117  
2 South Hervey Street, Hope, Arkansas, 71801, and to any  
3 personal property related to that site, the Secretary shall  
4 designate the William Jefferson Clinton Birthplace Home  
5 site as a National Historic Site and unit of the National  
6 Park System, to be known as the “President William Jef-  
7 ferson Clinton Birthplace Home National Historic Site”.

8 (b) APPLICABILITY OF OTHER LAWS.—The Sec-  
9 retary shall administer the President William Jefferson  
10 Clinton Birthplace Home National Historic Site in accord-  
11 ance with the laws generally applicable to national historic  
12 sites, including the Act entitled “An Act to establish a Na-  
13 tional Park Service, and for other purposes”, approved  
14 August 25, 1916 (16 U.S.C. 1–4), and the Act entitled  
15 “An Act to provide for the preservation of historic Amer-  
16 ican sites, buildings, objects and antiquities of national  
17 significance, and for other purposes”, approved August  
18 21, 1935 (16 U.S.C. 461 et seq.).

19 **SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—If Monroe County or Wayne  
22 County, Michigan, or other willing landowners in ei-  
23 ther County offer to donate to the United States  
24 land relating to the Battles of the River Raisin on  
25 January 18 and 22, 1813, or the aftermath of the

1 battles, the Secretary of the Interior (referred to in  
2 this section as the “Secretary”) shall accept the do-  
3 nated land.

4 (2) DESIGNATION OF PARK.—On the acquisi-  
5 tion of land under paragraph (1) that is of sufficient  
6 acreage to permit efficient administration, the Sec-  
7 retary shall designate the acquired land as a unit of  
8 the National Park System, to be known as the  
9 “River Raisin National Battlefield Park” (referred  
10 to in this section as the “Park”).

11 (3) LEGAL DESCRIPTION.—

12 (A) IN GENERAL.—The Secretary shall  
13 prepare a legal description of the land and in-  
14 terests in land designated as the Park by para-  
15 graph (2).

16 (B) AVAILABILITY OF MAP AND LEGAL DE-  
17 SCRPTION.—A map with the legal description  
18 shall be on file and available for public inspec-  
19 tion in the appropriate offices of the National  
20 Park Service.

21 (b) ADMINISTRATION.—

22 (1) IN GENERAL.—The Secretary shall manage  
23 the Park for the purpose of preserving and inter-  
24 preting the Battles of the River Raisin in accordance  
25 with the National Park Service Organic Act (16

1 U.S.C. 1 et seq.) and the Act of August 21, 1935  
2 (16 U.S.C. 461 et seq.).

3 (2) GENERAL MANAGEMENT PLAN.—

4 (A) IN GENERAL.—Not later than 3 years  
5 after the date on which funds are made avail-  
6 able, the Secretary shall complete a general  
7 management plan for the Park that, among  
8 other things, defines the role and responsibility  
9 of the Secretary with regard to the interpreta-  
10 tion and the preservation of the site.

11 (B) CONSULTATION.—The Secretary shall  
12 consult with and solicit advice and rec-  
13 ommendations from State, county, local, and  
14 civic organizations and leaders, and other inter-  
15 ested parties in the preparation of the manage-  
16 ment plan.

17 (C) INCLUSIONS.—The plan shall in-  
18 clude—

19 (i) consideration of opportunities for  
20 involvement by and support for the Park  
21 by State, county, and local governmental  
22 entities and nonprofit organizations and  
23 other interested parties; and



1                   (ii) steps for the preservation of the  
2                   resources of the site and the costs associ-  
3                   ated with these efforts.

4                   (D) SUBMISSION TO CONGRESS.—On the  
5                   completion of the general management plan, the  
6                   Secretary shall submit a copy of the plan to the  
7                   Committee on Natural Resources of the House  
8                   of Representatives and the Committee on En-  
9                   ergy and Natural Resources of the Senate.

10                  (3) COOPERATIVE AGREEMENTS.—The Sec-  
11                  retary may enter into cooperative agreements with  
12                  State, county, local, and civic organizations to carry  
13                  out this section.

14                  (c) REPORT.—Not later than 3 years after the date  
15                  of enactment of this Act, the Secretary shall submit to  
16                  the Committee on Energy and Natural Resources of the  
17                  Senate and the Committee on Natural Resources of the  
18                  House a report describing the progress made with respect  
19                  to acquiring real property under this section and desig-  
20                  nating the River Raisin National Battlefield Park.

21                  (d) AUTHORIZATION OF APPROPRIATIONS.—There  
22                  are authorized to be appropriated such sums as are nec-  
23                  essary to carry out this section.

1 **Subtitle B—Amendments to Exist-**  
2 **ing Units of the National Park**  
3 **System**

4 **SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTOR-**  
5 **ICAL PARK.**

6 (a) ACQUISITION OF PROPERTY.—Section 4 of Public  
7 Law 102–543 (16 U.S.C. 410yy–3) is amended by striking  
8 subsection (d).

9 (b) MATCHING FUNDS.—Section 8(b) of Public Law  
10 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking  
11 “\$4” and inserting “\$1”.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
13 10 of Public Law 102–543 (16 U.S.C. 410yy–9) is amend-  
14 ed—

15 (1) in subsection (a)—

16 (A) by striking “\$25,000,000” and insert-  
17 ing “\$50,000,000”; and

18 (B) by striking “\$3,000,000” and insert-  
19 ing “\$25,000,000”; and

20 (2) in subsection (b), by striking “\$100,000”  
21 and all that follows through “those duties” and in-  
22 serting “\$250,000”.

1 **SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE**  
2 **FACILITIES FOR WEIR FARM NATIONAL HIS-**  
3 **TORIC SITE.**

4 Section 4(d) of the Weir Farm National Historic Site  
5 Establishment Act of 1990 (16 U.S.C. 461 note) is  
6 amended—

7 (1) in paragraph (1)(B), by striking “contig-  
8 uous to” and all that follows and inserting “within  
9 Fairfield County.”;

10 (2) by amending paragraph (2) to read as fol-  
11 lows:

12 “(2) DEVELOPMENT.—

13 “(A) MAINTAINING NATURAL CHAR-  
14 ACTER.—The Secretary shall keep development  
15 of the property acquired under paragraph (1) to  
16 a minimum so that the character of the ac-  
17 quired property will be similar to the natural  
18 and undeveloped landscape of the property de-  
19 scribed in subsection (b).

20 “(B) TREATMENT OF PREVIOUSLY DEVEL-  
21 OPED PROPERTY.—Nothing in subparagraph  
22 (A) shall either prevent the Secretary from ac-  
23 quiring property under paragraph (1) that,  
24 prior to the Secretary’s acquisition, was devel-  
25 oped in a manner inconsistent with subpara-  
26 graph (A), or require the Secretary to reme-



1           (2) in subsection (c), by striking “map” and in-  
2           serting “maps”.

3 **SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL**  
4 **PARK BOUNDARY EXPANSION.**

5           Section 2 of the Act entitled “An Act to rename and  
6 expand the boundaries of the Mound City Group National  
7 Monument in Ohio”, approved May 27, 1992 (106 Stat.  
8 185), is amended—

9           (1) by striking “and” at the end of subsection  
10          (a)(3);

11          (2) by striking the period at the end of sub-  
12          section (a)(4) and inserting “; and”;

13          (3) by adding after subsection (a)(4) the fol-  
14          lowing new paragraph:

15                 “(5) the map entitled ‘Hopewell Culture Na-  
16                 tional Historical Park, Ohio Proposed Boundary Ad-  
17                 justment’ numbered 353/80,049 and dated June,  
18                 2006.”; and

19          (4) by adding after subsection (d)(2) the fol-  
20          lowing new paragraph:

21                 “(3) The Secretary may acquire lands added by  
22                 subsection (a)(5) only from willing sellers.”.

1 **SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK**  
2 **AND PRESERVE BOUNDARY ADJUSTMENT.**

3 (a) IN GENERAL.—Section 901 of the National Parks  
4 and Recreation Act of 1978 (16 U.S.C. 230) is amended  
5 in the second sentence by striking “of approximately twen-  
6 ty thousand acres generally depicted on the map entitled  
7 ‘Barataria Marsh Unit-Jean Lafitte National Historical  
8 Park and Preserve’ numbered 90,000B and dated April  
9 1978,” and inserting “generally depicted on the map enti-  
10 tled ‘Boundary Map, Barataria Preserve Unit, Jean La-  
11 fitte National Historical Park and Preserve’, numbered  
12 467/80100A, and dated December 2007,”.

13 (b) ACQUISITION OF LAND.—Section 902 of the Na-  
14 tional Parks and Recreation Act of 1978 (16 U.S.C. 230a)  
15 is amended—

16 (1) in subsection (a)—

17 (A) by striking “(a) Within the” and all  
18 that follows through the first sentence and in-  
19 serting the following:

20 “(a) IN GENERAL.—

21 “(1) BARATARIA PRESERVE UNIT.—

22 “(A) IN GENERAL.—The Secretary may  
23 acquire any land, water, and interests in land  
24 and water within the Barataria Preserve Unit  
25 by donation, purchase with donated or appro-

1           priedated funds, transfer from any other Federal  
2           agency, or exchange.

3           “(B) LIMITATIONS.—

4                   “(i) IN GENERAL.—Any non-Federal  
5           land depicted on the map described in sec-  
6           tion 901 as ‘Lands Proposed for Addition’  
7           may be acquired by the Secretary only with  
8           the consent of the owner of the land.

9                   “(ii) BOUNDARY ADJUSTMENT.—On  
10          the date on which the Secretary acquires a  
11          parcel of land described in clause (i), the  
12          boundary of the Barataria Preserve Unit  
13          shall be adjusted to reflect the acquisition.

14                   “(iii) EASEMENTS.—To ensure ade-  
15          quate hurricane protection of the commu-  
16          nities located in the area, any land identi-  
17          fied on the map described in section 901  
18          that is acquired or transferred shall be  
19          subject to any easements that have been  
20          agreed to by the Secretary and the Sec-  
21          retary of the Army.

22           “(C) TRANSFER OF ADMINISTRATION JU-  
23          RISDICTION.—Effective on the date of enact-  
24          ment of the Omnibus Public Land Management  
25          Act of 2009, administrative jurisdiction over

1           any Federal land within the areas depicted on  
2           the map described in section 901 as ‘Lands  
3           Proposed for Addition’ is transferred, without  
4           consideration, to the administrative jurisdiction  
5           of the National Park Service, to be adminis-  
6           tered as part of the Barataria Preserve Unit.”;

7           (B) in the second sentence, by striking  
8           “The Secretary may also acquire by any of the  
9           foregoing methods” and inserting the following:

10          “(2) FRENCH QUARTER.—The Secretary may  
11          acquire by any of the methods referred to in para-  
12          graph (1)(A)”;

13          (C) in the third sentence, by striking  
14          “Lands, waters, and interests therein” and in-  
15          serting the following:

16          “(3) ACQUISITION OF STATE LAND.—Land,  
17          water, and interests in land and water”; and

18          (D) in the fourth sentence, by striking “In  
19          acquiring” and inserting the following:

20          “(4) ACQUISITION OF OIL AND GAS RIGHTS.—  
21          In acquiring”;

22          (2) by striking subsections (b) through (f) and  
23          inserting the following:

24          “(b) RESOURCE PROTECTION.—With respect to the  
25          land, water, and interests in land and water of the



1 Barataria Preserve Unit, the Secretary shall preserve and  
2 protect—

3 “(1) fresh water drainage patterns;

4 “(2) vegetative cover;

5 “(3) the integrity of ecological and biological  
6 systems; and

7 “(4) water and air quality.

8 “(c) ADJACENT LAND.—With the consent of the  
9 owner and the parish governing authority, the Secretary  
10 may—

11 “(1) acquire land, water, and interests in land  
12 and water, by any of the methods referred to in sub-  
13 section (a)(1)(A) (including use of appropriations  
14 from the Land and Water Conservation Fund); and

15 “(2) revise the boundaries of the Barataria Pre-  
16 serve Unit to include adjacent land and water.”; and

17 (3) by redesignating subsection (g) as sub-  
18 section (d).

19 (c) DEFINITION OF IMPROVED PROPERTY.—Section  
20 903 of the National Parks and Recreation Act of 1978  
21 (16 U.S.C. 230b) is amended in the fifth sentence by in-  
22 serting “(or January 1, 2007, for areas added to the park  
23 after that date)” after “January 1, 1977”.

24 (d) HUNTING, FISHING, AND TRAPPING.—Section  
25 905 of the National Parks and Recreation Act of 1978

1 (16 U.S.C. 230d) is amended in the first sentence by  
2 striking “, except that within the core area and on those  
3 lands acquired by the Secretary pursuant to section 902(c)  
4 of this title, he” and inserting “on land, and interests in  
5 land and water managed by the Secretary, except that the  
6 Secretary”.

7 (e) ADMINISTRATION.—Section 906 of the National  
8 Parks and Recreation Act of 1978 (16 U.S.C. 230e) is  
9 amended—

10 (1) by striking the first sentence; and

11 (2) in the second sentence, by striking “Pend-  
12 ing such establishment and thereafter the” and in-  
13 serting “The”.

14 (f) REFERENCES IN LAW.—

15 (1) IN GENERAL.—Any reference in a law (in-  
16 cluding regulations), map, document, paper, or other  
17 record of the United States—

18 (A) to the Barataria Marsh Unit shall be  
19 considered to be a reference to the Barataria  
20 Preserve Unit; or

21 (B) to the Jean Lafitte National Historical  
22 Park shall be considered to be a reference to  
23 the Jean Lafitte National Historical Park and  
24 Preserve.

1           (2) CONFORMING AMENDMENTS.—Title IX of  
2 the National Parks and Recreation Act of 1978 (16  
3 U.S.C. 230 et seq.) is amended—

4           (A) by striking “Barataria Marsh Unit”  
5 each place it appears and inserting “Barataria  
6 Preserve Unit”; and

7           (B) by striking “Jean Lafitte National  
8 Historical Park” each place it appears and in-  
9 sserting “Jean Lafitte National Historical Park  
10 and Preserve”.

11 **SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.**

12       (a) DEFINITIONS.—In this section:

13           (1) MAP.—The term “map” means the map en-  
14 titled “Minute Man National Historical Park Pro-  
15 posed Boundary”, numbered 406/81001, and dated  
16 July 2007.

17           (2) PARK.—The term “Park” means the  
18 Minute Man National Historical Park in the State  
19 of Massachusetts.

20           (3) SECRETARY.—The term “Secretary” means  
21 the Secretary of the Interior.

22       (b) MINUTE MAN NATIONAL HISTORICAL PARK.—

23           (1) BOUNDARY ADJUSTMENT.—

1           (A) IN GENERAL.—The boundary of the  
2           Park is modified to include the area generally  
3           depicted on the map.

4           (B) AVAILABILITY OF MAP.—The map  
5           shall be on file and available for inspection in  
6           the appropriate offices of the National Park  
7           Service.

8           (2) ACQUISITION OF LAND.—The Secretary  
9           may acquire the land or an interest in the land de-  
10          scribed in paragraph (1)(A) by—

11           (A) purchase from willing sellers with do-  
12          nated or appropriated funds;

13           (B) donation; or

14           (C) exchange.

15          (3) ADMINISTRATION OF LAND.—The Secretary  
16          shall administer the land added to the Park under  
17          paragraph (1)(A) in accordance with applicable laws  
18          (including regulations).

19          (c) AUTHORIZATION OF APPROPRIATIONS.—There  
20          are authorized to be appropriated such sums as are nec-  
21          essary to carry out this section.

22   **SEC. 7107. EVERGLADES NATIONAL PARK.**

23          (a) INCLUSION OF TARPON BASIN PROPERTY.—

24           (1) DEFINITIONS.—In this subsection:

1 (A) HURRICANE HOLE.—The term “Hurri-  
2 cane Hole” means the natural salt-water body  
3 of water within the Duesenbury Tracts of the  
4 eastern parcel of the Tarpon Basin boundary  
5 adjustment and accessed by Duesenbury Creek.

6 (B) MAP.—The term “map” means the  
7 map entitled “Proposed Tarpon Basin Bound-  
8 ary Revision”, numbered 160/80,012, and dated  
9 May 2008.

10 (C) SECRETARY.—The term “Secretary”  
11 means the Secretary of the Interior.

12 (D) TARPON BASIN PROPERTY.—The term  
13 “Tarpon Basin property” means land that—

14 (i) is comprised of approximately 600  
15 acres of land and water surrounding Hur-  
16 ricane Hole, as generally depicted on the  
17 map; and

18 (ii) is located in South Key Largo.

19 (2) BOUNDARY REVISION.—

20 (A) IN GENERAL.—The boundary of the  
21 Everglades National Park is adjusted to include  
22 the Tarpon Basin property.

23 (B) ACQUISITION AUTHORITY.—The Sec-  
24 retary may acquire from willing sellers by dona-  
25 tion, purchase with donated or appropriated

1 funds, or exchange, land, water, or interests in  
2 land and water, within the area depicted on the  
3 map, to be added to Everglades National Park.

4 (C) AVAILABILITY OF MAP.—The map  
5 shall be on file and available for public inspec-  
6 tion in the appropriate offices of the National  
7 Park Service.

8 (D) ADMINISTRATION.—Land added to  
9 Everglades National Park by this section shall  
10 be administered as part of Everglades National  
11 Park in accordance with applicable laws (in-  
12 cluding regulations).

13 (3) HURRICANE HOLE.—The Secretary may  
14 allow use of Hurricane Hole by sailing vessels during  
15 emergencies, subject to such terms and conditions as  
16 the Secretary determines to be necessary.

17 (4) AUTHORIZATION OF APPROPRIATIONS.—  
18 There are authorized to be appropriated such sums  
19 as are necessary to carry out this subsection.

20 (b) LAND EXCHANGES.—

21 (1) DEFINITIONS.—In this subsection:

22 (A) COMPANY.—The term “Company”  
23 means Florida Power & Light Company.

24 (B) FEDERAL LAND.—The term “Federal  
25 Land” means the parcels of land that are—

- 1 (i) owned by the United States;  
2 (ii) administered by the Secretary;  
3 (iii) located within the National Park;  
4 and  
5 (iv) generally depicted on the map  
6 as—

- 7 (I) Tract A, which is adjacent to  
8 the Tamiami Trail, U.S. Rt. 41; and  
9 (II) Tract B, which is located on  
10 the eastern boundary of the National  
11 Park.

12 (C) MAP.—The term “map” means the  
13 map prepared by the National Park Service, en-  
14 titled “Proposed Land Exchanges, Everglades  
15 National Park”, numbered 160/60411A, and  
16 dated September 2008.

17 (D) NATIONAL PARK.—The term “Na-  
18 tional Park” means the Everglades National  
19 Park located in the State.

20 (E) NON-FEDERAL LAND.—The term  
21 “non-Federal land” means the land in the State  
22 that—

- 23 (i) is owned by the State, the specific  
24 area and location of which shall be deter-  
25 mined by the State; or

1 (ii)(I) is owned by the Company;

2 (II) comprises approximately 320  
3 acres; and

4 (III) is located within the East Ever-  
5 glades Acquisition Area, as generally de-  
6 picted on the map as “Tract D”.

7 (F) SECRETARY.—The term “Secretary”  
8 means the Secretary of the Interior.

9 (G) STATE.—The term “State” means the  
10 State of Florida and political subdivisions of the  
11 State, including the South Florida Water Man-  
12 agement District.

13 (2) LAND EXCHANGE WITH STATE.—

14 (A) IN GENERAL.—Subject to the provi-  
15 sions of this paragraph, if the State offers to  
16 convey to the Secretary all right, title, and in-  
17 terest of the State in and to specific parcels of  
18 non-Federal land, and the offer is acceptable to  
19 the Secretary, the Secretary may, subject to  
20 valid existing rights, accept the offer and con-  
21 vey to the State all right, title, and interest of  
22 the United States in and to the Federal land  
23 generally depicted on the map as “Tract A”.

24 (B) CONDITIONS.—The land exchange  
25 under subparagraph (A) shall be subject to



1           such terms and conditions as the Secretary may  
2           require.

3           (C) VALUATION.—

4           (i) IN GENERAL.—The values of the  
5           land involved in the land exchange under  
6           subparagraph (A) shall be equal.

7           (ii) EQUALIZATION.—If the values of  
8           the land are not equal, the values may be  
9           equalized by donation, payment using do-  
10          nated or appropriated funds, or the con-  
11          veyance of additional parcels of land.

12          (D) APPRAISALS.—Before the exchange of  
13          land under subparagraph (A), appraisals for the  
14          Federal and non-Federal land shall be con-  
15          ducted in accordance with the Uniform Ap-  
16          praisal Standards for Federal Land Acquisi-  
17          tions and the Uniform Standards of Profes-  
18          sional Appraisal Practice.

19          (E) TECHNICAL CORRECTIONS.—Subject  
20          to the agreement of the State, the Secretary  
21          may make minor corrections to correct technical  
22          and clerical errors in the legal descriptions of  
23          the Federal and non-Federal land and minor  
24          adjustments to the boundaries of the Federal  
25          and non-Federal land.

1 (F) ADMINISTRATION OF LAND ACQUIRED  
2 BY SECRETARY.—Land acquired by the Sec-  
3 retary under subparagraph (A) shall—

4 (i) become part of the National Park;

5 and

6 (ii) be administered in accordance  
7 with the laws applicable to the National  
8 Park System.

9 (3) LAND EXCHANGE WITH COMPANY.—

10 (A) IN GENERAL.—Subject to the provi-  
11 sions of this paragraph, if the Company offers  
12 to convey to the Secretary all right, title, and  
13 interest of the Company in and to the non-Fed-  
14 eral land generally depicted on the map as  
15 “Tract D”, and the offer is acceptable to the  
16 Secretary, the Secretary may, subject to valid  
17 existing rights, accept the offer and convey to  
18 the Company all right, title, and interest of the  
19 United States in and to the Federal land gen-  
20 erally depicted on the map as “Tract B”, along  
21 with a perpetual easement on a corridor of land  
22 contiguous to Tract B for the purpose of vege-  
23 tation management.

24 (B) CONDITIONS.—The land exchange  
25 under subparagraph (A) shall be subject to

1           such terms and conditions as the Secretary may  
2           require.

3           (C) VALUATION.—

4           (i) IN GENERAL.—The values of the  
5           land involved in the land exchange under  
6           subparagraph (A) shall be equal unless the  
7           non-Federal land is of higher value than  
8           the Federal land.

9           (ii) EQUALIZATION.—If the values of  
10          the land are not equal, the values may be  
11          equalized by donation, payment using do-  
12          nated or appropriated funds, or the con-  
13          veyance of additional parcels of land.

14          (D) APPRAISAL.—Before the exchange of  
15          land under subparagraph (A), appraisals for the  
16          Federal and non-Federal land shall be con-  
17          ducted in accordance with the Uniform Ap-  
18          praisal Standards for Federal Land Acquisi-  
19          tions and the Uniform Standards of Profes-  
20          sional Appraisal Practice.

21          (E) TECHNICAL CORRECTIONS.—Subject  
22          to the agreement of the Company, the Secretary  
23          may make minor corrections to correct technical  
24          and clerical errors in the legal descriptions of  
25          the Federal and non-Federal land and minor

1 adjustments to the boundaries of the Federal  
2 and non-Federal land.

3 (F) ADMINISTRATION OF LAND ACQUIRED  
4 BY SECRETARY.—Land acquired by the Sec-  
5 retary under subparagraph (A) shall—

6 (i) become part of the National Park;

7 and

8 (ii) be administered in accordance  
9 with the laws applicable to the National  
10 Park System.

11 (4) MAP.—The map shall be on file and avail-  
12 able for public inspection in the appropriate offices  
13 of the National Park Service.

14 (5) BOUNDARY REVISION.—On completion of  
15 the land exchanges authorized by this subsection,  
16 the Secretary shall adjust the boundary of the Na-  
17 tional Park accordingly, including removing the land  
18 conveyed out of Federal ownership.

19 **SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.**

20 (a) IN GENERAL.—The Secretary of the Interior shall  
21 authorize Ka ‘Ohana O Kalaupapa, a non-profit organiza-  
22 tion consisting of patient residents at Kalaupapa National  
23 Historical Park, and their family members and friends,  
24 to establish a memorial at a suitable location or locations  
25 approved by the Secretary at Kalawao or Kalaupapa with-

1 in the boundaries of Kalaupapa National Historical Park  
2 located on the island of Molokai, in the State of Hawaii,  
3 to honor and perpetuate the memory of those individuals  
4 who were forcibly relocated to Kalaupapa Peninsula from  
5 1866 to 1969.

6 (b) DESIGN.—

7 (1) IN GENERAL.—The memorial authorized by  
8 subsection (a) shall—

9 (A) display in an appropriate manner the  
10 names of the first 5,000 individuals sent to the  
11 Kalaupapa Peninsula between 1866 and 1896,  
12 most of whom lived at Kalawao; and

13 (B) display in an appropriate manner the  
14 names of the approximately 3,000 individuals  
15 who arrived at Kalaupapa in the second part of  
16 its history, when most of the community was  
17 concentrated on the Kalaupapa side of the pe-  
18 ninsula.

19 (2) APPROVAL.—The location, size, design, and  
20 inscriptions of the memorial authorized by sub-  
21 section (a) shall be subject to the approval of the  
22 Secretary of the Interior.

23 (c) FUNDING.—Ka ‘Ohana O Kalaupapa, a nonprofit  
24 organization, shall be solely responsible for acceptance of

1 contributions for and payment of the expenses associated  
2 with the establishment of the memorial.

3 **SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECRE-**  
4 **ATION AREA.**

5 (a) COOPERATIVE AGREEMENTS.—Section 1029(d)  
6 of the Omnibus Parks and Public Lands Management Act  
7 of 1996 (16 U.S.C. 460kkk(d)) is amended by striking  
8 paragraph (3) and inserting the following:

9 “(3) AGREEMENTS.—

10 “(A) DEFINITION OF ELIGIBLE ENTITY.—

11 In this paragraph, the term ‘eligible entity’  
12 means—

13 “(i) the Commonwealth of Massachu-  
14 setts;

15 “(ii) a political subdivision of the  
16 Commonwealth of Massachusetts; or

17 “(iii) any other entity that is a mem-  
18 ber of the Boston Harbor Islands Partner-  
19 ship described in subsection (e)(2).

20 “(B) AUTHORITY OF SECRETARY.—Subject  
21 to subparagraph (C), the Secretary may consult  
22 with an eligible entity on, and enter into with  
23 the eligible entity—

24 “(i) a cooperative management agree-  
25 ment to acquire from, and provide to, the

1 eligible entity goods and services for the  
2 cooperative management of land within the  
3 recreation area; and

4 “(ii) notwithstanding section 6305 of  
5 title 31, United States Code, a cooperative  
6 agreement for the construction of recre-  
7 ation area facilities on land owned by an  
8 eligible entity for purposes consistent with  
9 the management plan under subsection (f).

10 “(C) CONDITIONS.—The Secretary may  
11 enter into an agreement with an eligible entity  
12 under subparagraph (B) only if the Secretary  
13 determines that—

14 “(i) appropriations for carrying out  
15 the purposes of the agreement are avail-  
16 able; and

17 “(ii) the agreement is in the best in-  
18 terests of the United States.”.

19 (b) TECHNICAL AMENDMENTS.—

20 (1) MEMBERSHIP.—Section 1029(e)(2)(B) of  
21 the Omnibus Parks and Public Lands Management  
22 Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amend-  
23 ed by striking “Coast Guard” and inserting “Coast  
24 Guard.”.

1           (2) DONATIONS.—Section 1029(e)(11) of the  
2           Omnibus Parks and Public Lands Management Act  
3           of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by  
4           striking “Notwithstanding” and inserting “Not-  
5           withstanding”.

6   **SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK,**  
7                           **NEW JERSEY.**

8           (a) PURPOSES.—The purposes of this section are—

9                   (1) to recognize and pay tribute to Thomas  
10           Alva Edison and his innovations; and

11                   (2) to preserve, protect, restore, and enhance  
12           the Edison National Historic Site to ensure public  
13           use and enjoyment of the Site as an educational, sci-  
14           entific, and cultural center.

15           (b) ESTABLISHMENT.—

16                   (1) IN GENERAL.—There is established the  
17           Thomas Edison National Historical Park as a unit  
18           of the National Park System (referred to in this sec-  
19           tion as the “Historical Park”).

20                   (2) BOUNDARIES.—The Historical Park shall  
21           be comprised of all property owned by the United  
22           States in the Edison National Historic Site as well  
23           as all property authorized to be acquired by the Sec-  
24           retary of the Interior (referred to in this section as  
25           the “Secretary”) for inclusion in the Edison Na-



1 tional Historic Site before the date of the enactment  
2 of this Act, as generally depicted on the map entitled  
3 the “Thomas Edison National Historical Park”,  
4 numbered 403/80,000, and dated April 2008.

5 (3) MAP.—The map of the Historical Park  
6 shall be on file and available for public inspection in  
7 the appropriate offices of the National Park Service.

8 (c) ADMINISTRATION.—

9 (1) IN GENERAL.—The Secretary shall admin-  
10 ister the Historical Park in accordance with this sec-  
11 tion and with the provisions of law generally applica-  
12 ble to units of the National Park System, including  
13 the Acts entitled “An Act to establish a National  
14 Park Service, and for other purposes,” approved Au-  
15 gust 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.)  
16 and “An Act to provide for the preservation of his-  
17 toric American sites, buildings, objects, and antiq-  
18 uities of national significance, and for other pur-  
19 poses,” approved August 21, 1935 (16 U.S.C. 461  
20 et seq.).

21 (2) ACQUISITION OF PROPERTY.—

22 (A) REAL PROPERTY.—The Secretary may  
23 acquire land or interests in land within the  
24 boundaries of the Historical Park, from willing

1 sellers only, by donation, purchase with donated  
2 or appropriated funds, or exchange.

3 (B) PERSONAL PROPERTY.—The Secretary  
4 may acquire personal property associated with,  
5 and appropriate for, interpretation of the His-  
6 torical Park.

7 (3) COOPERATIVE AGREEMENTS.—The Sec-  
8 retary may consult and enter into cooperative agree-  
9 ments with interested entities and individuals to pro-  
10 vide for the preservation, development, interpreta-  
11 tion, and use of the Historical Park.

12 (4) REPEAL OF SUPERSEDED LAW.—Public  
13 Law 87–628 (76 Stat. 428), regarding the establish-  
14 ment and administration of the Edison National  
15 Historic Site, is repealed.

16 (5) REFERENCES.—Any reference in a law,  
17 map, regulation, document, paper, or other record of  
18 the United States to the “Edison National Historic  
19 Site” shall be deemed to be a reference to the  
20 “Thomas Edison National Historical Park”.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated such sums as may be nec-  
23 essary to carry out this section.

1 **SEC. 7111. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.**

2 (a) VOTES FOR WOMEN TRAIL.—Title XVI of Public  
3 Law 96–607 (16 U.S.C. 410*ll*) is amended by adding at  
4 the end the following:

5 **“SEC. 1602. VOTES FOR WOMEN TRAIL.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) PARK.—The term ‘Park’ means the Wom-  
8 en’s Rights National Historical Park established by  
9 section 1601.

10 “(2) SECRETARY.—The term ‘Secretary’ means  
11 the Secretary of the Interior, acting through the Di-  
12 rector of the National Park Service.

13 “(3) STATE.—The term ‘State’ means the State  
14 of New York.

15 “(4) TRAIL.—The term ‘Trail’ means the Votes  
16 for Women History Trail Route designated under  
17 subsection (b).

18 “(b) ESTABLISHMENT OF TRAIL ROUTE.—The Sec-  
19 retary, with concurrence of the agency having jurisdiction  
20 over the relevant roads, may designate a vehicular tour  
21 route, to be known as the ‘Votes for Women History Trail  
22 Route’, to link properties in the State that are historically  
23 and thematically associated with the struggle for women’s  
24 suffrage in the United States.

25 “(c) ADMINISTRATION.—The Trail shall be adminis-  
26 tered by the National Park Service through the Park.

1           “(d) ACTIVITIES.—To facilitate the establishment of  
2 the Trail and the dissemination of information regarding  
3 the Trail, the Secretary shall—

4           “(1) produce and disseminate appropriate edu-  
5 cational materials regarding the Trail, such as hand-  
6 books, maps, exhibits, signs, interpretive guides, and  
7 electronic information;

8           “(2) coordinate the management, planning, and  
9 standards of the Trail in partnership with partici-  
10 pating properties, other Federal agencies, and State  
11 and local governments;

12           “(3) create and adopt an official, uniform sym-  
13 bol or device to mark the Trail; and

14           “(4) issue guidelines for the use of the symbol  
15 or device adopted under paragraph (3).

16           “(e) ELEMENTS OF TRAIL ROUTE.—Subject to the  
17 consent of the owner of the property, the Secretary may  
18 designate as an official stop on the Trail—

19           “(1) all units and programs of the Park relat-  
20 ing to the struggle for women’s suffrage;

21           “(2) other Federal, State, local, and privately  
22 owned properties that the Secretary determines have  
23 a verifiable connection to the struggle for women’s  
24 suffrage; and

1           “(3) other governmental and nongovernmental  
2 facilities and programs of an educational, commemo-  
3 rative, research, or interpretive nature that the Sec-  
4 retary determines to be directly related to the strug-  
5 gle for women’s suffrage.

6           “(f) COOPERATIVE AGREEMENTS AND MEMORANDA  
7 OF UNDERSTANDING.—

8           “(1) IN GENERAL.—To facilitate the establish-  
9 ment of the Trail and to ensure effective coordina-  
10 tion of the Federal and non-Federal properties des-  
11 ignated as stops along the Trail, the Secretary may  
12 enter into cooperative agreements and memoranda of  
13 understanding with, and provide technical and finan-  
14 cial assistance to, other Federal agencies, the State,  
15 localities, regional governmental bodies, and private  
16 entities.

17           “(2) AUTHORIZATION OF APPROPRIATIONS.—  
18 There are authorized to be appropriated to the Sec-  
19 retary such sums as are necessary for the period of  
20 fiscal years 2009 through 2013 to provide financial  
21 assistance to cooperating entities pursuant to agree-  
22 ments or memoranda entered into under paragraph  
23 (1).”.

24           “(b) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT  
25 NATIONAL REGISTRY.—

1           (1) IN GENERAL.—The Secretary of the Inte-  
2           rior (referred to in this section as the “Secretary”)  
3           may make annual grants to State historic preserva-  
4           tion offices for not more than 5 years to assist the  
5           State historic preservation offices in surveying, eval-  
6           uating, and nominating to the National Register of  
7           Historic Places women’s rights history properties.

8           (2) ELIGIBILITY.—In making grants under  
9           paragraph (1), the Secretary shall give priority to  
10          grants relating to properties associated with the  
11          multiple facets of the women’s rights movement,  
12          such as politics, economics, education, religion, and  
13          social and family rights.

14          (3) UPDATES.—The Secretary shall ensure that  
15          the National Register travel itinerary website enti-  
16          tled “Places Where Women Made History” is up-  
17          dated to contain—

18                 (A) the results of the inventory conducted  
19                 under paragraph (1); and

20                 (B) any links to websites related to places  
21                 on the inventory.

22          (4) COST-SHARING REQUIREMENT.—The Fed-  
23          eral share of the cost of any activity carried out  
24          using any assistance made available under this sub-  
25          section shall be 50 percent.

1           (5) AUTHORIZATION OF APPROPRIATIONS.—

2           There is authorized to be appropriated to the Sec-  
3           retary to carry out this subsection \$1,000,000 for  
4           each of fiscal years 2009 through 2013.

5           (c) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT  
6 PARTNERSHIPS NETWORK.—

7           (1) GRANTS.—The Secretary may make match-  
8           ing grants and give technical assistance for develop-  
9           ment of a network of governmental and nongovern-  
10          mental entities (referred to in this subsection as the  
11          “network”), the purpose of which is to provide inter-  
12          pretive and educational program development of na-  
13          tional women’s rights history, including historic  
14          preservation.

15          (2) MANAGEMENT OF NETWORK.—

16                (A) IN GENERAL.—The Secretary shall,  
17                through a competitive process, designate a non-  
18                governmental managing network to manage the  
19                network.

20                (B) COORDINATION.—The nongovern-  
21                mental managing entity designated under sub-  
22                paragraph (A) shall work in partnership with  
23                the Director of the National Park Service and  
24                State historic preservation offices to coordinate  
25                operation of the network.

1 (3) COST-SHARING REQUIREMENT.—

2 (A) IN GENERAL.—The Federal share of  
3 the cost of any activity carried out using any  
4 assistance made available under this subsection  
5 shall be 50 percent.

6 (B) STATE HISTORIC PRESERVATION OF-  
7 FICES.—Matching grants for historic preserva-  
8 tion specific to the network may be made avail-  
9 able through State historic preservation offices.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated to the Sec-  
12 retary to carry out this subsection \$1,000,000 for  
13 each of fiscal years 2009 through 2013.

14 **SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.**

15 (a) DEFINITIONS.—In this section:

16 (1) HISTORIC SITE.—The term “historic site”  
17 means the Martin Van Buren National Historic Site  
18 in the State of New York established by Public Law  
19 93–486 (16 U.S.C. 461 note) on October 26, 1974.

20 (2) MAP.—The term “map” means the map en-  
21 titled “Boundary Map, Martin Van Buren National  
22 Historic Site”, numbered “460/80801”, and dated  
23 January 2005.

24 (3) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior.



1 (b) BOUNDARY ADJUSTMENTS TO THE HISTORIC  
2 SITE.—

3 (1) BOUNDARY ADJUSTMENT.—The boundary  
4 of the historic site is adjusted to include approxi-  
5 mately 261 acres of land identified as the “PRO-  
6 POSED PARK BOUNDARY”, as generally de-  
7 picted on the map.

8 (2) ACQUISITION AUTHORITY.—The Secretary  
9 may acquire the land and any interests in the land  
10 described in paragraph (1) from willing sellers by  
11 donation, purchase with donated or appropriated  
12 funds, or exchange.

13 (3) AVAILABILITY OF MAP.—The map shall be  
14 on file and available for public inspection in the ap-  
15 propriate offices of the National Park Service.

16 (4) ADMINISTRATION.—Land acquired for the  
17 historic site under this section shall be administered  
18 as part of the historic site in accordance with appli-  
19 cable law (including regulations).

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated such sums as are nec-  
22 essary to carry out this section.

1 **SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTOR-**  
2 **ICAL PARK.**

3 (a) DESIGNATION OF PALO ALTO BATTLEFIELD NA-  
4 TIONAL HISTORICAL PARK.—

5 (1) IN GENERAL.—The Palo Alto Battlefield  
6 National Historic Site shall be known and des-  
7 ignated as the “Palo Alto Battlefield National His-  
8 torical Park”.

9 (2) REFERENCES.—Any reference in a law,  
10 map, regulation, document, paper, or other record of  
11 the United States to the historic site referred to in  
12 subsection (a) shall be deemed to be a reference to  
13 the Palo Alto Battlefield National Historical Park.

14 (3) CONFORMING AMENDMENTS.—The Palo  
15 Alto Battlefield National Historic Site Act of 1991  
16 (16 U.S.C. 461 note; Public Law 102–304) is  
17 amended—

18 (A) by striking “National Historic Site”  
19 each place it appears and inserting “National  
20 Historical Park”;

21 (B) in the heading for section 3, by strik-  
22 ing “**NATIONAL HISTORIC SITE**” and insert-  
23 ing “**NATIONAL HISTORICAL PARK**”; and

24 (C) by striking “historic site” each place it  
25 appears and inserting “historical park”.

1 (b) BOUNDARY EXPANSION, PALO ALTO BATTLE-  
2 FIELD NATIONAL HISTORICAL PARK, TEXAS.—Section  
3 3(b) of the Palo Alto Battlefield National Historic Site  
4 Act of 1991 (16 U.S.C. 461 note; Public Law 102–304)  
5 (as amended by subsection (a)) is amended—

6 (1) in paragraph (1), by striking “(1) The his-  
7 torical park” and inserting the following:

8 “(1) IN GENERAL.—The historical park”;

9 (2) by redesignating paragraph (2) as para-  
10 graph (3);

11 (3) by inserting after paragraph (1) the fol-  
12 lowing:

13 “(2) ADDITIONAL LAND.—

14 “(A) IN GENERAL.—In addition to the  
15 land described in paragraph (1), the historical  
16 park shall consist of approximately 34 acres of  
17 land, as generally depicted on the map entitled  
18 ‘Palo Alto Battlefield NHS Proposed Boundary  
19 Expansion’, numbered 469/80,012, and dated  
20 May 21, 2008.

21 “(B) AVAILABILITY OF MAP.—The map  
22 described in subparagraph (A) shall be on file  
23 and available for public inspection in the appro-  
24 priate offices of the National Park Service.”;  
25 and

1 (4) in paragraph (3) (as redesignated by para-  
2 graph (2))—

3 (A) by striking “(3) Within” and inserting  
4 the following:

5 “(3) LEGAL DESCRIPTION.—Not later than”;  
6 and

7 (B) in the second sentence, by striking  
8 “map referred to in paragraph (1)” and insert-  
9 ing “maps referred to in paragraphs (1) and  
10 (2)”.

11 **SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HIS-**  
12 **TORICAL PARK.**

13 (a) DESIGNATION.—The Abraham Lincoln Birth-  
14 place National Historic Site in the State of Kentucky shall  
15 be known and designated as the “Abraham Lincoln Birth-  
16 place National Historical Park”.

17 (b) REFERENCES.—Any reference in a law, map, reg-  
18 ulation, document, paper, or other record of the United  
19 States to the Abraham Lincoln Birthplace National His-  
20 toric Site shall be deemed to be a reference to the “Abra-  
21 ham Lincoln Birthplace National Historical Park”.

22 **SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.**

23 Section 1106 of the National Parks and Recreation  
24 Act of 1978 (16 U.S.C. 460m–20) is amended in the first  
25 sentence by striking “may” and inserting “shall”.

1 **SEC. 7116. TECHNICAL CORRECTIONS.**

2 (a) GAYLORD NELSON WILDERNESS.—

3 (1) REDESIGNATION.—Section 140 of division  
4 E of the Consolidated Appropriations Act, 2005 (16  
5 U.S.C. 1132 note; Public Law 108–447), is amend-  
6 ed—

7 (A) in subsection (a), by striking “Gaylord  
8 A. Nelson” and inserting “Gaylord Nelson”;  
9 and

10 (B) in subsection (c)(4), by striking “Gay-  
11 lord A. Nelson Wilderness” and inserting “Gay-  
12 lord Nelson Wilderness”.

13 (2) REFERENCES.—Any reference in a law,  
14 map, regulation, document, paper, or other record of  
15 the United States to the “Gaylord A. Nelson Wilder-  
16 ness” shall be deemed to be a reference to the “Gay-  
17 lord Nelson Wilderness”.

18 (b) ARLINGTON HOUSE LAND TRANSFER.—Section  
19 2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is  
20 amended by striking “the George Washington Memorial  
21 Parkway” and inserting “Arlington House, The Robert E.  
22 Lee Memorial,”.

23 (c) CUMBERLAND ISLAND WILDERNESS.—Section  
24 2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96  
25 Stat. 709) is amended by striking “numbered 640/

1 20,038I, and dated September 2004” and inserting “num-  
2 bered 640/20,038K, and dated September 2005”.

3 (d) PETRIFIED FOREST BOUNDARY.—Section 2(1) of  
4 the Petrified Forest National Park Expansion Act of 2004  
5 (16 U.S.C. 119 note; Public Law 108–430) is amended  
6 by striking “numbered 110/80,044, and dated July 2004”  
7 and inserting “numbered 110/80,045, and dated January  
8 2005”.

9 (e) COMMEMORATIVE WORKS ACT.—Chapter 89 of  
10 title 40, United States Code, is amended—

11 (1) in section 8903(d), by inserting “Natural”  
12 before “Resources”;

13 (2) in section 8904(b), by inserting “Advisory”  
14 before “Commission”; and

15 (3) in section 8908(b)(1)—

16 (A) in the first sentence, by inserting “Ad-  
17 visory” before “Commission”; and

18 (B) in the second sentence, by striking  
19 “House Administration” and inserting “Natural  
20 Resources”.

21 (f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL  
22 HISTORIC TRAIL.—Section 5(a)(25)(A) of the National  
23 Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended  
24 by striking “The John Smith” and inserting “The Captain  
25 John Smith”.

1 (g) DELAWARE NATIONAL COASTAL SPECIAL RE-  
2 SOURCE STUDY.—Section 604 of the Delaware National  
3 Coastal Special Resources Study Act (Public Law 109–  
4 338; 120 Stat. 1856) is amended by striking “under sec-  
5 tion 605”.

6 (h) USE OF RECREATION FEES.—Section  
7 808(a)(1)(F) of the Federal Lands Recreation Enhance-  
8 ment Act (16 U.S.C. 6807(a)(1)(F)) is amended by strik-  
9 ing “section 6(a)” and inserting “section 806(a)”.

10 (i) CROSSROADS OF THE AMERICAN REVOLUTION  
11 NATIONAL HERITAGE AREA.—Section 297F(b)(2)(A) of  
12 the Crossroads of the American Revolution National Her-  
13 itage Area Act of 2006 (Public Law 109–338; 120 Stat.  
14 1844) is amended by inserting “duties” before “of the”.

15 (j) CUYAHOGA VALLEY NATIONAL PARK.—Section  
16 474(12) of the Consolidated Natural Resources Act of  
17 2008 (Public Law 1110–229; 122 Stat. 827) is amended  
18 by striking “Cayohoga” each place it appears and insert-  
19 ing “Cuyahoga”.

20 (k) PENNSYLVANIA AVENUE NATIONAL HISTORIC  
21 SITE.—

22 (1) NAME ON MAP.—Section 313(d)(1)(B) of  
23 the Department of the Interior and Related Agencies  
24 Appropriations Act, 1996 (Public Law 104–134;  
25 110 Stat. 1321–199; 40 U.S.C. 872 note) is amend-

1 ed by striking “map entitled ‘Pennsylvania Avenue  
2 National Historic Park’, dated June 1, 1995, and  
3 numbered 840-82441” and inserting “map entitled  
4 ‘Pennsylvania Avenue National Historic Site’, dated  
5 August 25, 2008, and numbered 840–82441B”.

6 (2) REFERENCES.—Any reference in a law,  
7 map, regulation, document, paper, or other record of  
8 the United States to the Pennsylvania Avenue Na-  
9 tional Historic Park shall be deemed to be a ref-  
10 erence to the “Pennsylvania Avenue National His-  
11 toric Site”.

12 **SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HIS-**  
13 **TORICAL PARK, OHIO.**

14 (a) ADDITIONAL AREAS INCLUDED IN PARK.—Sec-  
15 tion 101 of the Dayton Aviation Heritage Preservation  
16 Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by  
17 adding at the end the following:

18 “(c) ADDITIONAL SITES.—In addition to the sites de-  
19 scribed in subsection (b), the park shall consist of the fol-  
20 lowing sites, as generally depicted on a map titled ‘Dayton  
21 Aviation Heritage National Historical Park’, numbered  
22 362/80,013 and dated May 2008:

23 “(1) Hawthorn Hill, Oakwood, Ohio.

24 “(2) The Wright Company factory and associ-  
25 ated land and buildings, Dayton, Ohio.”.



1 (b) PROTECTION OF HISTORIC PROPERTIES.—Sec-  
2 tion 102 of the Dayton Aviation Heritage Preservation  
3 Act of 1992 (16 U.S.C. 410ww-1) is amended—

4 (1) in subsection (a), by inserting “Hawthorn  
5 Hill, the Wright Company factory,” after “, ac-  
6 quire”;

7 (2) in subsection (b), by striking “Such agree-  
8 ments” and inserting:

9 “(d) CONDITIONS.—Cooperative agreements under  
10 this section”;

11 (3) by inserting before subsection (d) (as added  
12 by paragraph 2) the following:

13 “(c) COOPERATIVE AGREEMENTS.—The Secretary is  
14 authorized to enter into a cooperative agreement with a  
15 partner or partners, including the Wright Family Founda-  
16 tion, to operate and provide programming for Hawthorn  
17 Hill and charge reasonable fees notwithstanding any other  
18 provision of law, which may be used to defray the costs  
19 of park operation and programming.”; and

20 (4) by striking “Commission” and inserting  
21 “Aviation Heritage Foundation”.

22 (c) GRANT ASSISTANCE.—The Dayton Aviation Her-  
23 itage Preservation Act of 1992, is amended—

24 (1) by redesignating subsection (b) of section  
25 108 as subsection (e); and

1           (2) by inserting after subsection (a) of section  
2           108 the following new subsection:

3           “(b) GRANT ASSISTANCE.—The Secretary is author-  
4 ized to make grants to the parks’ partners, including the  
5 Aviation Trail, Inc., the Ohio Historical Society, and Day-  
6 ton History, for projects not requiring Federal involve-  
7 ment other than providing financial assistance, subject to  
8 the availability of appropriations in advance identifying  
9 the specific partner grantee and the specific project.  
10 Projects funded through these grants shall be limited to  
11 construction and development on non-Federal property  
12 within the boundaries of the park. Any project funded by  
13 such a grant shall support the purposes of the park, shall  
14 be consistent with the park’s general management plan,  
15 and shall enhance public use and enjoyment of the park.”.

16           (d) NATIONAL AVIATION HERITAGE AREA.—Title V  
17 of division J of the Consolidated Appropriations Act, 2005  
18 (16 U.S.C. 461 note; Public Law 108–447), is amended—

19           (1) in section 503(3), by striking “104” and in-  
20 sserting “504”;

21           (2) in section 503(4), by striking “106” and in-  
22 sserting “506”;

23           (3) in section 504, by striking subsection (b)(2)  
24 and by redesignating subsection (b)(3) as subsection  
25 (b)(2); and

1 (4) in section 505(b)(1), by striking “106” and  
2 inserting “506”.

3 **SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.**

4 Public Law 87–213 (16 U.S.C. 461 note) is amended  
5 as follows:

6 (1) In the first section—

7 (A) by striking “the Secretary of the Inte-  
8 rior” and inserting “(a) The Secretary of the  
9 Interior”;

10 (B) by striking “476 acres” and inserting  
11 “646 acres”; and

12 (C) by adding at the end the following:

13 “(b) The Secretary may acquire from willing sellers  
14 land comprising approximately 55 acres, as depicted on  
15 the map titled ‘Fort Davis Proposed Boundary Expan-  
16 sion’, numbered 418/80,045, and dated April 2008. The  
17 map shall be on file and available for public inspection  
18 in the appropriate offices of the National Park Service.  
19 Upon acquisition of the land, the land shall be incor-  
20 porated into the Fort Davis National Historic Site.”.

21 (2) By repealing section 3.

22 **Subtitle C—Special Resource**  
23 **Studies**

24 **SEC. 7201. WALNUT CANYON STUDY.**

25 (a) DEFINITIONS.—In this section:

1           (1) MAP.—The term “map” means the map en-  
2           titled “Walnut Canyon Proposed Study Area” and  
3           dated July 17, 2007.

4           (2) SECRETARIES.—The term “Secretaries”  
5           means the Secretary of the Interior and the Sec-  
6           retary of Agriculture, acting jointly.

7           (3) STUDY AREA.—The term “study area”  
8           means the area identified on the map as the “Wal-  
9           nut Canyon Proposed Study Area”.

10          (b) STUDY.—

11           (1) IN GENERAL.—The Secretaries shall con-  
12          duct a study of the study area to assess—

13                   (A) the suitability and feasibility of desig-  
14                   nating all or part of the study area as an addi-  
15                   tion to Walnut Canyon National Monument, in  
16                   accordance with section 8(c) of Public Law 91–  
17                   383 (16 U.S.C. 1a–5(c));

18                   (B) continued management of the study  
19                   area by the Forest Service; or

20                   (C) any other designation or management  
21                   option that would provide for—

22                           (i) protection of resources within the  
23                           study area; and

24                           (ii) continued access to, and use of,  
25                           the study area by the public.

1           (2) CONSULTATION.—The Secretaries shall pro-  
2           vide for public comment in the preparation of the  
3           study, including consultation with appropriate Fed-  
4           eral, State, and local governmental entities.

5           (3) REPORT.—Not later than 18 months after  
6           the date on which funds are made available to carry  
7           out this section, the Secretaries shall submit to the  
8           Committee on Energy and Natural Resources of the  
9           Senate and the Committee on Natural Resources of  
10          the House of Representatives a report that de-  
11          scribes—

12                       (A) the results of the study; and

13                       (B) any recommendations of the Secre-  
14          taries.

15          (4) AUTHORIZATION OF APPROPRIATIONS.—  
16          There are authorized to be appropriated such sums  
17          as are necessary to carry out this section.

18 **SEC. 7202. TULE LAKE SEGREGATION CENTER, CALI-**  
19 **FORNIA.**

20          (a) STUDY.—

21               (1) IN GENERAL.—The Secretary of the Inte-  
22               rior (referred to in this section as the “Secretary”)  
23               shall conduct a special resource study of the Tule  
24               Lake Segregation Center to determine the national  
25               significance of the site and the suitability and feasi-

1 bility of including the site in the National Park Sys-  
2 tem.

3 (2) STUDY GUIDELINES.—The study shall be  
4 conducted in accordance with the criteria for the  
5 study of areas for potential inclusion in the National  
6 Park System under section 8 of Public Law 91–383  
7 (16 U.S.C. 1a–5).

8 (3) CONSULTATION.—In conducting the study,  
9 the Secretary shall consult with—

10 (A) Modoc County;

11 (B) the State of California;

12 (C) appropriate Federal agencies;

13 (D) tribal and local government entities;

14 (E) private and nonprofit organizations;

15 and

16 (F) private landowners.

17 (4) SCOPE OF STUDY.—The study shall include  
18 an evaluation of—

19 (A) the significance of the site as a part of  
20 the history of World War II;

21 (B) the significance of the site as the site  
22 relates to other war relocation centers;

23 (C) the historical resources of the site, in-  
24 cluding the stockade, that are intact and in  
25 place;

1 (D) the contributions made by the local ag-  
2 ricultural community to the World War II ef-  
3 fort; and

4 (E) the potential impact of designation of  
5 the site as a unit of the National Park System  
6 on private landowners.

7 (b) REPORT.—Not later than 3 years after the date  
8 on which funds are made available to conduct the study  
9 required under this section, the Secretary shall submit to  
10 the Committee on Natural Resources of the House of Rep-  
11 resentatives and the Committee on Energy and Natural  
12 Resources of the Senate a report describing the findings,  
13 conclusions, and recommendations of the study.

14 **SEC. 7203. ESTATE GRANGE, ST. CROIX.**

15 (a) STUDY.—

16 (1) IN GENERAL.—The Secretary of the Inte-  
17 rior (referred to in this section as the “Secretary”),  
18 in consultation with the Governor of the Virgin Is-  
19 lands, shall conduct a special resource study of Es-  
20 tate Grange and other sites and resources associated  
21 with Alexander Hamilton’s life on St. Croix in the  
22 United States Virgin Islands.

23 (2) CONTENTS.—In conducting the study under  
24 paragraph (1), the Secretary shall evaluate—

1 (A) the national significance of the sites  
2 and resources; and

3 (B) the suitability and feasibility of desig-  
4 nating the sites and resources as a unit of the  
5 National Park System.

6 (3) CRITERIA.—The criteria for the study of  
7 areas for potential inclusion in the National Park  
8 System contained in section 8 of Public Law 91–383  
9 (16 U.S.C. 1a–5) shall apply to the study under  
10 paragraph (1).

11 (4) REPORT.—Not later than 3 years after the  
12 date on which funds are first made available for the  
13 study under paragraph (1), the Secretary shall sub-  
14 mit to the Committee on Natural Resources of the  
15 House of Representatives and the Committee on En-  
16 ergy and Natural Resources of the Senate a report  
17 containing—

18 (A) the results of the study; and

19 (B) any findings, conclusions, and rec-  
20 ommendations of the Secretary.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated such sums as are nec-  
23 essary to carry out this section.

24 **SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.**

25 (a) STUDY.—



1           (1) IN GENERAL.—Not later than 3 years after  
2           the date on which funds are made available to carry  
3           out this section, the Secretary of the Interior (re-  
4           ferred to in this section as the “Secretary”) shall  
5           complete a special resource study of the Harriet  
6           Beecher Stowe House in Brunswick, Maine, to  
7           evaluate—

8                   (A) the national significance of the Harriet  
9                   Beecher Stowe House and surrounding land;  
10                  and

11                   (B) the suitability and feasibility of desig-  
12                   nating the Harriet Beecher Stowe House and  
13                   surrounding land as a unit of the National  
14                   Park System.

15           (2) STUDY GUIDELINES.—In conducting the  
16           study authorized under paragraph (1), the Secretary  
17           shall use the criteria for the study of areas for po-  
18           tential inclusion in the National Park System con-  
19           tained in section 8(c) of Public Law 91–383 (16  
20           U.S.C. 1a–5(e)).

21           (b) REPORT.—On completion of the study required  
22           under subsection (a), the Secretary shall submit to the  
23           Committee on Energy and Natural Resources of the Sen-  
24           ate and the Committee on Natural Resources of the House

1 of Representatives a report containing the findings, con-  
2 clusions, and recommendations of the study.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated such sums as are nec-  
5 essary to carry out this section.

6 **SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIR-**  
7 **GINIA.**

8 (a) SPECIAL RESOURCES STUDY.—The Secretary of  
9 the Interior (referred to in this section as the “Secretary”)  
10 shall conduct a special resource study relating to the Bat-  
11 tle of Shepherdstown in Shepherdstown, West Virginia, to  
12 evaluate—

13 (1) the national significance of the  
14 Shepherdstown battlefield and sites relating to the  
15 Shepherdstown battlefield; and

16 (2) the suitability and feasibility of adding the  
17 Shepherdstown battlefield and sites relating to the  
18 Shepherdstown battlefield as part of—

19 (A) Harpers Ferry National Historical  
20 Park; or

21 (B) Antietam National Battlefield.

22 (b) CRITERIA.—In conducting the study authorized  
23 under subsection (a), the Secretary shall use the criteria  
24 for the study of areas for potential inclusion in the Na-

1 tional Park System contained in section 8(c) of Public  
2 Law 91–383 (16 U.S.C. 1a–5(c)).

3 (c) REPORT.—Not later than 3 years after the date  
4 on which funds are made available to carry out this sec-  
5 tion, the Secretary shall submit to the Committee on En-  
6 ergy and Natural Resources of the Senate and the Com-  
7 mittee on Natural Resources of the House of Representa-  
8 tives a report containing the findings, conclusions, and  
9 recommendations of the study conducted under subsection  
10 (a).

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated such sums as are nec-  
13 essary to carry out this section.

14 **SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.**

15 (a) IN GENERAL.—The Secretary of the Interior (re-  
16 ferred to in this section as the “Secretary”) shall conduct  
17 a special resource study of the site of Green McAdoo  
18 School in Clinton, Tennessee, (referred to in this section  
19 as the “site”) to evaluate—

- 20 (1) the national significance of the site; and  
21 (2) the suitability and feasibility of designating  
22 the site as a unit of the National Park System.

23 (b) CRITERIA.—In conducting the study under sub-  
24 section (a), the Secretary shall use the criteria for the  
25 study of areas for potential inclusion in the National Park

1 System under section 8(c) of Public Law 91–383 (16  
2 U.S.C. 1a–5(c)).

3 (c) CONTENTS.—The study authorized by this section  
4 shall—

5 (1) determine the suitability and feasibility of  
6 designating the site as a unit of the National Park  
7 System;

8 (2) include cost estimates for any necessary ac-  
9 quisition, development, operation, and maintenance  
10 of the site; and

11 (3) identify alternatives for the management,  
12 administration, and protection of the site.

13 (d) REPORT.—Not later than 3 years after the date  
14 on which funds are made available to carry out this sec-  
15 tion, the Secretary shall submit to the Committee on Nat-  
16 ural Resources of the House of Representatives and the  
17 Committee on Energy and Natural Resources of the Sen-  
18 ate a report that describes—

19 (1) the findings and conclusions of the study;  
20 and

21 (2) any recommendations of the Secretary.

22 **SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.**

23 (a) IN GENERAL.—The Secretary of the Interior (re-  
24 ferred to in this section as the “Secretary”) shall conduct  
25 a special resource study of the Harry S Truman Birth-

1 place State Historic Site (referred to in this section as  
2 the “birthplace site”) in Lamar, Missouri, to determine—

3 (1) the suitability and feasibility of—

4 (A) adding the birthplace site to the Harry  
5 S Truman National Historic Site; or

6 (B) designating the birthplace site as a  
7 separate unit of the National Park System; and

8 (2) the methods and means for the protection  
9 and interpretation of the birthplace site by the Na-  
10 tional Park Service, other Federal, State, or local  
11 government entities, or private or nonprofit organi-  
12 zations.

13 (b) STUDY REQUIREMENTS.—The Secretary shall  
14 conduct the study required under subsection (a) in accord-  
15 ance with section 8(c) of Public Law 91–383 (16 U.S.C.  
16 1a–5(c)).

17 (c) REPORT.—Not later than 3 years after the date  
18 on which funds are made available to carry out this sec-  
19 tion, the Secretary shall submit to the Committee on Nat-  
20 ural Resources of the House of Representatives and the  
21 Committee on Energy and Natural Resources of the Sen-  
22 ate a report containing—

23 (1) the results of the study conducted under  
24 subsection (a); and

1           (2) any recommendations of the Secretary with  
2           respect to the birthplace site.

3 **SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE**  
4 **STUDY.**

5           (a) IN GENERAL.—The Secretary of the Interior (re-  
6           ferred to in this section as the “Secretary”) shall conduct  
7           a special resource study of the sites and resources at  
8           Matewan, West Virginia, associated with the Battle of  
9           Matewan (also known as the “Matewan Massacre”) of  
10          May 19, 1920, to determine—

11           (1) the suitability and feasibility of designating  
12           certain historic areas of Matewan, West Virginia, as  
13           a unit of the National Park System; and

14           (2) the methods and means for the protection  
15           and interpretation of the historic areas by the Na-  
16           tional Park Service, other Federal, State, or local  
17           government entities, or private or nonprofit organi-  
18           zations.

19           (b) STUDY REQUIREMENTS.—The Secretary shall  
20           conduct the study required under subsection (a) in accord-  
21           ance with section 8(c) of Public Law 91–383 (16 U.S.C.  
22           1a–5(c)).

23           (c) REPORT.—Not later than 3 years after the date  
24           on which funds are made available to carry out this sec-  
25           tion, the Secretary shall submit to the Committee on Nat-

1 ural Resources of the House of Representatives and the  
2 Committee on Energy and Natural Resources of the Sen-  
3 ate a report containing—

4 (1) the results of the study conducted under  
5 subsection (a); and

6 (2) any recommendations of the Secretary with  
7 respect to the historic areas.

8 **SEC. 7209. BUTTERFIELD OVERLAND TRAIL.**

9 (a) IN GENERAL.—The Secretary of the Interior (re-  
10 ferred to in this section as the “Secretary”) shall conduct  
11 a special resource study along the route known as the “Ox-  
12 Bow Route” of the Butterfield Overland Trail (referred  
13 to in this section as the “route”) in the States of Missouri,  
14 Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Ari-  
15 zona, and California to evaluate—

16 (1) a range of alternatives for protecting and  
17 interpreting the resources of the route, including al-  
18 ternatives for potential addition of the Trail to the  
19 National Trails System; and

20 (2) the methods and means for the protection  
21 and interpretation of the route by the National Park  
22 Service, other Federal, State, or local government  
23 entities, or private or nonprofit organizations.

24 (b) STUDY REQUIREMENTS.—The Secretary shall  
25 conduct the study required under subsection (a) in accord-

1 ance with section 8(c) of Public Law 91–383 (16 U.S.C.  
2 1a–5(c)) or section 5(b) of the National Trails System Act  
3 (16 U.S.C. 1244(b)), as appropriate.

4 (c) REPORT.—Not later than 3 years after the date  
5 on which funds are made available to carry out this sec-  
6 tion, the Secretary shall submit to the Committee on Nat-  
7 ural Resources of the House of Representatives and the  
8 Committee on Energy and Natural Resources of the Sen-  
9 ate a report containing—

10 (1) the results of the study conducted under  
11 subsection (a); and

12 (2) any recommendations of the Secretary with  
13 respect to the route.

14 **SEC. 7210. COLD WAR SITES THEME STUDY.**

15 (a) DEFINITIONS.—

16 (1) ADVISORY COMMITTEE.—The term “Advi-  
17 sory Committee” means the Cold War Advisory  
18 Committee established under subsection (c).

19 (2) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21 (3) THEME STUDY.—The term “theme study”  
22 means the national historic landmark theme study  
23 conducted under subsection (b)(1).

24 (b) COLD WAR THEME STUDY.—



1           (1) IN GENERAL.—The Secretary shall conduct  
2 a national historic landmark theme study to identify  
3 sites and resources in the United States that are sig-  
4 nificant to the Cold War.

5           (2) RESOURCES.—In conducting the theme  
6 study, the Secretary shall consider—

7           (A) the inventory of sites and resources as-  
8 sociated with the Cold War completed by the  
9 Secretary of Defense under section 8120(b)(9)  
10 of the Department of Defense Appropriations  
11 Act, 1991 (Public Law 101–511; 104 Stat.  
12 1906); and

13           (B) historical studies and research of Cold  
14 War sites and resources, including—

15           (i) intercontinental ballistic missiles;

16           (ii) flight training centers;

17           (iii) manufacturing facilities;

18           (iv) communications and command  
19 centers (such as Cheyenne Mountain, Colo-  
20 rado);

21           (v) defensive radar networks (such as  
22 the Distant Early Warning Line);

23           (vi) nuclear weapons test sites (such  
24 as the Nevada test site); and

25           (vii) strategic and tactical aircraft.

1           (3) CONTENTS.—The theme study shall in-  
2       clude—

3           (A) recommendations for commemorating  
4       and interpreting sites and resources identified  
5       by the theme study, including—

6           (i) sites for which studies for potential  
7       inclusion in the National Park System  
8       should be authorized;

9           (ii) sites for which new national his-  
10      toric landmarks should be nominated; and

11          (iii) other appropriate designations;

12          (B) recommendations for cooperative  
13      agreements with—

14           (i) State and local governments;

15           (ii) local historical organizations; and

16           (iii) other appropriate entities; and

17          (C) an estimate of the amount required to  
18      carry out the recommendations under subpara-  
19      graphs (A) and (B).

20          (4) CONSULTATION.—In conducting the theme  
21      study, the Secretary shall consult with—

22           (A) the Secretary of the Air Force;

23           (B) State and local officials;

24           (C) State historic preservation offices; and

1 (D) other interested organizations and in-  
2 dividuals.

3 (5) REPORT.—Not later than 3 years after the  
4 date on which funds are made available to carry out  
5 this section, the Secretary shall submit to the Com-  
6 mittee on Natural Resources of the House of Rep-  
7 resentatives and the Committee on Energy and Nat-  
8 ural Resources of the Senate a report that describes  
9 the findings, conclusions, and recommendations of  
10 the theme study.

11 (c) COLD WAR ADVISORY COMMITTEE.—

12 (1) ESTABLISHMENT.—As soon as practicable  
13 after funds are made available to carry out this sec-  
14 tion, the Secretary shall establish an advisory com-  
15 mittee, to be known as the “Cold War Advisory  
16 Committee”, to assist the Secretary in carrying out  
17 this section.

18 (2) COMPOSITION.—The Advisory Committee  
19 shall be composed of 9 members, to be appointed by  
20 the Secretary, of whom—

21 (A) 3 shall have expertise in Cold War his-  
22 tory;

23 (B) 2 shall have expertise in historic pres-  
24 ervation;

1 (C) 1 shall have expertise in the history of  
2 the United States; and

3 (D) 3 shall represent the general public.

4 (3) CHAIRPERSON.—The Advisory Committee  
5 shall select a chairperson from among the members  
6 of the Advisory Committee.

7 (4) COMPENSATION.—A member of the Advi-  
8 sory Committee shall serve without compensation  
9 but may be reimbursed by the Secretary for ex-  
10 penses reasonably incurred in the performance of the  
11 duties of the Advisory Committee.

12 (5) MEETINGS.—On at least 3 occasions, the  
13 Secretary (or a designee) shall meet and consult  
14 with the Advisory Committee on matters relating to  
15 the theme study.

16 (d) INTERPRETIVE HANDBOOK ON THE COLD  
17 WAR.—Not later than 4 years after the date on which  
18 funds are made available to carry out this section, the Sec-  
19 retary shall—

20 (1) prepare and publish an interpretive hand-  
21 book on the Cold War; and

22 (2) disseminate information in the theme study  
23 by other appropriate means.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 \$500,000.

4 **SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.**

5 (a) IN GENERAL.—The Secretary shall complete a  
6 special resource study of the site of the Battle of Camden  
7 fought in South Carolina on August 16, 1780, and the  
8 site of Historic Camden, which is a National Park System  
9 Affiliated Area, to determine—

10 (1) the suitability and feasibility of designating  
11 the sites as a unit or units of the National Park  
12 System; and

13 (2) the methods and means for the protection  
14 and interpretation of these sites by the National  
15 Park Service, other Federal, State, or local govern-  
16 ment entities or private or non-profit organizations.

17 (b) STUDY REQUIREMENTS.—The Secretary shall  
18 conduct the study in accordance with section 8(c) of Pub-  
19 lic Law 91–383 (16 U.S.C. 1a–5(c)).

20 (c) REPORT.—Not later than 3 years after the date  
21 on which funds are made available to carry out this sec-  
22 tion, the Secretary shall submit to the Committee on Nat-  
23 ural Resources of the House of Representatives and the  
24 Committee on Energy and Natural Resources of the Sen-  
25 ate a report containing—

- 1 (1) the results of the study; and
- 2 (2) any recommendations of the Secretary.

3 **SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.**

4 (a) DEFINITIONS.—In this section:

5 (1) FORT SAN GERÓNIMO.—The term “Fort  
6 San Gerónimo” (also known as “Fortín de San  
7 Gerónimo del Boquerón”) means the fort and  
8 grounds listed on the National Register of Historic  
9 Places and located near Old San Juan, Puerto Rico.

10 (2) RELATED RESOURCES.—The term “related  
11 resources” means other parts of the fortification sys-  
12 tem of old San Juan that are not included within  
13 the boundary of San Juan National Historic Site,  
14 such as sections of the City Wall or other fortifica-  
15 tions.

16 (b) STUDY.—

17 (1) IN GENERAL.—The Secretary shall complete  
18 a special resource study of Fort San Gerónimo and  
19 other related resources, to determine—

20 (A) the suitability and feasibility of includ-  
21 ing Fort San Gerónimo and other related re-  
22 sources in the Commonwealth of Puerto Rico as  
23 part of San Juan National Historic Site; and

24 (B) the methods and means for the protec-  
25 tion and interpretation of Fort San Gerónimo

1 and other related resources by the National  
2 Park Service, other Federal, State, or local gov-  
3 ernment entities or private or non-profit organi-  
4 zations.

5 (2) STUDY REQUIREMENTS.—The Secretary  
6 shall conduct the study in accordance with section  
7 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(e)).

8 (c) REPORT.—Not later than 3 years after the date  
9 on which funds are made available to carry out this sec-  
10 tion, the Secretary shall submit to the Committee on Nat-  
11 ural Resources of the House of Representatives and the  
12 Committee on Energy and Natural Resources of the Sen-  
13 ate a report containing—

14 (1) the results of the study; and

15 (2) any recommendations of the Secretary.

16 **Subtitle D—Program**  
17 **Authorizations**

18 **SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PRO-**  
19 **GRAM.**

20 (a) PURPOSE.—The purpose of this section is to as-  
21 sist citizens, public and private institutions, and govern-  
22 ments at all levels in planning, interpreting, and pro-  
23 tecting sites where historic battles were fought on Amer-  
24 ican soil during the armed conflicts that shaped the  
25 growth and development of the United States, in order

1 that present and future generations may learn and gain  
2 inspiration from the ground where Americans made their  
3 ultimate sacrifice.

4 (b) PRESERVATION ASSISTANCE.—

5 (1) IN GENERAL.—Using the established na-  
6 tional historic preservation program to the extent  
7 practicable, the Secretary of the Interior, acting  
8 through the American Battlefield Protection Pro-  
9 gram, shall encourage, support, assist, recognize,  
10 and work in partnership with citizens, Federal,  
11 State, local, and tribal governments, other public en-  
12 tities, educational institutions, and private nonprofit  
13 organizations in identifying, researching, evaluating,  
14 interpreting, and protecting historic battlefields and  
15 associated sites on a National, State, and local level.

16 (2) FINANCIAL ASSISTANCE.—To carry out  
17 paragraph (1), the Secretary may use a cooperative  
18 agreement, grant, contract, or other generally adopt-  
19 ed means of providing financial assistance.

20 (3) AUTHORIZATION OF APPROPRIATIONS.—  
21 There are authorized to be appropriated \$3,000,000  
22 annually to carry out this subsection, to remain  
23 available until expended.

24 (c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

25 (1) DEFINITIONS.—In this subsection:



1 (A) BATTLEFIELD REPORT.—The term  
2 “Battlefield Report” means the document enti-  
3 tled “Report on the Nation’s Civil War Battle-  
4 fields”, prepared by the Civil War Sites Advi-  
5 sory Commission, and dated July 1993.

6 (B) ELIGIBLE ENTITY.—The term “eligible  
7 entity” means a State or local government.

8 (C) ELIGIBLE SITE.—The term “eligible  
9 site” means a site—

10 (i) that is not within the exterior  
11 boundaries of a unit of the National Park  
12 System; and

13 (ii) that is identified in the Battlefield  
14 Report.

15 (D) SECRETARY.—The term “Secretary”  
16 means the Secretary of the Interior, acting  
17 through the American Battlefield Protection  
18 Program.

19 (2) ESTABLISHMENT.—The Secretary shall es-  
20 tablish a battlefield acquisition grant program under  
21 which the Secretary may provide grants to eligible  
22 entities to pay the Federal share of the cost of ac-  
23 quiring interests in eligible sites for the preservation  
24 and protection of those eligible sites.

1           (3) NONPROFIT PARTNERS.—An eligible entity  
2           may acquire an interest in an eligible site using a  
3           grant under this subsection in partnership with a  
4           nonprofit organization.

5           (4) NON-FEDERAL SHARE.—The non-Federal  
6           share of the total cost of acquiring an interest in an  
7           eligible site under this subsection shall be not less  
8           than 50 percent.

9           (5) LIMITATION ON LAND USE.—An interest in  
10          an eligible site acquired under this subsection shall  
11          be subject to section 6(f)(3) of the Land and Water  
12          Conservation Fund Act of 1965 (16 U.S.C. 460l–  
13          8(f)(3)).

14          (6) AUTHORIZATION OF APPROPRIATIONS.—  
15          There is authorized to be appropriated to the Sec-  
16          retary to provide grants under this subsection  
17          \$10,000,000 for each of fiscal years 2009 through  
18          2013.

19 **SEC. 7302. PRESERVE AMERICA PROGRAM.**

20          (a) PURPOSE.—The purpose of this section is to au-  
21          thorize the Preserve America Program, including—

22                (1) the Preserve America grant program within  
23                the Department of the Interior;

24                (2) the recognition programs administered by  
25                the Advisory Council on Historic Preservation; and

1           (3) the related efforts of Federal agencies,  
2           working in partnership with State, tribal, and local  
3           governments and the private sector, to support and  
4           promote the preservation of historic resources.

5           (b) DEFINITIONS.—In this section:

6           (1) COUNCIL.—The term “Council” means the  
7           Advisory Council on Historic Preservation.

8           (2) HERITAGE TOURISM.—The term “heritage  
9           tourism” means the conduct of activities to attract  
10          and accommodate visitors to a site or area based on  
11          the unique or special aspects of the history, land-  
12          scape (including trail systems), and culture of the  
13          site or area.

14          (3) PROGRAM.—The term “program” means  
15          the Preserve America Program established under  
16          subsection (c)(1).

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

19          (c) ESTABLISHMENT.—

20          (1) IN GENERAL.—There is established in the  
21          Department of the Interior the Preserve America  
22          Program, under which the Secretary, in partnership  
23          with the Council, may provide competitive grants to  
24          States, local governments (including local govern-  
25          ments in the process of applying for designation as

1 Preserve America Communities under subsection  
2 (d), Indian tribes, communities designated as Pre-  
3 serve America Communities under subsection (d),  
4 State historic preservation offices, and tribal historic  
5 preservation offices to support preservation efforts  
6 through heritage tourism, education, and historic  
7 preservation planning activities.

8 (2) ELIGIBLE PROJECTS.—

9 (A) IN GENERAL.—The following projects  
10 shall be eligible for a grant under this section:

11 (i) A project for the conduct of—

12 (I) research on, and documenta-  
13 tion of, the history of a community;  
14 and

15 (II) surveys of the historic re-  
16 sources of a community.

17 (ii) An education and interpretation  
18 project that conveys the history of a com-  
19 munity or site.

20 (iii) A planning project (other than  
21 building rehabilitation) that advances eco-  
22 nomic development using heritage tourism  
23 and historic preservation.

24 (iv) A training project that provides  
25 opportunities for professional development

1           in areas that would aid a community in  
2           using and promoting its historic resources.

3           (v) A project to support heritage tour-  
4           ism in a Preserve America Community des-  
5           ignated under subsection (d).

6           (vi) Other nonconstruction projects  
7           that identify or promote historic properties  
8           or provide for the education of the public  
9           about historic properties that are con-  
10          sistent with the purposes of this section.

11          (B) LIMITATION.—In providing grants  
12          under this section, the Secretary shall only pro-  
13          vide 1 grant to each eligible project selected for  
14          a grant.

15          (3) PREFERENCE.—In providing grants under  
16          this section, the Secretary may give preference to  
17          projects that carry out the purposes of both the pro-  
18          gram and the Save America's Treasures Program.

19          (4) CONSULTATION AND NOTIFICATION.—

20           (A) CONSULTATION.—The Secretary shall  
21           consult with the Council in preparing the list of  
22           projects to be provided grants for a fiscal year  
23           under the program.

24           (B) NOTIFICATION.—Not later than 30  
25           days before the date on which the Secretary

1 provides grants for a fiscal year under the pro-  
2 gram, the Secretary shall submit to the Com-  
3 mittee on Energy and Natural Resources of the  
4 Senate, the Committee on Appropriations of the  
5 Senate, the Committee on Natural Resources of  
6 the House of Representatives, and the Com-  
7 mittee on Appropriations of the House of Rep-  
8 resentatives a list of any eligible projects that  
9 are to be provided grants under the program  
10 for the fiscal year.

11 (5) COST-SHARING REQUIREMENT.—

12 (A) IN GENERAL.—The non-Federal share  
13 of the cost of carrying out a project provided a  
14 grant under this section shall be not less than  
15 50 percent of the total cost of the project.

16 (B) FORM OF NON-FEDERAL SHARE.—The  
17 non-Federal share required under subparagraph  
18 (A) shall be in the form of—

19 (i) cash; or

20 (ii) donated supplies and related serv-  
21 ices, the value of which shall be determined  
22 by the Secretary.

23 (C) REQUIREMENT.—The Secretary shall  
24 ensure that each applicant for a grant has the  
25 capacity to secure, and a feasible plan for se-

1           curing, the non-Federal share for an eligible  
2           project required under subparagraph (A) before  
3           a grant is provided to the eligible project under  
4           the program.

5           (d) DESIGNATION OF PRESERVE AMERICA COMMU-  
6           NITIES.—

7           (1) APPLICATION.—To be considered for des-  
8           ignation as a Preserve America Community, a com-  
9           munity, tribal area, or neighborhood shall submit to  
10          the Council an application containing such informa-  
11          tion as the Council may require.

12          (2) CRITERIA.—To be designated as a Preserve  
13          America Community under the program, a commu-  
14          nity, tribal area, or neighborhood that submits an  
15          application under paragraph (1) shall, as determined  
16          by the Council, in consultation with the Secretary,  
17          meet criteria required by the Council and, in addi-  
18          tion, consider—

19                  (A) protection and celebration of the herit-  
20                  age of the community, tribal area, or neighbor-  
21                  hood;

22                  (B) use of the historic assets of the com-  
23                  munity, tribal area, or neighborhood for eco-  
24                  nomic development and community revitaliza-  
25                  tion; and

1 (C) encouragement of people to experience  
2 and appreciate local historic resources through  
3 education and heritage tourism programs.

4 (3) LOCAL GOVERNMENTS PREVIOUSLY CER-  
5 TIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—  
6 The Council shall establish an expedited process for  
7 Preserve America Community designation for local  
8 governments previously certified for historic preser-  
9 vation activities under section 101(c)(1) of the Na-  
10 tional Historic Preservation Act (16 U.S.C.  
11 470a(c)(1)).

12 (4) GUIDELINES.—The Council, in consultation  
13 with the Secretary, shall establish any guidelines  
14 that are necessary to carry out this subsection.

15 (e) REGULATIONS.—The Secretary shall develop any  
16 guidelines and issue any regulations that the Secretary de-  
17 termines to be necessary to carry out this section.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section  
20 \$25,000,000 for each fiscal year, to remain available until  
21 expended.

22 **SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.**

23 (a) PURPOSE.—The purpose of this section is to au-  
24 thorize within the Department of the Interior the Save  
25 America's Treasures Program, to be carried out by the



1 Director of the National Park Service, in partnership  
2 with—

3 (1) the National Endowment for the Arts;

4 (2) the National Endowment for the Human-  
5 ities;

6 (3) the Institute of Museum and Library Serv-  
7 ices;

8 (4) the National Trust for Historic Preserva-  
9 tion;

10 (5) the National Conference of State Historic  
11 Preservation Officers;

12 (6) the National Association of Tribal Historic  
13 Preservation Officers; and

14 (7) the President's Committee on the Arts and  
15 the Humanities.

16 (b) DEFINITIONS.—In this section:

17 (1) COLLECTION.—The term “collection”  
18 means a collection of intellectual and cultural arti-  
19 facts, including documents, sculpture, and works of  
20 art.

21 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
22 ty” means a Federal entity, State, local, or tribal  
23 government, educational institution, or nonprofit or-  
24 ganization.

1           (3) HISTORIC PROPERTY.—The term “historic  
2           property” has the meaning given the term in section  
3           301 of the National Historic Preservation Act (16  
4           U.S.C. 470w).

5           (4) NATIONALLY SIGNIFICANT.—The term “na-  
6           tionally significant” means a collection or historic  
7           property that meets the applicable criteria for na-  
8           tional significance, in accordance with regulations  
9           promulgated by the Secretary pursuant to section  
10          101(a)(2) of the National Historic Preservation Act  
11          (16 U.S.C. 470a(a)(2)).

12          (5) PROGRAM.—The term “program” means  
13          the Save America’s Treasures Program established  
14          under subsection (c)(1).

15          (6) SECRETARY.—The term “Secretary” means  
16          the Secretary of the Interior, acting through the Di-  
17          rector of the National Park Service.

18          (c) ESTABLISHMENT.—

19               (1) IN GENERAL.—There is established in the  
20               Department of the Interior the Save America’s  
21               Treasures program, under which the amounts made  
22               available to the Secretary under subsection (e) shall  
23               be used by the Secretary, in consultation with the  
24               organizations described in subsection (a), subject to  
25               paragraph (6)(A)(ii), to provide grants to eligible en-

1           tities for projects to preserve nationally significant  
2           collections and historic properties.

3           (2) DETERMINATION OF GRANTS.—Of the  
4           amounts made available for grants under subsection  
5           (e), not less than 50 percent shall be made available  
6           for grants for projects to preserve collections and  
7           historic properties, to be distributed through a com-  
8           petitive grant process administered by the Secretary,  
9           subject to the eligibility criteria established under  
10          paragraph (5).

11          (3) APPLICATIONS FOR GRANTS.—To be consid-  
12          ered for a competitive grant under the program an  
13          eligible entity shall submit to the Secretary an appli-  
14          cation containing such information as the Secretary  
15          may require.

16          (4) COLLECTIONS AND HISTORIC PROPERTIES  
17          ELIGIBLE FOR COMPETITIVE GRANTS.—

18                (A) IN GENERAL.—A collection or historic  
19                property shall be provided a competitive grant  
20                under the program only if the Secretary deter-  
21                mines that the collection or historic property  
22                is—

- 23                       (i) nationally significant; and  
24                       (ii) threatened or endangered.

1           (B) ELIGIBLE COLLECTIONS.—A deter-  
2 mination by the Secretary regarding the na-  
3 tional significance of collections under subpara-  
4 graph (A)(i) shall be made in consultation with  
5 the organizations described in subsection (a), as  
6 appropriate.

7           (C) ELIGIBLE HISTORIC PROPERTIES.—To  
8 be eligible for a competitive grant under the  
9 program, a historic property shall, as of the  
10 date of the grant application—

11                   (i) be listed in the National Register  
12 of Historic Places at the national level of  
13 significance; or

14                   (ii) be designated as a National His-  
15 toric Landmark.

16 (5) SELECTION CRITERIA FOR GRANTS.—

17           (A) IN GENERAL.—The Secretary shall not  
18 provide a grant under this section to a project  
19 for an eligible collection or historic property un-  
20 less the project—

21                   (i) eliminates or substantially miti-  
22 gates the threat of destruction or deterio-  
23 ration of the eligible collection or historic  
24 property;

25                   (ii) has a clear public benefit; and

1 (iii) is able to be completed on sched-  
2 ule and within the budget described in the  
3 grant application.

4 (B) PREFERENCE.—In providing grants  
5 under this section, the Secretary may give pref-  
6 erence to projects that carry out the purposes  
7 of both the program and the Preserve America  
8 Program.

9 (C) LIMITATION.—In providing grants  
10 under this section, the Secretary shall only pro-  
11 vide 1 grant to each eligible project selected for  
12 a grant.

13 (6) CONSULTATION AND NOTIFICATION BY SEC-  
14 RETARY.—

15 (A) CONSULTATION.—

16 (i) IN GENERAL.—Subject to clause  
17 (ii), the Secretary shall consult with the or-  
18 ganizations described in subsection (a) in  
19 preparing the list of projects to be pro-  
20 vided grants for a fiscal year by the Sec-  
21 retary under the program.

22 (ii) LIMITATION.—If an entity de-  
23 scribed in clause (i) has submitted an ap-  
24 plication for a grant under the program,  
25 the entity shall be recused by the Secretary

1 from the consultation requirements under  
2 that clause and paragraph (1).

3 (B) NOTIFICATION.—Not later than 30  
4 days before the date on which the Secretary  
5 provides grants for a fiscal year under the pro-  
6 gram, the Secretary shall submit to the Com-  
7 mittee on Energy and Natural Resources of the  
8 Senate, the Committee on Appropriations of the  
9 Senate, the Committee on Natural Resources of  
10 the House of Representatives, and the Com-  
11 mittee on Appropriations of the House of Rep-  
12 resentatives a list of any eligible projects that  
13 are to be provided grants under the program  
14 for the fiscal year.

15 (7) COST-SHARING REQUIREMENT.—

16 (A) IN GENERAL.—The non-Federal share  
17 of the cost of carrying out a project provided a  
18 grant under this section shall be not less than  
19 50 percent of the total cost of the project.

20 (B) FORM OF NON-FEDERAL SHARE.—The  
21 non-Federal share required under subparagraph  
22 (A) shall be in the form of—

23 (i) cash; or

1                   (ii) donated supplies or related serv-  
2                   ices, the value of which shall be determined  
3                   by the Secretary.

4                   (C) REQUIREMENT.—The Secretary shall  
5                   ensure that each applicant for a grant has the  
6                   capacity and a feasible plan for securing the  
7                   non-Federal share for an eligible project re-  
8                   quired under subparagraph (A) before a grant  
9                   is provided to the eligible project under the pro-  
10                  gram.

11               (d) REGULATIONS.—The Secretary shall develop any  
12               guidelines and issue any regulations that the Secretary de-  
13               termines to be necessary to carry out this section.

14               (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
15               authorized to be appropriated to carry out this section  
16               \$50,000,000 for each fiscal year, to remain available until  
17               expended.

18               **SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.**

19               Section 4 of Public Law 106–45 (16 U.S.C. 461 note;  
20               113 Stat. 226) is amended by striking “2009” and insert-  
21               ing “2019”.

1 **SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTI-**  
2 **TUTE.**

3 The National Cave and Karst Research Institute Act  
4 of 1998 (16 U.S.C. 4310 note; Public Law 105–325) is  
5 amended by striking section 5 and inserting the following:

6 **“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated such sums  
8 as are necessary to carry out this Act.”.

9 **Subtitle E—Advisory Commissions**

10 **SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY**  
11 **COMMISSION.**

12 Section 505(f)(7) of the National Parks and Recre-  
13 ation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by  
14 striking “ten years after the date of enactment of the Na  
15 Hoa Pili O Kaloko-Honokohau Re-establishment Act of  
16 1996” and inserting “on December 31, 2018”.

17 **SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY**  
18 **COMMISSION.**

19 Effective September 26, 2008, section 8(a) of Public  
20 Law 87–126 (16 U.S.C. 459b–7(a)) is amended in the sec-  
21 ond sentence by striking “2008” and inserting “2018”.

22 **SEC. 7403. NATIONAL PARK SYSTEM ADVISORY BOARD.**

23 Section 3(f) of the Act of August 21, 1935 (16.  
24 U.S.C. 463(f)), is amended in the first sentence by strik-  
25 ing “2009” and inserting “2010”.



1 **SEC. 7404. CONCESSIONS MANAGEMENT ADVISORY BOARD.**

2 Section 409(d) of the National Park Service Conces-  
3 sions Management Improvement Act of 1998 (16 U.S.C.  
4 5958(d)) is amended in the first sentence by striking  
5 “2008” and inserting “2009”.

6 **SEC. 7405. ST. AUGUSTINE 450TH COMMEMORATION COM-**  
7 **MISSION.**

8 (a) DEFINITIONS.—In this section:

9 (1) COMMEMORATION.—The term “commemo-  
10 ration” means the commemoration of the 450th an-  
11 niversary of the founding of the settlement of St.  
12 Augustine, Florida.

13 (2) COMMISSION.—The term “Commission”  
14 means the St. Augustine 450th Commemoration  
15 Commission established by subsection (b)(1).

16 (3) GOVERNOR.—The term “Governor” means  
17 the Governor of the State.

18 (4) SECRETARY.—The term “Secretary” means  
19 the Secretary of the Interior.

20 (5) STATE.—

21 (A) IN GENERAL.—The term “State”  
22 means the State of Florida.

23 (B) INCLUSION.—The term “State” in-  
24 cludes agencies and entities of the State of  
25 Florida.

26 (b) ESTABLISHMENT.—

1           (1) IN GENERAL.—There is established a com-  
2 mission, to be known as the “St. Augustine 450th  
3 Commemoration Commission”.

4           (2) MEMBERSHIP.—

5           (A) COMPOSITION.—The Commission shall  
6 be composed of 14 members, of whom—

7           (i) 3 members shall be appointed by  
8 the Secretary, after considering the rec-  
9 ommendations of the St. Augustine City  
10 Commission;

11           (ii) 3 members shall be appointed by  
12 the Secretary, after considering the rec-  
13 ommendations of the Governor;

14           (iii) 1 member shall be an employee of  
15 the National Park Service having experi-  
16 ence relevant to the historical resources re-  
17 lating to the city of St. Augustine and the  
18 commemoration, to be appointed by the  
19 Secretary;

20           (iv) 1 member shall be appointed by  
21 the Secretary, taking into consideration the  
22 recommendations of the Mayor of the city  
23 of St. Augustine;

24           (v) 1 member shall be appointed by  
25 the Secretary, after considering the rec-

1                   ommendations of the Chancellor of the  
2                   University System of Florida; and

3                   (vi) 5 members shall be individuals  
4                   who are residents of the State who have an  
5                   interest in, support for, and expertise ap-  
6                   propriate to the commemoration, to be ap-  
7                   pointed by the Secretary, taking into con-  
8                   sideration the recommendations of Mem-  
9                   bers of Congress.

10                  (B) TIME OF APPOINTMENT.—Each ap-  
11                  pointment of an initial member of the Commis-  
12                  sion shall be made before the expiration of the  
13                  120-day period beginning on the date of enact-  
14                  ment of this Act.

15                  (C) TERM; VACANCIES.—

16                  (i) TERM.—A member of the Commis-  
17                  sion shall be appointed for the life of the  
18                  Commission.

19                  (ii) VACANCIES.—

20                  (I) IN GENERAL.—A vacancy on  
21                  the Commission shall be filled in the  
22                  same manner in which the original ap-  
23                  pointment was made.

24                  (II) PARTIAL TERM.—A member  
25                  appointed to fill a vacancy on the

1 Commission shall serve for the re-  
2 mainder of the term for which the  
3 predecessor of the member was ap-  
4 pointed.

5 (iii) CONTINUATION OF MEMBER-  
6 SHIP.—If a member of the Commission  
7 was appointed to the Commission as  
8 Mayor of the city of St. Augustine or as an  
9 employee of the National Park Service or  
10 the State University System of Florida,  
11 and ceases to hold such position, that  
12 member may continue to serve on the  
13 Commission for not longer than the 30-day  
14 period beginning on the date on which that  
15 member ceases to hold the position.

16 (3) DUTIES.—The Commission shall—

17 (A) plan, develop, and carry out programs  
18 and activities appropriate for the commemora-  
19 tion;

20 (B) facilitate activities relating to the com-  
21 memoration throughout the United States;

22 (C) encourage civic, patriotic, historical,  
23 educational, artistic, religious, economic, and  
24 other organizations throughout the United  
25 States to organize and participate in anniver-

1           sary activities to expand understanding and ap-  
2           preciation of the significance of the founding  
3           and continuing history of St. Augustine;

4           (D) provide technical assistance to States,  
5           localities, and nonprofit organizations to further  
6           the commemoration;

7           (E) coordinate and facilitate for the public  
8           scholarly research on, publication about, and in-  
9           terpretation of, St. Augustine;

10          (F) ensure that the commemoration pro-  
11          vides a lasting legacy and long-term public ben-  
12          efit by assisting in the development of appro-  
13          priate programs; and

14          (G) help ensure that the observances of the  
15          foundation of St. Augustine are inclusive and  
16          appropriately recognize the experiences and her-  
17          itage of all individuals present when St. Augus-  
18          tine was founded.

19          (c) COMMISSION MEETINGS.—

20           (1) INITIAL MEETING.—Not later than 30 days  
21          after the date on which all members of the Commis-  
22          sion have been appointed, the Commission shall hold  
23          the initial meeting of the Commission.

24           (2) MEETINGS.—The Commission shall meet—

25           (A) at least 3 times each year; or

1 (B) at the call of the Chairperson or the  
2 majority of the members of the Commission.

3 (3) QUORUM.—A majority of the voting mem-  
4 bers shall constitute a quorum, but a lesser number  
5 may hold meetings.

6 (4) CHAIRPERSON AND VICE CHAIRPERSON.—

7 (A) ELECTION.—The Commission shall  
8 elect the Chairperson and the Vice Chairperson  
9 of the Commission on an annual basis.

10 (B) ABSENCE OF THE CHAIRPERSON.—

11 The Vice Chairperson shall serve as the Chair-  
12 person in the absence of the Chairperson.

13 (5) VOTING.—The Commission shall act only  
14 on an affirmative vote of a majority of the members  
15 of the Commission.

16 (d) COMMISSION POWERS.—

17 (1) GIFTS.—The Commission may solicit, ac-  
18 cept, use, and dispose of gifts, bequests, or devises  
19 of money or other property for aiding or facilitating  
20 the work of the Commission.

21 (2) APPOINTMENT OF ADVISORY COMMIT-  
22 TEES.—The Commission may appoint such advisory  
23 committees as the Commission determines to be nec-  
24 essary to carry out this section.

1           (3) AUTHORIZATION OF ACTION.—The Commis-  
2           sion may authorize any member or employee of the  
3           Commission to take any action that the Commission  
4           is authorized to take under this section.

5           (4) PROCUREMENT.—

6           (A) IN GENERAL.—The Commission may  
7           procure supplies, services, and property, and  
8           make or enter into contracts, leases, or other  
9           legal agreements, to carry out this section (ex-  
10          cept that a contract, lease, or other legal agree-  
11          ment made or entered into by the Commission  
12          shall not extend beyond the date of termination  
13          of the Commission).

14          (B) LIMITATION.—The Commission may  
15          not purchase real property.

16          (5) POSTAL SERVICES.—The Commission may  
17          use the United States mails in the same manner and  
18          under the same conditions as other agencies of the  
19          Federal Government.

20          (6) GRANTS AND TECHNICAL ASSISTANCE.—  
21          The Commission may—

22                (A) provide grants in amounts not to ex-  
23                ceed \$20,000 per grant to communities and  
24                nonprofit organizations for use in developing  
25                programs to assist in the commemoration;

1           (B) provide grants to research and schol-  
2 arly organizations to research, publish, or dis-  
3 tribute information relating to the early history  
4 of St. Augustine; and

5           (C) provide technical assistance to States,  
6 localities, and nonprofit organizations to further  
7 the commemoration.

8 (e) COMMISSION PERSONNEL MATTERS.—

9       (1) COMPENSATION OF MEMBERS.—

10           (A) IN GENERAL.—Except as provided in  
11 paragraph (2), a member of the Commission  
12 shall serve without compensation.

13           (B) FEDERAL EMPLOYEES.—A member of  
14 the Commission who is an officer or employee  
15 of the Federal Government shall serve without  
16 compensation other than the compensation re-  
17 ceived for the services of the member as an offi-  
18 cer or employee of the Federal Government.

19       (2) TRAVEL EXPENSES.—A member of the  
20 Commission shall be allowed travel expenses, includ-  
21 ing per diem in lieu of subsistence, at rates author-  
22 ized for an employee of an agency under subchapter  
23 I of chapter 57 of title 5, United States Code, while  
24 away from the home or regular place of business of



1 the member in the performance of the duties of the  
2 Commission.

3 (3) DIRECTOR AND STAFF.—

4 (A) IN GENERAL.—The Chairperson of the  
5 Commission may, without regard to the civil  
6 service laws (including regulations), nominate  
7 an executive director to enable the Commission  
8 to perform the duties of the Commission.

9 (B) CONFIRMATION OF EXECUTIVE DIREC-  
10 TOR.—The employment of an executive director  
11 shall be subject to confirmation by the Commis-  
12 sion.

13 (4) COMPENSATION.—

14 (A) IN GENERAL.—Except as provided in  
15 subparagraph (B), the Commission may fix the  
16 compensation of the executive director and  
17 other personnel without regard to the provisions  
18 of chapter 51 and subchapter III of chapter 53  
19 of title 5, United States Code, relating to classi-  
20 fication of positions and General Schedule pay  
21 rates.

22 (B) MAXIMUM RATE OF PAY.—The rate of  
23 pay for the executive director and other per-  
24 sonnel shall not exceed the rate payable for

1 level V of the Executive Schedule under section  
2 5316 of title 5, United States Code.

3 (5) DETAIL OF GOVERNMENT EMPLOYEES.—

4 (A) FEDERAL EMPLOYEES.—

5 (i) DETAIL.—At the request of the  
6 Commission, the head of any Federal agen-  
7 cy may detail, on a reimbursable or nonre-  
8 imburseable basis, any of the personnel of  
9 the agency to the Commission to assist the  
10 Commission in carrying out the duties of  
11 the Commission under this section.

12 (ii) CIVIL SERVICE STATUS.—The de-  
13 tail of an employee under clause (i) shall  
14 be without interruption or loss of civil serv-  
15 ice status or privilege.

16 (B) STATE EMPLOYEES.—The Commission  
17 may—

18 (i) accept the services of personnel de-  
19 tailed from the State; and

20 (ii) reimburse the State for services of  
21 detailed personnel.

22 (6) PROCUREMENT OF TEMPORARY AND INTER-  
23 MITTENT SERVICES.—The Chairperson of the Com-  
24 mission may procure temporary and intermittent  
25 services in accordance with section 3109(b) of title

1       5, United States Code, at rates for individuals that  
2       do not exceed the daily equivalent of the annual rate  
3       of basic pay prescribed for level V of the Executive  
4       Schedule under section 5316 of such title.

5           (7) VOLUNTEER AND UNCOMPENSATED SERV-  
6       ICES.—Notwithstanding section 1342 of title 31,  
7       United States Code, the Commission may accept and  
8       use such voluntary and uncompensated services as  
9       the Commission determines to be necessary.

10          (8) SUPPORT SERVICES.—

11           (A) IN GENERAL.—The Secretary shall  
12       provide to the Commission, on a reimbursable  
13       basis, such administrative support services as  
14       the Commission may request.

15           (B) REIMBURSEMENT.—Any reimburse-  
16       ment under this paragraph shall be credited to  
17       the appropriation, fund, or account used for  
18       paying the amounts reimbursed.

19          (9) FACA NONAPPLICABILITY.—Section 14(b)  
20       of the Federal Advisory Committee Act (5 U.S.C.  
21       App.) shall not apply to the Commission.

22          (10) NO EFFECT ON AUTHORITY.—Nothing in  
23       this subsection supersedes the authority of the State,  
24       the National Park Service, the city of St. Augustine,

1 or any designee of those entities, with respect to the  
2 commemoration.

3 (f) PLANS; REPORTS.—

4 (1) STRATEGIC PLAN.—The Commission shall  
5 prepare a strategic plan for the activities of the  
6 Commission carried out under this section.

7 (2) FINAL REPORT.—Not later than September  
8 30, 2015, the Commission shall complete and submit  
9 to Congress a final report that contains—

10 (A) a summary of the activities of the  
11 Commission;

12 (B) a final accounting of funds received  
13 and expended by the Commission; and

14 (C) the findings and recommendations of  
15 the Commission.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be  
18 appropriated to the Commission to carry out this  
19 section \$500,000 for each of fiscal years 2009  
20 through 2015.

21 (2) AVAILABILITY.—Amounts made available  
22 under paragraph (1) shall remain available until De-  
23 cember 31, 2015.

24 (h) TERMINATION OF COMMISSION.—

1           (1) DATE OF TERMINATION.—The Commission  
2 shall terminate on December 31, 2015.

3           (2) TRANSFER OF DOCUMENTS AND MATE-  
4 RIALS.—Before the date of termination specified in  
5 paragraph (1), the Commission shall transfer all  
6 documents and materials of the Commission to the  
7 National Archives or another appropriate Federal  
8 entity.

9                   **TITLE VIII—NATIONAL**  
10                   **HERITAGE AREAS**

11                   **Subtitle A—Designation of**  
12                   **National Heritage Areas**

13 **SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA,**  
14                   **COLORADO.**

15           (a) DEFINITIONS.—In this section:

16           (1) HERITAGE AREA.—The term “Heritage  
17 Area” means the Sangre de Cristo National Herit-  
18 age Area established by subsection (b)(1).

19           (2) MANAGEMENT ENTITY.—The term “man-  
20 agement entity” means the management entity for  
21 the Heritage Area designated by subsection (b)(4).

22           (3) MANAGEMENT PLAN.—The term “manage-  
23 ment plan” means the management plan for the  
24 Heritage Area required under subsection (d).



1 (B) on file and available for public inspec-  
2 tion in the appropriate offices of the National  
3 Park Service.

4 (4) MANAGEMENT ENTITY.—

5 (A) IN GENERAL.—The management entity  
6 for the Heritage Area shall be the Sangre de  
7 Cristo National Heritage Area Board of Direc-  
8 tors.

9 (B) MEMBERSHIP REQUIREMENTS.—Mem-  
10 bers of the Board shall include representatives  
11 from a broad cross-section of the individuals,  
12 agencies, organizations, and governments that  
13 were involved in the planning and development  
14 of the Heritage Area before the date of enact-  
15 ment of this Act.

16 (c) ADMINISTRATION.—

17 (1) AUTHORITIES.—For purposes of carrying  
18 out the management plan, the Secretary, acting  
19 through the management entity, may use amounts  
20 made available under this section to—

21 (A) make grants to the State or a political  
22 subdivision of the State, nonprofit organiza-  
23 tions, and other persons;

24 (B) enter into cooperative agreements  
25 with, or provide technical assistance to, the

1 State or a political subdivision of the State,  
2 nonprofit organizations, and other interested  
3 parties;

4 (C) hire and compensate staff, which shall  
5 include individuals with expertise in natural,  
6 cultural, and historical resources protection,  
7 and heritage programming;

8 (D) obtain money or services from any  
9 source including any that are provided under  
10 any other Federal law or program;

11 (E) contract for goods or services; and

12 (F) undertake to be a catalyst for any  
13 other activity that furthers the Heritage Area  
14 and is consistent with the approved manage-  
15 ment plan.

16 (2) DUTIES.—The management entity shall—

17 (A) in accordance with subsection (d), pre-  
18 pare and submit a management plan for the  
19 Heritage Area to the Secretary;

20 (B) assist units of local government, re-  
21 gional planning organizations, and nonprofit or-  
22 ganizations in carrying out the approved man-  
23 agement plan by—

24 (i) carrying out programs and projects  
25 that recognize, protect, and enhance im-



1           portant resource values in the Heritage  
2           Area;

3           (ii) establishing and maintaining in-  
4           terpretive exhibits and programs in the  
5           Heritage Area;

6           (iii) developing recreational and edu-  
7           cational opportunities in the Heritage  
8           Area;

9           (iv) increasing public awareness of,  
10          and appreciation for, natural, historical,  
11          scenic, and cultural resources of the Herit-  
12          age Area;

13          (v) protecting and restoring historic  
14          sites and buildings in the Heritage Area  
15          that are consistent with Heritage Area  
16          themes;

17          (vi) ensuring that clear, consistent,  
18          and appropriate signs identifying points of  
19          public access, and sites of interest are  
20          posted throughout the Heritage Area; and

21          (vii) promoting a wide range of part-  
22          nerships among governments, organiza-  
23          tions, and individuals to further the Herit-  
24          age Area;

1           (C) consider the interests of diverse units  
2 of government, businesses, organizations, and  
3 individuals in the Heritage Area in the prepara-  
4 tion and implementation of the management  
5 plan;

6           (D) conduct meetings open to the public at  
7 least semiannually regarding the development  
8 and implementation of the management plan;

9           (E) for any year that Federal funds have  
10 been received under this section—

11           (i) submit an annual report to the  
12 Secretary that describes the activities, ex-  
13 penses, and income of the management en-  
14 tity (including grants to any other entities  
15 during the year that the report is made);

16           (ii) make available to the Secretary  
17 for audit all records relating to the expend-  
18 iture of the funds and any matching funds;

19           (iii) require, with respect to all agree-  
20 ments authorizing expenditure of Federal  
21 funds by other organizations, that the or-  
22 ganizations receiving the funds make avail-  
23 able to the Secretary for audit all records  
24 concerning the expenditure of the funds;  
25 and

1           (F) encourage by appropriate means eco-  
2           nomic viability that is consistent with the Herit-  
3           age Area.

4           (3) PROHIBITION ON THE ACQUISITION OF  
5           REAL PROPERTY.—The management entity shall not  
6           use Federal funds made available under this section  
7           to acquire real property or any interest in real prop-  
8           erty.

9           (4) COST-SHARING REQUIREMENT.—The Fed-  
10          eral share of the cost of any activity carried out  
11          using any assistance made available under this sec-  
12          tion shall be 50 percent.

13          (d) MANAGEMENT PLAN.—

14           (1) IN GENERAL.—Not later than 3 years after  
15          the date of enactment of this Act, the management  
16          entity shall submit to the Secretary for approval a  
17          proposed management plan for the Heritage Area.

18           (2) REQUIREMENTS.—The management plan  
19          shall—

20           (A) incorporate an integrated and coopera-  
21          tive approach for the protection, enhancement,  
22          and interpretation of the natural, cultural, his-  
23          toric, scenic, and recreational resources of the  
24          Heritage Area;

1 (B) take into consideration State and local  
2 plans;

3 (C) include—

4 (i) an inventory of—

5 (I) the resources located in the  
6 core area described in subsection  
7 (b)(2); and

8 (II) any other property in the  
9 core area that—

10 (aa) is related to the themes  
11 of the Heritage Area; and

12 (bb) should be preserved, re-  
13 stored, managed, or maintained  
14 because of the significance of the  
15 property;

16 (ii) comprehensive policies, strategies  
17 and recommendations for conservation,  
18 funding, management, and development of  
19 the Heritage Area;

20 (iii) a description of actions that gov-  
21 ernments, private organizations, and indi-  
22 viduals have agreed to take to protect the  
23 natural, historical and cultural resources of  
24 the Heritage Area;

1 (iv) a program of implementation for  
2 the management plan by the management  
3 entity that includes a description of—

4 (I) actions to facilitate ongoing  
5 collaboration among partners to pro-  
6 mote plans for resource protection,  
7 restoration, and construction; and

8 (II) specific commitments for im-  
9 plementation that have been made by  
10 the management entity or any govern-  
11 ment, organization, or individual for  
12 the first 5 years of operation;

13 (v) the identification of sources of  
14 funding for carrying out the management  
15 plan;

16 (vi) analysis and recommendations for  
17 means by which local, State, and Federal  
18 programs, including the role of the Na-  
19 tional Park Service in the Heritage Area,  
20 may best be coordinated to carry out this  
21 section; and

22 (vii) an interpretive plan for the Her-  
23 itage Area; and

24 (D) recommend policies and strategies for  
25 resource management that consider and detail

1           the application of appropriate land and water  
2           management techniques, including the develop-  
3           ment of intergovernmental and interagency co-  
4           operative agreements to protect the natural,  
5           historical, cultural, educational, scenic, and rec-  
6           reational resources of the Heritage Area.

7           (3) DEADLINE.—If a proposed management  
8           plan is not submitted to the Secretary by the date  
9           that is 3 years after the date of enactment of this  
10          Act, the management entity shall be ineligible to re-  
11          ceive additional funding under this section until the  
12          date that the Secretary receives and approves the  
13          management plan.

14          (4) APPROVAL OR DISAPPROVAL OF MANAGE-  
15          MENT PLAN.—

16                (A) IN GENERAL.—Not later than 180  
17                days after the date of receipt of the manage-  
18                ment plan under paragraph (1), the Secretary,  
19                in consultation with the State, shall approve or  
20                disapprove the management plan.

21                (B) CRITERIA FOR APPROVAL.—In deter-  
22                mining whether to approve the management  
23                plan, the Secretary shall consider whether—

24                    (i) the management entity is rep-  
25                    resentative of the diverse interests of the

1 Heritage Area, including governments, nat-  
2 ural and historic resource protection orga-  
3 nizations, educational institutions, busi-  
4 nesses, and recreational organizations;

5 (ii) the management entity has af-  
6 farded adequate opportunity, including  
7 public hearings, for public and govern-  
8 mental involvement in the preparation of  
9 the management plan; and

10 (iii) the resource protection and inter-  
11 pretation strategies contained in the man-  
12 agement plan, if implemented, would ade-  
13 quately protect the natural, historical, and  
14 cultural resources of the Heritage Area.

15 (C) ACTION FOLLOWING DISAPPROVAL.—If  
16 the Secretary disapproves the management plan  
17 under subparagraph (A), the Secretary shall—

18 (i) advise the management entity in  
19 writing of the reasons for the disapproval;

20 (ii) make recommendations for revi-  
21 sions to the management plan; and

22 (iii) not later than 180 days after the  
23 receipt of any proposed revision of the  
24 management plan from the management

1                   entity, approve or disapprove the proposed  
2                   revision.

3                   (D) AMENDMENTS.—

4                   (i) IN GENERAL.—The Secretary shall  
5                   approve or disapprove each amendment to  
6                   the management plan that the Secretary  
7                   determines make a substantial change to  
8                   the management plan.

9                   (ii) USE OF FUNDS.—The manage-  
10                  ment entity shall not use Federal funds  
11                  authorized by this section to carry out any  
12                  amendments to the management plan until  
13                  the Secretary has approved the amend-  
14                  ments.

15                  (e) RELATIONSHIP TO OTHER FEDERAL AGEN-  
16                  CIES.—

17                  (1) IN GENERAL.—Nothing in this section af-  
18                  fects the authority of a Federal agency to provide  
19                  technical or financial assistance under any other law.

20                  (2) CONSULTATION AND COORDINATION.—The  
21                  head of any Federal agency planning to conduct ac-  
22                  tivities that may have an impact on the Heritage  
23                  Area is encouraged to consult and coordinate the ac-  
24                  tivities with the Secretary and the management enti-  
25                  ty to the maximum extent practicable.



1           (3) OTHER FEDERAL AGENCIES.—Nothing in  
2 this section—

3           (A) modifies, alters, or amends any law or  
4 regulation authorizing a Federal agency to  
5 manage Federal land under the jurisdiction of  
6 the Federal agency;

7           (B) limits the discretion of a Federal land  
8 manager to implement an approved land use  
9 plan within the boundaries of the Heritage  
10 Area; or

11           (C) modifies, alters, or amends any author-  
12 ized use of Federal land under the jurisdiction  
13 of a Federal agency.

14       (f) PRIVATE PROPERTY AND REGULATORY PROTEC-  
15 TIONS.—Nothing in this section—

16           (1) abridges the rights of any property owner  
17 (whether public or private), including the right to re-  
18 frain from participating in any plan, project, pro-  
19 gram, or activity conducted within the Heritage  
20 Area;

21           (2) requires any property owner to permit pub-  
22 lic access (including access by Federal, State, or  
23 local agencies) to the property of the property  
24 owner, or to modify public access or use of property

1 of the property owner under any other Federal,  
2 State, or local law;

3 (3) alters any duly adopted land use regulation,  
4 approved land use plan, or other regulatory author-  
5 ity of any Federal, State or local agency, or conveys  
6 any land use or other regulatory authority to the  
7 management entity;

8 (4) authorizes or implies the reservation or ap-  
9 propriation of water or water rights;

10 (5) diminishes the authority of the State to  
11 manage fish and wildlife, including the regulation of  
12 fishing and hunting within the Heritage Area; or

13 (6) creates any liability, or affects any liability  
14 under any other law, of any private property owner  
15 with respect to any person injured on the private  
16 property.

17 (g) EVALUATION; REPORT.—

18 (1) IN GENERAL.—Not later than 3 years be-  
19 fore the date on which authority for Federal funding  
20 terminates for the Heritage Area, the Secretary  
21 shall—

22 (A) conduct an evaluation of the accom-  
23 plishments of the Heritage Area; and

24 (B) prepare a report in accordance with  
25 paragraph (3).

1           (2) EVALUATION.—An evaluation conducted  
2           under paragraph (1)(A) shall—

3                   (A) assess the progress of the management  
4                   entity with respect to—

5                           (i) accomplishing the purposes of this  
6                           section for the Heritage Area; and

7                           (ii) achieving the goals and objectives  
8                           of the approved management plan for the  
9                           Heritage Area;

10                   (B) analyze the Federal, State, local, and  
11                   private investments in the Heritage Area to de-  
12                   termine the leverage and impact of the invest-  
13                   ments; and

14                   (C) review the management structure,  
15                   partnership relationships, and funding of the  
16                   Heritage Area for purposes of identifying the  
17                   critical components for sustainability of the  
18                   Heritage Area.

19           (3) REPORT.—

20                   (A) IN GENERAL.—Based on the evalua-  
21                   tion conducted under paragraph (1)(A), the  
22                   Secretary shall prepare a report that includes  
23                   recommendations for the future role of the Na-  
24                   tional Park Service, if any, with respect to the  
25                   Heritage Area.

1           (B) REQUIRED ANALYSIS.—If the report  
2 prepared under subparagraph (A) recommends  
3 that Federal funding for the Heritage Area be  
4 reauthorized, the report shall include an anal-  
5 ysis of—

6           (i) ways in which Federal funding for  
7 the Heritage Area may be reduced or  
8 eliminated; and

9           (ii) the appropriate time period nec-  
10 essary to achieve the recommended reduc-  
11 tion or elimination.

12          (C) SUBMISSION TO CONGRESS.—On com-  
13 pletion of the report, the Secretary shall submit  
14 the report to—

15           (i) the Committee on Energy and  
16 Natural Resources of the Senate; and

17           (ii) the Committee on Natural Re-  
18 sources of the House of Representatives.

19          (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out this section  
21 \$10,000,000, of which not more than \$1,000,000 may be  
22 made available for any fiscal year.

23          (i) TERMINATION OF AUTHORITY.—The authority of  
24 the Secretary to provide assistance under this section ter-

1 minates on the date that is 15 years after the date of en-  
2 actment of this Act.

3 **SEC. 8002. CACHE LA POUFRE RIVER NATIONAL HERITAGE**  
4 **AREA, COLORADO.**

5 (a) DEFINITIONS.—In this section:

6 (1) HERITAGE AREA.—The term “Heritage  
7 Area” means the Cache La Poudre River National  
8 Heritage Area established by subsection (b)(1).

9 (2) LOCAL COORDINATING ENTITY.—The term  
10 “local coordinating entity” means the Poudre Herit-  
11 age Alliance, the local coordinating entity for the  
12 Heritage Area designated by subsection (b)(4).

13 (3) MANAGEMENT PLAN.—The term “manage-  
14 ment plan” means the management plan for the  
15 Heritage Area required under subsection (d)(1).

16 (4) MAP.—The term “map” means the map en-  
17 titled “Cache La Poudre River National Heritage  
18 Area”, numbered 960/80,003, and dated April,  
19 2004.

20 (5) SECRETARY.—The term “Secretary” means  
21 the Secretary of the Interior.

22 (6) STATE.—The term “State” means the State  
23 of Colorado.

24 (b) CACHE LA POUFRE RIVER NATIONAL HERITAGE  
25 AREA.—

1           (1) ESTABLISHMENT.—There is established in  
2 the State the Cache La Poudre River National Her-  
3 itage Area.

4           (2) BOUNDARIES.—The Heritage Area shall  
5 consist of the area depicted on the map.

6           (3) MAP.—The map shall be on file and avail-  
7 able for public inspection in the appropriate offices  
8 of—

9                   (A) the National Park Service; and

10                   (B) the local coordinating entity.

11           (4) LOCAL COORDINATING ENTITY.—The local  
12 coordinating entity for the Heritage Area shall be  
13 the Poudre Heritage Alliance, a nonprofit organiza-  
14 tion incorporated in the State.

15           (c) ADMINISTRATION.—

16           (1) AUTHORITIES.—To carry out the manage-  
17 ment plan, the Secretary, acting through the local  
18 coordinating entity, may use amounts made available  
19 under this section—

20                   (A) to make grants to the State (including  
21 any political subdivision of the State), nonprofit  
22 organizations, and other individuals;

23                   (B) to enter into cooperative agreements  
24 with, or provide technical assistance to, the  
25 State (including any political subdivision of the

1 State), nonprofit organizations, and other inter-  
2 ested parties;

3 (C) to hire and compensate staff, which  
4 shall include individuals with expertise in nat-  
5 ural, cultural, and historical resource protec-  
6 tion, and heritage programming;

7 (D) to obtain funds or services from any  
8 source, including funds or services that are pro-  
9 vided under any other Federal law or program;

10 (E) to enter into contracts for goods or  
11 services; and

12 (F) to serve as a catalyst for any other ac-  
13 tivity that—

14 (i) furthers the purposes and goals of  
15 the Heritage Area; and

16 (ii) is consistent with the approved  
17 management plan.

18 (2) DUTIES.—The local coordinating entity  
19 shall—

20 (A) in accordance with subsection (d), pre-  
21 pare and submit to the Secretary a manage-  
22 ment plan for the Heritage Area;

23 (B) assist units of local government, re-  
24 gional planning organizations, and nonprofit or-

1 organizations in carrying out the approved man-  
2 agement plan by—

3 (i) carrying out programs and projects  
4 that recognize, protect, and enhance im-  
5 portant resource values located in the Her-  
6 itage Area;

7 (ii) establishing and maintaining in-  
8 terpretive exhibits and programs in the  
9 Heritage Area;

10 (iii) developing recreational and edu-  
11 cational opportunities in the Heritage  
12 Area;

13 (iv) increasing public awareness of,  
14 and appreciation for, the natural, histor-  
15 ical, scenic, and cultural resources of the  
16 Heritage Area;

17 (v) protecting and restoring historic  
18 sites and buildings in the Heritage Area  
19 that are consistent with Heritage Area  
20 themes;

21 (vi) ensuring that clear, consistent,  
22 and appropriate signs identifying points of  
23 public access, and sites of interest, are  
24 posted throughout the Heritage Area; and



1 (vii) promoting a wide range of part-  
2 nerships among governments, organiza-  
3 tions, and individuals to further the Herit-  
4 age Area;

5 (C) consider the interests of diverse units  
6 of government, businesses, organizations, and  
7 individuals in the Heritage Area in the prepara-  
8 tion and implementation of the management  
9 plan;

10 (D) conduct meetings open to the public at  
11 least semiannually regarding the development  
12 and implementation of the management plan;

13 (E) for any year for which Federal funds  
14 have been received under this section—

15 (i) submit an annual report to the  
16 Secretary that describes the activities, ex-  
17 penses, and income of the local coordi-  
18 nating entity (including grants to any  
19 other entities during the year that the re-  
20 port is made);

21 (ii) make available to the Secretary  
22 for audit all records relating to the expend-  
23 iture of the funds and any matching funds;  
24 and

1                   (iii) require, with respect to all agree-  
2                   ments authorizing expenditure of Federal  
3                   funds by other organizations, that the or-  
4                   ganizations receiving the funds make avail-  
5                   able to the Secretary for audit all records  
6                   concerning the expenditure of the funds;  
7                   and

8                   (F) encourage by appropriate means eco-  
9                   nomic viability that is consistent with the Herit-  
10                  age Area.

11               (3) PROHIBITION ON THE ACQUISITION OF  
12               REAL PROPERTY.—The local coordinating entity  
13               shall not use Federal funds made available under  
14               this section to acquire real property or any interest  
15               in real property.

16               (d) MANAGEMENT PLAN.—

17               (1) IN GENERAL.—Not later than 3 years after  
18               the date of enactment of this Act, the local coordi-  
19               nating entity shall submit to the Secretary for ap-  
20               proval a proposed management plan for the Heritage  
21               Area.

22               (2) REQUIREMENTS.—The management plan  
23               shall—

24               (A) incorporate an integrated and coopera-  
25               tive approach for the protection, enhancement,

1           and interpretation of the natural, cultural, his-  
2           toric, scenic, educational, and recreational re-  
3           sources of the Heritage Area;

4           (B) take into consideration State and local  
5           plans;

6           (C) include—

7           (i) an inventory of the resources lo-  
8           cated in the Heritage Area;

9           (ii) comprehensive policies, strategies,  
10          and recommendations for conservation,  
11          funding, management, and development of  
12          the Heritage Area;

13          (iii) a description of actions that gov-  
14          ernments, private organizations, and indi-  
15          viduals have agreed to take to protect the  
16          natural, cultural, historic, scenic, edu-  
17          cational, and recreational resources of the  
18          Heritage Area;

19          (iv) a program of implementation for  
20          the management plan by the local coordi-  
21          nating entity that includes a description  
22          of—

23                   (I) actions to facilitate ongoing  
24                   collaboration among partners to pro-

1                   mote plans for resource protection,  
2                   restoration, and construction; and

3                   (II) specific commitments for im-  
4                   plementation that have been made by  
5                   the local coordinating entity or any  
6                   government, organization, or indi-  
7                   vidual for the first 5 years of oper-  
8                   ation;

9                   (v) the identification of sources of  
10                  funding for carrying out the management  
11                  plan;

12                  (vi) analysis and recommendations for  
13                  means by which local, State, and Federal  
14                  programs, including the role of the Na-  
15                  tional Park Service in the Heritage Area,  
16                  may best be coordinated to carry out this  
17                  section; and

18                  (vii) an interpretive plan for the Her-  
19                  itage Area; and

20                  (D) recommend policies and strategies for  
21                  resource management that consider and detail  
22                  the application of appropriate land and water  
23                  management techniques, including the develop-  
24                  ment of intergovernmental and interagency co-  
25                  operative agreements to protect the natural,

1 cultural, historic, scenic, educational, and rec-  
2 reational resources of the Heritage Area.

3 (3) DEADLINE.—If a proposed management  
4 plan is not submitted to the Secretary by the date  
5 that is 3 years after the date of enactment of this  
6 Act, the local coordinating entity shall be ineligible  
7 to receive additional funding under this section until  
8 the date on which the Secretary approves a manage-  
9 ment plan.

10 (4) APPROVAL OR DISAPPROVAL OF MANAGE-  
11 MENT PLAN.—

12 (A) IN GENERAL.—Not later than 180  
13 days after the date of receipt of the manage-  
14 ment plan under paragraph (1), the Secretary,  
15 in consultation with the State, shall approve or  
16 disapprove the management plan.

17 (B) CRITERIA FOR APPROVAL.—In deter-  
18 mining whether to approve the management  
19 plan, the Secretary shall consider whether—

20 (i) the local coordinating entity is rep-  
21 resentative of the diverse interests of the  
22 Heritage Area, including governments, nat-  
23 ural and historic resource protection orga-  
24 nizations, educational institutions, busi-  
25 nesses, and recreational organizations;

1                   (ii) the local coordinating entity has  
2                   afforded adequate opportunity, including  
3                   public hearings, for public and govern-  
4                   mental involvement in the preparation of  
5                   the management plan; and

6                   (iii) the resource protection and inter-  
7                   pretation strategies contained in the man-  
8                   agement plan, if implemented, would ade-  
9                   quately protect the natural, cultural, his-  
10                  toric, scenic, educational, and recreational  
11                  resources of the Heritage Area.

12                  (C) ACTION FOLLOWING DISAPPROVAL.—If  
13                  the Secretary disapproves the management plan  
14                  under subparagraph (A), the Secretary shall—

15                   (i) advise the local coordinating entity  
16                   in writing of the reasons for the dis-  
17                   approval;

18                   (ii) make recommendations for revi-  
19                   sions to the management plan; and

20                   (iii) not later than 180 days after the  
21                   date of receipt of any proposed revision of  
22                   the management plan from the local co-  
23                   ordinating entity, approve or disapprove  
24                   the proposed revision.

25                  (5) AMENDMENTS.—

1           (A) IN GENERAL.—The Secretary shall ap-  
2           prove or disapprove each amendment to the  
3           management plan that the Secretary determines  
4           would make a substantial change to the man-  
5           agement plan.

6           (B) USE OF FUNDS.—The local coordi-  
7           nating entity shall not use Federal funds au-  
8           thorized to be appropriated by this section to  
9           carry out any amendments to the management  
10          plan until the Secretary has approved the  
11          amendments.

12       (e) RELATIONSHIP TO OTHER FEDERAL AGEN-  
13       CIES.—

14           (1) IN GENERAL.—Nothing in this section af-  
15          fects the authority of a Federal agency to provide  
16          technical or financial assistance under any other law  
17          (including regulations).

18           (2) CONSULTATION AND COORDINATION.—To  
19          the maximum extent practicable, the head of any  
20          Federal agency planning to conduct activities that  
21          may have an impact on the Heritage Area is encour-  
22          aged to consult and coordinate the activities with the  
23          Secretary and the local coordinating entity.

24           (3) OTHER FEDERAL AGENCIES.—Nothing in  
25          this section—

1 (A) modifies, alters, or amends any law  
2 (including any regulation) authorizing a Fed-  
3 eral agency to manage Federal land under the  
4 jurisdiction of the Federal agency;

5 (B) limits the discretion of a Federal land  
6 manager to implement an approved land use  
7 plan within the boundaries of the Heritage  
8 Area; or

9 (C) modifies, alters, or amends any author-  
10 ized use of Federal land under the jurisdiction  
11 of a Federal agency.

12 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-  
13 TIONS.—Nothing in this section—

14 (1) abridges the rights of any public or private  
15 property owner, including the right to refrain from  
16 participating in any plan, project, program, or activ-  
17 ity conducted within the Heritage Area;

18 (2) requires any property owner—

19 (A) to permit public access (including ac-  
20 cess by Federal, State, or local agencies) to the  
21 property of the property owner; or

22 (B) to modify public access or use of prop-  
23 erty of the property owner under any other  
24 Federal, State, or local law;



1           (3) alters any duly adopted land use regulation,  
2 approved land use plan, or other regulatory author-  
3 ity of any Federal, State, or local agency;

4           (4) conveys any land use or other regulatory  
5 authority to the local coordinating entity;

6           (5) authorizes or implies the reservation or ap-  
7 propriation of water or water rights;

8           (6) diminishes the authority of the State to  
9 manage fish and wildlife, including the regulation of  
10 fishing and hunting within the Heritage Area; or

11           (7) creates any liability, or affects any liability  
12 under any other law (including regulations), of any  
13 private property owner with respect to any individual  
14 injured on the private property.

15 (g) EVALUATION; REPORT.—

16           (1) IN GENERAL.—Not later than 3 years be-  
17 fore the date on which authority for Federal funding  
18 terminates for the Heritage Area, the Secretary  
19 shall—

20                   (A) conduct an evaluation of the accom-  
21 plishments of the Heritage Area; and

22                   (B) prepare a report in accordance with  
23 paragraph (3).

24           (2) EVALUATION.—An evaluation conducted  
25 under paragraph (1)(A) shall—

1 (A) assess the progress of the local coordi-  
2 nating entity with respect to—

3 (i) accomplishing the purposes of this  
4 section for the Heritage Area; and

5 (ii) achieving the goals and objectives  
6 of the approved management plan for the  
7 Heritage Area;

8 (B) analyze the Federal, State, local, and  
9 private investments in the Heritage Area to de-  
10 termine the leverage and impact of the invest-  
11 ments; and

12 (C) review the management structure,  
13 partnership relationships, and funding of the  
14 Heritage Area to identify the critical compo-  
15 nents for sustainability of the Heritage Area.

16 (3) REPORT.—

17 (A) IN GENERAL.—Based on the evalua-  
18 tion conducted under paragraph (1)(A), the  
19 Secretary shall prepare a report that includes  
20 recommendations for the future role of the Na-  
21 tional Park Service, if any, with respect to the  
22 Heritage Area.

23 (B) REQUIRED ANALYSIS.—If the report  
24 prepared under subparagraph (A) recommends  
25 that Federal funding for the Heritage Area be

1 reauthorized, the report shall include an anal-  
2 ysis of—

3 (i) ways in which Federal funding for  
4 the Heritage Area may be reduced or  
5 eliminated; and

6 (ii) the appropriate time period nec-  
7 essary to achieve the recommended reduc-  
8 tion or elimination.

9 (C) SUBMISSION TO CONGRESS.—On com-  
10 pletion of the report, the Secretary shall submit  
11 the report to—

12 (i) the Committee on Energy and  
13 Natural Resources of the Senate; and

14 (ii) the Committee on Natural Re-  
15 sources of the House of Representatives.

16 (h) FUNDING.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated to carry out  
19 this section \$10,000,000, of which not more than  
20 \$1,000,000 may be made available for any fiscal  
21 year.

22 (2) COST-SHARING REQUIREMENT.—The Fed-  
23 eral share of the cost of any activity carried out  
24 using any assistance made available under this sec-  
25 tion shall be 50 percent.

1 (i) TERMINATION OF AUTHORITY.—The authority of  
2 the Secretary to provide assistance under this section ter-  
3 minates on the date that is 15 years after the date of en-  
4 actment of this Act.

5 (j) CONFORMING AMENDMENT.—The Cache La  
6 Poudre River Corridor Act (16 U.S.C. 461 note; Public  
7 Law 104–323) is repealed.

8 **SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLO-**  
9 **RADO.**

10 (a) DEFINITIONS.—In this section:

11 (1) BOARD.—The term “Board” means the  
12 Board of Directors of the South Park National Her-  
13 itage Area, comprised initially of the individuals,  
14 agencies, organizations, and governments that were  
15 involved in the planning and development of the  
16 Heritage Area before the date of enactment of this  
17 Act.

18 (2) HERITAGE AREA.—The term “Heritage  
19 Area” means the South Park National Heritage  
20 Area established by subsection (b)(1).

21 (3) MANAGEMENT ENTITY.—The term “man-  
22 agement entity” means the management entity for  
23 the Heritage Area designated by subsection  
24 (b)(4)(A).

1           (4) MANAGEMENT PLAN.—The term “manage-  
2           ment plan” means the management plan for the  
3           Heritage Area required by subsection (d).

4           (5) MAP.—The term “map” means the map en-  
5           titled “South Park National Heritage Area Map  
6           (Proposed)”, dated January 30, 2006.

7           (6) PARTNER.—The term “partner” means a  
8           Federal, State, or local governmental entity, organi-  
9           zation, private industry, educational institution, or  
10          individual involved in the conservation, preservation,  
11          interpretation, development or promotion of heritage  
12          sites or resources of the Heritage Area.

13          (7) SECRETARY.—The term “Secretary” means  
14          the Secretary of the Interior.

15          (8) STATE.—The term “State” means the State  
16          of Colorado.

17          (9) TECHNICAL ASSISTANCE.—The term “tech-  
18          nical assistance” means any guidance, advice, help,  
19          or aid, other than financial assistance, provided by  
20          the Secretary.

21          (b) SOUTH PARK NATIONAL HERITAGE AREA.—

22                (1) ESTABLISHMENT.—There is established in  
23                the State the South Park National Heritage Area.

24                (2) BOUNDARIES.—The Heritage Area shall  
25                consist of the areas included in the map.

1           (3) MAP.—A map of the Heritage Area shall  
2           be—

3                   (A) included in the management plan; and

4                   (B) on file and available for public inspec-  
5           tion in the appropriate offices of the National  
6           Park Service.

7           (4) MANAGEMENT ENTITY.—

8                   (A) IN GENERAL.—The management entity  
9           for the Heritage Area shall be the Park County  
10          Tourism & Community Development Office, in  
11          conjunction with the South Park National Her-  
12          itage Area Board of Directors.

13                  (B) MEMBERSHIP REQUIREMENTS.—Mem-  
14          bers of the Board shall include representatives  
15          from a broad cross-section of individuals, agen-  
16          cies, organizations, and governments that were  
17          involved in the planning and development of the  
18          Heritage Area before the date of enactment of  
19          this Act.

20          (c) ADMINISTRATION.—

21                  (1) PROHIBITION ON THE ACQUISITION OF  
22          REAL PROPERTY.—The management entity shall not  
23          use Federal funds made available under this section  
24          to acquire real property or any interest in real prop-  
25          erty.

1           (2) AUTHORITIES.—For purposes of carrying  
2 out the management plan, the Secretary, acting  
3 through the management entity, may use amounts  
4 made available under this section to—

5           (A) make grants to the State or a political  
6 subdivision of the State, nonprofit organiza-  
7 tions, and other persons;

8           (B) enter into cooperative agreements  
9 with, or provide technical assistance to, the  
10 State or a political subdivision of the State,  
11 nonprofit organizations, and other interested  
12 parties;

13           (C) hire and compensate staff, which shall  
14 include individuals with expertise in natural,  
15 cultural, and historical resources protection,  
16 fundraising, heritage facility planning and de-  
17 velopment, and heritage tourism programming;

18           (D) obtain funds or services from any  
19 source, including funds or services that are pro-  
20 vided under any other Federal law or program;

21           (E) enter into contracts for goods or serv-  
22 ices; and

23           (F) to facilitate the conduct of other  
24 projects and activities that further the Heritage

1 Area and are consistent with the approved man-  
2 agement plan.

3 (3) DUTIES.—The management entity shall—

4 (A) in accordance with subsection (d), pre-  
5 pare and submit a management plan for the  
6 Heritage Area to the Secretary;

7 (B) assist units of local government, local  
8 property owners and businesses, and nonprofit  
9 organizations in carrying out the approved  
10 management plan by—

11 (i) carrying out programs and projects  
12 that recognize, protect, enhance, and pro-  
13 mote important resource values in the Her-  
14 itage Area;

15 (ii) establishing and maintaining in-  
16 terpretive exhibits and programs in the  
17 Heritage Area;

18 (iii) developing economic, recreational  
19 and educational opportunities in the Herit-  
20 age Area;

21 (iv) increasing public awareness of,  
22 and appreciation for, historical, cultural,  
23 scenic, recreational, agricultural, and nat-  
24 ural resources of the Heritage Area;



1 (v) protecting and restoring historic  
2 sites and buildings in the Heritage Area  
3 that are consistent with Heritage Area  
4 themes;

5 (vi) ensuring that clear, consistent,  
6 and appropriate signs identifying points of  
7 public access, and sites of interest are  
8 posted throughout the Heritage Area;

9 (vii) promoting a wide range of part-  
10 nerships among governments, organiza-  
11 tions, and individuals to further the Herit-  
12 age Area; and

13 (viii) planning and developing new  
14 heritage attractions, products and services;

15 (C) consider the interests of diverse units  
16 of government, businesses, organizations, and  
17 individuals in the Heritage Area in the prepara-  
18 tion and implementation of the management  
19 plan;

20 (D) conduct meetings open to the public at  
21 least semiannually regarding the development  
22 and implementation of the management plan;

23 (E) for any year for which Federal funds  
24 have been received under this section—

1 (i) submit to the Secretary an annual  
2 report that describes the activities, ex-  
3 penses, and income of the management en-  
4 tity (including grants to any other entities  
5 during the year that the report is made);

6 (ii) make available to the Secretary  
7 for audit all records relating to the expend-  
8 iture of the Federal funds and any match-  
9 ing funds; and

10 (iii) require, with respect to all agree-  
11 ments authorizing expenditure of Federal  
12 funds by other organizations, that the or-  
13 ganizations receiving the funds make avail-  
14 able to the Secretary for audit all records  
15 concerning the expenditure of the funds;  
16 and

17 (F) encourage by appropriate means eco-  
18 nomic viability that is consistent with the Herit-  
19 age Area.

20 (4) COST-SHARING REQUIREMENT.—The Fed-  
21 eral share of the cost of any activity carried out  
22 using any assistance made available under this sec-  
23 tion shall be 50 percent.

24 (d) MANAGEMENT PLAN.—



1 (bb) should be preserved, re-  
2 stored, managed, maintained, de-  
3 veloped, or promoted because of  
4 the significance of the property;

5 (ii) comprehensive policies, strategies,  
6 and recommendations for conservation,  
7 funding, management, development, and  
8 promotion of the Heritage Area;

9 (iii) a description of actions that gov-  
10 ernments, private organizations, and indi-  
11 viduals have agreed to take to manage pro-  
12 tect the historical, cultural, scenic, rec-  
13 reational, agricultural, and natural re-  
14 sources of the Heritage Area;

15 (iv) a program of implementation for  
16 the management plan by the management  
17 entity that includes a description of—

18 (I) actions to facilitate ongoing  
19 and effective collaboration among  
20 partners to promote plans for resource  
21 protection, enhancement, interpreta-  
22 tion, restoration, and construction;  
23 and

24 (II) specific commitments for im-  
25 plementation that have been made by

1 the management entity or any govern-  
2 ment, organization, or individual for  
3 the first 5 years of operation;

4 (v) the identification of sources of  
5 funding for carrying out the management  
6 plan;

7 (vi) an analysis of and recommenda-  
8 tions for means by which Federal, State,  
9 and local programs, including the role of  
10 the National Park Service in the Heritage  
11 Area, may best be coordinated to carry out  
12 this section; and

13 (vii) an interpretive plan for the Her-  
14 itage Area; and

15 (D) recommend policies and strategies for  
16 resource management that consider and detail  
17 the application of appropriate land and water  
18 management techniques, including the develop-  
19 ment of intergovernmental and interagency co-  
20 operative agreements to protect the historical,  
21 cultural, scenic, recreational, agricultural, and  
22 natural resources of the Heritage Area.

23 (3) DEADLINE.—If a proposed management  
24 plan is not submitted to the Secretary by the date  
25 that is 3 years after the date of enactment of this

1 Act, the management entity shall be ineligible to re-  
2 ceive additional funding under this section until the  
3 date on which the Secretary receives and approves  
4 the management plan.

5 (4) APPROVAL OR DISAPPROVAL OF MANAGE-  
6 MENT PLAN.—

7 (A) IN GENERAL.—Not later than 180  
8 days after the date of receipt of the manage-  
9 ment plan under paragraph (1), the Secretary,  
10 in consultation with the State, shall approve or  
11 disapprove the management plan.

12 (B) CRITERIA FOR APPROVAL.—In deter-  
13 mining whether to approve the management  
14 plan, the Secretary shall consider whether—

15 (i) the management entity is rep-  
16 resentative of the diverse interests of the  
17 Heritage Area, including governments, nat-  
18 ural and historical resource protection or-  
19 ganizations, educational institutions, local  
20 businesses and industries, community or-  
21 ganizations, recreational organizations, and  
22 tourism organizations;

23 (ii) the management entity has af-  
24 forded adequate opportunity, including  
25 public hearings, for public and govern-

1           mental involvement in the preparation of  
2           the management plan; and

3                   (iii) strategies contained in the man-  
4           agement plan, if implemented, would ade-  
5           quately balance the voluntary protection,  
6           development, and interpretation of the nat-  
7           ural, historical, cultural, scenic, rec-  
8           reational, and agricultural resources of the  
9           Heritage Area.

10           (C) ACTION FOLLOWING DISAPPROVAL.—If  
11           the Secretary disapproves the management plan  
12           under subparagraph (A), the Secretary shall—

13                   (i) advise the management entity in  
14           writing of the reasons for the disapproval;

15                   (ii) make recommendations for revi-  
16           sions to the management plan; and

17                   (iii) not later than 180 days after the  
18           receipt of any proposed revision of the  
19           management plan from the management  
20           entity, approve or disapprove the proposed  
21           revision.

22           (D) AMENDMENTS.—

23                   (i) IN GENERAL.—The Secretary shall  
24           approve or disapprove each amendment to  
25           the management plan that the Secretary

1 determines makes a substantial change to  
2 the management plan.

3 (ii) USE OF FUNDS.—The manage-  
4 ment entity shall not use Federal funds  
5 authorized by this section to carry out any  
6 amendments to the management plan until  
7 the Secretary has approved the amend-  
8 ments.

9 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-  
10 CIES.—

11 (1) IN GENERAL.—Nothing in this section af-  
12 fects the authority of a Federal agency to provide  
13 technical or financial assistance under any other law.

14 (2) CONSULTATION AND COORDINATION.—The  
15 head of any Federal agency planning to conduct ac-  
16 tivities that may have an impact on the Heritage  
17 Area is encouraged to consult and coordinate the ac-  
18 tivities with the Secretary and the management enti-  
19 ty to the maximum extent practicable.

20 (3) OTHER FEDERAL AGENCIES.—Nothing in  
21 this section—

22 (A) modifies, alters, or amends any law or  
23 regulation authorizing a Federal agency to  
24 manage Federal land under the jurisdiction of  
25 the Federal agency;



1 (B) limits the discretion of a Federal land  
2 manager to implement an approved land use  
3 plan within the boundaries of the Heritage  
4 Area; or

5 (C) modifies, alters, or amends any author-  
6 ized use of Federal land under the jurisdiction  
7 of a Federal agency.

8 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-  
9 TIONS.—Nothing in this section—

10 (1) abridges the rights of any property owner  
11 (whether public or private), including the right to re-  
12 frain from participating in any plan, project, pro-  
13 gram, or activity conducted within the Heritage  
14 Area;

15 (2) requires any property owner to permit pub-  
16 lic access (including access by Federal, State, or  
17 local agencies) to the property of the property  
18 owner, or to modify public access or use of property  
19 of the property owner under any other Federal,  
20 State, or local law;

21 (3) alters any duly adopted land use regulation,  
22 approved land use plan, or other regulatory author-  
23 ity of any Federal, State or local agency, or conveys  
24 any land use or other regulatory authority to the  
25 management entity;



1 (ii) achieving the goals and objectives  
2 of the approved management plan for the  
3 Heritage Area;

4 (B) analyze the Federal, State, local, and  
5 private investments in the Heritage Area to de-  
6 termine the leverage and impact of the invest-  
7 ments; and

8 (C) review the management structure,  
9 partnership relationships, and funding of the  
10 Heritage Area for purposes of identifying the  
11 critical components for sustainability of the  
12 Heritage Area.

13 (3) REPORT.—

14 (A) IN GENERAL.—Based on the evalua-  
15 tion conducted under paragraph (1)(A), the  
16 Secretary shall prepare a report that includes  
17 recommendations for the future role of the Na-  
18 tional Park Service, if any, with respect to the  
19 Heritage Area.

20 (B) REQUIRED ANALYSIS.—If the report  
21 prepared under subparagraph (A) recommends  
22 that Federal funding for the Heritage Area be  
23 reauthorized, the report shall include an anal-  
24 ysis of—

1 (i) ways in which Federal funding for  
2 the Heritage Area may be reduced or  
3 eliminated; and

4 (ii) the appropriate time period nec-  
5 essary to achieve the recommended reduc-  
6 tion or elimination.

7 (C) SUBMISSION TO CONGRESS.—On com-  
8 pletion of the report, the Secretary shall submit  
9 the report to—

10 (i) the Committee on Energy and  
11 Natural Resources of the Senate; and

12 (ii) the Committee on Natural Re-  
13 sources of the House of Representatives.

14 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to carry out this section  
16 \$10,000,000, of which not more than \$1,000,000 may be  
17 made available for any fiscal year.

18 (i) TERMINATION OF AUTHORITY.—The authority of  
19 the Secretary to provide assistance under this section ter-  
20 minates on the date that is 15 years after the date of en-  
21 actment of this Act.

22 **SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA,**  
23 **NORTH DAKOTA.**

24 (a) DEFINITIONS.—In this section:

1           (1) HERITAGE AREA.—The term “Heritage  
2 Area” means the Northern Plains National Heritage  
3 Area established by subsection (b)(1).

4           (2) LOCAL COORDINATING ENTITY.—The term  
5 “local coordinating entity” means the Northern  
6 Plains Heritage Foundation, the local coordinating  
7 entity for the Heritage Area designated by sub-  
8 section (c)(1).

9           (3) MANAGEMENT PLAN.—The term “manage-  
10 ment plan” means the management plan for the  
11 Heritage Area required under subsection (d).

12           (4) SECRETARY.—The term “Secretary” means  
13 the Secretary of the Interior.

14           (5) STATE.—The term “State” means the State  
15 of North Dakota.

16 (b) ESTABLISHMENT.—

17           (1) IN GENERAL.—There is established the  
18 Northern Plains National Heritage Area in the State  
19 of North Dakota.

20           (2) BOUNDARIES.—The Heritage Area shall  
21 consist of—

22                   (A) a core area of resources in Burleigh,  
23 McLean, Mercer, Morton, and Oliver Counties  
24 in the State; and

1           (B) any sites, buildings, and districts with-  
2           in the core area recommended by the manage-  
3           ment plan for inclusion in the Heritage Area.

4           (3) MAP.—A map of the Heritage Area shall  
5           be—

6                   (A) included in the management plan; and

7                   (B) on file and available for public inspec-  
8           tion in the appropriate offices of the local co-  
9           ordinating entity and the National Park Serv-  
10          ice.

11          (c) LOCAL COORDINATING ENTITY.—

12           (1) IN GENERAL.—The local coordinating entity  
13          for the Heritage Area shall be the Northern Plains  
14          Heritage Foundation, a nonprofit corporation estab-  
15          lished under the laws of the State.

16           (2) DUTIES.—To further the purposes of the  
17          Heritage Area, the Northern Plains Heritage Foun-  
18          dation, as the local coordinating entity, shall—

19                   (A) prepare a management plan for the  
20          Heritage Area, and submit the management  
21          plan to the Secretary, in accordance with this  
22          section;

23                   (B) submit an annual report to the Sec-  
24          retary for each fiscal year for which the local

1 coordinating entity receives Federal funds  
2 under this section, specifying—

3 (i) the specific performance goals and  
4 accomplishments of the local coordinating  
5 entity;

6 (ii) the expenses and income of the  
7 local coordinating entity;

8 (iii) the amounts and sources of  
9 matching funds;

10 (iv) the amounts leveraged with Fed-  
11 eral funds and sources of the leveraged  
12 funds; and

13 (v) grants made to any other entities  
14 during the fiscal year;

15 (C) make available for audit for each fiscal  
16 year for which the local coordinating entity re-  
17 ceives Federal funds under this section, all in-  
18 formation pertaining to the expenditure of the  
19 funds and any matching funds; and

20 (D) encourage economic viability and sus-  
21 tainability that is consistent with the purposes  
22 of the Heritage Area.

23 (3) AUTHORITIES.—For the purposes of pre-  
24 paring and implementing the approved management  
25 plan for the Heritage Area, the local coordinating

1           entity may use Federal funds made available under  
2           this section to—

3                   (A) make grants to political jurisdictions,  
4                   nonprofit organizations, and other parties with-  
5                   in the Heritage Area;

6                   (B) enter into cooperative agreements with  
7                   or provide technical assistance to political juris-  
8                   dictions, nonprofit organizations, Federal agen-  
9                   cies, and other interested parties;

10                  (C) hire and compensate staff, including  
11                  individuals with expertise in—

12                           (i) natural, historical, cultural, edu-  
13                           cational, scenic, and recreational resource  
14                           conservation;

15                           (ii) economic and community develop-  
16                           ment; and

17                           (iii) heritage planning;

18                  (D) obtain funds or services from any  
19                  source, including other Federal programs;

20                  (E) contract for goods or services; and

21                  (F) support activities of partners and any  
22                  other activities that further the purposes of the  
23                  Heritage Area and are consistent with the ap-  
24                  proved management plan.



1           (4) PROHIBITION ON ACQUISITION OF REAL  
2           PROPERTY.—The local coordinating entity may not  
3           use Federal funds authorized to be appropriated  
4           under this section to acquire any interest in real  
5           property.

6           (5) OTHER SOURCES.—Nothing in this section  
7           precludes the local coordinating entity from using  
8           Federal funds from other sources for authorized  
9           purposes.

10          (d) MANAGEMENT PLAN.—

11           (1) IN GENERAL.—Not later than 3 years after  
12           the date of enactment of this Act, the local coordi-  
13           nating entity shall submit to the Secretary for ap-  
14           proval a proposed management plan for the Heritage  
15           Area.

16           (2) REQUIREMENTS.—The management plan  
17           for the Heritage Area shall—

18           (A) describe comprehensive policies, goals,  
19           strategies, and recommendations for telling the  
20           story of the heritage of the area covered by the  
21           Heritage Area and encouraging long-term re-  
22           source protection, enhancement, interpretation,  
23           funding, management, and development of the  
24           Heritage Area;

1 (B) include a description of actions and  
2 commitments that Federal, State, tribal, and  
3 local governments, private organizations, and  
4 citizens will take to protect, enhance, interpret,  
5 fund, manage, and develop the natural, histor-  
6 ical, cultural, educational, scenic, and rec-  
7 reational resources of the Heritage Area;

8 (C) specify existing and potential sources  
9 of funding or economic development strategies  
10 to protect, enhance, interpret, fund, manage,  
11 and develop the Heritage Area;

12 (D) include an inventory of the natural,  
13 historical, cultural, educational, scenic, and rec-  
14 reational resources of the Heritage Area relat-  
15 ing to the national importance and themes of  
16 the Heritage Area that should be protected, en-  
17 hanced, interpreted, managed, funded, and de-  
18 veloped;

19 (E) recommend policies and strategies for  
20 resource management, including the develop-  
21 ment of intergovernmental and interagency  
22 agreements to protect, enhance, interpret, fund,  
23 manage, and develop the natural, historical, cul-  
24 tural, educational, scenic, and recreational re-  
25 sources of the Heritage Area;

1 (F) describe a program for implementation  
2 for the management plan, including—

3 (i) performance goals;

4 (ii) plans for resource protection, en-  
5 hancement, interpretation, funding, man-  
6 agement, and development; and

7 (iii) specific commitments for imple-  
8 mentation that have been made by the  
9 local coordinating entity or any Federal,  
10 State, tribal, or local government agency,  
11 organization, business, or individual;

12 (G) include an analysis of, and rec-  
13 ommendations for, means by which Federal,  
14 State, tribal, and local programs may best be  
15 coordinated (including the role of the National  
16 Park Service and other Federal agencies associ-  
17 ated with the Heritage Area) to further the  
18 purposes of this section; and

19 (H) include a business plan that—

20 (i) describes the role, operation, fi-  
21 nancing, and functions of the local coordi-  
22 nating entity and of each of the major ac-  
23 tivities described in the management plan;  
24 and

1                   (ii) provides adequate assurances that  
2                   the local coordinating entity has the part-  
3                   nerships and financial and other resources  
4                   necessary to implement the management  
5                   plan for the Heritage Area.

6                   (3) DEADLINE.—

7                   (A) IN GENERAL.—Not later than 3 years  
8                   after the date on which funds are first made  
9                   available to develop the management plan after  
10                  designation of the Heritage Area, the local co-  
11                  ordinating entity shall submit the management  
12                  plan to the Secretary for approval.

13                  (B) TERMINATION OF FUNDING.—If the  
14                  management plan is not submitted to the Sec-  
15                  retary in accordance with subparagraph (A),  
16                  the local coordinating entity shall not qualify  
17                  for any additional financial assistance under  
18                  this section until such time as the management  
19                  plan is submitted to and approved by the Sec-  
20                  retary.

21                  (4) APPROVAL OF MANAGEMENT PLAN.—

22                  (A) REVIEW.—Not later than 180 days  
23                  after receiving the plan, the Secretary shall re-  
24                  view and approve or disapprove the manage-  
25                  ment plan for the Heritage Area on the basis

1 of the criteria established under subparagraph  
2 (B).

3 (B) CRITERIA FOR APPROVAL.—In deter-  
4 mining whether to approve a management plan  
5 for the Heritage Area, the Secretary shall con-  
6 sider whether—

7 (i) the local coordinating entity rep-  
8 resents the diverse interests of the Herit-  
9 age Area, including Federal, State, tribal,  
10 and local governments, natural, and his-  
11 toric resource protection organizations,  
12 educational institutions, businesses, rec-  
13 reational organizations, community resi-  
14 dents, and private property owners;

15 (ii) the local coordinating entity—

16 (I) has afforded adequate oppor-  
17 tunity for public and Federal, State,  
18 tribal, and local governmental involve-  
19 ment (including through workshops  
20 and hearings) in the preparation of  
21 the management plan; and

22 (II) provides for at least semi-  
23 annual public meetings to ensure ade-  
24 quate implementation of the manage-  
25 ment plan;

1                   (iii) the resource protection, enhance-  
2                   ment, interpretation, funding, manage-  
3                   ment, and development strategies described  
4                   in the management plan, if implemented,  
5                   would adequately protect, enhance, inter-  
6                   pret, fund, manage, and develop the nat-  
7                   ural, historic, cultural, educational, scenic,  
8                   and recreational resources of the Heritage  
9                   Area;

10                  (iv) the management plan would not  
11                  adversely affect any activities authorized  
12                  on Federal land under public land laws or  
13                  land use plans;

14                  (v) the local coordinating entity has  
15                  demonstrated the financial capability, in  
16                  partnership with others, to carry out the  
17                  plan;

18                  (vi) the Secretary has received ade-  
19                  quate assurances from the appropriate  
20                  State, tribal, and local officials whose sup-  
21                  port is needed to ensure the effective im-  
22                  plementation of the State, tribal, and local  
23                  elements of the management plan; and

24                  (vii) the management plan dem-  
25                  onstrates partnerships among the local co-

1           ordinating entity, Federal, State, tribal,  
2           and local governments, regional planning  
3           organizations, nonprofit organizations, or  
4           private sector parties for implementation of  
5           the management plan.

6           (C) DISAPPROVAL.—

7           (i) IN GENERAL.—If the Secretary  
8           disapproves the management plan, the Sec-  
9           retary—

10                   (I) shall advise the local coordi-  
11                   nating entity in writing of the reasons  
12                   for the disapproval; and

13                   (II) may make recommendations  
14                   to the local coordinating entity for re-  
15                   visions to the management plan.

16           (ii) DEADLINE.—Not later than 180  
17           days after receiving a revised management  
18           plan, the Secretary shall approve or dis-  
19           approve the revised management plan.

20           (D) AMENDMENTS.—

21           (i) IN GENERAL.—An amendment to  
22           the management plan that substantially al-  
23           ters the purposes of the Heritage Area  
24           shall be reviewed by the Secretary and ap-

1                   proved or disapproved in the same manner  
2                   as the original management plan.

3                   (ii) IMPLEMENTATION.—The local co-  
4                   ordinating entity shall not use Federal  
5                   funds authorized to be appropriated by this  
6                   section to implement an amendment to the  
7                   management plan until the Secretary ap-  
8                   proves the amendment.

9                   (E) AUTHORITIES.—The Secretary may—

10                   (i) provide technical assistance under  
11                   this section for the development and imple-  
12                   mentation of the management plan; and

13                   (ii) enter into cooperative agreements  
14                   with interested parties to carry out this  
15                   section.

16                   (e) RELATIONSHIP TO OTHER FEDERAL AGEN-  
17                   CIES.—

18                   (1) IN GENERAL.—Nothing in this section af-  
19                   fects the authority of a Federal agency to provide  
20                   technical or financial assistance under any other law.

21                   (2) TECHNICAL AND FINANCIAL ASSISTANCE.—

22                   (A) IN GENERAL.—On the request of the  
23                   local coordinating entity, the Secretary may  
24                   provide financial assistance and, on a reimburs-  
25                   able or nonreimbursable basis, technical assist-



1           ance to the local coordinating entity to develop  
2           and implement the management plan.

3           (B) COOPERATIVE AGREEMENTS.—The  
4           Secretary may enter into cooperative agree-  
5           ments with the local coordinating entity and  
6           other public or private entities to provide tech-  
7           nical or financial assistance under subpara-  
8           graph (A).

9           (C) PRIORITY.—In assisting the Heritage  
10          Area, the Secretary shall give priority to actions  
11          that assist in—

12                 (i) conserving the significant natural,  
13                 historic, cultural, and scenic resources of  
14                 the Heritage Area; and

15                 (ii) providing educational, interpretive,  
16                 and recreational opportunities consistent  
17                 with the purposes of the Heritage Area.

18          (3) CONSULTATION AND COORDINATION.—To  
19          the maximum extent practicable, the head of any  
20          Federal agency planning to conduct activities that  
21          may have an impact on the Heritage Area is encour-  
22          aged to consult and coordinate the activities with the  
23          Secretary and the local coordinating entity.

24          (4) OTHER FEDERAL AGENCIES.—Nothing in  
25          this section—

1 (A) modifies or alters any laws (including  
2 regulations) authorizing a Federal agency to  
3 manage Federal land under the jurisdiction of  
4 the Federal agency;

5 (B) limits the discretion of a Federal land  
6 manager to implement an approved land use  
7 plan within the boundaries of the Heritage  
8 Area; or

9 (C) modifies, alters, or amends any author-  
10 ized use of Federal land under the jurisdiction  
11 of a Federal agency.

12 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-  
13 TIONS.—Nothing in this section—

14 (1) abridges the rights of any owner of public  
15 or private property, including the right to refrain  
16 from participating in any plan, project, program, or  
17 activity conducted within the Heritage Area;

18 (2) requires any property owner to—

19 (A) permit public access (including access  
20 by Federal, State, or local agencies) to the  
21 property of the property owner; or

22 (B) modify public access to, or use of, the  
23 property of the property owner under any other  
24 Federal, State, or local law;

1           (3) alters any duly adopted land use regulation,  
2 approved land use plan, or other regulatory author-  
3 ity of any Federal, State, tribal, or local agency;

4           (4) conveys any land use or other regulatory  
5 authority to the local coordinating entity;

6           (5) authorizes or implies the reservation or ap-  
7 propriation of water or water rights;

8           (6) diminishes the authority of the State to  
9 manage fish and wildlife, including the regulation of  
10 fishing and hunting within the Heritage Area; or

11           (7) creates any liability, or affects any liability  
12 under any other law, of any private property owner  
13 with respect to any person injured on the private  
14 property.

15 (g) EVALUATION; REPORT.—

16           (1) IN GENERAL.—Not later than 3 years be-  
17 fore the date on which authority for Federal funding  
18 terminates for the Heritage Area under subsection  
19 (i), the Secretary shall—

20                   (A) conduct an evaluation of the accom-  
21 plishments of the Heritage Area; and

22                   (B) prepare a report in accordance with  
23 paragraph (3).

24           (2) EVALUATION.—An evaluation conducted  
25 under paragraph (1)(A) shall—

1 (A) assess the progress of the local coordi-  
2 nating entity with respect to—

3 (i) accomplishing the purposes of this  
4 section for the Heritage Area; and

5 (ii) achieving the goals and objectives  
6 of the approved management plan for the  
7 Heritage Area;

8 (B) analyze the Federal, State, local, and  
9 private investments in the Heritage Area to de-  
10 termine the leverage and impact of the invest-  
11 ments; and

12 (C) review the management structure,  
13 partnership relationships, and funding of the  
14 Heritage Area for purposes of identifying the  
15 critical components for sustainability of the  
16 Heritage Area.

17 (3) REPORT.—

18 (A) IN GENERAL.—Based on the evalua-  
19 tion conducted under paragraph (1)(A), the  
20 Secretary shall prepare a report that includes  
21 recommendations for the future role of the Na-  
22 tional Park Service, if any, with respect to the  
23 Heritage Area.

24 (B) REQUIRED ANALYSIS.—If the report  
25 prepared under subparagraph (A) recommends

1           that Federal funding for the Heritage Area be  
2           reauthorized, the report shall include an anal-  
3           ysis of—

4                   (i) ways in which Federal funding for  
5                   the Heritage Area may be reduced or  
6                   eliminated; and

7                   (ii) the appropriate time period nec-  
8                   essary to achieve the recommended reduc-  
9                   tion or elimination.

10           (C) SUBMISSION TO CONGRESS.—On com-  
11           pletion of the report, the Secretary shall submit  
12           the report to—

13                   (i) the Committee on Energy and  
14                   Natural Resources of the Senate; and

15                   (ii) the Committee on Natural Re-  
16                   sources of the House of Representatives.

17           (h) AUTHORIZATION OF APPROPRIATIONS.—

18                   (1) IN GENERAL.—There is authorized to be  
19                   appropriated to carry out this section \$10,000,000,  
20                   of which not more than \$1,000,000 may be made  
21                   available for any fiscal year.

22                   (2) COST-SHARING REQUIREMENT.—

23                   (A) IN GENERAL.—The Federal share of  
24                   the total cost of any activity under this section  
25                   shall be not more than 50 percent.

1 (B) FORM.—The non-Federal contribution  
2 may be in the form of in-kind contributions of  
3 goods or services fairly valued.

4 (i) TERMINATION OF AUTHORITY.—The authority of  
5 the Secretary to provide assistance under this section ter-  
6 minates on the date that is 15 years after the date of en-  
7 actment of this Act.

8 **SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARY-**  
9 **LAND.**

10 (a) DEFINITIONS.—In this section:

11 (1) HERITAGE AREA.—The term “Heritage  
12 Area” means the Baltimore National Heritage Area,  
13 established by subsection (b)(1).

14 (2) LOCAL COORDINATING ENTITY.—The term  
15 “local coordinating entity” means the local coordi-  
16 nating entity for the Heritage Area designated by  
17 subsection (b)(4).

18 (3) MANAGEMENT PLAN.—The term “manage-  
19 ment plan” means the management plan for the  
20 Heritage Area required under subsection (c)(1)(A).

21 (4) MAP.—The term “map” means the map en-  
22 titled “Baltimore National Heritage Area”, num-  
23 bered T10/80,000, and dated October 2007.

24 (5) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior.

1           (6) STATE.—The term “State” means the State  
2 of Maryland.

3           (b) BALTIMORE NATIONAL HERITAGE AREA.—

4           (1) ESTABLISHMENT.—There is established the  
5 Baltimore National Heritage Area in the State.

6           (2) BOUNDARIES.—The Heritage Area shall be  
7 comprised of the following areas, as described on the  
8 map:

9           (A) The area encompassing the Baltimore  
10 City Heritage Area certified by the Maryland  
11 Heritage Areas Authority in October 2001 as  
12 part of the Baltimore City Heritage Area Man-  
13 agement Action Plan.

14           (B) The Mount Auburn Cemetery.

15           (C) The Cylburn Arboretum.

16           (D) The Middle Branch of the Patapsco  
17 River and surrounding shoreline, including—

18           (i) the Cruise Maryland Terminal;

19           (ii) new marina construction;

20           (iii) the National Aquarium Aquatic  
21 Life Center;

22           (iv) the Westport Redevelopment;

23           (v) the Gwynns Falls Trail;

24           (vi) the Baltimore Rowing Club; and

1 (vii) the Masonville Cove Environ-  
2 mental Center.

3 (3) AVAILABILITY OF MAP.—The map shall be  
4 on file and available for public inspection in the ap-  
5 propriate offices of the National Park Service and  
6 the Baltimore Heritage Area Association.

7 (4) LOCAL COORDINATING ENTITY.—The Balti-  
8 more Heritage Area Association shall be the local co-  
9 ordinating entity for the Heritage Area.

10 (c) DUTIES AND AUTHORITIES OF LOCAL COORDI-  
11 NATING ENTITY.—

12 (1) DUTIES OF THE LOCAL COORDINATING EN-  
13 TITY.—To further the purposes of the Heritage  
14 Area, the local coordinating entity shall—

15 (A) prepare, and submit to the Secretary,  
16 in accordance with subsection (d), a manage-  
17 ment plan for the Heritage Area;

18 (B) assist units of local government, re-  
19 gional planning organizations, and nonprofit or-  
20 ganizations in implementing the approved man-  
21 agement plan by—

22 (i) carrying out programs and projects  
23 that recognize, protect, and enhance im-  
24 portant resource values within the Herit-  
25 age Area;



1 (ii) establishing and maintaining in-  
2 terpretive exhibits and programs within the  
3 Heritage Area;

4 (iii) developing recreational and edu-  
5 cational opportunities in the Heritage  
6 Area;

7 (iv) increasing public awareness of,  
8 and appreciation for, natural, historic, sce-  
9 nic, and cultural resources of the Heritage  
10 Area;

11 (v) protecting and restoring historic  
12 sites and buildings in the Heritage Area  
13 that are consistent with the themes of the  
14 Heritage Area;

15 (vi) ensuring that signs identifying  
16 points of public access and sites of interest  
17 are posted throughout the Heritage Area;  
18 and

19 (vii) promoting a wide range of part-  
20 nerships among governments, organiza-  
21 tions, and individuals to further the pur-  
22 poses of the Heritage Area;

23 (C) consider the interests of diverse units  
24 of government, businesses, organizations, and  
25 individuals in the Heritage Area in the prepara-

1           tion and implementation of the management  
2           plan;

3           (D) conduct meetings open to the public at  
4           least semiannually regarding the development  
5           and implementation of the management plan;

6           (E) submit an annual report to the Sec-  
7           retary for each fiscal year for which the local  
8           coordinating entity receives Federal funds  
9           under this section specifying—

10           (i) the accomplishments of the local  
11           coordinating entity;

12           (ii) the expenses and income of the  
13           local coordinating entity;

14           (iii) the amounts and sources of  
15           matching funds;

16           (iv) the amounts leveraged with Fed-  
17           eral funds and sources of the leveraged  
18           funds; and

19           (v) grants made to any other entities  
20           during the fiscal year;

21           (F) make available for audit for each fiscal  
22           year for which the local coordinating entity re-  
23           ceives Federal funds under this section, all in-  
24           formation pertaining to the expenditure of the  
25           funds and any matching funds;

1           (G) require in all agreements authorizing  
2           expenditures of Federal funds by other organi-  
3           zations, that the receiving organizations make  
4           available for audit all records and other infor-  
5           mation pertaining to the expenditure of the  
6           funds; and

7           (H) encourage, by appropriate means, eco-  
8           nomic development that is consistent with the  
9           purposes of the Heritage Area.

10          (2) AUTHORITIES.—The local coordinating enti-  
11          ty may, subject to the prior approval of the Sec-  
12          retary, for the purposes of preparing and imple-  
13          menting the management plan, use Federal funds  
14          made available under this section to—

15               (A) make grants to the State, political sub-  
16               divisions of the State, nonprofit organizations,  
17               and other persons;

18               (B) enter into cooperative agreements  
19               with, or provide technical assistance to, the  
20               State, political subdivisions of the State, non-  
21               profit organizations, Federal agencies, and  
22               other interested parties;

23               (C) hire and compensate staff;

1 (D) obtain funds or services from any  
2 source, including funds and services provided  
3 under any other Federal law or program;

4 (E) contract for goods or services; and

5 (F) support activities of partners and any  
6 other activities that further the purposes of the  
7 Heritage Area and are consistent with the ap-  
8 proved management plan.

9 (3) PROHIBITION ON ACQUISITION OF REAL  
10 PROPERTY.—The local coordinating entity may not  
11 use Federal funds received under this section to ac-  
12 quire any interest in real property.

13 (d) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 3 years after  
15 the date on which funds are made available to de-  
16 velop the management plan, the local coordinating  
17 entity shall submit to the Secretary for approval a  
18 proposed management plan for the Heritage Area.

19 (2) REQUIREMENTS.—The management plan  
20 for the Heritage Area shall—

21 (A) describe comprehensive policies, goals,  
22 strategies, and recommendations for telling the  
23 story of the heritage of the region and encour-  
24 aging long-term resource protection, enhance-

1           ment, interpretation, funding, management, and  
2           development of the Heritage Area;

3           (B) take into consideration existing State,  
4           county, and local plans in the development and  
5           implementation of the management plan;

6           (C) include a description of actions and  
7           commitments that governments, private organi-  
8           zations, and citizens plan to take to protect, en-  
9           hance, and interpret the natural, historic, sce-  
10          nic, and cultural resources of the Heritage  
11          Area;

12          (D) specify existing and potential sources  
13          of funding or economic development strategies  
14          to protect, enhance, interpret, fund, manage,  
15          and develop the Heritage Area;

16          (E) include an inventory of the natural,  
17          historic, cultural, educational, scenic, and rec-  
18          reational resources of the Heritage Area relat-  
19          ing to the stories and themes of the region that  
20          should be protected, enhanced, managed, or de-  
21          veloped;

22          (F) recommend policies and strategies for  
23          resource management including, the develop-  
24          ment of intergovernmental and interagency  
25          agreements to protect the natural, historic, cul-

1 tural, educational, scenic, and recreational re-  
2 sources of the Heritage Area;

3 (G) describe a program for implementation  
4 of the management plan, including—

5 (i) performance goals;

6 (ii) plans for resource protection, en-  
7 hancement, and interpretation; and

8 (iii) specific commitments for imple-  
9 mentation that have been made by the  
10 local coordinating entity or any govern-  
11 ment, organization, business, or individual;

12 (H) include an analysis of, and rec-  
13 ommendations for, ways in which Federal,  
14 State, tribal, and local programs may best be  
15 coordinated (including the role of the National  
16 Park Service and other Federal agencies associ-  
17 ated with the Heritage Area) to further the  
18 purposes of this section;

19 (I) include an interpretive plan for the  
20 Heritage Area; and

21 (J) include a business plan that—

22 (i) describes the role, operation, fi-  
23 nancing, and functions of the local coordi-  
24 nating entity and of each of the major ac-

1                   activities described in the management plan;  
2                   and

3                   (ii) provides adequate assurances that  
4                   the local coordinating entity has the part-  
5                   nerships and financial and other resources  
6                   necessary to implement the management  
7                   plan for the Heritage Area.

8                   (3) TERMINATION OF FUNDING.—If the man-  
9                   agement plan is not submitted to the Secretary in  
10                  accordance with this section, the local coordinating  
11                  entity shall not qualify for additional financial as-  
12                  sistance under this section until the management  
13                  plan is submitted to, and approved by, the Sec-  
14                  retary.

15                  (4) APPROVAL OF MANAGEMENT PLAN.—

16                  (A) REVIEW.—Not later than 180 days  
17                  after the date on which the Secretary receives  
18                  the management plan, the Secretary shall ap-  
19                  prove or disapprove the management plan.

20                  (B) CONSULTATION REQUIRED.—The Sec-  
21                  retary shall consult with the Governor of the  
22                  State and any tribal government in which the  
23                  Heritage Area is located before approving the  
24                  management plan.

1 (C) CRITERIA FOR APPROVAL.—In deter-  
2 mining whether to approve the management  
3 plan, the Secretary shall consider whether—

4 (i) the local coordinating entity rep-  
5 resents the diverse interests of the Herit-  
6 age Area, including governments, natural  
7 and historic resource protection organiza-  
8 tions, educational institutions, businesses,  
9 community residents, and recreational or-  
10 ganizations;

11 (ii) the local coordinating entity has  
12 afforded adequate opportunity for public  
13 and governmental involvement (including  
14 through workshops and public meetings) in  
15 the preparation of the management plan;

16 (iii) the resource protection and inter-  
17 pretation strategies described in the man-  
18 agement plan, if implemented, would ade-  
19 quately protect the natural, historic, and  
20 cultural resources of the Heritage Area;

21 (iv) the management plan would not  
22 adversely affect any activities authorized  
23 on Federal or tribal land under applicable  
24 laws or land use plans;



1 (v) the Secretary has received ade-  
2 quate assurances from the appropriate  
3 State, tribal, and local officials whose sup-  
4 port is needed to ensure the effective im-  
5 plementation of the State, tribal, and local  
6 aspects of the management plan; and

7 (vi) the local coordinating entity has  
8 demonstrated the financial capability, in  
9 partnership with others, to carry out the  
10 management plan.

11 (D) ACTION FOLLOWING DISAPPROVAL.—

12 (i) IN GENERAL.—If the Secretary  
13 disapproves the management plan, the Sec-  
14 retary—

15 (I) shall advise the local coordi-  
16 nating entity in writing of the reasons  
17 for the disapproval; and

18 (II) may make recommendations  
19 to the local coordinating entity for re-  
20 visions to the management plan.

21 (ii) DEADLINE.—Not later than 180  
22 days after receiving a revised management  
23 plan, the Secretary shall approve or dis-  
24 approve the revised management plan.

25 (E) AMENDMENTS.—

1 (i) IN GENERAL.—An amendment to  
2 the management plan that substantially al-  
3 ters the purposes of the Heritage Area  
4 shall be reviewed by the Secretary and ap-  
5 proved or disapproved in the same manner  
6 as the original management plan.

7 (ii) IMPLEMENTATION.—The local co-  
8 ordinating entity shall not use Federal  
9 funds authorized to be appropriated by this  
10 section to implement an amendment to the  
11 management plan until the Secretary ap-  
12 proves the amendment.

13 (e) DUTIES AND AUTHORITIES OF THE SEC-  
14 RETARY.—

15 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

16 (A) IN GENERAL.—On the request of the  
17 local coordinating entity, the Secretary may  
18 provide technical and financial assistance, on a  
19 reimbursable or nonreimbursable basis (as de-  
20 termined by the Secretary), to the local coordi-  
21 nating entity to develop and implement the  
22 management plan.

23 (B) COOPERATIVE AGREEMENTS.—The  
24 Secretary may enter into cooperative agree-  
25 ments with the local coordinating entity and

1 other public or private entities to provide tech-  
2 nical or financial assistance under subpara-  
3 graph (A).

4 (C) PRIORITY.—In assisting the Heritage  
5 Area, the Secretary shall give priority to actions  
6 that assist in—

7 (i) conserving the significant natural,  
8 historic, cultural, and scenic resources of  
9 the Heritage Area; and

10 (ii) providing educational, interpretive,  
11 and recreational opportunities consistent  
12 with the purposes of the Heritage Area.

13 (2) EVALUATION; REPORT.—

14 (A) IN GENERAL.—Not later than 3 years  
15 before the date on which authority for Federal  
16 funding terminates for the Heritage Area under  
17 subsection (i), the Secretary shall—

18 (i) conduct an evaluation of the ac-  
19 complishments of the Heritage Area; and

20 (ii) prepare a report with rec-  
21 ommendations for the future role of the  
22 National Park Service, if any, with respect  
23 to the Heritage Area, in accordance with  
24 subparagraph (C).

1 (B) EVALUATION.—An evaluation con-  
2 ducted under subparagraph (A)(i) shall—

3 (i) assess the progress of the local co-  
4 ordinating entity with respect to—

5 (I) accomplishing the purposes of  
6 this section for the Heritage Area;  
7 and

8 (II) achieving the goals and ob-  
9 jectives of the approved management  
10 plan for the Heritage Area;

11 (ii) analyze the Federal, State, local,  
12 and private investments in the Heritage  
13 Area to determine the leverage and impact  
14 of the investments; and

15 (iii) review the management structure,  
16 partnership relationships, and funding of  
17 the Heritage Area for purposes of identi-  
18 fying the critical components for sustain-  
19 ability of the Heritage Area.

20 (C) REPORT.—

21 (i) IN GENERAL.—Based on the eval-  
22 uation conducted under subparagraph  
23 (A)(i), the Secretary shall prepare a report  
24 that includes recommendations for the fu-

1           ture role of the National Park Service, if  
2           any, with respect to the Heritage Area.

3           (ii) REQUIRED ANALYSIS.—If the re-  
4           port prepared under this subparagraph  
5           recommends that Federal funding for the  
6           Heritage Area be reauthorized, the report  
7           shall include an analysis of—

8                   (I) ways in which Federal fund-  
9                   ing for the Heritage Area may be re-  
10                  duced or eliminated; and

11                  (II) the appropriate time period  
12                  necessary to achieve the recommended  
13                  reduction or elimination.

14           (iii) SUBMISSION TO CONGRESS.—On  
15           completion of a report under this subpara-  
16           graph, the Secretary shall submit the re-  
17           port to—

18                   (I) the Committee on Energy and  
19                   Natural Resources of the Senate; and

20                   (II) the Committee on Natural  
21                   Resources of the House of Represent-  
22                   atives.

23           (f) RELATIONSHIP TO OTHER FEDERAL AGEN-  
24           CIES.—

1           (1) IN GENERAL.—Nothing in this section af-  
2           fects the authority of a Federal agency to provide  
3           technical or financial assistance under any other law.

4           (2) CONSULTATION AND COORDINATION.—To  
5           the maximum extent practicable, the head of any  
6           Federal agency planning to conduct activities that  
7           may have an impact on the Heritage Area is encour-  
8           aged to consult and coordinate the activities with the  
9           Secretary and the local coordinating entity.

10          (3) OTHER FEDERAL AGENCIES.—Nothing in  
11          this section—

12                 (A) modifies, alters, or amends any laws  
13                 (including regulations) authorizing a Federal  
14                 agency to manage Federal land under the juris-  
15                 diction of the Federal agency;

16                 (B) limits the discretion of a Federal land  
17                 manager to implement an approved land use  
18                 plan within the boundaries of the Heritage  
19                 Area; or

20                 (C) modifies, alters, or amends any author-  
21                 ized use of Federal land under the jurisdiction  
22                 of a Federal agency.

23          (g) PROPERTY OWNERS AND REGULATORY PROTEC-  
24          TIONS.—Nothing in this section—

1           (1) abridges the rights of any owner of public  
2           or private property, including the right to refrain  
3           from participating in any plan, project, program, or  
4           activity conducted within the Heritage Area;

5           (2) requires any property owner to—

6                 (A) permit public access (including Fed-  
7                 eral, tribal, State, or local government access)  
8                 to the property; or

9                 (B) modify any provisions of Federal, trib-  
10                al, State, or local law with regard to public ac-  
11                cess or use of private land;

12           (3) alters any duly adopted land use regula-  
13           tions, approved land use plan, or any other regu-  
14           latory authority of any Federal, State, or local agen-  
15           cy, or tribal government;

16           (4) conveys any land use or other regulatory  
17           authority to the local coordinating entity;

18           (5) authorizes or implies the reservation or ap-  
19           propriation of water or water rights;

20           (6) diminishes the authority of the State to  
21           manage fish and wildlife, including the regulation of  
22           fishing and hunting within the Heritage Area; or

23           (7) creates any liability, or affects any liability  
24           under any other law, of any private property owner

1 with respect to any person injured on the private  
2 property.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be  
5 appropriated to carry out this section \$10,000,000,  
6 of which not more than \$1,000,000 may be made  
7 available for any fiscal year.

8 (2) COST-SHARING REQUIREMENT.—

9 (A) IN GENERAL.—The Federal share of  
10 the total cost of any activity under this section  
11 shall be not more than 50 percent.

12 (B) FORM.—The non-Federal contribu-  
13 tion—

14 (i) shall be from non-Federal sources;

15 and

16 (ii) may be in the form of in-kind con-  
17 tributions of goods or services fairly val-  
18 ued.

19 (i) TERMINATION OF EFFECTIVENESS.—The author-  
20 ity of the Secretary to provide assistance under this sec-  
21 tion terminates on the date that is 15 years after the date  
22 of enactment of this Act.

23 **SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA,**  
24 **MASSACHUSETTS AND NEW HAMPSHIRE.**

25 (a) PURPOSES.—The purposes of this section are—



1           (1) to foster a close working relationship be-  
2           tween the Secretary and all levels of government, the  
3           private sector, and local communities in the States  
4           of Massachusetts and New Hampshire;

5           (2) to assist the entities described in paragraph  
6           (1) to preserve the special historic identity of the  
7           Heritage Area; and

8           (3) to manage, preserve, protect, and interpret  
9           the cultural, historic, and natural resources of the  
10          Heritage Area for the educational and inspirational  
11          benefit of future generations.

12          (b) DEFINITIONS.—In this section:

13           (1) HERITAGE AREA.—The term “Heritage  
14           Area” means the Freedom’s Way National Heritage  
15           Area established by subsection (c)(1).

16           (2) LOCAL COORDINATING ENTITY.—The term  
17           “local coordinating entity” means the local coordi-  
18           nating entity for the Heritage Area designated by  
19           subsection (c)(4).

20           (3) MANAGEMENT PLAN.—The term “manage-  
21           ment plan” means the management plan for the  
22           Heritage Area required under subsection (d)(1)(A).

23           (4) MAP.—The term “map” means the map en-  
24           titled “Freedom’s Way National Heritage Area”,  
25           numbered T04/80,000, and dated July 2007.

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

3           (c) ESTABLISHMENT.—

4           (1) IN GENERAL.—There is established the  
5           Freedom’s Way National Heritage Area in the  
6           States of Massachusetts and New Hampshire.

7           (2) BOUNDARIES.—

8           (A) IN GENERAL.—The boundaries of the  
9           Heritage Area shall be as generally depicted on  
10          the map.

11          (B) REVISION.—The boundaries of the  
12          Heritage Area may be revised if the revision  
13          is—

14                   (i) proposed in the management plan;

15                   (ii) approved by the Secretary in ac-  
16                   cordance with subsection (e)(4); and

17                   (iii) placed on file in accordance with  
18                   paragraph (3).

19          (3) AVAILABILITY OF MAP.—The map shall be  
20          on file and available for public inspection in the ap-  
21          propriate offices of the National Park Service and  
22          the local coordinating entity.

23          (4) LOCAL COORDINATING ENTITY.—The Free-  
24          dom’s Way Heritage Association, Inc., shall be the  
25          local coordinating entity for the Heritage Area.

1 (d) DUTIES AND AUTHORITIES OF LOCAL COORDI-  
2 NATING ENTITY.—

3 (1) DUTIES OF THE LOCAL COORDINATING EN-  
4 TITY.—To further the purposes of the Heritage  
5 Area, the local coordinating entity shall—

6 (A) prepare, and submit to the Secretary,  
7 in accordance with subsection (e), a manage-  
8 ment plan for the Heritage Area;

9 (B) assist units of local government, re-  
10 gional planning organizations, and nonprofit or-  
11 ganizations in implementing the approved man-  
12 agement plan by—

13 (i) carrying out programs and projects  
14 that recognize and protect important re-  
15 source values within the Heritage Area;

16 (ii) establishing and maintaining in-  
17 terpretive exhibits and programs within the  
18 Heritage Area;

19 (iii) developing recreational and edu-  
20 cational opportunities in the Heritage  
21 Area;

22 (iv) increasing public awareness of,  
23 and appreciation for, natural, historic, and  
24 cultural resources of the Heritage Area;

1 (v) protecting and restoring historic  
2 buildings in the Heritage Area that are  
3 consistent with the themes of the Heritage  
4 Area; and

5 (vi) ensuring that signs identifying  
6 points of public access and sites of interest  
7 are posted throughout the Heritage Area;

8 (C) consider the interests of diverse units  
9 of government, businesses, organizations, and  
10 individuals in the Heritage Area in the prepara-  
11 tion and implementation of the management  
12 plan;

13 (D) conduct meetings open to the public at  
14 least quarterly regarding the development and  
15 implementation of the management plan;

16 (E) submit an annual report to the Sec-  
17 retary for each fiscal year for which the local  
18 coordinating entity receives Federal funds  
19 under this section specifying—

20 (i) the accomplishments of the local  
21 coordinating entity;

22 (ii) the expenses and income of the  
23 local coordinating entity;

24 (iii) the amounts and sources of  
25 matching funds;

1 (iv) the amounts leveraged with Fed-  
2 eral funds and sources of the leveraged  
3 funds; and

4 (v) grants made to any other entities  
5 during the fiscal year;

6 (F) make available for audit for each fiscal  
7 year for which the local coordinating entity re-  
8 ceives Federal funds under this section, all in-  
9 formation pertaining to the expenditure of the  
10 funds and any matching funds;

11 (G) require in all agreements authorizing  
12 expenditures of Federal funds by other organi-  
13 zations, that the receiving organizations make  
14 available for audit all records and other infor-  
15 mation pertaining to the expenditure of the  
16 funds; and

17 (H) encourage, by appropriate means, eco-  
18 nomic development that is consistent with the  
19 purposes of the Heritage Area.

20 (2) AUTHORITIES.—The local coordinating enti-  
21 ty may, subject to the prior approval of the Sec-  
22 retary, for the purposes of preparing and imple-  
23 menting the management plan, use Federal funds  
24 made available under this section to—

1           (A) make grants to the States of Massa-  
2 chusetts and New Hampshire, political subdivi-  
3 sions of the States, nonprofit organizations, and  
4 other persons;

5           (B) enter into cooperative agreements  
6 with, or provide technical assistance to, the  
7 States of Massachusetts and New Hampshire,  
8 political subdivisions of the States, nonprofit or-  
9 ganizations, Federal agencies, and other inter-  
10 ested parties;

11           (C) hire and compensate staff;

12           (D) obtain funds or services from any  
13 source, including funds and services provided  
14 under any other Federal law or program;

15           (E) contract for goods or services; and

16           (F) support activities of partners and any  
17 other activities that further the purposes of the  
18 Heritage Area and are consistent with the ap-  
19 proved management plan.

20           (3) PROHIBITION ON ACQUISITION OF REAL  
21 PROPERTY.—The local coordinating entity may not  
22 use Federal funds received under this section to ac-  
23 quire any interest in real property.

24           (4) USE OF FUNDS FOR NON-FEDERAL PROP-  
25 erty.—The local coordinating entity may use Fed-

1           eral funds made available under this section to assist  
2           non-Federal property that is—

3                   (A) described in the management plan; or

4                   (B) listed, or eligible for listing, on the Na-  
5           tional Register of Historic Places.

6           (e) MANAGEMENT PLAN.—

7                   (1) IN GENERAL.—Not later than 3 years after  
8           the date on which funds are made available to de-  
9           velop the management plan, the local coordinating  
10          entity shall submit to the Secretary for approval a  
11          proposed management plan for the Heritage Area.

12                  (2) REQUIREMENTS.—The management plan  
13          for the Heritage Area shall—

14                   (A) describe comprehensive policies, goals,  
15           strategies, and recommendations for the con-  
16           servation, funding, management, and develop-  
17           ment of the Heritage Area;

18                   (B) take into consideration existing State,  
19           county, and local plans in the development and  
20           implementation of the management plan;

21                   (C) provide a framework for coordination  
22           of the plans considered under subparagraph (B)  
23           to present a unified historic preservation and  
24           interpretation plan;

1           (D) contain the contributions of residents,  
2           public agencies, and private organizations with-  
3           in the Heritage Area;

4           (E) include a description of actions and  
5           commitments that governments, private organi-  
6           zations, and citizens plan to take to protect, en-  
7           hance, and interpret the natural, historic, sce-  
8           nic, and cultural resources of the Heritage  
9           Area;

10          (F) specify existing and potential sources  
11          of funding or economic development strategies  
12          to conserve, manage, and develop the Heritage  
13          Area;

14          (G) include an inventory of the natural,  
15          historic, and recreational resources of the Her-  
16          itage Area, including a list of properties that—

17               (i) are related to the themes of the  
18               Heritage Area; and

19               (ii) should be conserved, restored,  
20               managed, developed, or maintained;

21          (H) recommend policies and strategies for  
22          resource management that—

23               (i) apply appropriate land and water  
24               management techniques;



1 (ii) include the development of inter-  
2 governmental and interagency agreements  
3 to protect the natural, historic, and cul-  
4 tural resources of the Heritage Area; and

5 (iii) support economic revitalization  
6 efforts;

7 (I) describe a program for implementation  
8 of the management plan, including—

9 (i) restoration and construction plans  
10 or goals;

11 (ii) a program of public involvement;

12 (iii) annual work plans; and

13 (iv) annual reports;

14 (J) include an analysis of, and rec-  
15 ommendations for, ways in which Federal,  
16 State, tribal, and local programs may best be  
17 coordinated (including the role of the National  
18 Park Service and other Federal agencies associ-  
19 ated with the Heritage Area) to further the  
20 purposes of this section;

21 (K) include an interpretive plan for the  
22 Heritage Area; and

23 (L) include a business plan that—

24 (i) describes the role, operation, fi-  
25 nancing, and functions of the local coordi-

1 nating entity and of each of the major ac-  
2 tivities described in the management plan;  
3 and

4 (ii) provides adequate assurances that  
5 the local coordinating entity has the part-  
6 nerships and financial and other resources  
7 necessary to implement the management  
8 plan for the Heritage Area.

9 (3) TERMINATION OF FUNDING.—If the man-  
10 agement plan is not submitted to the Secretary in  
11 accordance with this section, the local coordinating  
12 entity shall not qualify for additional financial as-  
13 sistance under this section until the management  
14 plan is submitted to, and approved by, the Sec-  
15 retary.

16 (4) APPROVAL OF MANAGEMENT PLAN.—

17 (A) REVIEW.—Not later than 180 days  
18 after the date on which the Secretary receives  
19 the management plan, the Secretary shall ap-  
20 prove or disapprove the management plan.

21 (B) CRITERIA FOR APPROVAL.—In deter-  
22 mining whether to approve the management  
23 plan, the Secretary shall consider whether—

24 (i) the local coordinating entity rep-  
25 resents the diverse interests of the Herit-

1           age Area, including governments, natural  
2           and historic resource protection organiza-  
3           tions, educational institutions, businesses,  
4           community residents, and recreational or-  
5           ganizations;

6           (ii) the local coordinating entity has  
7           afforded adequate opportunity for public  
8           and governmental involvement (including  
9           through workshops and public meetings) in  
10          the preparation of the management plan;

11          (iii) the resource protection and inter-  
12          pretation strategies described in the man-  
13          agement plan, if implemented, would ade-  
14          quately protect the natural, historic, and  
15          cultural resources of the Heritage Area;

16          (iv) the management plan would not  
17          adversely affect any activities authorized  
18          on Federal or tribal land under applicable  
19          laws or land use plans;

20          (v) the Secretary has received ade-  
21          quate assurances from the appropriate  
22          State, tribal, and local officials whose sup-  
23          port is needed to ensure the effective im-  
24          plementation of the State, tribal, and local  
25          aspects of the management plan; and

1 (vi) the local coordinating entity has  
2 demonstrated the financial capability, in  
3 partnership with others, to carry out the  
4 management plan.

5 (C) ACTION FOLLOWING DISAPPROVAL.—

6 (i) IN GENERAL.—If the Secretary  
7 disapproves the management plan, the Sec-  
8 retary—

9 (I) shall advise the local coordi-  
10 nating entity in writing of the reasons  
11 for the disapproval; and

12 (II) may make recommendations  
13 to the local coordinating entity for re-  
14 visions to the management plan.

15 (ii) DEADLINE.—Not later than 180  
16 days after receiving a revised management  
17 plan, the Secretary shall approve or dis-  
18 approve the revised management plan.

19 (D) AMENDMENTS.—

20 (i) IN GENERAL.—An amendment to  
21 the management plan that substantially al-  
22 ters the purposes of the Heritage Area  
23 shall be reviewed by the Secretary and ap-  
24 proved or disapproved in the same manner  
25 as the original management plan.

1 (ii) IMPLEMENTATION.—The local co-  
2 ordinating entity shall not use Federal  
3 funds authorized to be appropriated by this  
4 section to implement an amendment to the  
5 management plan until the Secretary ap-  
6 proves the amendment.

7 (f) DUTIES AND AUTHORITIES OF THE SEC-  
8 RETARY.—

9 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

10 (A) IN GENERAL.—On the request of the  
11 local coordinating entity, the Secretary may  
12 provide technical and financial assistance, on a  
13 reimbursable or nonreimbursable basis (as de-  
14 termined by the Secretary), to the local coordi-  
15 nating entity to develop and implement the  
16 management plan.

17 (B) COOPERATIVE AGREEMENTS.—The  
18 Secretary may enter into cooperative agree-  
19 ments with the local coordinating entity and  
20 other public or private entities to provide tech-  
21 nical or financial assistance under subpara-  
22 graph (A).

23 (C) PRIORITY.—In assisting the Heritage  
24 Area, the Secretary shall give priority to actions  
25 that assist in—

1 (i) conserving the significant natural,  
2 historic, and cultural resources of the Her-  
3 itage Area; and

4 (ii) providing educational, interpretive,  
5 and recreational opportunities consistent  
6 with the purposes of the Heritage Area.

7 (2) EVALUATION; REPORT.—

8 (A) IN GENERAL.—Not later than 3 years  
9 before the date on which authority for Federal  
10 funding terminates for the Heritage Area under  
11 subsection (j), the Secretary shall—

12 (i) conduct an evaluation of the ac-  
13 complishments of the Heritage Area; and

14 (ii) prepare a report with rec-  
15 ommendations for the future role of the  
16 National Park Service, if any, with respect  
17 to the Heritage Area, in accordance with  
18 subparagraph (C).

19 (B) EVALUATION.—An evaluation con-  
20 ducted under subparagraph (A)(i) shall—

21 (i) assess the progress of the local co-  
22 ordinating entity with respect to—

23 (I) accomplishing the purposes of  
24 this section for the Heritage Area;  
25 and

1 (II) achieving the goals and ob-  
2 jectives of the approved management  
3 plan for the Heritage Area;

4 (ii) analyze the Federal, State, local,  
5 and private investments in the Heritage  
6 Area to determine the leverage and impact  
7 of the investments; and

8 (iii) review the management structure,  
9 partnership relationships, and funding of  
10 the Heritage Area for purposes of identi-  
11 fying the critical components for sustain-  
12 ability of the Heritage Area.

13 (C) REPORT.—

14 (i) IN GENERAL.—Based on the eval-  
15 uation conducted under subparagraph  
16 (A)(i), the Secretary shall prepare a report  
17 that includes recommendations for the fu-  
18 ture role of the National Park Service, if  
19 any, with respect to the Heritage Area.

20 (ii) REQUIRED ANALYSIS.—If the re-  
21 port prepared under this subparagraph  
22 recommends that Federal funding for the  
23 Heritage Area be reauthorized, the report  
24 shall include an analysis of—

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1 (I) ways in which Federal fund-  
2 ing for the Heritage Area may be re-  
3 duced or eliminated; and

4 (II) the appropriate time period  
5 necessary to achieve the recommended  
6 reduction or elimination.

7 (iii) SUBMISSION TO CONGRESS.—On  
8 completion of a report under this subpara-  
9 graph, the Secretary shall submit the re-  
10 port to—

11 (I) the Committee on Energy and  
12 Natural Resources of the Senate; and

13 (II) the Committee on Natural  
14 Resources of the House of Represent-  
15 atives.

16 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-  
17 CIES.—

18 (1) IN GENERAL.—Nothing in this section af-  
19 fects the authority of a Federal agency to provide  
20 technical or financial assistance under any other law.

21 (2) CONSULTATION AND COORDINATION.—To  
22 the maximum extent practicable, the head of any  
23 Federal agency planning to conduct activities that  
24 may have an impact on the Heritage Area is encour-



1           aged to consult and coordinate the activities with the  
2           Secretary and the local coordinating entity.

3           (3) OTHER FEDERAL AGENCIES.—Nothing in  
4           this section—

5                   (A) modifies, alters, or amends any laws  
6                   (including regulations) authorizing a Federal  
7                   agency to manage Federal land under the juris-  
8                   diction of the Federal agency;

9                   (B) limits the discretion of a Federal land  
10                  manager to implement an approved land use  
11                  plan within the boundaries of the Heritage  
12                  Area; or

13                  (C) modifies, alters, or amends any author-  
14                  ized use of Federal land under the jurisdiction  
15                  of a Federal agency.

16           (h) PROPERTY OWNERS AND REGULATORY PROTEC-  
17           TIONS.—Nothing in this section—

18                   (1) abridges the rights of any owner of public  
19                   or private property, including the right to refrain  
20                   from participating in any plan, project, program, or  
21                   activity conducted within the Heritage Area;

22                   (2) requires any property owner to—

23                           (A) permit public access (including Fed-  
24                           eral, tribal, State, or local government access)  
25                           to the property; or

1 (B) modify any provisions of Federal, trib-  
2 al, State, or local law with regard to public ac-  
3 cess or use of private land;

4 (3) alters any duly adopted land use regula-  
5 tions, approved land use plan, or any other regu-  
6 latory authority of any Federal, State, or local agen-  
7 cy, or tribal government;

8 (4) conveys any land use or other regulatory  
9 authority to the local coordinating entity;

10 (5) authorizes or implies the reservation or ap-  
11 propriation of water or water rights;

12 (6) diminishes the authority of the States of  
13 Massachusetts and New Hampshire to manage fish  
14 and wildlife, including the regulation of fishing and  
15 hunting within the Heritage Area; or

16 (7) creates any liability, or affects any liability  
17 under any other law, of any private property owner  
18 with respect to any person injured on the private  
19 property.

20 (i) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be  
22 appropriated to carry out this section \$10,000,000,  
23 of which not more than \$1,000,000 may be made  
24 available for any fiscal year.

1           (2) AVAILABILITY.—Funds made available  
2 under paragraph (1) shall remain available until ex-  
3 pended.

4           (3) COST-SHARING REQUIREMENT.—

5                 (A) IN GENERAL.—The Federal share of  
6 the total cost of any activity under this section  
7 shall be not more than 50 percent.

8                 (B) FORM.—The non-Federal contribution  
9 may be in the form of in-kind contributions of  
10 goods or services fairly valued.

11           (j) TERMINATION OF FINANCIAL ASSISTANCE.—The  
12 authority of the Secretary to provide financial assistance  
13 under this section terminates on the date that is 15 years  
14 after the date of enactment of this Act.

15 **SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.**

16           (a) DEFINITIONS.—In this section:

17                 (1) HERITAGE AREA.—The term “Heritage  
18 Area” means the Mississippi Hills National Heritage  
19 Area established by subsection (b)(1).

20                 (2) LOCAL COORDINATING ENTITY.—The term  
21 “local coordinating entity” means the local coordi-  
22 nating entity for Heritage Area designated by sub-  
23 section (b)(3)(A).

1           (3) MANAGEMENT PLAN.—The term “manage-  
2           ment plan” means the management plan for the  
3           Heritage Area required under subsection (c)(1)(A).

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

6           (5) STATE.—The term “State” means the State  
7           of Mississippi.

8           (b) MISSISSIPPI HILLS NATIONAL HERITAGE  
9           AREA.—

10           (1) ESTABLISHMENT.—There is established the  
11           Mississippi Hills National Heritage Area in the  
12           State.

13           (2) BOUNDARIES.—

14           (A) AFFECTED COUNTIES.—The Heritage  
15           Area shall consist of all, or portions of, as spec-  
16           ified by the boundary description in subpara-  
17           graph (B), Alcorn, Attala, Benton, Calhoun,  
18           Carroll, Chickasaw, Choctaw, Clay, DeSoto,  
19           Grenada, Holmes, Itawamba, Lafayette, Lee,  
20           Lowndes, Marshall, Monroe, Montgomery,  
21           Noxubee, Oktibbeha, Panola, Pontotoc,  
22           Prentiss, Tate, Tippah, Tishomingo, Union,  
23           Webster, Winston, and Yalobusha Counties in  
24           the State.

1                   (B) BOUNDARY DESCRIPTION.—The Herit-  
2                   age Area shall have the following boundary de-  
3                   scription:

4                   (i) traveling counterclockwise, the  
5                   Heritage Area shall be bounded to the west  
6                   by U.S. Highway 51 from the Tennessee  
7                   State line until it intersects Interstate 55  
8                   (at Geeslin Corner approximately  $\frac{1}{2}$  mile  
9                   due north of Highway Interchange 208);

10                  (ii) from this point, Interstate 55  
11                  shall be the western boundary until it  
12                  intersects with Mississippi Highway 12 at  
13                  Highway Interchange 156, the intersection  
14                  of which shall be the southwest terminus of  
15                  the Heritage Area;

16                  (iii) from the southwest terminus, the  
17                  boundary shall—

18                         (I) extend east along Mississippi  
19                         Highway 12 until it intersects U.S.  
20                         Highway 51;

21                         (II) follow Highway 51 south  
22                         until it is intersected again by High-  
23                         way 12;

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1 (III) extend along Highway 12  
2 into downtown Kosciusko where it  
3 intersects Mississippi Highway 35;

4 (IV) follow Highway 35 south  
5 until it is intersected by Mississippi  
6 Highway 14; and

7 (V) extend along Highway 14  
8 until it reaches the Alabama State  
9 line, the intersection of which shall be  
10 the southeast terminus of the Herit-  
11 age Area;

12 (iv) from the southeast terminus, the  
13 boundary of the Heritage Area shall follow  
14 the Mississippi-Alabama State line until it  
15 reaches the Mississippi-Tennessee State  
16 line, the intersection of which shall be the  
17 northeast terminus of the Heritage Area;  
18 and

19 (v) the boundary shall extend due  
20 west until it reaches U.S. Highway 51, the  
21 intersection of which shall be the northwest  
22 terminus of the Heritage Area.

23 (3) LOCAL COORDINATING ENTITY.—

24 (A) IN GENERAL.—The local coordinating  
25 entity for the Heritage Area shall be the Mis-

1           Mississippi Hills Heritage Area Alliance, a non-  
2           profit organization registered by the State, with  
3           the cooperation and support of the University  
4           of Mississippi.

5                   (B) BOARD OF DIRECTORS.—

6                           (i) IN GENERAL.—The local coordi-  
7                           nating entity shall be governed by a Board  
8                           of Directors comprised of not more than  
9                           30 members.

10                           (ii) COMPOSITION.—Members of the  
11                           Board of Directors shall consist of—

12                                   (I) not more than 1 representa-  
13                                   tive from each of the counties de-  
14                                   scribed in paragraph (2)(A); and

15                                   (II) any ex-officio members that  
16                                   may be appointed by the Board of Di-  
17                                   rectors, as the Board of Directors de-  
18                                   termines to be necessary.

19           (c) DUTIES AND AUTHORITIES OF LOCAL COORDI-  
20   NATING ENTITY.—

21                   (1) DUTIES OF THE LOCAL COORDINATING EN-  
22   TITY.—To further the purposes of the Heritage  
23   Area, the local coordinating entity shall—

1           (A) prepare, and submit to the Secretary,  
2           in accordance with subsection (d), a manage-  
3           ment plan for the Heritage Area;

4           (B) assist units of local government, re-  
5           gional planning organizations, and nonprofit or-  
6           ganizations in implementing the approved man-  
7           agement plan by—

8                   (i) establishing and maintaining inter-  
9                   pretive exhibits and programs within the  
10                  Heritage Area;

11                   (ii) developing recreational opportuni-  
12                   ties in the Heritage Area;

13                   (iii) increasing public awareness of,  
14                   and appreciation for, natural, historical,  
15                   cultural, archaeological, and recreational  
16                   resources of the Heritage Area;

17                   (iv) restoring historic sites and build-  
18                   ings in the Heritage Area that are con-  
19                   sistent with the themes of the Heritage  
20                   Area; and

21                   (v) carrying out any other activity  
22                   that the local coordinating entity deter-  
23                   mines to be consistent with this section;



1 (C) conduct meetings open to the public at  
2 least annually regarding the development and  
3 implementation of the management plan;

4 (D) submit an annual report to the Sec-  
5 retary for each fiscal year for which the local  
6 coordinating entity receives Federal funds  
7 under this section specifying—

8 (i) the accomplishments of the local  
9 coordinating entity;

10 (ii) the expenses and income of the  
11 local coordinating entity;

12 (iii) the amounts and sources of  
13 matching funds;

14 (iv) the amounts leveraged with Fed-  
15 eral funds and sources of the leveraged  
16 funds; and

17 (v) grants made to any other entities  
18 during the fiscal year;

19 (E) make available for audit for each fiscal  
20 year for which the local coordinating entity re-  
21 ceives Federal funds under this section, all in-  
22 formation pertaining to the expenditure of the  
23 funds and any matching funds;

24 (F) require in all agreements authorizing  
25 expenditures of Federal funds by other organi-

1           zations, that the receiving organizations make  
2           available for audit all records and other infor-  
3           mation pertaining to the expenditure of the  
4           funds; and

5           (G) ensure that each county included in  
6           the Heritage Area is appropriately represented  
7           on any oversight advisory committee established  
8           under this section to coordinate the Heritage  
9           Area.

10          (2) AUTHORITIES.—The local coordinating enti-  
11         ty may, subject to the prior approval of the Sec-  
12         retary, for the purposes of preparing and imple-  
13         menting the management plan, use Federal funds  
14         made available under this section to—

15                 (A) make grants and loans to the State,  
16                 political subdivisions of the State, nonprofit or-  
17                 ganizations, and other persons;

18                 (B) enter into cooperative agreements  
19                 with, or provide technical assistance to, the  
20                 State, political subdivisions of the State, non-  
21                 profit organizations, and other organizations;

22                 (C) hire and compensate staff;

23                 (D) obtain funds or services from any  
24                 source, including funds and services provided  
25                 under any other Federal law or program; and

1 (E) contract for goods or services.

2 (3) PROHIBITION ON ACQUISITION OF REAL  
3 PROPERTY.—The local coordinating entity may not  
4 use Federal funds received under this section to ac-  
5 quire any interest in real property.

6 (d) MANAGEMENT PLAN.—

7 (1) IN GENERAL.—Not later than 3 years after  
8 the date on which funds are made available to de-  
9 velop the management plan, the local coordinating  
10 entity shall submit to the Secretary for approval a  
11 proposed management plan for the Heritage Area.

12 (2) REQUIREMENTS.—The management plan  
13 for the Heritage Area shall—

14 (A) provide recommendations for the pres-  
15 ervation, conservation, enhancement, funding,  
16 management, interpretation, development, and  
17 promotion of the cultural, historical, archae-  
18 ological, natural, and recreational resources of  
19 the Heritage Area;

20 (B) specify existing and potential sources  
21 of funding or economic development strategies  
22 to protect, enhance, interpret, fund, manage,  
23 and develop the Heritage Area;

24 (C) include—

1 (i) an inventory of the natural, histor-  
2 ical, cultural, archaeological, and rec-  
3 reational resources of the Heritage Area;  
4 and

5 (ii) an analysis of how Federal, State,  
6 tribal, and local programs may best be co-  
7 ordinated to promote and carry out this  
8 section;

9 (D) provide recommendations for edu-  
10 cational and interpretive programs to provide  
11 information to the public on the resources of  
12 the Heritage Area; and

13 (E) involve residents of affected commu-  
14 nities and tribal and local governments.

15 (3) TERMINATION OF FUNDING.—If the man-  
16 agement plan is not submitted to the Secretary in  
17 accordance with this subsection, the local coordi-  
18 nating entity shall not qualify for additional finan-  
19 cial assistance under this section until the manage-  
20 ment plan is submitted to, and approved by, the Sec-  
21 retary.

22 (4) APPROVAL OF MANAGEMENT PLAN.—

23 (A) REVIEW.—Not later than 180 days  
24 after the date on which the Secretary receives

1           the management plan, the Secretary shall ap-  
2           prove or disapprove the management plan.

3           (B) CONSULTATION REQUIRED.—The Sec-  
4           retary shall consult with the Governor of the  
5           State and any tribal government in which the  
6           Heritage Area is located before approving the  
7           management plan.

8           (C) CRITERIA FOR APPROVAL.—In deter-  
9           mining whether to approve the management  
10          plan, the Secretary shall consider whether—

11           (i) the local coordinating entity rep-  
12          resents the diverse interests of the Herit-  
13          age Area, including governments, natural  
14          and historical resource protection organiza-  
15          tions, educational institutions, businesses,  
16          community residents, and recreational or-  
17          ganizations;

18           (ii) the local coordinating entity has  
19          afforded adequate opportunity for public  
20          and governmental involvement (including  
21          through workshops and public meetings) in  
22          the preparation of the management plan;

23           (iii) the resource protection and inter-  
24          pretation strategies described in the man-  
25          agement plan, if implemented, would ade-

1                   quately protect the natural, historical, cul-  
2                   tural, archaeological, and recreational re-  
3                   sources of the Heritage Area;

4                   (iv) the management plan would not  
5                   adversely affect any activities authorized  
6                   on Federal or tribal land under applicable  
7                   laws or land use plans;

8                   (v) the Secretary has received ade-  
9                   quate assurances from the appropriate  
10                  State, tribal, and local officials whose sup-  
11                  port is needed to ensure the effective im-  
12                  plementation of the State, tribal, and local  
13                  aspects of the management plan; and

14                  (vi) the local coordinating entity has  
15                  demonstrated the financial capability, in  
16                  partnership with others, to carry out the  
17                  management plan.

18                  (D) ACTION FOLLOWING DISAPPROVAL.—

19                  (i) IN GENERAL.—If the Secretary  
20                  disapproves the management plan, the Sec-  
21                  retary—

22                                 (I) shall advise the local coordi-  
23                                 nating entity in writing of the reasons  
24                                 for the disapproval; and

1 (II) may make recommendations  
2 to the local coordinating entity for re-  
3 visions to the management plan.

4 (ii) DEADLINE.—Not later than 180  
5 days after receiving a revised management  
6 plan, the Secretary shall approve or dis-  
7 approve the revised management plan.

8 (E) REVIEW; AMENDMENTS.—

9 (i) IN GENERAL.—After approval by  
10 the Secretary of the management plan, the  
11 Alliance shall periodically—

12 (I) review the management plan;  
13 and

14 (II) submit to the Secretary, for  
15 review and approval by the Secretary,  
16 any recommendations for revisions to  
17 the management plan.

18 (ii) IN GENERAL.—An amendment to  
19 the management plan that substantially al-  
20 ters the purposes of the Heritage Area  
21 shall be reviewed by the Secretary and ap-  
22 proved or disapproved in the same manner  
23 as the original management plan.

24 (iii) IMPLEMENTATION.—The local co-  
25 ordinating entity shall not use Federal

1 funds authorized to be appropriated by this  
2 section to implement an amendment to the  
3 management plan until the Secretary ap-  
4 proves the amendment.

5 (e) DUTIES AND AUTHORITIES OF THE SEC-  
6 RETARY.—

7 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

8 (A) IN GENERAL.—On the request of the  
9 local coordinating entity, the Secretary may  
10 provide technical and financial assistance, on a  
11 reimbursable or nonreimbursable basis (as de-  
12 termined by the Secretary), to the local coordi-  
13 nating entity to develop and implement the  
14 management plan.

15 (B) COOPERATIVE AGREEMENTS.—The  
16 Secretary may enter into cooperative agree-  
17 ments with the local coordinating entity and  
18 other public or private entities to provide tech-  
19 nical or financial assistance under subpara-  
20 graph (A).

21 (C) PRIORITY.—In assisting the Heritage  
22 Area, the Secretary shall give priority to actions  
23 that assist in—

24 (i) conserving the significant natural,  
25 historical, cultural, archaeological, and rec-



1                   reational resources of the Heritage Area;

2                   and

3                   (ii) providing educational, interpretive,

4                   and recreational opportunities consistent

5                   with the purposes of the Heritage Area.

6                   (2) EVALUATION; REPORT.—

7                   (A) IN GENERAL.—Not later than 3 years  
8                   before the date on which authority for Federal  
9                   funding terminates for the Heritage Area under  
10                  subsection (i), the Secretary shall—

11                  (i) conduct an evaluation of the ac-  
12                  complishments of the Heritage Area; and

13                  (ii) prepare a report with rec-  
14                  ommendations for the future role of the  
15                  National Park Service, if any, with respect  
16                  to the Heritage Area, in accordance with  
17                  subparagraph (C).

18                  (B) EVALUATION.—An evaluation con-  
19                  ducted under subparagraph (A)(i) shall—

20                  (i) assess the progress of the local co-  
21                  ordinating entity with respect to—

22                          (I) accomplishing the purposes of  
23                          this section for the Heritage Area;

24                          and

1 (II) achieving the goals and ob-  
2 jectives of the approved management  
3 plan for the Heritage Area;

4 (ii) analyze the Federal, State, local,  
5 and private investments in the Heritage  
6 Area to determine the leverage and impact  
7 of the investments; and

8 (iii) review the management structure,  
9 partnership relationships, and funding of  
10 the Heritage Area for purposes of identi-  
11 fying the critical components for sustain-  
12 ability of the Heritage Area.

13 (C) REPORT.—

14 (i) IN GENERAL.—Based on the eval-  
15 uation conducted under subparagraph  
16 (A)(i), the Secretary shall prepare a report  
17 that includes recommendations for the fu-  
18 ture role of the National Park Service, if  
19 any, with respect to the Heritage Area.

20 (ii) REQUIRED ANALYSIS.—If the re-  
21 port prepared under this subparagraph  
22 recommends that Federal funding for the  
23 Heritage Area be reauthorized, the report  
24 shall include an analysis of—

1 (I) ways in which Federal fund-  
2 ing for the Heritage Area may be re-  
3 duced or eliminated; and

4 (II) the appropriate time period  
5 necessary to achieve the recommended  
6 reduction or elimination.

7 (iii) SUBMISSION TO CONGRESS.—On  
8 completion of a report under this subpara-  
9 graph, the Secretary shall submit the re-  
10 port to—

11 (I) the Committee on Energy and  
12 Natural Resources of the Senate; and

13 (II) the Committee on Natural  
14 Resources of the House of Represent-  
15 atives.

16 (f) RELATIONSHIP TO OTHER FEDERAL AGEN-  
17 CIES.—

18 (1) IN GENERAL.—Nothing in this section af-  
19 fects the authority of a Federal agency to provide  
20 technical or financial assistance under any other law.

21 (2) CONSULTATION AND COORDINATION.—To  
22 the maximum extent practicable, the head of any  
23 Federal agency planning to conduct activities that  
24 may have an impact on the Heritage Area is encour-

1           aged to consult and coordinate the activities with the  
2           Secretary and the local coordinating entity.

3           (3) OTHER FEDERAL AGENCIES.—Nothing in  
4           this section—

5                   (A) modifies, alters, or amends any laws  
6                   (including regulations) authorizing a Federal  
7                   agency to manage Federal land under the juris-  
8                   diction of the Federal agency;

9                   (B) limits the discretion of a Federal land  
10                  manager to implement an approved land use  
11                  plan within the boundaries of the Heritage  
12                  Area; or

13                  (C) modifies, alters, or amends any author-  
14                  ized use of Federal land under the jurisdiction  
15                  of a Federal agency.

16       (g) EFFECT.—

17           (1) PROPERTY OWNERS AND REGULATORY PRO-  
18           TECTIONS.—Nothing in this section—

19                   (A) abridges the rights of any owner of  
20                   public or private property, including the right  
21                   to refrain from participating in any plan,  
22                   project, program, or activity conducted within  
23                   the Heritage Area;

24                   (B) requires any property owner to—

1 (i) permit public access (including  
2 Federal, tribal, State, or local government  
3 access) to the property; or

4 (ii) modify any provisions of Federal,  
5 tribal, State, or local law with regard to  
6 public access or use of private land;

7 (C) alters any duly adopted land use regu-  
8 lations, approved land use plan, or any other  
9 regulatory authority of any Federal, State, or  
10 local agency, or tribal government;

11 (D) conveys any land use or other regu-  
12 latory authority to the local coordinating entity;

13 (E) authorizes or implies the reservation or  
14 appropriation of water or water rights;

15 (F) diminishes the authority of the State  
16 to manage fish and wildlife, including the regu-  
17 lation of fishing and hunting within the Herit-  
18 age Area; or

19 (G) creates any liability, or affects any li-  
20 ability under any other law, of any private  
21 property owner with respect to any person in-  
22 jured on the private property.

23 (2) NO EFFECT ON INDIAN TRIBES.—Nothing  
24 in this section—

1           (A) restricts an Indian tribe from pro-  
2           tecting cultural or religious sites on tribal land;  
3           or

4           (B) diminishes the trust responsibilities or  
5           government-to-government obligations of the  
6           United States to any Indian tribe recognized by  
7           the Federal Government.

8           (h) AUTHORIZATION OF APPROPRIATIONS.—

9           (1) IN GENERAL.—There is authorized to be  
10          appropriated to carry out this section \$10,000,000,  
11          of which not more than \$1,000,000 may be made  
12          available for any fiscal year.

13          (2) AVAILABILITY.—Amounts made available  
14          under paragraph (1) shall remain available until ex-  
15          pended.

16          (3) COST-SHARING REQUIREMENT.—

17                (A) IN GENERAL.—The Federal share of  
18                the total cost of any activity under this section  
19                shall be not more than 50 percent.

20                (B) FORM.—The non-Federal contribu-  
21                tion—

22                       (i) shall be from non-Federal sources;  
23                       and

1                   (ii) may be in the form of in-kind con-  
2                   tributions of goods or services fairly val-  
3                   ued.

4           (i) **TERMINATION OF FINANCIAL ASSISTANCE.**—The  
5 authority of the Secretary to provide financial assistance  
6 under this section terminates on the date that is 15 years  
7 after the date of enactment of this Act.

8 **SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.**

9           (a) **DEFINITIONS.**—In this section:

10           (1) **BOARD.**—The term “Board” means the  
11 Board of Directors of the local coordinating entity.

12           (2) **HERITAGE AREA.**—The term “Heritage  
13 Area” means the Mississippi Delta National Herit-  
14 age Area established by subsection (b)(1).

15           (3) **LOCAL COORDINATING ENTITY.**—The term  
16 “local coordinating entity” means the local coordi-  
17 nating entity for the Heritage Area designated by  
18 subsection (b)(4)(A).

19           (4) **MANAGEMENT PLAN.**—The term “manage-  
20 ment plan” means the management plan for the  
21 Heritage Area developed under subsection (d).

22           (5) **MAP.**—The term “map” means the map en-  
23 titled “Mississippi Delta National Heritage Area”,  
24 numbered T13/80,000, and dated April 2008.

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

3           (7) STATE.—The term “State” means the State  
4 of Mississippi.

5           (b) ESTABLISHMENT.—

6           (1) ESTABLISHMENT.—There is established in  
7 the State the Mississippi Delta National Heritage  
8 Area.

9           (2) BOUNDARIES.—The Heritage Area shall in-  
10 clude all counties in the State that contain land lo-  
11 cated in the alluvial floodplain of the Mississippi  
12 Delta, including Bolivar, Carroll, Coahoma, Desoto,  
13 Holmes, Humphreys, Issaquena, Leflore, Panola,  
14 Quitman, Sharkey, Sunflower, Tallahatchie, Tate,  
15 Tunica, Warren, Washington, and Yazoo Counties in  
16 the State, as depicted on the map.

17           (3) AVAILABILITY OF MAP.—The map shall be  
18 on file and available for public inspection in the of-  
19 fice of the Director of the National Park Service.

20           (4) LOCAL COORDINATING ENTITY.—

21           (A) DESIGNATION.—The Mississippi Delta  
22 National Heritage Area Partnership shall be  
23 the local coordinating entity for the Heritage  
24 Area.

25           (B) BOARD OF DIRECTORS.—



1 (i) COMPOSITION.—

2 (I) IN GENERAL.—The local co-  
3 ordinating entity shall be governed by  
4 a Board of Directors composed of 15  
5 members, of whom—

6 (aa) 1 member shall be ap-  
7 pointed by Delta State Univer-  
8 sity;

9 (bb) 1 member shall be ap-  
10 pointed by Mississippi Valley  
11 State University;

12 (cc) 1 member shall be ap-  
13 pointed by Alcorn State Univer-  
14 sity;

15 (dd) 1 member shall be ap-  
16 pointed by the Delta Foundation;

17 (ee) 1 member shall be ap-  
18 pointed by the Smith Robertson  
19 Museum;

20 (ff) 1 member shall be ap-  
21 pointed from the office of the  
22 Governor of the State;

23 (gg) 1 member shall be ap-  
24 pointed by Delta Council;

1 (hh) 1 member shall be ap-  
2 pointed from the Mississippi Arts  
3 Commission;

4 (ii) 1 member shall be ap-  
5 pointed from the Mississippi De-  
6 partment of Archives and His-  
7 tory;

8 (jj) 1 member shall be ap-  
9 pointed from the Mississippi Hu-  
10 manities Council; and

11 (kk) up to 5 additional  
12 members shall be appointed for  
13 staggered 1- and 2-year terms by  
14 County boards in the Heritage  
15 Area.

16 (II) RESIDENCY REQUIRE-  
17 MENTS.—At least 7 members of the  
18 Board shall reside in the Heritage  
19 Area.

20 (ii) OFFICERS.—

21 (I) IN GENERAL.—At the initial  
22 meeting of the Board, the members of  
23 the Board shall appoint a Chair-  
24 person, Vice Chairperson, and Sec-  
25 retary/Treasurer.

1 (II) DUTIES.—

2 (aa) CHAIRPERSON.—The  
3 duties of the Chairperson shall  
4 include—

5 (AA) presiding over  
6 meetings of the Board;

7 (BB) executing docu-  
8 ments of the Board; and

9 (CC) coordinating ac-  
10 tivities of the Heritage Area  
11 with Federal, State, local,  
12 and nongovernmental offi-  
13 cials.

14 (bb) VICE CHAIRPERSON.—  
15 The Vice Chairperson shall act as  
16 Chairperson in the absence or  
17 disability of the Chairperson.

18 (iii) MANAGEMENT AUTHORITY.—

19 (I) IN GENERAL.—The Board  
20 shall—

21 (aa) exercise all corporate  
22 powers of the local coordinating  
23 entity;

1 (bb) manage the activities  
2 and affairs of the local coordi-  
3 nating entity; and

4 (cc) subject to any limita-  
5 tions in the articles and bylaws of  
6 the local coordinating entity, this  
7 section, and any other applicable  
8 Federal or State law, establish  
9 the policies of the local coordi-  
10 nating entity.

11 (II) STAFF.—The Board shall  
12 have the authority to employ any serv-  
13 ices and staff that are determined to  
14 be necessary by a majority vote of the  
15 Board.

16 (iv) BYLAWS.—

17 (I) IN GENERAL.—The Board  
18 may amend or repeal the bylaws of  
19 the local coordinating entity at any  
20 meeting of the Board by a majority  
21 vote of the Board.

22 (II) NOTICE.—The Board shall  
23 provide notice of any meeting of the  
24 Board at which an amendment to the  
25 bylaws is to be considered that in-

1                   cludes the text or a summary of the  
2                   proposed amendment.

3                   (v) MINUTES.—Not later than 60  
4                   days after a meeting of the Board, the  
5                   Board shall distribute the minutes of the  
6                   meeting among all Board members and the  
7                   county supervisors in each county within  
8                   the Heritage Area.

9                   (c) DUTIES AND AUTHORITIES OF LOCAL COORDI-  
10                  NATING ENTITY.—

11                  (1) DUTIES OF THE LOCAL COORDINATING EN-  
12                  TITY.—To further the purposes of the Heritage  
13                  Area, the local coordinating entity shall—

14                         (A) prepare, and submit to the Secretary,  
15                         in accordance with subsection (d), a manage-  
16                         ment plan for the Heritage Area;

17                         (B) assist units of local government, re-  
18                         gional planning organizations, and nonprofit or-  
19                         ganizations in implementing the approved man-  
20                         agement plan by—

21                                 (i) carrying out programs and projects  
22                                 that recognize, protect, and enhance im-  
23                                 portant resource values within the Herit-  
24                                 age Area;

1                   (ii) establishing and maintaining in-  
2                   terpretive exhibits and programs within the  
3                   Heritage Area;

4                   (iii) developing recreational and edu-  
5                   cational opportunities in the Heritage  
6                   Area;

7                   (iv) increasing public awareness of,  
8                   and appreciation for, natural, historic, sce-  
9                   nic, and cultural resources of the Heritage  
10                  Area;

11                  (v) protecting and restoring historic  
12                  sites and buildings in the Heritage Area  
13                  that are consistent with the themes of the  
14                  Heritage Area;

15                  (vi) ensuring that signs identifying  
16                  points of public access and sites of interest  
17                  are posted throughout the Heritage Area;  
18                  and

19                  (vii) promoting a wide range of part-  
20                  nerships among governments, organiza-  
21                  tions, and individuals to further the pur-  
22                  poses of the Heritage Area;

23                  (C) consider the interests of diverse units  
24                  of government, businesses, organizations, and  
25                  individuals in the Heritage Area in the prepara-

1           tion and implementation of the management  
2           plan;

3           (D) conduct meetings open to the public at  
4           least semiannually regarding the development  
5           and implementation of the management plan;

6           (E) submit an annual report to the Sec-  
7           retary for each fiscal year for which the local  
8           coordinating entity receives Federal funds  
9           under this section specifying—

10           (i) the accomplishments of the local  
11           coordinating entity;

12           (ii) the expenses and income of the  
13           local coordinating entity;

14           (iii) the amounts and sources of  
15           matching funds;

16           (iv) the amounts leveraged with Fed-  
17           eral funds and sources of the leveraged  
18           funds; and

19           (v) grants made to any other entities  
20           during the fiscal year;

21           (F) make available for audit for each fiscal  
22           year for which the local coordinating entity re-  
23           ceives Federal funds under this section, all in-  
24           formation pertaining to the expenditure of the  
25           funds and any matching funds;

1           (G) require in all agreements authorizing  
2           expenditures of Federal funds by other organi-  
3           zations, that the receiving organizations make  
4           available for audit all records and other infor-  
5           mation pertaining to the expenditure of the  
6           funds; and

7           (H) encourage, by appropriate means, eco-  
8           nomic development that is consistent with the  
9           purposes of the Heritage Area.

10          (2) AUTHORITIES.—The local coordinating enti-  
11          ty may, subject to the prior approval of the Sec-  
12          retary, for the purposes of preparing and imple-  
13          menting the management plan, use Federal funds  
14          made available under this section to—

15               (A) make grants to the State, political sub-  
16               divisions of the State, nonprofit organizations,  
17               and other persons;

18               (B) enter into cooperative agreements  
19               with, or provide technical assistance to, the  
20               State, political subdivisions of the State, non-  
21               profit organizations, Federal agencies, and  
22               other interested parties;

23               (C) hire and compensate staff;



1 (D) obtain funds or services from any  
2 source, including funds and services provided  
3 under any other Federal law or program;

4 (E) contract for goods or services; and

5 (F) support activities of partners and any  
6 other activities that further the purposes of the  
7 Heritage Area and are consistent with the ap-  
8 proved management plan.

9 (3) PROHIBITION ON ACQUISITION OF REAL  
10 PROPERTY.—The local coordinating entity may not  
11 use Federal funds received under this section to ac-  
12 quire any interest in real property.

13 (d) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 3 years after  
15 the date on which funds are made available to de-  
16 velop the management plan, the local coordinating  
17 entity shall submit to the Secretary for approval a  
18 proposed management plan for the Heritage Area.

19 (2) REQUIREMENTS.—The management plan  
20 for the Heritage Area shall—

21 (A) describe comprehensive policies, goals,  
22 strategies, and recommendations for telling the  
23 story of the heritage of the region and encour-  
24 aging long-term resource protection, enhance-

1           ment, interpretation, funding, management, and  
2           development of the Heritage Area;

3           (B) take into consideration existing State,  
4           county, and local plans in the development and  
5           implementation of the management plan;

6           (C) include a description of actions and  
7           commitments that governments, private organi-  
8           zations, and citizens plan to take to protect, en-  
9           hance, and interpret the cultural, historical, ar-  
10          chaeological, natural, and recreational resources  
11          of the Heritage Area;

12          (D) specify existing and potential sources  
13          of funding or economic development strategies  
14          to protect, enhance, interpret, fund, manage,  
15          and develop the Heritage Area;

16          (E) include an inventory of the cultural,  
17          historical, archaeological, natural, and rec-  
18          reational resources of the Heritage Area relat-  
19          ing to the stories and themes of the region that  
20          should be protected, enhanced, managed, or de-  
21          veloped;

22          (F) recommend policies and strategies for  
23          resource management including, the develop-  
24          ment of intergovernmental and interagency  
25          agreements to protect the natural, historic, cul-

1 tural, educational, scenic, and recreational re-  
2 sources of the Heritage Area;

3 (G) describe a program for implementation  
4 of the management plan, including—

5 (i) performance goals;

6 (ii) plans for resource protection, en-  
7 hancement, and interpretation; and

8 (iii) specific commitments for imple-  
9 mentation that have been made by the  
10 local coordinating entity or any govern-  
11 ment, organization, business, or individual;

12 (H) include an analysis of, and rec-  
13 ommendations for, ways in which Federal,  
14 State, tribal, and local programs may best be  
15 coordinated (including the role of the National  
16 Park Service and other Federal agencies associ-  
17 ated with the Heritage Area) to further the  
18 purposes of this section;

19 (I) include an interpretive plan for the  
20 Heritage Area; and

21 (J) include a business plan that—

22 (i) describes the role, operation, fi-  
23 nancing, and functions of the local coordi-  
24 nating entity and of each of the major ac-

1                   activities described in the management plan;  
2                   and

3                   (ii) provides adequate assurances that  
4                   the local coordinating entity has the part-  
5                   nerships and financial and other resources  
6                   necessary to implement the management  
7                   plan for the Heritage Area.

8                   (3) TERMINATION OF FUNDING.—If the man-  
9                   agement plan is not submitted to the Secretary in  
10                  accordance with this subsection, the local coordi-  
11                  nating entity shall not qualify for additional finan-  
12                  cial assistance under this section until the manage-  
13                  ment plan is submitted to, and approved by, the Sec-  
14                  retary.

15                  (4) APPROVAL OF MANAGEMENT PLAN.—

16                  (A) REVIEW.—Not later than 180 days  
17                  after the date on which the Secretary receives  
18                  the management plan, the Secretary shall ap-  
19                  prove or disapprove the management plan.

20                  (B) CONSULTATION REQUIRED.—The Sec-  
21                  retary shall consult with the Governor of the  
22                  State and any tribal government in which the  
23                  Heritage Area is located before approving the  
24                  management plan.

1           (C) CRITERIA FOR APPROVAL.—In deter-  
2           mining whether to approve the management  
3           plan, the Secretary shall consider whether—

4                   (i) the local coordinating entity rep-  
5                   resents the diverse interests of the Herit-  
6                   age Area, including governments, natural  
7                   and historic resource protection organiza-  
8                   tions, educational institutions, businesses,  
9                   community residents, and recreational or-  
10                  ganizations;

11                   (ii) the local coordinating entity has  
12                   afforded adequate opportunity for public  
13                   and governmental involvement (including  
14                   through workshops and public meetings) in  
15                   the preparation of the management plan;

16                   (iii) the resource protection and inter-  
17                   pretation strategies described in the man-  
18                   agement plan, if implemented, would ade-  
19                   quately protect the cultural, historical, ar-  
20                   chaeological, natural, and recreational re-  
21                   sources of the Heritage Area;

22                   (iv) the management plan would not  
23                   adversely affect any activities authorized  
24                   on Federal or tribal land under applicable  
25                   laws or land use plans;

1 (v) the Secretary has received ade-  
2 quate assurances from the appropriate  
3 State, tribal, and local officials whose sup-  
4 port is needed to ensure the effective im-  
5 plementation of the State, tribal, and local  
6 aspects of the management plan; and

7 (vi) the local coordinating entity has  
8 demonstrated the financial capability, in  
9 partnership with others, to carry out the  
10 management plan.

11 (D) ACTION FOLLOWING DISAPPROVAL.—

12 (i) IN GENERAL.—If the Secretary  
13 disapproves the management plan, the Sec-  
14 retary—

15 (I) shall advise the local coordi-  
16 nating entity in writing of the reasons  
17 for the disapproval; and

18 (II) may make recommendations  
19 to the local coordinating entity for re-  
20 visions to the management plan.

21 (ii) DEADLINE.—Not later than 180  
22 days after receiving a revised management  
23 plan, the Secretary shall approve or dis-  
24 approve the revised management plan.

25 (E) AMENDMENTS.—

1 (i) IN GENERAL.—An amendment to  
2 the management plan that substantially al-  
3 ters the purposes of the Heritage Area  
4 shall be reviewed by the Secretary and ap-  
5 proved or disapproved in the same manner  
6 as the original management plan.

7 (ii) IMPLEMENTATION.—The local co-  
8 ordinating entity shall not use Federal  
9 funds authorized to be appropriated by this  
10 section to implement an amendment to the  
11 management plan until the Secretary ap-  
12 proves the amendment.

13 (e) DUTIES AND AUTHORITIES OF THE SEC-  
14 RETARY.—

15 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

16 (A) IN GENERAL.—On the request of the  
17 local coordinating entity, the Secretary may  
18 provide technical and financial assistance, on a  
19 reimbursable or nonreimbursable basis (as de-  
20 termined by the Secretary), to the local coordi-  
21 nating entity to develop and implement the  
22 management plan.

23 (B) COOPERATIVE AGREEMENTS.—The  
24 Secretary may enter into cooperative agree-  
25 ments with the local coordinating entity and

1 other public or private entities to provide tech-  
2 nical or financial assistance under subpara-  
3 graph (A).

4 (C) PRIORITY.—In assisting the Heritage  
5 Area, the Secretary shall give priority to actions  
6 that assist in—

7 (i) conserving the significant cultural,  
8 historical, archaeological, natural, and rec-  
9 reational resources of the Heritage Area;  
10 and

11 (ii) providing educational, interpretive,  
12 and recreational opportunities consistent  
13 with the purposes of the Heritage Area.

14 (D) PROHIBITION OF CERTAIN REQUIRE-  
15 MENTS.—The Secretary may not, as a condition  
16 of the provision of technical or financial assist-  
17 ance under this subsection, require any recipi-  
18 ent of the assistance to impose or modify any  
19 land use restriction or zoning ordinance.

20 (2) EVALUATION; REPORT.—

21 (A) IN GENERAL.—Not later than 3 years  
22 before the date on which authority for Federal  
23 funding terminates for the Heritage Area under  
24 subsection (i), the Secretary shall—



1 (i) conduct an evaluation of the ac-  
2 complishments of the Heritage Area; and

3 (ii) prepare a report with rec-  
4 ommendations for the future role of the  
5 National Park Service, if any, with respect  
6 to the Heritage Area, in accordance with  
7 subparagraph (C).

8 (B) EVALUATION.—An evaluation con-  
9 ducted under subparagraph (A)(i) shall—

10 (i) assess the progress of the local co-  
11 ordinating entity with respect to—

12 (I) accomplishing the purposes of  
13 this section for the Heritage Area;  
14 and

15 (II) achieving the goals and ob-  
16 jectives of the approved management  
17 plan for the Heritage Area;

18 (ii) analyze the Federal, State, local,  
19 and private investments in the Heritage  
20 Area to determine the leverage and impact  
21 of the investments; and

22 (iii) review the management structure,  
23 partnership relationships, and funding of  
24 the Heritage Area for purposes of identi-

1           fying the critical components for sustain-  
2           ability of the Heritage Area.

3           (C) REPORT.—

4                 (i) IN GENERAL.—Based on the eval-  
5           uation conducted under subparagraph  
6           (A)(i), the Secretary shall prepare a report  
7           that includes recommendations for the fu-  
8           ture role of the National Park Service, if  
9           any, with respect to the Heritage Area.

10                (ii) REQUIRED ANALYSIS.—If the re-  
11           port prepared under this subparagraph  
12           recommends that Federal funding for the  
13           Heritage Area be reauthorized, the report  
14           shall include an analysis of—

15                         (I) ways in which Federal fund-  
16           ing for the Heritage Area may be re-  
17           duced or eliminated; and

18                         (II) the appropriate time period  
19           necessary to achieve the recommended  
20           reduction or elimination.

21                 (iii) SUBMISSION TO CONGRESS.—On  
22           completion of a report under this subpara-  
23           graph, the Secretary shall submit the re-  
24           port to—

1 (I) the Committee on Energy and  
2 Natural Resources of the Senate; and  
3 (II) the Committee on Natural  
4 Resources of the House of Represent-  
5 atives.

6 (f) RELATIONSHIP TO OTHER FEDERAL AGEN-  
7 CIES.—

8 (1) IN GENERAL.—Nothing in this section af-  
9 fects the authority of a Federal agency to provide  
10 technical or financial assistance under any other law.

11 (2) CONSULTATION AND COORDINATION.—To  
12 the maximum extent practicable, the head of any  
13 Federal agency planning to conduct activities that  
14 may have an impact on the Heritage Area is encour-  
15 aged to consult and coordinate the activities with the  
16 Secretary and the local coordinating entity.

17 (3) OTHER FEDERAL AGENCIES.—Nothing in  
18 this section—

19 (A) modifies, alters, or amends any laws  
20 (including regulations) authorizing a Federal  
21 agency to manage Federal land under the juris-  
22 diction of the Federal agency;

23 (B) limits the discretion of a Federal land  
24 manager to implement an approved land use

1 plan within the boundaries of the Heritage  
2 Area; or

3 (C) modifies, alters, or amends any author-  
4 ized use of Federal land under the jurisdiction  
5 of a Federal agency.

6 (g) PROPERTY OWNERS AND REGULATORY PROTEC-  
7 TIONS.—Nothing in this section—

8 (1) abridges the rights of any owner of public  
9 or private property, including the right to refrain  
10 from participating in any plan, project, program, or  
11 activity conducted within the Heritage Area;

12 (2) requires any property owner to—

13 (A) permit public access (including Fed-  
14 eral, tribal, State, or local government access)  
15 to the property; or

16 (B) modify any provisions of Federal, trib-  
17 al, State, or local law with regard to public ac-  
18 cess or use of private land;

19 (3) alters any duly adopted land use regula-  
20 tions, approved land use plan, or any other regu-  
21 latory authority of any Federal, State, or local agen-  
22 cy, or tribal government;

23 (4) conveys any land use or other regulatory  
24 authority to the local coordinating entity;

1           (5) authorizes or implies the reservation or ap-  
2           propriation of water or water rights;

3           (6) diminishes the authority of the State to  
4           manage fish and wildlife, including the regulation of  
5           fishing and hunting within the Heritage Area;

6           (7) creates any liability, or affects any liability  
7           under any other law, of any private property owner  
8           with respect to any person injured on the private  
9           property;

10          (8) restricts an Indian tribe from protecting  
11          cultural or religious sites on tribal land; or

12          (9) diminishes the trust responsibilities of gov-  
13          ernment-to-government obligations of the United  
14          States of any federally recognized Indian tribe.

15          (h) AUTHORIZATION OF APPROPRIATIONS.—

16           (1) IN GENERAL.—There is authorized to be  
17           appropriated to carry out this section \$10,000,000,  
18           of which not more than \$1,000,000 may be made  
19           available for any fiscal year.

20           (2) COST-SHARING REQUIREMENT.—

21           (A) IN GENERAL.—The Federal share of  
22           the total cost of any activity under this section  
23           shall be not more than 50 percent.

24           (B) FORM.—The non-Federal contribu-  
25           tion—

- 1 (i) shall be from non-Federal sources;  
2 and  
3 (ii) may be in the form of in-kind con-  
4 tributions of goods or services fairly val-  
5 ued.

6 (i) **TERMINATION OF FINANCIAL ASSISTANCE.**—The  
7 authority of the Secretary to provide financial assistance  
8 under this section terminates on the date that is 15 years  
9 after the date of enactment of this Act.

10 **SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA,**  
11 **ALABAMA.**

- 12 (a) **PURPOSES.**—The purposes of this section are—  
13 (1) to preserve, support, conserve, and interpret  
14 the legacy of the region represented by the Heritage  
15 Area as described in the feasibility study prepared  
16 by the National Park Service;  
17 (2) to promote heritage, cultural, and rec-  
18 reational tourism, and to develop educational and  
19 cultural programs for visitors and the general public;  
20 (3) to recognize and interpret important events  
21 and geographic locations representing key develop-  
22 ments in the growth of the United States, including  
23 the Native American, Colonial American, European  
24 American, and African American heritage;

1           (4) to recognize and interpret the manner by  
2           which the distinctive geography of the region has  
3           shaped the development of the settlement, defense,  
4           transportation, commerce, and culture of the region;

5           (5) to provide a cooperative management frame-  
6           work to foster a close working relationship with all  
7           levels of government, the private sector, and the  
8           local communities in the region to identify, preserve,  
9           interpret, and develop the historical, cultural, scenic,  
10          and natural resources of the region for the edu-  
11          cational and inspirational benefit of current and fu-  
12          ture generations; and

13          (6) to provide appropriate linkages between  
14          units of the National Park System and communities,  
15          governments, and organizations within the Heritage  
16          Area.

17          (b) DEFINITIONS.—In this section:

18           (1) HERITAGE AREA.—The term “Heritage  
19           Area” means the Muscle Shoals National Heritage  
20           Area established by subsection (c)(1).

21           (2) LOCAL COORDINATING ENTITY.—The term  
22           “local coordinating entity” means the Muscle Shoals  
23           Regional Center, the local coordinating entity for the  
24           Heritage Area designated by subsection (c)(4).

1           (3) MANAGEMENT PLAN.—The term “manage-  
2           ment plan” means the plan for the Heritage Area  
3           required under subsection (d)(1)(A).

4           (4) MAP.—The term “map” means the map en-  
5           titled “Muscle Shoals National Heritage Area”,  
6           numbered T08/80,000, and dated October 2007.

7           (5) STATE.—The term “State” means the State  
8           of Alabama.

9           (c) ESTABLISHMENT.—

10           (1) IN GENERAL.—There is established the  
11           Muscle Shoals National Heritage Area in the State.

12           (2) BOUNDARIES.—The Heritage Area shall be  
13           comprised of the following areas, as depicted on the  
14           map:

15                   (A) The Counties of Colbert, Franklin,  
16                   Lauderdale, Lawrence, Limestone, and Morgan,  
17                   Alabama.

18                   (B) The Wilson Dam.

19                   (C) The Handy Home.

20                   (D) The birthplace of Helen Keller.

21           (3) AVAILABILITY MAP.—The map shall be on  
22           file and available for public inspection in the appro-  
23           priate offices of the National Park Service and the  
24           local coordinating entity.



1           (4) LOCAL COORDINATING ENTITY.—The Mus-  
2           cle Shoals Regional Center shall be the local coordi-  
3           nating entity for the Heritage Area.

4           (d) DUTIES AND AUTHORITIES OF LOCAL COORDI-  
5           NATING ENTITY.—

6           (1) DUTIES OF THE LOCAL COORDINATING EN-  
7           TITY.—To further the purposes of the Heritage  
8           Area, the local coordinating entity shall—

9                   (A) prepare, and submit to the Secretary,  
10                  in accordance with subsection (e), a manage-  
11                  ment plan for the Heritage Area;

12                   (B) submit an annual report to the Sec-  
13                  retary for each fiscal year for which the local  
14                  coordinating entity receives Federal funds  
15                  under this section specifying—

16                           (i) the accomplishments of the local  
17                           coordinating entity;

18                           (ii) the expenses and income of the  
19                           local coordinating entity;

20                           (iii) the amounts and sources of  
21                           matching funds;

22                           (iv) the amounts leveraged with Fed-  
23                           eral funds and sources of the leveraged  
24                           funds; and

1 (v) grants made to any other entities  
2 during the fiscal year;

3 (C) make available for audit for each fiscal  
4 year for which the local coordinating entity re-  
5 ceives Federal funds under this section, all in-  
6 formation pertaining to the expenditure of the  
7 funds and any matching funds;

8 (D) encourage, by appropriate means, eco-  
9 nomic development that is consistent with the  
10 purposes of the Heritage Area; and

11 (E) serve as a catalyst for the implementa-  
12 tion of projects and programs among diverse  
13 partners in the Heritage Area.

14 (2) AUTHORITIES.—The local coordinating enti-  
15 ty may, subject to the prior approval of the Sec-  
16 retary, for the purposes of preparing and imple-  
17 menting the management plan, use Federal funds  
18 made available under this section to—

19 (A) make grants to the State, political sub-  
20 divisions of the State, nonprofit organizations,  
21 and other persons;

22 (B) enter into cooperative agreements  
23 with, or provide technical assistance to, the  
24 State, political subdivisions of the State, non-

1 profit organizations, Federal agencies, and  
2 other interested parties;

3 (C) hire and compensate staff, including  
4 individuals with expertise in—

5 (i) natural, historical, cultural, edu-  
6 cational, scenic, and recreational resource  
7 conservation;

8 (ii) economic and community develop-  
9 ment; and

10 (iii) heritage planning;

11 (D) obtain funds or services from any  
12 source, including funds and services provided  
13 under any other Federal law or program;

14 (E) contract for goods or services; and

15 (F) support activities of partners and any  
16 other activities that further the purposes of the  
17 Heritage Area and are consistent with the ap-  
18 proved management plan.

19 (3) PROHIBITION ON ACQUISITION OF REAL  
20 PROPERTY.—The local coordinating entity may not  
21 use Federal funds received under this section to ac-  
22 quire any interest in real property.

23 (e) MANAGEMENT PLAN.—

24 (1) IN GENERAL.—Not later than 3 years after  
25 the date on which funds are made available to de-

1       velop the management plan, the local coordinating  
2       entity shall submit to the Secretary for approval a  
3       proposed management plan for the Heritage Area.

4           (2) REQUIREMENTS.—The management plan  
5       for the Heritage Area shall—

6           (A) describe comprehensive policies, goals,  
7       strategies, and recommendations for telling the  
8       story of the heritage of the area covered by the  
9       Heritage Area and encouraging long-term re-  
10      source protection, enhancement, interpretation,  
11      funding, management, and development of the  
12      Heritage Area;

13          (B) include a description of actions and  
14      commitments that Federal, State, tribal, and  
15      local governments, private organizations, and  
16      citizens plan to take to protect, enhance, inter-  
17      pret, fund, manage, and develop the natural,  
18      historic, cultural, educational, scenic, and rec-  
19      reational resources of the Heritage Area;

20          (C) specify existing and potential sources  
21      of funding or economic development strategies  
22      to protect, enhance, interpret, fund, manage,  
23      and develop the Heritage Area;

24          (D) include an inventory of the natural,  
25      historic, cultural, educational, scenic, and rec-

1           reational resources of the Heritage Area relat-  
2           ing to the stories and themes of the Heritage  
3           Area that should be protected, enhanced, inter-  
4           preted, managed, funded, or developed;

5           (E) recommend policies and strategies for  
6           resource management, including the develop-  
7           ment of intergovernmental and interagency  
8           agreements to protect, enhance, interpret, fund,  
9           manage, and develop the natural, historic, cul-  
10          tural, educational, scenic, and recreational re-  
11          sources of the Heritage Area;

12          (F) describe a program for implementation  
13          of the management plan, including—

14                  (i) performance goals;

15                  (ii) plans for resource protection, en-  
16                  hancement, interpretation, funding, man-  
17                  agement, and development; and

18                  (iii) specific commitments for imple-  
19                  mentation that have been made by the  
20                  local coordinating entity or any Federal,  
21                  State, tribal, or local government agency,  
22                  organization, business, or individual;

23          (G) include an analysis of, and rec-  
24          ommendations for, ways in which Federal,  
25          State, tribal, and local programs may best be

1 coordinated (including the role of the National  
2 Park Service and other Federal agencies associ-  
3 ated with the Heritage Area) to further the  
4 purposes of this section; and

5 (H) include a business plan that—

6 (i) describes the role, operation, fi-  
7 nancing, and functions of the local coordi-  
8 nating entity and of each of the major ac-  
9 tivities described in the management plan;  
10 and

11 (ii) provides adequate assurances that  
12 the local coordinating entity has the part-  
13 nerships and financial and other resources  
14 necessary to implement the management  
15 plan for the Heritage Area.

16 (3) TERMINATION OF FUNDING.—If the man-  
17 agement plan is not submitted to the Secretary by  
18 the date that is 3 years after the date on which  
19 funds are first made available to develop the man-  
20 agement plan, the local coordinating entity shall not  
21 qualify for additional financial assistance under this  
22 section until the management plan is submitted to,  
23 and approved by, the Secretary.

24 (4) APPROVAL OF MANAGEMENT PLAN.—

1           (A) REVIEW.—Not later than 180 days  
2 after the date on which the Secretary receives  
3 the management plan, the Secretary shall ap-  
4 prove or disapprove the management plan.

5           (B) CONSULTATION REQUIRED.—The Sec-  
6 retary shall consult with the Governor of the  
7 State in which the Heritage Area is located be-  
8 fore approving the management plan.

9           (C) CRITERIA FOR APPROVAL.—In deter-  
10 mining whether to approve the management  
11 plan, the Secretary shall consider whether—

12           (i) the local coordinating entity rep-  
13 resents the diverse interests of the Herit-  
14 age Area, including Federal, State, tribal,  
15 and local governments, natural and historic  
16 resource protection organizations, edu-  
17 cational institutions, businesses, commu-  
18 nity residents, recreational organizations,  
19 and private property owners;

20           (ii) the local coordinating entity—

21           (I) has afforded adequate oppor-  
22 tunity for public and Federal, State,  
23 tribal, and local governmental involve-  
24 ment (including through workshops

1 and public meetings) in the prepara-  
2 tion of the management plan; and

3 (II) provides for at least semi-  
4 annual public meetings to ensure ade-  
5 quate implementation of the manage-  
6 ment plan;

7 (iii) the resource protection, enhance-  
8 ment, interpretation, funding, manage-  
9 ment, and development strategies described  
10 in the management plan, if implemented,  
11 would adequately protect, enhance, inter-  
12 pret, fund, manage, and develop the nat-  
13 ural, historic, cultural, scenic, and rec-  
14 reational resources of the Heritage Area;

15 (iv) the management plan would not  
16 adversely affect any activities authorized  
17 on Federal land under applicable laws or  
18 land use plans;

19 (v) the Secretary has received ade-  
20 quate assurances from the appropriate  
21 State, tribal, and local officials whose sup-  
22 port is needed to ensure the effective im-  
23 plementation of the State, tribal, and local  
24 aspects of the management plan;



1 (vi) the local coordinating entity has  
2 demonstrated the financial capability, in  
3 partnership with others, to carry out the  
4 management plan; and

5 (vii) the management plan dem-  
6 onstrates partnerships among the local co-  
7 ordinating entity, Federal, State, tribal,  
8 and local governments, regional planning  
9 organizations, nonprofit organizations, and  
10 private sector parties for implementation of  
11 the management plan.

12 (D) DISAPPROVAL.—

13 (i) IN GENERAL.—If the Secretary  
14 disapproves the management plan, the Sec-  
15 retary—

16 (I) shall advise the local coordi-  
17 nating entity in writing of the reasons  
18 for the disapproval; and

19 (II) may make recommendations  
20 to the local coordinating entity for re-  
21 visions to the management plan.

22 (ii) DEADLINE.—Not later than 180  
23 days after receiving a revised management  
24 plan, the Secretary shall approve or dis-  
25 approve the revised management plan.

1 (E) AMENDMENTS.—

2 (i) IN GENERAL.—An amendment to  
3 the management plan that substantially al-  
4 ters the purposes of the Heritage Area  
5 shall be reviewed by the Secretary and ap-  
6 proved or disapproved in the same manner  
7 as the original management plan.

8 (ii) IMPLEMENTATION.—The local co-  
9 ordinating entity shall not use Federal  
10 funds authorized by this section to imple-  
11 ment an amendment to the management  
12 plan until the Secretary approves the  
13 amendment.

14 (F) AUTHORITIES.—The Secretary may—

15 (i) provide technical assistance under  
16 the authority of this section for the devel-  
17 opment and implementation of the man-  
18 agement plan; and

19 (ii) enter into cooperative agreements  
20 with interested parties to carry out this  
21 section.

22 (f) DUTIES AND AUTHORITIES OF THE SEC-  
23 RETARY.—

24 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

1           (A) IN GENERAL.—On the request of the  
2 local coordinating entity, the Secretary may  
3 provide technical and financial assistance, on a  
4 reimbursable or nonreimbursable basis (as de-  
5 termined by the Secretary), to the local coordi-  
6 nating entity to develop and implement the  
7 management plan.

8           (B) COOPERATIVE AGREEMENTS.—The  
9 Secretary may enter into cooperative agree-  
10 ments with the local coordinating entity and  
11 other public or private entities to provide tech-  
12 nical or financial assistance under subpara-  
13 graph (A).

14       (2) EVALUATION; REPORT.—

15           (A) IN GENERAL.—Not later than 3 years  
16 before the date on which authority for Federal  
17 funding terminates for the Heritage Area under  
18 subsection (j), the Secretary shall—

19               (i) conduct an evaluation of the ac-  
20 complishments of the Heritage Area; and

21               (ii) prepare a report with rec-  
22 ommendations for the future role of the  
23 National Park Service, if any, with respect  
24 to the Heritage Area, in accordance with  
25 subparagraph (C).

1 (B) EVALUATION.—An evaluation con-  
2 ducted under subparagraph (A)(i) shall—

3 (i) assess the progress of the local co-  
4 ordinating entity with respect to—

5 (I) accomplishing the purposes of  
6 this section for the Heritage Area;  
7 and

8 (II) achieving the goals and ob-  
9 jectives of the approved management  
10 plan for the Heritage Area;

11 (ii) analyze the Federal, State, tribal,  
12 local, and private investments in the Herit-  
13 age Area to determine the leverage and im-  
14 pact of the investments; and

15 (iii) review the management structure,  
16 partnership relationships, and funding of  
17 the Heritage Area for purposes of identi-  
18 fying the critical components for sustain-  
19 ability of the Heritage Area.

20 (C) REPORT.—

21 (i) IN GENERAL.—Based on the eval-  
22 uation conducted under subparagraph  
23 (A)(i), the Secretary shall prepare a report  
24 that includes recommendations for the fu-

1           ture role of the National Park Service, if  
2           any, with respect to the Heritage Area.

3           (ii) REQUIRED ANALYSIS.—If the re-  
4           port prepared under this subparagraph  
5           recommends that Federal funding for the  
6           Heritage Area be reauthorized, the report  
7           shall include an analysis of—

8                   (I) ways in which Federal fund-  
9                   ing for the Heritage Area may be re-  
10                  duced or eliminated; and

11                  (II) the appropriate time period  
12                  necessary to achieve the recommended  
13                  reduction or elimination.

14           (iii) SUBMISSION TO CONGRESS.—On  
15           completion of a report under this subpara-  
16           graph, the Secretary shall submit the re-  
17           port to—

18                   (I) the Committee on Energy and  
19                   Natural Resources of the Senate; and

20                   (II) the Committee on Natural  
21                   Resources of the House of Represent-  
22                   atives.

23           (g) RELATIONSHIP TO OTHER FEDERAL AGEN-  
24           CIES.—

1           (1) IN GENERAL.—Nothing in this section af-  
2           fects the authority of a Federal agency to provide  
3           technical or financial assistance under any other law.

4           (2) CONSULTATION AND COORDINATION.—To  
5           the maximum extent practicable, the head of any  
6           Federal agency planning to conduct activities that  
7           may have an impact on the Heritage Area is encour-  
8           aged to consult and coordinate the activities with the  
9           Secretary and the local coordinating entity to the  
10          maximum extent practicable.

11          (3) OTHER FEDERAL AGENCIES.—Nothing in  
12          this section—

13                (A) modifies, alters, or amends any laws  
14                (including regulations) authorizing a Federal  
15                agency to manage Federal land under the juris-  
16                diction of the Federal agency;

17                (B) limits the discretion of a Federal land  
18                manager to implement an approved land use  
19                plan within the boundaries of the Heritage  
20                Area; or

21                (C) modifies, alters, or amends any author-  
22                ized use of Federal land under the jurisdiction  
23                of a Federal agency.

24          (h) PROPERTY OWNERS AND REGULATORY PROTEC-  
25          TIONS.—Nothing in this section—

1           (1) abridges the rights of any owner of public  
2 or private property, including the right to refrain  
3 from participating in any plan, project, program, or  
4 activity conducted within the Heritage Area;

5           (2) requires any property owner to—

6                 (A) permit public access (including Fed-  
7 eral, tribal, State, or local government access)  
8 to the property; or

9                 (B) modify any provisions of Federal, trib-  
10 al, State, or local law with regard to public ac-  
11 cess or use of private land;

12           (3) alters any duly adopted land use regula-  
13 tions, approved land use plan, or any other regu-  
14 latory authority of any Federal, State, or local agen-  
15 cy, or tribal government;

16           (4) conveys any land use or other regulatory  
17 authority to the local coordinating entity;

18           (5) authorizes or implies the reservation or ap-  
19 propriation of water or water rights;

20           (6) diminishes the authority of the State to  
21 manage fish and wildlife, including the regulation of  
22 fishing and hunting within the Heritage Area; or

23           (7) creates any liability, or affects any liability  
24 under any other law, of any private property owner

1 with respect to any person injured on the private  
2 property.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be  
5 appropriated to carry out this section \$10,000,000,  
6 of which not more than \$1,000,000 may be made  
7 available for any fiscal year.

8 (2) AVAILABILITY.—Funds made available  
9 under paragraph (1) shall remain available until ex-  
10 pended.

11 (3) COST-SHARING REQUIREMENT.—

12 (A) IN GENERAL.—The Federal share of  
13 the total cost of any activity under this section  
14 shall be not more than 50 percent.

15 (B) FORM.—The non-Federal contribution  
16 may be in the form of in-kind contributions of  
17 goods or services fairly valued.

18 (4) USE OF FEDERAL FUNDS FROM OTHER  
19 SOURCES.—Nothing in this section precludes the  
20 local coordinating entity from using Federal funds  
21 available under provisions of law other than this sec-  
22 tion for the purposes for which those funds were au-  
23 thorized.

24 (j) TERMINATION OF EFFECTIVENESS.—The author-  
25 ity of the Secretary to provide financial assistance under



1 this section terminates on the date that is 15 years after  
2 the date of enactment of this Act.

3 **SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL**  
4 **HERITAGE AREA, ALASKA.**

5 (a) DEFINITIONS.—In this section:

6 (1) HERITAGE AREA.—The term “Heritage  
7 Area” means the Kenai Mountains-Turnagain Arm  
8 National Heritage Area established by subsection  
9 (b)(1).

10 (2) LOCAL COORDINATING ENTITY.—The term  
11 “local coordinating entity” means the Kenai Moun-  
12 tains-Turnagain Arm Corridor Communities Asso-  
13 ciation.

14 (3) MANAGEMENT PLAN.—The term “manage-  
15 ment plan” means the plan prepared by the local co-  
16 ordinating entity for the Heritage Area that specifies  
17 actions, policies, strategies, performance goals, and  
18 recommendations to meet the goals of the Heritage  
19 Area, in accordance with this section.

20 (4) MAP.—The term “map” means the map en-  
21 titled “Proposed Kenai Mountains-Turnagain Arm  
22 NHA” and dated August 7, 2007.

23 (5) SECRETARY.—The term “Secretary” means  
24 the Secretary of the Interior.

1 (b) DESIGNATION OF THE KENAI MOUNTAINS-  
2 TURNAGAIN ARM NATIONAL HERITAGE AREA.—

3 (1) ESTABLISHMENT.—There is established the  
4 Kenai Mountains-Turnagain Arm National Heritage  
5 Area.

6 (2) BOUNDARIES.—The Heritage Area shall be  
7 comprised of the land in the Kenai Mountains and  
8 upper Turnagain Arm region, as generally depicted  
9 on the map.

10 (3) AVAILABILITY OF MAP.—The map shall be  
11 on file and available for public inspection in—

12 (A) the appropriate offices of the Forest  
13 Service, Chugach National Forest;

14 (B) the Alaska Regional Office of the Na-  
15 tional Park Service; and

16 (C) the office of the Alaska State Historic  
17 Preservation Officer.

18 (c) MANAGEMENT PLAN.—

19 (1) LOCAL COORDINATING ENTITY.—The local  
20 coordinating entity, in partnership with other inter-  
21 ested parties, shall develop a management plan for  
22 the Heritage Area in accordance with this section.

23 (2) REQUIREMENTS.—The management plan  
24 for the Heritage Area shall—

1 (A) describe comprehensive policies, goals,  
2 strategies, and recommendations for use in—

3 (i) telling the story of the heritage of  
4 the area covered by the Heritage Area; and

5 (ii) encouraging long-term resource  
6 protection, enhancement, interpretation,  
7 funding, management, and development of  
8 the Heritage Area;

9 (B) include a description of actions and  
10 commitments that the Federal Government,  
11 State, tribal, and local governments, private or-  
12 ganizations, and citizens will take to protect,  
13 enhance, interpret, fund, manage, and develop  
14 the natural, historical, cultural, educational,  
15 scenic, and recreational resources of the Herit-  
16 age Area;

17 (C) specify existing and potential sources  
18 of funding or economic development strategies  
19 to protect, enhance, interpret, fund, manage,  
20 and develop the Heritage Area;

21 (D) include an inventory of the natural,  
22 historical, cultural, educational, scenic, and rec-  
23 reational resources of the Heritage Area relat-  
24 ing to the national importance and themes of  
25 the Heritage Area that should be protected, en-

1 hanced, interpreted, managed, funded, and de-  
2 veloped;

3 (E) recommend policies and strategies for  
4 resource management, including the develop-  
5 ment of intergovernmental and interagency  
6 agreements to protect, enhance, interpret, fund,  
7 manage, and develop the natural, historical, cul-  
8 tural, educational, scenic, and recreational re-  
9 sources of the Heritage Area;

10 (F) describe a program for implementation  
11 for the management plan, including—

12 (i) performance goals;

13 (ii) plans for resource protection, en-  
14 hancement, interpretation, funding, man-  
15 agement, and development; and

16 (iii) specific commitments for imple-  
17 mentation that have been made by the  
18 local coordinating entity or any Federal,  
19 State, tribal, or local government agency,  
20 organization, business, or individual;

21 (G) include an analysis of, and rec-  
22 ommendations for, means by which Federal,  
23 State, tribal, and local programs may best be  
24 coordinated (including the role of the National  
25 Park Service, the Forest Service, and other

1 Federal agencies associated with the Heritage  
2 Area) to further the purposes of this section;  
3 and

4 (H) include a business plan that—

5 (i) describes the role, operation, fi-  
6 nancing, and functions of the local coordi-  
7 nating entity and each of the major activi-  
8 ties contained in the management plan;  
9 and

10 (ii) provides adequate assurances that  
11 the local coordinating entity has the part-  
12 nerships and financial and other resources  
13 necessary to implement the management  
14 plan for the Heritage Area.

15 (3) DEADLINE.—

16 (A) IN GENERAL.—Not later than 3 years  
17 after the date on which funds are first made  
18 available to develop the management plan after  
19 the date of enactment of this Act, the local co-  
20 ordinating entity shall submit the management  
21 plan to the Secretary for approval.

22 (B) TERMINATION OF FUNDING.—If the  
23 management plan is not submitted to the Sec-  
24 retary in accordance with subparagraph (A),  
25 the local coordinating entity shall not qualify



1 businesses, recreational organizations,  
2 community residents, and private property  
3 owners;

4 (ii) the local coordinating entity—

5 (I) has afforded adequate oppor-  
6 tunity for public and Federal, State,  
7 tribal, and local governmental involve-  
8 ment (including through workshops  
9 and hearings) in the preparation of  
10 the management plan; and

11 (II) provides for at least semi-  
12 annual public meetings to ensure ade-  
13 quate implementation of the manage-  
14 ment plan;

15 (iii) the resource protection, enhance-  
16 ment, interpretation, funding, manage-  
17 ment, and development strategies described  
18 in the management plan, if implemented,  
19 would adequately protect, enhance, inter-  
20 pret, fund, manage, and develop the nat-  
21 ural, historical, cultural, educational, sce-  
22 nic, and recreational resources of the Her-  
23 itage Area;

24 (iv) the management plan would not  
25 adversely affect any activities authorized

1 on Federal land under public land laws or  
2 land use plans;

3 (v) the local coordinating entity has  
4 demonstrated the financial capability, in  
5 partnership with other interested parties,  
6 to carry out the plan;

7 (vi) the Secretary has received ade-  
8 quate assurances from the appropriate  
9 State, tribal, and local officials whose sup-  
10 port is needed to ensure the effective im-  
11 plementation of the State, tribal, and local  
12 elements of the management plan; and

13 (vii) the management plan dem-  
14 onstrates partnerships among the local co-  
15 ordinating entity, Federal Government,  
16 State, tribal, and local governments, re-  
17 gional planning organizations, nonprofit  
18 organizations, or private sector parties for  
19 implementation of the management plan.

20 (D) DISAPPROVAL.—

21 (i) IN GENERAL.—If the Secretary  
22 disapproves the management plan, the Sec-  
23 retary—



1 (I) shall advise the local coordi-  
2 nating entity in writing of the reasons  
3 for the disapproval; and

4 (II) may make recommendations  
5 to the local coordinating entity for re-  
6 visions to the management plan.

7 (ii) DEADLINE.—Not later than 180  
8 days after receiving a revised management  
9 plan, the Secretary shall approve or dis-  
10 approve the revised management plan.

11 (E) AMENDMENTS.—

12 (i) IN GENERAL.—An amendment to  
13 the management plan that substantially al-  
14 ters the purposes of the Heritage Area  
15 shall be reviewed by the Secretary and ap-  
16 proved or disapproved in the same manner  
17 as the original management plan.

18 (ii) IMPLEMENTATION.—The local co-  
19 ordinating entity shall not use Federal  
20 funds authorized by this section to imple-  
21 ment an amendment to the management  
22 plan until the Secretary approves the  
23 amendment.

24 (F) AUTHORITIES.—The Secretary may—

1 (i) provide technical assistance under  
2 the authority of this section for the devel-  
3 opment and implementation of the man-  
4 agement plan; and

5 (ii) enter into cooperative agreements  
6 with interested parties to carry out this  
7 section.

8 (d) EVALUATION; REPORT.—

9 (1) IN GENERAL.—Not later than 3 years be-  
10 fore the date on which authority for Federal funding  
11 terminates for the Heritage Area under this section,  
12 the Secretary shall—

13 (A) conduct an evaluation of the accom-  
14 plishments of the Heritage Area; and

15 (B) prepare a report in accordance with  
16 paragraph (3).

17 (2) EVALUATION.—An evaluation conducted  
18 under paragraph (1)(A) shall—

19 (A) assess the progress of the local coordi-  
20 nating entity with respect to—

21 (i) accomplishing the purposes of the  
22 authorizing legislation for the Heritage  
23 Area; and

1 (ii) achieving the goals and objectives  
2 of the approved management plan for the  
3 Heritage Area;

4 (B) analyze the Federal, State, tribal,  
5 local, and private investments in the Heritage  
6 Area to determine the impact of the invest-  
7 ments; and

8 (C) review the management structure,  
9 partnership relationships, and funding of the  
10 Heritage Area for purposes of identifying the  
11 critical components for sustainability of the  
12 Heritage Area.

13 (3) REPORT.—Based on the evaluation con-  
14 ducted under paragraph (1)(A), the Secretary shall  
15 submit to the Committee on Energy and Natural  
16 Resources of the Senate and the Committee on Nat-  
17 ural Resources of the House of Representatives a re-  
18 port that includes recommendations for the future  
19 role of the National Park Service, if any, with re-  
20 spect to the Heritage Area.

21 (e) LOCAL COORDINATING ENTITY.—

22 (1) DUTIES.—To further the purposes of the  
23 Heritage Area, in addition to developing the man-  
24 agement plan for the Heritage Area under sub-  
25 section (c), the local coordinating entity shall—

1 (A) serve to facilitate and expedite the im-  
2 plementation of projects and programs among  
3 diverse partners in the Heritage Area;

4 (B) submit an annual report to the Sec-  
5 retary for each fiscal year for which the local  
6 coordinating entity receives Federal funds  
7 under this section, specifying—

8 (i) the specific performance goals and  
9 accomplishments of the local coordinating  
10 entity;

11 (ii) the expenses and income of the  
12 local coordinating entity;

13 (iii) the amounts and sources of  
14 matching funds;

15 (iv) the amounts leveraged with Fed-  
16 eral funds and sources of the leveraging;  
17 and

18 (v) grants made to any other entities  
19 during the fiscal year;

20 (C) make available for audit for each fiscal  
21 year for which the local coordinating entity re-  
22 ceives Federal funds under this section, all in-  
23 formation pertaining to the expenditure of the  
24 funds and any matching funds; and

1 (D) encourage economic viability and sus-  
2 tainability that is consistent with the purposes  
3 of the Heritage Area.

4 (2) AUTHORITIES.—For the purpose of pre-  
5 paring and implementing the approved management  
6 plan for the Heritage Area under subsection (c), the  
7 local coordinating entity may use Federal funds  
8 made available under this section—

9 (A) to make grants to political jurisdic-  
10 tions, nonprofit organizations, and other parties  
11 within the Heritage Area;

12 (B) to enter into cooperative agreements  
13 with or provide technical assistance to political  
14 jurisdictions, nonprofit organizations, Federal  
15 agencies, and other interested parties;

16 (C) to hire and compensate staff, including  
17 individuals with expertise in—

18 (i) natural, historical, cultural, edu-  
19 cational, scenic, and recreational resource  
20 conservation;

21 (ii) economic and community develop-  
22 ment; and

23 (iii) heritage planning;

24 (D) to obtain funds or services from any  
25 source, including other Federal programs;

1           (E) to enter into contracts for goods or  
2 services; and

3           (F) to support activities of partners and  
4 any other activities that further the purposes of  
5 the Heritage Area and are consistent with the  
6 approved management plan.

7           (3) PROHIBITION ON ACQUISITION OF REAL  
8 PROPERTY.—The local coordinating entity may not  
9 use Federal funds authorized under this section to  
10 acquire any interest in real property.

11          (f) RELATIONSHIP TO OTHER FEDERAL AGEN-  
12 CIES.—

13           (1) IN GENERAL.—Nothing in this section af-  
14 fects the authority of a Federal agency to provide  
15 technical or financial assistance under any other  
16 provision of law.

17           (2) CONSULTATION AND COORDINATION.—The  
18 head of any Federal agency planning to conduct ac-  
19 tivities that may have an impact on a Heritage Area  
20 is encouraged to consult and coordinate the activities  
21 with the Secretary and the local coordinating entity,  
22 to the maximum extent practicable.

23           (3) OTHER FEDERAL AGENCIES.—Nothing in  
24 this section—

1 (A) modifies, alters, or amends any law  
2 (including a regulation) authorizing a Federal  
3 agency to manage Federal land under the juris-  
4 diction of the Federal agency;

5 (B) limits the discretion of a Federal land  
6 manager to implement an approved land use  
7 plan within the boundaries of a Heritage Area;  
8 or

9 (C) modifies, alters, or amends any author-  
10 ized use of Federal land under the jurisdiction  
11 of a Federal agency.

12 (g) PRIVATE PROPERTY AND REGULATORY PROTEC-  
13 TIONS.—Nothing in this section—

14 (1) abridges the rights of any property owner  
15 (whether public or private), including the right to re-  
16 frain from participating in any plan, project, pro-  
17 gram, or activity conducted within the Heritage  
18 Area;

19 (2) requires any property owner to permit pub-  
20 lic access (including access by Federal, State, tribal,  
21 or local agencies) to the property of the property  
22 owner, or to modify public access or use of property  
23 of the property owner under any other Federal,  
24 State, tribal, or local law;

1           (3) alters any duly adopted land use regulation,  
2           approved land use plan, or other regulatory author-  
3           ity (such as the authority to make safety improve-  
4           ments or increase the capacity of existing roads or  
5           to construct new roads) of any Federal, State, tribal,  
6           or local agency, or conveys any land use or other  
7           regulatory authority to any local coordinating entity,  
8           including development and management of energy or  
9           water or water-related infrastructure;

10           (4) authorizes or implies the reservation or ap-  
11           propriation of water or water rights;

12           (5) diminishes the authority of any State to  
13           manage fish and wildlife, including the regulation of  
14           fishing and hunting within the Heritage Area; or

15           (6) creates any liability, or affects any liability  
16           under any other law, of any private property owner  
17           with respect to any person injured on the private  
18           property.

19           (h) FUNDING.—

20           (1) AUTHORIZATION OF APPROPRIATIONS.—  
21           Subject to paragraph (2), there is authorized to be  
22           appropriated to carry out this section \$1,000,000 for  
23           each fiscal year, to remain available until expended.





1           (3) STUDY AREA.—The term “study area”  
2 means the study area described in subsection (b)(2).

3           (b) STUDY.—

4           (1) IN GENERAL.—The Secretary, in consulta-  
5 tion with State historic preservation officers, State  
6 historical societies, State tourism offices, and other  
7 appropriate organizations or agencies, shall conduct  
8 a study to assess the suitability and feasibility of  
9 designating the study area as the Chattahoochee  
10 Trace National Heritage Corridor.

11           (2) STUDY AREA.—The study area includes—

12           (A) the portion of the Apalachicola-Chat-  
13 tahoochee-Flint River Basin and surrounding  
14 areas, as generally depicted on the map entitled  
15 “Chattahoochee Trace National Heritage Cor-  
16 ridor, Alabama/Georgia”, numbered T05/80000,  
17 and dated July 2007; and

18           (B) any other areas in the State of Ala-  
19 bama or Georgia that—

20           (i) have heritage aspects that are  
21 similar to the areas depicted on the map  
22 described in subparagraph (A); and

23           (ii) are adjacent to, or in the vicinity  
24 of, those areas.



1 (D) contains resources that—

2 (i) are important to any identified  
3 themes of the study area; and

4 (ii) retain a degree of integrity capa-  
5 ble of supporting interpretation;

6 (E) includes residents, business interests,  
7 nonprofit organizations, and State and local  
8 governments that—

9 (i) are involved in the planning of the  
10 Corridor;

11 (ii) have developed a conceptual finan-  
12 cial plan that outlines the roles of all par-  
13 ticipants in the Corridor, including the  
14 Federal Government; and

15 (iii) have demonstrated support for  
16 the designation of the Corridor;

17 (F) has a potential management entity to  
18 work in partnership with the individuals and  
19 entities described in subparagraph (E) to de-  
20 velop the Corridor while encouraging State and  
21 local economic activity; and

22 (G) has a conceptual boundary map that is  
23 supported by the public.

24 (c) REPORT.—Not later than the 3rd fiscal year after  
25 the date on which funds are first made available to carry

1 out this section, the Secretary shall submit to the Com-  
2 mittee on Natural Resources of the House of Representa-  
3 tives and the Committee on Energy and Natural Re-  
4 sources of the Senate a report that describes—

5 (1) the findings of the study; and

6 (2) any conclusions and recommendations of the  
7 Secretary.

8 **SEC. 8102. NORTHERN NECK, VIRGINIA.**

9 (a) DEFINITIONS.—In this section:

10 (1) PROPOSED HERITAGE AREA.—The term  
11 “proposed Heritage Area” means the proposed  
12 Northern Neck National Heritage Area.

13 (2) STATE.—The term “State” means the State  
14 of Virginia.

15 (3) STUDY AREA.—The term “study area”  
16 means the area that is comprised of—

17 (A) the area of land located between the  
18 Potomac and Rappahannock rivers of the east-  
19 ern coastal region of the State;

20 (B) Westmoreland, Northumberland, Rich-  
21 mond, King George, and Lancaster Counties of  
22 the State; and

23 (C) any other area that—

1 (i) has heritage aspects that are simi-  
2 lar to the heritage aspects of the areas de-  
3 scribed in subparagraph (A) or (B); and

4 (ii) is located adjacent to, or in the vi-  
5 cinity of, those areas.

6 (b) STUDY.—

7 (1) IN GENERAL.—In accordance with para-  
8 graphs (2) and (3), the Secretary, in consultation  
9 with appropriate State historic preservation officers,  
10 State historical societies, and other appropriate or-  
11 ganizations, shall conduct a study to determine the  
12 suitability and feasibility of designating the study  
13 area as the Northern Neck National Heritage Area.

14 (2) REQUIREMENTS.—The study shall include  
15 analysis, documentation, and determinations on  
16 whether the study area—

17 (A) has an assemblage of natural, histor-  
18 ical, cultural, educational, scenic, or rec-  
19 reational resources that together are nationally  
20 important to the heritage of the United States;

21 (B) represents distinctive aspects of the  
22 heritage of the United States worthy of recogni-  
23 tion, conservation, interpretation, and con-  
24 tinuing use;

1 (C) is best managed as such an assemblage  
2 through partnerships among public and private  
3 entities at the local or regional level;

4 (D) reflects traditions, customs, beliefs,  
5 and folklife that are a valuable part of the her-  
6 itage of the United States;

7 (E) provides outstanding opportunities to  
8 conserve natural, historical, cultural, or scenic  
9 features;

10 (F) provides outstanding recreational or  
11 educational opportunities;

12 (G) contains resources and has traditional  
13 uses that have national importance;

14 (H) includes residents, business interests,  
15 nonprofit organizations, and appropriate Fed-  
16 eral agencies and State and local governments  
17 that are involved in the planning of, and have  
18 demonstrated significant support for, the des-  
19 ignation and management of the proposed Her-  
20 itage Area;

21 (I) has a proposed local coordinating entity  
22 that is responsible for preparing and imple-  
23 menting the management plan developed for the  
24 proposed Heritage Area;

1           (J) with respect to the designation of the  
2           study area, has the support of the proposed  
3           local coordinating entity and appropriate Fed-  
4           eral agencies and State and local governments,  
5           each of which has documented the commitment  
6           of the entity to work in partnership with each  
7           other entity to protect, enhance, interpret, fund,  
8           manage, and develop the resources located in  
9           the study area;

10           (K) through the proposed local coordi-  
11           nating entity, has developed a conceptual finan-  
12           cial plan that outlines the roles of all partici-  
13           pants (including the Federal Government) in  
14           the management of the proposed Heritage Area;

15           (L) has a proposal that is consistent with  
16           continued economic activity within the area;  
17           and

18           (M) has a conceptual boundary map that is  
19           supported by the public and appropriate Fed-  
20           eral agencies.

21           (3) **ADDITIONAL CONSULTATION REQUIRE-**  
22           **MENT.**—In conducting the study under paragraph  
23           (1), the Secretary shall—

24           (A) consult with the managers of any Fed-  
25           eral land located within the study area; and



1           (B) before making any determination with  
2           respect to the designation of the study area, se-  
3           cure the concurrence of each manager with re-  
4           spect to each finding of the study.

5           (c) DETERMINATION.—

6           (1) IN GENERAL.—The Secretary, in consulta-  
7           tion with the Governor of the State, shall review,  
8           comment on, and determine if the study area meets  
9           each requirement described in subsection (b)(2) for  
10          designation as a national heritage area.

11          (2) REPORT.—

12           (A) IN GENERAL.—Not later than 3 fiscal  
13           years after the date on which funds are first  
14           made available to carry out the study, the Sec-  
15           retary shall submit a report describing the find-  
16           ings, conclusions, and recommendations of the  
17           study to—

18                   (i) the Committee on Energy and  
19                   Natural Resources of the Senate; and

20                   (ii) the Committee on Natural Re-  
21                   sources of the House of Representatives.

22          (B) REQUIREMENTS.—

23           (i) IN GENERAL.—The report shall  
24           contain—

1 (I) any comments that the Sec-  
2 retary has received from the Governor  
3 of the State relating to the designa-  
4 tion of the study area as a national  
5 heritage area; and

6 (II) a finding as to whether the  
7 study area meets each requirement  
8 described in subsection (b)(2) for des-  
9 ignation as a national heritage area.

10 (ii) DISAPPROVAL.—If the Secretary  
11 determines that the study area does not  
12 meet any requirement described in sub-  
13 section (b)(2) for designation as a national  
14 heritage area, the Secretary shall include  
15 in the report a description of each reason  
16 for the determination.

17 **Subtitle C—Amendments Relating**  
18 **to National Heritage Corridors**

19 **SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY**  
20 **NATIONAL HERITAGE CORRIDOR.**

21 (a) TERMINATION OF AUTHORITY.—Section 106(b)  
22 of the Quinebaug and Shetucket Rivers Valley National  
23 Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Pub-  
24 lic Law 103–449) is amended by striking “September 30,  
25 2009” and inserting “September 30, 2015”.

1           (b) EVALUATION; REPORT.—Section 106 of the  
2 Quinebaug and Shetucket Rivers Valley National Heritage  
3 Corridor Act of 1994 (16 U.S.C. 461 note; Public Law  
4 103–449) is amended by adding at the end the following:

5           “(c) EVALUATION; REPORT.—

6                   “(1) IN GENERAL.—Not later than 3 years be-  
7 fore the date on which authority for Federal funding  
8 terminates for the Corridor, the Secretary shall—

9                           “(A) conduct an evaluation of the accom-  
10 plishments of the Corridor; and

11                           “(B) prepare a report in accordance with  
12 paragraph (3).

13                   “(2) EVALUATION.—An evaluation conducted  
14 under paragraph (1)(A) shall—

15                           “(A) assess the progress of the manage-  
16 ment entity with respect to—

17                                   “(i) accomplishing the purposes of  
18 this title for the Corridor; and

19                                   “(ii) achieving the goals and objectives  
20 of the management plan for the Corridor;

21                           “(B) analyze the Federal, State, local, and  
22 private investments in the Corridor to deter-  
23 mine the leverage and impact of the invest-  
24 ments; and

1           “(C) review the management structure,  
2 partnership relationships, and funding of the  
3 Corridor for purposes of identifying the critical  
4 components for sustainability of the Corridor.

5           “(3) REPORT.—

6           “(A) IN GENERAL.—Based on the evalua-  
7 tion conducted under paragraph (1)(A), the  
8 Secretary shall prepare a report that includes  
9 recommendations for the future role of the Na-  
10 tional Park Service, if any, with respect to the  
11 Corridor.

12           “(B) REQUIRED ANALYSIS.—If the report  
13 prepared under subparagraph (A) recommends  
14 that Federal funding for the Corridor be reau-  
15 thorized, the report shall include an analysis  
16 of—

17                   “(i) ways in which Federal funding  
18 for the Corridor may be reduced or elimi-  
19 nated; and

20                   “(ii) the appropriate time period nec-  
21 essary to achieve the recommended reduc-  
22 tion or elimination.

23           “(C) SUBMISSION TO CONGRESS.—On  
24 completion of the report, the Secretary shall  
25 submit the report to—

1 “(i) the Committee on Energy and  
2 Natural Resources of the Senate; and

3 “(ii) the Committee on Natural Re-  
4 sources of the House of Representatives.”.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
6 109(a) of the Quinebaug and Shetucket Rivers Valley Na-  
7 tional Heritage Corridor Act of 1994 (16 U.S.C. 461 note;  
8 Public Law 103–449) is amended by striking  
9 “\$10,000,000” and inserting “\$15,000,000”.

10 **SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE**  
11 **CORRIDOR.**

12 The Delaware and Lehigh National Heritage Cor-  
13 ridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–  
14 692) is amended—

15 (1) in section 9—

16 (A) by striking “The Commission” and in-  
17 serting the following:

18 “(a) IN GENERAL.—The Commission”; and

19 (B) by adding at the end the following:

20 “(b) CORPORATION AS LOCAL COORDINATING ENTI-  
21 TY.—Beginning on the date of enactment of the Omnibus  
22 Public Land Management Act of 2009, the Corporation  
23 shall be the local coordinating entity for the Corridor.

1           “(c) IMPLEMENTATION OF MANAGEMENT PLAN.—  
2 The Corporation shall assume the duties of the Commis-  
3 sion for the implementation of the Plan.

4           “(d) USE OF FUNDS.—The Corporation may use  
5 Federal funds made available under this Act—

6                   “(1) to make grants to, and enter into coopera-  
7 tive agreements with, the Federal Government, the  
8 Commonwealth, political subdivisions of the Com-  
9 monwealth, nonprofit organizations, and individuals;

10                   “(2) to hire, train, and compensate staff; and

11                   “(3) to enter into contracts for goods and serv-  
12 ices.

13           “(e) RESTRICTION ON USE OF FUNDS.—The Cor-  
14 poration may not use Federal funds made available under  
15 this Act to acquire land or an interest in land.”;

16                   (2) in section 10—

17                           (A) in the first sentence of subsection (c),  
18 by striking “shall assist the Commission” and  
19 inserting “shall, on the request of the Corpora-  
20 tion, assist”;

21                           (B) in subsection (d)—

22                                   (i) by striking “Commission” each  
23 place it appears and inserting “Corpora-  
24 tion”;

1 (ii) by striking “The Secretary” and  
2 inserting the following:

3 “(1) IN GENERAL.—The Secretary”; and

4 (iii) by adding at the end the fol-  
5 lowing:

6 “(2) COOPERATIVE AGREEMENTS.—The Sec-  
7 retary may enter into cooperative agreements with  
8 the Corporation and other public or private entities  
9 for the purpose of providing technical assistance and  
10 grants under paragraph (1).

11 “(3) PRIORITY.—In providing assistance to the  
12 Corporation under paragraph (1), the Secretary  
13 shall give priority to activities that assist in—

14 “(A) conserving the significant natural,  
15 historic, cultural, and scenic resources of the  
16 Corridor; and

17 “(B) providing educational, interpretive,  
18 and recreational opportunities consistent with  
19 the purposes of the Corridor.”; and

20 (C) by adding at the end the following:

21 “(e) TRANSITION MEMORANDUM OF UNDER-  
22 STANDING.—The Secretary shall enter into a memo-  
23 randum of understanding with the Corporation to en-  
24 sure—

1           “(1) appropriate transition of management of  
2           the Corridor from the Commission to the Corpora-  
3           tion; and

4           “(2) coordination regarding the implementation  
5           of the Plan.”;

6           (3) in section 11, in the matter preceding para-  
7           graph (1), by striking “directly affecting”;

8           (4) in section 12—

9           (A) in subsection (a), by striking “Com-  
10           mission” each place it appears and inserting  
11           “Corporation”;

12           (B) in subsection (c)(1), by striking  
13           “2007” and inserting “2012”; and

14           (C) by adding at the end the following:

15           “(d) TERMINATION OF ASSISTANCE.—The authority  
16           of the Secretary to provide financial assistance under this  
17           Act terminates on the date that is 5 years after the date  
18           of enactment of this subsection.”; and

19           (5) in section 14—

20           (A) by redesignating paragraphs (4), (5),  
21           and (6) as paragraphs (5), (6), and (7), respec-  
22           tively; and

23           (B) by inserting after paragraph (3) the  
24           following:



1           “(4) the term ‘Corporation’ means the Dela-  
2           ware & Lehigh National Heritage Corridor, Incor-  
3           porated, an organization described in section  
4           501(c)(3), and exempt from Federal tax under sec-  
5           tion 501(a), of the Internal Revenue Code of 1986;”.

6 **SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE COR-**  
7           **RIDOR.**

8           The Erie Canalway National Heritage Corridor Act  
9 (16 U.S.C. 461 note; Public Law 106–554) is amended—

10           (1) in section 804—

11           (A) in subsection (b)—

12           (i) in the matter preceding paragraph  
13           (1), by striking “27” and inserting “at  
14           least 21 members, but not more than 27”;

15           (ii) in paragraph (2), by striking “En-  
16           vironment” and inserting “Environ-  
17           mental”; and

18           (iii) in paragraph (3)—

19           (I) in the matter preceding sub-  
20           paragraph (A), by striking “19”;

21           (II) by striking subparagraph  
22           (A);

23           (III) by redesignating subpara-  
24           graphs (B) and (C) as subparagraphs  
25           (A) and (B), respectively;

1 (IV) in subparagraph (B) (as re-  
2 designated by subclause (III)), by  
3 striking the second sentence; and

4 (V) by inserting after subpara-  
5 graph (B) (as redesignated by sub-  
6 clause (III)) the following:

7 “(C) The remaining members shall be—

8 “(i) appointed by the Secretary, based  
9 on recommendations from each member of  
10 the House of Representatives, the district  
11 of which encompasses the Corridor; and

12 “(ii) persons that are residents of, or  
13 employed within, the applicable congres-  
14 sional districts.”;

15 (B) in subsection (f), by striking “Four-  
16 teen members of the Commission” and inserting  
17 “A majority of the serving Commissioners”;

18 (C) in subsection (g), by striking “14 of its  
19 members” and inserting “a majority of the  
20 serving Commissioners”;

21 (D) in subsection (h), by striking para-  
22 graph (4) and inserting the following:

23 “(4)(A) to appoint any staff that may be nec-  
24 essary to carry out the duties of the Commission,  
25 subject to the provisions of title 5, United States

1 Code, relating to appointments in the competitive  
2 service; and

3 “(B) to fix the compensation of the staff, in ac-  
4 cordance with the provisions of chapter 51 and sub-  
5 chapter III of chapter 53 of title 5, United States  
6 Code, relating to the classification of positions and  
7 General Schedule pay rates;”; and

8 (E) in subsection (j), by striking “10  
9 years” and inserting “15 years”;

10 (2) in section 807—

11 (A) in subsection (e), by striking “with re-  
12 gard to the preparation and approval of the  
13 Canalway Plan”; and

14 (B) by adding at the end the following:

15 “(f) OPERATIONAL ASSISTANCE.—Subject to the  
16 availability of appropriations, the Superintendent of Sara-  
17 toga National Historical Park may, on request, provide  
18 to public and private organizations in the Corridor (includ-  
19 ing the Commission) any operational assistance that is ap-  
20 propriate to assist with the implementation of the  
21 Canalway Plan.”; and

22 (3) in section 810(a)(1), in the first sentence,  
23 by striking “any fiscal year” and inserting “any fis-  
24 cal year, to remain available until expended”.

1 **SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY**  
2 **NATIONAL HERITAGE CORRIDOR.**

3 Section 3(b)(2) of Public Law 99–647 (16 U.S.C.  
4 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

5 (1) by striking “shall be the the” and inserting  
6 “shall be the”; and

7 (2) by striking “Directors from Massachusetts  
8 and Rhode Island;” and inserting “Directors from  
9 Massachusetts and Rhode Island, ex officio, or their  
10 delegates;”.

11 **TITLE IX—BUREAU OF REC-**  
12 **LAMATION AUTHORIZATIONS**  
13 **Subtitle A—Feasibility Studies**

14 **SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS,**  
15 **IDAHO.**

16 (a) IN GENERAL.—The Secretary of the Interior, act-  
17 ing through the Bureau of Reclamation, may conduct fea-  
18 sibility studies on projects that address water shortages  
19 within the Snake, Boise, and Payette River systems in the  
20 State of Idaho, and are considered appropriate for further  
21 study by the Bureau of Reclamation Boise Payette water  
22 storage assessment report issued during 2006.

23 (b) BUREAU OF RECLAMATION.—A study conducted  
24 under this section shall comply with Bureau of Reclama-  
25 tion policy standards and guidelines for studies.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to the Secretary of the Inte-  
3 rior to carry out this section \$3,000,000.

4 (d) TERMINATION OF EFFECTIVENESS.—The au-  
5 thority provided by this section terminates on the date  
6 that is 10 years after the date of enactment of this Act.

7 **SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.**

8 (a) DEFINITIONS.—In this section:

9 (1) APPRAISAL REPORT.—The term “appraisal  
10 report” means the appraisal report concerning the  
11 augmentation alternatives for the Sierra Vista Sub-  
12 watershed in the State of Arizona, dated June 2007  
13 and prepared by the Bureau of Reclamation.

14 (2) PRINCIPLES AND GUIDELINES.—The term  
15 “principles and guidelines” means the report entitled  
16 “Economic and Environmental Principles and  
17 Guidelines for Water and Related Land Resources  
18 Implementation Studies” issued on March 10, 1983,  
19 by the Water Resources Council established under  
20 title I of the Water Resources Planning Act (42  
21 U.S.C. 1962a et seq.).

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

24 (b) SIERRA VISTA SUBWATERSHED FEASIBILITY  
25 STUDY.—

1 (1) STUDY.—

2 (A) IN GENERAL.—In accordance with the  
3 reclamation laws and the principles and guide-  
4 lines, the Secretary, acting through the Com-  
5 missioner of Reclamation, may complete a feasi-  
6 bility study of alternatives to augment the  
7 water supplies within the Sierra Vista Sub-  
8 watershed in the State of Arizona that are iden-  
9 tified as appropriate for further study in the  
10 appraisal report.

11 (B) INCLUSIONS.—In evaluating the feasi-  
12 bility of alternatives under subparagraph (A),  
13 the Secretary shall—

14 (i) include—

15 (I) any required environmental  
16 reviews;

17 (II) the construction costs and  
18 projected operations, maintenance,  
19 and replacement costs for each alter-  
20 native; and

21 (III) the economic feasibility of  
22 each alternative;

23 (ii) take into consideration the ability  
24 of Federal, tribal, State, and local govern-  
25 ment sources and private sources to fund

1 capital construction costs and annual oper-  
2 ation, maintenance, energy, and replace-  
3 ment costs;

4 (iii) establish the basis for—

5 (I) any cost-sharing allocations;

6 and

7 (II) anticipated repayment, if  
8 any, of Federal contributions; and

9 (iv) perform a cost-benefit analysis.

10 (2) COST SHARING REQUIREMENT.—

11 (A) IN GENERAL.—The Federal share of  
12 the total costs of the study under paragraph (1)  
13 shall not exceed 45 percent.

14 (B) FORM OF NON-FEDERAL SHARE.—The  
15 non-Federal share required under subparagraph  
16 (A) may be in the form of any in-kind service  
17 that the Secretary determines would contribute  
18 substantially toward the conduct and comple-  
19 tion of the study under paragraph (1).

20 (3) STATEMENT OF CONGRESSIONAL INTENT  
21 RELATING TO COMPLETION OF STUDY.—It is the in-  
22 tent of Congress that the Secretary complete the  
23 study under paragraph (1) by a date that is not  
24 later than 30 months after the date of enactment of  
25 this Act.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-  
3 retary to carry out this subsection \$1,260,000.

4 (c) WATER RIGHTS.—Nothing in this section af-  
5 fects—

6 (1) any valid or vested water right in existence  
7 on the date of enactment of this Act; or

8 (2) any application for water rights pending be-  
9 fore the date of enactment of this Act.

10 **SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.**

11 (a) FEASIBILITY STUDY, PROJECT DEVELOPMENT,  
12 COST SHARE.—

13 (1) IN GENERAL.—The Secretary of the Inte-  
14 rior (hereinafter referred to as “Secretary”), in con-  
15 sultation and cooperation with the City of San Diego  
16 and the Sweetwater Authority, is authorized to un-  
17 dertake a study to determine the feasibility of con-  
18 structing a four reservoir intertie system to improve  
19 water storage opportunities, water supply reliability,  
20 and water yield of the existing non-Federal water  
21 storage system. The feasibility study shall document  
22 the Secretary’s engineering, environmental, and eco-  
23 nomic investigation of the proposed reservoir and  
24 intertie project taking into consideration the range  
25 of potential solutions and the circumstances and



1 needs of the area to be served by the proposed res-  
2 ervoir and intertie project, the potential benefits to  
3 the people of that service area, and improved oper-  
4 ations of the proposed reservoir and intertie system.  
5 The Secretary shall indicate in the feasibility report  
6 required under paragraph (4) whether the proposed  
7 reservoir and intertie project is recommended for  
8 construction.

9 (2) FEDERAL COST SHARE.—The Federal share  
10 of the costs of the feasibility study shall not exceed  
11 50 percent of the total study costs. The Secretary  
12 may accept as part of the non-Federal cost share,  
13 any contribution of such in-kind services by the City  
14 of San Diego and the Sweetwater Authority that the  
15 Secretary determines will contribute toward the con-  
16 duct and completion of the study.

17 (3) COOPERATION.—The Secretary shall con-  
18 sult and cooperate with appropriate State, regional,  
19 and local authorities in implementing this sub-  
20 section.

21 (4) FEASIBILITY REPORT.—The Secretary shall  
22 submit to Congress a feasibility report for the  
23 project the Secretary recommends, and to seek, as  
24 the Secretary deems appropriate, specific authority

1 to develop and construct any recommended project.

2 This report shall include—

3 (A) good faith letters of intent by the City  
4 of San Diego and the Sweetwater Authority and  
5 its non-Federal partners to indicate that they  
6 have committed to share the allocated costs as  
7 determined by the Secretary; and

8 (B) a schedule identifying the annual oper-  
9 ation, maintenance, and replacement costs that  
10 should be allocated to the City of San Diego  
11 and the Sweetwater Authority, as well as the  
12 current and expected financial capability to pay  
13 operation, maintenance, and replacement costs.

14 (b) FEDERAL RECLAMATION PROJECTS.—Nothing in  
15 this section shall supersede or amend the provisions of  
16 Federal Reclamation laws or laws associated with any  
17 project or any portion of any project constructed under  
18 any authority of Federal Reclamation laws.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to the Secretary \$3,000,000  
21 for the Federal cost share of the study authorized in sub-  
22 section (a).

23 (d) SUNSET.—The authority of the Secretary to carry  
24 out any provisions of this section shall terminate 10 years  
25 after the date of the enactment of this Act.

## 1 **Subtitle B—Project Authorizations**

### 2 **SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CON-** 3 **SERVATION PROJECT, OREGON.**

4 (a) DEFINITIONS.—In this section:

5 (1) DISTRICT.—The term “District” means the  
6 Tumalo Irrigation District, Oregon.

7 (2) PROJECT.—The term “Project” means the  
8 Tumalo Irrigation District Water Conservation  
9 Project authorized under subsection (b)(1).

10 (3) SECRETARY.—The term “Secretary” means  
11 the Secretary of the Interior.

12 (b) AUTHORIZATION TO PLAN, DESIGN AND CON-  
13 STRUCT THE TUMALO WATER CONSERVATION  
14 PROJECT.—

15 (1) AUTHORIZATION.—The Secretary, in co-  
16 operation with the District—

17 (A) may participate in the planning, de-  
18 sign, and construction of the Tumalo Irrigation  
19 District Water Conservation Project in  
20 Deschutes County, Oregon; and

21 (B) for purposes of planning and designing  
22 the Project, shall take into account any appro-  
23 priate studies and reports prepared by the Dis-  
24 trict.

25 (2) COST-SHARING REQUIREMENT.—

1           (A) FEDERAL SHARE.—The Federal share  
2           of the total cost of the Project shall be 25 per-  
3           cent, which shall be nonreimbursable to the  
4           United States.

5           (B) CREDIT TOWARD NON-FEDERAL  
6           SHARE.—The Secretary shall credit toward the  
7           non-Federal share of the Project any amounts  
8           that the District provides toward the design,  
9           planning, and construction before the date of  
10          enactment of this Act.

11          (3) TITLE.—The District shall hold title to any  
12          facilities constructed under this section.

13          (4) OPERATION AND MAINTENANCE COSTS.—  
14          The District shall pay the operation and mainte-  
15          nance costs of the Project.

16          (5) EFFECT.—Any assistance provided under  
17          this section shall not be considered to be a supple-  
18          mental or additional benefit under Federal reclama-  
19          tion law (the Act of June 17, 1902 (32 Stat. 388,  
20          chapter 1093), and Acts supplemental to and  
21          amendatory of that Act (43 U.S.C. 371 et seq.).

22          (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
23          authorized to be appropriated to the Secretary for the  
24          Federal share of the cost of the Project \$4,000,000.

1 (d) TERMINATION OF AUTHORITY.—The authority of  
2 the Secretary to carry out this section shall expire on the  
3 date that is 10 years after the date of enactment of this  
4 Act.

5 **SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT**  
6 **PROJECT, CALIFORNIA.**

7 (a) DEFINITIONS.—In this section:

8 (1) DISTRICT.—The term “District” means the  
9 Madera Irrigation District, Madera, California.

10 (2) PROJECT.—The term “Project” means the  
11 Madera Water Supply Enhancement Project, a  
12 groundwater bank on the 13,646-acre Madera Ranch  
13 in Madera, California, owned, operated, maintained,  
14 and managed by the District that will plan, design,  
15 and construct recharge, recovery, and delivery sys-  
16 tems able to store up to 250,000 acre-feet of water  
17 and recover up to 55,000 acre-feet of water per year,  
18 as substantially described in the California Environ-  
19 mental Quality Act, Final Environmental Impact  
20 Report for the Madera Irrigation District Water  
21 Supply Enhancement Project, September 2005.

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

24 (4) TOTAL COST.—The term “total cost” means  
25 all reasonable costs, such as the planning, design,

1       permitting, and construction of the Project and the  
2       acquisition costs of lands used or acquired by the  
3       District for the Project.

4       (b) PROJECT FEASIBILITY.—

5           (1) PROJECT FEASIBLE.—Pursuant to the Rec-  
6       lamation Act of 1902 (32 Stat. 388) and Acts  
7       amendatory thereof and supplemental thereto, the  
8       Project is feasible and no further studies or actions  
9       regarding feasibility are necessary.

10          (2) APPLICABILITY OF OTHER LAWS.—The Sec-  
11       retary shall implement the authority provided in this  
12       section in accordance with all applicable Federal  
13       laws, including the National Environmental Policy  
14       Act of 1969 (42 U.S.C. 4321 et seq.) and the En-  
15       dangered Species Act of 1973 (7 U.S.C. 136; 16  
16       U.S.C. 460 et seq.).

17       (c) COOPERATIVE AGREEMENT.—All final planning  
18       and design and the construction of the Project authorized  
19       by this section shall be undertaken in accordance with a  
20       cooperative agreement between the Secretary and the Dis-  
21       trict for the Project. Such cooperative agreement shall set  
22       forth in a manner acceptable to the Secretary and the Dis-  
23       trict the responsibilities of the District for participating,  
24       which shall include—

25           (1) engineering and design;

1           (2) construction; and

2           (3) the administration of contracts pertaining  
3 to any of the foregoing.

4           (d) AUTHORIZATION FOR THE MADERA WATER SUP-  
5 PLY AND ENHANCEMENT PROJECT.—

6           (1) AUTHORIZATION OF CONSTRUCTION.—The  
7 Secretary, acting pursuant to the Federal reclama-  
8 tion laws (Act of June 17, 1902; 32 Stat. 388), and  
9 Acts amendatory thereof or supplementary thereto,  
10 is authorized to enter into a cooperative agreement  
11 through the Bureau of Reclamation with the District  
12 for the support of the final design and construction  
13 of the Project.

14           (2) TOTAL COST.—The total cost of the Project  
15 for the purposes of determining the Federal cost  
16 share shall not exceed \$90,000,000.

17           (3) COST SHARE.—The Federal share of the  
18 capital costs of the Project shall be provided on a  
19 nonreimbursable basis and shall not exceed 25 per-  
20 cent of the total cost. Capital, planning, design, per-  
21 mitting, construction, and land acquisition costs in-  
22 curred by the District prior to the date of the enact-  
23 ment of this Act shall be considered a portion of the  
24 non-Federal cost share.

1           (4) CREDIT FOR NON-FEDERAL WORK.—The  
2           District shall receive credit toward the non-Federal  
3           share of the cost of the Project for—

4                   (A) in-kind services that the Secretary de-  
5                   termines would contribute substantially toward  
6                   the completion of the project;

7                   (B) reasonable costs incurred by the Dis-  
8                   trict as a result of participation in the planning,  
9                   design, permitting, and construction of the  
10                  Project; and

11                  (C) the acquisition costs of lands used or  
12                  acquired by the District for the Project.

13           (5) LIMITATION.—The Secretary shall not pro-  
14           vide funds for the operation or maintenance of the  
15           Project authorized by this subsection. The operation,  
16           ownership, and maintenance of the Project shall be  
17           the sole responsibility of the District.

18           (6) PLANS AND ANALYSES CONSISTENT WITH  
19           FEDERAL LAW.—Before obligating funds for design  
20           or construction under this subsection, the Secretary  
21           shall work cooperatively with the District to use, to  
22           the extent possible, plans, designs, and engineering  
23           and environmental analyses that have already been  
24           prepared by the District for the Project. The Sec-  
25           retary shall ensure that such information as is used



1 is consistent with applicable Federal laws and regu-  
2 lations.

3 (7) TITLE; RESPONSIBILITY; LIABILITY.—Noth-  
4 ing in this subsection or the assistance provided  
5 under this subsection shall be construed to transfer  
6 title, responsibility, or liability related to the Project  
7 to the United States.

8 (8) AUTHORIZATION OF APPROPRIATION.—  
9 There is authorized to be appropriated to the Sec-  
10 retary to carry out this subsection \$22,500,000 or  
11 25 percent of the total cost of the Project, whichever  
12 is less.

13 (e) SUNSET.—The authority of the Secretary to carry  
14 out any provisions of this section shall terminate 10 years  
15 after the date of the enactment of this Act.

16 **SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM**  
17 **PROJECT, NEW MEXICO.**

18 (a) DEFINITIONS.—In this section:

19 (1) AUTHORITY.—The term “Authority” means  
20 the Eastern New Mexico Rural Water Authority, an  
21 entity formed under State law for the purposes of  
22 planning, financing, developing, and operating the  
23 System.

24 (2) ENGINEERING REPORT.—The term “engi-  
25 neering report” means the report entitled “Eastern

1 New Mexico Rural Water System Preliminary Engi-  
2 neering Report” and dated October 2006.

3 (3) PLAN.—The term “plan” means the oper-  
4 ation, maintenance, and replacement plan required  
5 by subsection (c)(2).

6 (4) SECRETARY.—The term “Secretary” means  
7 the Secretary of the Interior.

8 (5) STATE.—The term “State” means the State  
9 of New Mexico.

10 (6) SYSTEM.—

11 (A) IN GENERAL.—The term “System”  
12 means the Eastern New Mexico Rural Water  
13 System, a water delivery project designed to de-  
14 liver approximately 16,500 acre-feet of water  
15 per year from the Ute Reservoir to the cities of  
16 Clovis, Elida, Grady, Melrose, Portales, and  
17 Texico and other locations in Curry, Roosevelt,  
18 and Quay Counties in the State.

19 (B) INCLUSIONS.—The term “System” in-  
20 cludes the major components and associated in-  
21 frastructure identified as the “Best Technical  
22 Alternative” in the engineering report.

23 (7) UTE RESERVOIR.—The term “Ute Res-  
24 ervoir” means the impoundment of water created in  
25 1962 by the construction of the Ute Dam on the Ca-

1 nadian River, located approximately 32 miles up-  
2 stream of the border between New Mexico and  
3 Texas.

4 (b) EASTERN NEW MEXICO RURAL WATER SYS-  
5 TEM.—

6 (1) FINANCIAL ASSISTANCE.—

7 (A) IN GENERAL.—The Secretary may  
8 provide financial and technical assistance to the  
9 Authority to assist in planning, designing, con-  
10 ducting related preconstruction activities for,  
11 and constructing the System.

12 (B) USE.—

13 (i) IN GENERAL.—Any financial as-  
14 sistance provided under subparagraph (A)  
15 shall be obligated and expended only in ac-  
16 cordance with a cooperative agreement en-  
17 tered into under subsection (d)(1)(B).

18 (ii) LIMITATIONS.—Financial assist-  
19 ance provided under clause (i) shall not be  
20 used—

21 (I) for any activity that is incon-  
22 sistent with constructing the System;  
23 or

1 (II) to plan or construct facilities  
2 used to supply irrigation water for ir-  
3 rigated agricultural purposes.

4 (2) COST-SHARING REQUIREMENT.—

5 (A) IN GENERAL.—The Federal share of  
6 the total cost of any activity or construction  
7 carried out using amounts made available under  
8 this section shall be not more than 75 percent  
9 of the total cost of the System.

10 (B) SYSTEM DEVELOPMENT COSTS.—For  
11 purposes of subparagraph (A), the total cost of  
12 the System shall include any costs incurred by  
13 the Authority or the State on or after October  
14 1, 2003, for the development of the System.

15 (3) LIMITATION.—No amounts made available  
16 under this section may be used for the construction  
17 of the System until—

18 (A) a plan is developed under subsection  
19 (c)(2); and

20 (B) the Secretary and the Authority have  
21 complied with any requirements of the National  
22 Environmental Policy Act of 1969 (42 U.S.C.  
23 4321 et seq.) applicable to the System.

24 (4) TITLE TO PROJECT WORKS.—Title to the  
25 infrastructure of the System shall be held by the Au-

1           thority or as may otherwise be specified under State  
2           law.

3           (c) OPERATION, MAINTENANCE, AND REPLACEMENT  
4 COSTS.—

5           (1) IN GENERAL.—The Authority shall be re-  
6           sponsible for the annual operation, maintenance, and  
7           replacement costs associated with the System.

8           (2) OPERATION, MAINTENANCE, AND REPLACE-  
9           MENT PLAN.—The Authority, in consultation with  
10          the Secretary, shall develop an operation, mainte-  
11          nance, and replacement plan that establishes the  
12          rates and fees for beneficiaries of the System in the  
13          amount necessary to ensure that the System is prop-  
14          erly maintained and capable of delivering approxi-  
15          mately 16,500 acre-feet of water per year.

16          (d) ADMINISTRATIVE PROVISIONS.—

17           (1) COOPERATIVE AGREEMENTS.—

18           (A) IN GENERAL.—The Secretary may  
19           enter into any contract, grant, cooperative  
20           agreement, or other agreement that is necessary  
21           to carry out this section.

22           (B) COOPERATIVE AGREEMENT FOR PRO-  
23           VISION OF FINANCIAL ASSISTANCE.—

24           (i) IN GENERAL.—The Secretary shall  
25           enter into a cooperative agreement with

1 the Authority to provide financial assist-  
2 ance and any other assistance requested by  
3 the Authority for planning, design, related  
4 preconstruction activities, and construction  
5 of the System.

6 (ii) REQUIREMENTS.—The cooperative  
7 agreement entered into under clause (i)  
8 shall, at a minimum, specify the respon-  
9 sibilities of the Secretary and the Author-  
10 ity with respect to—

11 (I) ensuring that the cost-share  
12 requirements established by sub-  
13 section (b)(2) are met;

14 (II) completing the planning and  
15 final design of the System;

16 (III) any environmental and cul-  
17 tural resource compliance activities re-  
18 quired for the System; and

19 (IV) the construction of the Sys-  
20 tem.

21 (2) TECHNICAL ASSISTANCE.—At the request of  
22 the Authority, the Secretary may provide to the Au-  
23 thority any technical assistance that is necessary to  
24 assist the Authority in planning, designing, con-  
25 structing, and operating the System.

1           (3) BIOLOGICAL ASSESSMENT.—The Secretary  
2 shall consult with the New Mexico Interstate Stream  
3 Commission and the Authority in preparing any bio-  
4 logical assessment under the Endangered Species  
5 Act of 1973 (16 U.S.C. 1531 et seq.) that may be  
6 required for planning and constructing the System.

7           (4) EFFECT.—Nothing in this section—

8                 (A) affects or preempts—

9                     (i) State water law; or

10                    (ii) an interstate compact relating to  
11 the allocation of water; or

12                 (B) confers on any non-Federal entity the  
13 ability to exercise any Federal rights to—

14                     (i) the water of a stream; or

15                     (ii) any groundwater resource.

16           (e) AUTHORIZATION OF APPROPRIATIONS.—

17                 (1) IN GENERAL.—In accordance with the ad-  
18 justment carried out under paragraph (2), there is  
19 authorized to be appropriated to the Secretary to  
20 carry out this section an amount not greater than  
21 \$327,000,000.

22                 (2) ADJUSTMENT.—The amount made available  
23 under paragraph (1) shall be adjusted to reflect  
24 changes in construction costs occurring after Janu-  
25 ary 1, 2007, as indicated by engineering cost indices

1 applicable to the types of construction necessary to  
2 carry out this section.

3 (3) **NONREIMBURSABLE AMOUNTS.**—Amounts  
4 made available to the Authority in accordance with  
5 the cost-sharing requirement under subsection (b)(2)  
6 shall be nonreimbursable and nonreturnable to the  
7 United States.

8 (4) **AVAILABILITY OF FUNDS.**—At the end of  
9 each fiscal year, any unexpended funds appropriated  
10 pursuant to this section shall be retained for use in  
11 future fiscal years consistent with this section.

12 **SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT**  
13 **PROJECT, CALIFORNIA.**

14 (a) **IN GENERAL.**—The Reclamation Wastewater and  
15 Groundwater Study and Facilities Act (Public Law 102–  
16 575, title XVI; 43 U.S.C. 390h et seq.) is amended by  
17 adding at the end the following:

18 **“SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT**  
19 **PROJECT, CALIFORNIA.**

20 “(a) **AUTHORIZATION.**—The Secretary, in coopera-  
21 tion with the Rancho California Water District, California,  
22 may participate in the design, planning, and construction  
23 of permanent facilities for water recycling,  
24 demineralization, and desalination, and distribution of



1 non-potable water supplies in Southern Riverside County,  
2 California.

3 “(b) COST SHARING.—The Federal share of the cost  
4 of the project described in subsection (a) shall not exceed  
5 25 percent of the total cost of the project or \$20,000,000,  
6 whichever is less.

7 “(c) LIMITATION.—Funds provided by the Secretary  
8 under this section shall not be used for operation or main-  
9 tenance of the project described in subsection (a).”.

10 (b) CLERICAL AMENDMENT.—The table of items in  
11 section 2 of Public Law 102–575 is amended by inserting  
12 after the last item the following:

“Sec. 1649. Rancho California Water District Project, California.”.

13 **SEC. 9105. JACKSON GULCH REHABILITATION PROJECT,**  
14 **COLORADO.**

15 (a) DEFINITIONS.—In this section:

16 (1) ASSESSMENT.—The term “assessment”  
17 means the engineering document that is—

18 (A) entitled “Jackson Gulch Inlet Canal  
19 Project, Jackson Gulch Outlet Canal Project,  
20 Jackson Gulch Operations Facilities Project:  
21 Condition Assessment and Recommendations  
22 for Rehabilitation”;

23 (B) dated February 2004; and

24 (C) on file with the Bureau of Reclama-  
25 tion.

1           (2) DISTRICT.—The term “District” means the  
2 Mancos Water Conservancy District established  
3 under the Water Conservancy Act (Colo. Rev. Stat.  
4 37–45–101 et seq.).

5           (3) PROJECT.—The term “Project” means the  
6 Jackson Gulch rehabilitation project, a program for  
7 the rehabilitation of the Jackson Gulch Canal sys-  
8 tem and other infrastructure in the State, as de-  
9 scribed in the assessment.

10           (4) SECRETARY.—The term “Secretary” means  
11 the Secretary of the Interior, acting through the  
12 Commissioner of Reclamation.

13           (5) STATE.—The term “State” means the State  
14 of Colorado.

15           (b) AUTHORIZATION OF JACKSON GULCH REHABILI-  
16 TATION PROJECT.—

17           (1) IN GENERAL.—Subject to the reimburse-  
18 ment requirement described in paragraph (3), the  
19 Secretary shall pay the Federal share of the total  
20 cost of carrying out the Project.

21           (2) USE OF EXISTING INFORMATION.—In pre-  
22 paring any studies relating to the Project, the Sec-  
23 retary shall, to the maximum extent practicable, use  
24 existing studies, including engineering and resource  
25 information provided by, or at the direction of—

- 1 (A) Federal, State, or local agencies; and  
2 (B) the District.

3 (3) REIMBURSEMENT REQUIREMENT.—

4 (A) AMOUNT.—The Secretary shall recover  
5 from the District as reimbursable expenses the  
6 lesser of—

- 7 (i) the amount equal to 35 percent of  
8 the cost of the Project; or  
9 (ii) \$2,900,000.

10 (B) MANNER.—The Secretary shall recover  
11 reimbursable expenses under subparagraph  
12 (A)—

- 13 (i) in a manner agreed to by the Sec-  
14 retary and the District;  
15 (ii) over a period of 15 years; and  
16 (iii) with no interest.

17 (C) CREDIT.—In determining the exact  
18 amount of reimbursable expenses to be recov-  
19 ered from the District, the Secretary shall cred-  
20 it the District for any amounts it paid before  
21 the date of enactment of this Act for engineer-  
22 ing work and improvements directly associated  
23 with the Project.

24 (4) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for  
25

1 the operation and maintenance of any facility con-  
2 structed or rehabilitated under this section.

3 (5) LIABILITY.—The United States shall not be  
4 liable for damages of any kind arising out of any  
5 act, omission, or occurrence relating to a facility re-  
6 habilitated or constructed under this section.

7 (6) EFFECT.—An activity provided Federal  
8 funding under this section shall not be considered a  
9 supplemental or additional benefit under—

10 (A) the reclamation laws; or

11 (B) the Act of August 11, 1939 (16 U.S.C.  
12 590y et seq.).

13 (7) AUTHORIZATION OF APPROPRIATIONS.—  
14 There is authorized to be appropriated to the Sec-  
15 retary to pay the Federal share of the total cost of  
16 carrying out the Project \$8,250,000.

17 **SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.**

18 (a) FINDINGS AND PURPOSE.—

19 (1) FINDINGS.—Congress finds that—

20 (A) drought, population increases, and en-  
21 vironmental needs are exacerbating water sup-  
22 ply issues across the western United States, in-  
23 cluding the Rio Grande Basin in New Mexico;

24 (B) a report developed by the Bureau of  
25 Reclamation and the Bureau of Indian Affairs

1 in 2000 identified a serious need for the reha-  
2 bilitation and repair of irrigation infrastructure  
3 of the Rio Grande Pueblos;

4 (C) inspection of existing irrigation infra-  
5 structure of the Rio Grande Pueblos shows that  
6 many key facilities, such as diversion structures  
7 and main conveyance ditches, are unsafe and  
8 barely, if at all, operable;

9 (D) the benefits of rehabilitating and re-  
10 pairing irrigation infrastructure of the Rio  
11 Grande Pueblos include—

12 (i) water conservation;

13 (ii) extending available water supplies;

14 (iii) increased agricultural produc-  
15 tivity;

16 (iv) economic benefits;

17 (v) safer facilities; and

18 (vi) the preservation of the culture of  
19 Indian Pueblos in the State;

20 (E) certain Indian Pueblos in the Rio  
21 Grande Basin receive water from facilities oper-  
22 ated or owned by the Bureau of Reclamation;  
23 and

1 (F) rehabilitation and repair of irrigation  
2 infrastructure of the Rio Grande Pueblos would  
3 improve—

4 (i) overall water management by the  
5 Bureau of Reclamation; and

6 (ii) the ability of the Bureau of Rec-  
7 lamation to help address potential water  
8 supply conflicts in the Rio Grande Basin.

9 (2) PURPOSE.—The purpose of this section is  
10 to direct the Secretary—

11 (A) to assess the condition of the irrigation  
12 infrastructure of the Rio Grande Pueblos;

13 (B) to establish priorities for the rehabili-  
14 tation of irrigation infrastructure of the Rio  
15 Grande Pueblos in accordance with specified  
16 criteria; and

17 (C) to implement projects to rehabilitate  
18 and improve the irrigation infrastructure of the  
19 Rio Grande Pueblos.

20 (b) DEFINITIONS.—In this section:

21 (1) 2004 AGREEMENT.—The term “2004  
22 Agreement” means the agreement entitled “Agree-  
23 ment By and Between the United States of America  
24 and the Middle Rio Grande Conservancy District,  
25 Providing for the Payment of Operation and Mainte-

1 nance Charges on Newly Reclaimed Pueblo Indian  
2 Lands in the Middle Rio Grande Valley, New Mex-  
3 ico” and executed in September 2004 (including any  
4 successor agreements and amendments to the agree-  
5 ment).

6 (2) DESIGNATED ENGINEER.—The term “des-  
7 igned engineer” means a Federal employee des-  
8 igned under the Act of February 14, 1927 (69  
9 Stat. 1098, chapter 138) to represent the United  
10 States in any action involving the maintenance, re-  
11 habilitation, or preservation of the condition of any  
12 irrigation structure or facility on land located in the  
13 Six Middle Rio Grande Pueblos.

14 (3) DISTRICT.—The term “District” means the  
15 Middle Rio Grande Conservancy District, a political  
16 subdivision of the State established in 1925.

17 (4) PUEBLO IRRIGATION INFRASTRUCTURE.—  
18 The term “Pueblo irrigation infrastructure” means  
19 any diversion structure, conveyance facility, or  
20 drainage facility that is—

21 (A) in existence as of the date of enact-  
22 ment of this Act; and

23 (B) located on land of a Rio Grande Pueb-  
24 lo that is associated with—

1 (i) the delivery of water for the irriga-  
2 tion of agricultural land; or

3 (ii) the carriage of irrigation return  
4 flows and excess water from the land that  
5 is served.

6 (5) RIO GRANDE BASIN.—The term “Rio  
7 Grande Basin” means the headwaters of the Rio  
8 Chama and the Rio Grande Rivers (including any  
9 tributaries) from the State line between Colorado  
10 and New Mexico downstream to the elevation cor-  
11 responding with the spillway crest of Elephant Butte  
12 Dam at 4,457.3 feet mean sea level.

13 (6) RIO GRANDE PUEBLO.—The term “Rio  
14 Grande Pueblo” means any of the 18 Pueblos that—

15 (A) occupy land in the Rio Grande Basin;  
16 and

17 (B) are included on the list of federally  
18 recognized Indian tribes published by the Sec-  
19 retary in accordance with section 104 of the  
20 Federally Recognized Indian Tribe List Act of  
21 1994 (25 U.S.C. 479a–1).

22 (7) SECRETARY.—The term “Secretary” means  
23 the Secretary of the Interior, acting through the  
24 Commissioner of Reclamation.



1           (8) SIX MIDDLE RIO GRANDE PUEBLOS.—The  
2 term “Six Middle Rio Grande Pueblos” means each  
3 of the Pueblos of Cochiti, Santo Domingo, San  
4 Felipe, Santa Ana, Sandia, and Isleta.

5           (9) SPECIAL PROJECT.—The term “special  
6 project” has the meaning given the term in the 2004  
7 Agreement.

8           (10) STATE.—The term “State” means the  
9 State of New Mexico.

10 (c) IRRIGATION INFRASTRUCTURE STUDY.—

11           (1) STUDY.—

12           (A) IN GENERAL.—On the date of enact-  
13 ment of this Act, the Secretary, in accordance  
14 with subparagraph (B), and in consultation  
15 with the Rio Grande Pueblos, shall—

16                   (i) conduct a study of Pueblo irriga-  
17 tion infrastructure; and

18                   (ii) based on the results of the study,  
19 develop a list of projects (including a cost  
20 estimate for each project), that are rec-  
21 ommended to be implemented over a 10-  
22 year period to repair, rehabilitate, or re-  
23 construct Pueblo irrigation infrastructure.

24           (B) REQUIRED CONSENT.—In carrying out  
25 subparagraph (A), the Secretary shall only in-



1 prioritized by the Secretary if the project  
2 addresses at least 1 factor described in  
3 subparagraph (B).

4 (B) FACTORS.—The factors referred to in  
5 subparagraph (A) are—

6 (i)(I) the extent of disrepair of the  
7 Pueblo irrigation infrastructure; and

8 (II) the effect of the disrepair on the  
9 ability of the applicable Rio Grande Pueblo  
10 to irrigate agricultural land using Pueblo  
11 irrigation infrastructure;

12 (ii) whether, and the extent that, the  
13 repair, rehabilitation, or reconstruction of  
14 the Pueblo irrigation infrastructure would  
15 provide an opportunity to conserve water;

16 (iii)(I) the economic and cultural im-  
17 pacts that the Pueblo irrigation infrastruc-  
18 ture that is in disrepair has on the applica-  
19 ble Rio Grande Pueblo; and

20 (II) the economic and cultural bene-  
21 fits that the repair, rehabilitation, or re-  
22 construction of the Pueblo irrigation infra-  
23 structure would have on the applicable Rio  
24 Grande Pueblo;

1 (iv) the opportunity to address water  
2 supply or environmental conflicts in the  
3 applicable river basin if the Pueblo irriga-  
4 tion infrastructure is repaired, rehabili-  
5 tated, or reconstructed; and

6 (v) the overall benefits of the project  
7 to efficient water operations on the land of  
8 the applicable Rio Grande Pueblo.

9 (3) CONSULTATION.—In developing the list of  
10 projects under paragraph (1)(A)(ii), the Secretary  
11 shall consult with the Director of the Bureau of In-  
12 dian Affairs (including the designated engineer with  
13 respect to each proposed project that affects the Six  
14 Middle Rio Grande Pueblos), the Chief of the Nat-  
15 ural Resources Conservation Service, and the Chief  
16 of Engineers to evaluate the extent to which pro-  
17 grams under the jurisdiction of the respective agen-  
18 cies may be used—

19 (A) to assist in evaluating projects to re-  
20 pair, rehabilitate, or reconstruct Pueblo irriga-  
21 tion infrastructure; and

22 (B) to implement—

23 (i) a project recommended for imple-  
24 mentation under paragraph (1)(A)(ii); or

1                   (ii) any other related project (includ-  
2                   ing on-farm improvements) that may be  
3                   appropriately coordinated with the repair,  
4                   rehabilitation, or reconstruction of Pueblo  
5                   irrigation infrastructure to improve the ef-  
6                   ficient use of water in the Rio Grande  
7                   Basin.

8                   (4) REPORT.—Not later than 2 years after the  
9                   date of enactment of this Act, the Secretary shall  
10                  submit to the Committee on Energy and Natural  
11                  Resources of the Senate and the Committee on Re-  
12                  sources of the House of Representatives a report  
13                  that includes—

14                   (A) the list of projects recommended for  
15                   implementation under paragraph (1)(A)(ii); and

16                   (B) any findings of the Secretary with re-  
17                   spect to—

18                   (i) the study conducted under para-  
19                   graph (1)(A)(i);

20                   (ii) the consideration of the factors  
21                   under paragraph (2)(B); and

22                   (iii) the consultations under para-  
23                   graph (3).

24                   (5) PERIODIC REVIEW.—Not later than 4 years  
25                   after the date on which the Secretary submits the

1 report under paragraph (4) and every 4 years there-  
2 after, the Secretary, in consultation with each Rio  
3 Grande Pueblo, shall—

4 (A) review the report submitted under  
5 paragraph (4); and

6 (B) update the list of projects described in  
7 paragraph (4)(A) in accordance with each fac-  
8 tor described in paragraph (2)(B), as the Sec-  
9 retary determines to be appropriate.

10 (d) IRRIGATION INFRASTRUCTURE GRANTS.—

11 (1) IN GENERAL.—The Secretary may provide  
12 grants to, and enter into contracts or other agree-  
13 ments with, the Rio Grande Pueblos to plan, design,  
14 construct, or otherwise implement projects to repair,  
15 rehabilitate, reconstruct, or replace Pueblo irrigation  
16 infrastructure that are recommended for implemen-  
17 tation under subsection (c)(1)(A)(ii)—

18 (A) to increase water use efficiency and  
19 agricultural productivity for the benefit of a Rio  
20 Grande Pueblo;

21 (B) to conserve water; or

22 (C) to otherwise enhance water manage-  
23 ment or help avert water supply conflicts in the  
24 Rio Grande Basin.

1           (2) LIMITATION.—Assistance provided under  
2 paragraph (1) shall not be used for—

3           (A) the repair, rehabilitation, or recon-  
4 struction of any major impoundment structure;  
5 or

6           (B) any on-farm improvements.

7           (3) CONSULTATION.—In carrying out a project  
8 under paragraph (1), the Secretary shall—

9           (A) consult with, and obtain the approval  
10 of, the applicable Rio Grande Pueblo;

11           (B) consult with the Director of the Bu-  
12 reau of Indian Affairs; and

13           (C) as appropriate, coordinate the project  
14 with any work being conducted under the irri-  
15 gation operations and maintenance program of  
16 the Bureau of Indian Affairs.

17           (4) COST-SHARING REQUIREMENT.—

18           (A) FEDERAL SHARE.—

19           (i) IN GENERAL.—Except as provided  
20 in clause (ii), the Federal share of the total  
21 cost of carrying out a project under para-  
22 graph (1) shall be not more than 75 per-  
23 cent.

24           (ii) EXCEPTION.—The Secretary may  
25 waive or limit the non-Federal share re-

1           required under clause (i) if the Secretary de-  
2           termines, based on a demonstration of fi-  
3           nancial hardship by the Rio Grande Pueb-  
4           lo, that the Rio Grande Pueblo is unable to  
5           contribute the required non-Federal share.

6           (B) DISTRICT CONTRIBUTIONS.—

7           (i) IN GENERAL.—The Secretary may  
8           accept from the District a partial or total  
9           contribution toward the non-Federal share  
10          required for a project carried out under  
11          paragraph (1) on land located in any of  
12          the Six Middle Rio Grande Pueblos if the  
13          Secretary determines that the project is a  
14          special project.

15          (ii) LIMITATION.—Nothing in clause  
16          (i) requires the District to contribute to  
17          the non-Federal share of the cost of a  
18          project carried out under paragraph (1).

19          (C) STATE CONTRIBUTIONS.—

20          (i) IN GENERAL.—The Secretary may  
21          accept from the State a partial or total  
22          contribution toward the non-Federal share  
23          for a project carried out under paragraph  
24          (1).



1 (ii) LIMITATION.—Nothing in clause  
2 (i) requires the State to contribute to the  
3 non-Federal share of the cost of a project  
4 carried out under paragraph (1).

5 (D) FORM OF NON-FEDERAL SHARE.—The  
6 non-Federal share under subparagraph (A)(i)  
7 may be in the form of in-kind contributions, in-  
8 cluding the contribution of any valuable asset  
9 or service that the Secretary determines would  
10 substantially contribute to a project carried out  
11 under paragraph (1).

12 (5) OPERATION AND MAINTENANCE.—The Sec-  
13 retary may not use any amount made available  
14 under subsection (g)(2) to carry out the operation or  
15 maintenance of any project carried out under para-  
16 graph (1).

17 (e) EFFECT ON EXISTING AUTHORITY AND RESPON-  
18 SIBILITIES.—Nothing in this section—

19 (1) affects any existing project-specific funding  
20 authority; or

21 (2) limits or absolves the United States from  
22 any responsibility to any Rio Grande Pueblo (includ-  
23 ing any responsibility arising from a trust relation-  
24 ship or from any Federal law (including regula-

1 tions), Executive order, or agreement between the  
2 Federal Government and any Rio Grande Pueblo).

3 (f) EFFECT ON PUEBLO WATER RIGHTS OR STATE  
4 WATER LAW.—

5 (1) PUEBLO WATER RIGHTS.—Nothing in this  
6 section (including the implementation of any project  
7 carried out in accordance with this section) affects  
8 the right of any Pueblo to receive, divert, store, or  
9 claim a right to water, including the priority of right  
10 and the quantity of water associated with the water  
11 right under Federal or State law.

12 (2) STATE WATER LAW.—Nothing in this sec-  
13 tion preempts or affects—

14 (A) State water law; or

15 (B) an interstate compact governing water.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) STUDY.—There is authorized to be appro-  
18 priated to carry out subsection (c) \$4,000,000.

19 (2) PROJECTS.—There is authorized to be ap-  
20 propriated to carry out subsection (d) \$6,000,000  
21 for each of fiscal years 2010 through 2019.

22 **SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH**  
23 **PROGRAMS.**

24 (a) DEFINITIONS.—Section 2 of Public Law 106–392  
25 (114 Stat. 1602) is amended—

1 (1) in paragraph (5), by inserting “, rehabilita-  
2 tion, and repair” after “and replacement”; and

3 (2) in paragraph (6), by inserting “those for  
4 protection of critical habitat, those for preventing  
5 entrainment of fish in water diversions,” after  
6 “instream flows,”.

7 (b) AUTHORIZATION TO FUND RECOVERY PRO-  
8 GRAMS.—Section 3 of Public Law 106–392 (114 Stat.  
9 1603; 120 Stat. 290) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by striking  
12 “\$61,000,000” and inserting “\$88,000,000”;

13 (B) in paragraph (2), by striking “2010”  
14 and inserting “2023”; and

15 (C) in paragraph (3), by striking “2010”  
16 and inserting “2023”;

17 (2) in subsection (b)—

18 (A) in the matter preceding paragraph (1),  
19 by striking “\$126,000,000” and inserting  
20 “\$209,000,000”;

21 (B) in paragraph (1)—

22 (i) by striking “\$108,000,000” and  
23 inserting “\$179,000,000”; and

24 (ii) by striking “2010” and inserting  
25 “2023”; and

1 (C) in paragraph (2)—

2 (i) by striking “\$18,000,000” and in-  
3 sserting “\$30,000,000”; and

4 (ii) by striking “2010” and inserting  
5 “2023”; and

6 (3) in subsection (c)(4), by striking  
7 “\$31,000,000” and inserting “\$87,000,000”.

8 **SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.**

9 (a) DEFINITIONS.—In this section:

10 (1) DISTRICT.—The term “District” means the  
11 Fallbrook Public Utility District, San Diego County,  
12 California.

13 (2) PROJECT.—The term “Project” means the  
14 impoundment, recharge, treatment, and other facili-  
15 ties the construction, operation, watershed manage-  
16 ment, and maintenance of which is authorized under  
17 subsection (b).

18 (3) SECRETARY.—The term “Secretary” means  
19 the Secretary of the Interior.

20 (b) AUTHORIZATION FOR CONSTRUCTION OF SANTA  
21 MARGARITA RIVER PROJECT.—

22 (1) AUTHORIZATION.—The Secretary, acting  
23 pursuant to Federal reclamation law (the Act of  
24 June 17, 1902 (32 Stat. 388, chapter 1093), and  
25 Acts supplemental to and amendatory of that Act

1 (43 U.S.C. 371 et seq.), to the extent that law is not  
2 inconsistent with this section, may construct, oper-  
3 ate, and maintain the Project substantially in ac-  
4 cordance with the final feasibility report and envi-  
5 ronmental reviews for the Project and this section.

6 (2) CONDITIONS.—The Secretary may construct  
7 the Project only after the Secretary determines that  
8 the following conditions have occurred:

9 (A)(i) The District and the Secretary of  
10 the Navy have entered into contracts under  
11 subsections (c)(2) and (e) of section 9 of the  
12 Reclamation Project Act of 1939 (43 U.S.C.  
13 485h) to repay to the United States equitable  
14 and appropriate portions, as determined by the  
15 Secretary, of the actual costs of constructing,  
16 operating, and maintaining the Project.

17 (ii) As an alternative to a repayment con-  
18 tract with the Secretary of the Navy described  
19 in clause (i), the Secretary may allow the Sec-  
20 retary of the Navy to satisfy all or a portion of  
21 the repayment obligation for construction of the  
22 Project on the payment of the share of the Sec-  
23 retary of the Navy prior to the initiation of con-  
24 struction, subject to a final cost allocation as  
25 described in subsection (c).

1           (B) The officer or agency of the State of  
2 California authorized by law to grant permits  
3 for the appropriation of water has granted the  
4 permits to the Bureau of Reclamation for the  
5 benefit of the Secretary of the Navy and the  
6 District as permittees for rights to the use of  
7 water for storage and diversion as provided in  
8 this section, including approval of all requisite  
9 changes in points of diversion and storage, and  
10 purposes and places of use.

11           (C)(i) The District has agreed—

12                   (I) to not assert against the United  
13 States any prior appropriative right the  
14 District may have to water in excess of the  
15 quantity deliverable to the District under  
16 this section; and

17                   (II) to share in the use of the waters  
18 impounded by the Project on the basis of  
19 equal priority and in accordance with the  
20 ratio prescribed in subsection (d)(2).

21           (ii) The agreement and waiver under  
22 clause (i) and the changes in points of diversion  
23 and storage under subparagraph (B)—

1 (I) shall become effective and binding  
2 only when the Project has been completed  
3 and put into operation; and

4 (II) may be varied by agreement be-  
5 tween the District and the Secretary of the  
6 Navy.

7 (D) The Secretary has determined that the  
8 Project has completed applicable economic, en-  
9 vironmental, and engineering feasibility studies.

10 (c) COSTS.—

11 (1) IN GENERAL.—As determined by a final  
12 cost allocation after completion of the construction  
13 of the Project, the Secretary of the Navy shall be re-  
14 sponsible to pay upfront or repay to the Secretary  
15 only that portion of the construction, operation, and  
16 maintenance costs of the Project that the Secretary  
17 and the Secretary of the Navy determine reflects the  
18 extent to which the Department of the Navy benefits  
19 from the Project.

20 (2) OTHER CONTRACTS.—Notwithstanding  
21 paragraph (1), the Secretary may enter into a con-  
22 tract with the Secretary of the Navy for the im-  
23 poundment, storage, treatment, and carriage of prior  
24 rights water for domestic, municipal, fish and wild-

1 life, industrial, and other beneficial purposes using  
2 Project facilities.

3 (d) OPERATION; YIELD ALLOTMENT; DELIVERY.—

4 (1) OPERATION.—The Secretary, the District,  
5 or a third party (consistent with subsection (f)) may  
6 operate the Project, subject to a memorandum of  
7 agreement between the Secretary, the Secretary of  
8 the Navy, and the District and under regulations  
9 satisfactory to the Secretary of the Navy with re-  
10 spect to the share of the Project of the Department  
11 of the Navy.

12 (2) YIELD ALLOTMENT.—Except as otherwise  
13 agreed between the parties, the Secretary of the  
14 Navy and the District shall participate in the  
15 Project yield on the basis of equal priority and in ac-  
16 cordance with the following ratio:

17 (A) 60 percent of the yield of the Project  
18 is allotted to the Secretary of the Navy.

19 (B) 40 percent of the yield of the Project  
20 is allotted to the District.

21 (3) CONTRACTS FOR DELIVERY OF EXCESS  
22 WATER.—

23 (A) EXCESS WATER AVAILABLE TO OTHER  
24 PERSONS.—If the Secretary of the Navy cer-  
25 tifies to the official agreed on to administer the



1 Project that the Department of the Navy does  
2 not have immediate need for any portion of the  
3 60 percent of the yield of the Project allotted  
4 to the Secretary of the Navy under paragraph  
5 (2), the official may enter into temporary con-  
6 tracts for the sale and delivery of the excess  
7 water.

8 (B) FIRST RIGHT FOR EXCESS WATER.—  
9 The first right to excess water made available  
10 under subparagraph (A) shall be given the Dis-  
11 trict, if otherwise consistent with the laws of  
12 the State of California.

13 (C) CONDITION OF CONTRACTS.—Each  
14 contract entered into under subparagraph (A)  
15 for the sale and delivery of excess water shall  
16 include a condition that the Secretary of the  
17 Navy has the right to demand the water, with-  
18 out charge and without obligation on the part  
19 of the United States, after 30 days notice.

20 (D) MODIFICATION OF RIGHTS AND OBLI-  
21 GATIONS.—The rights and obligations of the  
22 United States and the District regarding the  
23 ratio, amounts, definition of Project yield, and  
24 payment for excess water may be modified by  
25 an agreement between the parties.

1 (4) CONSIDERATION.—

2 (A) DEPOSIT OF FUNDS.—

3 (i) IN GENERAL.—Amounts paid to  
4 the United States under a contract entered  
5 into under paragraph (3) shall be—

6 (I) deposited in the special ac-  
7 count established for the Department  
8 of the Navy under section 2667(e)(1)  
9 of title 10, United States Code; and

10 (II) shall be available for the  
11 purposes specified in section  
12 2667(e)(1)(C) of that title.

13 (ii) EXCEPTION.—Section  
14 2667(e)(1)(D) of title 10, United States  
15 Code, shall not apply to amounts deposited  
16 in the special account pursuant to this  
17 paragraph.

18 (B) IN-KIND CONSIDERATION.—In lieu of  
19 monetary consideration under subparagraph  
20 (A), or in addition to monetary consideration,  
21 the Secretary of the Navy may accept in-kind  
22 consideration in a form and quantity that is ac-  
23 ceptable to the Secretary of the Navy, includ-  
24 ing—

1 (i) maintenance, protection, alteration,  
2 repair, improvement, or restoration (in-  
3 cluding environmental restoration) of prop-  
4 erty or facilities of the Department of the  
5 Navy;

6 (ii) construction of new facilities for  
7 the Department of the Navy;

8 (iii) provision of facilities for use by  
9 the Department of the Navy;

10 (iv) facilities operation support for the  
11 Department of the Navy; and

12 (v) provision of such other services as  
13 the Secretary of the Navy considers appro-  
14 priate.

15 (C) RELATION TO OTHER LAWS.—Sections  
16 2662 and 2802 of title 10, United States Code,  
17 shall not apply to any new facilities the con-  
18 struction of which is accepted as in-kind consid-  
19 eration under this paragraph.

20 (D) CONGRESSIONAL NOTIFICATION.—If  
21 the in-kind consideration proposed to be pro-  
22 vided under a contract to be entered into under  
23 paragraph (3) has a value in excess of  
24 \$500,000, the contract may not be entered into  
25 until the earlier of—

1                   (i) the end of the 30-day period begin-  
2                   ning on the date on which the Secretary of  
3                   the Navy submits to the Committee on  
4                   Armed Services of the Senate and the  
5                   Committee on Armed Services of the  
6                   House of Representatives a report describ-  
7                   ing the contract and the form and quantity  
8                   of the in-kind consideration; or

9                   (ii) the end of the 14-day period be-  
10                   ginning on the date on which a copy of the  
11                   report referred to in clause (i) is provided  
12                   in an electronic medium pursuant to sec-  
13                   tion 480 of title 10, United States Code.

14           (e) REPAYMENT OBLIGATION OF THE DISTRICT.—

15                   (1) DETERMINATION.—

16                   (A) IN GENERAL.—Except as otherwise  
17                   provided in this paragraph, the general repay-  
18                   ment obligation of the District shall be deter-  
19                   mined by the Secretary consistent with sub-  
20                   sections (c)(2) and (e) of section 9 of the Rec-  
21                   lamation Project Act of 1939 (43 U.S.C. 485h)  
22                   to repay to the United States equitable and ap-  
23                   propriate portions, as determined by the Sec-  
24                   retary, of the actual costs of constructing, oper-  
25                   ating, and maintaining the Project.

1           (B) GROUNDWATER.—For purposes of cal-  
2           culating interest and determining the time when  
3           the repayment obligation of the District to the  
4           United States commences, the pumping and  
5           treatment of groundwater from the Project  
6           shall be deemed equivalent to the first use of  
7           water from a water storage project.

8           (C) CONTRACTS FOR DELIVERY OF EXCESS  
9           WATER.—There shall be no repayment obliga-  
10          tion under this subsection for water delivered to  
11          the District under a contract described in sub-  
12          section (d)(3).

13          (2) MODIFICATION OF RIGHTS AND OBLIGATION  
14          BY AGREEMENT.—The rights and obligations of the  
15          United States and the District regarding the repay-  
16          ment obligation of the District may be modified by  
17          an agreement between the parties.

18          (f) TRANSFER OF CARE, OPERATION, AND MAINTENANCE.—  
19

20               (1) IN GENERAL.—The Secretary may transfer  
21               to the District, or a mutually agreed upon third  
22               party, the care, operation, and maintenance of the  
23               Project under conditions that are—

24                       (A) satisfactory to the Secretary and the  
25               District; and

1 (B) with respect to the portion of the  
2 Project that is located within the boundaries of  
3 Camp Pendleton, satisfactory to the Secretary,  
4 the District, and the Secretary of the Navy.

5 (2) EQUITABLE CREDIT.—

6 (A) IN GENERAL.—In the event of a trans-  
7 fer under paragraph (1), the District shall be  
8 entitled to an equitable credit for the costs as-  
9 sociated with the proportionate share of the  
10 Secretary of the operation and maintenance of  
11 the Project.

12 (B) APPLICATION.—The amount of costs  
13 described in subparagraph (A) shall be applied  
14 against the indebtedness of the District to the  
15 United States.

16 (g) SCOPE OF SECTION.—

17 (1) IN GENERAL.—Except as otherwise pro-  
18 vided in this section, for the purpose of this section,  
19 the laws of the State of California shall apply to the  
20 rights of the United States pertaining to the use of  
21 water under this section.

22 (2) LIMITATIONS.—Nothing in this section—

23 (A) provides a grant or a relinquishment  
24 by the United States of any rights to the use  
25 of water that the United States acquired ac-

1 cording to the laws of the State of California,  
2 either as a result of the acquisition of the land  
3 comprising Camp Joseph H. Pendleton and ad-  
4 joining naval installations, and the rights to the  
5 use of water as a part of that acquisition, or  
6 through actual use or prescription or both since  
7 the date of that acquisition, if any;

8 (B) creates any legal obligation to store  
9 any water in the Project, to the use of which  
10 the United States has those rights;

11 (C) requires the division under this section  
12 of water to which the United States has those  
13 rights; or

14 (D) constitutes a recognition of, or an ad-  
15 mission by the United States that, the District  
16 has any rights to the use of water in the Santa  
17 Margarita River, which rights, if any, exist only  
18 by virtue of the laws of the State of California.

19 (h) LIMITATIONS ON OPERATION AND ADMINISTRA-  
20 TION.—Unless otherwise agreed by the Secretary of the  
21 Navy, the Project—

22 (1) shall be operated in a manner which allows  
23 the free passage of all of the water to the use of  
24 which the United States is entitled according to the  
25 laws of the State of California either as a result of

1 the acquisition of the land comprising Camp Joseph  
2 H. Pendleton and adjoining naval installations, and  
3 the rights to the use of water as a part of those ac-  
4 quisitions, or through actual use or prescription, or  
5 both, since the date of that acquisition, if any; and

6 (2) shall not be administered or operated in any  
7 way that will impair or deplete the quantities of  
8 water the use of which the United States would be  
9 entitled under the laws of the State of California  
10 had the Project not been built.

11 (i) REPORTS TO CONGRESS.—Not later than 2 years  
12 after the date of the enactment of this Act and periodically  
13 thereafter, the Secretary and the Secretary of the Navy  
14 shall each submit to the appropriate committees of Con-  
15 gress reports that describe whether the conditions speci-  
16 fied in subsection (b)(2) have been met and if so, the man-  
17 ner in which the conditions were met.

18 (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section—

20 (1) \$60,000,000, as adjusted to reflect the engi-  
21 neering costs indices for the construction cost of the  
22 Project; and

23 (2) such sums as are necessary to operate and  
24 maintain the Project.



1           (k) SUNSET.—The authority of the Secretary to com-  
2 plete construction of the Project shall terminate on the  
3 date that is 10 years after the date of enactment of this  
4 Act.

5 **SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.**

6           (a) IN GENERAL.—The Reclamation Wastewater and  
7 Groundwater Study and Facilities Act (Public Law 102–  
8 575, title XVI; 43 U.S.C. 390h et seq.) (as amended by  
9 section 9104(a)) is amended by adding at the end the fol-  
10 lowing:

11 **“SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DIS-**  
12 **TRICT PROJECTS, CALIFORNIA.**

13           “(a) AUTHORIZATION.—The Secretary, in coopera-  
14 tion with the Elsinore Valley Municipal Water District,  
15 California, may participate in the design, planning, and  
16 construction of permanent facilities needed to establish re-  
17 cycled water distribution and wastewater treatment and  
18 reclamation facilities that will be used to treat wastewater  
19 and provide recycled water in the Elsinore Valley Munic-  
20 ipal Water District, California.

21           “(b) COST SHARING.—The Federal share of the cost  
22 of each project described in subsection (a) shall not exceed  
23 25 percent of the total cost of the project.

1           “(c) LIMITATION.—Funds provided by the Secretary  
2 under this section shall not be used for operation or main-  
3 tenance of the projects described in subsection (a).

4           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
5 is authorized to be appropriated to carry out this section  
6 \$12,500,000.”.

7           (b) CLERICAL AMENDMENT.—The table of sections  
8 in section 2 of Public Law 102–575 (as amended by sec-  
9 tion 9104(b)) is amended by inserting after the item relat-  
10 ing to section 1649 the following:

          “Sec. 1650. Elsinore Valley Municipal Water District Projects, California.”.

11 **SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.**

12           (a) PROJECT AUTHORIZATION.—The Reclamation  
13 Wastewater and Groundwater Study and Facilities Act  
14 (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.)  
15 (as amended by section 9109(a)) is amended by adding  
16 at the end the following:

17 **“SEC. 1651. NORTH BAY WATER REUSE PROGRAM.**

18           “(a) DEFINITIONS.—In this section:

19                   “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
20 tity’ means a member agency of the North Bay  
21 Water Reuse Authority of the State located in the  
22 North San Pablo Bay watershed in—

23                           “(A) Marin County;

24                           “(B) Napa County;

25                           “(C) Solano County; or

1                   “(D) Sonoma County.

2                   “(2) WATER RECLAMATION AND REUSE  
3 PROJECT.—The term ‘water reclamation and reuse  
4 project’ means a project carried out by the Secretary  
5 and an eligible entity in the North San Pablo Bay  
6 watershed relating to—

7                   “(A) water quality improvement;

8                   “(B) wastewater treatment;

9                   “(C) water reclamation and reuse;

10                  “(D) groundwater recharge and protection;

11                  “(E) surface water augmentation; or

12                  “(F) other related improvements.

13                  “(3) STATE.—The term ‘State’ means the State  
14 of California.

15                  “(b) NORTH BAY WATER REUSE PROGRAM.—

16                  “(1) IN GENERAL.—Contingent upon a finding  
17 of feasibility, the Secretary, acting through a cooper-  
18 ative agreement with the State or a subdivision of  
19 the State, is authorized to enter into cooperative  
20 agreements with eligible entities for the planning,  
21 design, and construction of water reclamation and  
22 reuse facilities and recycled water conveyance and  
23 distribution systems.

24                  “(2) COORDINATION WITH OTHER FEDERAL  
25 AGENCIES.—In carrying out this section, the Sec-

1       retary and the eligible entity shall, to the maximum  
2       extent practicable, use the design work and environ-  
3       mental evaluations initiated by—

4               “(A) non-Federal entities; and

5               “(B) the Corps of Engineers in the San  
6       Pablo Bay Watershed of the State.

7       “(3) PHASED PROJECT.—A cooperative agree-  
8       ment described in paragraph (1) shall require that  
9       the North Bay Water Reuse Program carried out  
10      under this section shall consist of 2 phases as fol-  
11      lows:

12              “(A) FIRST PHASE.—During the first  
13      phase, the Secretary and an eligible entity shall  
14      complete the planning, design, and construction  
15      of the main treatment and main conveyance  
16      systems.

17              “(B) SECOND PHASE.—During the second  
18      phase, the Secretary and an eligible entity shall  
19      complete the planning, design, and construction  
20      of the sub-regional distribution systems.

21      “(4) COST SHARING.—

22              “(A) FEDERAL SHARE.—The Federal  
23      share of the cost of the first phase of the  
24      project authorized by this section shall not ex-

1           ceed 25 percent of the total cost of the first  
2           phase of the project.

3           “(B) FORM OF NON-FEDERAL SHARE.—

4           The non-Federal share may be in the form of  
5           any in-kind services that the Secretary deter-  
6           mines would contribute substantially toward the  
7           completion of the water reclamation and reuse  
8           project, including—

9                   “(i) reasonable costs incurred by the  
10                   eligible entity relating to the planning, de-  
11                   sign, and construction of the water rec-  
12                   lamation and reuse project; and

13                   “(ii) the acquisition costs of land ac-  
14                   quired for the project that is—

15                           “(I) used for planning, design,  
16                           and construction of the water rec-  
17                           lamation and reuse project facilities;  
18                           and

19                           “(II) owned by an eligible entity  
20                           and directly related to the project.

21           “(C) LIMITATION.—The Secretary shall  
22           not provide funds for the operation and mainte-  
23           nance of the project authorized by this section.

24           “(5) EFFECT.—Nothing in this section—

25                   “(A) affects or preempts—

1 “(i) State water law; or

2 “(ii) an interstate compact relating to  
3 the allocation of water; or

4 “(B) confers on any non-Federal entity the  
5 ability to exercise any Federal right to—

6 “(i) the water of a stream; or

7 “(ii) any groundwater resource.

8 “(6) AUTHORIZATION OF APPROPRIATIONS.—

9 There is authorized to be appropriated for the Fed-  
10 eral share of the total cost of the first phase of the  
11 project authorized by this section \$25,000,000, to  
12 remain available until expended.”.

13 (b) CONFORMING AMENDMENT.—The table of sec-  
14 tions in section 2 of Public Law 102–575 (as amended  
15 by section 9109(b)) is amended by inserting after the item  
16 relating to section 1650 the following:

“Sec. 1651. North Bay water reuse program.”.

17 **SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM**  
18 **PROJECT, CALIFORNIA.**

19 (a) PRADO BASIN NATURAL TREATMENT SYSTEM  
20 PROJECT.—

21 (1) IN GENERAL.—The Reclamation Waste-  
22 water and Groundwater Study and Facilities Act  
23 (Public Law 102–575, title XVI; 43 U.S.C. 390h et  
24 seq.) (as amended by section 9110(a)) is amended  
25 by adding at the end the following:

1 **“SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM**  
2 **PROJECT.**

3 “(a) IN GENERAL.—The Secretary, in cooperation  
4 with the Orange County Water District, shall participate  
5 in the planning, design, and construction of natural treat-  
6 ment systems and wetlands for the flows of the Santa Ana  
7 River, California, and its tributaries into the Prado Basin.

8 “(b) COST SHARING.—The Federal share of the cost  
9 of the project described in subsection (a) shall not exceed  
10 25 percent of the total cost of the project.

11 “(c) LIMITATION.—Funds provided by the Secretary  
12 shall not be used for the operation and maintenance of  
13 the project described in subsection (a).

14 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
15 is authorized to be appropriated to carry out this section  
16 \$10,000,000.

17 “(e) SUNSET OF AUTHORITY.—This section shall  
18 have no effect after the date that is 10 years after the  
19 date of the enactment of this section.”.

20 (2) CONFORMING AMENDMENT.—The table of  
21 sections in section 2 of Public Law 102–575 (43  
22 U.S.C. prec. 371) (as amended by section 9110(b))  
23 is amended by inserting after the last item the fol-  
24 lowing:

“1652. Prado Basin Natural Treatment System Project.”.

1 (b) LOWER CHINO DAIRY AREA DESALINATION  
2 DEMONSTRATION AND RECLAMATION PROJECT.—

3 (1) IN GENERAL.—The Reclamation Waste-  
4 water and Groundwater Study and Facilities Act  
5 (Public Law 102–575, title XVI; 43 U.S.C. 390h et  
6 seq.) (as amended by subsection (a)(1)) is amended  
7 by adding at the end the following:

8 **“SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION**  
9 **DEMONSTRATION AND RECLAMATION**  
10 **PROJECT.**

11 “(a) IN GENERAL.—The Secretary, in cooperation  
12 with the Chino Basin Watermaster, the Inland Empire  
13 Utilities Agency, and the Santa Ana Watershed Project  
14 Authority and acting under the Federal reclamation laws,  
15 shall participate in the design, planning, and construction  
16 of the Lower Chino Dairy Area desalination demonstra-  
17 tion and reclamation project.

18 “(b) COST SHARING.—The Federal share of the cost  
19 of the project described in subsection (a) shall not ex-  
20 ceed—

21 “(1) 25 percent of the total cost of the project;

22 or

23 “(2) \$26,000,000.



1           “(c) LIMITATION.—Funds provided by the Secretary  
2 shall not be used for operation or maintenance of the  
3 project described in subsection (a).

4           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated such sums as are nec-  
6 essary to carry out this section.

7           “(e) SUNSET OF AUTHORITY.—This section shall  
8 have no effect after the date that is 10 years after the  
9 date of the enactment of this section.”.

10           (2) CONFORMING AMENDMENT.—The table of  
11 sections in section 2 of Public Law 102–575 (43  
12 U.S.C. prec. 371) (as amended by subsection (a)(2))  
13 is amended by inserting after the last item the fol-  
14 lowing:

“1653. Lower Chino dairy area desalination demonstration and reclamation  
project.”.

15           (c) ORANGE COUNTY REGIONAL WATER RECLAMA-  
16 TION PROJECT.—Section 1624 of the Reclamation Waste-  
17 water and Groundwater Study and Facilities Act (Public  
18 Law 102–575, title XVI; 43 U.S.C. 390h–12j) is amend-  
19 ed—

20           (1) in the section heading, by striking the  
21 words “**PHASE 1 OF THE**”; and

22           (2) in subsection (a), by striking “phase 1 of”.

1 **SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALI-**  
2 **FORNIA.**

3 (a) DEFINITIONS.—In this section:

4 (1) DISTRICT.—The term “District” means the  
5 Western Municipal Water District, Riverside Coun-  
6 ty, California.

7 (2) PROJECT.—

8 (A) IN GENERAL.—The term “Project”  
9 means the Riverside-Corona Feeder Project.

10 (B) INCLUSIONS.—The term “Project” in-  
11 cludes—

12 (i) 20 groundwater wells;

13 (ii) groundwater treatment facilities;

14 (iii) water storage and pumping facili-  
15 ties; and

16 (iv) 28 miles of pipeline in San  
17 Bernardino and Riverside Counties in the  
18 State of California.

19 (C) SECRETARY.—The term “Secretary”  
20 means the Secretary of the Interior.

21 (b) PLANNING, DESIGN, AND CONSTRUCTION OF  
22 RIVERSIDE-CORONA FEEDER.—

23 (1) IN GENERAL.—The Secretary, in coopera-  
24 tion with the District, may participate in the plan-  
25 ning, design, and construction of the Project.

1           (2) AGREEMENTS AND REGULATIONS.—The  
2 Secretary may enter into such agreements and pro-  
3 mulgate such regulations as are necessary to carry  
4 out this subsection.

5           (3) FEDERAL SHARE.—

6           (A) PLANNING, DESIGN, CONSTRUCTION.—

7           The Federal share of the cost to plan, design,  
8 and construct the Project shall not exceed the  
9 lesser of—

10                   (i) an amount equal to 25 percent of  
11 the total cost of the Project; and

12                   (ii) \$26,000,000.

13           (B) STUDIES.—The Federal share of the  
14 cost to complete the necessary planning studies  
15 associated with the Project—

16                   (i) shall not exceed an amount equal  
17 to 50 percent of the total cost of the stud-  
18 ies; and

19                   (ii) shall be included as part of the  
20 limitation described in subparagraph (A).

21           (4) IN-KIND SERVICES.—The non-Federal share  
22 of the cost of the Project may be provided in cash  
23 or in kind.

1           (5) LIMITATION.—Funds provided by the Sec-  
2           retary under this subsection shall not be used for op-  
3           eration or maintenance of the Project.

4           (6) AUTHORIZATION OF APPROPRIATIONS.—  
5           There is authorized to be appropriated to the Sec-  
6           retary to carry out this subsection the lesser of—

7                   (A) an amount equal to 25 percent of the  
8                   total cost of the Project; and

9                   (B) \$26,000,000.

10 **SEC. 9113. GREAT PROJECT, CALIFORNIA.**

11           (a) IN GENERAL.—The Reclamation Wastewater and  
12           Groundwater Study and Facilities Act (title XVI of Public  
13           Law 102–575; 43 U.S.C. 390h et seq.) (as amended by  
14           section 9111(b)(1)) is amended by adding at the end the  
15           following:

16 **“SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION,**  
17 **REUSE, AND TREATMENT PROJECT.**

18           “(a) AUTHORIZATION.—The Secretary, in coopera-  
19           tion with the City of Oxnard, California, may participate  
20           in the design, planning, and construction of Phase I per-  
21           manent facilities for the GREAT project to reclaim, reuse,  
22           and treat impaired water in the area of Oxnard, Cali-  
23           fornia.

1       “(b) COST SHARE.—The Federal share of the costs  
2 of the project described in subsection (a) shall not exceed  
3 25 percent of the total cost.

4       “(c) LIMITATION.—The Secretary shall not provide  
5 funds for the following:

6           “(1) The operations and maintenance of the  
7 project described in subsection (a).

8           “(2) The construction, operations, and mainte-  
9 nance of the visitor’s center related to the project  
10 described in subsection (a).

11       “(d) SUNSET OF AUTHORITY.—The authority of the  
12 Secretary to carry out any provisions of this section shall  
13 terminate 10 years after the date of the enactment of this  
14 section.”.

15       (b) CLERICAL AMENDMENT.—The table of sections  
16 in section 2 of the Reclamation Projects Authorization and  
17 Adjustment Act of 1992 (as amended by section  
18 9111(b)(2)) is amended by inserting after the last item  
19 the following:

“Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment  
project.”.

20 **SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALI-**  
21 **FORNIA.**

22       (a) IN GENERAL.—The Reclamation Wastewater and  
23 Groundwater Study and Facilities Act (Public Law 102–  
24 575, title XVI; 43 U.S.C. 390h et seq.) (as amended by

1 section 9113(a)) is amended by adding at the end the fol-  
2 lowing:

3 **“SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY**  
4 **RENEWAL PROJECT.**

5 “(a) AUTHORIZATION.—The Secretary, in coopera-  
6 tion with the Yucaipa Valley Water District, may partici-  
7 pate in the design, planning, and construction of projects  
8 to treat impaired surface water, reclaim and reuse im-  
9 paired groundwater, and provide brine disposal within the  
10 Santa Ana Watershed as described in the report submitted  
11 under section 1606.

12 “(b) COST SHARING.—The Federal share of the cost  
13 of the project described in subsection (a) shall not exceed  
14 25 percent of the total cost of the project.

15 “(c) LIMITATION.—Funds provided by the Secretary  
16 shall not be used for operation or maintenance of the  
17 project described in subsection (a).

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
19 is authorized to be appropriated to carry out this section  
20 \$20,000,000.

21 **“SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA,**  
22 **WATER RECYCLING AND REUSE PROJECT.**

23 “(a) AUTHORIZATION.—The Secretary, in coopera-  
24 tion with the City of Corona Water Utility, California, is  
25 authorized to participate in the design, planning, and con-

1 struction of, and land acquisition for, a project to reclaim  
2 and reuse wastewater, including degraded groundwaters,  
3 within and outside of the service area of the City of Co-  
4 rona Water Utility, California.

5 “(b) COST SHARE.—The Federal share of the cost  
6 of the project authorized by this section shall not exceed  
7 25 percent of the total cost of the project.

8 “(c) LIMITATION.—The Secretary shall not provide  
9 funds for the operation and maintenance of the project  
10 authorized by this section.”.

11 (b) CONFORMING AMENDMENTS.—The table of sec-  
12 tions in section 2 of Public Law 102–575 (as amended  
13 by section 9114(b)) is amended by inserting after the last  
14 item the following:

“Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

“Sec. 1656. City of Corona Water Utility, California, water recycling and reuse  
project.”.

15 **SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.**

16 (a) COST SHARE.—The first section of Public Law  
17 87–590 (76 Stat. 389) is amended in the second sentence  
18 of subsection (c) by inserting after “cost thereof,” the fol-  
19 lowing: “or in the case of the Arkansas Valley Conduit,  
20 payment in an amount equal to 35 percent of the cost  
21 of the conduit that is comprised of revenue generated by  
22 payments pursuant to a repayment contract and revenue  
23 that may be derived from contracts for the use of

1 Fryingpan-Arkansas project excess capacity or exchange  
2 contracts using Fryingpan-Arkansas project facilities,”.

3 (b) RATES.—Section 2(b) of Public Law 87–590 (76  
4 Stat. 390) is amended—

5 (1) by striking “(b) Rates” and inserting the  
6 following:

7 “(b) RATES.—

8 “(1) IN GENERAL.—Rates”; and

9 (2) by adding at the end the following:

10 “(2) RUEDI DAM AND RESERVOIR, FOUNTAIN  
11 VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT  
12 PUEBLO DAM AND RESERVOIR.—

13 “(A) IN GENERAL.—Notwithstanding the  
14 reclamation laws, until the date on which the  
15 payments for the Arkansas Valley Conduit  
16 under paragraph (3) begin, any revenue that  
17 may be derived from contracts for the use of  
18 Fryingpan-Arkansas project excess capacity or  
19 exchange contracts using Fryingpan-Arkansas  
20 project facilities shall be credited towards pay-  
21 ment of the actual cost of Ruedi Dam and Res-  
22 ervoir, the Fountain Valley Pipeline, and the  
23 South Outlet Works at Pueblo Dam and Res-  
24 ervoir plus interest in an amount determined in  
25 accordance with this section.



1           “(B) EFFECT.—Nothing in the Federal  
2           reclamation law (the Act of June 17, 1902 (32  
3           Stat. 388, chapter 1093), and Acts supple-  
4           mental to and amendatory of that Act (43  
5           U.S.C. 371 et seq.)) prohibits the concurrent  
6           crediting of revenue (with interest as provided  
7           under this section) towards payment of the Ar-  
8           kansas Valley Conduit as provided under this  
9           paragraph.

10          “(3) ARKANSAS VALLEY CONDUIT.—

11           “(A) USE OF REVENUE.—Notwithstanding  
12           the reclamation laws, any revenue derived from  
13           contracts for the use of Fryingpan-Arkansas  
14           project excess capacity or exchange contracts  
15           using Fryingpan-Arkansas project facilities  
16           shall be credited towards payment of the actual  
17           cost of the Arkansas Valley Conduit plus inter-  
18           est in an amount determined in accordance with  
19           this section.

20           “(B) ADJUSTMENT OF RATES.—Any rates  
21           charged under this section for water for munic-  
22           ipal, domestic, or industrial use or for the use  
23           of facilities for the storage or delivery of water  
24           shall be adjusted to reflect the estimated rev-  
25           enue derived from contracts for the use of

1 Fryingpan-Arkansas project excess capacity or  
2 exchange contracts using Fryingpan-Arkansas  
3 project facilities.”.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
5 7 of Public Law 87–590 (76 Stat. 393) is amended—

6 (1) by striking “SEC. 7. There is hereby” and  
7 inserting the following:

8 **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

9 “(a) IN GENERAL.—There is”; and

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

11 “(b) ARKANSAS VALLEY CONDUIT.—

12 “(1) IN GENERAL.—Subject to annual appro-  
13 priations and paragraph (2), there are authorized to  
14 be appropriated such sums as are necessary for the  
15 construction of the Arkansas Valley Conduit.

16 “(2) LIMITATION.—Amounts made available  
17 under paragraph (1) shall not be used for the oper-  
18 ation or maintenance of the Arkansas Valley Con-  
19 duit.”.

20 **Subtitle C—Title Transfers and**  
21 **Clarifications**

22 **SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FA-**  
23 **CILITIES.**

24 (a) DEFINITIONS.—In this section:

1           (1) AGREEMENT.—The term “Agreement”  
2 means the agreement numbered 06–AG–60–2115  
3 and entitled “Agreement Between the United States  
4 of America and McGee Creek Authority for the Pur-  
5 pose of Defining Responsibilities Related to and Im-  
6 plementing the Title Transfer of Certain Facilities  
7 at the McGee Creek Project, Oklahoma”.

8           (2) AUTHORITY.—The term “Authority” means  
9 the McGee Creek Authority located in Oklahoma  
10 City, Oklahoma.

11           (3) SECRETARY.—The term “Secretary” means  
12 the Secretary of the Interior.

13           (b) CONVEYANCE OF MCGEE CREEK PROJECT PIPE-  
14 LINE AND ASSOCIATED FACILITIES.—

15           (1) AUTHORITY TO CONVEY.—

16           (A) IN GENERAL.—In accordance with all  
17 applicable laws and consistent with any terms  
18 and conditions provided in the Agreement, the  
19 Secretary may convey to the Authority all right,  
20 title, and interest of the United States in and  
21 to the pipeline and any associated facilities de-  
22 scribed in the Agreement, including—

23                   (i) the pumping plant;

1                   (ii) the raw water pipeline from the  
2                   McGee Creek pumping plant to the rate of  
3                   flow control station at Lake Atoka;

4                   (iii) the surge tank;

5                   (iv) the regulating tank;

6                   (v) the McGee Creek operation and  
7                   maintenance complex, maintenance shop,  
8                   and pole barn; and

9                   (vi) any other appurtenances, ease-  
10                  ments, and fee title land associated with  
11                  the facilities described in clauses (i)  
12                  through (v), in accordance with the Agree-  
13                  ment.

14                  (B) EXCLUSION OF MINERAL ESTATE  
15                  FROM CONVEYANCE.—

16                  (i) IN GENERAL.—The mineral estate  
17                  shall be excluded from the conveyance of  
18                  any land or facilities under subparagraph  
19                  (A).

20                  (ii) MANAGEMENT.—Any mineral in-  
21                  terests retained by the United States  
22                  under this section shall be managed—

23                                  (I) consistent with Federal law;  
24                                  and

1 (II) in a manner that would not  
2 interfere with the purposes for which  
3 the McGee Creek Project was author-  
4 ized.

5 (C) COMPLIANCE WITH AGREEMENT; AP-  
6 PLICABLE LAW.—

7 (i) AGREEMENT.—All parties to the  
8 conveyance under subparagraph (A) shall  
9 comply with the terms and conditions of  
10 the Agreement, to the extent consistent  
11 with this section.

12 (ii) APPLICABLE LAW.—Before any  
13 conveyance under subparagraph (A), the  
14 Secretary shall complete any actions re-  
15 quired under—

16 (I) the National Environmental  
17 Policy Act of 1969 (42 U.S.C. 4321  
18 et seq.);

19 (II) the Endangered Species Act  
20 of 1973 (16 U.S.C. 1531 et seq.);

21 (III) the National Historic Pres-  
22 ervation Act (16 U.S.C. 470 et seq.);  
23 and

24 (IV) any other applicable laws.

1           (2) OPERATION OF TRANSFERRED FACILI-  
2 TIES.—

3           (A) IN GENERAL.—On the conveyance of  
4 the land and facilities under paragraph (1)(A),  
5 the Authority shall comply with all applicable  
6 Federal, State, and local laws (including regula-  
7 tions) in the operation of any transferred facili-  
8 ties.

9           (B) OPERATION AND MAINTENANCE  
10 COSTS.—

11           (i) IN GENERAL.—After the convey-  
12 ance of the land and facilities under para-  
13 graph (1)(A) and consistent with the  
14 Agreement, the Authority shall be respon-  
15 sible for all duties and costs associated  
16 with the operation, replacement, mainte-  
17 nance, enhancement, and betterment of the  
18 transferred land and facilities.

19           (ii) LIMITATION ON FUNDING.—The  
20 Authority shall not be eligible to receive  
21 any Federal funding to assist in the oper-  
22 ation, replacement, maintenance, enhance-  
23 ment, and betterment of the transferred  
24 land and facilities, except for funding that

1           would be available to any comparable enti-  
2           ty that is not subject to reclamation laws.

3           (3) RELEASE FROM LIABILITY.—

4           (A) IN GENERAL.—Effective beginning on  
5           the date of the conveyance of the land and fa-  
6           cilities under paragraph (1)(A), the United  
7           States shall not be liable for damages of any  
8           kind arising out of any act, omission, or occur-  
9           rence relating to any land or facilities conveyed,  
10          except for damages caused by acts of negligence  
11          committed by the United States (including any  
12          employee or agent of the United States) before  
13          the date of the conveyance.

14          (B) NO ADDITIONAL LIABILITY.—Nothing  
15          in this paragraph adds to any liability that the  
16          United States may have under chapter 171 of  
17          title 28, United States Code.

18          (4) CONTRACTUAL OBLIGATIONS.—

19          (A) IN GENERAL.—Except as provided in  
20          subparagraph (B), any rights and obligations  
21          under the contract numbered 0-07-50-X0822  
22          and dated October 11, 1979, between the Au-  
23          thority and the United States for the construc-  
24          tion, operation, and maintenance of the McGee

1 Creek Project, shall remain in full force and ef-  
2 fect.

3 (B) AMENDMENTS.—With the consent of  
4 the Authority, the Secretary may amend the  
5 contract described in subparagraph (A) to re-  
6 flect the conveyance of the land and facilities  
7 under paragraph (1)(A).

8 (5) APPLICABILITY OF THE RECLAMATION  
9 LAWS.—Notwithstanding the conveyance of the land  
10 and facilities under paragraph (1)(A), the reclama-  
11 tion laws shall continue to apply to any project  
12 water provided to the Authority.

13 **SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEX-**  
14 **ICO, TITLE CLARIFICATION.**

15 (a) PURPOSE.—The purpose of this section is to di-  
16 rect the Secretary of the Interior to issue a quitclaim deed  
17 conveying any right, title, and interest the United States  
18 may have in and to Tingley Beach, San Gabriel Park, or  
19 the BioPark Parcels to the City, thereby removing a po-  
20 tential cloud on the City's title to these lands.

21 (b) DEFINITIONS.—In this section:

22 (1) CITY.—The term “City” means the City of  
23 Albuquerque, New Mexico.

24 (2) BIOPARK PARCELS.—The term “BioPark  
25 Parcels” means a certain area of land containing



1       19.16 acres, more or less, situated within the Town  
2       of Albuquerque Grant, in Projected Section 13,  
3       Township 10 North, Range 2 East, N.M.P.M., City  
4       of Albuquerque, Bernalillo County, New Mexico,  
5       comprised of the following platted tracts and lot,  
6       and MRGCD tracts:

7               (A) Tracts A and B, Albuquerque Biologi-  
8               cal Park, as the same are shown and designated  
9               on the Plat of Tracts A & B, Albuquerque Bio-  
10              logical Park, recorded in the Office of the  
11              County Clerk of Bernalillo County, New Mexico  
12              on February 11, 1994 in Book 94C, Page 44;  
13              containing 17.9051 acres, more or less.

14             (B) Lot B-1, Roger Cox Addition, as the  
15             same is shown and designated on the Plat of  
16             Lots B-1 and B-2 Roger Cox Addition, re-  
17             corded in the Office of the County Clerk of  
18             Bernalillo County, New Mexico on October 3,  
19             1985 in Book C28, Page 99; containing 0.6289  
20             acres, more or less.

21             (C) Tract 361 of MRGCD Map 38, bound-  
22             ed on the north by Tract A, Albuquerque Bio-  
23             logical Park, on the east by the westerly right-  
24             of-way of Central Avenue, on the south by  
25             Tract 332B MRGCD Map 38, and on the west

1 by Tract B, Albuquerque Biological Park; con-  
2 taining 0.30 acres, more or less.

3 (D) Tract 332B of MRGCD Map 38;  
4 bounded on the north by Tract 361, MRGCD  
5 Map 38, on the west by Tract 32A-1-A,  
6 MRGCD Map 38, and on the south and east by  
7 the westerly right-of-way of Central Avenue;  
8 containing 0.25 acres, more or less.

9 (E) Tract 331A-1A of MRGCD Map 38,  
10 bounded on the west by Tract B, Albuquerque  
11 Biological Park, on the east by Tract 332B,  
12 MRGCD Map 38, and on the south by the  
13 westerly right-of-way of Central Avenue and  
14 Tract A, Albuquerque Biological Park; con-  
15 taining 0.08 acres, more or less.

16 (3) MIDDLE RIO GRANDE CONSERVANCY DIS-  
17 TRICT.—The terms “Middle Rio Grande Conser-  
18 vancy District” and “MRGCD” mean a political  
19 subdivision of the State of New Mexico, created in  
20 1925 to provide and maintain flood protection and  
21 drainage, and maintenance of ditches, canals, and  
22 distribution systems for irrigation and water delivery  
23 and operations in the Middle Rio Grande Valley.

24 (4) MIDDLE RIO GRANDE PROJECT.—The term  
25 “Middle Rio Grande Project” means the works asso-

1       ciated with water deliveries and operations in the  
2       Rio Grande basin as authorized by the Flood Con-  
3       trol Act of 1948 (Public Law 80–858; 62 Stat.  
4       1175) and the Flood Control Act of 1950 (Public  
5       Law 81–516; 64 Stat. 170).

6           (5) SAN GABRIEL PARK.—The term “San Ga-  
7       briel Park” means the tract of land containing  
8       40.2236 acres, more or less, situated within Section  
9       12 and Section 13, T10N, R2E, N.M.P.M., City of  
10      Albuquerque, Bernalillo County, New Mexico, and  
11      described by New Mexico State Plane Grid Bearings  
12      (Central Zone) and ground distances in a Special  
13      Warranty Deed conveying the property from  
14      MRGCD to the City, dated November 25, 1997.

15          (6) TINGLEY BEACH.—The term “Tingley  
16      Beach” means the tract of land containing 25.2005  
17      acres, more or less, situated within Section 13 and  
18      Section 24, T10N, R2E, and secs. 18 and 19,  
19      T10N, R3E, N.M.P.M., City of Albuquerque,  
20      Bernalillo County, New Mexico, and described by  
21      New Mexico State Plane Grid Bearings (Central  
22      Zone) and ground distances in a Special Warranty  
23      Deed conveying the property from MRGCD to the  
24      City, dated November 25, 1997.

25      (c) CLARIFICATION OF PROPERTY INTEREST.—

1           (1) REQUIRED ACTION.—The Secretary of the  
2 Interior shall issue a quitclaim deed conveying any  
3 right, title, and interest the United States may have  
4 in and to Tingley Beach, San Gabriel Park, and the  
5 BioPark Parcels to the City.

6           (2) TIMING.—The Secretary shall carry out the  
7 action in paragraph (1) as soon as practicable after  
8 the date of enactment of this Act and in accordance  
9 with all applicable law.

10           (3) NO ADDITIONAL PAYMENT.—The City shall  
11 not be required to pay any additional costs to the  
12 United States for the value of San Gabriel Park,  
13 Tingley Beach, and the BioPark Parcels.

14           (d) OTHER RIGHTS, TITLE, AND INTERESTS UNAF-  
15 FECTED.—

16           (1) IN GENERAL.—Except as expressly provided  
17 in subsection (c), nothing in this section shall be  
18 construed to affect any right, title, or interest in and  
19 to any land associated with the Middle Rio Grande  
20 Project.

21           (2) ONGOING LITIGATION.—Nothing contained  
22 in this section shall be construed or utilized to affect  
23 or otherwise interfere with any position set forth by  
24 any party in the lawsuit pending before the United  
25 States District Court for the District of New Mex-

1       ico, 99-CV-01320-JAP-RHS, entitled Rio Grande  
2       Silvery Minnow v. John W. Keys, III, concerning the  
3       right, title, or interest in and to any property associ-  
4       ated with the Middle Rio Grande Project.

5   **SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION**  
6                   **SYSTEM, CALIFORNIA.**

7       (a) DEFINITIONS.—In this section:

8           (1) AGREEMENT.—The term “Agreement”  
9       means Agreement No. 07-LC-20-9387 between the  
10      United States and the District, entitled “Agreement  
11      Between the United States and the Goleta Water  
12      District to Transfer Title of the Federally Owned  
13      Distribution System to the Goleta Water District”.

14      (2) DISTRICT.—The term “District” means the  
15      Goleta Water District, located in Santa Barbara  
16      County, California.

17      (3) GOLETA WATER DISTRIBUTION SYSTEM.—  
18      The term “Goleta Water Distribution System”  
19      means the facilities constructed by the United States  
20      to enable the District to convey water to its water  
21      users, and associated lands, as described in Appen-  
22      dix A of the Agreement.

23      (4) SECRETARY.—The term “Secretary” means  
24      the Secretary of the Interior.

1           (b) CONVEYANCE OF THE GOLETA WATER DIS-  
2 TRIBUTION SYSTEM.—The Secretary is authorized to con-  
3 vey to the District all right, title, and interest of the  
4 United States in and to the Goleta Water Distribution  
5 System of the Cachuma Project, California, subject to  
6 valid existing rights and consistent with the terms and  
7 conditions set forth in the Agreement.

8           (c) LIABILITY.—Effective upon the date of the con-  
9 veyance authorized by subsection (b), the United States  
10 shall not be held liable by any court for damages of any  
11 kind arising out of any act, omission, or occurrence relat-  
12 ing to the lands, buildings, or facilities conveyed under this  
13 section, except for damages caused by acts of negligence  
14 committed by the United States or by its employees or  
15 agents prior to the date of conveyance. Nothing in this  
16 section increases the liability of the United States beyond  
17 that provided in chapter 171 of title 28, United States  
18 Code (popularly known as the Federal Tort Claims Act).

19           (d) BENEFITS.—After conveyance of the Goleta  
20 Water Distribution System under this section—

21               (1) such distribution system shall not be consid-  
22 ered to be a part of a Federal reclamation project;  
23 and

24               (2) the District shall not be eligible to receive  
25 any benefits with respect to any facility comprising

1 the Goleta Water Distribution System, except bene-  
2 fits that would be available to a similarly situated  
3 entity with respect to property that is not part of a  
4 Federal reclamation project.

5 (e) COMPLIANCE WITH OTHER LAWS.—

6 (1) COMPLIANCE WITH ENVIRONMENTAL AND  
7 HISTORIC PRESERVATION LAWS.—Prior to any con-  
8 veyance under this section, the Secretary shall com-  
9 plete all actions required under the National Envi-  
10 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
11 seq.), the Endangered Species Act of 1973 (16  
12 U.S.C. 1531 et seq.), the National Historic Preser-  
13 vation Act (16 U.S.C. 470 et seq.), and all other ap-  
14 plicable laws.

15 (2) COMPLIANCE BY THE DISTRICT.—Upon the  
16 conveyance of the Goleta Water Distribution System  
17 under this section, the District shall comply with all  
18 applicable Federal, State, and local laws and regula-  
19 tions in its operation of the facilities that are trans-  
20 ferred.

21 (3) APPLICABLE AUTHORITY.—All provisions of  
22 Federal reclamation law (the Act of June 17, 1902  
23 (43 U.S.C. 371 et seq.) and Acts supplemental to  
24 and amendatory of that Act) shall continue to be ap-  
25 plicable to project water provided to the District.

1 (f) REPORT.—If, 12 months after the date of the en-  
2 actment of this Act, the Secretary has not completed the  
3 conveyance required under subsection (b), the Secretary  
4 shall complete a report that states the reason the convey-  
5 ance has not been completed and the date by which the  
6 conveyance shall be completed. The Secretary shall submit  
7 a report required under this subsection to Congress not  
8 later than 14 months after the date of the enactment of  
9 this Act.

10 **Subtitle D—San Gabriel Basin**  
11 **Restoration Fund**

12 **SEC. 9301. RESTORATION FUND.**

13 Section 110 of division B of the Miscellaneous Appro-  
14 priations Act, 2001 (114 Stat. 2763A–222), as enacted  
15 into law by section 1(a)(4) of the Consolidated Appropria-  
16 tions Act, 2001 (Public Law 106–554, as amended by  
17 Public Law 107–66), is further amended—

18 (1) in subsection (a)(3)(B), by inserting after  
19 clause (iii) the following:

20 “(iv) NON-FEDERAL MATCH.—After  
21 \$85,000,000 has cumulatively been appro-  
22 priated under subsection (d)(1), the re-  
23 mainder of Federal funds appropriated  
24 under subsection (d) shall be subject to the  
25 following matching requirement:



1                   “(I) SAN GABRIEL BASIN WATER  
2                   QUALITY AUTHORITY.—The San Ga-  
3                   briel Basin Water Quality Authority  
4                   shall be responsible for providing a 35  
5                   percent non-Federal match for Fed-  
6                   eral funds made available to the Au-  
7                   thority under this Act.

8                   “(II) CENTRAL BASIN MUNICIPAL  
9                   WATER DISTRICT.—The Central Basin  
10                  Municipal Water District shall be re-  
11                  sponsible for providing a 35 percent  
12                  non-Federal match for Federal funds  
13                  made available to the District under  
14                  this Act.”;

15                  (2) in subsection (a), by adding at the end the  
16                  following:

17                  “(4) INTEREST ON FUNDS IN RESTORATION  
18                  FUND.—No amounts appropriated above the cumu-  
19                  lative amount of \$85,000,000 to the Restoration  
20                  Fund under subsection (d)(1) shall be invested by  
21                  the Secretary of the Treasury in interest-bearing se-  
22                  curities of the United States.”; and

23                  (3) by amending subsection (d) to read as fol-  
24                  lows:

25                  “(d) AUTHORIZATION OF APPROPRIATIONS.—

1           “(1) IN GENERAL.—There is authorized to be  
2           appropriated to the Restoration Fund established  
3           under subsection (a) \$146,200,000. Such funds shall  
4           remain available until expended.

5           “(2) SET-ASIDE.—Of the amounts appropriated  
6           under paragraph (1), no more than \$21,200,000  
7           shall be made available to carry out the Central  
8           Basin Water Quality Project.”.

9           **Subtitle E—Lower Colorado River**  
10           **Multi-Species Conservation Pro-**  
11           **gram**

12           **SEC. 9401. DEFINITIONS.**

13           In this subtitle:

14           (1) LOWER COLORADO RIVER MULTI-SPECIES  
15           CONSERVATION PROGRAM.—The term “Lower Colo-  
16           rado River Multi-Species Conservation Program” or  
17           “LCR MSCP” means the cooperative effort on the  
18           Lower Colorado River between Federal and non-  
19           Federal entities in Arizona, California, and Nevada  
20           approved by the Secretary of the Interior on April  
21           2, 2005.

22           (2) LOWER COLORADO RIVER.—The term  
23           “Lower Colorado River” means the segment of the  
24           Colorado River within the planning area as provided

1 in section 2(B) of the Implementing Agreement, a  
2 Program Document.

3 (3) PROGRAM DOCUMENTS.—The term “Pro-  
4 gram Documents” means the Habitat Conservation  
5 Plan, Biological Assessment and Biological and Con-  
6 ference Opinion, Environmental Impact Statement/  
7 Environmental Impact Report, Funding and Man-  
8 agement Agreement, Implementing Agreement, and  
9 Section 10(a)(1)(B) Permit issued and, as applica-  
10 ble, executed in connection with the LCR MSCP,  
11 and any amendments or successor documents that  
12 are developed consistent with existing agreements  
13 and applicable law.

14 (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Interior.

16 (5) STATE.—The term “State” means each of  
17 the States of Arizona, California, and Nevada.

18 **SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.**

19 (a) IMPLEMENTATION.—The Secretary is authorized  
20 to manage and implement the LCR MSCP in accordance  
21 with the Program Documents.

22 (b) WATER ACCOUNTING.—The Secretary is author-  
23 ized to enter into an agreement with the States providing  
24 for the use of water from the Lower Colorado River for

1 habitat creation and maintenance in accordance with the  
2 Program Documents.

3 **SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.**

4 (a) IN GENERAL.—Due to the unique conditions of  
5 the Colorado River, any party to the Funding and Man-  
6 agement Agreement or the Implementing Agreement, and  
7 any permittee under the Section 10(a)(1)(B) Permit, may  
8 commence a civil action in United States district court to  
9 adjudicate, confirm, validate or decree the rights and obli-  
10 gations of the parties under those Program Documents.

11 (b) JURISDICTION.—The district court shall have ju-  
12 risdiction over such actions and may issue such orders,  
13 judgments, and decrees as are consistent with the court's  
14 exercise of jurisdiction under this section.

15 (c) UNITED STATES AS DEFENDANT.—

16 (1) IN GENERAL.—The United States or any  
17 agency of the United States may be named as a de-  
18 fendant in such actions.

19 (2) SOVEREIGN IMMUNITY.—Subject to para-  
20 graph (3), the sovereign immunity of the United  
21 States is waived for purposes of actions commenced  
22 pursuant to this section.

23 (3) NONWAIVER FOR CERTAIN CLAIMS.—Noth-  
24 ing in this section waives the sovereign immunity of  
25 the United States to claims for money damages,

1 monetary compensation, the provision of indemnity,  
2 or any claim seeking money from the United States.

3 (d) RIGHTS UNDER FEDERAL AND STATE LAW.—

4 (1) IN GENERAL.—Except as specifically pro-  
5 vided in this section, nothing in this section limits  
6 any rights or obligations of any party under Federal  
7 or State law.

8 (2) APPLICABILITY TO LOWER COLORADO  
9 RIVER MULTI-SPECIES CONSERVATION PROGRAM.—

10 This section—

11 (A) shall apply only to the Lower Colorado  
12 River Multi-Species Conservation Program; and

13 (B) shall not affect the terms of, or rights  
14 or obligations under, any other conservation  
15 plan created pursuant to any Federal or State  
16 law.

17 (e) VENUE.—Any suit pursuant to this section may  
18 be brought in any United States district court in the State  
19 in which any non-Federal party to the suit is situated.

20 **SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There is authorized to be appro-  
22 priated to the Secretary such sums as may be necessary  
23 to meet the obligations of the Secretary under the Pro-  
24 gram Documents, to remain available until expended.

1 (b) NON-REIMBURSABLE AND NON-RETURNABLE.—  
2 All amounts appropriated to and expended by the Sec-  
3 retary for the LCR MSCP shall be non-reimbursable and  
4 non-returnable.

## 5 **Subtitle F—Secure Water**

### 6 **SEC. 9501. FINDINGS.**

7 Congress finds that—

8 (1) adequate and safe supplies of water are fun-  
9 damental to the health, economy, security, and ecol-  
10 ogy of the United States;

11 (2) systematic data-gathering with respect to,  
12 and research and development of, the water re-  
13 sources of the United States will help ensure the  
14 continued existence of sufficient quantities of water  
15 to support—

16 (A) increasing populations;

17 (B) economic growth;

18 (C) irrigated agriculture;

19 (D) energy production; and

20 (E) the protection of aquatic ecosystems;

21 (3) global climate change poses a significant  
22 challenge to the protection and use of the water re-  
23 sources of the United States due to an increased un-  
24 certainty with respect to the timing, form, and geo-  
25 graphical distribution of precipitation, which may

1       have a substantial effect on the supplies of water for  
2       agricultural, hydroelectric power, industrial, domes-  
3       tic supply, and environmental needs;

4           (4) although States bear the primary responsi-  
5       bility and authority for managing the water re-  
6       sources of the United States, the Federal Govern-  
7       ment should support the States, as well as regional,  
8       local, and tribal governments, by carrying out—

9           (A) nationwide data collection and moni-  
10       toring activities;

11           (B) relevant research; and

12           (C) activities to increase the efficiency of  
13       the use of water in the United States;

14       (5) Federal agencies that conduct water man-  
15       agement and related activities have a responsi-  
16       bility—

17           (A) to take a lead role in assessing risks  
18       to the water resources of the United States (in-  
19       cluding risks posed by global climate change);  
20       and

21           (B) to develop strategies—

22           (i) to mitigate the potential impacts of  
23       each risk described in subparagraph (A);  
24       and

1 (ii) to help ensure that the long-term  
2 water resources management of the United  
3 States is sustainable and will ensure sus-  
4 tainable quantities of water;

5 (6) it is critical to continue and expand re-  
6 search and monitoring efforts—

7 (A) to improve the understanding of the  
8 variability of the water cycle; and

9 (B) to provide basic information nec-  
10 essary—

11 (i) to manage and efficiently use the  
12 water resources of the United States; and

13 (ii) to identify new supplies of water  
14 that are capable of being reclaimed; and

15 (7) the study of water use is vital—

16 (A) to the understanding of the impacts of  
17 human activity on water and ecological re-  
18 sources; and

19 (B) to the assessment of whether available  
20 surface and groundwater supplies will be avail-  
21 able to meet the future needs of the United  
22 States.

23 **SEC. 9502. DEFINITIONS.**

24 In this section:



1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the National  
3           Oceanic and Atmospheric Administration.

4           (2) ADVISORY COMMITTEE.—The term “Advi-  
5           sory Committee” means the National Advisory Com-  
6           mittee on Water Information established—

7                   (A) under the Office of Management and  
8                   Budget Circular 92–01; and

9                   (B) to coordinate water data collection ac-  
10                  tivities.

11           (3) ASSESSMENT PROGRAM.—The term “assess-  
12           ment program” means the water availability and use  
13           assessment program established by the Secretary  
14           under section 9508(a).

15           (4) CLIMATE DIVISION.—The term “climate di-  
16           vision” means 1 of the 359 divisions in the United  
17           States that represents 2 or more regions located  
18           within a State that are as climatically homogeneous  
19           as possible, as determined by the Administrator.

20           (5) COMMISSIONER.—The term “Commis-  
21           sioner” means the Commissioner of Reclamation.

22           (6) DIRECTOR.—The term “Director” means  
23           the Director of the United States Geological Survey.

24           (7) ELIGIBLE APPLICANT.—The term “eligible  
25           applicant” means any State, Indian tribe, irrigation

1 district, water district, or other organization with  
2 water or power delivery authority.

3 (8) FEDERAL POWER MARKETING ADMINISTRA-  
4 TION.—The term “Federal Power Marketing Admin-  
5 istration” means—

6 (A) the Bonneville Power Administration;

7 (B) the Southeastern Power Administra-  
8 tion;

9 (C) the Southwestern Power Administra-  
10 tion; and

11 (D) the Western Area Power Administra-  
12 tion.

13 (9) HYDROLOGIC ACCOUNTING UNIT.—The  
14 term “hydrologic accounting unit” means 1 of the  
15 352 river basin hydrologic accounting units used by  
16 the United States Geological Survey.

17 (10) INDIAN TRIBE.—The term “Indian tribe”  
18 has the meaning given the term in section 4 of the  
19 Indian Self-Determination and Education Assistance  
20 Act (25 U.S.C. 450b).

21 (11) MAJOR AQUIFER SYSTEM.—The term  
22 “major aquifer system” means a groundwater sys-  
23 tem that is—

24 (A) identified as a significant groundwater  
25 system by the Director; and

1 (B) included in the Groundwater Atlas of  
2 the United States, published by the United  
3 States Geological Survey.

4 (12) MAJOR RECLAMATION RIVER BASIN.—

5 (A) IN GENERAL.—The term “major rec-  
6 lamation river basin” means each major river  
7 system (including tributaries)—

8 (i) that is located in a service area of  
9 the Bureau of Reclamation; and

10 (ii) at which is located a federally au-  
11 thorized project of the Bureau of Reclama-  
12 tion.

13 (B) INCLUSIONS.—The term “major rec-  
14 lamation river basin” includes—

15 (i) the Colorado River;

16 (ii) the Columbia River;

17 (iii) the Klamath River;

18 (iv) the Missouri River;

19 (v) the Rio Grande;

20 (vi) the Sacramento River;

21 (vii) the San Joaquin River; and

22 (viii) the Truckee River.

23 (13) NON-FEDERAL PARTICIPANT.—The term  
24 “non-Federal participant” means—

25 (A) a State, regional, or local authority;

1 (B) an Indian tribe or tribal organization;

2 or

3 (C) any other qualifying entity, such as a  
4 water conservation district, water conservancy  
5 district, or rural water district or association, or  
6 a nongovernmental organization.

7 (14) PANEL.—The term “panel” means the cli-  
8 mate change and water intragovernmental panel es-  
9 tablished by the Secretary under section 9506(a).

10 (15) PROGRAM.—The term “program” means  
11 the regional integrated sciences and assessments  
12 program—

13 (A) established by the Administrator; and

14 (B) that is comprised of 8 regional pro-  
15 grams that use advances in integrated climate  
16 sciences to assist decisionmaking processes.

17 (16) SECRETARY.—

18 (A) IN GENERAL.—Except as provided in  
19 subparagraph (B), the term “Secretary” means  
20 the Secretary of the Interior.

21 (B) EXCEPTIONS.—The term “Secretary”  
22 means—

23 (i) in the case of sections 9503, 9504,  
24 and 9509, the Secretary of the Interior  
25 (acting through the Commissioner); and

1 (ii) in the case of sections 9507 and  
2 9508, the Secretary of the Interior (acting  
3 through the Director).

4 (17) SERVICE AREA.—The term “service area”  
5 means any area that encompasses a watershed that  
6 contains a federally authorized reclamation project  
7 that is located in any State or area described in the  
8 first section of the Act of June 17, 1902 (43 U.S.C.  
9 391).

10 **SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER**  
11 **PROGRAM.**

12 (a) IN GENERAL.—The Secretary shall establish a  
13 climate change adaptation program—

14 (1) to coordinate with the Administrator and  
15 other appropriate agencies to assess each effect of,  
16 and risk resulting from, global climate change with  
17 respect to the quantity of water resources located in  
18 a service area; and

19 (2) to ensure, to the maximum extent possible,  
20 that strategies are developed at watershed and aqui-  
21 fer system scales to address potential water short-  
22 ages, conflicts, and other impacts to water users lo-  
23 cated at, and the environment of, each service area.

24 (b) REQUIRED ELEMENTS.—In carrying out the pro-  
25 gram described in subsection (a), the Secretary shall—

1           (1) coordinate with the United States Geologi-  
2 cal Survey, the National Oceanic and Atmospheric  
3 Administration, the program, and each appropriate  
4 State water resource agency, to ensure that the Sec-  
5 retary has access to the best available scientific in-  
6 formation with respect to presently observed and  
7 projected future impacts of global climate change on  
8 water resources;

9           (2) assess specific risks to the water supply of  
10 each major reclamation river basin, including any  
11 risk relating to—

12                   (A) a change in snowpack;

13                   (B) changes in the timing and quantity of  
14 runoff;

15                   (C) changes in groundwater recharge and  
16 discharge; and

17                   (D) any increase in—

18                           (i) the demand for water as a result  
19 of increasing temperatures; and

20                           (ii) the rate of reservoir evaporation;

21           (3) with respect to each major reclamation river  
22 basin, analyze the extent to which changes in the  
23 water supply of the United States will impact—

24                   (A) the ability of the Secretary to deliver  
25 water to the contractors of the Secretary;

1 (B) hydroelectric power generation facili-  
2 ties;

3 (C) recreation at reclamation facilities;

4 (D) fish and wildlife habitat;

5 (E) applicable species listed as an endan-  
6 gered, threatened, or candidate species under  
7 the Endangered Species Act of 1973 (16 U.S.C.  
8 1531 et seq.);

9 (F) water quality issues (including salinity  
10 levels of each major reclamation river basin);

11 (G) flow and water dependent ecological  
12 resiliency; and

13 (H) flood control management;

14 (4) in consultation with appropriate non-Fed-  
15 eral participants, consider and develop appropriate  
16 strategies to mitigate each impact of water supply  
17 changes analyzed by the Secretary under paragraph  
18 (3), including strategies relating to—

19 (A) the modification of any reservoir stor-  
20 age or operating guideline in existence as of the  
21 date of enactment of this Act;

22 (B) the development of new water manage-  
23 ment, operating, or habitat restoration plans;

24 (C) water conservation;

1 (D) improved hydrologic models and other  
2 decision support systems; and

3 (E) groundwater and surface water storage  
4 needs; and

5 (5) in consultation with the Director, the Ad-  
6 ministrator, the Secretary of Agriculture (acting  
7 through the Chief of the Natural Resources Con-  
8 servation Service), and applicable State water re-  
9 source agencies, develop a monitoring plan to ac-  
10 quire and maintain water resources data—

11 (A) to strengthen the understanding of  
12 water supply trends; and

13 (B) to assist in each assessment and anal-  
14 ysis conducted by the Secretary under para-  
15 graphs (2) and (3).

16 (c) REPORTING.—Not later than 2 years after the  
17 date of enactment of this Act, and every 5 years there-  
18 after, the Secretary shall submit to the appropriate com-  
19 mittees of Congress a report that describes—

20 (1) each effect of, and risk resulting from, glob-  
21 al climate change with respect to the quantity of  
22 water resources located in each major reclamation  
23 river basin;



1           (2) the impact of global climate change with re-  
2           spect to the operations of the Secretary in each  
3           major reclamation river basin;

4           (3) each mitigation and adaptation strategy  
5           considered and implemented by the Secretary to ad-  
6           dress each effect of global climate change described  
7           in paragraph (1);

8           (4) each coordination activity conducted by the  
9           Secretary with—

10                   (A) the Director;

11                   (B) the Administrator;

12                   (C) the Secretary of Agriculture (acting  
13                   through the Chief of the Natural Resources  
14                   Conservation Service); or

15                   (D) any appropriate State water resource  
16                   agency; and

17           (5) the implementation by the Secretary of the  
18           monitoring plan developed under subsection (b)(5).

19           (d) FEASIBILITY STUDIES.—

20                   (1) AUTHORITY OF SECRETARY.—The Sec-  
21                   retary, in cooperation with any non-Federal partici-  
22                   pant, may conduct 1 or more studies to determine  
23                   the feasibility and impact on ecological resiliency of  
24                   implementing each mitigation and adaptation strat-  
25                   egy described in subsection (c)(3), including the con-

1 construction of any water supply, water management,  
2 environmental, or habitat enhancement water infra-  
3 structure that the Secretary determines to be nec-  
4 essary to address the effects of global climate change  
5 on water resources located in each major reclama-  
6 tion river basin.

7 (2) COST SHARING.—

8 (A) FEDERAL SHARE.—

9 (i) IN GENERAL.—Except as provided  
10 in clause (ii), the Federal share of the cost  
11 of a study described in paragraph (1) shall  
12 not exceed 50 percent of the cost of the  
13 study.

14 (ii) EXCEPTION RELATING TO FINAN-  
15 CIAL HARDSHIP.—The Secretary may in-  
16 crease the Federal share of the cost of a  
17 study described in paragraph (1) to exceed  
18 50 percent of the cost of the study if the  
19 Secretary determines that, due to a finan-  
20 cial hardship, the non-Federal participant  
21 of the study is unable to contribute an  
22 amount equal to 50 percent of the cost of  
23 the study.

24 (B) NON-FEDERAL SHARE.—The non-Fed-  
25 eral share of the cost of a study described in

1 paragraph (1) may be provided in the form of  
2 any in-kind services that substantially con-  
3 tribute toward the completion of the study, as  
4 determined by the Secretary.

5 (e) NO EFFECT ON EXISTING AUTHORITY.—Nothing  
6 in this section amends or otherwise affects any existing  
7 authority under reclamation laws that govern the oper-  
8 ation of any Federal reclamation project.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated such sums as are nec-  
11 essary to carry out this section for each of fiscal years  
12 2009 through 2023, to remain available until expended.

13 **SEC. 9504. WATER MANAGEMENT IMPROVEMENT.**

14 (a) AUTHORIZATION OF GRANTS AND COOPERATIVE  
15 AGREEMENTS.—

16 (1) AUTHORITY OF SECRETARY.—The Sec-  
17 retary may provide any grant to, or enter into an  
18 agreement with, any eligible applicant to assist the  
19 eligible applicant in planning, designing, or con-  
20 structing any improvement—

21 (A) to conserve water;

22 (B) to increase water use efficiency;

23 (C) to facilitate water markets;

1           (D) to enhance water management, includ-  
2           ing increasing the use of renewable energy in  
3           the management and delivery of water;

4           (E) to accelerate the adoption and use of  
5           advanced water treatment technologies to in-  
6           crease water supply;

7           (F) to prevent the decline of species that  
8           the United States Fish and Wildlife Service and  
9           National Marine Fisheries Service have pro-  
10          posed for listing under the Endangered Species  
11          Act of 1973 (16 U.S.C. 1531 et seq.) (or can-  
12          didate species that are being considered by  
13          those agencies for such listing but are not yet  
14          the subject of a proposed rule);

15          (G) to accelerate the recovery of threat-  
16          ened species, endangered species, and des-  
17          ignated critical habitats that are adversely af-  
18          fected by Federal reclamation projects or are  
19          subject to a recovery plan or conservation plan  
20          under the Endangered Species Act of 1973 (16  
21          U.S.C. 1531 et seq.) under which the Commis-  
22          sioner of Reclamation has implementation re-  
23          sponsibilities; or

24          (H) to carry out any other activity—

1 (i) to address any climate-related im-  
2 pact to the water supply of the United  
3 States that increases ecological resiliency  
4 to the impacts of climate change; or

5 (ii) to prevent any water-related crisis  
6 or conflict at any watershed that has a  
7 nexus to a Federal reclamation project lo-  
8 cated in a service area.

9 (2) APPLICATION.—To be eligible to receive a  
10 grant, or enter into an agreement with the Secretary  
11 under paragraph (1), an eligible applicant shall—

12 (A) be located within the States and areas  
13 referred to in the first section of the Act of  
14 June 17, 1902 (43 U.S.C. 391); and

15 (B) submit to the Secretary an application  
16 that includes a proposal of the improvement or  
17 activity to be planned, designed, constructed, or  
18 implemented by the eligible applicant.

19 (3) REQUIREMENTS OF GRANTS AND COOPERA-  
20 TIVE AGREEMENTS.—

21 (A) COMPLIANCE WITH REQUIREMENTS.—  
22 Each grant and agreement entered into by the  
23 Secretary with any eligible applicant under  
24 paragraph (1) shall be in compliance with each

1 requirement described in subparagraphs (B)  
2 through (F).

3 (B) AGRICULTURAL OPERATIONS.—In car-  
4 rying out paragraph (1), the Secretary shall not  
5 provide a grant, or enter into an agreement, for  
6 an improvement to conserve irrigation water  
7 unless the eligible applicant agrees not—

8 (i) to use any associated water savings  
9 to increase the total irrigated acreage of  
10 the eligible applicant; or

11 (ii) to otherwise increase the con-  
12 sumptive use of water in the operation of  
13 the eligible applicant, as determined pursu-  
14 ant to the law of the State in which the  
15 operation of the eligible applicant is lo-  
16 cated.

17 (C) NONREIMBURSABLE FUNDS.—Any  
18 funds provided by the Secretary to an eligible  
19 applicant through a grant or agreement under  
20 paragraph (1) shall be nonreimbursable.

21 (D) TITLE TO IMPROVEMENTS.—If an in-  
22 frastructure improvement to a federally owned  
23 facility is the subject of a grant or other agree-  
24 ment entered into between the Secretary and an  
25 eligible applicant under paragraph (1), the Fed-

1           eral Government shall continue to hold title to  
2           the facility and improvements to the facility.

3           (E) COST SHARING.—

4           (i) FEDERAL SHARE.—The Federal  
5           share of the cost of any infrastructure im-  
6           provement or activity that is the subject of  
7           a grant or other agreement entered into  
8           between the Secretary and an eligible ap-  
9           plicant under paragraph (1) shall not ex-  
10          ceed 50 percent of the cost of the infra-  
11          structure improvement or activity.

12          (ii) CALCULATION OF NON-FEDERAL  
13          SHARE.—In calculating the non-Federal  
14          share of the cost of an infrastructure im-  
15          provement or activity proposed by an eligi-  
16          ble applicant through an application sub-  
17          mitted by the eligible applicant under  
18          paragraph (2), the Secretary shall—

19                (I) consider the value of any in-  
20                kind services that substantially con-  
21                tributes toward the completion of the  
22                improvement or activity, as deter-  
23                mined by the Secretary; and

1 (II) not consider any other  
2 amount that the eligible applicant re-  
3 ceives from a Federal agency.

4 (iii) MAXIMUM AMOUNT.—The  
5 amount provided to an eligible applicant  
6 through a grant or other agreement under  
7 paragraph (1) shall be not more than  
8 \$5,000,000.

9 (iv) OPERATION AND MAINTENANCE  
10 COSTS.—The non-Federal share of the cost  
11 of operating and maintaining any infra-  
12 structure improvement that is the subject  
13 of a grant or other agreement entered into  
14 between the Secretary and an eligible ap-  
15 plicant under paragraph (1) shall be 100  
16 percent.

17 (F) LIABILITY.—

18 (i) IN GENERAL.—Except as provided  
19 under chapter 171 of title 28, United  
20 States Code (commonly known as the  
21 “Federal Tort Claims Act”), the United  
22 States shall not be liable for monetary  
23 damages of any kind for any injury arising  
24 out of an act, omission, or occurrence that  
25 arises in relation to any facility created or



1 improved under this section, the title of  
2 which is not held by the United States.

3 (ii) TORT CLAIMS ACT.—Nothing in  
4 this section increases the liability of the  
5 United States beyond that provided in  
6 chapter 171 of title 28, United States  
7 Code (commonly known as the “Federal  
8 Tort Claims Act”).

9 (b) RESEARCH AGREEMENTS.—

10 (1) AUTHORITY OF SECRETARY.—The Sec-  
11 retary may enter into 1 or more agreements with  
12 any university, nonprofit research institution, or or-  
13 ganization with water or power delivery authority to  
14 fund any research activity that is designed—

15 (A) to conserve water resources;

16 (B) to increase the efficiency of the use of  
17 water resources; or

18 (C) to enhance the management of water  
19 resources, including increasing the use of re-  
20 newable energy in the management and delivery  
21 of water.

22 (2) TERMS AND CONDITIONS OF SECRETARY.—

23 (A) IN GENERAL.—An agreement entered  
24 into between the Secretary and any university,  
25 institution, or organization described in para-

1 graph (1) shall be subject to such terms and  
2 conditions as the Secretary determines to be ap-  
3 propriate.

4 (B) AVAILABILITY.—The agreements  
5 under this subsection shall be available to all  
6 Reclamation projects and programs that may  
7 benefit from project-specific or programmatic  
8 cooperative research and development.

9 (c) MUTUAL BENEFIT.—Grants or other agreements  
10 made under this section may be for the mutual benefit  
11 of the United States and the entity that is provided the  
12 grant or enters into the cooperative agreement.

13 (d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHOR-  
14 ITY.—This section shall not supersede any existing  
15 project-specific funding authority.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated to carry out this section  
18 \$200,000,000, to remain available until expended.

19 **SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.**

20 (a) DUTY OF SECRETARY OF ENERGY.—The Sec-  
21 retary of Energy, in consultation with the Administrator  
22 of each Federal Power Marketing Administration, shall as-  
23 sess each effect of, and risk resulting from, global climate  
24 change with respect to water supplies that are required  
25 for the generation of hydroelectric power at each Federal

1 water project that is applicable to a Federal Power Mar-  
2 keting Administration.

3 (b) ACCESS TO APPROPRIATE DATA.—

4 (1) IN GENERAL.—In carrying out each assess-  
5 ment under subsection (a), the Secretary of Energy  
6 shall consult with the United States Geological Sur-  
7 vey, the National Oceanic and Atmospheric Adminis-  
8 tration, the program, and each appropriate State  
9 water resource agency, to ensure that the Secretary  
10 of Energy has access to the best available scientific  
11 information with respect to presently observed im-  
12 pacts and projected future impacts of global climate  
13 change on water supplies that are used to produce  
14 hydroelectric power.

15 (2) ACCESS TO DATA FOR CERTAIN ASSESS-  
16 MENTS.—In carrying out each assessment under  
17 subsection (a), with respect to the Bonneville Power  
18 Administration and the Western Area Power Admin-  
19 istration, the Secretary of Energy shall consult with  
20 the Commissioner to access data and other informa-  
21 tion that—

22 (A) is collected by the Commissioner; and

23 (B) the Secretary of Energy determines to  
24 be necessary for the conduct of the assessment.

1 (c) REPORT.—Not later than 2 years after the date  
2 of enactment of this Act, and every 5 years thereafter,  
3 the Secretary of Energy shall submit to the appropriate  
4 committees of Congress a report that describes—

5 (1) each effect of, and risk resulting from, glob-  
6 al climate change with respect to—

7 (A) water supplies used for hydroelectric  
8 power generation; and

9 (B) power supplies marketed by each Fed-  
10 eral Power Marketing Administration, pursuant  
11 to—

12 (i) long-term power contracts;

13 (ii) contingent capacity contracts; and

14 (iii) short-term sales; and

15 (2) each recommendation of the Administrator  
16 of each Federal Power Marketing Administration re-  
17 lating to any change in any operation or contracting  
18 practice of each Federal Power Marketing Adminis-  
19 tration to address each effect and risk described in  
20 paragraph (1), including the use of purchased power  
21 to meet long-term commitments of each Federal  
22 Power Marketing Administration.

23 (d) AUTHORITY.—The Secretary of Energy may  
24 enter into contracts, grants, or other agreements with ap-  
25 propriate entities to carry out this section.

1 (e) COSTS.—

2 (1) NONREIMBURSABLE.—Any costs incurred  
3 by the Secretary of Energy in carrying out this sec-  
4 tion shall be nonreimbursable.

5 (2) PMA COSTS.—Each Federal Power Mar-  
6 keting Administration shall incur costs in carrying  
7 out this section only to the extent that appropriated  
8 funds are provided by the Secretary of Energy for  
9 that purpose.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated such sums as are nec-  
12 essary to carry out this section for each of fiscal years  
13 2009 through 2023, to remain available until expended.

14 **SEC. 9506. CLIMATE CHANGE AND WATER**  
15 **INTRAGOVERNMENTAL PANEL.**

16 (a) ESTABLISHMENT.—The Secretary and the Ad-  
17 ministrator shall establish and lead a climate change and  
18 water intragovernmental panel—

19 (1) to review the current scientific under-  
20 standing of each impact of global climate change on  
21 the quantity and quality of freshwater resources of  
22 the United States; and

23 (2) to develop any strategy that the panel deter-  
24 mines to be necessary to improve observational capa-

1 bilities, expand data acquisition, or take other ac-  
2 tions—

3 (A) to increase the reliability and accuracy  
4 of modeling and prediction systems to benefit  
5 water managers at the Federal, State, and local  
6 levels; and

7 (B) to increase the understanding of the  
8 impacts of climate change on aquatic eco-  
9 systems.

10 (b) MEMBERSHIP.—The panel shall be comprised  
11 of—

12 (1) the Secretary;

13 (2) the Director;

14 (3) the Administrator;

15 (4) the Secretary of Agriculture (acting through  
16 the Under Secretary for Natural Resources and En-  
17 vironment);

18 (5) the Commissioner;

19 (6) the Chief of Engineers;

20 (7) the Administrator of the Environmental  
21 Protection Agency; and

22 (8) the Secretary of Energy.

23 (c) REVIEW ELEMENTS.—In conducting the review  
24 and developing the strategy under subsection (a), the  
25 panel shall consult with State water resource agencies, the

1 Advisory Committee, drinking water utilities, water re-  
2 search organizations, and relevant water user, environ-  
3 mental, and other nongovernmental organizations—

4           (1) to assess the extent to which the conduct of  
5 measures of streamflow, groundwater levels, soil  
6 moisture, evapotranspiration rates, evaporation  
7 rates, snowpack levels, precipitation amounts, flood  
8 risk, and glacier mass is necessary to improve the  
9 understanding of the Federal Government and the  
10 States with respect to each impact of global climate  
11 change on water resources;

12           (2) to identify data gaps in current water moni-  
13 toring networks that must be addressed to improve  
14 the capability of the Federal Government and the  
15 States to measure, analyze, and predict changes to  
16 the quality and quantity of water resources, includ-  
17 ing flood risks, that are directly or indirectly af-  
18 fected by global climate change;

19           (3) to establish data management and commu-  
20 nication protocols and standards to increase the  
21 quality and efficiency by which each Federal agency  
22 acquires and reports relevant data;

23           (4) to consider options for the establishment of  
24 a data portal to enhance access to water resource  
25 data—

1 (A) relating to each nationally significant  
2 freshwater watershed and aquifer located in the  
3 United States; and

4 (B) that is collected by each Federal agen-  
5 cy and any other public or private entity for  
6 each nationally significant freshwater watershed  
7 and aquifer located in the United States;

8 (5) to expand, and integrate each initiative of  
9 the panel with, to the maximum extent possible, any  
10 relevant Federal initiatives in existence as of the  
11 date of enactment of this Act, including—

12 (A) the interagency National Integrated  
13 Drought Information System led by the Na-  
14 tional Oceanic and Atmospheric Administration;

15 (B) the Regional Integrated Sciences and  
16 Assessments (RISA) program of the National  
17 Oceanic and Atmospheric Administration;

18 (C) the advanced hydrologic prediction  
19 service of the National Weather Service;

20 (D) the National Water Information Sys-  
21 tem of the United States Geological Survey;  
22 and

23 (E) the Hydrologic Information System of  
24 the Consortium of Universities for the Advance-  
25 ments of Hydrologic Sciences;



1           (6) to facilitate the development of hydrologic  
2           and other models to integrate data that reflects  
3           groundwater and surface water interactions;

4           (7) to apply the hydrologic and other models  
5           developed under paragraph (6) to water resource  
6           management problems identified by the panel, in-  
7           cluding the need to maintain or improve ecological  
8           resiliency at watershed and aquifer system scales;  
9           and

10          (8) to facilitate the development of mechanisms  
11          to effectively combine global and regional climate  
12          models with hydrologic and ecological models to  
13          produce water resource information to assist water  
14          managers at the Federal, State, and local levels in  
15          the development of adaptation strategies that can be  
16          incorporated into long-term water management and  
17          flood-hazard mitigation decisions.

18          (d) REPORT.—Not later than 2 years after the date  
19          of enactment of this Act, the Secretary shall submit to  
20          the appropriate committees of Congress a report that de-  
21          scribes the review conducted, and the strategy developed,  
22          by the panel under subsection (a).

23          (e) DEMONSTRATION, RESEARCH, AND METHOD-  
24          OLOGY DEVELOPMENT PROJECTS.—

1           (1) AUTHORITY OF SECRETARY.—The Sec-  
2           retary, in consultation with the panel and the Advi-  
3           sory Committee, may provide grants to, or enter into  
4           any contract, cooperative agreement, interagency  
5           agreement, or other transaction with, an appropriate  
6           entity to carry out any demonstration, research, or  
7           methodology development project that the Secretary  
8           determines to be necessary to assist in the imple-  
9           mentation of the strategy developed by the panel  
10          under subsection (a)(2).

11          (2) REQUIREMENTS.—

12           (A) MAXIMUM AMOUNT OF FEDERAL  
13           SHARE.—The Federal share of the cost of any  
14           demonstration, research, or methodology devel-  
15           opment project that is the subject of any grant,  
16           contract, cooperative agreement, interagency  
17           agreement, or other transaction entered into be-  
18           tween the Secretary and an appropriate entity  
19           under paragraph (1) shall not exceed  
20           \$1,000,000.

21           (B) REPORT.—An appropriate entity that  
22           receives funds from a grant, contract, coopera-  
23           tive agreement, interagency agreement, or other  
24           transaction entered into between the Secretary  
25           and the appropriate entity under paragraph (1)

1           shall submit to the Secretary a report describ-  
2           ing the results of the demonstration, research,  
3           or methodology development project conducted  
4           by the appropriate entity.

5           (f) AUTHORIZATION OF APPROPRIATIONS.—

6           (1) IN GENERAL.—There is authorized to be  
7           appropriated to carry out subsections (a) through  
8           (d) \$2,000,000 for each of fiscal years 2009 through  
9           2011, to remain available until expended.

10          (2) DEMONSTRATION, RESEARCH, AND METH-  
11          ODOLOGY DEVELOPMENT PROJECTS.—There is au-  
12          thorized to be appropriated to carry out subsection  
13          (e) \$10,000,000 for the period of fiscal years 2009  
14          through 2013, to remain available until expended.

15       **SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES**

16                       **GEOLOGICAL SURVEY.**

17          (a) NATIONAL STREAMFLOW INFORMATION PRO-  
18          GRAM.—

19          (1) IN GENERAL.—The Secretary, in consulta-  
20          tion with the Advisory Committee and the Panel and  
21          consistent with this section, shall proceed with im-  
22          plementation of the national streamflow information  
23          program, as reviewed by the National Research  
24          Council in 2004.

1           (2) REQUIREMENTS.—In conducting the na-  
2           tional streamflow information program, the Sec-  
3           retary shall—

4           (A) measure streamflow and related envi-  
5           ronmental variables in nationally significant wa-  
6           tersheds—

7           (i) in a reliable and continuous man-  
8           ner; and

9           (ii) to develop a comprehensive source  
10          of information on which public and private  
11          decisions relating to the management of  
12          water resources may be based;

13          (B) provide for a better understanding of  
14          hydrologic extremes (including floods and  
15          droughts) through the conduct of intensive data  
16          collection activities during and following hydro-  
17          logic extremes;

18          (C) establish a base network that provides  
19          resources that are necessary for—

20          (i) the monitoring of long-term  
21          changes in streamflow; and

22          (ii) the conduct of assessments to de-  
23          termine the extent to which each long-term  
24          change monitored under clause (i) is re-  
25          lated to global climate change;

1 (D) integrate the national streamflow in-  
2 formation program with data collection activi-  
3 ties of Federal agencies and appropriate State  
4 water resource agencies (including the National  
5 Integrated Drought Information System)—

6 (i) to enhance the comprehensive un-  
7 derstanding of water availability;

8 (ii) to improve flood-hazard assess-  
9 ments;

10 (iii) to identify any data gap with re-  
11 spect to water resources; and

12 (iv) to improve hydrologic forecasting;

13 and

14 (E) incorporate principles of adaptive man-  
15 agement in the conduct of periodic reviews of  
16 information collected under the national  
17 streamflow information program to assess  
18 whether the objectives of the national  
19 streamflow information program are being ade-  
20 quately addressed.

21 (3) IMPROVED METHODOLOGIES.—The Sec-  
22 retary shall—

23 (A) improve methodologies relating to the  
24 analysis and delivery of data; and

1 (B) investigate, develop, and implement  
2 new methodologies and technologies to estimate  
3 or measure streamflow in a more cost-efficient  
4 manner.

5 (4) NETWORK ENHANCEMENT.—

6 (A) IN GENERAL.—Not later than 10 years  
7 after the date of enactment of this Act, in ac-  
8 cordance with subparagraph (B), the Secretary  
9 shall—

10 (i) increase the number of  
11 streamgages funded by the national  
12 streamflow information program to a  
13 quantity of not less than 4,700 sites; and

14 (ii) ensure all streamgages are flood-  
15 hardened and equipped with water-quality  
16 sensors and modernized telemetry.

17 (B) REQUIREMENTS OF SITES.—Each site  
18 described in subparagraph (A) shall conform  
19 with the National Streamflow Information Pro-  
20 gram plan as reviewed by the National Re-  
21 search Council.

22 (5) FEDERAL SHARE.—The Federal share of  
23 the national streamgaging network established pur-  
24 suant to this subsection shall be 100 percent of the

1 cost of carrying out the national streamgaging net-  
2 work.

3 (6) AUTHORIZATION OF APPROPRIATIONS.—

4 (A) IN GENERAL.—Except as provided in  
5 subparagraph (B), there are authorized to be  
6 appropriated such sums as are necessary to op-  
7 erate the national streamflow information pro-  
8 gram for the period of fiscal years 2009  
9 through 2023, to remain available until ex-  
10 pended.

11 (B) NETWORK ENHANCEMENT FUND-  
12 ING.—There is authorized to be appropriated to  
13 carry out the network enhancements described  
14 in paragraph (4) \$10,000,000 for each of fiscal  
15 years 2009 through 2019, to remain available  
16 until expended.

17 (b) NATIONAL GROUNDWATER RESOURCES MONI-  
18 TORING.—

19 (1) IN GENERAL.—The Secretary shall develop  
20 a systematic groundwater monitoring program for  
21 each major aquifer system located in the United  
22 States.

23 (2) PROGRAM ELEMENTS.—In developing the  
24 monitoring program described in paragraph (1), the  
25 Secretary shall—

1           (A) establish appropriate criteria for moni-  
2           toring wells to ensure the acquisition of long-  
3           term, high-quality data sets, including, to the  
4           maximum extent possible, the inclusion of real-  
5           time instrumentation and reporting;

6           (B) in coordination with the Advisory  
7           Committee and State and local water resource  
8           agencies—

9                   (i) assess the current scope of ground-  
10                  water monitoring based on the access  
11                  availability and capability of each moni-  
12                  toring well in existence as of the date of  
13                  enactment of this Act; and

14                   (ii) develop and carry out a moni-  
15                  toring plan that maximizes coverage for  
16                  each major aquifer system that is located  
17                  in the United States; and

18           (C) prior to initiating any specific moni-  
19           toring activities within a State after the date of  
20           enactment of this Act, consult and coordinate  
21           with the applicable State water resource agency  
22           with jurisdiction over the aquifer that is the  
23           subject of the monitoring activities, and comply  
24           with all applicable laws (including regulations)  
25           of the State.



1           (3) PROGRAM OBJECTIVES.—In carrying out  
2           the monitoring program described in paragraph (1),  
3           the Secretary shall—

4                   (A) provide data that is necessary for the  
5                   improvement of understanding with respect to  
6                   surface water and groundwater interactions;

7                   (B) by expanding the network of moni-  
8                   toring wells to reach each climate division, sup-  
9                   port the groundwater climate response network  
10                  to improve the understanding of the effects of  
11                  global climate change on groundwater recharge  
12                  and availability; and

13                  (C) support the objectives of the assess-  
14                  ment program.

15           (4) IMPROVED METHODOLOGIES.—The Sec-  
16           retary shall—

17                   (A) improve methodologies relating to the  
18                   analysis and delivery of data; and

19                   (B) investigate, develop, and implement  
20                   new methodologies and technologies to estimate  
21                   or measure groundwater recharge, discharge,  
22                   and storage in a more cost-efficient manner.

23           (5) FEDERAL SHARE.—The Federal share of  
24           the monitoring program described in paragraph (1)

1       may be 100 percent of the cost of carrying out the  
2       monitoring program.

3           (6) PRIORITY.—In selecting monitoring activi-  
4       ties consistent with the monitoring program de-  
5       scribed in paragraph (1), the Secretary shall give  
6       priority to those activities for which a State or local  
7       governmental entity agrees to provide for a substan-  
8       tial share of the cost of establishing or operating a  
9       monitoring well or other measuring device to carry  
10      out a monitoring activity.

11          (7) AUTHORIZATION OF APPROPRIATIONS.—  
12      There are authorized to be appropriated such sums  
13      as are necessary to carry out this subsection for the  
14      period of fiscal years 2009 through 2023, to remain  
15      available until expended.

16      (c) BRACKISH GROUNDWATER ASSESSMENT.—

17          (1) STUDY.—The Secretary, in consultation  
18      with State and local water resource agencies, shall  
19      conduct a study of available data and other relevant  
20      information—

21              (A) to identify significant brackish ground-  
22              water resources located in the United States;  
23              and

1 (B) to consolidate any available data relat-  
2 ing to each groundwater resource identified  
3 under subparagraph (A).

4 (2) REPORT.—Not later than 2 years after the  
5 date of enactment of this Act, the Secretary shall  
6 submit to the appropriate committees of Congress a  
7 report that includes—

8 (A) a description of each—

9 (i) significant brackish aquifer that is  
10 located in the United States (including 1  
11 or more maps of each significant brackish  
12 aquifer that is located in the United  
13 States);

14 (ii) data gap that is required to be ad-  
15 dressed to fully characterize each brackish  
16 aquifer described in clause (i); and

17 (iii) current use of brackish ground-  
18 water that is supplied by each brackish aq-  
19 uifer described in clause (i); and

20 (B) a summary of the information avail-  
21 able as of the date of enactment of this Act  
22 with respect to each brackish aquifer described  
23 in subparagraph (A)(i) (including the known  
24 level of total dissolved solids in each brackish  
25 aquifer).

1           (3) AUTHORIZATION OF APPROPRIATIONS.—

2           There is authorized to be appropriated to carry out  
3           this subsection \$3,000,000 for the period of fiscal  
4           years 2009 through 2011, to remain available until  
5           expended.

6           (d) IMPROVED WATER ESTIMATION, MEASUREMENT,  
7           AND MONITORING TECHNOLOGIES.—

8           (1) AUTHORITY OF SECRETARY.—The Sec-  
9           retary may provide grants on a nonreimbursable  
10          basis to appropriate entities with expertise in water  
11          resource data acquisition and reporting, including  
12          Federal agencies, the Water Resources Research In-  
13          stitutes and other academic institutions, and private  
14          entities, to—

15                 (A) investigate, develop, and implement  
16                 new methodologies and technologies to estimate  
17                 or measure water resources data in a cost-effi-  
18                 cient manner; and

19                 (B) improve methodologies relating to the  
20                 analysis and delivery of data.

21          (2) PRIORITY.—In providing grants to appro-  
22          priate entities under paragraph (1), the Secretary  
23          shall give priority to appropriate entities that pro-  
24          pose the development of new methods and tech-  
25          nologies for—

1 (A) predicting and measuring streamflows;

2 (B) estimating changes in the storage of  
3 groundwater;

4 (C) improving data standards and methods  
5 of analysis (including the validation of data en-  
6 tered into geographic information system data-  
7 bases);

8 (D) measuring precipitation and potential  
9 evapotranspiration; and

10 (E) water withdrawals, return flows, and  
11 consumptive use.

12 (3) PARTNERSHIPS.—In recognition of the  
13 value of collaboration to foster innovation and en-  
14 hance research and development efforts, the Sec-  
15 retary shall encourage partnerships, including pub-  
16 lic-private partnerships, between and among Federal  
17 agencies, academic institutions, and private entities  
18 to promote the objectives described in paragraph (1).

19 (4) AUTHORIZATION OF APPROPRIATIONS.—  
20 There is authorized to be appropriated to carry out  
21 this subsection \$5,000,000 for each of fiscal years  
22 2009 through 2019.

1 **SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS-**  
2 **SESSMENT PROGRAM.**

3 (a) ESTABLISHMENT.—The Secretary, in coordina-  
4 tion with the Advisory Committee and State and local  
5 water resource agencies, shall establish a national assess-  
6 ment program to be known as the “national water avail-  
7 ability and use assessment program”—

8 (1) to provide a more accurate assessment of  
9 the status of the water resources of the United  
10 States;

11 (2) to assist in the determination of the quan-  
12 tity of water that is available for beneficial uses;

13 (3) to assist in the determination of the quality  
14 of the water resources of the United States;

15 (4) to identify long-term trends in water avail-  
16 ability;

17 (5) to use each long-term trend described in  
18 paragraph (4) to provide a more accurate assess-  
19 ment of the change in the availability of water in the  
20 United States; and

21 (6) to develop the basis for an improved ability  
22 to forecast the availability of water for future eco-  
23 nomic, energy production, and environmental uses.

24 (b) PROGRAM ELEMENTS.—

25 (1) WATER USE.—In carrying out the assess-  
26 ment program, the Secretary shall conduct any ap-

1       appropriate activity to carry out an ongoing assess-  
2       ment of water use in hydrologic accounting units  
3       and major aquifer systems located in the United  
4       States, including—

5               (A) the maintenance of a comprehensive  
6               national water use inventory to enhance the  
7               level of understanding with respect to the ef-  
8               fects of spatial and temporal patterns of water  
9               use on the availability and sustainable use of  
10              water resources;

11             (B) the incorporation of water use science  
12             principles, with an emphasis on applied re-  
13             search and statistical estimation techniques in  
14             the assessment of water use;

15             (C) the integration of any dataset main-  
16             tained by any other Federal or State agency  
17             into the dataset maintained by the Secretary;  
18             and

19             (D) a focus on the scientific integration of  
20             any data relating to water use, water flow, or  
21             water quality to generate relevant information  
22             relating to the impact of human activity on  
23             water and ecological resources.





1                   cessible, and used to meet ongoing water  
2                   demands;

3                   (B) maintaining a national database of  
4                   water availability data that—

5                   (i) is comprised of maps, reports, and  
6                   other forms of interpreted data;

7                   (ii) provides electronic access to the  
8                   archived data of the national database; and

9                   (iii) provides for real-time data collec-  
10                  tion; and

11                  (C) developing and applying predictive  
12                  modeling tools that integrate groundwater, sur-  
13                  face water, and ecological systems.

14                  (c) GRANT PROGRAM.—

15                  (1) AUTHORITY OF SECRETARY.—The Sec-  
16                  retary may provide grants to State water resource  
17                  agencies to assist State water resource agencies in—

18                  (A) developing water use and availability  
19                  datasets that are integrated with each appro-  
20                  priate dataset developed or maintained by the  
21                  Secretary; or

22                  (B) integrating any water use or water  
23                  availability dataset of the State water resource  
24                  agency into each appropriate dataset developed  
25                  or maintained by the Secretary.

1           (2) CRITERIA.—To be eligible to receive a grant  
2           under paragraph (1), a State water resource agency  
3           shall demonstrate to the Secretary that the water  
4           use and availability dataset proposed to be estab-  
5           lished or integrated by the State water resource  
6           agency—

7                   (A) is in compliance with each quality and  
8                   conformity standard established by the Sec-  
9                   retary to ensure that the data will be capable  
10                  of integration with any national dataset; and

11                  (B) will enhance the ability of the officials  
12                  of the State or the State water resource agency  
13                  to carry out each water management and regu-  
14                  latory responsibility of the officials of the State  
15                  in accordance with each applicable law of the  
16                  State.

17           (3) MAXIMUM AMOUNT.—The amount of a  
18           grant provided to a State water resource agency  
19           under paragraph (1) shall be an amount not more  
20           than \$250,000.

21           (d) REPORT.—Not later than December 31, 2012,  
22           and every 5 years thereafter, the Secretary shall submit  
23           to the appropriate committees of Congress a report that  
24           provides a detailed assessment of—

1           (1) the current availability of water resources in  
2 the United States, including—

3           (A) historic trends and annual updates of  
4 river basin inflows and outflows;

5           (B) surface water storage;

6           (C) groundwater reserves; and

7           (D) estimates of undeveloped potential re-  
8 sources (including saline and brackish water  
9 and wastewater);

10          (2) significant trends affecting water avail-  
11 ability, including each documented or projected im-  
12 pact to the availability of water as a result of global  
13 climate change;

14          (3) the withdrawal and use of surface water  
15 and groundwater by various sectors, including—

16           (A) the agricultural sector;

17           (B) municipalities;

18           (C) the industrial sector;

19           (D) thermoelectric power generators; and

20           (E) hydroelectric power generators;

21          (4) significant trends relating to each water use  
22 sector, including significant changes in water use  
23 due to the development of new energy supplies;

24          (5) significant water use conflicts or shortages  
25 that have occurred or are occurring; and



1           (2) COMPLIANCE REQUIRED.—The Secretary  
2           shall comply with applicable State water laws in car-  
3           rying out this subtitle.

## 4       **Subtitle G—Aging Infrastructure**

### 5       **SEC. 9601 DEFINITIONS.**

6           In this subtitle:

7           (1) INSPECTION.—The term “inspection”  
8           means an inspection of a project facility carried out  
9           by the Secretary—

10                   (A) to assess and determine the general  
11                   condition of the project facility; and

12                   (B) to estimate the value of property, and  
13                   the size of the population, that would be at risk  
14                   if the project facility fails, is breached, or other-  
15                   wise allows flooding to occur.

16           (2) PROJECT FACILITY.—The term “project fa-  
17           cility” means any part or incidental feature of a  
18           project, excluding high- and significant-hazard dams,  
19           constructed under the Federal reclamation law (the  
20           Act of June 17, 1902 (32 Stat. 388, chapter 1093),  
21           and Acts supplemental to and amendatory of that  
22           Act (43 U.S.C. 371 et seq.).

23           (3) RESERVED WORKS.—The term “reserved  
24           works” mean any project facility at which the Sec-

1       retary carries out the operation and maintenance of  
2       the project facility.

3           (4) SECRETARY.—The term “Secretary” means  
4       the Secretary of the Interior, acting through the  
5       Commissioner of Reclamation.

6           (5) TRANSFERRED WORKS.—The term “trans-  
7       ferred works” means a project facility, the operation  
8       and maintenance of which is carried out by a non-  
9       Federal entity, under the provisions of a formal op-  
10      eration and maintenance transfer contract.

11          (6) TRANSFERRED WORKS OPERATING ENTI-  
12      TY.—The term “transferred works operating entity”  
13      means the organization which is contractually re-  
14      sponsible for operation and maintenance of trans-  
15      ferred works.

16          (7) EXTRAORDINARY OPERATION AND MAINTEN-  
17      NANCE WORK.—The term “extraordinary operation  
18      and maintenance work” means major, nonrecurring  
19      maintenance to Reclamation-owned or operated fa-  
20      cilities, or facility components, that is—

21           (A) intended to ensure the continued safe,  
22           dependable, and reliable delivery of authorized  
23           project benefits; and

24           (B) greater than 10 percent of the contrac-  
25           tor’s or the transferred works operating entity’s

1           annual operation and maintenance budget for  
2           the facility, or greater than \$100,000.

3 **SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FA-**  
4                   **CILITIES AND TECHNICAL ASSISTANCE TO**  
5                   **TRANSFERRED WORKS OPERATING ENTITIES.**

6           (a) GUIDELINES AND INSPECTIONS.—

7                   (1) DEVELOPMENT OF GUIDELINES.—Not later  
8           than 1 year after the date of enactment of this Act,  
9           the Secretary in consultation with transferred works  
10          operating entities shall develop, consistent with ex-  
11          isting transfer contracts, specific inspection guide-  
12          lines for project facilities which are in proximity to  
13          urbanized areas and which could pose a risk to pub-  
14          lic safety or property damage if such project facili-  
15          ties were to fail.

16                  (2) CONDUCT OF INSPECTIONS.—Not later than  
17          3 years after the date of enactment of this Act, the  
18          Secretary shall conduct inspections of those project  
19          facilities, which are in proximity to urbanized areas  
20          and which could pose a risk to public safety or prop-  
21          erty damage if such facilities were to fail, using such  
22          specific inspection guidelines and criteria developed  
23          pursuant to paragraph (1). In selecting project fa-  
24          cilities to inspect, the Secretary shall take into ac-

## 1000

1 count the potential magnitude of public safety and  
2 economic damage posed by each project facility.

3 (3) TREATMENT OF COSTS.—The costs incurred  
4 by the Secretary in conducting these inspections  
5 shall be nonreimbursable.

6 (b) USE OF INSPECTION DATA.—The Secretary shall  
7 use the data collected through the conduct of the inspec-  
8 tions under subsection (a)(2) to—

9 (1) provide recommendations to the transferred  
10 works operating entities for improvement of oper-  
11 ation and maintenance processes, operating proce-  
12 dures including operation guidelines consistent with  
13 existing transfer contracts, and structural modifica-  
14 tions to those transferred works;

15 (2) determine an appropriate inspection fre-  
16 quency for such nondam project facilities which shall  
17 not exceed 6 years; and

18 (3) provide, upon request of transferred work  
19 operating entities, local governments, or State agen-  
20 cies, information regarding potential hazards posed  
21 by existing or proposed residential, commercial, in-  
22 dustrial or public-use development adjacent to  
23 project facilities.

24 (c) TECHNICAL ASSISTANCE TO TRANSFERRED  
25 WORKS OPERATING ENTITIES.—



## 1001

1           (1) AUTHORITY OF SECRETARY TO PROVIDE  
2 TECHNICAL ASSISTANCE.—The Secretary is author-  
3 ized, at the request of a transferred works operating  
4 entity in proximity to an urbanized area, to provide  
5 technical assistance to accomplish the following, if  
6 consistent with existing transfer contracts:

7           (A) Development of documented operating  
8 procedures for a project facility.

9           (B) Development of documented emer-  
10 gency notification and response procedures for  
11 a project facility.

12           (C) Development of facility inspection cri-  
13 teria for a project facility.

14           (D) Development of a training program on  
15 operation and maintenance requirements and  
16 practices for a project facility for a transferred  
17 works operating entity's workforce.

18           (E) Development of a public outreach plan  
19 on the operation and risks associated with a  
20 project facility.

21           (F) Development of any other plans or  
22 documentation which, in the judgment of the  
23 Secretary, will contribute to public safety and  
24 the sage operation of a project facility.

## 1002

1           (2) COSTS.—The Secretary is authorized to  
2 provide, on a non-reimbursable basis, up to 50 per-  
3 cent of the cost of such technical assistance, with  
4 the balance of such costs being advanced by the  
5 transferred works operating entity or other non-Fed-  
6 eral source. The non-Federal 50 percent minimum  
7 cost share for such technical assistance may be in  
8 the form of in-lieu contributions of resources by the  
9 transferred works operating entity or other non-Fed-  
10 eral source.

11 **SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.**

12           (a) IN GENERAL.—The Secretary or the transferred  
13 works operating entity may carry out, in accordance with  
14 subsection (b) and consistent with existing transfer con-  
15 tracts, any extraordinary operation and maintenance work  
16 on a project facility that the Secretary determines to be  
17 reasonably required to preserve the structural safety of the  
18 project facility.

19           (b) REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

20           (1) TREATMENT OF COSTS.—For reserved  
21 works, costs incurred by the Secretary in conducting  
22 extraordinary operation and maintenance work will  
23  
24  
25

1 be allocated to the authorized reimbursable purposes  
2 of the project and shall be repaid within 50 years,  
3 with interest, from the year in which work under-  
4 taken pursuant to this subtitle is substantially com-  
5 plete.

6 (2) AUTHORITY OF SECRETARY.—For trans-  
7 ferred works, the Secretary is authorized to advance  
8 the costs incurred by the transferred works oper-  
9 ating entity in conducting extraordinary operation  
10 and maintenance work and negotiate appropriate 50-  
11 year repayment contracts with project beneficiaries  
12 providing for the return of reimbursable costs, with  
13 interest, under this subsection: Provided, however,  
14 That no contract entered into pursuant to this sub-  
15 title shall be deemed to be a new or amended con-  
16 tract for the purposes of section 203(a) of the Rec-  
17 lamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

18 (3) DETERMINATION OF INTEREST RATE.—The  
19 interest rate used for computing interest on work in  
20 progress and interest on the unpaid balance of the  
21 reimbursable costs of extraordinary operation and  
22 maintenance work authorized by this subtitle shall  
23 be determined by the Secretary of the Treasury, as  
24 of the beginning of the fiscal year in which extraor-  
25 dinary operation and maintenance work is com-

1 menced, on the basis of average market yields on  
2 outstanding marketable obligations of the United  
3 States with the remaining periods of maturity com-  
4 parable to the applicable reimbursement period of  
5 the project, adjusted to the nearest  $\frac{1}{8}$  of 1 percent  
6 on the unamortized balance of any portion of the  
7 loan.

8 (c) EMERGENCY EXTRAORDINARY OPERATION AND  
9 MAINTENANCE WORK.—

10 (1) IN GENERAL.—The Secretary or the trans-  
11 ferred works operating entity shall carry out any  
12 emergency extraordinary operation and maintenance  
13 work on a project facility that the Secretary deter-  
14 mines to be necessary to minimize the risk of immi-  
15 nent harm to public health or safety, or property.

16 (2) REIMBURSEMENT.—The Secretary may ad-  
17 vance funds for emergency extraordinary operation  
18 and maintenance work and shall seek reimbursement  
19 from the transferred works operating entity or bene-  
20 fitting entity upon receiving a written assurance  
21 from the governing body of such entity that it will  
22 negotiate a contract pursuant to section 9603 for re-  
23 payment of costs incurred by the Secretary in under-  
24 taking such work.

1           (3) FUNDING.—If the Secretary determines  
2           that a project facility inspected and maintained pur-  
3           suant to the guidelines and criteria set forth in sec-  
4           tion 9602(a) requires extraordinary operation and  
5           maintenance pursuant to paragraph (1), the Sec-  
6           retary may provide Federal funds on a nonreimburs-  
7           able basis sufficient to cover 35 percent of the cost  
8           of the extraordinary operation and maintenance allo-  
9           cable to the transferred works operating entity,  
10          which is needed to minimize the risk of imminent  
11          harm. The remaining share of the Federal funds ad-  
12          vanced by the Secretary for such work shall be re-  
13          paid under subsection (b).

14 **SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY**  
15 **WATER WORKS ACT.**

16          Nothing in this subtitle shall preclude a transferred  
17          works operating entity from applying and receiving a loan-  
18          guarantee pursuant to the Twenty-First Century Water  
19          Works Act (43 U.S.C. 2401 et seq.).

20 **SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.**

21          There are authorized to be appropriated such sums  
22          as are necessary to carry out this subtitle.

1 **TITLE X—WATER SETTLEMENTS**

2 **Subtitle A—San Joaquin River**

3 **Restoration Settlement**

4 **PART I—SAN JOAQUIN RIVER RESTORATION**

5 **SETTLEMENT ACT**

6 **SEC. 10001. SHORT TITLE.**

7 This part may be cited as the “San Joaquin River  
8 Restoration Settlement Act”.

9 **SEC. 10002. PURPOSE.**

10 The purpose of this part is to authorize implementa-  
11 tion of the Settlement.

12 **SEC. 10003. DEFINITIONS.**

13 In this part:

14 (1) The terms “Friant Division long-term con-  
15 tractors”, “Interim Flows”, “Restoration Flows”,  
16 “Recovered Water Account”, “Restoration Goal”,  
17 and “Water Management Goal” have the meanings  
18 given the terms in the Settlement.

19 (2) The term “Secretary” means the Secretary  
20 of the Interior.

21 (3) The term “Settlement” means the Stipula-  
22 tion of Settlement dated September 13, 2006, in the  
23 litigation entitled Natural Resources Defense Coun-  
24 cil, et al. v. Kirk Rodgers, et al., United States Dis-

1        trict Court, Eastern District of California, No. CIV.  
2        S-88-1658-LKK/GGH.

3        **SEC. 10004. IMPLEMENTATION OF SETTLEMENT.**

4        (a) IN GENERAL.—The Secretary of the Interior is  
5 hereby authorized and directed to implement the terms  
6 and conditions of the Settlement in cooperation with the  
7 State of California, including the following measures as  
8 these measures are prescribed in the Settlement:

9            (1) Design and construct channel and struc-  
10          tural improvements as described in paragraph 11 of  
11          the Settlement, provided, however, that the Sec-  
12          retary shall not make or fund any such improve-  
13          ments to facilities or property of the State of Cali-  
14          fornia without the approval of the State of Cali-  
15          fornia and the State's agreement in 1 or more  
16          memoranda of understanding to participate where  
17          appropriate.

18            (2) Modify Friant Dam operations so as to pro-  
19          vide Restoration Flows and Interim Flows.

20            (3) Acquire water, water rights, or options to  
21          acquire water as described in paragraph 13 of the  
22          Settlement, provided, however, such acquisitions  
23          shall only be made from willing sellers and not  
24          through eminent domain.

1           (4) Implement the terms and conditions of  
2 paragraph 16 of the Settlement related to recircula-  
3 tion, recapture, reuse, exchange, or transfer of water  
4 released for Restoration Flows or Interim Flows, for  
5 the purpose of accomplishing the Water Manage-  
6 ment Goal of the Settlement, subject to—

7           (A) applicable provisions of California  
8 water law;

9           (B) the Secretary's use of Central Valley  
10 Project facilities to make Project water (other  
11 than water released from Friant Dam pursuant  
12 to the Settlement) and water acquired through  
13 transfers available to existing south-of-Delta  
14 Central Valley Project contractors; and

15           (C) the Secretary's performance of the  
16 Agreement of November 24, 1986, between the  
17 United States of America and the Department  
18 of Water Resources of the State of California  
19 for the coordinated operation of the Central  
20 Valley Project and the State Water Project as  
21 authorized by Congress in section 2(d) of the  
22 Act of August 26, 1937 (50 Stat. 850, 100  
23 Stat. 3051), including any agreement to resolve  
24 conflicts arising from said Agreement.



1           (5) Develop and implement the Recovered  
2           Water Account as specified in paragraph 16(b) of  
3           the Settlement, including the pricing and payment  
4           crediting provisions described in paragraph 16(b)(3)  
5           of the Settlement, provided that all other provisions  
6           of Federal reclamation law shall remain applicable.

7           (b) AGREEMENTS.—

8           (1) AGREEMENTS WITH THE STATE.—In order  
9           to facilitate or expedite implementation of the Settle-  
10          ment, the Secretary is authorized and directed to  
11          enter into appropriate agreements, including cost-  
12          sharing agreements, with the State of California.

13          (2) OTHER AGREEMENTS.—The Secretary is  
14          authorized to enter into contracts, memoranda of  
15          understanding, financial assistance agreements, cost  
16          sharing agreements, and other appropriate agree-  
17          ments with State, tribal, and local governmental  
18          agencies, and with private parties, including agree-  
19          ments related to construction, improvement, and op-  
20          eration and maintenance of facilities, subject to any  
21          terms and conditions that the Secretary deems nec-  
22          essary to achieve the purposes of the Settlement.

23          (c) ACCEPTANCE AND EXPENDITURE OF NON-FED-  
24          ERAL FUNDS.—The Secretary is authorized to accept and

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1 expend non-Federal funds in order to facilitate implemen-  
2 tation of the Settlement.

3 (d) MITIGATION OF IMPACTS.—Prior to the imple-  
4 mentation of decisions or agreements to construct, im-  
5 prove, operate, or maintain facilities that the Secretary de-  
6 termines are needed to implement the Settlement, the Sec-  
7 retary shall identify—

8 (1) the impacts associated with such actions;  
9 and

10 (2) the measures which shall be implemented to  
11 mitigate impacts on adjacent and downstream water  
12 users and landowners.

13 (e) DESIGN AND ENGINEERING STUDIES.—The Sec-  
14 retary is authorized to conduct any design or engineering  
15 studies that are necessary to implement the Settlement.

16 (f) EFFECT ON CONTRACT WATER ALLOCATIONS.—  
17 Except as otherwise provided in this section, the imple-  
18 mentation of the Settlement and the reintroduction of  
19 California Central Valley Spring Run Chinook salmon  
20 pursuant to the Settlement and section 10011, shall not  
21 result in the involuntary reduction in contract water allo-  
22 cations to Central Valley Project long-term contractors,  
23 other than Friant Division long-term contractors.

24 (g) EFFECT ON EXISTING WATER CONTRACTS.—Ex-  
25 cept as provided in the Settlement and this part, nothing

1 in this part shall modify or amend the rights and obliga-  
2 tions of the parties to any existing water service, repay-  
3 ment, purchase, or exchange contract.

4 (h) INTERIM FLOWS.—

5 (1) STUDY REQUIRED.—Prior to releasing any  
6 Interim Flows under the Settlement, the Secretary  
7 shall prepare an analysis in compliance with the Na-  
8 tional Environmental Policy Act of 1969 (42 U.S.C.  
9 4321 et seq.), including at a minimum—

10 (A) an analysis of channel conveyance ca-  
11 pacities and potential for levee or groundwater  
12 seepage;

13 (B) a description of the associated seepage  
14 monitoring program;

15 (C) an evaluation of—

16 (i) possible impacts associated with  
17 the release of Interim Flows; and

18 (ii) mitigation measures for those im-  
19 pacts that are determined to be significant;

20 (D) a description of the associated flow  
21 monitoring program; and

22 (E) an analysis of the likely Federal costs,  
23 if any, of any fish screens, fish bypass facilities,  
24 fish salvage facilities, and related operations on  
25 the San Joaquin River south of the confluence

1 with the Merced River required under the En-  
2 dangered Species Act of 1973 (16 U.S.C. 1531  
3 et seq.) as a result of the Interim Flows.

4 (2) CONDITIONS FOR RELEASE.—The Secretary  
5 is authorized to release Interim Flows to the extent  
6 that such flows would not—

7 (A) impede or delay completion of the  
8 measures specified in Paragraph 11(a) of the  
9 Settlement; or

10 (B) exceed existing downstream channel  
11 capacities.

12 (3) SEEPAGE IMPACTS.—The Secretary shall  
13 reduce Interim Flows to the extent necessary to ad-  
14 dress any material adverse impacts to third parties  
15 from groundwater seepage caused by such flows that  
16 the Secretary identifies based on the monitoring pro-  
17 gram of the Secretary.

18 (4) TEMPORARY FISH BARRIER PROGRAM.—The  
19 Secretary, in consultation with the California De-  
20 partment of Fish and Game, shall evaluate the effec-  
21 tiveness of the Hills Ferry barrier in preventing the  
22 unintended upstream migration of anadromous fish  
23 in the San Joaquin River and any false migratory  
24 pathways. If that evaluation determines that any  
25 such migration past the barrier is caused by the in-

1       roduction of the Interim Flows and that the pres-  
2       ence of such fish will result in the imposition of ad-  
3       ditional regulatory actions against third parties, the  
4       Secretary is authorized to assist the Department of  
5       Fish and Game in making improvements to the bar-  
6       rier. From funding made available in accordance  
7       with section 10009, if third parties along the San  
8       Joaquin River south of its confluence with the  
9       Merced River are required to install fish screens or  
10      fish bypass facilities due to the release of Interim  
11      Flows in order to comply with the Endangered Spe-  
12      cies Act of 1973 (16 U.S.C. 1531 et seq.), the Sec-  
13      retary shall bear the costs of the installation of such  
14      screens or facilities if such costs would be borne by  
15      the Federal Government under section 10009(a)(3),  
16      except to the extent that such costs are already or  
17      are further willingly borne by the State of California  
18      or by the third parties.

19      (i) FUNDING AVAILABILITY.—

20           (1) IN GENERAL.—Funds shall be collected in  
21      the San Joaquin River Restoration Fund through  
22      October 1, 2019, and thereafter, with substantial  
23      amounts available through October 1, 2019, pursu-  
24      ant to section 10009 for implementation of the Set-  
25      tlement and parts I and III, including—

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1 (A) \$88,000,000, to be available without  
2 further appropriation pursuant to section  
3 10009(c)(2);

4 (B) additional amounts authorized to be  
5 appropriated, including the charges required  
6 under section 10007 and an estimated  
7 \$20,000,000 from the CVP Restoration Fund  
8 pursuant to section 10009(b)(2); and

9 (C) an aggregate commitment of at least  
10 \$200,000,000 by the State of California.

11 (2) ADDITIONAL AMOUNTS.—Substantial addi-  
12 tional amounts from the San Joaquin River Restora-  
13 tion Fund shall become available without further ap-  
14 propriation after October 1, 2019, pursuant to sec-  
15 tion 10009(c)(2).

16 (3) EFFECT OF SUBSECTION.—Nothing in this  
17 subsection limits the availability of funds authorized  
18 for appropriation pursuant to section 10009(b) or  
19 10203(c).

20 (j) SAN JOAQUIN RIVER EXCHANGE CONTRACT.—  
21 Subject to section 10006(b), nothing in this part shall  
22 modify or amend the rights and obligations under the Pur-  
23 chase Contract between Miller and Lux and the United  
24 States and the Second Amended Exchange Contract be-  
25 tween the United States, Department of the Interior, Bu-

1 reau of Reclamation and Central California Irrigation Dis-  
2 trict, San Luis Canal Company, Firebaugh Canal Water  
3 District and Columbia Canal Company.

4 **SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY;**  
5 **TITLE TO FACILITIES.**

6 (a) TITLE TO FACILITIES.—Unless acquired pursu-  
7 ant to subsection (b), title to any facility or facilities,  
8 stream channel, levees, or other real property modified or  
9 improved in the course of implementing the Settlement au-  
10 thorized by this part, and title to any modifications or im-  
11 provements of such facility or facilities, stream channel,  
12 levees, or other real property—

13 (1) shall remain in the owner of the property;  
14 and

15 (2) shall not be transferred to the United  
16 States on account of such modifications or improve-  
17 ments.

18 (b) ACQUISITION OF PROPERTY.—

19 (1) IN GENERAL.—The Secretary is authorized  
20 to acquire through purchase from willing sellers any  
21 property, interests in property, or options to acquire  
22 real property needed to implement the Settlement  
23 authorized by this part.

24 (2) APPLICABLE LAW.—The Secretary is au-  
25 thorized, but not required, to exercise all of the au-

1       thorities provided in section 2 of the Act of August  
2       26, 1937 (50 Stat. 844, chapter 832), to carry out  
3       the measures authorized in this section and section  
4       10004.

5       (c) DISPOSAL OF PROPERTY.—

6           (1) IN GENERAL.—Upon the Secretary's deter-  
7       mination that retention of title to property or inter-  
8       ests in property acquired pursuant to this part is no  
9       longer needed to be held by the United States for  
10      the furtherance of the Settlement, the Secretary is  
11      authorized to dispose of such property or interest in  
12      property on such terms and conditions as the Sec-  
13      retary deems appropriate and in the best interest of  
14      the United States, including possible transfer of  
15      such property to the State of California.

16          (2) RIGHT OF FIRST REFUSAL.—In the event  
17      the Secretary determines that property acquired pur-  
18      suant to this part through the exercise of its emi-  
19      nent domain authority is no longer necessary for im-  
20      plementation of the Settlement, the Secretary shall  
21      provide a right of first refusal to the property owner  
22      from whom the property was initially acquired, or  
23      his or her successor in interest, on the same terms  
24      and conditions as the property is being offered to  
25      other parties.



1           (3) DISPOSITION OF PROCEEDS.—Proceeds  
2           from the disposal by sale or transfer of any such  
3           property or interests in such property shall be depos-  
4           ited in the fund established by section 10009(c).

5           (d) GROUNDWATER BANK.—Nothing in this part au-  
6           thorizes the Secretary to operate a groundwater bank  
7           along or adjacent to the San Joaquin River upstream of  
8           the confluence with the Merced River, and any such  
9           groundwater bank shall be operated by a non-Federal enti-  
10          ty.

11 **SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.**

12          (a) APPLICABLE LAW.—

13           (1) IN GENERAL.—In undertaking the measures  
14           authorized by this part, the Secretary and the Sec-  
15           retary of Commerce shall comply with all applicable  
16           Federal and State laws, rules, and regulations, in-  
17           cluding the National Environmental Policy Act of  
18           1969 (42 U.S.C. 4321 et seq.) and the Endangered  
19           Species Act of 1973 (16 U.S.C. 1531 et seq.), as  
20           necessary.

21           (2) ENVIRONMENTAL REVIEWS.—The Secretary  
22           and the Secretary of Commerce are authorized and  
23           directed to initiate and expeditiously complete appli-  
24           cable environmental reviews and consultations as

1       may be necessary to effectuate the purposes of the  
2       Settlement.

3       (b) EFFECT ON STATE LAW.—Nothing in this part  
4 shall preempt State law or modify any existing obligation  
5 of the United States under Federal reclamation law to op-  
6 erate the Central Valley Project in conformity with State  
7 law.

8       (c) USE OF FUNDS FOR ENVIRONMENTAL RE-  
9 VIEWS.—

10           (1) DEFINITION OF ENVIRONMENTAL RE-  
11 VIEW.—For purposes of this subsection, the term  
12 “environmental review” includes any consultation  
13 and planning necessary to comply with subsection  
14 (a).

15           (2) PARTICIPATION IN ENVIRONMENTAL RE-  
16 VIEW PROCESS.—In undertaking the measures au-  
17 thorized by section 10004, and for which environ-  
18 mental review is required, the Secretary may provide  
19 funds made available under this part to affected  
20 Federal agencies, State agencies, local agencies, and  
21 Indian tribes if the Secretary determines that such  
22 funds are necessary to allow the Federal agencies,  
23 State agencies, local agencies, or Indian tribes to ef-  
24 fectively participate in the environmental review  
25 process.

1           (3) **LIMITATION.**—Funds may be provided  
2           under paragraph (2) only to support activities that  
3           directly contribute to the implementation of the  
4           terms and conditions of the Settlement.

5           (d) **NONREIMBURSABLE FUNDS.**—The United  
6 States’ share of the costs of implementing this part shall  
7 be nonreimbursable under Federal reclamation law, pro-  
8 vided that nothing in this subsection shall limit or be con-  
9 strued to limit the use of the funds assessed and collected  
10 pursuant to sections 3406(e)(1) and 3407(d)(2) of the  
11 Reclamation Projects Authorization and Adjustment Act  
12 of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for  
13 implementation of the Settlement, nor shall it be con-  
14 strued to limit or modify existing or future Central Valley  
15 Project ratesetting policies.

16 **SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT**  
17 **IMPROVEMENT ACT.**

18           Congress hereby finds and declares that the Settle-  
19 ment satisfies and discharges all of the obligations of the  
20 Secretary contained in section 3406(e)(1) of the Reclama-  
21 tion Projects Authorization and Adjustment Act of 1992  
22 (Public Law 102–575; 106 Stat. 4721), provided, how-  
23 ever, that—

24           (1) the Secretary shall continue to assess and  
25           collect the charges provided in section 3406(e)(1) of

1 the Reclamation Projects Authorization and Adjust-  
2 ment Act of 1992 (Public Law 102–575; 106 Stat.  
3 4721), as provided in the Settlement; and

4 (2) those assessments and collections shall con-  
5 tinue to be counted toward the requirements of the  
6 Secretary contained in section 3407(c)(2) of the  
7 Reclamation Projects Authorization and Adjustment  
8 Act of 1992 (Public Law 102–575; 106 Stat. 4726).

9 **SEC. 10008. NO PRIVATE RIGHT OF ACTION.**

10 (a) IN GENERAL.—Nothing in this part confers upon  
11 any person or entity not a party to the Settlement a pri-  
12 vate right of action or claim for relief to interpret or en-  
13 force the provisions of this part or the Settlement.

14 (b) APPLICABLE LAW.—This section shall not alter  
15 or curtail any right of action or claim for relief under any  
16 other applicable law.

17 **SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.**

18 (a) IMPLEMENTATION COSTS.—

19 (1) IN GENERAL.—The costs of implementing  
20 the Settlement shall be covered by payments or in-  
21 kind contributions made by Friant Division contrac-  
22 tors and other non-Federal parties, including the  
23 funds provided in subparagraphs (A) through (D) of  
24 subsection (c)(1), estimated to total \$440,000,000,  
25 of which the non-Federal payments are estimated to

1 total \$200,000,000 (at October 2006 price levels)  
2 and the amount from repaid Central Valley Project  
3 capital obligations is estimated to total  
4 \$240,000,000, the additional Federal appropriation  
5 of \$250,000,000 authorized pursuant to subsection  
6 (b)(1), and such additional funds authorized pursu-  
7 ant to subsection (b)(2); provided however, that the  
8 costs of implementing the provisions of section  
9 10004(a)(1) shall be shared by the State of Cali-  
10 fornia pursuant to the terms of a memorandum of  
11 understanding executed by the State of California  
12 and the Parties to the Settlement on September 13,  
13 2006, which includes at least \$110,000,000 of State  
14 funds.

15 (2) ADDITIONAL AGREEMENTS.—

16 (A) IN GENERAL.—The Secretary shall  
17 enter into 1 or more agreements to fund or im-  
18 plement improvements on a project-by-project  
19 basis with the State of California.

20 (B) REQUIREMENTS.—Any agreements en-  
21 tered into under subparagraph (A) shall provide  
22 for recognition of either monetary or in-kind  
23 contributions toward the State of California's  
24 share of the cost of implementing the provisions  
25 of section 10004(a)(1).

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1           (3) LIMITATION.—Except as provided in the  
2 Settlement, to the extent that costs incurred solely  
3 to implement this Settlement would not otherwise  
4 have been incurred by any entity or public or local  
5 agency or subdivision of the State of California, such  
6 costs shall not be borne by any such entity, agency,  
7 or subdivision of the State of California, unless such  
8 costs are incurred on a voluntary basis.

9           (b) AUTHORIZATION OF APPROPRIATIONS.—

10           (1) IN GENERAL.—In addition to the funding  
11 provided in subsection (c), there are also authorized  
12 to be appropriated not to exceed \$250,000,000 (at  
13 October 2006 price levels) to implement this part  
14 and the Settlement, to be available until expended;  
15 provided however, that the Secretary is authorized to  
16 spend such additional appropriations only in  
17 amounts equal to the amount of funds deposited in  
18 the San Joaquin River Restoration Fund (not in-  
19 cluding payments under subsection (c)(1)(B) and  
20 proceeds under subsection (c)(1)(C)), the amount of  
21 in-kind contributions, and other non-Federal pay-  
22 ments actually committed to the implementation of  
23 this part or the Settlement.

24           (2) USE OF THE CENTRAL VALLEY PROJECT  
25 RESTORATION FUND.—The Secretary is authorized

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1 to use monies from the Central Valley Project Res-  
2 toration Fund created under section 3407 of the  
3 Reclamation Projects Authorization and Adjustment  
4 Act of 1992 (Public Law 102–575; 106 Stat. 4727)  
5 for purposes of this part in an amount not to exceed  
6 \$2,000,000 (October 2006 price levels) in any fiscal  
7 year.

8 (c) FUND.—

9 (1) IN GENERAL.—There is hereby established  
10 within the Treasury of the United States a fund, to  
11 be known as the San Joaquin River Restoration  
12 Fund, into which the following funds shall be depos-  
13 ited and used solely for the purpose of implementing  
14 the Settlement except as otherwise provided in sub-  
15 sections (a) and (b) of section 10203:

16 (A) All payments received pursuant to sec-  
17 tion 3406(c)(1) of the Reclamation Projects  
18 Authorization and Adjustment Act of 1992  
19 (Public Law 102–575; 106 Stat. 4721).

20 (B) The construction cost component (not  
21 otherwise needed to cover operation and main-  
22 tenance costs) of payments made by Friant Di-  
23 vision, Hidden Unit, and Buchanan Unit long-  
24 term contractors pursuant to long-term water  
25 service contracts or pursuant to repayment con-

1 tracts, including repayment contracts executed  
2 pursuant to section 10010. The construction  
3 cost repayment obligation assigned such con-  
4 tractors under such contracts shall be reduced  
5 by the amount paid pursuant to this paragraph  
6 and the appropriate share of the existing Fed-  
7 eral investment in the Central Valley Project to  
8 be recovered by the Secretary pursuant to Pub-  
9 lic Law 99–546 (100 Stat. 3050) shall be re-  
10 duced by an equivalent sum.

11 (C) Proceeds from the sale of water pursu-  
12 ant to the Settlement, or from the sale of prop-  
13 erty or interests in property as provided in sec-  
14 tion 10005.

15 (D) Any non-Federal funds, including  
16 State cost-sharing funds, contributed to the  
17 United States for implementation of the Settle-  
18 ment, which the Secretary may expend without  
19 further appropriation for the purposes for  
20 which contributed.

21 (2) AVAILABILITY.—All funds deposited into  
22 the Fund pursuant to subparagraphs (A), (B), and  
23 (C) of paragraph (1) are authorized for appropria-  
24 tion to implement the Settlement and this part, in  
25 addition to the authorization provided in subsections



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1 (a) and (b) of section 10203, except that  
2 \$88,000,000 of such funds are available for expendi-  
3 ture without further appropriation; provided that  
4 after October 1, 2019, all funds in the Fund shall  
5 be available for expenditure without further appro-  
6 priation.

7 (d) LIMITATION ON CONTRIBUTIONS.—Payments  
8 made by long-term contractors who receive water from the  
9 Friant Division and Hidden and Buchanan Units of the  
10 Central Valley Project pursuant to sections 3406(c)(1)  
11 and 3407(d)(2) of the Reclamation Projects Authorization  
12 and Adjustment Act of 1992 (Public Law 102–575; 106  
13 Stat. 4721, 4727) and payments made pursuant to para-  
14 graph 16(b)(3) of the Settlement and subsection (c)(1)(B)  
15 shall be the limitation of such entities’ direct financial con-  
16 tribution to the Settlement, subject to the terms and con-  
17 ditions of paragraph 21 of the Settlement.

18 (e) NO ADDITIONAL EXPENDITURES REQUIRED.—  
19 Nothing in this part shall be construed to require a Fed-  
20 eral official to expend Federal funds not appropriated by  
21 Congress, or to seek the appropriation of additional funds  
22 by Congress, for the implementation of the Settlement.

23 (f) REACH 4B.—

24 (1) STUDY.—

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1 (A) IN GENERAL.—In accordance with the  
2 Settlement and the memorandum of under-  
3 standing executed pursuant to paragraph 6 of  
4 the Settlement, the Secretary shall conduct a  
5 study that specifies—

6 (i) the costs of undertaking any work  
7 required under paragraph 11(a)(3) of the  
8 Settlement to increase the capacity of  
9 reach 4B prior to reinitiation of Restora-  
10 tion Flows;

11 (ii) the impacts associated with re-  
12 initiation of such flows; and

13 (iii) measures that shall be imple-  
14 mented to mitigate impacts.

15 (B) DEADLINE.—The study under sub-  
16 paragraph (A) shall be completed prior to res-  
17 toration of any flows other than Interim Flows.

18 (2) REPORT.—

19 (A) IN GENERAL.—The Secretary shall file  
20 a report with Congress not later than 90 days  
21 after issuing a determination, as required by  
22 the Settlement, on whether to expand channel  
23 conveyance capacity to 4500 cubic feet per sec-  
24 ond in reach 4B of the San Joaquin River, or  
25 use an alternative route for pulse flows, that—

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1 (i) explains whether the Secretary has  
2 decided to expand Reach 4B capacity to  
3 4500 cubic feet per second; and

4 (ii) addresses the following matters:

5 (I) The basis for the Secretary's  
6 determination, whether set out in en-  
7 vironmental review documents or oth-  
8 erwise, as to whether the expansion of  
9 Reach 4B would be the preferable  
10 means to achieve the Restoration Goal  
11 as provided in the Settlement, includ-  
12 ing how different factors were as-  
13 sessed such as comparative biological  
14 and habitat benefits, comparative  
15 costs, relative availability of State  
16 cost-sharing funds, and the compara-  
17 tive benefits and impacts on water  
18 temperature, water supply, private  
19 property, and local and downstream  
20 flood control.

21 (II) The Secretary's final cost es-  
22 timate for expanding Reach 4B capac-  
23 ity to 4500 cubic feet per second, or  
24 any alternative route selected, as well  
25 as the alternative cost estimates pro-

1                   vided by the State, by the Restoration  
2                   Administrator, and by the other par-  
3                   ties to the Settlement.

4                   (III) The Secretary's plan for  
5                   funding the costs of expanding Reach  
6                   4B or any alternative route selected,  
7                   whether by existing Federal funds  
8                   provided under this subtitle, by non-  
9                   Federal funds, by future Federal ap-  
10                  propriations, or some combination of  
11                  such sources.

12                 (B) DETERMINATION REQUIRED.—The  
13                 Secretary shall, to the extent feasible, make the  
14                 determination in subparagraph (A) prior to un-  
15                 dertaking any substantial construction work to  
16                 increase capacity in reach 4B.

17                 (3) COSTS.—If the Secretary's estimated Fed-  
18                 eral cost for expanding reach 4B in paragraph (2),  
19                 in light of the Secretary's funding plan set out in  
20                 that paragraph, would exceed the remaining Federal  
21                 funding authorized by this part (including all funds  
22                 reallocated, all funds dedicated, and all new funds  
23                 authorized by this part and separate from all com-  
24                 mitments of State and other non-Federal funds and  
25                 in-kind commitments), then before the Secretary

1 commences actual construction work in reach 4B  
2 (other than planning, design, feasibility, or other  
3 preliminary measures) to expand capacity to 4500  
4 cubic feet per second to implement this Settlement,  
5 Congress must have increased the applicable author-  
6 ization ceiling provided by this part in an amount at  
7 least sufficient to cover the higher estimated Federal  
8 costs.

9 **SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION**  
10 **OF REPAYMENT OF CONSTRUCTION COSTS.**

11 (a) CONVERSION OF CONTRACTS.—

12 (1) The Secretary is authorized and directed to  
13 convert, prior to December 31, 2010, all existing  
14 long-term contracts with the following Friant Divi-  
15 sion, Hidden Unit, and Buchanan Unit contractors,  
16 entered under subsection (e) of section 9 of the Act  
17 of August 4, 1939 (53 Stat. 1196), to contracts  
18 under subsection (d) of section 9 of said Act (53  
19 Stat. 1195), under mutually agreeable terms and  
20 conditions: Arvin-Edison Water Storage District;  
21 Delano-Earlimart Irrigation District; Exeter Irriga-  
22 tion District; Fresno Irrigation District; Ivanhoe Ir-  
23 rigation District; Lindmore Irrigation District; Lind-  
24 say-Strathmore Irrigation District; Lower Tule  
25 River Irrigation District; Orange Cove Irrigation

1 District; Porterville Irrigation District; Saucelito Ir-  
2 rigation District; Shafter-Wasco Irrigation District;  
3 Southern San Joaquin Municipal Utility District;  
4 Stone Corral Irrigation District; Tea Pot Dome  
5 Water District; Terra Bella Irrigation District;  
6 Tulare Irrigation District; Madera Irrigation Dis-  
7 trict; and Chowchilla Water District. Upon request  
8 of the contractor, the Secretary is authorized to con-  
9 vert, prior to December 31, 2010, other existing  
10 long-term contracts with Friant Division contractors  
11 entered under subsection (e) of section 9 of the Act  
12 of August 4, 1939 (53 Stat. 1196), to contracts  
13 under subsection (d) of section 9 of said Act (53  
14 Stat. 1195), under mutually agreeable terms and  
15 conditions.

16 (2) Upon request of the contractor, the Sec-  
17 retary is further authorized to convert, prior to De-  
18 cember 31, 2010, any existing Friant Division long-  
19 term contract entered under subsection (e)(2) of sec-  
20 tion 9 of the Act of August 4, 1939 (53 Stat. 1194),  
21 to a contract under subsection (e)(1) of section 9 of  
22 said Act, under mutually agreeable terms and condi-  
23 tions.

24 (3) All such contracts entered into pursuant to  
25 paragraph (1) shall—

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1           (A) require the repayment, either in lump  
2           sum or by accelerated prepayment, of the re-  
3           maining amount of construction costs identified  
4           in the Central Valley Project Schedule of Irriga-  
5           tion Capital Rates by Contractor 2007 Irriga-  
6           tion Water Rates, dated January 25, 2007, as  
7           adjusted to reflect payments not reflected in  
8           such schedule, and properly assignable for ulti-  
9           mate return by the contractor, no later than  
10          January 31, 2011, or if made in approximately  
11          equal annual installments, no later than Janu-  
12          ary 31, 2014; such amount to be discounted by  
13           $\frac{1}{2}$  the Treasury Rate. An estimate of the re-  
14          maining amount of construction costs as of  
15          January 31, 2011, as adjusted, shall be pro-  
16          vided by the Secretary to each contractor no  
17          later than June 30, 2010;

18          (B) require that, notwithstanding sub-  
19          section (c)(2), construction costs or other cap-  
20          italized costs incurred after the effective date of  
21          the contract or not reflected in the schedule ref-  
22          erenced in subparagraph (A), and properly as-  
23          signable to such contractor, shall be repaid in  
24          not more than 5 years after notification of the  
25          allocation if such amount is a result of a collec-

1           tive annual allocation of capital costs to the  
2           contractors exercising contract conversions  
3           under this subsection of less than \$5,000,000.  
4           If such amount is \$5,000,000 or greater, such  
5           cost shall be repaid as provided by applicable  
6           Reclamation law, provided that the reference to  
7           the amount of \$5,000,000 shall not be a prece-  
8           dent in any other context;

9           (C) provide that power revenues will not be  
10          available to aid in repayment of construction  
11          costs allocated to irrigation under the contract;  
12          and

13          (D) conform to the Settlement and this  
14          part and shall continue so long as the con-  
15          tractor pays applicable charges, consistent with  
16          subsection (c)(2) and applicable law.

17          (4) All such contracts entered into pursuant to  
18          paragraph (2) shall—

19                 (A) require the repayment in lump sum of  
20                 the remaining amount of construction costs  
21                 identified in the most current version of the  
22                 Central Valley Project Schedule of Municipal  
23                 and Industrial Water Rates, as adjusted to re-  
24                 flect payments not reflected in such schedule,  
25                 and properly assignable for ultimate return by



1 the contractor, no later than January 31, 2014.  
2 An estimate of the remaining amount of con-  
3 struction costs as of January 31, 2014, as ad-  
4 justed, shall be provided by the Secretary to  
5 each contractor no later than June 30, 2013;

6 (B) require that, notwithstanding sub-  
7 section (c)(2), construction costs or other cap-  
8 italized costs incurred after the effective date of  
9 the contract or not reflected in the schedule ref-  
10 erenced in subparagraph (A), and properly as-  
11 signable to such contractor, shall be repaid in  
12 not more than 5 years after notification of the  
13 allocation if such amount is a result of a collec-  
14 tive annual allocation of capital costs to the  
15 contractors exercising contract conversions  
16 under this subsection of less than \$5,000,000.  
17 If such amount is \$5,000,000 or greater, such  
18 cost shall be repaid as provided by applicable  
19 Reclamation law, provided that the reference to  
20 the amount of \$5,000,000 shall not be a prece-  
21 dent in any other context; and

22 (C) conform to the Settlement and this  
23 part and shall continue so long as the con-  
24 tractor pays applicable charges, consistent with  
25 subsection (c)(2) and applicable law.

1           (b) FINAL ADJUSTMENT.—The amounts paid pursu-  
2 ant to subsection (a) shall be subject to adjustment fol-  
3 lowing a final cost allocation by the Secretary upon com-  
4 pletion of the construction of the Central Valley Project.  
5 In the event that the final cost allocation indicates that  
6 the costs properly assignable to the contractor are greater  
7 than what has been paid by the contractor, the contractor  
8 shall be obligated to pay the remaining allocated costs.  
9 The term of such additional repayment contract shall be  
10 no less than 1 year and no more than 10 years, however,  
11 mutually agreeable provisions regarding the rate of repay-  
12 ment of such amount may be developed by the parties.  
13 In the event that the final cost allocation indicates that  
14 the costs properly assignable to the contractor are less  
15 than what the contractor has paid, the Secretary is au-  
16 thorized and directed to credit such overpayment as an  
17 offset against any outstanding or future obligation of the  
18 contractor.

19           (c) APPLICABILITY OF CERTAIN PROVISIONS.—

20           (1) Notwithstanding any repayment obligation  
21 under subsection (a)(3)(B) or subsection (b), upon a  
22 contractor's compliance with and discharge of the  
23 obligation of repayment of the construction costs as  
24 provided in subsection (a)(3)(A), the provisions of  
25 section 213(a) and (b) of the Reclamation Reform

1 Act of 1982 (96 Stat. 1269) shall apply to lands in  
2 such district.

3 (2) Notwithstanding any repayment obligation  
4 under paragraph (3)(B) or (4)(B) of subsection (a),  
5 or subsection (b), upon a contractor's compliance  
6 with and discharge of the obligation of repayment of  
7 the construction costs as provided in paragraphs  
8 (3)(A) and (4)(A) of subsection (a), the Secretary  
9 shall waive the pricing provisions of section 3405(d)  
10 of the Reclamation Projects Authorization and Ad-  
11 justment Act of 1992 (Public Law 102-575) for  
12 such contractor, provided that such contractor shall  
13 continue to pay applicable operation and mainte-  
14 nance costs and other charges applicable to such re-  
15 payment contracts pursuant to the then-current  
16 rate-setting policy and applicable law.

17 (3) Provisions of the Settlement applying to  
18 Friant Division, Hidden Unit, and Buchanan Unit  
19 long-term water service contracts shall also apply to  
20 contracts executed pursuant to this section.

21 (d) REDUCTION OF CHARGE FOR THOSE CONTRACTS  
22 CONVERTED PURSUANT TO SUBSECTION (A)(1).—

23 (1) At the time all payments by the contractor  
24 required by subsection (a)(3)(A) have been com-  
25 pleted, the Secretary shall reduce the charge man-

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1       dated in section 10007(1) of this part, from 2020  
2       through 2039, to offset the financing costs as de-  
3       fined in section 10010(d)(3). The reduction shall be  
4       calculated at the time all payments by the contractor  
5       required by subsection (a)(3)(A) have been com-  
6       pleted. The calculation shall remain fixed from 2020  
7       through 2039 and shall be based upon anticipated  
8       average annual water deliveries, as mutually agreed  
9       upon by the Secretary and the contractor, for the  
10      period from 2020 through 2039, and the amounts of  
11      such reductions shall be discounted using the Treas-  
12      ury Rate; provided, that such charge shall not be re-  
13      duced to less than \$4.00 per acre foot of project  
14      water delivered; provided further, that such reduc-  
15      tion shall be implemented annually unless the Sec-  
16      retary determines, based on the availability of other  
17      monies, that the charges mandated in section  
18      10007(1) are otherwise needed to cover ongoing fed-  
19      eral costs of the Settlement, including any federal  
20      operation and maintenance costs of facilities that the  
21      Secretary determines are needed to implement the  
22      Settlement. If the Secretary determines that such  
23      charges are necessary to cover such ongoing federal  
24      costs, the Secretary shall, instead of making the re-  
25      duction in such charges, reduce the contractor's op-

1       eration and maintenance obligation by an equivalent  
2       amount, and such amount shall not be recovered by  
3       the United States from any Central Valley Project  
4       contractor, provided nothing herein shall affect the  
5       obligation of the contractor to make payments pur-  
6       suant to a transfer agreement with a non-federal op-  
7       erating entity.

8           (2) If the calculated reduction in paragraph (1),  
9       taking into consideration the minimum amount re-  
10      quired, does not result in the contractor offsetting  
11      its financing costs, the Secretary is authorized and  
12      directed to reduce, after October 1, 2019, any out-  
13      standing or future obligations of the contractor to  
14      the Bureau of Reclamation, other than the charge  
15      assessed and collected under section 3407(d) of Pub-  
16      lic law 102-575, by the amount of such deficiency,  
17      with such amount indexed to 2020 using the Treas-  
18      ury Rate and such amount shall not be recovered by  
19      the United States from any Central Valley Project  
20      contractor, provided nothing herein shall affect the  
21      obligation of the contractor to make payments pur-  
22      suant to a transfer agreement with a non-Federal  
23      operating entity.

24           (3) Financing costs, for the purposes of this  
25      subsection, shall be computed as the difference of

1 the net present value of the construction cost identi-  
2 fied in subsection (a)(3)(A) using the full Treasury  
3 Rate as compared to using one half of the Treasury  
4 Rate and applying those rates against a calculated  
5 average annual capital repayment through 2030.

6 (4) Effective in 2040, the charge shall revert to  
7 the amount called for in section 10007(1) of this  
8 part.

9 (5) For purposes of this section, “Treasury  
10 Rate” shall be defined as the 20 year Constant Ma-  
11 turity Treasury (CMT) rate published by the United  
12 States Department of the Treasury as of October 1,  
13 2010.

14 (e) SATISFACTION OF CERTAIN PROVISIONS.—

15 (1) IN GENERAL.—Upon the first release of In-  
16 terim Flows or Restoration Flows, pursuant to para-  
17 graphs 13 or 15 of the Settlement, any short- or  
18 long-term agreement, to which 1 or more long-term  
19 Friant Division, Hidden Unit, or Buchanan Unit  
20 contractor that converts its contract pursuant to  
21 subsection (a) is a party, providing for the transfer  
22 or exchange of water not released as Interim Flows  
23 or Restoration Flows shall be deemed to satisfy the  
24 provisions of subsection 3405(a)(1)(A) and (I) of the  
25 Reclamation Projects Authorization and Adjustment

1 Act of 1992 (Public Law 102–575) without the fur-  
2 ther concurrence of the Secretary as to compliance  
3 with said subsections if the contractor provides, not  
4 later than 90 days before commencement of any  
5 such transfer or exchange for a period in excess of  
6 1 year, and not later than 30 days before commence-  
7 ment of any proposed transfer or exchange with du-  
8 ration of less than 1 year, written notice to the Sec-  
9 retary stating how the proposed transfer or ex-  
10 change is intended to reduce, avoid, or mitigate im-  
11 pacts to water deliveries caused by the Interim  
12 Flows or Restoration Flows or is intended to other-  
13 wise facilitate the Water Management Goal, as de-  
14 scribed in the Settlement. The Secretary shall  
15 promptly make such notice publicly available.

16 (2) DETERMINATION OF REDUCTIONS TO  
17 WATER DELIVERIES.—Water transferred or ex-  
18 changed under an agreement that meets the terms  
19 of this subsection shall not be counted as a replace-  
20 ment or an offset for purposes of determining reduc-  
21 tions to water deliveries to any Friant Division long-  
22 term contractor except as provided in paragraph  
23 16(b) of the Settlement. The Secretary shall, at least  
24 annually, make publicly available a compilation of  
25 the number of transfer or exchange agreements exer-

1 cising the provisions of this subsection to reduce,  
2 avoid, or mitigate impacts to water deliveries caused  
3 by the Interim Flows or Restoration Flows or to fa-  
4 cilitate the Water Management Goal, as well as the  
5 volume of water transferred or exchanged under  
6 such agreements.

7 (3) STATE LAW.—Nothing in this subsection al-  
8 ters State law or permit conditions, including any  
9 applicable geographical restrictions on the place of  
10 use of water transferred or exchanged pursuant to  
11 this subsection.

12 (f) CERTAIN REPAYMENT OBLIGATIONS NOT AL-  
13 TERED.—Implementation of the provisions of this section  
14 shall not alter the repayment obligation of any other long-  
15 term water service or repayment contractor receiving  
16 water from the Central Valley Project, or shift any costs  
17 that would otherwise have been properly assignable to the  
18 Friant contractors absent this section, including oper-  
19 ations and maintenance costs, construction costs, or other  
20 capitalized costs incurred after the date of enactment of  
21 this Act, to other such contractors.

22 (g) STATUTORY INTERPRETATION.—Nothing in this  
23 part shall be construed to affect the right of any Friant  
24 Division, Hidden Unit, or Buchanan Unit long-term con-  
25 tractor to use a particular type of financing to make the



1 payments required in paragraph (3)(A) or (4)(A) of sub-  
2 section (a).

3 **SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN**  
4 **CHINOOK SALMON.**

5 (a) FINDING.—Congress finds that the implementa-  
6 tion of the Settlement to resolve 18 years of contentious  
7 litigation regarding restoration of the San Joaquin River  
8 and the reintroduction of the California Central Valley  
9 Spring Run Chinook salmon is a unique and unprece-  
10 dented circumstance that requires clear expressions of  
11 Congressional intent regarding how the provisions of the  
12 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)  
13 are utilized to achieve the goals of restoration of the San  
14 Joaquin River and the successful reintroduction of Cali-  
15 fornia Central Valley Spring Run Chinook salmon.

16 (b) REINTRODUCTION IN THE SAN JOAQUIN  
17 RIVER.—California Central Valley Spring Run Chinook  
18 salmon shall be reintroduced in the San Joaquin River  
19 below Friant Dam pursuant to section 10(j) of the Endan-  
20 gered Species Act of 1973 (16 U.S.C. 1539(j)) and the  
21 Settlement, provided that the Secretary of Commerce  
22 finds that a permit for the reintroduction of California  
23 Central Valley Spring Run Chinook salmon may be issued  
24 pursuant to section 10(a)(1)(A) of the Endangered Spe-  
25 cies Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

1 (c) FINAL RULE.—

2 (1) DEFINITION OF THIRD PARTY.—For the  
3 purpose of this subsection, the term “third party”  
4 means persons or entities diverting or receiving  
5 water pursuant to applicable State and Federal laws  
6 and shall include Central Valley Project contractors  
7 outside of the Friant Division of the Central Valley  
8 Project and the State Water Project.

9 (2) ISSUANCE.—The Secretary of Commerce  
10 shall issue a final rule pursuant to section 4(d) of  
11 the Endangered Species Act of 1973 (16 U.S.C.  
12 1533(d)) governing the incidental take of reintro-  
13 duced California Central Valley Spring Run Chinook  
14 salmon prior to the reintroduction.

15 (3) REQUIRED COMPONENTS.—The rule issued  
16 under paragraph (2) shall provide that the reintro-  
17 duction will not impose more than de minimus:  
18 water supply reductions, additional storage releases,  
19 or bypass flows on unwilling third parties due to  
20 such reintroduction.

21 (4) APPLICABLE LAW.—Nothing in this sec-  
22 tion—

23 (A) diminishes the statutory or regulatory  
24 protections provided in the Endangered Species  
25 Act of 1973 for any species listed pursuant to

1 section 4 of the Endangered Species Act of  
2 1973 (16 U.S.C. 1533) other than the reintro-  
3 duced population of California Central Valley  
4 Spring Run Chinook salmon, including protec-  
5 tions pursuant to existing biological opinions or  
6 new biological opinions issued by the Secretary  
7 or Secretary of Commerce; or

8 (B) precludes the Secretary or Secretary of  
9 Commerce from imposing protections under the  
10 Endangered Species Act of 1973 (16 U.S.C.  
11 1531 et seq.) for other species listed pursuant  
12 to section 4 of that Act (16 U.S.C. 1533) be-  
13 cause those protections provide incidental bene-  
14 fits to such reintroduced California Central Val-  
15 ley Spring Run Chinook salmon.

16 (d) REPORT.—

17 (1) IN GENERAL.—Not later than December 31,  
18 2024, the Secretary of Commerce shall report to  
19 Congress on the progress made on the reintroduction  
20 set forth in this section and the Secretary's plans for  
21 future implementation of this section.

22 (2) INCLUSIONS.—The report under paragraph  
23 (1) shall include—

24 (A) an assessment of the major challenges,  
25 if any, to successful reintroduction;

1           (B) an evaluation of the effect, if any, of  
2           the reintroduction on the existing population of  
3           California Central Valley Spring Run Chinook  
4           salmon existing on the Sacramento River or its  
5           tributaries; and

6           (C) an assessment regarding the future of  
7           the reintroduction.

8           (e) FERC PROJECTS.—

9           (1) IN GENERAL.—With regard to California  
10          Central Valley Spring Run Chinook salmon reintro-  
11          duced pursuant to the Settlement, the Secretary of  
12          Commerce shall exercise its authority under section  
13          18 of the Federal Power Act (16 U.S.C. 811) by re-  
14          serving its right to file prescriptions in proceedings  
15          for projects licensed by the Federal Energy Regu-  
16          latory Commission on the Calaveras, Stanislaus,  
17          Tuolumne, Merced, and San Joaquin rivers and oth-  
18          erwise consistent with subsection (c) until after the  
19          expiration of the term of the Settlement, December  
20          31, 2025, or the expiration of the designation made  
21          pursuant to subsection (b), whichever ends first.

22          (2) EFFECT OF SUBSECTION.—Nothing in this  
23          subsection shall preclude the Secretary of Commerce  
24          from imposing prescriptions pursuant to section 18  
25          of the Federal Power Act (16 U.S.C. 811) solely for

1 other anadromous fish species because those pre-  
2 scriptions provide incidental benefits to such reintro-  
3 duced California Central Valley Spring Run Chinook  
4 salmon.

5 (f) EFFECT OF SECTION.—Nothing in this section is  
6 intended or shall be construed—

7 (1) to modify the Endangered Species Act of  
8 1973 (16 U.S.C. 1531 et seq.) or the Federal Power  
9 Act (16 U.S.C. 791a et seq.); or

10 (2) to establish a precedent with respect to any  
11 other application of the Endangered Species Act of  
12 1973 (16 U.S.C. 1531 et seq.) or the Federal Power  
13 Act (16 U.S.C. 791a et seq.).

14 **PART II—STUDY TO DEVELOP WATER PLAN;**

15 **REPORT**

16 **SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.**

17 (a) PLAN.—

18 (1) GRANT.—To the extent that funds are  
19 made available in advance for this purpose, the Sec-  
20 retary of the Interior, acting through the Bureau of  
21 Reclamation, shall provide direct financial assistance  
22 to the California Water Institute, located at Cali-  
23 fornia State University, Fresno, California, to con-  
24 duct a study regarding the coordination and integra-  
25 tion of sub-regional integrated regional water man-

1           agement plans into a unified Integrated Regional  
2           Water Management Plan for the subject counties in  
3           the hydrologic basins that would address issues re-  
4           lated to—

5                   (A) water quality;

6                   (B) water supply (both surface, ground  
7           water banking, and brackish water desalina-  
8           tion);

9                   (C) water conveyance;

10                  (D) water reliability;

11                  (E) water conservation and efficient use  
12           (by distribution systems and by end users);

13                  (F) flood control;

14                  (G) water resource-related environmental  
15           enhancement; and

16                  (H) population growth.

17           (2) STUDY AREA.—The study area referred to  
18           in paragraph (1) is the proposed study area of the  
19           San Joaquin River Hydrologic Region and Tulare  
20           Lake Hydrologic Region, as defined by California  
21           Department of Water Resources Bulletin 160–05,  
22           volume 3, chapters 7 and 8, including Kern, Tulare,  
23           Kings, Fresno, Madera, Merced, Stanislaus, and San  
24           Joaquin counties in California.

1 (b) USE OF PLAN.—The Integrated Regional Water  
2 Management Plan developed for the 2 hydrologic basins  
3 under subsection (a) shall serve as a guide for the counties  
4 in the study area described in subsection (a)(2) to use as  
5 a mechanism to address and solve long-term water needs  
6 in a sustainable and equitable manner.

7 (c) REPORT.—The Secretary shall ensure that a re-  
8 port containing the results of the Integrated Regional  
9 Water Management Plan for the hydrologic regions is sub-  
10 mitted to the Committee on Energy and Natural Re-  
11 sources of the Senate and the Committee on Natural Re-  
12 sources of the House of Representatives not later than 24  
13 months after financial assistance is made available to the  
14 California Water Institute under subsection (a)(1).

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to carry out this section  
17 \$1,000,000 to remain available until expended.

### 18 **PART III—FRIANT DIVISION IMPROVEMENTS**

#### 19 **SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.**

20 (a) The Secretary of the Interior (hereafter referred  
21 to as the “Secretary”) is authorized and directed to con-  
22 duct feasibility studies in coordination with appropriate  
23 Federal, State, regional, and local authorities on the fol-  
24 lowing improvements and facilities in the Friant Division,  
25 Central Valley Project, California:

1           (1) Restoration of the capacity of the Friant-  
2           Kern Canal and Madera Canal to such capacity as  
3           previously designed and constructed by the Bureau  
4           of Reclamation.

5           (2) Reverse flow pump-back facilities on the  
6           Friant-Kern Canal, with reverse-flow capacity of ap-  
7           proximately 500 cubic feet per second at the Poso  
8           and Shafter Check Structures and approximately  
9           300 cubic feet per second at the Woollomes Check  
10          Structure.

11          (b) Upon completion of and consistent with the appli-  
12          cable feasibility studies, the Secretary is authorized to con-  
13          struct the improvements and facilities identified in sub-  
14          section (a) in accordance with all applicable Federal and  
15          State laws.

16          (c) The costs of implementing this section shall be  
17          in accordance with section 10203, and shall be a nonreim-  
18          bursable Federal expenditure.

19          **SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.**

20          (a) AUTHORIZATION.—The Secretary is authorized to  
21          provide financial assistance to local agencies within the  
22          Central Valley Project, California, for the planning, de-  
23          sign, environmental compliance, and construction of local  
24          facilities to bank water underground or to recharge  
25          groundwater, and that recover such water, provided that



1 the project meets the criteria in subsection (b). The Sec-  
2 retary is further authorized to require that any such local  
3 agency receiving financial assistance under the terms of  
4 this section submit progress reports and accountings to  
5 the Secretary, as the Secretary deems appropriate, which  
6 such reports shall be publicly available.

7 (b) CRITERIA.—

8 (1) A project shall be eligible for Federal finan-  
9 cial assistance under subsection (a) only if all or a  
10 portion of the project is designed to reduce, avoid,  
11 or offset the quantity of the expected water supply  
12 impacts to Friant Division long-term contractors  
13 caused by the Interim or Restoration Flows author-  
14 ized in part I of this subtitle, and such quantities  
15 have not already been reduced, avoided, or offset by  
16 other programs or projects.

17 (2) Federal financial assistance shall only apply  
18 to the portion of a project that the local agency des-  
19 ignates as reducing, avoiding, or offsetting the ex-  
20 pected water supply impacts caused by the Interim  
21 or Restoration Flows authorized in part I of this  
22 subtitle, consistent with the methodology developed  
23 pursuant to paragraph (3)(C).

24 (3) No Federal financial assistance shall be pro-  
25 vided by the Secretary under this part for construc-

1           tion of a project under subsection (a) unless the Sec-  
2           retary—

3                   (A) determines that appropriate planning,  
4                   design, and environmental compliance activities  
5                   associated with such a project have been com-  
6                   pleted, and that the Secretary has been offered  
7                   the opportunity to participate in the project at  
8                   a price that is no higher than the local agency's  
9                   own costs, in order to secure necessary storage,  
10                  extraction, and conveyance rights for water that  
11                  may be needed to meet the Restoration Goal as  
12                  described in part I of this subtitle, where such  
13                  project has capacity beyond that designated for  
14                  the purposes in paragraph (2) or where it is  
15                  feasible to expand such project to allow partici-  
16                  pation by the Secretary;

17                  (B) determines, based on information  
18                  available at the time, that the local agency has  
19                  the financial capability and willingness to fund  
20                  its share of the project's construction and all  
21                  operation and maintenance costs on an annual  
22                  basis;

23                  (C) determines that a method acceptable to  
24                  the Secretary has been developed for quanti-  
25                  fying the benefit, in terms of reduction, avoid-

1           ance, or offset of the water supply impacts ex-  
2           pected to be caused by the Interim or Restora-  
3           tion Flows authorized in part I of this subtitle,  
4           that will result from the project, and for ensur-  
5           ing appropriate adjustment in the recovered  
6           water account pursuant to section 10004(a)(5);  
7           and

8                   (D) has entered into a cost-sharing agree-  
9                   ment with the local agency which commits the  
10                  local agency to funding its share of the project's  
11                  construction costs on an annual basis.

12           (c) GUIDELINES.—Within 1 year from the date of en-  
13           actment of this part, the Secretary shall develop, in con-  
14           sultation with the Friant Division long-term contractors,  
15           proposed guidelines for the application of the criteria de-  
16           fined in subsection (b), and will make the proposed guide-  
17           lines available for public comment. Such guidelines may  
18           consider prioritizing the distribution of available funds to  
19           projects that provide the broadest benefit within the af-  
20           fected area and the equitable allocation of funds. Upon  
21           adoption of such guidelines, the Secretary shall implement  
22           such assistance program, subject to the availability of  
23           funds appropriated for such purpose.

1 (d) COST SHARING.—The Federal financial assist-  
2 ance provided to local agencies under subsection (a) shall  
3 not exceed—

4 (1) 50 percent of the costs associated with plan-  
5 ning, design, and environmental compliance activities  
6 associated with such a project; and

7 (2) 50 percent of the costs associated with con-  
8 struction of any such project.

9 (e) PROJECT OWNERSHIP.—

10 (1) Title to, control over, and operation of,  
11 projects funded under subsection (a) shall remain in  
12 one or more non-Federal local agencies. Nothing in  
13 this part authorizes the Secretary to operate a  
14 groundwater bank along or adjacent to the San Joa-  
15 quin River upstream of the confluence with the  
16 Merced River, and any such groundwater bank shall  
17 be operated by a non-Federal entity. All projects  
18 funded pursuant to this subsection shall comply with  
19 all applicable Federal and State laws, including pro-  
20 visions of California water law.

21 (2) All operation, maintenance, and replace-  
22 ment and rehabilitation costs of such projects shall  
23 be the responsibility of the local agency. The Sec-  
24 retary shall not provide funding for any operation,

1 maintenance, or replacement and rehabilitation costs  
2 of projects funded under subsection (a).

3 **SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) The Secretary is authorized and directed to use  
5 monies from the fund established under section 10009 to  
6 carry out the provisions of section 10201(a)(1), in an  
7 amount not to exceed \$35,000,000.

8 (b) In addition to the funds made available pursuant  
9 to subsection (a), the Secretary is also authorized to ex-  
10 pend such additional funds from the fund established  
11 under section 10009 to carry out the purposes of section  
12 10201(a)(2), if such facilities have not already been au-  
13 thorized and funded under the plan provided for pursuant  
14 to section 10004(a)(4), in an amount not to exceed  
15 \$17,000,000, provided that the Secretary first determines  
16 that such expenditure will not conflict with or delay his  
17 implementation of actions required by part I of this sub-  
18 title. Notice of the Secretary's determination shall be pub-  
19 lished not later than his submission of the report to Con-  
20 gress required by section 10009(f)(2).

21 (c) In addition to funds made available in subsections  
22 (a) and (b), there are authorized to be appropriated  
23 \$50,000,000 (October 2008 price levels) to carry out the  
24 purposes of this part which shall be non-reimbursable.

1       **Subtitle B—Northwestern New**  
2       **Mexico Rural Water Projects**

3       **SEC. 10301. SHORT TITLE.**

4           This subtitle may be cited as the “Northwestern New  
5 Mexico Rural Water Projects Act”.

6       **SEC. 10302. DEFINITIONS.**

7           In this subtitle:

8           (1)    AAMODT    ADJUDICATION.—The    term  
9           “*Aamodt adjudication*” means the general stream  
10          adjudication that is the subject of the civil action en-  
11          titled “*State of New Mexico, ex rel. State Engineer*  
12          and *United States of America, Pueblo de Nambe,*  
13          *Pueblo de Pojoaque, Pueblo de San Ildefonso, and*  
14          *Pueblo de Tesuque v. R. Lee Aamodt, et al.*”, No.  
15          66 CV 6639 MV/LCS (D.N.M.).

16          (2)    ABEYTA    ADJUDICATION.—The    term  
17          “*Abeyta adjudication*” means the general stream ad-  
18          judication that is the subject of the civil actions enti-  
19          tled “*State of New Mexico v. Abeyta and State of*  
20          *New Mexico v. Arrellano*”, Civil Nos. 7896–BB  
21          (D.N.M) and 7939–BB (D.N.M.) (consolidated).

22          (3)    ACRE-FEET.—The term “*acre-feet*” means  
23          *acre-feet per year.*

24          (4)    AGREEMENT.—The term “*Agreement*”  
25          means the agreement among the State of New Mex-

1       ico, the Nation, and the United States setting forth  
2       a stipulated and binding agreement signed by the  
3       State of New Mexico and the Nation on April 19,  
4       2005.

5           (5) ALLOTTEE.—The term “allottee” means a  
6       person that holds a beneficial real property interest  
7       in a Navajo allotment that—

8           (A) is located within the Navajo Reserva-  
9       tion or the State of New Mexico;

10          (B) is held in trust by the United States;  
11       and

12          (C) was originally granted to an individual  
13       member of the Nation by public land order or  
14       otherwise.

15          (6) ANIMAS-LA PLATA PROJECT.—The term  
16       “Animas-La Plata Project” has the meaning given  
17       the term in section 3 of Public Law 100–585 (102  
18       Stat. 2973), including Ridges Basin Dam, Lake  
19       Nighthorse, the Navajo Nation Municipal Pipeline,  
20       and any other features or modifications made pursu-  
21       ant to the Colorado Ute Settlement Act Amend-  
22       ments of 2000 (Public Law 106–554; 114 Stat.  
23       2763A–258).

24          (7) CITY.—The term “City” means the city of  
25       Gallup, New Mexico, or a designee of the City, with

1 authority to provide water to the Gallup, New Mex-  
2 ico service area.

3 (8) COLORADO RIVER COMPACT.—The term  
4 “Colorado River Compact” means the Colorado  
5 River Compact of 1922 as approved by Congress in  
6 the Act of December 21, 1928 (45 Stat. 1057) and  
7 by the Presidential Proclamation of June 25, 1929  
8 (46 Stat. 3000).

9 (9) COLORADO RIVER SYSTEM.—The term  
10 “Colorado River System” has the same meaning  
11 given the term in Article II(a) of the Colorado River  
12 Compact.

13 (10) COMPACT.—The term “Compact” means  
14 the Upper Colorado River Basin Compact as con-  
15 sented to by the Act of April 6, 1949 (63 Stat. 31,  
16 chapter 48).

17 (11) CONTRACT.—The term “Contract” means  
18 the contract between the United States and the Na-  
19 tion setting forth certain commitments, rights, and  
20 obligations of the United States and the Nation, as  
21 described in paragraph 6.0 of the Agreement.

22 (12) DEPLETION.—The term “depletion”  
23 means the depletion of the flow of the San Juan  
24 River stream system in the State of New Mexico by  
25 a particular use of water (including any depletion in-



1       cident to the use) and represents the diversion from  
2       the stream system by the use, less return flows to  
3       the stream system from the use.

4           (13) DRAFT IMPACT STATEMENT.—The term  
5       “Draft Impact Statement” means the draft environ-  
6       mental impact statement prepared by the Bureau of  
7       Reclamation for the Project dated March 2007.

8           (14) FUND.—The term “Fund” means the Rec-  
9       lamation Waters Settlements Fund established by  
10       section 10501(a).

11          (15) HYDROLOGIC DETERMINATION.—The term  
12       “hydrologic determination” means the hydrologic de-  
13       termination entitled “Water Availability from Nav-  
14       ajo Reservoir and the Upper Colorado River Basin  
15       for Use in New Mexico,” prepared by the Bureau of  
16       Reclamation pursuant to section 11 of the Act of  
17       June 13, 1962 (Public Law 87–483; 76 Stat. 99),  
18       and dated May 23, 2007.

19          (16) LOWER BASIN.—The term “Lower Basin”  
20       has the same meaning given the term in Article  
21       II(g) of the Colorado River Compact.

22          (17) NATION.—The term “Nation” means the  
23       Navajo Nation, a body politic and federally-recog-  
24       nized Indian nation as provided for in section 101(2)  
25       of the Federally Recognized Indian Tribe List of

1 1994 (25 U.S.C. 497a(2)), also known variously as  
2 the “Navajo Tribe,” the “Navajo Tribe of Arizona,  
3 New Mexico & Utah,” and the “Navajo Tribe of In-  
4 dians” and other similar names, and includes all  
5 bands of Navajo Indians and chapters of the Navajo  
6 Nation.

7 (18) NAVAJO-GALLUP WATER SUPPLY PROJECT;  
8 PROJECT.—The term “Navajo-Gallup Water Supply  
9 Project” or “Project” means the Navajo-Gallup  
10 Water Supply Project authorized under section  
11 10602(a), as described as the preferred alternative  
12 in the Draft Impact Statement.

13 (19) NAVAJO INDIAN IRRIGATION PROJECT.—  
14 The term “Navajo Indian Irrigation Project” means  
15 the Navajo Indian irrigation project authorized by  
16 section 2 of Public Law 87–483 (76 Stat. 96).

17 (20) NAVAJO RESERVOIR.—The term “Navajo  
18 Reservoir” means the reservoir created by the im-  
19 poundment of the San Juan River at Navajo Dam,  
20 as authorized by the Act of April 11, 1956 (com-  
21 monly known as the “Colorado River Storage  
22 Project Act”) (43 U.S.C. 620 et seq.).

23 (21) NAVAJO NATION MUNICIPAL PIPELINE;  
24 PIPELINE.—The term “Navajo Nation Municipal  
25 Pipeline” or “Pipeline” means the pipeline used to

1 convey the water of the Animas-La Plata Project of  
2 the Navajo Nation from the City of Farmington,  
3 New Mexico, to communities of the Navajo Nation  
4 located in close proximity to the San Juan River  
5 Valley in the State of New Mexico (including the  
6 City of Shiprock), as authorized by section 15(b) of  
7 the Colorado Ute Indian Water Rights Settlement  
8 Act of 1988 (Public Law 100–585; 102 Stat. 2973;  
9 114 Stat. 2763A–263).

10 (22) NON-NAVAJO IRRIGATION DISTRICTS.—

11 The term “Non-Navajo Irrigation Districts”  
12 means—

- 13 (A) the Hammond Conservancy District;  
14 (B) the Bloomfield Irrigation District; and  
15 (C) any other community ditch organiza-  
16 tion in the San Juan River basin in the State  
17 of New Mexico.

18 (23) PARTIAL FINAL DECREE.—The term “Par-  
19 tial Final Decree” means a final and binding judg-  
20 ment and decree entered by a court in the stream  
21 adjudication, setting forth the rights of the Nation  
22 to use and administer waters of the San Juan River  
23 Basin in New Mexico, as set forth in Appendix 1 of  
24 the Agreement.

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1           (24) PROJECT PARTICIPANTS.—The term  
2           “Project Participants” means the City, the Nation,  
3           and the Jicarilla Apache Nation.

4           (25) SAN JUAN RIVER BASIN RECOVERY IMPLE-  
5           MENTATION PROGRAM.—The term “San Juan River  
6           Basin Recovery Implementation Program” means  
7           the intergovernmental program established pursuant  
8           to the cooperative agreement dated October 21,  
9           1992 (including any amendments to the program).

10          (26) SECRETARY.—The term “Secretary”  
11          means the Secretary of the Interior, acting through  
12          the Commissioner of Reclamation or any other des-  
13          ignee.

14          (27) STREAM ADJUDICATION.—The term  
15          “stream adjudication” means the general stream ad-  
16          judication that is the subject of *New Mexico v.*  
17          *United States, et al.*, No. 75–185 (11th Jud. Dist.,  
18          San Juan County, New Mexico) (involving claims to  
19          waters of the San Juan River and the tributaries of  
20          that river).

21          (28) SUPPLEMENTAL PARTIAL FINAL DE-  
22          CREE.—The term “Supplemental Partial Final De-  
23          cree” means a final and binding judgment and de-  
24          cree entered by a court in the stream adjudication,

1 setting forth certain water rights of the Nation, as  
2 set forth in Appendix 2 of the Agreement.

3 (29) TRUST FUND.—The term “Trust Fund”  
4 means the Navajo Nation Water Resources Develop-  
5 ment Trust Fund established by section 10702(a).

6 (30) UPPER BASIN.—The term “Upper Basin”  
7 has the same meaning given the term in Article II(f)  
8 of the Colorado River Compact.

9 **SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

10 (a) EFFECT OF EXECUTION OF AGREEMENT.—The  
11 execution of the Agreement under section 10701(a)(2)  
12 shall not constitute a major Federal action under the Na-  
13 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
14 et seq.).

15 (b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In  
16 carrying out this subtitle, the Secretary shall comply with  
17 each law of the Federal Government relating to the protec-  
18 tion of the environment, including—

19 (1) the National Environmental Policy Act of  
20 1969 (42 U.S.C. 4321 et seq.); and

21 (2) the Endangered Species Act of 1973 (16  
22 U.S.C. 1531 et seq.).

23 **SEC. 10304. NO REALLOCATION OF COSTS.**

24 (a) EFFECT OF ACT.—Notwithstanding any other  
25 provision of law, the Secretary shall not reallocate or reas-

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1 sign any costs of projects that have been authorized under  
2 the Act of April 11, 1956 (commonly known as the “Colo-  
3 rado River Storage Project Act”) (43 U.S.C. 620 et seq.),  
4 as of the date of enactment of this Act because of—

5 (1) the authorization of the Navajo-Gallup  
6 Water Supply Project under this subtitle; or

7 (2) the changes in the uses of the water di-  
8 verted by the Navajo Indian Irrigation Project or  
9 the waters stored in the Navajo Reservoir authorized  
10 under this subtitle.

11 (b) USE OF POWER REVENUES.—Notwithstanding  
12 any other provision of law, no power revenues under the  
13 Act of April 11, 1956 (commonly known as the “Colorado  
14 River Storage Project Act”) (43 U.S.C. 620 et seq.), shall  
15 be used to pay or reimburse any costs of the Navajo In-  
16 dian Irrigation Project or Navajo-Gallup Water Supply  
17 Project.

18 **SEC. 10305. INTEREST RATE.**

19 Notwithstanding any other provision of law, the inter-  
20 est rate applicable to any repayment contract entered into  
21 under section 10604 shall be equal to the discount rate  
22 for Federal water resources planning, as determined by  
23 the Secretary.

1 **PART I—AMENDMENTS TO THE COLORADO**  
2 **RIVER STORAGE PROJECT ACT AND PUBLIC**  
3 **LAW 87–483**

4 **SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STOR-**  
5 **AGE PROJECT ACT.**

6 (a) PARTICIPATING PROJECTS.—Paragraph (2) of  
7 the first section of the Act of April 11, 1956 (commonly  
8 known as the “Colorado River Storage Project Act”) (43  
9 U.S.C. 620(2)) is amended by inserting “the Navajo-Gal-  
10 lup Water Supply Project,” after “Fruitland Mesa,”.

11 (b) NAVAJO RESERVOIR WATER BANK.—The Act of  
12 April 11, 1956 (commonly known as the “Colorado River  
13 Storage Project Act”) is amended—

14 (1) by redesignating section 16 (43 U.S.C.  
15 620o) as section 17; and

16 (2) by inserting after section 15 (43 U.S.C.  
17 620n) the following:

18 “SEC. 16. (a) The Secretary of the Interior may cre-  
19 ate and operate within the available capacity of Navajo  
20 Reservoir a top water bank.

21 “(b) Water made available for the top water bank in  
22 accordance with subsections (c) and (d) shall not be sub-  
23 ject to section 11 of Public Law 87–483 (76 Stat. 99).

24 “(c) The top water bank authorized under subsection  
25 (a) shall be operated in a manner that—

1           “(1) is consistent with applicable law, except  
2           that, notwithstanding any other provision of law,  
3           water for purposes other than irrigation may be  
4           stored in the Navajo Reservoir pursuant to the rules  
5           governing the top water bank established under this  
6           section; and

7           “(2) does not impair the ability of the Secretary  
8           of the Interior to deliver water under contracts en-  
9           tered into under—

10                   “(A) Public Law 87–483 (76 Stat. 96);

11                   and

12                   “(B) New Mexico State Engineer File Nos.  
13                   2847, 2848, 2849, and 2917.

14           “(d)(1) The Secretary of the Interior, in cooperation  
15           with the State of New Mexico (acting through the Inter-  
16           state Stream Commission), shall develop any terms and  
17           procedures for the storage, accounting, and release of  
18           water in the top water bank that are necessary to comply  
19           with subsection (c).

20           “(2) The terms and procedures developed under para-  
21           graph (1) shall include provisions requiring that—

22                   “(A) the storage of banked water shall be sub-  
23                   ject to approval under State law by the New Mexico  
24                   State Engineer to ensure that impairment of any ex-  
25                   isting water right does not occur, including storage



1 of water under New Mexico State Engineer File No.  
2 2849;

3 “(B) water in the top water bank be subject to  
4 evaporation and other losses during storage;

5 “(C) water in the top water bank be released  
6 for delivery to the owner or assigns of the banked  
7 water on request of the owner, subject to reasonable  
8 scheduling requirements for making the release;

9 “(D) water in the top water bank be the first  
10 water spilled or released for flood control purposes  
11 in anticipation of a spill, on the condition that top  
12 water bank water shall not be released or included  
13 for purposes of calculating whether a release should  
14 occur for purposes of satisfying the flow rec-  
15 ommendations of the San Juan River Basin Recov-  
16 ery Implementation Program; and

17 “(E) water eligible for banking in the top water  
18 bank shall be water that otherwise would have been  
19 diverted and beneficially used in New Mexico that  
20 year.

21 “(e) The Secretary of the Interior may charge fees  
22 to water users that use the top water bank in amounts  
23 sufficient to cover the costs incurred by the United States  
24 in administering the water bank.”.

1 **SEC. 10402. AMENDMENTS TO PUBLIC LAW 87-483.**

2 (a) NAVAJO INDIAN IRRIGATION PROJECT.—Public  
3 Law 87-483 (76 Stat. 96) is amended by striking section  
4 2 and inserting the following:

5 “SEC. 2. (a) In accordance with the Act of April 11,  
6 1956 (commonly known as the ‘Colorado River Storage  
7 Project Act’) (43 U.S.C. 620 et seq.), the Secretary of  
8 the Interior is authorized to construct, operate, and main-  
9 tain the Navajo Indian Irrigation Project to provide irriga-  
10 tion water to a service area of not more than 110,630  
11 acres of land.

12 “(b)(1) Subject to paragraph (2), the average annual  
13 diversion by the Navajo Indian Irrigation Project from the  
14 Navajo Reservoir over any consecutive 10-year period shall  
15 be the lesser of—

16 “(A) 508,000 acre-feet per year; or

17 “(B) the quantity of water necessary to supply  
18 an average depletion of 270,000 acre-feet per year.

19 “(2) The quantity of water diverted for any 1 year  
20 shall not exceed the average annual diversion determined  
21 under paragraph (1) by more than 15 percent.

22 “(c) In addition to being used for irrigation, the  
23 water diverted by the Navajo Indian Irrigation Project  
24 under subsection (b) may be used within the area served  
25 by Navajo Indian Irrigation Project facilities for the fol-  
26 lowing purposes:

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1           “(1) Aquaculture purposes, including the  
2 rearing of fish in support of the San Juan River  
3 Basin Recovery Implementation Program authorized  
4 by Public Law 106–392 (114 Stat. 1602).

5           “(2) Domestic, industrial, or commercial pur-  
6 poses relating to agricultural production and proc-  
7 essing.

8           “(3)(A) The generation of hydroelectric power  
9 as an incident to the diversion of water by the Nav-  
10 ajo Indian Irrigation Project for authorized pur-  
11 poses.

12           “(B) Notwithstanding any other provision of  
13 law—

14           “(i) any hydroelectric power generated  
15 under this paragraph shall be used or marketed  
16 by the Navajo Nation;

17           “(ii) the Navajo Nation shall retain any  
18 revenues from the sale of the hydroelectric  
19 power; and

20           “(iii) the United States shall have no trust  
21 obligation to monitor, administer, or account  
22 for the revenues received by the Navajo Nation,  
23 or the expenditure of the revenues.

24           “(4) The implementation of the alternate water  
25 source provisions described in subparagraph 9.2 of

1 the agreement executed under section 10701(a)(2)  
2 of the Northwestern New Mexico Rural Water  
3 Projects Act.

4 “(d) The Navajo Indian Irrigation Project water di-  
5 verted under subsection (b) may be transferred to areas  
6 located within or outside the area served by Navajo Indian  
7 Irrigation Project facilities, and within or outside the  
8 boundaries of the Navajo Nation, for any beneficial use  
9 in accordance with—

10 “(1) the agreement executed under section  
11 10701(a)(2) of the Northwestern New Mexico Rural  
12 Water Projects Act;

13 “(2) the contract executed under section  
14 10604(a)(2)(B) of that Act; and

15 “(3) any other applicable law.

16 “(e) The Secretary may use the capacity of the Nav-  
17 ajo Indian Irrigation Project works to convey water sup-  
18 plies for—

19 “(1) the Navajo-Gallup Water Supply Project  
20 under section 10602 of the Northwestern New Mex-  
21 ico Rural Water Projects Act; or

22 “(2) other nonirrigation purposes authorized  
23 under subsection (c) or (d).

24 “(f)(1) Repayment of the costs of construction of the  
25 project (as authorized in subsection (a)) shall be in accord-

1 ance with the Act of April 11, 1956 (commonly known  
2 as the ‘Colorado River Storage Project Act’) (43 U.S.C.  
3 620 et seq.), including section 4(d) of that Act.

4 “(2) The Secretary shall not reallocate, or require re-  
5 payment of, construction costs of the Navajo Indian Irri-  
6 gation Project because of the conveyance of water supplies  
7 for nonirrigation purposes under subsection (e).”.

8 (b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of  
9 Public Law 87–483 (76 Stat. 100) is amended by adding  
10 at the end the following:

11 “(d)(1) For purposes of implementing in a year of  
12 prospective shortage the water allocation procedures es-  
13 tablished by subsection (a), the Secretary of the Interior  
14 shall determine the quantity of any shortages and the ap-  
15 propriate apportionment of water using the normal diver-  
16 sion requirements on the flow of the San Juan River origi-  
17 nating above Navajo Dam based on the following criteria:

18 “(A) The quantity of diversion or water delivery  
19 for the current year anticipated to be necessary to  
20 irrigate land in accordance with cropping plans pre-  
21 pared by contractors.

22 “(B) The annual diversion or water delivery de-  
23 mands for the current year anticipated for non-irri-  
24 gation uses under water delivery contracts, including  
25 contracts authorized by the Northwestern New Mex-

1       ico Rural Water Projects Act, but excluding any cur-  
2       rent demand for surface water for placement into  
3       aquifer storage for future recovery and use.

4           “(C) An annual normal diversion demand of  
5       135,000 acre-feet for the initial stage of the San  
6       Juan-Chama Project authorized by section 8, which  
7       shall be the amount to which any shortage is ap-  
8       plied.

9       “(2) The Secretary shall not include in the normal  
10      diversion requirements—

11           “(A) the quantity of water that reliably can be  
12      anticipated to be diverted or delivered under a con-  
13      tract from inflows to the San Juan River arising  
14      below Navajo Dam under New Mexico State Engi-  
15      neer File No. 3215; or

16           “(B) the quantity of water anticipated to be  
17      supplied through reuse.

18       “(e)(1) If the Secretary determines that there is a  
19      shortage of water under subsection (a), the Secretary shall  
20      respond to the shortage in the Navajo Reservoir water  
21      supply by curtailing releases and deliveries in the following  
22      order:

23           “(A) The demand for delivery for uses in the  
24      State of Arizona under the Navajo-Gallup Water  
25      Supply Project authorized by section 10603 of the

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1       Northwestern New Mexico Rural Water Projects  
2       Act, excluding the quantity of water anticipated to  
3       be diverted for the uses from inflows to the San  
4       Juan River that arise below Navajo Dam in accord-  
5       ance with New Mexico State Engineer File No.  
6       3215.

7               “(B) The demand for delivery for uses allocated  
8       under paragraph 8.2 of the agreement executed  
9       under section 10701(a)(2) of the Northwestern New  
10      Mexico Rural Water Projects Act, excluding the  
11      quantity of water anticipated to be diverted for such  
12      uses under State Engineer File No. 3215.

13              “(C) The uses in the State of New Mexico that  
14      are determined under subsection (d), in accordance  
15      with the procedure for apportioning the water supply  
16      under subsection (a).

17              “(2) For any year for which the Secretary determines  
18      and responds to a shortage in the Navajo Reservoir water  
19      supply, the Secretary shall not deliver, and contractors of  
20      the water supply shall not divert, any of the water supply  
21      for placement into aquifer storage for future recovery and  
22      use.

23              “(3) To determine the occurrence and amount of any  
24      shortage to contracts entered into under this section, the  
25      Secretary shall not include as available storage any water

1 stored in a top water bank in Navajo Reservoir established  
2 under section 16(a) of the Act of April 11, 1956 (com-  
3 monly known as the ‘Colorado River Storage Project Act’).

4 “(f) The Secretary of the Interior shall apportion  
5 water under subsections (a), (d), and (e) on an annual  
6 volume basis.

7 “(g) The Secretary of the Interior may revise a deter-  
8 mination of shortages, apportionments, or allocations of  
9 water under subsections (a), (d), and (e) on the basis of  
10 information relating to water supply conditions that was  
11 not available at the time at which the determination was  
12 made.

13 “(h) Nothing in this section prohibits the distribution  
14 of water in accordance with cooperative water agreements  
15 between water users providing for a sharing of water sup-  
16 plies.

17 “(i) Diversions under New Mexico State Engineer  
18 File No. 3215 shall be distributed, to the maximum extent  
19 water is available, in proportionate amounts to the diver-  
20 sion demands of contractors and subcontractors of the  
21 Navajo Reservoir water supply that are diverting water  
22 below Navajo Dam.”.



1 **SEC. 10403. EFFECT ON FEDERAL WATER LAW.**

2 Unless expressly provided in this subtitle, nothing in  
3 this subtitle modifies, conflicts with, preempts, or other-  
4 wise affects—

5 (1) the Boulder Canyon Project Act (43 U.S.C.  
6 617 et seq.);

7 (2) the Boulder Canyon Project Adjustment Act  
8 (54 Stat. 774, chapter 643);

9 (3) the Act of April 11, 1956 (commonly known  
10 as the “Colorado River Storage Project Act”) (43  
11 U.S.C. 620 et seq.);

12 (4) the Act of September 30, 1968 (commonly  
13 known as the “Colorado River Basin Project Act”) (82  
14 Stat. 885);

15 (5) Public Law 87–483 (76 Stat. 96);

16 (6) the Treaty between the United States of  
17 America and Mexico respecting utilization of waters  
18 of the Colorado and Tijuana Rivers and of the Rio  
19 Grande, signed at Washington February 3, 1944 (59  
20 Stat. 1219);

21 (7) the Colorado River Compact of 1922, as ap-  
22 proved by the Presidential Proclamation of June 25,  
23 1929 (46 Stat. 3000);

24 (8) the Compact;

25 (9) the Act of April 6, 1949 (63 Stat. 31, chap-  
26 ter 48);

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1 (10) the Jicarilla Apache Tribe Water Rights  
2 Settlement Act (106 Stat. 2237); or

3 (11) section 205 of the Energy and Water De-  
4 velopment Appropriations Act, 2005 (118 Stat.  
5 2949).

6 **PART II—RECLAMATION WATER SETTLEMENTS**

7 **FUND**

8 **SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.**

9 (a) ESTABLISHMENT.—There is established in the  
10 Treasury of the United States a fund, to be known as the  
11 “Reclamation Water Settlements Fund”, consisting of—

12 (1) such amounts as are deposited to the Fund  
13 under subsection (b); and

14 (2) any interest earned on investment of  
15 amounts in the Fund under subsection (d).

16 (b) DEPOSITS TO FUND.—

17 (1) IN GENERAL.—For each of fiscal years  
18 2020 through 2029, the Secretary of the Treasury  
19 shall deposit in the Fund, if available, \$120,000,000  
20 of the revenues that would otherwise be deposited  
21 for the fiscal year in the fund established by the  
22 first section of the Act of June 17, 1902 (32 Stat.  
23 388, chapter 1093).

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1           (2) AVAILABILITY OF AMOUNTS.—Amounts de-  
2           posited in the Fund under paragraph (1) shall be  
3           made available pursuant to this section—

4                   (A) without further appropriation; and

5                   (B) in addition to amounts appropriated  
6           pursuant to any authorization contained in any  
7           other provision of law.

8           (c) EXPENDITURES FROM FUND.—

9                   (1) IN GENERAL.—

10                   (A) EXPENDITURES.—Subject to subpara-  
11           graph (B), for each of fiscal years 2020  
12           through 2034, the Secretary may expend from  
13           the Fund an amount not to exceed  
14           \$120,000,000, plus the interest accrued in the  
15           Fund, for the fiscal year in which expenditures  
16           are made pursuant to paragraphs (2) and (3).

17                   (B) ADDITIONAL EXPENDITURES.—The  
18           Secretary may expend more than \$120,000,000  
19           for any fiscal year if such amounts are available  
20           in the Fund due to expenditures not reaching  
21           \$120,000,000 for prior fiscal years.

22           (2) AUTHORITY.—The Secretary may expend  
23           money from the Fund to implement a settlement  
24           agreement approved by Congress that resolves, in  
25           whole or in part, litigation involving the United

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1 States, if the settlement agreement or implementing  
2 legislation requires the Bureau of Reclamation to  
3 provide financial assistance for, or plan, design, and  
4 construct—

5 (A) water supply infrastructure; or

6 (B) a project—

7 (i) to rehabilitate a water delivery sys-  
8 tem to conserve water; or

9 (ii) to restore fish and wildlife habitat  
10 or otherwise improve environmental condi-  
11 tions associated with or affected by, or lo-  
12 cated within the same river basin as, a  
13 Federal reclamation project that is in ex-  
14 istence on the date of enactment of this  
15 Act.

16 (3) USE FOR COMPLETION OF PROJECT AND  
17 OTHER SETTLEMENTS.—

18 (A) PRIORITIES.—

19 (i) FIRST PRIORITY.—

20 (I) IN GENERAL.—The first pri-  
21 ority for expenditure of amounts in  
22 the Fund during the entire period in  
23 which the Fund is in existence shall  
24 be for the purposes described in, and

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1 in the order of, clauses (i) through  
2 (iv) of subparagraph (B).

3 (II) RESERVED AMOUNTS.—The  
4 Secretary shall reserve and use  
5 amounts deposited into the Fund in  
6 accordance with subclause (I).

7 (ii) OTHER PURPOSES.—Any amounts  
8 in the Fund that are not needed for the  
9 purposes described in subparagraph (B)  
10 may be used for other purposes authorized  
11 in paragraph (2).

12 (B) COMPLETION OF PROJECT.—

13 (i) NAVAJO-GALLUP WATER SUPPLY  
14 PROJECT.—

15 (I) IN GENERAL.—Subject to  
16 subclause (II), effective beginning  
17 January 1, 2020, if, in the judgment  
18 of the Secretary on an annual basis  
19 the deadline described in section  
20 10701(f)(1)(A)(ix) is unlikely to be  
21 met because a sufficient amount of  
22 funding is not otherwise available  
23 through appropriations made available  
24 pursuant to section 10609(a), the  
25 Secretary shall expend from the Fund

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1 such amounts on an annual basis con-  
2 sistent with paragraphs (1) and (2),  
3 as are necessary to pay the Federal  
4 share of the costs, and substantially  
5 complete as expeditiously as prac-  
6 ticable, the construction of the water  
7 supply infrastructure authorized as  
8 part of the Project.

9 (II) MAXIMUM AMOUNT.—

10 (aa) IN GENERAL.—Except  
11 as provided under item (bb), the  
12 amount expended under sub-  
13 clause (I) shall not exceed  
14 \$500,000,000 for the period of  
15 fiscal years 2020 through 2029.

16 (bb) EXCEPTION.—The limi-  
17 tation on the expenditure amount  
18 under item (aa) may be exceeded  
19 during the entire period in which  
20 the Fund is in existence if such  
21 additional funds can be expended  
22 without limiting the amounts  
23 identified in clauses (ii) through  
24 (iv).

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1 (ii) OTHER NEW MEXICO SETTLE-  
2 MENTS.—

3 (I) IN GENERAL.—Subject to  
4 subclause (II), effective beginning  
5 January 1, 2020, in addition to the  
6 funding made available under clause  
7 (i), if in the judgment of the Sec-  
8 retary on an annual basis a sufficient  
9 amount of funding is not otherwise  
10 available through annual appropria-  
11 tions, the Secretary shall expend from  
12 the Fund such amounts on an annual  
13 basis consistent with paragraphs (1)  
14 and (2), as are necessary to pay the  
15 Federal share of the remaining costs  
16 of implementing the Indian water  
17 rights settlement agreements entered  
18 into by the State of New Mexico in  
19 the Aamodt adjudication and the  
20 Abeyta adjudication, if such settle-  
21 ments are subsequently approved and  
22 authorized by an Act of Congress and  
23 the implementation period has not al-  
24 ready expired.

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1 (II) MAXIMUM AMOUNT.—The  
2 amount expended under subclause (I)  
3 shall not exceed \$250,000,000.

4 (iii) MONTANA SETTLEMENTS.—

5 (I) IN GENERAL.—Subject to  
6 subclause (II), effective beginning  
7 January 1, 2020, in addition to fund-  
8 ing made available pursuant to  
9 clauses (i) and (ii), if in the judgment  
10 of the Secretary on an annual basis a  
11 sufficient amount of funding is not  
12 otherwise available through annual  
13 appropriations, the Secretary shall ex-  
14 pend from the Fund such amounts on  
15 an annual basis consistent with para-  
16 graphs (1) and (2), as are necessary  
17 to pay the Federal share of the re-  
18 maining costs of implementing Indian  
19 water rights settlement agreements  
20 entered into by the State of Montana  
21 with the Blackfeet Tribe, the Crow  
22 Tribe, or the Gros Ventre and Assini-  
23 boine Tribes of the Fort Belknap In-  
24 dian Reservation in the judicial pro-  
25 ceeding entitled “In re the General



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1 Adjudication of All the Rights to Use  
2 Surface and Groundwater in the State  
3 of Montana”, if a settlement or settle-  
4 ments are subsequently approved and  
5 authorized by an Act of Congress and  
6 the implementation period has not al-  
7 ready expired.

8 (II) MAXIMUM AMOUNT.—

9 (aa) IN GENERAL.—Except  
10 as provided under item (bb), the  
11 amount expended under sub-  
12 clause (I) shall not exceed  
13 \$350,000,000 for the period of  
14 fiscal years 2020 through 2029.

15 (bb) EXCEPTION.—The limi-  
16 tation on the expenditure amount  
17 under item (aa) may be exceeded  
18 during the entire period in which  
19 the Fund is in existence if such  
20 additional funds can be expended  
21 without limiting the amounts  
22 identified in clause (i), (ii), and  
23 (iv).

24 (cc) OTHER FUNDING.—The  
25 Secretary shall ensure that any

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1 funding under this clause shall be  
2 provided in a manner that does  
3 not limit the funding available  
4 pursuant to clauses (i) and (ii).

5 (iv) ARIZONA SETTLEMENT.—

6 (I) IN GENERAL.—Subject to  
7 subclause (II), effective beginning  
8 January 1, 2020, in addition to fund-  
9 ing made available pursuant to  
10 clauses (i), (ii), and (iii), if in the  
11 judgment of the Secretary on an an-  
12 nual basis a sufficient amount of  
13 funding is not otherwise available  
14 through annual appropriations, the  
15 Secretary shall expend from the Fund  
16 such amounts on an annual basis con-  
17 sistent with paragraphs (1) and (2),  
18 as are necessary to pay the Federal  
19 share of the remaining costs of imple-  
20 menting an Indian water rights settle-  
21 ment agreement entered into by the  
22 State of Arizona with the Navajo Na-  
23 tion to resolve the water rights claims  
24 of the Nation in the Lower Colorado  
25 River basin in Arizona, if a settlement

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1 is subsequently approved and author-  
2 ized by an Act of Congress and the  
3 implementation period has not already  
4 expired.

5 (II) MAXIMUM AMOUNT.—

6 (aa) IN GENERAL.—Except  
7 as provided under item (bb), the  
8 amount expended under sub-  
9 clause (I) shall not exceed  
10 \$100,000,000 for the period of  
11 fiscal years 2020 through 2029.

12 (bb) EXCEPTION.—The limi-  
13 tation on the expenditure amount  
14 under item (aa) may be exceeded  
15 during the entire period in which  
16 the Fund is in existence if such  
17 additional funds can be expended  
18 without limiting the amounts  
19 identified in clauses (i) through  
20 (iii).

21 (cc) OTHER FUNDING.—The  
22 Secretary shall ensure that any  
23 funding under this clause shall be  
24 provided in a manner that does

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1 not limit the funding available  
2 pursuant to clauses (i) and (ii).

3 (C) REVERSION.—If the settlements de-  
4 scribed in clauses (ii) through (iv) of subpara-  
5 graph (B) have not been approved and author-  
6 ized by an Act of Congress by December 31,  
7 2019, the amounts reserved for the settlements  
8 shall no longer be reserved by the Secretary  
9 pursuant to subparagraph (A)(i) and shall re-  
10 vert to the Fund for any authorized use, as de-  
11 termined by the Secretary.

12 (d) INVESTMENT OF AMOUNTS.—

13 (1) IN GENERAL.—The Secretary shall invest  
14 such portion of the Fund as is not, in the judgment  
15 of the Secretary, required to meet current with-  
16 drawals.

17 (2) CREDITS TO FUND.—The interest on, and  
18 the proceeds from the sale or redemption of, any ob-  
19 ligations held in the Fund shall be credited to, and  
20 form a part of, the Fund.

21 (e) TRANSFERS OF AMOUNTS.—

22 (1) IN GENERAL.—The amounts required to be  
23 transferred to the Fund under this section shall be  
24 transferred at least monthly from the general fund

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1 of the Treasury to the Fund on the basis of esti-  
2 mates made by the Secretary of the Treasury.

3 (2) ADJUSTMENTS.—Proper adjustment shall  
4 be made in amounts subsequently transferred to the  
5 extent prior estimates were in excess of or less than  
6 the amounts required to be transferred.

7 (f) TERMINATION.—On September 30, 2034—

8 (1) the Fund shall terminate; and

9 (2) the unexpended and unobligated balance of  
10 the Fund shall be transferred to the appropriate  
11 fund of the Treasury.

## 12 **PART III—NAVAJO-GALLUP WATER SUPPLY**

### 13 **PROJECT**

#### 14 **SEC. 10601. PURPOSES.**

15 The purposes of this part are—

16 (1) to authorize the Secretary to construct, op-  
17 erate, and maintain the Navajo-Gallup Water Supply  
18 Project;

19 (2) to allocate the capacity of the Project  
20 among the Nation, the City, and the Jicarilla  
21 Apache Nation; and

22 (3) to authorize the Secretary to enter into  
23 Project repayment contracts with the City and the  
24 Jicarilla Apache Nation.

1 **SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER**  
2 **SUPPLY PROJECT.**

3 (a) IN GENERAL.—The Secretary, acting through the  
4 Commissioner of Reclamation, is authorized to design,  
5 construct, operate, and maintain the Project in substantial  
6 accordance with the preferred alternative in the Draft Im-  
7 pact Statement.

8 (b) PROJECT FACILITIES.—To provide for the deliv-  
9 ery of San Juan River water to Project Participants, the  
10 Secretary may construct, operate, and maintain the  
11 Project facilities described in the preferred alternative in  
12 the Draft Impact Statement, including:

13 (1) A pumping plant on the San Juan River in  
14 the vicinity of Kirtland, New Mexico.

15 (2)(A) A main pipeline from the San Juan  
16 River near Kirtland, New Mexico, to Shiprock, New  
17 Mexico, and Gallup, New Mexico, which follows  
18 United States Highway 491.

19 (B) Any pumping plants associated with the  
20 pipeline authorized under subparagraph (A).

21 (3)(A) A main pipeline from Cutter Reservoir  
22 to Ojo Encino, New Mexico, which follows United  
23 States Highway 550.

24 (B) Any pumping plants associated with the  
25 pipeline authorized under subparagraph (A).

1           (4)(A) Lateral pipelines from the main pipelines  
2           to Nation communities in the States of New Mexico  
3           and Arizona.

4           (B) Any pumping plants associated with the  
5           pipelines authorized under subparagraph (A).

6           (5) Any water regulation, storage or treatment  
7           facility, service connection to an existing public  
8           water supply system, power substation, power dis-  
9           tribution works, or other appurtenant works (includ-  
10          ing a building or access road) that is related to the  
11          Project facilities authorized by paragraphs (1)  
12          through (4), including power transmission facilities  
13          and associated wheeling services to connect Project  
14          facilities to existing high-voltage transmission facili-  
15          ties and deliver power to the Project.

16          (c) ACQUISITION OF LAND.—

17           (1) IN GENERAL.—The Secretary is authorized  
18           to acquire any land or interest in land that is nec-  
19           essary to construct, operate, and maintain the  
20           Project facilities authorized under subsection (b).

21           (2) LAND OF THE PROJECT PARTICIPANTS.—As  
22           a condition of construction of the facilities author-  
23           ized under this part, the Project Participants shall  
24           provide all land or interest in land, as appropriate,  
25           that the Secretary identifies as necessary for acquisi-

1           tion under this subsection at no cost to the Sec-  
2           retary.

3           (3) LIMITATION.—The Secretary may not con-  
4           demn water rights for purposes of the Project.

5           (d) CONDITIONS.—

6           (1) IN GENERAL.—Except as provided in para-  
7           graph (2), the Secretary shall not commence con-  
8           struction of the facilities authorized under sub-  
9           section (b) until such time as—

10           (A) the Secretary executes the Agreement  
11           and the Contract;

12           (B) the contracts authorized under section  
13           10604 are executed;

14           (C) the Secretary—

15           (i) completes an environmental impact  
16           statement for the Project; and

17           (ii) has issued a record of decision  
18           that provides for a preferred alternative;

19           and

20           (D) the Secretary has entered into an  
21           agreement with the State of New Mexico under  
22           which the State of New Mexico will provide a  
23           share of the construction costs of the Project of  
24           not less than \$50,000,000, except that the  
25           State of New Mexico shall receive credit for



1 funds the State has contributed to construct  
2 water conveyance facilities to the Project Par-  
3 ticipants to the extent that the facilities reduce  
4 the cost of the Project as estimated in the  
5 Draft Impact Statement.

6 (2) EXCEPTION.—If the Jicarilla Apache Na-  
7 tion elects not to enter into a contract pursuant to  
8 section 10604, the Secretary, after consulting with  
9 the Nation, the City, and the State of New Mexico  
10 acting through the Interstate Stream Commission,  
11 may make appropriate modifications to the scope of  
12 the Project and proceed with Project construction if  
13 all other conditions for construction have been satis-  
14 fied.

15 (3) EFFECT OF INDIAN SELF-DETERMINATION  
16 AND EDUCATION ASSISTANCE ACT.—The Indian  
17 Self-Determination and Education Assistance Act  
18 (25 U.S.C. 450 et seq.) shall not apply to the de-  
19 sign, construction, operation, maintenance, or re-  
20 placement of the Project.

21 (e) POWER.—The Secretary shall reserve, from exist-  
22 ing reservations of Colorado River Storage Project power  
23 for Bureau of Reclamation projects, up to 26 megawatts  
24 of power for use by the Project.

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1 (f) CONVEYANCE OF TITLE TO PROJECT FACILI-  
2 TIES.—

3 (1) IN GENERAL.—The Secretary is authorized  
4 to enter into separate agreements with the City and  
5 the Nation and, on entering into the agreements,  
6 shall convey title to each Project facility or section  
7 of a Project facility authorized under subsection (b)  
8 (including any appropriate interests in land) to the  
9 City and the Nation after—

10 (A) completion of construction of a Project  
11 facility or a section of a Project facility that is  
12 operating and delivering water; and

13 (B) execution of a Project operations  
14 agreement approved by the Secretary and the  
15 Project Participants that sets forth—

16 (i) any terms and conditions that the  
17 Secretary determines are necessary—

18 (I) to ensure the continuation of  
19 the intended benefits of the Project;  
20 and

21 (II) to fulfill the purposes of this  
22 part;

23 (ii) requirements acceptable to the  
24 Secretary and the Project Participants  
25 for—

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1 (I) the distribution of water  
2 under the Project or section of a  
3 Project facility; and

4 (II) the allocation and payment  
5 of annual operation, maintenance, and  
6 replacement costs of the Project or  
7 section of a Project facility based on  
8 the proportionate uses of Project fa-  
9 cilities; and

10 (iii) conditions and requirements ac-  
11 ceptable to the Secretary and the Project  
12 Participants for operating and maintaining  
13 each Project facility on completion of the  
14 conveyance of title, including the require-  
15 ment that the City and the Nation shall—

16 (I) comply with—

17 (aa) the Compact; and

18 (bb) other applicable law;

19 and

20 (II) be responsible for—

21 (aa) the operation, mainte-  
22 nance, and replacement of each  
23 Project facility; and

24 (bb) the accounting and  
25 management of water conveyance

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1 and Project finances, as nec-  
2 essary to administer and fulfill  
3 the conditions of the Contract ex-  
4 ecuted under section  
5 10604(a)(2)(B).

6 (2) EFFECT OF CONVEYANCE.—The conveyance  
7 of title to each Project facility shall not affect the  
8 application of the Endangered Species Act of 1973  
9 (16 U.S.C. 1531 et seq.) relating to the use of the  
10 water associated with the Project.

11 (3) LIABILITY.—

12 (A) IN GENERAL.—Effective on the date of  
13 the conveyance authorized by this subsection,  
14 the United States shall not be held liable by  
15 any court for damages of any kind arising out  
16 of any act, omission, or occurrence relating to  
17 the land, buildings, or facilities conveyed under  
18 this subsection, other than damages caused by  
19 acts of negligence committed by the United  
20 States, or by employees or agents of the United  
21 States, prior to the date of conveyance.

22 (B) TORT CLAIMS.—Nothing in this sec-  
23 tion increases the liability of the United States  
24 beyond the liability provided in chapter 171 of

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1 title 28, United States Code (commonly known  
2 as the “Federal Tort Claims Act”).

3 (4) NOTICE OF PROPOSED CONVEYANCE.—Not  
4 later than 45 days before the date of a proposed  
5 conveyance of title to any Project facility, the Sec-  
6 retary shall submit to the Committee on Resources  
7 of the House of Representatives and to the Com-  
8 mittee on Energy and Natural Resources of the Sen-  
9 ate notice of the conveyance of each Project facility.

10 (g) COLORADO RIVER STORAGE PROJECT POWER.—  
11 The conveyance of Project facilities under subsection (f)  
12 shall not affect the availability of Colorado River Storage  
13 Project power to the Project under subsection (e).

14 (h) REGIONAL USE OF PROJECT FACILITIES.—

15 (1) IN GENERAL.—Subject to paragraph (2),  
16 Project facilities constructed under subsection (b)  
17 may be used to treat and convey non-Project water  
18 or water that is not allocated by subsection  
19 10603(b) if—

20 (A) capacity is available without impairing  
21 any water delivery to a Project Participant; and

22 (B) the unallocated or non-Project water  
23 beneficiary—

24 (i) has the right to use the water;

1 (ii) agrees to pay the operation, main-  
2 tenance, and replacement costs assignable  
3 to the beneficiary for the use of the Project  
4 facilities; and

5 (iii) agrees to pay an appropriate fee  
6 that may be established by the Secretary  
7 to assist in the recovery of any capital cost  
8 allocable to that use.

9 (2) EFFECT OF PAYMENTS.—Any payments to  
10 the United States or the Nation for the use of un-  
11 used capacity under this subsection or for water  
12 under any subcontract with the Nation or the  
13 Jicarilla Apache Nation shall not alter the construc-  
14 tion repayment requirements or the operation, main-  
15 tenance, and replacement payment requirements of  
16 the Project Participants.

17 **SEC. 10603. DELIVERY AND USE OF NAVAJO-GALLUP WATER**  
18 **SUPPLY PROJECT WATER.**

19 (a) USE OF PROJECT WATER.—

20 (1) IN GENERAL.—In accordance with this sub-  
21 title and other applicable law, water supply from the  
22 Project shall be used for municipal, industrial, com-  
23 mercial, domestic, and stock watering purposes.

24 (2) USE ON CERTAIN LAND.—

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1 (A) IN GENERAL.—Subject to subpara-  
2 graph (B), the Nation may use Project water  
3 allocations on—

4 (i) land held by the United States in  
5 trust for the Nation and members of the  
6 Nation; and

7 (ii) land held in fee by the Nation.

8 (B) TRANSFER.—The Nation may transfer  
9 the purposes and places of use of the allocated  
10 water in accordance with the Agreement and  
11 applicable law.

12 (3) HYDROELECTRIC POWER.—

13 (A) IN GENERAL.—Hydroelectric power  
14 may be generated as an incident to the delivery  
15 of Project water for authorized purposes under  
16 paragraph (1).

17 (B) ADMINISTRATION.—Notwithstanding  
18 any other provision of law—

19 (i) any hydroelectric power generated  
20 under this paragraph shall be used or mar-  
21 keted by the Nation;

22 (ii) the Nation shall retain any reve-  
23 nues from the sale of the hydroelectric  
24 power; and

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1 (iii) the United States shall have no  
2 trust obligation or other obligation to mon-  
3 itor, administer, or account for the reve-  
4 nues received by the Nation, or the ex-  
5 penditure of the revenues.

6 (4) STORAGE.—

7 (A) IN GENERAL.—Subject to subpara-  
8 graph (B), any water contracted for delivery  
9 under paragraph (1) that is not needed for cur-  
10 rent water demands or uses may be delivered by  
11 the Project for placement in underground stor-  
12 age in the State of New Mexico for future re-  
13 covery and use.

14 (B) STATE APPROVAL.—Delivery of water  
15 under subparagraph (A) is subject to—

16 (i) approval by the State of New Mex-  
17 ico under applicable provisions of State law  
18 relating to aquifer storage and recovery;  
19 and

20 (ii) the provisions of the Agreement  
21 and this subtitle.

22 (b) PROJECT WATER AND CAPACITY ALLOCA-  
23 TIONS.—

24 (1) DIVERSION.—Subject to availability and  
25 consistent with Federal and State law, the Project



1       may divert from the Navajo Reservoir and the San  
2       Juan River a quantity of water to be allocated and  
3       used consistent with the Agreement and this sub-  
4       title, that does not exceed in any 1 year, the lesser  
5       of—

6                   (A) 37,760 acre-feet of water; or

7                   (B) the quantity of water necessary to sup-  
8       ply a depletion from the San Juan River of  
9       35,890 acre-feet.

10       (2) PROJECT DELIVERY CAPACITY ALLOCA-  
11       TIONS.—

12                   (A) IN GENERAL.—The capacity of the  
13       Project shall be allocated to the Project Partici-  
14       pants in accordance with subparagraphs (B)  
15       through (E), other provisions of this subtitle,  
16       and other applicable law.

17                   (B) DELIVERY CAPACITY ALLOCATION TO  
18       THE CITY.—The Project may deliver at the  
19       point of diversion from the San Juan River not  
20       more than 7,500 acre-feet of water in any 1  
21       year for which the City has secured rights for  
22       the use of the City.

23                   (C) DELIVERY CAPACITY ALLOCATION TO  
24       NAVAJO NATION COMMUNITIES IN NEW MEX-  
25       ICO.—For use by the Nation in the State of

1 New Mexico, the Project may deliver water out  
2 of the water rights held by the Secretary for the  
3 Nation and confirmed under this subtitle, at the  
4 points of diversion from the San Juan River or  
5 at Navajo Reservoir in any 1 year, the lesser  
6 of—

7 (i) 22,650 acre-feet of water; or

8 (ii) the quantity of water necessary to  
9 supply a depletion from the San Juan  
10 River of 20,780 acre-feet of water.

11 (D) DELIVERY CAPACITY ALLOCATION TO  
12 NAVAJO NATION COMMUNITIES IN ARIZONA.—  
13 Subject to subsection (c), the Project may de-  
14 liver at the point of diversion from the San  
15 Juan River not more than 6,411 acre-feet of  
16 water in any 1 year for use by the Nation in  
17 the State of Arizona.

18 (E) DELIVERY CAPACITY ALLOCATION TO  
19 JICARILLA APACHE NATION.—The Project may  
20 deliver at Navajo Reservoir not more than  
21 1,200 acre-feet of water in any 1 year of the  
22 water rights of the Jicarilla Apache Nation,  
23 held by the Secretary and confirmed by the  
24 Jicarilla Apache Tribe Water Rights Settlement  
25 Act (Public Law 102–441; 106 Stat. 2237), for

1 use by the Jicarilla Apache Nation in the south-  
2 ern portion of the Jicarilla Apache Nation Res-  
3 ervation in the State of New Mexico.

4 (3) USE IN EXCESS OF DELIVERY CAPACITY AL-  
5 LOCATION QUANTITY.—Notwithstanding each deliv-  
6 ery capacity allocation quantity limit described in  
7 subparagraphs (B), (C), and (E) of paragraph (2),  
8 the Secretary may authorize a Project Participant to  
9 exceed the delivery capacity allocation quantity limit  
10 of that Project Participant if—

11 (A) delivery capacity is available without  
12 impairing any water delivery to any other  
13 Project Participant; and

14 (B) the Project Participant benefitting  
15 from the increased allocation of delivery capac-  
16 ity—

17 (i) has the right under applicable law  
18 to use the additional water;

19 (ii) agrees to pay the operation, main-  
20 tenance, and replacement costs relating to  
21 the additional use of any Project facility;  
22 and

23 (iii) agrees, if the Project title is held  
24 by the Secretary, to pay a fee established  
25 by the Secretary to assist in recovering

1 capital costs relating to that additional  
2 use.

3 (c) CONDITIONS FOR USE IN ARIZONA.—

4 (1) REQUIREMENTS.—Project water shall not  
5 be delivered for use by any community of the Nation  
6 located in the State of Arizona under subsection  
7 (b)(2)(D) until—

8 (A) the Nation and the State of Arizona  
9 have entered into a water rights settlement  
10 agreement approved by an Act of Congress that  
11 settles and waives the Nation's claims to water  
12 in the Lower Basin and the Little Colorado  
13 River Basin in the State of Arizona, including  
14 those of the United States on the Nation's be-  
15 half; and

16 (B) the Secretary and the Navajo Nation  
17 have entered into a Navajo Reservoir water  
18 supply delivery contract for the physical deliv-  
19 ery and diversion of water via the Project from  
20 the San Juan River system to supply uses in  
21 the State of Arizona.

22 (2) ACCOUNTING OF USES IN ARIZONA.—

23 (A) IN GENERAL.—Pursuant to paragraph  
24 (1) and notwithstanding any other provision of  
25 law, water may be diverted by the Project from

1           the San Juan River in the State of New Mexico  
2           in accordance with an appropriate permit issued  
3           under New Mexico law for use in the State of  
4           Arizona within the Navajo Reservation in the  
5           Lower Basin; provided that any depletion of  
6           water that results from the diversion of water  
7           by the Project from the San Juan River in the  
8           State of New Mexico for uses within the State  
9           of Arizona (including depletion incidental to the  
10          diversion, impounding, or conveyance of water  
11          in the State of New Mexico for uses in the  
12          State of Arizona) shall be administered and ac-  
13          counted for as either—

14                   (i) a part of, and charged against, the  
15                   available consumptive use apportionment  
16                   made to the State of Arizona by Article  
17                   III(a) of the Compact and to the Upper  
18                   Basin by Article III(a) of the Colorado  
19                   River Compact, in which case any water so  
20                   diverted by the Project into the Lower  
21                   Basin for use within the State of Arizona  
22                   shall not be credited as water reaching Lee  
23                   Ferry pursuant to Article III(e) and III(d)  
24                   of the Colorado River Compact; or

1                   (ii) subject to subparagraph (B), a  
2                   part of, and charged against, the consump-  
3                   tive use apportionment made to the Lower  
4                   Basin by Article III(a) of the Colorado  
5                   River Compact, in which case it shall—

6                   (I) be a part of the Colorado  
7                   River water that is apportioned to the  
8                   State of Arizona in Article II(B) of  
9                   the Consolidated Decree of the Su-  
10                  preme Court of the United States in  
11                  Arizona v. California (547 U.S. 150)  
12                  (as may be amended or supple-  
13                  mented);

14                  (II) be credited as water reaching  
15                  Lee Ferry pursuant to Article III(c)  
16                  and III(d) of the Colorado River Com-  
17                  pact; and

18                  (III) be accounted as the water  
19                  identified in section 104(a)(1)(B)(ii)  
20                  of the Arizona Water Settlements Act,  
21                  (118 Stat. 3478);

22                  (B) LIMITATION.—Notwithstanding sub-  
23                  paragraph (B), no water diverted by the Project  
24                  shall be accounted for pursuant to subpara-  
25                  graph (B) until such time that—

1           (i) the Secretary has developed and,  
2           as necessary and appropriate, modified, in  
3           consultation with the Upper Colorado  
4           River Commission and the Governors' Rep-  
5           resentatives on Colorado River Operations  
6           from each State signatory to the Colorado  
7           River Compact, all operational and  
8           decisional criteria, policies, contracts,  
9           guidelines or other documents that control  
10          the operations of the Colorado River Sys-  
11          tem reservoirs and diversion works, so as  
12          to adjust, account for, and offset the diver-  
13          sion of water apportioned to the State of  
14          Arizona, pursuant to the Boulder Canyon  
15          Project Act (43 U.S.C. 617 et seq.), from  
16          a point of diversion on the San Juan River  
17          in New Mexico; provided that all such  
18          modifications shall be consistent with the  
19          provisions of this Section, and the modi-  
20          fications made pursuant to this clause  
21          shall be applicable only for the duration of  
22          any such diversions pursuant to section  
23          10603(c)(2)(B); and

24           (ii) Article II(B) of the Decree of the  
25          Supreme Court of the United States in Ar-

1            Arizona v. California (547 U.S. 150 as may  
2            be amended or supplemented) is adminis-  
3            tered so that diversions from the main  
4            stream for the Central Arizona Project, as  
5            served under existing contracts with the  
6            United States by diversion works here-  
7            tofore constructed, shall be limited and re-  
8            duced to offset any diversions made pursu-  
9            ant to section 10603(c)(2)(B) of this Act.  
10          This clause shall not affect, in any man-  
11          ner, the amount of water apportioned to  
12          Arizona pursuant to the Boulder Canyon  
13          Project Act (43 U.S.C. 617 et seq.), or  
14          amend any provisions of said decree or the  
15          Colorado River Basin Project Act (43  
16          U.S.C. 1501 et. seq.).

17          (3) UPPER BASIN PROTECTIONS.—

18            (A) CONSULTATIONS.—Henceforth, in any  
19            consultation pursuant to 16 U.S.C. 1536(a)  
20            with respect to water development in the San  
21            Juan River Basin, the Secretary shall confer  
22            with the States of Colorado and New Mexico,  
23            consistent with the provisions of section 5 of  
24            the “Principles for Conducting Endangered  
25            Species Act Section 7 Consultations on Water



1           Development and Water Management Activities  
2           Affecting Endangered Fish Species in the San  
3           Juan River Basin” as adopted by the Coordina-  
4           tion Committee, San Juan River Basin Recov-  
5           ery Implementation Program, on June 19,  
6           2001, and as may be amended or modified.

7           (B)    PRESERVATION    OF    EXISTING  
8           RIGHTS.—Rights to the consumptive use of  
9           water available to the Upper Basin from the  
10          Colorado River System under the Colorado  
11          River Compact and the Compact shall not be  
12          reduced or prejudiced by any use of water pur-  
13          suant to subsection 10603(c). Nothing in this  
14          Act shall be construed so as to impair, conflict  
15          with, or otherwise change the duties and powers  
16          of the Upper Colorado River Commission.

17       (d) FORBEARANCE.—

18           (1) IN GENERAL.—Subject to paragraphs (2)  
19          and (3), during any year in which a shortage to the  
20          normal diversion requirement for any use relating to  
21          the Project within the State of Arizona occurs (as  
22          determined under section 11 of Public Law 87–483  
23          (76 Stat. 99)), the Nation may temporarily forbear  
24          the delivery of the water supply of the Navajo Res-  
25          ervoir for uses in the State of New Mexico under the

1       apportionments of water to the Navajo Indian Irri-  
2       gation Project and the normal diversion require-  
3       ments of the Project to allow an equivalent quantity  
4       of water to be delivered from the Navajo Reservoir  
5       water supply for municipal and domestic uses of the  
6       Nation in the State of Arizona under the Project.

7               (2) LIMITATION OF FORBEARANCE.—The Na-  
8       tion may forebear the delivery of water under para-  
9       graph (1) of a quantity not exceeding the quantity  
10      of the shortage to the normal diversion requirement  
11      for any use relating to the Project within the State  
12      of Arizona.

13              (3) EFFECT.—The forbearance of the delivery  
14      of water under paragraph (1) shall be subject to the  
15      requirements in subsection (c).

16      (e) EFFECT.—Nothing in this subtitle—

17              (1) authorizes the marketing, leasing, or trans-  
18      fer of the water supplies made available to the Na-  
19      tion under the Contract to non-Navajo water users  
20      in States other than the State of New Mexico; or

21              (2) authorizes the forbearance of water uses in  
22      the State of New Mexico to allow uses of water in  
23      other States other than as authorized under sub-  
24      section (d).

1 (f) COLORADO RIVER COMPACTS.—Notwithstanding  
2 any other provision of law—

3 (1) water may be diverted by the Project from  
4 the San Juan River in the State of New Mexico for  
5 use within New Mexico in the lower basin, as that  
6 term is used in the Colorado River Compact;

7 (2) any water diverted under paragraph (1)  
8 shall be a part of, and charged against, the con-  
9 sumptive use apportionment made to the State of  
10 New Mexico by Article III(a) of the Compact and to  
11 the upper basin by Article III(a) of the Colorado  
12 River Compact; and

13 (3) any water so diverted by the Project into  
14 the lower basin within the State of New Mexico shall  
15 not be credited as water reaching Lee Ferry pursu-  
16 ant to Articles III(c) and III(d) of the Colorado  
17 River Compact.

18 (g) PAYMENT OF OPERATION, MAINTENANCE, AND  
19 REPLACEMENT COSTS.—

20 (1) IN GENERAL.—The Secretary is authorized  
21 to pay the operation, maintenance, and replacement  
22 costs of the Project allocable to the Project Partici-  
23 pants under section 10604 until the date on which  
24 the Secretary declares any section of the Project to  
25 be substantially complete and delivery of water gen-

1 erated by, and through, that section of the Project  
2 can be made to a Project participant.

3 (2) PROJECT PARTICIPANT PAYMENTS.—Begin-  
4 ning on the date described in paragraph (1), each  
5 Project Participant shall pay all allocated operation,  
6 maintenance, and replacement costs for that sub-  
7 stantially completed section of the Project, in ac-  
8 cordance with contracts entered into pursuant to  
9 section 10604, except as provided in section  
10 10604(f).

11 (h) NO PRECEDENT.—Nothing in this Act shall be  
12 construed as authorizing or establishing a precedent for  
13 any type of transfer of Colorado River System water be-  
14 tween the Upper Basin and Lower Basin. Nor shall any-  
15 thing in this Act be construed as expanding the Sec-  
16 retary's authority in the Upper Basin.

17 (i) UNIQUE SITUATION.—Diversions by the Project  
18 consistent with this section address critical tribal and non-  
19 Indian water supply needs under unique circumstances,  
20 which include, among other things—

21 (1) the intent to benefit an American Indian  
22 tribe;

23 (2) the Navajo Nation's location in both the  
24 Upper and Lower Basin;

1           (3) the intent to address critical Indian water  
2 needs in the State of Arizona and Indian and non-  
3 Indian water needs in the State of New Mexico,

4           (4) the location of the Navajo Nation's capital  
5 city of Window Rock in the State of Arizona in close  
6 proximity to the border of the State of New Mexico  
7 and the pipeline route for the Project;

8           (5) the lack of other reasonable options avail-  
9 able for developing a firm, sustainable supply of mu-  
10 nicipal water for the Navajo Nation at Window Rock  
11 in the State of Arizona; and

12           (6) the limited volume of water to be diverted  
13 by the Project to supply municipal uses in the Win-  
14 dow Rock area in the State of Arizona.

15       (j) CONSENSUS.—Congress notes the consensus of  
16 the Governors' Representatives on Colorado River Oper-  
17 ations of the States that are signatory to the Colorado  
18 River Compact regarding the diversions authorized for the  
19 Project under this section.

20       (k) EFFICIENT USE.—The diversions and uses au-  
21 thorized for the Project under this Section represent  
22 unique and efficient uses of Colorado River apportion-  
23 ments in a manner that Congress has determined would  
24 be consistent with the obligations of the United States to  
25 the Navajo Nation.

1 **SEC. 10604. PROJECT CONTRACTS.**

2 (a) NAVAJO NATION CONTRACT.—

3 (1) HYDROLOGIC DETERMINATION.—Congress  
4 recognizes that the Hydrologic Determination nec-  
5 essary to support approval of the Contract has been  
6 completed.

7 (2) CONTRACT APPROVAL.—

8 (A) APPROVAL.—

9 (i) IN GENERAL.—Except to the ex-  
10 tent that any provision of the Contract  
11 conflicts with this subtitle, Congress ap-  
12 proves, ratifies, and confirms the Contract.

13 (ii) AMENDMENTS.—To the extent  
14 any amendment is executed to make the  
15 Contract consistent with this subtitle, that  
16 amendment is authorized, ratified, and  
17 confirmed.

18 (B) EXECUTION OF CONTRACT.—The Sec-  
19 retary, acting on behalf of the United States,  
20 shall enter into the Contract to the extent that  
21 the Contract does not conflict with this subtitle  
22 (including any amendment that is required to  
23 make the Contract consistent with this sub-  
24 title).

25 (3) NONREIMBURSABILITY OF ALLOCATED  
26 COSTS.—The following costs shall be nonreimburs-

1       able and not subject to repayment by the Nation or  
2       any other Project beneficiary:

3               (A) Any share of the construction costs of  
4       the Nation relating to the Project authorized by  
5       section 10602(a).

6               (B) Any costs relating to the construction  
7       of the Navajo Indian Irrigation Project that  
8       may otherwise be allocable to the Nation for  
9       use of any facility of the Navajo Indian Irriga-  
10      tion Project to convey water to each Navajo  
11      community under the Project.

12              (C) Any costs relating to the construction  
13      of Navajo Dam that may otherwise be allocable  
14      to the Nation for water deliveries under the  
15      Contract.

16              (4) OPERATION, MAINTENANCE, AND REPLACE-  
17      MENT OBLIGATION.—Subject to subsection (f), the  
18      Contract shall include provisions under which the  
19      Nation shall pay any costs relating to the operation,  
20      maintenance, and replacement of each facility of the  
21      Project that are allocable to the Nation.

22              (5) LIMITATION, CANCELLATION, TERMINATION,  
23      AND RESCISSION.—The Contract may be limited by  
24      a term of years, canceled, terminated, or rescinded  
25      only by an Act of Congress.

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1 (b) CITY OF GALLUP CONTRACT.—

2 (1) CONTRACT AUTHORIZATION.—Consistent  
3 with this subtitle, the Secretary is authorized to  
4 enter into a repayment contract with the City that  
5 requires the City—

6 (A) to repay, within a 50-year period, the  
7 share of the construction costs of the City relat-  
8 ing to the Project, with interest as provided  
9 under section 10305; and

10 (B) consistent with section 10603(g), to  
11 pay the operation, maintenance, and replace-  
12 ment costs of the Project that are allocable to  
13 the City.

14 (2) CONTRACT PREPAYMENT.—

15 (A) IN GENERAL.—The contract author-  
16 ized under paragraph (1) may allow the City to  
17 satisfy the repayment obligation of the City for  
18 construction costs of the Project on the pay-  
19 ment of the share of the City prior to the initi-  
20 ation of construction.

21 (B) AMOUNT.—The amount of the share  
22 of the City described in subparagraph (A) shall  
23 be determined by agreement between the Sec-  
24 retary and the City.



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1           (C) REPAYMENT OBLIGATION.—Any repay-  
2           ment obligation established by the Secretary  
3           and the City pursuant to subparagraph (A)  
4           shall be subject to a final cost allocation by the  
5           Secretary on project completion and to the limi-  
6           tations set forth in paragraph (3).

7           (3) SHARE OF CONSTRUCTION COSTS.—

8           (A) IN GENERAL.—Subject to subpara-  
9           graph (B), the Secretary shall determine the  
10          share of the construction costs of the Project  
11          allocable to the City and establish the percent-  
12          age of the allocated construction costs that the  
13          City shall be required to repay pursuant to the  
14          contract entered into under paragraph (1),  
15          based on the ability of the City to pay.

16          (B) MINIMUM PERCENTAGE.—Notwith-  
17          standing subparagraph (A), the repayment obli-  
18          gation of the City shall be at least 25 percent  
19          of the construction costs of the Project that are  
20          allocable to the City, but shall in no event ex-  
21          ceed 35 percent.

22          (4) EXCESS CONSTRUCTION COSTS.—Any con-  
23          struction costs of the Project allocable to the City in  
24          excess of the repayment obligation of the City, as

1 determined under paragraph (3), shall be nonreim-  
2 bursable.

3 (5) GRANT FUNDS.—A grant from any other  
4 Federal source shall not be credited toward the  
5 amount required to be repaid by the City under a  
6 repayment contract.

7 (6) TITLE TRANSFER.—If title is transferred to  
8 the City prior to repayment under section 10602(f),  
9 the City shall be required to provide assurances sat-  
10 isfactory to the Secretary of fulfillment of the re-  
11 maining repayment obligation of the City.

12 (7) WATER DELIVERY SUBCONTRACT.—The  
13 Secretary shall not enter into a contract under para-  
14 graph (1) with the City until the City has secured  
15 a water supply for the City's portion of the Project  
16 described in section 10603(b)(2)(B), by entering  
17 into, as approved by the Secretary, a water delivery  
18 subcontract for a period of not less than 40 years  
19 beginning on the date on which the construction of  
20 any facility of the Project serving the City is com-  
21 pleted, with—

22 (A) the Nation, as authorized by the Con-  
23 tract;

24 (B) the Jicarilla Apache Nation, as author-  
25 ized by the settlement contract between the

1 United States and the Jicarilla Apache Tribe,  
2 authorized by the Jicarilla Apache Tribe Water  
3 Rights Settlement Act (Public Law 102-441;  
4 106 Stat. 2237); or

5 (C) an acquired alternate source of water,  
6 subject to approval of the Secretary and the  
7 State of New Mexico, acting through the New  
8 Mexico Interstate Stream Commission and the  
9 New Mexico State Engineer.

10 (c) JICARILLA APACHE NATION CONTRACT.—

11 (1) CONTRACT AUTHORIZATION.—Consistent  
12 with this subtitle, the Secretary is authorized to  
13 enter into a repayment contract with the Jicarilla  
14 Apache Nation that requires the Jicarilla Apache  
15 Nation—

16 (A) to repay, within a 50-year period, the  
17 share of any construction cost of the Jicarilla  
18 Apache Nation relating to the Project, with in-  
19 terest as provided under section 10305; and

20 (B) consistent with section 10603(g), to  
21 pay the operation, maintenance, and replace-  
22 ment costs of the Project that are allocable to  
23 the Jicarilla Apache Nation.

24 (2) CONTRACT PREPAYMENT.—

1           (A) IN GENERAL.—The contract author-  
2           ized under paragraph (1) may allow the  
3           Jicarilla Apache Nation to satisfy the repay-  
4           ment obligation of the Jicarilla Apache Nation  
5           for construction costs of the Project on the pay-  
6           ment of the share of the Jicarilla Apache Na-  
7           tion prior to the initiation of construction.

8           (B) AMOUNT.—The amount of the share  
9           of Jicarilla Apache Nation described in sub-  
10          paragraph (A) shall be determined by agree-  
11          ment between the Secretary and the Jicarilla  
12          Apache Nation.

13          (C) REPAYMENT OBLIGATION.—Any repay-  
14          ment obligation established by the Secretary  
15          and the Jicarilla Apache Nation pursuant to  
16          subparagraph (A) shall be subject to a final  
17          cost allocation by the Secretary on project com-  
18          pletion and to the limitations set forth in para-  
19          graph (3).

20          (3) SHARE OF CONSTRUCTION COSTS.—

21               (A) IN GENERAL.—Subject to subpara-  
22               graph (B), the Secretary shall determine the  
23               share of the construction costs of the Project  
24               allocable to the Jicarilla Apache Nation and es-  
25               tablish the percentage of the allocated construc-

1           tion costs of the Jicarilla Apache Nation that  
2           the Jicarilla Apache Nation shall be required to  
3           repay based on the ability of the Jicarilla  
4           Apache Nation to pay.

5           (B) MINIMUM PERCENTAGE.—Notwith-  
6           standing subparagraph (A), the repayment obli-  
7           gation of the Jicarilla Apache Nation shall be  
8           at least 25 percent of the construction costs of  
9           the Project that are allocable to the Jicarilla  
10          Apache Nation, but shall in no event exceed 35  
11          percent.

12          (4) EXCESS CONSTRUCTION COSTS.—Any con-  
13          struction costs of the Project allocable to the  
14          Jicarilla Apache Nation in excess of the repayment  
15          obligation of the Jicarilla Apache Nation as deter-  
16          mined under paragraph (3), shall be nonreimburs-  
17          able.

18          (5) GRANT FUNDS.—A grant from any other  
19          Federal source shall not be credited toward the  
20          share of the Jicarilla Apache Nation of construction  
21          costs.

22          (6) NAVAJO INDIAN IRRIGATION PROJECT  
23          COSTS.—The Jicarilla Apache Nation shall have no  
24          obligation to repay any Navajo Indian Irrigation  
25          Project construction costs that might otherwise be

1 allocable to the Jicarilla Apache Nation for use of  
2 the Navajo Indian Irrigation Project facilities to  
3 convey water to the Jicarilla Apache Nation, and  
4 any such costs shall be nonreimbursable.

5 (d) CAPITAL COST ALLOCATIONS.—

6 (1) IN GENERAL.—For purposes of estimating  
7 the capital repayment requirements of the Project  
8 Participants under this section, the Secretary shall  
9 review and, as appropriate, update the Draft Impact  
10 Statement allocating capital construction costs for  
11 the Project.

12 (2) FINAL COST ALLOCATION.—The repayment  
13 contracts entered into with Project Participants  
14 under this section shall require that the Secretary  
15 perform a final cost allocation when construction of  
16 the Project is determined to be substantially com-  
17 plete.

18 (3) REPAYMENT OBLIGATION.—The Secretary  
19 shall determine the repayment obligation of the  
20 Project Participants based on the final cost alloca-  
21 tion identifying reimbursable and nonreimbursable  
22 capital costs of the Project consistent with this sub-  
23 title.

24 (e) OPERATION, MAINTENANCE, AND REPLACEMENT  
25 COST ALLOCATIONS.—For purposes of determining the

1 operation, maintenance, and replacement obligations of  
2 the Project Participants under this section, the Secretary  
3 shall review and, as appropriate, update the Draft Impact  
4 Statement that allocates operation, maintenance, and re-  
5 placement costs for the Project.

6 (f) TEMPORARY WAIVERS OF PAYMENTS.—

7 (1) IN GENERAL.—On the date on which the  
8 Secretary declares a section of the Project to be sub-  
9 stantially complete and delivery of water generated  
10 by and through that section of the Project can be  
11 made to the Nation, the Secretary may waive, for a  
12 period of not more than 10 years, the operation,  
13 maintenance, and replacement costs allocable to the  
14 Nation for that section of the Project that the Sec-  
15 retary determines are in excess of the ability of the  
16 Nation to pay.

17 (2) SUBSEQUENT PAYMENT BY NATION.—After  
18 a waiver under paragraph (1), the Nation shall pay  
19 all allocated operation, maintenance, and replace-  
20 ment costs of that section of the Project.

21 (3) PAYMENT BY UNITED STATES.—Any oper-  
22 ation, maintenance, or replacement costs waived by  
23 the Secretary under paragraph (1) shall be paid by  
24 the United States and shall be nonreimbursable.

1           (4) EFFECT ON CONTRACTS.—Failure of the  
2 Secretary to waive costs under paragraph (1) be-  
3 cause of a lack of availability of Federal funding to  
4 pay the costs under paragraph (3) shall not alter the  
5 obligations of the Nation or the United States under  
6 a repayment contract.

7           (5) TERMINATION OF AUTHORITY.—The au-  
8 thority of the Secretary to waive costs under para-  
9 graph (1) with respect to a Project facility trans-  
10 ferred to the Nation under section 10602(f) shall  
11 terminate on the date on which the Project facility  
12 is transferred.

13          (g) PROJECT CONSTRUCTION COMMITTEE.—The  
14 Secretary shall facilitate the formation of a project con-  
15 struction committee with the Project Participants and the  
16 State of New Mexico—

17           (1) to review cost factors and budgets for con-  
18 struction and operation and maintenance activities;

19           (2) to improve construction management  
20 through enhanced communication; and

21           (3) to seek additional ways to reduce overall  
22 Project costs.

23 **SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.**

24          (a) USE OF NAVAJO NATION PIPELINE.—In addition  
25 to use of the Navajo Nation Municipal Pipeline to convey



1 the Animas-La Plata Project water of the Nation, the Na-  
2 tion may use the Navajo Nation Municipal Pipeline to con-  
3 vey non-Animas La Plata Project water for municipal and  
4 industrial purposes.

5 (b) CONVEYANCE OF TITLE TO PIPELINE.—

6 (1) IN GENERAL.—On completion of the Navajo  
7 Nation Municipal Pipeline, the Secretary may enter  
8 into separate agreements with the City of Farm-  
9 ington, New Mexico and the Nation to convey title  
10 to each portion of the Navajo Nation Municipal  
11 Pipeline facility or section of the Pipeline to the City  
12 of Farmington and the Nation after execution of a  
13 Project operations agreement approved by the Sec-  
14 retary, the Nation, and the City of Farmington that  
15 sets forth any terms and conditions that the Sec-  
16 retary determines are necessary.

17 (2) CONVEYANCE TO THE CITY OF FARMINGTON  
18 OR NAVAJO NATION.—In conveying title to the Nav-  
19 ajo Nation Municipal Pipeline under this subsection,  
20 the Secretary shall convey—

21 (A) to the City of Farmington, the facili-  
22 ties and any land or interest in land acquired  
23 by the United States for the construction, oper-  
24 ation, and maintenance of the Pipeline that are

1 located within the corporate boundaries of the  
2 City; and

3 (B) to the Nation, the facilities and any  
4 land or interests in land acquired by the United  
5 States for the construction, operation, and  
6 maintenance of the Pipeline that are located  
7 outside the corporate boundaries of the City of  
8 Farmington.

9 (3) EFFECT OF CONVEYANCE.—The conveyance  
10 of title to the Pipeline shall not affect the applica-  
11 tion of the Endangered Species Act of 1973 (16  
12 U.S.C. 1531 et seq.) relating to the use of water as-  
13 sociated with the Animas-La Plata Project.

14 (4) LIABILITY.—

15 (A) IN GENERAL.—Effective on the date of  
16 the conveyance authorized by this subsection,  
17 the United States shall not be held liable by  
18 any court for damages of any kind arising out  
19 of any act, omission, or occurrence relating to  
20 the land, buildings, or facilities conveyed under  
21 this subsection, other than damages caused by  
22 acts of negligence committed by the United  
23 States or by employees or agents of the United  
24 States prior to the date of conveyance.

1           (B) TORT CLAIMS.—Nothing in this sub-  
2           section increases the liability of the United  
3           States beyond the liability provided under chap-  
4           ter 171 of title 28, United States Code (com-  
5           monly known as the “Federal Tort Claims  
6           Act”).

7           (5) NOTICE OF PROPOSED CONVEYANCE.—Not  
8           later than 45 days before the date of a proposed  
9           conveyance of title to the Pipeline, the Secretary  
10          shall submit to the Committee on Natural Resources  
11          of the House of Representatives and the Committee  
12          on Energy and Natural Resources of the Senate, no-  
13          tice of the conveyance of the Pipeline.

14 **SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.**

15          (a) CONJUNCTIVE GROUNDWATER DEVELOPMENT  
16          PLAN.—Not later than 1 year after the date of enactment  
17          of this Act, the Nation, in consultation with the Secretary,  
18          shall complete a conjunctive groundwater development  
19          plan for the wells described in subsections (b) and (c).

20          (b) WELLS IN THE SAN JUAN RIVER BASIN.—In ac-  
21          cordance with the conjunctive groundwater development  
22          plan, the Secretary may construct or rehabilitate wells and  
23          related pipeline facilities to provide capacity for the diver-  
24          sion and distribution of not more than 1,670 acre-feet of

1 groundwater in the San Juan River Basin in the State  
2 of New Mexico for municipal and domestic uses.

3 (c) WELLS IN THE LITTLE COLORADO AND RIO  
4 GRANDE BASINS.—

5 (1) IN GENERAL.—In accordance with the  
6 Project and conjunctive groundwater development  
7 plan for the Nation, the Secretary may construct or  
8 rehabilitate wells and related pipeline facilities to  
9 provide capacity for the diversion and distribution  
10 of—

11 (A) not more than 680 acre-feet of ground-  
12 water in the Little Colorado River Basin in the  
13 State of New Mexico;

14 (B) not more than 80 acre-feet of ground-  
15 water in the Rio Grande Basin in the State of  
16 New Mexico; and

17 (C) not more than 770 acre-feet of ground-  
18 water in the Little Colorado River Basin in the  
19 State of Arizona.

20 (2) USE.—Groundwater diverted and distrib-  
21 uted under paragraph (1) shall be used for munic-  
22 ipal and domestic uses.

23 (d) ACQUISITION OF LAND.—

24 (1) IN GENERAL.—Except as provided in para-  
25 graph (2), the Secretary may acquire any land or in-

1       terest in land that is necessary for the construction,  
2       operation, and maintenance of the wells and related  
3       pipeline facilities authorized under subsections (b)  
4       and (c).

5           (2) LIMITATION.—Nothing in this subsection  
6       authorizes the Secretary to condemn water rights for  
7       the purposes described in paragraph (1).

8       (e) CONDITION.—The Secretary shall not commence  
9       any construction activity relating to the wells described in  
10      subsections (b) and (c) until the Secretary executes the  
11      Agreement.

12      (f) CONVEYANCE OF WELLS.—

13           (1) IN GENERAL.—On the determination of the  
14      Secretary that the wells and related facilities are  
15      substantially complete and delivery of water gen-  
16      erated by the wells can be made to the Nation, an  
17      agreement with the Nation shall be entered into, to  
18      convey to the Nation title to—

19           (A) any well or related pipeline facility  
20           constructed or rehabilitated under subsections  
21           (a) and (b) after the wells and related facilities  
22           have been completed; and

23           (B) any land or interest in land acquired  
24           by the United States for the construction, oper-

1           ation, and maintenance of the well or related  
2           pipeline facility.

3           (2) OPERATION, MAINTENANCE, AND REPLACE-  
4           MENT.—

5                   (A) IN GENERAL.—The Secretary is au-  
6           thorized to pay operation and maintenance  
7           costs for the wells and related pipeline facilities  
8           authorized under this subsection until title to  
9           the facilities is conveyed to the Nation.

10                   (B) SUBSEQUENT ASSUMPTION BY NA-  
11           TION.—On completion of a conveyance of title  
12           under paragraph (1), the Nation shall assume  
13           all responsibility for the operation and mainte-  
14           nance of the well or related pipeline facility con-  
15           veyed.

16                   (3) EFFECT OF CONVEYANCE.—The conveyance  
17           of title to the Nation of the conjunctive use wells  
18           under paragraph (1) shall not affect the application  
19           of the Endangered Species Act of 1973 (16 U.S.C.  
20           1531 et seq.).

21                   (g) USE OF PROJECT FACILITIES.—The capacities of  
22           the treatment facilities, main pipelines, and lateral pipe-  
23           lines of the Project authorized by section 10602(b) may  
24           be used to treat and convey groundwater to Nation com-  
25           munities if the Nation provides for payment of the oper-

1 ation, maintenance, and replacement costs associated with  
2 the use of the facilities or pipelines.

3 (h) LIMITATIONS.—The diversion and use of ground-  
4 water by wells constructed or rehabilitated under this sec-  
5 tion shall be made in a manner consistent with applicable  
6 Federal and State law.

7 **SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION**  
8 **PROJECTS.**

9 (a) REHABILITATION.—Subject to subsection (b), the  
10 Secretary shall rehabilitate—

11 (1) the Fruitland-Cambridge Irrigation Project  
12 to serve not more than 3,335 acres of land, which  
13 shall be considered to be the total serviceable area  
14 of the project; and

15 (2) the Hogback-Cudei Irrigation Project to  
16 serve not more than 8,830 acres of land, which shall  
17 be considered to be the total serviceable area of the  
18 project.

19 (b) CONDITION.—The Secretary shall not commence  
20 any construction activity relating to the rehabilitation of  
21 the Fruitland-Cambridge Irrigation Project or the Hog-  
22 back-Cudei Irrigation Project under subsection (a) until  
23 the Secretary executes the Agreement.

24 (c) OPERATION, MAINTENANCE, AND REPLACEMENT  
25 OBLIGATION.—The Nation shall continue to be respon-

1 sible for the operation, maintenance, and replacement of  
2 each facility rehabilitated under this section.

3 **SEC. 10608. OTHER IRRIGATION PROJECTS.**

4 (a) IN GENERAL.—Not later than 2 years after the  
5 date of enactment of this Act, the Secretary, in consulta-  
6 tion with the State of New Mexico (acting through the  
7 Interstate Stream Commission) and the Non-Navajo Irri-  
8 gation Districts that elect to participate, shall—

9 (1) conduct a study of Non-Navajo Irrigation  
10 District diversion and ditch facilities; and

11 (2) based on the study, identify and prioritize  
12 a list of projects, with associated cost estimates, that  
13 are recommended to be implemented to repair, reha-  
14 bilitate, or reconstruct irrigation diversion and ditch  
15 facilities to improve water use efficiency.

16 (b) GRANTS.—The Secretary may provide grants to,  
17 and enter into cooperative agreements with, the Non-Nav-  
18 ajo Irrigation Districts to plan, design, or otherwise imple-  
19 ment the projects identified under subsection (a)(2).

20 (c) COST-SHARING.—

21 (1) FEDERAL SHARE.—The Federal share of  
22 the total cost of carrying out a project under sub-  
23 section (b) shall be not more than 50 percent, and  
24 shall be nonreimbursable.



1           (2) FORM.—The non-Federal share required  
2 under paragraph (1) may be in the form of in-kind  
3 contributions, including the contribution of any valu-  
4 able asset or service that the Secretary determines  
5 would substantially contribute to a project carried  
6 out under subsection (b).

7           (3) STATE CONTRIBUTION.—The Secretary may  
8 accept from the State of New Mexico a partial or  
9 total contribution toward the non-Federal share for  
10 a project carried out under subsection (b).

11 **SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.**

12           (a) AUTHORIZATION OF APPROPRIATIONS FOR NAV-  
13 AJO-GALLUP WATER SUPPLY PROJECT.—

14           (1) IN GENERAL.—There is authorized to be  
15 appropriated to the Secretary to plan, design, and  
16 construct the Project \$870,000,000 for the period of  
17 fiscal years 2009 through 2024, to remain available  
18 until expended.

19           (2) ADJUSTMENTS.—The amount under para-  
20 graph (1) shall be adjusted by such amounts as may  
21 be required by reason of changes since 2007 in con-  
22 struction costs, as indicated by engineering cost indi-  
23 ces applicable to the types of construction involved.

24           (3) USE.—In addition to the uses authorized  
25 under paragraph (1), amounts made available under

1 that paragraph may be used for the conduct of re-  
2 lated activities to comply with Federal environmental  
3 laws.

4 (4) OPERATION AND MAINTENANCE.—

5 (A) IN GENERAL.—There are authorized to  
6 be appropriated such sums as are necessary to  
7 operate and maintain the Project consistent  
8 with this subtitle.

9 (B) EXPIRATION.—The authorization  
10 under subparagraph (A) shall expire 10 years  
11 after the year the Secretary declares the Project  
12 to be substantially complete.

13 (b) APPROPRIATIONS FOR CONJUNCTIVE USE  
14 WELLS.—

15 (1) SAN JUAN WELLS.—There is authorized to  
16 be appropriated to the Secretary for the construction  
17 or rehabilitation and operation and maintenance of  
18 conjunctive use wells under section 10606(b)  
19 \$30,000,000, as adjusted under paragraph (3), for  
20 the period of fiscal years 2009 through 2019.

21 (2) WELLS IN THE LITTLE COLORADO AND RIO  
22 GRANDE BASINS.—There are authorized to be appro-  
23 priated to the Secretary for the construction or reha-  
24 bilitation and operation and maintenance of conjunc-  
25 tive use wells under section 10606(c) such sums as

1 are necessary for the period of fiscal years 2009  
2 through 2024.

3 (3) ADJUSTMENTS.—The amount under para-  
4 graph (1) shall be adjusted by such amounts as may  
5 be required by reason of changes since 2008 in con-  
6 struction costs, as indicated by engineering cost indi-  
7 ces applicable to the types of construction or reha-  
8 bilitation involved.

9 (4) NONREIMBURSABLE EXPENDITURES.—  
10 Amounts made available under paragraphs (1) and  
11 (2) shall be nonreimbursable to the United States.

12 (5) USE.—In addition to the uses authorized  
13 under paragraphs (1) and (2), amounts made avail-  
14 able under that paragraph may be used for the con-  
15 duct of related activities to comply with Federal en-  
16 vironmental laws.

17 (6) LIMITATION.—Appropriations authorized  
18 under paragraph (1) shall not be used for operation  
19 or maintenance of any conjunctive use wells at a  
20 time in excess of 3 years after the well is declared  
21 substantially complete.

22 (c) SAN JUAN RIVER IRRIGATION PROJECTS.—

23 (1) IN GENERAL.—There are authorized to be  
24 appropriated to the Secretary—

1 (A) to carry out section 10607(a)(1), not  
2 more than \$7,700,000, as adjusted under para-  
3 graph (2), for the period of fiscal years 2009  
4 through 2016, to remain available until ex-  
5 pended; and

6 (B) to carry out section 10607(a)(2), not  
7 more than \$15,400,000, as adjusted under  
8 paragraph (2), for the period of fiscal years  
9 2009 through 2019, to remain available until  
10 expended.

11 (2) ADJUSTMENT.—The amounts made avail-  
12 able under paragraph (1) shall be adjusted by such  
13 amounts as may be required by reason of changes  
14 since January 1, 2004, in construction costs, as in-  
15 dicated by engineering cost indices applicable to the  
16 types of construction involved in the rehabilitation.

17 (3) NONREIMBURSABLE EXPENDITURES.—  
18 Amounts made available under this subsection shall  
19 be nonreimbursable to the United States.

20 (d) OTHER IRRIGATION PROJECTS.—There are au-  
21 thorized to be appropriated to the Secretary to carry out  
22 section 10608 \$11,000,000 for the period of fiscal years  
23 2009 through 2019.

24 (e) CULTURAL RESOURCES.—

1           (1) IN GENERAL.—The Secretary may use not  
2 more than 2 percent of amounts made available  
3 under subsections (a), (b), and (c) for the survey, re-  
4 covery, protection, preservation, and display of ar-  
5 chaeological resources in the area of a Project facil-  
6 ity or conjunctive use well.

7           (2) NONREIMBURSABLE EXPENDITURES.—Any  
8 amounts made available under paragraph (1) shall  
9 be nonreimbursable.

10 (f) FISH AND WILDLIFE FACILITIES.—

11           (1) IN GENERAL.—In association with the de-  
12 velopment of the Project, the Secretary may use not  
13 more than 4 percent of amounts made available  
14 under subsections (a), (b), and (c) to purchase land  
15 and construct and maintain facilities to mitigate the  
16 loss of, and improve conditions for the propagation  
17 of, fish and wildlife if any such purchase, construc-  
18 tion, or maintenance will not affect the operation of  
19 any water project or use of water.

20           (2) NONREIMBURSABLE EXPENDITURES.—Any  
21 amounts expended under paragraph (1) shall be  
22 nonreimbursable.

## 23 **PART IV—NAVAJO NATION WATER RIGHTS**

### 24 **SEC. 10701. AGREEMENT.**

25 (a) AGREEMENT APPROVAL.—

1           (1) APPROVAL BY CONGRESS.—Except to the  
2 extent that any provision of the Agreement conflicts  
3 with this subtitle, Congress approves, ratifies, and  
4 confirms the Agreement (including any amendments  
5 to the Agreement that are executed to make the  
6 Agreement consistent with this subtitle).

7           (2) EXECUTION BY SECRETARY.—The Sec-  
8 retary shall enter into the Agreement to the extent  
9 that the Agreement does not conflict with this sub-  
10 title, including—

11                   (A) any exhibits to the Agreement requir-  
12 ing the signature of the Secretary; and

13                   (B) any amendments to the Agreement  
14 necessary to make the Agreement consistent  
15 with this subtitle.

16           (3) AUTHORITY OF SECRETARY.—The Sec-  
17 retary may carry out any action that the Secretary  
18 determines is necessary or appropriate to implement  
19 the Agreement, the Contract, and this section.

20           (4) ADMINISTRATION OF NAVAJO RESERVOIR  
21 RELEASES.—The State of New Mexico may admin-  
22 ister water that has been released from storage in  
23 Navajo Reservoir in accordance with subparagraph  
24 9.1 of the Agreement.

25           (b) WATER AVAILABLE UNDER CONTRACT.—

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1 (1) QUANTITIES OF WATER AVAILABLE.—

2 (A) IN GENERAL.—Water shall be made  
 3 available annually under the Contract for  
 4 projects in the State of New Mexico supplied  
 5 from the Navajo Reservoir and the San Juan  
 6 River (including tributaries of the River) under  
 7 New Mexico State Engineer File Numbers  
 8 2849, 2883, and 3215 in the quantities de-  
 9 scribed in subparagraph (B).

10 (B) WATER QUANTITIES.—The quantities  
 11 of water referred to in subparagraph (A) are as  
 12 follows:

	Diver- sion (acre- feet/ year)	Deple- tion (acre- feet/ year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

13 (C) MAXIMUM QUANTITY.—A diversion of  
 14 water to the Nation under the Contract for a  
 15 project described in subparagraph (B) shall not  
 16 exceed the quantity of water necessary to sup-  
 17 ply the amount of depletion for the project.

18 (D) TERMS, CONDITIONS, AND LIMITA-  
 19 TIONS.—The diversion and use of water under  
 20 the Contract shall be subject to and consistent

1 with the terms, conditions, and limitations of  
2 the Agreement, this subtitle, and any other ap-  
3 plicable law.

4 (2) AMENDMENTS TO CONTRACT.—The Sec-  
5 retary, with the consent of the Nation, may amend  
6 the Contract if the Secretary determines that the  
7 amendment is—

8 (A) consistent with the Agreement; and

9 (B) in the interest of conserving water or  
10 facilitating beneficial use by the Nation or a  
11 subcontractor of the Nation.

12 (3) RIGHTS OF THE NATION.—The Nation may,  
13 under the Contract—

14 (A) use tail water, wastewater, and return  
15 flows attributable to a use of the water by the  
16 Nation or a subcontractor of the Nation if—

17 (i) the depletion of water does not ex-  
18 ceed the quantities described in paragraph  
19 (1); and

20 (ii) the use of tail water, wastewater,  
21 or return flows is consistent with the  
22 terms, conditions, and limitations of the  
23 Agreement, and any other applicable law;  
24 and



1 (B) change a point of diversion, change a  
2 purpose or place of use, and transfer a right for  
3 depletion under this subtitle (except for a point  
4 of diversion, purpose or place of use, or right  
5 for depletion for use in the State of Arizona  
6 under section 10603(b)(2)(D)), to another use,  
7 purpose, place, or depletion in the State of New  
8 Mexico to meet a water resource or economic  
9 need of the Nation if—

10 (i) the change or transfer is subject to  
11 and consistent with the terms of the  
12 Agreement, the Partial Final Decree de-  
13 scribed in paragraph 3.0 of the Agreement,  
14 the Contract, and any other applicable law;  
15 and

16 (ii) a change or transfer of water use  
17 by the Nation does not alter any obligation  
18 of the United States, the Nation, or an-  
19 other party to pay or repay project con-  
20 struction, operation, maintenance, or re-  
21 placement costs under this subtitle and the  
22 Contract.

23 (c) SUBCONTRACTS.—

24 (1) IN GENERAL.—

1           (A) SUBCONTRACTS BETWEEN NATION  
2           AND THIRD PARTIES.—The Nation may enter  
3           into subcontracts for the delivery of Project  
4           water under the Contract to third parties for  
5           any beneficial use in the State of New Mexico  
6           (on or off land held by the United States in  
7           trust for the Nation or a member of the Nation  
8           or land held in fee by the Nation).

9           (B) APPROVAL REQUIRED.—A subcontract  
10          entered into under subparagraph (A) shall not  
11          be effective until approved by the Secretary in  
12          accordance with this subsection and the Con-  
13          tract.

14          (C) SUBMITTAL.—The Nation shall submit  
15          to the Secretary for approval or disapproval any  
16          subcontract entered into under this subsection.

17          (D) DEADLINE.—The Secretary shall ap-  
18          prove or disapprove a subcontract submitted to  
19          the Secretary under subparagraph (C) not later  
20          than the later of—

21                  (i) the date that is 180 days after the  
22                  date on which the subcontract is submitted  
23                  to the Secretary; and

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1 (ii) the date that is 60 days after the  
2 date on which a subcontractor complies  
3 with—

4 (I) section 102(2)(C) of the Na-  
5 tional Environmental Policy Act of  
6 1969 (42 U.S.C. 4332(2)(C)); and

7 (II) any other requirement of  
8 Federal law.

9 (E) ENFORCEMENT.—A party to a sub-  
10 contract may enforce the deadline described in  
11 subparagraph (D) under section 1361 of title  
12 28, United States Code.

13 (F) COMPLIANCE WITH OTHER LAW.—A  
14 subcontract described in subparagraph (A) shall  
15 comply with the Agreement, the Partial Final  
16 Decree described in paragraph 3.0 of the Agree-  
17 ment, and any other applicable law.

18 (G) NO LIABILITY.—The Secretary shall  
19 not be liable to any party, including the Nation,  
20 for any term of, or any loss or other detriment  
21 resulting from, a lease, contract, or other agree-  
22 ment entered into pursuant to this subsection.

23 (2) ALIENATION.—

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1           (A) PERMANENT ALIENATION.—The Na-  
2           tion shall not permanently alienate any right  
3           granted to the Nation under the Contract.

4           (B) MAXIMUM TERM.—The term of any  
5           water use subcontract (including a renewal)  
6           under this subsection shall be not more than 99  
7           years.

8           (3) NONINTERCOURSE ACT COMPLIANCE.—This  
9           subsection—

10           (A) provides congressional authorization  
11           for the subcontracting rights of the Nation; and

12           (B) is deemed to fulfill any requirement  
13           that may be imposed by section 2116 of the Re-  
14           vised Statutes (25 U.S.C. 177).

15           (4) FORFEITURE.—The nonuse of the water  
16           supply secured by a subcontractor of the Nation  
17           under this subsection shall not result in forfeiture,  
18           abandonment, relinquishment, or other loss of any  
19           part of a right decreed to the Nation under the Con-  
20           tract or this section.

21           (5) NO PER CAPITA PAYMENTS.—No part of  
22           the revenue from a water use subcontract under this  
23           subsection shall be distributed to any member of the  
24           Nation on a per capita basis.

1 (d) WATER LEASES NOT REQUIRING SUB-  
2 CONTRACTS.—

3 (1) AUTHORITY OF NATION.—

4 (A) IN GENERAL.—The Nation may lease,  
5 contract, or otherwise transfer to another party  
6 or to another purpose or place of use in the  
7 State of New Mexico (on or off land that is held  
8 by the United States in trust for the Nation or  
9 a member of the Nation or held in fee by the  
10 Nation) a water right that—

11 (i) is decreed to the Nation under the  
12 Agreement; and

13 (ii) is not subject to the Contract.

14 (B) COMPLIANCE WITH OTHER LAW.—In  
15 carrying out an action under this subsection,  
16 the Nation shall comply with the Agreement,  
17 the Partial Final Decree described in paragraph  
18 3.0 of the Agreement, the Supplemental Partial  
19 Final Decree described in paragraph 4.0 of the  
20 Agreement, and any other applicable law.

21 (2) ALIENATION; MAXIMUM TERM.—

22 (A) ALIENATION.—The Nation shall not  
23 permanently alienate any right granted to the  
24 Nation under the Agreement.

1 (B) MAXIMUM TERM.—The term of any  
2 water use lease, contract, or other arrangement  
3 (including a renewal) under this subsection  
4 shall be not more than 99 years.

5 (3) NO LIABILITY.—The Secretary shall not be  
6 liable to any party, including the Nation, for any  
7 term of, or any loss or other detriment resulting  
8 from, a lease, contract, or other agreement entered  
9 into pursuant to this subsection.

10 (4) NONINTERCOURSE ACT COMPLIANCE.—This  
11 subsection—

12 (A) provides congressional authorization  
13 for the lease, contracting, and transfer of any  
14 water right described in paragraph (1)(A); and

15 (B) is deemed to fulfill any requirement  
16 that may be imposed by the provisions of sec-  
17 tion 2116 of the Revised Statutes (25 U.S.C.  
18 177).

19 (5) FORFEITURE.—The nonuse of a water right  
20 of the Nation by a lessee or contractor to the Nation  
21 under this subsection shall not result in forfeiture,  
22 abandonment, relinquishment, or other loss of any  
23 part of a right decreed to the Nation under the Con-  
24 tract or this section.

25 (e) NULLIFICATION.—

1 (1) DEADLINES.—

2 (A) IN GENERAL.—In carrying out this  
3 section, the following deadlines apply with re-  
4 spect to implementation of the Agreement:

5 (i) AGREEMENT.—Not later than De-  
6 cember 31, 2010, the Secretary shall exe-  
7 cute the Agreement.

8 (ii) CONTRACT.—Not later than De-  
9 cember 31, 2010, the Secretary and the  
10 Nation shall execute the Contract.

11 (iii) PARTIAL FINAL DECREE.—Not  
12 later than December 31, 2013, the court in  
13 the stream adjudication shall have entered  
14 the Partial Final Decree described in para-  
15 graph 3.0 of the Agreement.

16 (iv) FRUITLAND-CAMBRIDGE IRRIGA-  
17 TION PROJECT.—Not later than December  
18 31, 2016, the rehabilitation construction of  
19 the Fruitland-Cambridge Irrigation Project  
20 authorized under section 10607(a)(1) shall  
21 be completed.

22 (v) SUPPLEMENTAL PARTIAL FINAL  
23 DECREE.—Not later than December 31,  
24 2016, the court in the stream adjudication  
25 shall enter the Supplemental Partial Final

1 Decree described in subparagraph 4.0 of  
2 the Agreement.

3 (vi) HOGBACK-CUDEI IRRIGATION  
4 PROJECT.—Not later than December 31,  
5 2019, the rehabilitation construction of the  
6 Hogback-Cudei Irrigation Project author-  
7 ized under section 10607(a)(2) shall be  
8 completed.

9 (vii) TRUST FUND.—Not later than  
10 December 31, 2019, the United States  
11 shall make all deposits into the Trust  
12 Fund under section 10702.

13 (viii) CONJUNCTIVE WELLS.—Not  
14 later than December 31, 2019, the funds  
15 authorized to be appropriated under sec-  
16 tion 10609(b)(1) for the conjunctive use  
17 wells authorized under section 10606(b)  
18 should be appropriated.

19 (ix) NAVAJO-GALLUP WATER SUPPLY  
20 PROJECT.—Not later than December 31,  
21 2024, the construction of all Project facili-  
22 ties shall be completed.

23 (B) EXTENSION.—A deadline described in  
24 subparagraph (A) may be extended if the Na-  
25 tion, the United States (acting through the Sec-



1           retary), and the State of New Mexico (acting  
2           through the New Mexico Interstate Stream  
3           Commission) agree that an extension is reason-  
4           ably necessary.

5           (2) REVOCABILITY OF AGREEMENT, CONTRACT  
6           AND AUTHORIZATIONS.—

7           (A) PETITION.—If the Nation determines  
8           that a deadline described in paragraph (1)(A) is  
9           not substantially met, the Nation may submit  
10          to the court in the stream adjudication a peti-  
11          tion to enter an order terminating the Agree-  
12          ment and Contract.

13          (B) TERMINATION.—On issuance of an  
14          order to terminate the Agreement and Contract  
15          under subparagraph (A)—

16               (i) the Trust Fund shall be termi-  
17               nated;

18               (ii) the balance of the Trust Fund  
19               shall be deposited in the general fund of  
20               the Treasury;

21               (iii) the authorizations for construc-  
22               tion and rehabilitation of water projects  
23               under this subtitle shall be revoked and  
24               any Federal activity related to that con-

1                   struction and rehabilitation shall be sus-  
2                   pended; and

3                   (iv) this part and parts I and III shall  
4                   be null and void.

5                   (3) CONDITIONS NOT CAUSING NULLIFICATION  
6                   OF SETTLEMENT.—

7                   (A) IN GENERAL.—If a condition described  
8                   in subparagraph (B) occurs, the Agreement and  
9                   Contract shall not be nullified or terminated.

10                  (B) CONDITIONS.—The conditions referred  
11                  to in subparagraph (A) are as follows:

12                   (i) A lack of right to divert at the ca-  
13                   pacities of conjunctive use wells con-  
14                   structed or rehabilitated under section  
15                   10606.

16                   (ii) A failure—

17                   (I) to determine or resolve an ac-  
18                   counting of the use of water under  
19                   this subtitle in the State of Arizona;

20                   (II) to obtain a necessary water  
21                   right for the consumptive use of water  
22                   in Arizona;

23                   (III) to contract for the delivery  
24                   of water for use in Arizona; or

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1 (IV) to construct and operate a  
2 lateral facility to deliver water to a  
3 community of the Nation in Arizona,  
4 under the Project.

5 (f) EFFECT ON RIGHTS OF INDIAN TRIBES.—

6 (1) IN GENERAL.—Except as provided in para-  
7 graph (2), nothing in the Agreement, the Contract,  
8 or this section quantifies or adversely affects the  
9 land and water rights, or claims or entitlements to  
10 water, of any Indian tribe or community other than  
11 the rights, claims, or entitlements of the Nation in,  
12 to, and from the San Juan River Basin in the State  
13 of New Mexico.

14 (2) EXCEPTION.—The right of the Nation to  
15 use water under water rights the Nation has in  
16 other river basins in the State of New Mexico shall  
17 be forborne to the extent that the Nation supplies  
18 the uses for which the water rights exist by diver-  
19 sions of water from the San Juan River Basin under  
20 the Project consistent with subparagraph 9.13 of the  
21 Agreement.

22 **SEC. 10702. TRUST FUND.**

23 (a) ESTABLISHMENT.—There is established in the  
24 Treasury a fund to be known as the “Navajo Nation

1 Water Resources Development Trust Fund”, consisting  
2 of—

3 (1) such amounts as are appropriated to the  
4 Trust Fund under subsection (f); and

5 (2) any interest earned on investment of  
6 amounts in the Trust Fund under subsection (d).

7 (b) USE OF FUNDS.—The Nation may use amounts  
8 in the Trust Fund—

9 (1) to investigate, construct, operate, maintain,  
10 or replace water project facilities, including facilities  
11 conveyed to the Nation under this subtitle and facili-  
12 ties owned by the United States for which the Na-  
13 tion is responsible for operation, maintenance, and  
14 replacement costs; and

15 (2) to investigate, implement, or improve a  
16 water conservation measure (including a metering or  
17 monitoring activity) necessary for the Nation to  
18 make use of a water right of the Nation under the  
19 Agreement.

20 (c) MANAGEMENT.—The Secretary shall manage the  
21 Trust Fund, invest amounts in the Trust Fund pursuant  
22 to subsection (d), and make amounts available from the  
23 Trust Fund for distribution to the Nation in accordance  
24 with the American Indian Trust Fund Management Re-  
25 form Act of 1994 (25 U.S.C. 4001 et seq.).

1 (d) INVESTMENT OF THE TRUST FUND.—Beginning  
2 on October 1, 2019, the Secretary shall invest amounts  
3 in the Trust Fund in accordance with—

4 (1) the Act of April 1, 1880 (25 U.S.C. 161);

5 (2) the first section of the Act of June 24,  
6 1938 (25 U.S.C. 162a); and

7 (3) the American Indian Trust Fund Manage-  
8 ment Reform Act of 1994 (25 U.S.C. 4001 et seq.).

9 (e) CONDITIONS FOR EXPENDITURES AND WITH-  
10 DRAWALS.—

11 (1) TRIBAL MANAGEMENT PLAN.—

12 (A) IN GENERAL.—Subject to paragraph  
13 (7), on approval by the Secretary of a tribal  
14 management plan in accordance with the Amer-  
15 ican Indian Trust Fund Management Reform  
16 Act of 1994 (25 U.S.C. 4001 et seq.), the Na-  
17 tion may withdraw all or a portion of the  
18 amounts in the Trust Fund.

19 (B) REQUIREMENTS.—In addition to any  
20 requirements under the American Indian Trust  
21 Fund Management Reform Act of 1994 (25  
22 U.S.C. 4001 et seq.), the tribal management  
23 plan shall require that the Nation only use  
24 amounts in the Trust Fund for the purposes  
25 described in subsection (b), including the identi-

1           fication of water conservation measures to be  
2           implemented in association with the agricultural  
3           water use of the Nation.

4           (2) ENFORCEMENT.—The Secretary may take  
5           judicial or administrative action to enforce the provi-  
6           sions of any tribal management plan to ensure that  
7           any amounts withdrawn from the Trust Fund are  
8           used in accordance with this subtitle.

9           (3) NO LIABILITY.—Neither the Secretary nor  
10          the Secretary of the Treasury shall be liable for the  
11          expenditure or investment of any amounts with-  
12          drawn from the Trust Fund by the Nation.

13          (4) EXPENDITURE PLAN.—

14                (A) IN GENERAL.—The Nation shall sub-  
15                mit to the Secretary for approval an expendi-  
16                ture plan for any portion of the amounts in the  
17                Trust Fund made available under this section  
18                that the Nation does not withdraw under this  
19                subsection.

20                (B) DESCRIPTION.—The expenditure plan  
21                shall describe the manner in which, and the  
22                purposes for which, funds of the Nation remain-  
23                ing in the Trust Fund will be used.

24                (C) APPROVAL.—On receipt of an expendi-  
25                ture plan under subparagraph (A), the Sec-

1           retary shall approve the plan if the Secretary  
2           determines that the plan is reasonable and con-  
3           sistent with this subtitle.

4           (5) ANNUAL REPORT.—The Nation shall sub-  
5           mit to the Secretary an annual report that describes  
6           any expenditures from the Trust Fund during the  
7           year covered by the report.

8           (6) LIMITATION.—No portion of the amounts in  
9           the Trust Fund shall be distributed to any Nation  
10          member on a per capita basis.

11          (7) CONDITIONS.—Any amount authorized to  
12          be appropriated to the Trust Fund under subsection  
13          (f) shall not be available for expenditure or with-  
14          drawal—

15                  (A) before December 31, 2019; and

16                  (B) until the date on which the court in  
17          the stream adjudication has entered—

18                          (i) the Partial Final Decree; and

19                          (ii) the Supplemental Partial Final  
20          Decree.

21          (f) AUTHORIZATION OF APPROPRIATIONS.—There  
22          are authorized to be appropriated for deposit in the Trust  
23          Fund—

24                  (1) \$6,000,000 for each of fiscal years 2010  
25          through 2014; and

1           (2) \$4,000,000 for each of fiscal years 2015  
2           through 2019.

3 **SEC. 10703. WAIVERS AND RELEASES.**

4           (a) CLAIMS BY THE NATION AND THE UNITED  
5 STATES.—In return for recognition of the Nation’s water  
6 rights and other benefits, including but not limited to the  
7 commitments by other parties, as set forth in the Agree-  
8 ment and this subtitle, the Nation, on behalf of itself and  
9 members of the Nation (other than members in the capac-  
10 ity of the members as allottees), and the United States  
11 acting in its capacity as trustee for the Nation, shall exe-  
12 cute a waiver and release of—

13           (1) all claims for water rights in, or for waters  
14 of, the San Juan River Basin in the State of New  
15 Mexico that the Nation, or the United States as  
16 trustee for the Nation, asserted, or could have as-  
17 serted, in any proceeding, including but not limited  
18 to the stream adjudication, up to and including the  
19 effective date described in subsection (e), except to  
20 the extent that such rights are recognized in the  
21 Agreement or this subtitle;

22           (2) all claims for damages, losses, or injuries to  
23 water rights or claims of interference with, diversion,  
24 or taking of water (including but not limited to  
25 claims for injury to lands resulting from such dam-



1       ages, losses, injuries, interference with, diversion, or  
2       taking) in the San Juan River Basin in the State of  
3       New Mexico that accrued at any time up to and in-  
4       cluding the effective date described in subsection (e);

5           (3) all claims of any damage, loss, or injury or  
6       for injunctive or other relief because of the condition  
7       of or changes in water quality related to, or arising  
8       out of, the exercise of water rights; and

9           (4) all claims against the State of New Mexico,  
10       its agencies, or employees relating to the negotiation  
11       or the adoption of the Agreement.

12       (b) CLAIMS BY THE NATION AGAINST THE UNITED  
13       STATES.—The Nation, on behalf of itself and its members  
14       (other than in the capacity of the members as allottees),  
15       shall execute a waiver and release of—

16           (1) all claims against the United States, its  
17       agencies, or employees relating to claims for water  
18       rights in or waters of the San Juan River Basin in  
19       the State of New Mexico that the United States, act-  
20       ing in its capacity as trustee for the Nation, as-  
21       serted, or could have asserted, in any proceeding, in-  
22       cluding but not limited to the stream adjudication;

23           (2) all claims against the United States, its  
24       agencies, or employees relating to damages, losses,  
25       or injuries to water, water rights, land, or natural

1 resources due to loss of water or water rights (in-  
2 cluding but not limited to damages, losses, or inju-  
3 ries to hunting, fishing, gathering, or cultural rights  
4 due to loss of water or water rights; claims relating  
5 to inference with, diversion, or taking of water or  
6 water rights; or claims relating to failure to protect,  
7 acquire, replace, or develop water or water rights) in  
8 the San Juan River Basin in the State of New Mex-  
9 ico that first accrued at any time up to and includ-  
10 ing the effective date described in subsection (e);

11 (3) all claims against the United States, its  
12 agencies, or employees relating to the pending litiga-  
13 tion of claims relating to the Nation's water rights  
14 in the stream adjudication; and

15 (4) all claims against the United States, its  
16 agencies, or employees relating to the negotiation,  
17 execution, or the adoption of the Agreement, the de-  
18 crees, the Contract, or this subtitle.

19 (c) RESERVATION OF CLAIMS.—Notwithstanding the  
20 waivers and releases authorized in this subtitle, the Nation  
21 on behalf of itself and its members (including members  
22 in the capacity of the members as allottees) and the  
23 United States acting in its capacity as trustee for the Na-  
24 tion and allottees, retain—

1           (1) all claims for water rights or injuries to  
2 water rights arising out of activities occurring out-  
3 side the San Juan River Basin in the State of New  
4 Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13,  
5 and 13.9 of the Agreement;

6           (2) all claims for enforcement of the Agree-  
7 ment, the Contract, the Partial Final Decree, the  
8 Supplemental Partial Final Decree, or this subtitle,  
9 through any legal and equitable remedies available  
10 in any court of competent jurisdiction;

11           (3) all rights to use and protect water rights ac-  
12 quired pursuant to State law after the date of enact-  
13 ment of this Act;

14           (4) all claims relating to activities affecting the  
15 quality of water not related to the exercise of water  
16 rights, including but not limited to any claims the  
17 Nation might have under—

18                 (A) the Comprehensive Environmental Re-  
19 sponse, Compensation, and Liability Act of  
20 1980 (42 U.S.C. 9601 et seq.);

21                 (B) the Safe Drinking Water Act (42  
22 U.S.C. 300f et seq.); and

23                 (C) the Federal Water Pollution Control  
24 Act (33 U.S.C. 1251 et seq.);

1           (5) all claims relating to damages, losses, or in-  
2           juries to land or natural resources not due to loss  
3           of water or water rights; and

4           (6) all rights, remedies, privileges, immunities,  
5           and powers not specifically waived and released  
6           under the terms of the Agreement or this subtitle.

7           (d) TOLLING OF CLAIMS.—

8           (1) IN GENERAL.—Each applicable period of  
9           limitation and time-based equitable defense relating  
10          to a claim described in this section shall be tolled for  
11          the period beginning on the date of enactment of  
12          this Act and ending on the earlier of—

13                   (A) March 1, 2025; or

14                   (B) the effective date described in sub-  
15          section (e).

16          (2) EFFECT OF SUBSECTION.—Nothing in this  
17          subsection revives any claim or tolls any period of  
18          limitation or time-based equitable defense that ex-  
19          pired before the date of enactment of this Act.

20          (3) LIMITATION.—Nothing in this section pre-  
21          cludes the tolling of any period of limitations or any  
22          time-based equitable defense under any other appli-  
23          cable law.

24          (e) EFFECTIVE DATE.—

1           (1) IN GENERAL.—The waivers and releases de-  
2           scribed in subsections (a) and (b) shall be effective  
3           on the date on which the Secretary publishes in the  
4           Federal Register a statement of findings docu-  
5           menting that each of the deadlines described in sec-  
6           tion 10701(e)(1) have been met.

7           (2) DEADLINE.—If the deadlines described in  
8           section 10701(e)(1)(A) have not been met by the  
9           later of March 1, 2025, or the date of any extension  
10          under section 10701(e)(1)(B)—

11                   (A) the waivers and releases described in  
12                   subsections (a) and (b) shall be of no effect;  
13                   and

14                   (B) section 10701(e)(2)(B) shall apply.

15 **SEC. 10704. WATER RIGHTS HELD IN TRUST.**

16          A tribal water right adjudicated and described in  
17          paragraph 3.0 of the Partial Final Decree and in para-  
18          graph 3.0 of the Supplemental Partial Final Decree shall  
19          be held in trust by the United States on behalf of the Na-  
20          tion.

1 **Subtitle** **C—Shoshone-Paiute**  
2 **Tribes of the Duck Valley Res-**  
3 **ervation Water Rights Settle-**  
4 **ment**

5 **SEC. 10801. FINDINGS.**

6 Congress finds that—

7 (1) it is the policy of the United States, in ac-  
8 cordance with the trust responsibility of the United  
9 States to Indian tribes, to promote Indian self-deter-  
10 mination and economic self-sufficiency and to settle  
11 Indian water rights claims without lengthy and cost-  
12 ly litigation, if practicable;

13 (2) quantifying rights to water and development  
14 of facilities needed to use tribal water supplies is es-  
15 sential to the development of viable Indian reserva-  
16 tion economies and the establishment of a perma-  
17 nent reservation homeland;

18 (3) uncertainty concerning the extent of the  
19 Shoshone-Paiute Tribes' water rights has resulted in  
20 limited access to water and inadequate financial re-  
21 sources necessary to achieve self-determination and  
22 self-sufficiency;

23 (4) in 2006, the Tribes, the State of Idaho, the  
24 affected individual water users, and the United  
25 States resolved all tribal claims to water rights in

1 the Snake River Basin Adjudication through a con-  
2 sent decree entered by the District Court of the  
3 Fifth Judicial District of the State of Idaho, requir-  
4 ing no further Federal action to quantify the Tribes'  
5 water rights in the State of Idaho;

6 (5) as of the date of enactment of this Act, pro-  
7 ceedings to determine the extent and nature of the  
8 water rights of the Tribes in the East Fork of the  
9 Owyhee River in Nevada are pending before the Ne-  
10 vada State Engineer;

11 (6) final resolution of the Tribes' water claims  
12 in the East Fork of the Owyhee River adjudication  
13 will—

14 (A) take many years;

15 (B) entail great expense;

16 (C) continue to limit the access of the  
17 Tribes to water, with economic and social con-  
18 sequences;

19 (D) prolong uncertainty relating to the  
20 availability of water supplies; and

21 (E) seriously impair long-term economic  
22 planning and development for all parties to the  
23 litigation;

24 (7) after many years of negotiation, the Tribes,  
25 the State, and the upstream water users have en-

1       tered into a settlement agreement to resolve perma-  
2       nently all water rights of the Tribes in the State;  
3       and

4           (8) the Tribes also seek to resolve certain  
5       water-related claims for damages against the United  
6       States.

7       **SEC. 10802. PURPOSES.**

8       The purposes of this subtitle are—

9           (1) to resolve outstanding issues with respect to  
10       the East Fork of the Owyhee River in the State in  
11       such a manner as to provide important benefits to—

12           (A) the United States;

13           (B) the State;

14           (C) the Tribes; and

15           (D) the upstream water users;

16       (2) to achieve a fair, equitable, and final settle-  
17       ment of all claims of the Tribes, members of the  
18       Tribes, and the United States on behalf of the  
19       Tribes and members of Tribes to the waters of the  
20       East Fork of the Owyhee River in the State;

21       (3) to ratify and provide for the enforcement of  
22       the Agreement among the parties to the litigation;

23       (4) to resolve the Tribes' water-related claims  
24       for damages against the United States;



1           (5) to require the Secretary to perform all obli-  
2           gations of the Secretary under the Agreement and  
3           this subtitle; and

4           (6) to authorize the actions and appropriations  
5           necessary to meet the obligations of the United  
6           States under the Agreement and this subtitle.

7 **SEC. 10803. DEFINITIONS.**

8           In this subtitle:

9           (1) **AGREEMENT.**—The term “Agreement”  
10          means the agreement entitled the “Agreement to Es-  
11          tablish the Relative Water Rights of the Shoshone-  
12          Paiute Tribes of the Duck Valley Reservation and  
13          the Upstream Water Users, East Fork Owyhee  
14          River” and signed in counterpart between, on, or  
15          about September 22, 2006, and January 15, 2007  
16          (including all attachments to that Agreement).

17          (2) **DEVELOPMENT FUND.**—The term “Devel-  
18          opment Fund” means the Shoshone-Paiute Tribes  
19          Water Rights Development Fund established by sec-  
20          tion 10807(b)(1).

21          (3) **EAST FORK OF THE OWYHEE RIVER.**—The  
22          term “East Fork of the Owyhee River” means the  
23          portion of the east fork of the Owyhee River that is  
24          located in the State.

1           (4) MAINTENANCE FUND.—The term “Mainte-  
2           nance Fund” means the Shoshone-Paiute Tribes Op-  
3           eration and Maintenance Fund established by sec-  
4           tion 10807(c)(1).

5           (5) RESERVATION.—The term “Reservation”  
6           means the Duck Valley Reservation established by  
7           the Executive order dated April 16, 1877, as ad-  
8           justed pursuant to the Executive order dated May 4,  
9           1886, and Executive order numbered 1222 and  
10          dated July 1, 1910, for use and occupation by the  
11          Western Shoshones and the Paddy Cap Band of Pai-  
12          utes.

13          (6) SECRETARY.—The term “Secretary” means  
14          the Secretary of the Interior.

15          (7) STATE.—The term “State” means the State  
16          of Nevada.

17          (8) TRIBAL WATER RIGHTS.—The term “tribal  
18          water rights” means rights of the Tribes described  
19          in the Agreement relating to water, including  
20          groundwater, storage water, and surface water.

21          (9) TRIBES.—The term “Tribes” means the  
22          Shoshone-Paiute Tribes of the Duck Valley Reserva-  
23          tion.

1           (10) UPSTREAM WATER USER.—The term “up-  
2           stream water user” means a non-Federal water user  
3           that—

4                   (A) is located upstream from the Reserva-  
5                   tion on the East Fork of the Owyhee River; and

6                   (B) is a signatory to the Agreement as a  
7                   party to the East Fork of the Owyhee River ad-  
8                   judication.

9   **SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMA-**  
10                   **TION OF AGREEMENT; AUTHORIZATION.**

11           (a) IN GENERAL.—Except as provided in subsection  
12           (c) and except to the extent that the Agreement otherwise  
13           conflicts with provisions of this subtitle, the Agreement  
14           is approved, ratified, and confirmed.

15           (b) SECRETARIAL AUTHORIZATION.—The Secretary  
16           is authorized and directed to execute the Agreement as  
17           approved by Congress.

18           (c) EXCEPTION FOR TRIBAL WATER MARKETING.—  
19           Notwithstanding any language in the Agreement to the  
20           contrary, nothing in this subtitle authorizes the Tribes to  
21           use or authorize others to use tribal water rights off the  
22           Reservation, other than use for storage at Wild Horse  
23           Reservoir for use on tribal land and for the allocation of  
24           265 acre feet to upstream water users under the Agree-  
25           ment, or use on tribal land off the Reservation.

1 (d) ENVIRONMENTAL COMPLIANCE.—Execution of  
2 the Agreement by the Secretary under this section shall  
3 not constitute major Federal action under the National  
4 Environmental Policy Act (42 U.S.C. 4321 et seq.). The  
5 Secretary shall carry out all environmental compliance re-  
6 quired by Federal law in implementing the Agreement.

7 (e) PERFORMANCE OF OBLIGATIONS.—The Secretary  
8 and any other head of a Federal agency obligated under  
9 the Agreement shall perform actions necessary to carry  
10 out an obligation under the Agreement in accordance with  
11 this subtitle.

12 **SEC. 10805. TRIBAL WATER RIGHTS.**

13 (a) IN GENERAL.—Tribal water rights shall be held  
14 in trust by the United States for the benefit of the Tribes.

15 (b) ADMINISTRATION.—

16 (1) ENACTMENT OF WATER CODE.—Not later  
17 than 3 years after the date of enactment of this Act,  
18 the Tribes, in accordance with provisions of the  
19 Tribes' constitution and subject to the approval of  
20 the Secretary, shall enact a water code to administer  
21 tribal water rights.

22 (2) INTERIM ADMINISTRATION.—The Secretary  
23 shall regulate the tribal water rights during the pe-  
24 riod beginning on the date of enactment of this Act

1 and ending on the date on which the Tribes enact  
2 a water code under paragraph (1).

3 (c) TRIBAL WATER RIGHTS NOT SUBJECT TO  
4 LOSS.—The tribal water rights shall not be subject to loss  
5 by abandonment, forfeiture, or nonuse.

6 **SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.**

7 (a) STATUS OF THE DUCK VALLEY INDIAN IRRIGA-  
8 TION PROJECT.—Nothing in this subtitle shall affect the  
9 status of the Duck Valley Indian Irrigation Project under  
10 Federal law.

11 (b) CAPITAL COSTS NONREIMBURSABLE.—The cap-  
12 ital costs associated with the Duck Valley Indian Irriga-  
13 tion Project as of the date of enactment of this Act, in-  
14 cluding any capital cost incurred with funds distributed  
15 under this subtitle for the Duck Valley Indian Irrigation  
16 Project, shall be nonreimbursable.

17 **SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.**

18 (a) DEFINITION OF FUNDS.—In this section, the  
19 term “Funds” means—

20 (1) the Development Fund; and

21 (2) the Maintenance Fund.

22 (b) DEVELOPMENT FUND.—

23 (1) ESTABLISHMENT.—There is established in  
24 the Treasury of the United States a fund to be

1 known as the “Shoshone-Paiute Tribes Water  
2 Rights Development Fund”.

3 (2) USE OF FUNDS.—

4 (A) PRIORITY USE OF FUNDS FOR REHA-  
5 BILITATION.—The Tribes shall use amounts in  
6 the Development Fund to—

7 (i) rehabilitate the Duck Valley Indian  
8 Irrigation Project; or

9 (ii) for other purposes under subpara-  
10 graph (B), provided that the Tribes have  
11 given written notification to the Secretary  
12 that—

13 (I) the Duck Valley Indian Irri-  
14 gation Project has been rehabilitated  
15 to an acceptable condition; or

16 (II) sufficient funds will remain  
17 available from the Development Fund  
18 to rehabilitate the Duck Valley Indian  
19 Irrigation Project to an acceptable  
20 condition after expending funds for  
21 other purposes under subparagraph  
22 (B).

23 (B) OTHER USES OF FUNDS.—Once the  
24 Tribes have provided written notification as  
25 provided in subparagraph (A)(ii)(I) or

1 (A)(ii)(II), the Tribes may use amounts from  
2 the Development Fund for any of the following  
3 purposes:

4 (i) To expand the Duck Valley Indian  
5 Irrigation Project.

6 (ii) To pay or reimburse costs in-  
7 curred by the Tribes in acquiring land and  
8 water rights.

9 (iii) For purposes of cultural preserva-  
10 tion.

11 (iv) To restore or improve fish or  
12 wildlife habitat.

13 (v) For fish or wildlife production,  
14 water resource development, or agricultural  
15 development.

16 (vi) For water resource planning and  
17 development.

18 (vii) To pay the costs of—

19 (I) designing and constructing  
20 water supply and sewer systems for  
21 tribal communities, including a water  
22 quality testing laboratory;

23 (II) other appropriate water-re-  
24 lated projects and other related eco-  
25 nomic development projects;

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1 (III) the development of a water  
2 code; and

3 (IV) other costs of implementing  
4 the Agreement.

5 (3) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to the Sec-  
7 retary for deposit in the Development Fund  
8 \$9,000,000 for each of fiscal years 2010 through  
9 2014.

10 (c) MAINTENANCE FUND.—

11 (1) ESTABLISHMENT.—There is established in  
12 the Treasury of the United States a fund to be  
13 known as the “Shoshone-Paiute Tribes Operation  
14 and Maintenance Fund”.

15 (2) USE OF FUNDS.—The Tribes shall use  
16 amounts in the Maintenance Fund to pay or provide  
17 reimbursement for—

18 (A) operation, maintenance, and replace-  
19 ment costs of the Duck Valley Indian Irrigation  
20 Project and other water-related projects funded  
21 under this subtitle; or

22 (B) operation, maintenance, and replace-  
23 ment costs of water supply and sewer systems  
24 for tribal communities, including the operation



1           and maintenance costs of a water quality test-  
2           ing laboratory.

3           (3) AUTHORIZATION OF APPROPRIATIONS.—

4           There is authorized to be appropriated to the Sec-  
5           retary for deposit in the Maintenance Fund  
6           \$3,000,000 for each of fiscal years 2010 through  
7           2014.

8           (d) AVAILABILITY OF AMOUNTS FROM FUNDS.—

9           Amounts made available under subsections (b)(3) and  
10          (c)(3) shall be available for expenditure or withdrawal only  
11          after the effective date described in section 10808(d).

12          (e) ADMINISTRATION OF FUNDS.—Upon completion

13          of the actions described in section 10808(d), the Sec-  
14          retary, in accordance with the American Indian Trust  
15          Fund Management Reform Act of 1994 (25 U.S.C. 4001  
16          et seq.) shall manage the Funds, including by investing  
17          amounts from the Funds in accordance with the Act of  
18          April 1, 1880 (25 U.S.C. 161), and the first section of  
19          the Act of June 24, 1938 (25 U.S.C. 162a).

20          (f) EXPENDITURES AND WITHDRAWAL.—

21                  (1) TRIBAL MANAGEMENT PLAN.—

22                          (A) IN GENERAL.—The Tribes may with-  
23                          draw all or part of amounts in the Funds on  
24                          approval by the Secretary of a tribal manage-  
25                          ment plan as described in the American Indian

1 Trust Fund Management Reform Act of 1994  
2 (25 U.S.C. 4001 et seq.).

3 (B) REQUIREMENTS.—In addition to the  
4 requirements under the American Indian Trust  
5 Fund Management Reform Act of 1994 (25  
6 U.S.C. 4001 et seq.), the tribal management  
7 plan shall require that the Tribes spend any  
8 amounts withdrawn from the Funds in accord-  
9 ance with the purposes described in subsection  
10 (b)(2) or (c)(2).

11 (C) ENFORCEMENT.—The Secretary may  
12 take judicial or administrative action to enforce  
13 the provisions of any tribal management plan to  
14 ensure that any amounts withdrawn from the  
15 Funds under the plan are used in accordance  
16 with this subtitle and the Agreement.

17 (D) LIABILITY.—If the Tribes exercise the  
18 right to withdraw amounts from the Funds,  
19 neither the Secretary nor the Secretary of the  
20 Treasury shall retain any liability for the ex-  
21 penditure or investment of the amounts.

22 (2) EXPENDITURE PLAN.—

23 (A) IN GENERAL.—The Tribes shall sub-  
24 mit to the Secretary for approval an expendi-  
25 ture plan for any portion of the amounts in the

1 Funds that the Tribes do not withdraw under  
2 the tribal management plan.

3 (B) DESCRIPTION.—The expenditure plan  
4 shall describe the manner in which, and the  
5 purposes for which, amounts of the Tribes re-  
6 maining in the Funds will be used.

7 (C) APPROVAL.—On receipt of an expendi-  
8 ture plan under subparagraph (A), the Sec-  
9 retary shall approve the plan if the Secretary  
10 determines that the plan is reasonable and con-  
11 sistent with this subtitle and the Agreement.

12 (D) ANNUAL REPORT.—For each Fund,  
13 the Tribes shall submit to the Secretary an an-  
14 nual report that describes all expenditures from  
15 the Fund during the year covered by the report.

16 (3) FUNDING AGREEMENT.—Notwithstanding  
17 any other provision of this subtitle, on receipt of a  
18 request from the Tribes, the Secretary shall include  
19 an amount from funds made available under this  
20 section in the funding agreement of the Tribes under  
21 title IV of the Indian Self-Determination and Edu-  
22 cation Assistance Act (25 U.S.C. 458aa et seq.), for  
23 use in accordance with subsections (b)(2) and (c)(2).  
24 No amount made available under this subtitle may

1 be requested until the waivers under section  
2 10808(a) take effect.

3 (g) NO PER CAPITA PAYMENTS.—No amount from  
4 the Funds (including any interest income that would have  
5 accrued to the Funds after the effective date) shall be dis-  
6 tributed to a member of the Tribes on a per capita basis.

7 **SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.**

8 (a) WAIVER AND RELEASE OF CLAIMS BY TRIBES  
9 AND UNITED STATES ACTING AS TRUSTEE FOR  
10 TRIBES.—In return for recognition of the Tribes' water  
11 rights and other benefits as set forth in the Agreement  
12 and this subtitle, the Tribes, on behalf of themselves and  
13 their members, and the United States acting in its capac-  
14 ity as trustee for the Tribes are authorized to execute a  
15 waiver and release of—

16 (1) all claims for water rights in the State of  
17 Nevada that the Tribes, or the United States acting  
18 in its capacity as trustee for the Tribes, asserted, or  
19 could have asserted, in any proceeding, including  
20 pending proceedings before the Nevada State Engi-  
21 neer to determine the extent and nature of the water  
22 rights of the Tribes in the East Fork of the Owyhee  
23 River in Nevada, up to and including the effective  
24 date, except to the extent that such rights are recog-  
25 nized in the Agreement or this subtitle; and

1           (2) all claims for damages, losses or injuries to  
2 water rights or claims of interference with, diversion  
3 or taking of water rights (including claims for injury  
4 to lands resulting from such damages, losses, inju-  
5 ries, interference with, diversion, or taking of water  
6 rights) within the State of Nevada that accrued at  
7 any time up to and including the effective date.

8           (b) WAIVER AND RELEASE OF CLAIMS BY TRIBES  
9 AGAINST UNITED STATES.—The Tribes, on behalf of  
10 themselves and their members, are authorized to execute  
11 a waiver and release of—

12           (1) all claims against the United States, its  
13 agencies, or employees, relating in any manner to  
14 claims for water rights in or water of the States of  
15 Nevada and Idaho that the United States acting in  
16 its capacity as trustee for the Tribes asserted, or  
17 could have asserted, in any proceeding, including  
18 pending proceedings before the Nevada State Engi-  
19 neer to determine the extent and nature of the water  
20 rights of the Tribes in the East Fork of the Owyhee  
21 River in Nevada, and the Snake River Basin Adju-  
22 dication in Idaho;

23           (2) all claims against the United States, its  
24 agencies, or employees relating in any manner to  
25 damages, losses, or injuries to water, water rights,

1 land, or other resources due to loss of water or  
2 water rights (including damages, losses or injuries to  
3 fishing and other similar rights due to loss of water  
4 or water rights; claims relating to interference with,  
5 diversion or taking of water; or claims relating to  
6 failure to protect, acquire, replace, or develop water,  
7 water rights or water infrastructure) within the  
8 States of Nevada and Idaho that first accrued at  
9 any time up to and including the effective date;

10 (3) all claims against the United States, its  
11 agencies, or employees relating to the operation,  
12 maintenance, or rehabilitation of the Duck Valley  
13 Indian Irrigation Project that first accrued at any  
14 time up to and including the date upon which the  
15 Tribes notify the Secretary as provided in section  
16 10807(b)(2)(A)(ii)(I) that the rehabilitation of the  
17 Duck Valley Indian Irrigation Project under this  
18 subtitle to an acceptable level has been accom-  
19 plished;

20 (4) all claims against the United States, its  
21 agencies, or employees relating in any manner to the  
22 litigation of claims relating to the Tribes' water  
23 rights in pending proceedings before the Nevada  
24 State Engineer to determine the extent and nature  
25 of the water rights of the Tribes in the East Fork

1 of the Owyhee River in Nevada or the Snake River  
2 Basin Adjudication in Idaho; and

3 (5) all claims against the United States, its  
4 agencies, or employees relating in any manner to the  
5 negotiation, execution, or adoption of the Agree-  
6 ment, exhibits thereto, the decree referred to in sub-  
7 section (d)(2), or this subtitle.

8 (c) RESERVATION OF RIGHTS AND RETENTION OF  
9 CLAIMS.—Notwithstanding the waivers and releases au-  
10 thorized in this subtitle, the Tribes on their own behalf  
11 and the United States acting in its capacity as trustee for  
12 the Tribes retain—

13 (1) all claims for enforcement of the Agree-  
14 ment, the decree referred to in subsection (d)(2), or  
15 this subtitle, through such legal and equitable rem-  
16 edies as may be available in the decree court or the  
17 appropriate Federal court;

18 (2) all rights to acquire a water right in a State  
19 to the same extent as any other entity in the State,  
20 in accordance with State law, and to use and protect  
21 water rights acquired after the date of enactment of  
22 this Act;

23 (3) all claims relating to activities affecting the  
24 quality of water including any claims the Tribes  
25 might have under the Comprehensive Environmental

1 Response, Compensation, and Liability Act of 1980  
2 (42 U.S.C. 9601 et seq.) (including claims for dam-  
3 ages to natural resources), the Safe Drinking Water  
4 Act (42 U.S.C. 300f et seq.), the Federal Water Pol-  
5 lution Control Act (33 U.S.C. 1251 et seq.), and the  
6 regulations implementing those Acts; and

7 (4) all rights, remedies, privileges, immunities,  
8 and powers not specifically waived and released pur-  
9 suant to this subtitle.

10 (d) EFFECTIVE DATE.—Notwithstanding anything in  
11 the Agreement to the contrary, the waivers by the Tribes,  
12 or the United States on behalf of the Tribes, under this  
13 section shall take effect on the date on which the Secretary  
14 publishes in the Federal Register a statement of findings  
15 that includes a finding that—

16 (1) the Agreement and the waivers and releases  
17 authorized and set forth in subsections (a) and (b)  
18 have been executed by the parties and the Secretary;

19 (2) the Fourth Judicial District Court, Elko  
20 County, Nevada, has issued a judgment and decree  
21 consistent with the Agreement from which no fur-  
22 ther appeal can be taken; and

23 (3) the amounts authorized under subsections  
24 (b)(3) and (c)(3) of section 10807 have been appro-  
25 priated.



1 (e) FAILURE TO PUBLISH STATEMENT OF FIND-  
2 INGS.—If the Secretary does not publish a statement of  
3 findings under subsection (d) by March 31, 2016—

4 (1) the Agreement and this subtitle shall not  
5 take effect; and

6 (2) any funds that have been appropriated  
7 under this subtitle shall immediately revert to the  
8 general fund of the United States Treasury.

9 (f) TOLLING OF CLAIMS.—

10 (1) IN GENERAL.—Each applicable period of  
11 limitation and time-based equitable defense relating  
12 to a claim described in this section shall be tolled for  
13 the period beginning on the date of enactment of  
14 this Act and ending on the date on which the  
15 amounts authorized to be appropriated under sub-  
16 sections (b)(3) and (c)(3) of section 10807 are ap-  
17 propriated.

18 (2) EFFECT OF SUBPARAGRAPH.—Nothing in  
19 this subparagraph revives any claim or tolls any pe-  
20 riod of limitation or time-based equitable defense  
21 that expired before the date of enactment of this  
22 Act.

1 **SEC. 10809. MISCELLANEOUS.**

2 (a) **GENERAL DISCLAIMER.**—The parties to the  
3 Agreement expressly reserve all rights not specifically  
4 granted, recognized, or relinquished by—

5 (1) the settlement described in the Agreement;

6 or

7 (2) this subtitle.

8 (b) **LIMITATION OF CLAIMS AND RIGHTS.**—Nothing  
9 in this subtitle—

10 (1) establishes a standard for quantifying—

11 (A) a Federal reserved water right;

12 (B) an aboriginal claim; or

13 (C) any other water right claim of an In-  
14 dian tribe in a judicial or administrative pro-  
15 ceeding;

16 (2) affects the ability of the United States, act-  
17 ing in its sovereign capacity, to take actions author-  
18 ized by law, including any laws relating to health,  
19 safety, or the environment, including the Com-  
20 prehensive Environmental Response, Compensation,  
21 and Liability Act of 1980 (42 U.S.C. 9601 et seq.),  
22 the Safe Drinking Water Act (42 U.S.C. 300f et  
23 seq.), the Federal Water Pollution Control Act (33  
24 U.S.C. 1251 et seq.), the Solid Waste Disposal Act  
25 (42 U.S.C. 6901 et seq.) (commonly known as the  
26 “Resource Conservation and Recovery Act of

1 1976”), and the regulations implementing those  
2 Acts;

3 (3) affects the ability of the United States to  
4 take actions, acting in its capacity as trustee for any  
5 other Tribe, Pueblo, or allottee;

6 (4) waives any claim of a member of the Tribes  
7 in an individual capacity that does not derive from  
8 a right of the Tribes; or

9 (5) limits the right of a party to the Agreement  
10 to litigate any issue not resolved by the Agreement  
11 or this subtitle.

12 (c) **ADMISSION AGAINST INTEREST.**—Nothing in this  
13 subtitle constitutes an admission against interest by a  
14 party in any legal proceeding.

15 (d) **RESERVATION.**—The Reservation shall be—

16 (1) considered to be the property of the Tribes;  
17 and

18 (2) permanently held in trust by the United  
19 States for the sole use and benefit of the Tribes.

20 (e) **JURISDICTION.**—

21 (1) **SUBJECT MATTER JURISDICTION.**—Nothing  
22 in the Agreement or this subtitle restricts, enlarges,  
23 or otherwise determines the subject matter jurisdic-  
24 tion of any Federal, State, or tribal court.

1 (2) CIVIL OR REGULATORY JURISDICTION.—

2 Nothing in the Agreement or this subtitle impairs or  
3 impedes the exercise of any civil or regulatory au-  
4 thority of the United States, the State, or the  
5 Tribes.

6 (3) CONSENT TO JURISDICTION.—The United  
7 States consents to jurisdiction in a proper forum for  
8 purposes of enforcing the provisions of the Agree-  
9 ment.

10 (4) EFFECT OF SUBSECTION.—Nothing in this  
11 subsection confers jurisdiction on any State court  
12 to—

13 (A) interpret Federal law regarding the  
14 health, safety, or the environment or determine  
15 the duties of the United States or other parties  
16 pursuant to such Federal law; or

17 (B) conduct judicial review of a Federal  
18 agency action.

19 **TITLE XI—UNITED STATES GEO-**  
20 **LOGICAL SURVEY AUTHOR-**  
21 **IZATIONS**

22 **SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEO-**  
23 **LOGIC MAPPING ACT OF 1992.**

24 (a) FINDINGS.—Section 2(a) of the National Geologic  
25 Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

1           (1) by striking paragraph (1) and inserting the  
2 following:

3           “(1) although significant progress has been  
4 made in the production of geologic maps since the  
5 establishment of the national cooperative geologic  
6 mapping program in 1992, no modern, digital, geo-  
7 logic map exists for approximately 75 percent of the  
8 United States;” and

9           (2) in paragraph (2)—

10           (A) in subparagraph (C), by inserting  
11 “homeland and” after “planning for”;

12           (B) in subparagraph (E), by striking “pre-  
13 dicting” and inserting “identifying”;

14           (C) in subparagraph (I), by striking “and”  
15 after the semicolon at the end;

16           (D) by redesignating subparagraph (J) as  
17 subparagraph (K); and

18           (E) by inserting after subparagraph (I) the  
19 following:

20           “(J) recreation and public awareness;  
21 and”; and

22           (3) in paragraph (9), by striking “important”  
23 and inserting “available”.

1 (b) PURPOSE.—Section 2(b) of the National Geologic  
2 Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by  
3 inserting “and management” before the period at the end.

4 (c) DEADLINES FOR ACTIONS BY THE UNITED  
5 STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the  
6 National Geologic Mapping Act of 1992 (43 U.S.C.  
7 31c(b)(1)) is amended in the second sentence—

8 (1) in subparagraph (A), by striking “not later  
9 than” and all that follows through the semicolon and  
10 inserting “not later than 1 year after the date of en-  
11 actment of the Omnibus Public Land Management  
12 Act of 2009;”;

13 (2) in subparagraph (B), by striking “not later  
14 than” and all that follows through “in accordance”  
15 and inserting “not later than 1 year after the date  
16 of enactment of the Omnibus Public Land Manage-  
17 ment Act of 2009 in accordance”; and

18 (3) in the matter preceding clause (i) of sub-  
19 paragraph (C), by striking “not later than” and all  
20 that follows through “submit” and inserting “submit  
21 biennially”.

22 (d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—  
23 Section 4(c)(2) of the National Geologic Mapping Act of  
24 1992 (43 U.S.C. 31c(e)(2)) is amended—

1           (1) by striking “geophysical-map data base,  
2           geochemical-map data base, and a”; and

3           (2) by striking “provide” and inserting “pro-  
4           vides”.

5           (e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—

6 Section 4(d)(1)(B)(ii) of the National Geologic Mapping  
7 Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

8           (1) in subclause (I), by striking “and” after the  
9           semicolon at the end;

10           (2) in subclause (II), by striking the period at  
11           the end and inserting “; and”; and

12           (3) by adding at the end the following:

13   “(III) the needs of land manage-  
14   ment agencies of the Department of  
15   the Interior.”.

16           (f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

17           (1) MEMBERSHIP.—Section 5(a) of the Na-  
18           tional Geologic Mapping Act of 1992 (43 U.S.C.  
19           31d(a)) is amended—

20           (A) in paragraph (2)—

21   (i) by inserting “the Secretary of the  
22   Interior or a designee from a land manage-  
23   ment agency of the Department of the In-  
24   terior,” after “Administrator of the Envi-

1                   ronmental Protection Agency or a des-  
2                   ignee,”;

3                   (ii) by inserting “and” after “Energy  
4                   or a designee,”; and

5                   (iii) by striking “, and the Assistant  
6                   to the President for Science and Tech-  
7                   nology or a designee”; and

8                   (B) in paragraph (3)—

9                   (i) by striking “Not later than” and  
10                  all that follows through “consultation” and  
11                  inserting “In consultation”;

12                  (ii) by striking “Chief Geologist, as  
13                  Chairman” and inserting “Associate Direc-  
14                  tor for Geology, as Chair”; and

15                  (iii) by striking “one representative  
16                  from the private sector” and inserting “2  
17                  representatives from the private sector”.

18                  (2) DUTIES.—Section 5(b) of the National Geo-  
19                  logic Mapping Act of 1992 (43 U.S.C. 31d(b)) is  
20                  amended—

21                  (A) in paragraph (2), by striking “and” at  
22                  the end;

23                  (B) by redesignating paragraph (3) as  
24                  paragraph (4); and



1 (C) by inserting after paragraph (2) the  
2 following:

3 “(3) provide a scientific overview of geologic  
4 maps (including maps of geologic-based hazards)  
5 used or disseminated by Federal agencies for regula-  
6 tion or land-use planning; and”.

7 (3) CONFORMING AMENDMENT.—Section  
8 5(a)(1) of the National Geologic Mapping Act of  
9 1992 (43 U.S.C. 31d(a)(1)) is amended by striking  
10 “10-member” and inserting “11-member”.

11 (g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATA-  
12 BASE.—Section 7(a) of the National Geologic Mapping  
13 Act of 1992 (43 U.S.C. 31f(a)) is amended—

14 (1) in paragraph (1), by striking “geologic  
15 map” and inserting “geologic-map”; and

16 (2) in paragraph (2), by striking subparagraph  
17 (A) and inserting the following:

18 “(A) all maps developed with funding pro-  
19 vided by the National Cooperative Geologic  
20 Mapping Program, including under the Federal,  
21 State, and education components;”.

22 (h) BIENNIAL REPORT.—Section 8 of the National  
23 Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amend-  
24 ed by striking “Not later” and all that follows through  
25 “biennially” and inserting “Not later than 3 years after

1 the date of enactment of the Omnibus Public Land Man-  
2 agement Act of 2009 and biennially”.

3 (i) AUTHORIZATION OF APPROPRIATIONS; ALLOCA-  
4 TION.—Section 9 of the National Geologic Mapping Act  
5 of 1992 (43 U.S.C. 31h) is amended—

6 (1) by striking subsection (a) and inserting the  
7 following:

8 “(a) IN GENERAL.—There is authorized to be appro-  
9 priated to carry out this Act \$64,000,000 for each of fiscal  
10 years 2009 through 2018.”; and

11 (2) in subsection (b)—

12 (A) in the matter preceding paragraph (1),  
13 by striking “2000” and inserting “2005”;

14 (B) in paragraph (1), by striking “48” and  
15 inserting “50”; and

16 (C) in paragraph (2), by striking 2 and in-  
17 serting “4”.

18 **SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.**

19 (a) IN GENERAL.—The Secretary of the Interior, act-  
20 ing through the Director of the United States Geological  
21 Survey (referred to in this section as the “Secretary”),  
22 in coordination with the State of New Mexico (referred  
23 to in this section as the “State”) and any other entities  
24 that the Secretary determines to be appropriate (including  
25 other Federal agencies and institutions of higher edu-

1 cation), shall, in accordance with this section and any  
2 other applicable law, conduct a study of water resources  
3 in the State, including—

4 (1) a survey of groundwater resources, includ-  
5 ing an analysis of—

6 (A) aquifers in the State, including the  
7 quantity of water in the aquifers;

8 (B) the availability of groundwater re-  
9 sources for human use;

10 (C) the salinity of groundwater resources;

11 (D) the potential of the groundwater re-  
12 sources to recharge;

13 (E) the interaction between groundwater  
14 and surface water;

15 (F) the susceptibility of the aquifers to  
16 contamination; and

17 (G) any other relevant criteria; and

18 (2) a characterization of surface and bedrock  
19 geology, including the effect of the geology on  
20 groundwater yield and quality.

21 (b) STUDY AREAS.—The study carried out under  
22 subsection (a) shall include the Estancia Basin, Salt  
23 Basin, Tularosa Basin, Hueco Basin, and middle Rio  
24 Grande Basin in the State.

1 (c) REPORT.—Not later than 2 years after the date  
2 of enactment of this Act, the Secretary shall submit to  
3 the Committee on Energy and Natural Resources of the  
4 Senate and the Committee on Resources of the House of  
5 Representatives a report that describes the results of the  
6 study.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated such sums as are nec-  
9 essary to carry out this section.

## 10 TITLE XII—OCEANS

### 11 Subtitle A—Ocean Exploration

#### 12 PART I—EXPLORATION

##### 13 SEC. 12001. PURPOSE.

14 The purpose of this part is to establish the national  
15 ocean exploration program and the national undersea re-  
16 search program within the National Oceanic and Atmos-  
17 pheric Administration.

##### 18 SEC. 12002. PROGRAM ESTABLISHED.

19 The Administrator or the National Oceanic and At-  
20 mospheric Administration shall, in consultation with the  
21 National Science Foundation and other appropriate Fed-  
22 eral agencies, establish a coordinated national ocean explo-  
23 ration program within the National Oceanic and Atmos-  
24 pheric Administration that promotes collaboration with  
25 other Federal ocean and undersea research and explo-

1 ration programs. To the extent appropriate, the Adminis-  
2 trator shall seek to facilitate coordination of data and in-  
3 formation management systems, outreach and education  
4 programs to improve public understanding of ocean and  
5 coastal resources, and development and transfer of tech-  
6 nologies to facilitate ocean and undersea research and ex-  
7 ploration.

8 **SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.**

9 (a) IN GENERAL.—In carrying out the program au-  
10 thorized by section 12002, the Administrator of the Na-  
11 tional Oceanic and Atmospheric Administration shall—

12 (1) conduct interdisciplinary voyages or other  
13 scientific activities in conjunction with other Federal  
14 agencies or academic or educational institutions, to  
15 explore and survey little known areas of the marine  
16 environment, inventory, observe, and assess living  
17 and nonliving marine resources, and report such  
18 findings;

19 (2) give priority attention to deep ocean re-  
20 gions, with a focus on deep water marine systems  
21 that hold potential for important scientific discov-  
22 eries, such as hydrothermal vent communities and  
23 seamounts;

24 (3) conduct scientific voyages to locate, define,  
25 and document historic shipwrecks, submerged sites,

1 and other ocean exploration activities that combine  
2 archaeology and oceanographic sciences;

3 (4) develop and implement, in consultation with  
4 the National Science Foundation, a transparent,  
5 competitive process for merit-based peer-review and  
6 approval of proposals for activities to be conducted  
7 under this program, taking into consideration advice  
8 of the Board established under section 12005;

9 (5) enhance the technical capability of the  
10 United States marine science community by pro-  
11 moting the development of improved oceanographic  
12 research, communication, navigation, and data col-  
13 lection systems, as well as underwater platforms and  
14 sensor and autonomous vehicles; and

15 (6) establish an ocean exploration forum to en-  
16 courage partnerships and promote communication  
17 among experts and other stakeholders in order to  
18 enhance the scientific and technical expertise and  
19 relevance of the national program.

20 (b) DONATIONS.—The Administrator may accept do-  
21 nations of property, data, and equipment to be applied for  
22 the purpose of exploring the oceans or increasing knowl-  
23 edge of the oceans.

1 **SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RE-**  
2 **SEARCH TECHNOLOGY AND INFRASTRUC-**  
3 **TURE TASK FORCE.**

4 (a) IN GENERAL.—The Administrator of the Na-  
5 tional Oceanic and Atmospheric Administration, in coordi-  
6 nation with the National Science Foundation, the National  
7 Aeronautics and Space Administration, the United States  
8 Geological Survey, the Department of the Navy, the Min-  
9 eral Management Service, and relevant governmental,  
10 non-governmental, academic, industry, and other experts,  
11 shall convene an ocean exploration and undersea research  
12 technology and infrastructure task force to develop and  
13 implement a strategy—

14 (1) to facilitate transfer of new exploration and  
15 undersea research technology to the programs au-  
16 thorized under this part and part II of this subtitle;

17 (2) to improve availability of communications  
18 infrastructure, including satellite capabilities, to  
19 such programs;

20 (3) to develop an integrated, workable, and  
21 comprehensive data management information proc-  
22 essing system that will make information on unique  
23 and significant features obtained by such programs  
24 available for research and management purposes;

25 (4) to conduct public outreach activities that  
26 improve the public understanding of ocean science,

1 resources, and processes, in conjunction with rel-  
2 evant programs of the National Oceanic and Atmos-  
3 pheric Administration, the National Science Founda-  
4 tion, and other agencies; and

5 (5) to encourage cost-sharing partnerships with  
6 governmental and nongovernmental entities that will  
7 assist in transferring exploration and undersea re-  
8 search technology and technical expertise to the pro-  
9 grams.

10 (b) BUDGET COORDINATION.—The task force shall  
11 coordinate the development of agency budgets and identify  
12 the items in their annual budget that support the activities  
13 identified in the strategy developed under subsection (a).

14 **SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.**

15 (a) ESTABLISHMENT.—The Administrator of the Na-  
16 tional Oceanic and Atmospheric Administration shall ap-  
17 point an Ocean Exploration Advisory Board composed of  
18 experts in relevant fields—

19 (1) to advise the Administrator on priority  
20 areas for survey and discovery;

21 (2) to assist the program in the development of  
22 a 5-year strategic plan for the fields of ocean, ma-  
23 rine, and Great Lakes science, exploration, and dis-  
24 covery;



1           (3) to annually review the quality and effective-  
2           ness of the proposal review process established under  
3           section 12003(a)(4); and

4           (4) to provide other assistance and advice as re-  
5           quested by the Administrator.

6           (b) FEDERAL ADVISORY COMMITTEE ACT.—Section  
7           14 of the Federal Advisory Committee Act (5 U.S.C.  
8           App.) shall not apply to the Board appointed under sub-  
9           section (a).

10          (c) APPLICATION WITH OUTER CONTINENTAL  
11          SHELF LANDS ACT.—Nothing in part supersedes, or lim-  
12          its the authority of the Secretary of the Interior under  
13          the Outer Continental Shelf Lands Act (43 U.S.C. 1331  
14          et seq.).

15          **SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.**

16          There are authorized to be appropriated to the Na-  
17          tional Oceanic and Atmospheric Administration to carry  
18          out this part—

19                (1) \$33,550,000 for fiscal year 2009;

20                (2) \$36,905,000 for fiscal year 2010;

21                (3) \$40,596,000 for fiscal year 2011;

22                (4) \$44,655,000 for fiscal year 2012;

23                (5) \$49,121,000 for fiscal year 2013;

24                (6) \$54,033,000 for fiscal year 2014; and

25                (7) \$59,436,000 for fiscal year 2015.

1 **PART II—NOAA UNDERSEA RESEARCH PROGRAM**

2 **ACT OF 2009**

3 **SEC. 12101. SHORT TITLE.**

4 This part may be cited as the “NOAA Undersea Re-  
5 search Program Act of 2009”.

6 **SEC. 12102. PROGRAM ESTABLISHED.**

7 (a) IN GENERAL.—The Administrator of the Na-  
8 tional Oceanic and Atmospheric Administration shall es-  
9 tablish and maintain an undersea research program and  
10 shall designate a Director of that program.

11 (b) PURPOSE.—The purpose of the program is to in-  
12 crease scientific knowledge essential for the informed man-  
13 agement, use, and preservation of oceanic, marine, and  
14 coastal areas and the Great Lakes.

15 **SEC. 12103. POWERS OF PROGRAM DIRECTOR.**

16 The Director of the program, in carrying out the pro-  
17 gram, shall—

18 (1) cooperate with institutions of higher edu-  
19 cation and other educational marine and ocean  
20 science organizations, and shall make available un-  
21 dersea research facilities, equipment, technologies,  
22 information, and expertise to support undersea re-  
23 search efforts by these organizations;

24 (2) enter into partnerships, as appropriate and  
25 using existing authorities, with the private sector to  
26 achieve the goals of the program and to promote

1 technological advancement of the marine industry;  
2 and

3 (3) coordinate the development of agency budg-  
4 ets and identify the items in their annual budget  
5 that support the activities described in paragraphs  
6 (1) and (2).

7 **SEC. 12104. ADMINISTRATIVE STRUCTURE.**

8 (a) IN GENERAL.—The program shall be conducted  
9 through a national headquarters, a network of extramural  
10 regional undersea research centers that represent all rel-  
11 evant National Oceanic and Atmospheric Administration  
12 regions, and the National Institute for Undersea Science  
13 and Technology.

14 (b) DIRECTION.—The Director shall develop the over-  
15 all direction of the program in coordination with a Council  
16 of Center Directors comprised of the directors of the ex-  
17 tramural regional centers and the National Institute for  
18 Undersea Science and Technology. The Director shall pub-  
19 lish a draft program direction document not later than  
20 1 year after the date of enactment of this Act in the Fed-  
21 eral Register for a public comment period of not less than  
22 120 days. The Director shall publish a final program di-  
23 rection, including responses to the comments received dur-  
24 ing the public comment period, in the Federal Register  
25 within 90 days after the close of the comment period. The

1 program director shall update the program direction, with  
2 opportunity for public comment, at least every 5 years.

3 **SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND**  
4 **TECHNOLOGY PROGRAMS.**

5 (a) IN GENERAL.—The following research, explo-  
6 ration, education, and technology programs shall be con-  
7 ducted through the network of regional centers and the  
8 National Institute for Undersea Science and Technology:

9 (1) Core research and exploration based on na-  
10 tional and regional undersea research priorities.

11 (2) Advanced undersea technology development  
12 to support the National Oceanic and Atmospheric  
13 Administration's research mission and programs.

14 (3) Undersea science-based education and out-  
15 reach programs to enrich ocean science education  
16 and public awareness of the oceans and Great  
17 Lakes.

18 (4) Development, testing, and transition of ad-  
19 vanced undersea technology associated with ocean  
20 observatories, submersibles, advanced diving tech-  
21 nologies, remotely operated vehicles, autonomous un-  
22 derwater vehicles, and new sampling and sensing  
23 technologies.

1           (5) Discovery, study, and development of nat-  
2           ural resources and products from ocean, coastal, and  
3           aquatic systems.

4           (b) OPERATIONS.—The Director of the program,  
5 through operation of the extramural regional centers and  
6 the National Institute for Undersea Science and Tech-  
7 nology, shall leverage partnerships and cooperative re-  
8 search with academia and private industry.

9 **SEC. 12106. COMPETITIVENESS.**

10          (a) DISCRETIONARY FUND.—The Program shall allo-  
11 cate no more than 10 percent of its annual budget to a  
12 discretionary fund that may be used only for program ad-  
13 ministration and priority undersea research projects iden-  
14 tified by the Director but not covered by funding available  
15 from centers.

16          (b) COMPETITIVE SELECTION.—The Administrator  
17 shall conduct an initial competition to select the regional  
18 centers that will participate in the program 90 days after  
19 the publication of the final program direction under sec-  
20 tion 12104 and every 5 years thereafter. Funding for  
21 projects conducted through the regional centers shall be  
22 awarded through a competitive, merit-reviewed process on  
23 the basis of their relevance to the goals of the program  
24 and their technical feasibility.

1 **SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the Na-  
3 tional Oceanic and Atmospheric Administration—

4           (1) for fiscal year 2009—

5               (A) \$13,750,000 for the regional centers,  
6               of which 50 percent shall be for West Coast re-  
7               gional centers and 50 percent shall be for East  
8               Coast regional centers; and

9               (B) \$5,500,000 for the National Tech-  
10              nology Institute;

11          (2) for fiscal year 2010—

12               (A) \$15,125,000 for the regional centers,  
13               of which 50 percent shall be for West Coast re-  
14               gional centers and 50 percent shall be for East  
15               Coast regional centers; and

16               (B) \$6,050,000 for the National Tech-  
17              nology Institute;

18          (3) for fiscal year 2011—

19               (A) \$16,638,000 for the regional centers,  
20               of which 50 percent shall be for West Coast re-  
21               gional centers and 50 percent shall be for East  
22               Coast regional centers; and

23               (B) \$6,655,000 for the National Tech-  
24              nology Institute;

25          (4) for fiscal year 2012—

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1 (A) \$18,301,000 for the regional centers,  
2 of which 50 percent shall be for West Coast re-  
3 gional centers and 50 percent shall be for East  
4 Coast regional centers; and

5 (B) \$7,321,000 for the National Tech-  
6 nology Institute;

7 (5) for fiscal year 2013—

8 (A) \$20,131,000 for the regional centers,  
9 of which 50 percent shall be for West Coast re-  
10 gional centers and 50 percent shall be for East  
11 Coast regional centers; and

12 (B) \$8,053,000 for the National Tech-  
13 nology Institute;

14 (6) for fiscal year 2014—

15 (A) \$22,145,000 for the regional centers,  
16 of which 50 percent shall be for West Coast re-  
17 gional centers and 50 percent shall be for East  
18 Coast regional centers; and

19 (B) \$8,859,000 for the National Tech-  
20 nology Institute; and

21 (7) for fiscal year 2015—

22 (A) \$24,359,000 for the regional centers,  
23 of which 50 percent shall be for West Coast re-  
24 gional centers and 50 percent shall be for East  
25 Coast regional centers; and

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1 (B) \$9,744,000 for the National Tech-  
2 nology Institute.

3 **Subtitle B—Ocean and Coastal**  
4 **Mapping Integration Act**

5 **SEC. 12201. SHORT TITLE.**

6 This subtitle may be cited as the “Ocean and Coastal  
7 Mapping Integration Act”.

8 **SEC. 12202. ESTABLISHMENT OF PROGRAM.**

9 (a) IN GENERAL.—The President, in coordination  
10 with the Interagency Committee on Ocean and Coastal  
11 Mapping and affected coastal states, shall establish a pro-  
12 gram to develop a coordinated and comprehensive Federal  
13 ocean and coastal mapping plan for the Great Lakes and  
14 coastal state waters, the territorial sea, the exclusive eco-  
15 nomic zone, and the continental shelf of the United States  
16 that enhances ecosystem approaches in decision-making  
17 for conservation and management of marine resources and  
18 habitats, establishes research and mapping priorities, sup-  
19 ports the siting of research and other platforms, and ad-  
20 vances ocean and coastal science.

21 (b) MEMBERSHIP.—The Committee shall be com-  
22 prised of high-level representatives of the Department of  
23 Commerce, through the National Oceanic and Atmos-  
24 pheric Administration, the Department of the Interior, the  
25 National Science Foundation, the Department of Defense,



1 the Environmental Protection Agency, the Department of  
2 Homeland Security, the National Aeronautics and Space  
3 Administration, and other appropriate Federal agencies  
4 involved in ocean and coastal mapping.

5 (c) PROGRAM PARAMETERS.—In developing such a  
6 program, the President, through the Committee, shall—

7 (1) identify all Federal and federally-funded  
8 programs conducting shoreline delineation and ocean  
9 or coastal mapping, noting geographic coverage, fre-  
10 quency, spatial coverage, resolution, and subject  
11 matter focus of the data and location of data ar-  
12 chives;

13 (2) facilitate cost-effective, cooperative mapping  
14 efforts that incorporate policies for contracting with  
15 non-governmental entities among all Federal agen-  
16 cies conducting ocean and coastal mapping, by in-  
17 creasing data sharing, developing appropriate data  
18 acquisition and metadata standards, and facilitating  
19 the interoperability of in situ data collection systems,  
20 data processing, archiving, and distribution of data  
21 products;

22 (3) facilitate the adaptation of existing tech-  
23 nologies as well as foster expertise in new ocean and  
24 coastal mapping technologies, including through re-  
25 search, development, and training conducted among

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1 Federal agencies and in cooperation with non-gov-  
2 ernmental entities;

3 (4) develop standards and protocols for testing  
4 innovative experimental mapping technologies and  
5 transferring new technologies between the Federal  
6 Government, coastal state, and non-governmental  
7 entities;

8 (5) provide for the archiving, management, and  
9 distribution of data sets through a national registry  
10 as well as provide mapping products and services to  
11 the general public in service of statutory require-  
12 ments;

13 (6) develop data standards and protocols con-  
14 sistent with standards developed by the Federal Geo-  
15 graphic Data Committee for use by Federal, coastal  
16 state, and other entities in mapping and otherwise  
17 documenting locations of federally permitted activi-  
18 ties, living and nonliving coastal and marine re-  
19 sources, marine ecosystems, sensitive habitats, sub-  
20 merged cultural resources, undersea cables, offshore  
21 aquaculture projects, offshore energy projects, and  
22 any areas designated for purposes of environmental  
23 protection or conservation and management of living  
24 and nonliving coastal and marine resources;

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1           (7) identify the procedures to be used for co-  
2           ordinating the collection and integration of Federal  
3           ocean and coastal mapping data with coastal state  
4           and local government programs;

5           (8) facilitate, to the extent practicable, the col-  
6           lection of real-time tide data and the development of  
7           hydrodynamic models for coastal areas to allow for  
8           the application of V-datum tools that will facilitate  
9           the seamless integration of onshore and offshore  
10          maps and charts;

11          (9) establish a plan for the acquisition and col-  
12          lection of ocean and coastal mapping data; and

13          (10) set forth a timetable for completion and  
14          implementation of the plan.

15 **SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND**  
16 **COASTAL MAPPING.**

17          (a) **IN GENERAL.**—The Administrator of the Na-  
18          tional Oceanic and Atmospheric Administration, within 30  
19          days after the date of enactment of this Act, shall convene  
20          or utilize an existing interagency committee on ocean and  
21          coastal mapping to implement section 12202.

22          (b) **MEMBERSHIP.**—The committee shall be com-  
23          prised of senior representatives from Federal agencies  
24          with ocean and coastal mapping and surveying responsibil-  
25          ities. The representatives shall be high-ranking officials of

1 their respective agencies or departments and, whenever  
2 possible, the head of the portion of the agency or depart-  
3 ment that is most relevant to the purposes of this subtitle.  
4 Membership shall include senior representatives from the  
5 National Oceanic and Atmospheric Administration, the  
6 Chief of Naval Operations, the United States Geological  
7 Survey, the Minerals Management Service, the National  
8 Science Foundation, the National Geospatial-Intelligence  
9 Agency, the United States Army Corps of Engineers, the  
10 Coast Guard, the Environmental Protection Agency, the  
11 Federal Emergency Management Agency, the National  
12 Aeronautics and Space Administration, and other appro-  
13 priate Federal agencies involved in ocean and coastal map-  
14 ping.

15 (c) CO-CHAIRMEN.—The Committee shall be co-  
16 chaired by the representative of the Department of Com-  
17 merce and a representative of the Department of the Inte-  
18 rior.

19 (d) SUBCOMMITTEE.—The co-chairmen shall estab-  
20 lish a subcommittee to carry out the day-to-day work of  
21 the Committee, comprised of senior representatives of any  
22 member agency of the committee. Working groups may  
23 be formed by the full Committee to address issues of short  
24 duration. The subcommittee shall be chaired by the rep-  
25 resentative from the National Oceanic and Atmospheric

1 Administration. The chairmen of the Committee may cre-  
2 ate such additional subcommittees and working groups as  
3 may be needed to carry out the work of Committee.

4 (e) MEETINGS.—The committee shall meet on a  
5 quarterly basis, but each subcommittee and each working  
6 group shall meet on an as-needed basis.

7 (f) COORDINATION.—The committee shall coordinate  
8 activities when appropriate, with—

9 (1) other Federal efforts, including the Digital  
10 Coast, Geospatial One-Stop, and the Federal Geo-  
11 graphic Data Committee;

12 (2) international mapping activities;

13 (3) coastal states;

14 (4) user groups through workshops and other  
15 appropriate mechanisms; and

16 (5) representatives of nongovernmental entities.

17 (g) ADVISORY PANEL.—The Administrator may con-  
18 vene an ocean and coastal mapping advisory panel con-  
19 sisting of representatives from non-governmental entities  
20 to provide input regarding activities of the committee in  
21 consultation with the interagency committee.

22 **SEC. 12204. BIENNIAL REPORTS.**

23 No later than 18 months after the date of enactment  
24 of this Act, and biennially thereafter, the co-chairmen of  
25 the Committee shall transmit to the Committees on Com-

1 merce, Science, and Transportation and Energy and Nat-  
2 ural Resources of the Senate and the Committee on Nat-  
3 ural Resources of the House of Representatives a report  
4 detailing progress made in implementing this subtitle, in-  
5 cluding—

6           (1) an inventory of ocean and coastal mapping  
7 data within the territorial sea and the exclusive eco-  
8 nomic zone and throughout the Continental Shelf of  
9 the United States, noting the age and source of the  
10 survey and the spatial resolution (metadata) of the  
11 data;

12           (2) identification of priority areas in need of  
13 survey coverage using present technologies;

14           (3) a resource plan that identifies when priority  
15 areas in need of modern ocean and coastal mapping  
16 surveys can be accomplished;

17           (4) the status of efforts to produce integrated  
18 digital maps of ocean and coastal areas;

19           (5) a description of any products resulting from  
20 coordinated mapping efforts under this subtitle that  
21 improve public understanding of the coasts and  
22 oceans, or regulatory decisionmaking;

23           (6) documentation of minimum and desired  
24 standards for data acquisition and integrated  
25 metadata;

1           (7) a statement of the status of Federal efforts  
2           to leverage mapping technologies, coordinate map-  
3           ping activities, share expertise, and exchange data;

4           (8) a statement of resource requirements for or-  
5           ganizations to meet the goals of the program, includ-  
6           ing technology needs for data acquisition, proc-  
7           essing, and distribution systems;

8           (9) a statement of the status of efforts to de-  
9           classify data gathered by the Navy, the National  
10          Geospatial-Intelligence Agency, and other agencies  
11          to the extent possible without jeopardizing national  
12          security, and make it available to partner agencies  
13          and the public;

14          (10) a resource plan for a digital coast inte-  
15          grated mapping pilot project for the northern Gulf  
16          of Mexico that will—

17                 (A) cover the area from the authorized  
18                 coastal counties through the territorial sea;

19                 (B) identify how such a pilot project will  
20                 leverage public and private mapping data and  
21                 resources, such as the United States Geological  
22                 Survey National Map, to result in an oper-  
23                 ational coastal change assessment program for  
24                 the subregion;

1           (11) the status of efforts to coordinate Federal  
2 programs with coastal state and local government  
3 programs and leverage those programs;

4           (12) a description of efforts of Federal agencies  
5 to increase contracting with nongovernmental enti-  
6 ties; and

7           (13) an inventory and description of any new  
8 Federal or federally funded programs conducting  
9 shoreline delineation and ocean or coastal mapping  
10 since the previous reporting cycle.

11 **SEC. 12205. PLAN.**

12       (a) **IN GENERAL.**—Not later than 6 months after the  
13 date of enactment of this Act, the Administrator, in con-  
14 sultation with the Committee, shall develop and submit to  
15 the Congress a plan for an integrated ocean and coastal  
16 mapping initiative within the National Oceanic and At-  
17 mospheric Administration.

18       (b) **PLAN REQUIREMENTS.**—The plan shall—

19           (1) identify and describe all ocean and coastal  
20 mapping programs within the agency, including  
21 those that conduct mapping or related activities in  
22 the course of existing missions, such as hydrographic  
23 surveys, ocean exploration projects, living marine re-  
24 source conservation and management programs,



1 coastal zone management projects, and ocean and  
2 coastal observations and science projects;

3 (2) establish priority mapping programs and es-  
4 tablish and periodically update priorities for geo-  
5 graphic areas in surveying and mapping across all  
6 missions of the National Oceanic and Atmospheric  
7 Administration, as well as minimum data acquisition  
8 and metadata standards for those programs;

9 (3) encourage the development of innovative  
10 ocean and coastal mapping technologies and applica-  
11 tions, through research and development through co-  
12 operative or other agreements with joint or coopera-  
13 tive research institutes or centers and with other  
14 non-governmental entities;

15 (4) document available and developing tech-  
16 nologies, best practices in data processing and dis-  
17 tribution, and leveraging opportunities with other  
18 Federal agencies, coastal states, and non-govern-  
19 mental entities;

20 (5) identify training, technology, and other re-  
21 source requirements for enabling the National Oce-  
22 anic and Atmospheric Administration's programs,  
23 vessels, and aircraft to support a coordinated ocean  
24 and coastal mapping program;

1           (6) identify a centralized mechanism or office  
2           for coordinating data collection, processing,  
3           archiving, and dissemination activities of all such  
4           mapping programs within the National Oceanic and  
5           Atmospheric Administration that meets Federal  
6           mandates for data accuracy and accessibility and  
7           designate a repository that is responsible for  
8           archiving and managing the distribution of all ocean  
9           and coastal mapping data to simplify the provision  
10          of services to benefit Federal and coastal state pro-  
11          grams; and

12          (7) set forth a timetable for implementation  
13          and completion of the plan, including a schedule for  
14          submission to the Congress of periodic progress re-  
15          ports and recommendations for integrating ap-  
16          proaches developed under the initiative into the  
17          interagency program.

18          (c) NOAA JOINT OCEAN AND COASTAL MAPPING  
19          CENTERS.—The Administrator may maintain and operate  
20          up to 3 joint ocean and coastal mapping centers, including  
21          a joint hydrographic center, which shall each be co-located  
22          with an institution of higher education. The centers shall  
23          serve as hydrographic centers of excellence and may con-  
24          duct activities necessary to carry out the purposes of this  
25          subtitle, including—

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1           (1) research and development of innovative  
2           ocean and coastal mapping technologies, equipment,  
3           and data products;

4           (2) mapping of the United States Outer Conti-  
5           nental Shelf and other regions;

6           (3) data processing for nontraditional data and  
7           uses;

8           (4) advancing the use of remote sensing tech-  
9           nologies, for related issues, including mapping and  
10          assessment of essential fish habitat and of coral re-  
11          sources, ocean observations, and ocean exploration;  
12          and

13          (5) providing graduate education and training  
14          in ocean and coastal mapping sciences for members  
15          of the National Oceanic and Atmospheric Adminis-  
16          tration Commissioned Officer Corps, personnel of  
17          other agencies with ocean and coastal mapping pro-  
18          grams, and civilian personnel.

19          (d) NOAA REPORT.—The Administrator shall con-  
20          tinue developing a strategy for expanding contracting with  
21          non-governmental entities to minimize duplication and  
22          take maximum advantage of nongovernmental capabilities  
23          in fulfilling the Administration’s mapping and charting re-  
24          sponsibilities. Within 120 days after the date of enactment  
25          of this Act, the Administrator shall transmit a report de-

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1 scribing the strategy developed under this subsection to  
2 the Committee on Commerce, Science, and Transportation  
3 of the Senate and the Committee on Natural Resources  
4 of the House of Representatives.

5 **SEC. 12206. EFFECT ON OTHER LAWS.**

6 Nothing in this subtitle shall be construed to super-  
7 sede or alter the existing authorities of any Federal agency  
8 with respect to ocean and coastal mapping.

9 **SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) **IN GENERAL.**—In addition to the amounts au-  
11 thorized by section 306 of the Hydrographic Services Im-  
12 provement Act of 1998 (33 U.S.C. 892d), there are au-  
13 thorized to be appropriated to the Administrator to carry  
14 out this subtitle—

- 15 (1) \$26,000,000 for fiscal year 2009;  
16 (2) \$32,000,000 for fiscal year 2010;  
17 (3) \$38,000,000 for fiscal year 2011; and  
18 (4) \$45,000,000 for each of fiscal years 2012  
19 through 2015.

20 (b) **JOINT OCEAN AND COASTAL MAPPING CEN-**  
21 **TERS.**—Of the amounts appropriated pursuant to sub-  
22 section (a), the following amounts shall be used to carry  
23 out section 12205(c) of this subtitle:

- 24 (1) \$11,000,000 for fiscal year 2009.  
25 (2) \$12,000,000 for fiscal year 2010.

1 (3) \$13,000,000 for fiscal year 2011.

2 (4) \$15,000,000 for each of fiscal years 2012  
3 through 2015.

4 (c) COOPERATIVE AGREEMENTS.—To carry out  
5 interagency activities under section 12203 of this subtitle,  
6 the head of any department or agency may execute a coop-  
7 erative agreement with the Administrator, including those  
8 authorized by section 5 of the Act of August 6, 1947 (33  
9 U.S.C. 883e).

10 **SEC. 12208. DEFINITIONS.**

11 In this subtitle:

12 (1) ADMINISTRATOR.—The term “Adminis-  
13 trator’” means the Administrator of the National  
14 Oceanic and Atmospheric Administration.

15 (2) COASTAL STATE.—The term “coastal state”  
16 has the meaning given that term by section 304(4)  
17 of the Coastal Zone Management Act of 1972 (16  
18 U.S.C. 1453(4)).

19 (3) COMMITTEE.—The term “Committee”  
20 means the Interagency Ocean and Coastal Mapping  
21 Committee established by section 12203.

22 (4) EXCLUSIVE ECONOMIC ZONE.—The term  
23 “exclusive economic zone” means the exclusive eco-  
24 nomic zone of the United States established by Pres-  
25 idential Proclamation No. 5030, of March 10, 1983.

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1           (5) OCEAN AND COASTAL MAPPING.—The term  
2           “ocean and coastal mapping” means the acquisition,  
3           processing, and management of physical, biological,  
4           geological, chemical, and archaeological characteris-  
5           tics and boundaries of ocean and coastal areas, re-  
6           sources, and sea beds through the use of acoustics,  
7           satellites, aerial photogrammetry, light and imaging,  
8           direct sampling, and other mapping technologies.

9           (6) TERRITORIAL SEA.—The term “territorial  
10          sea” means the belt of sea measured from the base-  
11          line of the United States determined in accordance  
12          with international law, as set forth in Presidential  
13          Proclamation Number 5928, dated December 27,  
14          1988.

15          (7) NONGOVERNMENTAL ENTITIES.—The term  
16          “nongovernmental entities” includes nongovern-  
17          mental organizations, members of the academic com-  
18          munity, and private sector organizations that pro-  
19          vide products and services associated with meas-  
20          uring, locating, and preparing maps, charts, surveys,  
21          aerial photographs, satellite images, or other  
22          graphical or digital presentations depicting natural  
23          or manmade physical features, phenomena, and legal  
24          boundaries of the Earth.

1           (8) OUTER CONTINENTAL SHELF.—The term  
2           “Outer Continental Shelf” means all submerged  
3           lands lying seaward and outside of lands beneath  
4           navigable waters (as that term is defined in section  
5           2 of the Submerged Lands Act (43 U.S.C. 1301)),  
6           and of which the subsoil and seabed appertain to the  
7           United States and are subject to its jurisdiction and  
8           control.

9           **Subtitle C—Integrated Coastal and**  
10           **Ocean Observation System Act**  
11           **of 2009**

12           **SEC. 12301. SHORT TITLE.**

13           This subtitle may be cited as the “Integrated Coastal  
14           and Ocean Observation System Act of 2009”.

15           **SEC. 12302. PURPOSES.**

16           The purposes of this subtitle are to—

17           (1) establish a national integrated System of  
18           ocean, coastal, and Great Lakes observing systems,  
19           comprised of Federal and non-Federal components  
20           coordinated at the national level by the National  
21           Ocean Research Leadership Council and at the re-  
22           gional level by a network of regional information co-  
23           ordination entities, and that includes in situ, remote,  
24           and other coastal and ocean observation, tech-  
25           nologies, and data management and communication

1 systems, and is designed to address regional and na-  
2 tional needs for ocean information, to gather specific  
3 data on key coastal, ocean, and Great Lakes vari-  
4 ables, and to ensure timely and sustained dissemina-  
5 tion and availability of these data to—

6 (A) support national defense, marine com-  
7 merce, navigation safety, weather, climate, and  
8 marine forecasting, energy siting and produc-  
9 tion, economic development, ecosystem-based  
10 marine, coastal, and Great Lakes resource man-  
11 agement, public safety, and public outreach  
12 training and education;

13 (B) promote greater public awareness and  
14 stewardship of the Nation's ocean, coastal, and  
15 Great Lakes resources and the general public  
16 welfare; and

17 (C) enable advances in scientific under-  
18 standing to support the sustainable use, con-  
19 servation, management, and understanding of  
20 healthy ocean, coastal, and Great Lakes re-  
21 sources;

22 (2) improve the Nation's capability to measure,  
23 track, explain, and predict events related directly  
24 and indirectly to weather and climate change, nat-  
25 ural climate variability, and interactions between the



1 oceanic and atmospheric environments, including the  
2 Great Lakes; and

3 (3) authorize activities to promote basic and ap-  
4 plied research to develop, test, and deploy innova-  
5 tions and improvements in coastal and ocean obser-  
6 vation technologies, modeling systems, and other sci-  
7 entific and technological capabilities to improve our  
8 conceptual understanding of weather and climate,  
9 ocean-atmosphere dynamics, global climate change,  
10 physical, chemical, and biological dynamics of the  
11 ocean, coastal and Great Lakes environments, and  
12 to conserve healthy and restore degraded coastal  
13 ecosystems.

14 **SEC. 12303. DEFINITIONS.**

15 In this subtitle:

16 (1) ADMINISTRATOR.—The term “Adminis-  
17 trator” means the Under Secretary of Commerce for  
18 Oceans and Atmosphere in the Under Secretary’s  
19 capacity as Administrator of the National Oceanic  
20 and Atmospheric Administration.

21 (2) COUNCIL.—The term “Council” means the  
22 National Ocean Research Leadership Council estab-  
23 lished by section 7902 of title 10, United States  
24 Code.

1           (3) FEDERAL ASSETS.—The term “Federal as-  
2           sets” means all relevant non-classified civilian coast-  
3           al and ocean observations, technologies, and related  
4           modeling, research, data management, basic and ap-  
5           plied technology research and development, and pub-  
6           lic education and outreach programs, that are man-  
7           aged by member agencies of the Council.

8           (4) INTERAGENCY OCEAN OBSERVATION COM-  
9           MITTEE.—The term “Interagency Ocean Observa-  
10          tion Committee” means the committee established  
11          under section 12304(c)(2).

12          (5) NON-FEDERAL ASSETS.—The term “non-  
13          Federal assets” means all relevant coastal and ocean  
14          observation technologies, related basic and applied  
15          technology research and development, and public  
16          education and outreach programs that are integrated  
17          into the System and are managed through States,  
18          regional organizations, universities, nongovernmental  
19          organizations, or the private sector.

20          (6) REGIONAL INFORMATION COORDINATION  
21          ENTITIES.—

22                (A) IN GENERAL.—The term “regional in-  
23                formation coordination entity” means an orga-  
24                nizational body that is certified or established  
25                by contract or memorandum by the lead Fed-

1           eral agency designated in section 12304(c)(3) of  
2           this subtitle and coordinates State, Federal,  
3           local, and private interests at a regional level  
4           with the responsibility of engaging the private  
5           and public sectors in designing, operating, and  
6           improving regional coastal and ocean observing  
7           systems in order to ensure the provision of data  
8           and information that meet the needs of user  
9           groups from the respective regions.

10           (B) CERTAIN INCLUDED ASSOCIATIONS.—

11           The term “regional information coordination  
12           entity” includes regional associations described  
13           in the System Plan.

14           (7) SECRETARY.—The term “Secretary” means  
15           the Secretary of Commerce, acting through the Na-  
16           tional Oceanic and Atmospheric Administration.

17           (8) SYSTEM.—The term “System” means the  
18           National Integrated Coastal and Ocean Observation  
19           System established under section 12304.

20           (9) SYSTEM PLAN.—The term “System Plan”  
21           means the plan contained in the document entitled  
22           “Ocean. US Publication No. 9, The First Integrated  
23           Ocean Observing System (IOOS) Development  
24           Plan”, as updated by the Council under this subtitle.

1 **SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING**  
2 **SYSTEM.**

3 (a) ESTABLISHMENT.—The President, acting  
4 through the Council, shall establish a National Integrated  
5 Coastal and Ocean Observation System to fulfill the pur-  
6 poses set forth in section 12302 of this subtitle and the  
7 System Plan and to fulfill the Nation’s international obli-  
8 gations to contribute to the Global Earth Observation Sys-  
9 tem of Systems and the Global Ocean Observing System.

10 (b) SYSTEM ELEMENTS.—

11 (1) IN GENERAL.—In order to fulfill the pur-  
12 poses of this subtitle, the System shall be national  
13 in scope and consist of—

14 (A) Federal assets to fulfill national and  
15 international observation missions and prior-  
16 ities;

17 (B) non-Federal assets, including a net-  
18 work of regional information coordination enti-  
19 ties identified under subsection (c)(4), to fulfill  
20 regional observation missions and priorities;

21 (C) data management, communication, and  
22 modeling systems for the timely integration and  
23 dissemination of data and information products  
24 from the System;

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1 (D) a research and development program  
2 conducted under the guidance of the Council,  
3 consisting of—

4 (i) basic and applied research and  
5 technology development to improve under-  
6 standing of coastal and ocean systems and  
7 their relationships to human activities and  
8 to ensure improvement of operational as-  
9 sets and products, including related infra-  
10 structure, observing technologies, and in-  
11 formation and data processing and man-  
12 agement technologies; and

13 (ii) large scale computing resources  
14 and research to advance modeling of coast-  
15 al and ocean processes.

16 (2) ENHANCING ADMINISTRATION AND MAN-  
17 AGEMENT.—The head of each Federal agency that  
18 has administrative jurisdiction over a Federal asset  
19 shall support the purposes of this subtitle and may  
20 take appropriate actions to enhance internal agency  
21 administration and management to better support,  
22 integrate, finance, and utilize observation data,  
23 products, and services developed under this section  
24 to further its own agency mission and responsibil-  
25 ities.

1           (3) AVAILABILITY OF DATA.—The head of each  
2 Federal agency that has administrative jurisdiction  
3 over a Federal asset shall make available data that  
4 are produced by that asset and that are not other-  
5 wise restricted for integration, management, and dis-  
6 semination by the System.

7           (4) NON-FEDERAL ASSETS.—Non-Federal as-  
8 sets shall be coordinated, as appropriate, by the  
9 Interagency Ocean Observing Committee or by re-  
10 gional information coordination entities.

11       (c) POLICY OVERSIGHT, ADMINISTRATION, AND RE-  
12 GIONAL COORDINATION.—

13           (1) COUNCIL FUNCTIONS.—The Council shall  
14 serve as the policy and coordination oversight body  
15 for all aspects of the System. In carrying out its re-  
16 sponsibilities under this subtitle, the Council shall—

17               (A) approve and adopt comprehensive Sys-  
18 tem budgets developed and maintained by the  
19 Interagency Ocean Observation Committee to  
20 support System operations, including operations  
21 of both Federal and non-Federal assets;

22               (B) ensure coordination of the System with  
23 other domestic and international earth observ-  
24 ing activities including the Global Ocean Ob-  
25 serving System and the Global Earth Observing

1 System of Systems, and provide, as appropriate,  
2 support for and representation on United  
3 States delegations to international meetings on  
4 coastal and ocean observing programs; and

5 (C) encourage coordinated intramural and  
6 extramural research and technology develop-  
7 ment, and a process to transition developing  
8 technology and methods into operations of the  
9 System.

10 (2) INTERAGENCY OCEAN OBSERVATION COM-  
11 MITTEE.—The Council shall establish or designate  
12 an Interagency Ocean Observation Committee which  
13 shall—

14 (A) prepare annual and long-term plans  
15 for consideration and approval by the Council  
16 for the integrated design, operation, mainte-  
17 nance, enhancement and expansion of the Sys-  
18 tem to meet the objectives of this subtitle and  
19 the System Plan;

20 (B) develop and transmit to Congress at  
21 the time of submission of the President's an-  
22 nual budget request an annual coordinated,  
23 comprehensive budget to operate all elements of  
24 the System identified in subsection (b), and to

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1 ensure continuity of data streams from Federal  
2 and non-Federal assets;

3 (C) establish required observation data  
4 variables to be gathered by both Federal and  
5 non-Federal assets and identify, in consultation  
6 with regional information coordination entities,  
7 priorities for System observations;

8 (D) establish protocols and standards for  
9 System data processing, management, and com-  
10 munication;

11 (E) develop contract certification stand-  
12 ards and compliance procedures for all non-  
13 Federal assets, including regional information  
14 coordination entities, to establish eligibility for  
15 integration into the System and to ensure com-  
16 pliance with all applicable standards and proto-  
17 cols established by the Council, and ensure that  
18 regional observations are integrated into the  
19 System on a sustained basis;

20 (F) identify gaps in observation coverage  
21 or needs for capital improvements of both Fed-  
22 eral assets and non-Federal assets;

23 (G) subject to the availability of appropria-  
24 tions, establish through one or more partici-  
25 pating Federal agencies, in consultation with



1 the System advisory committee established  
2 under subsection (d), a competitive matching  
3 grant or other programs—

4 (i) to promote intramural and extra-  
5 mural research and development of new,  
6 innovative, and emerging observation tech-  
7 nologies including testing and field trials;  
8 and

9 (ii) to facilitate the migration of new,  
10 innovative, and emerging scientific and  
11 technological advances from research and  
12 development to operational deployment;

13 (H) periodically review and recommend to  
14 the Council, in consultation with the Adminis-  
15 trator, revisions to the System Plan;

16 (I) ensure collaboration among Federal  
17 agencies participating in the activities of the  
18 Committee; and

19 (J) perform such additional duties as the  
20 Council may delegate.

21 (3) LEAD FEDERAL AGENCY.—The National  
22 Oceanic and Atmospheric Administration shall func-  
23 tion as the lead Federal agency for the implementa-  
24 tion and administration of the System, in consulta-  
25 tion with the Council, the Interagency Ocean Obser-

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1 vation Committee, other Federal agencies that main-  
2 tain portions of the System, and the regional infor-  
3 mation coordination entities, and shall—

4 (A) establish an Integrated Ocean Observ-  
5 ing Program Office within the National Oceanic  
6 and Atmospheric Administration utilizing to the  
7 extent necessary, personnel from member agen-  
8 cies participating on the Interagency Ocean Ob-  
9 servation Committee, to oversee daily operations  
10 and coordination of the System;

11 (B) implement policies, protocols, and  
12 standards approved by the Council and dele-  
13 gated by the Interagency Ocean Observing  
14 Committee;

15 (C) promulgate program guidelines to cer-  
16 tify and integrate non-Federal assets, including  
17 regional information coordination entities, into  
18 the System to provide regional coastal and  
19 ocean observation data that meet the needs of  
20 user groups from the respective regions;

21 (D) have the authority to enter into and  
22 oversee contracts, leases, grants or cooperative  
23 agreements with non-Federal assets, including  
24 regional information coordination entities, to

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1 support the purposes of this subtitle on such  
2 terms as the Administrator deems appropriate;

3 (E) implement a merit-based, competitive  
4 funding process to support non-Federal assets,  
5 including the development and maintenance of  
6 a network of regional information coordination  
7 entities, and develop and implement a process  
8 for the periodic review and evaluation of all  
9 non-Federal assets, including regional informa-  
10 tion coordination entities;

11 (F) provide opportunities for competitive  
12 contracts and grants for demonstration projects  
13 to design, develop, integrate, deploy, and sup-  
14 port components of the System;

15 (G) establish efficient and effective admin-  
16 istrative procedures for allocation of funds  
17 among contractors, grantees, and non-Federal  
18 assets, including regional information coordina-  
19 tion entities in a timely manner, and contingent  
20 on appropriations according to the budget  
21 adopted by the Council;

22 (H) develop and implement a process for  
23 the periodic review and evaluation of regional  
24 information coordination entities;

1 (I) formulate an annual process by which  
2 gaps in observation coverage or needs for cap-  
3 ital improvements of Federal assets and non-  
4 Federal assets of the System are identified by  
5 the regional information coordination entities,  
6 the Administrator, or other members of the  
7 System and transmitted to the Interagency  
8 Ocean Observing Committee;

9 (J) develop and be responsible for a data  
10 management and communication system, in ac-  
11 cordance with standards and protocols estab-  
12 lished by the Council, by which all data col-  
13 lected by the System regarding ocean and  
14 coastal waters of the United States including  
15 the Great Lakes, are processed, stored, inte-  
16 grated, and made available to all end-user com-  
17 munities;

18 (K) implement a program of public edu-  
19 cation and outreach to improve public aware-  
20 ness of global climate change and effects on the  
21 ocean, coastal, and Great Lakes environment;

22 (L) report annually to the Interagency  
23 Ocean Observing Committee on the accomplish-  
24 ments, operational needs, and performance of  
25 the System to contribute to the annual and

1 long-term plans developed pursuant to sub-  
2 section (c)(2)(A)(i); and

3 (M) develop a plan to efficiently integrate  
4 into the System new, innovative, or emerging  
5 technologies that have been demonstrated to be  
6 useful to the System and which will fulfill the  
7 purposes of this subtitle and the System Plan.

8 (4) REGIONAL INFORMATION COORDINATION  
9 ENTITIES.—

10 (A) IN GENERAL.—To be certified or es-  
11 tablished under this subtitle, a regional infor-  
12 mation coordination entity shall be certified or  
13 established by contract or agreement by the Ad-  
14 ministrator, and shall agree to meet the certifi-  
15 cation standards and compliance procedure  
16 guidelines issued by the Administrator and in-  
17 formation needs of user groups in the region  
18 while adhering to national standards and  
19 shall—

20 (i) demonstrate an organizational  
21 structure capable of gathering required  
22 System observation data, supporting and  
23 integrating all aspects of coastal and ocean  
24 observing and information programs within  
25 a region and that reflects the needs of

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1 State and local governments, commercial  
2 interests, and other users and beneficiaries  
3 of the System and other requirements  
4 specified under this subtitle and the Sys-  
5 tem Plan;

6 (ii) identify gaps in observation cov-  
7 erage needs for capital improvements of  
8 Federal assets and non-Federal assets of  
9 the System, or other recommendations to  
10 assist in the development of the annual  
11 and long-term plans created pursuant to  
12 subsection (c)(2)(A)(i) and transmit such  
13 information to the Interagency Ocean Ob-  
14 serving Committee via the Program Office;

15 (iii) develop and operate under a stra-  
16 tegic operational plan that will ensure the  
17 efficient and effective administration of  
18 programs and assets to support daily data  
19 observations for integration into the Sys-  
20 tem, pursuant to the standards approved  
21 by the Council;

22 (iv) work cooperatively with govern-  
23 mental and non-governmental entities at  
24 all levels to identify and provide informa-  
25 tion products of the System for multiple

1 users within the service area of the re-  
2 gional information coordination entities;  
3 and

4 (v) comply with all financial oversight  
5 requirements established by the Adminis-  
6 trator, including requirements relating to  
7 audits.

8 (B) PARTICIPATION.—For the purposes of  
9 this subtitle, employees of Federal agencies may  
10 participate in the functions of the regional in-  
11 formation coordination entities.

12 (d) SYSTEM ADVISORY COMMITTEE.—

13 (1) IN GENERAL.—The Administrator shall es-  
14 tablish or designate a System advisory committee,  
15 which shall provide advice as may be requested by  
16 the Administrator or the Interagency Ocean Observ-  
17 ing Committee.

18 (2) PURPOSE.—The purpose of the System ad-  
19 visory committee is to advise the Administrator and  
20 the Interagency Ocean Observing Committee on—

21 (A) administration, operation, manage-  
22 ment, and maintenance of the System, includ-  
23 ing integration of Federal and non-Federal as-  
24 sets and data management and communication

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1 aspects of the System, and fulfillment of the  
2 purposes set forth in section 12302;

3 (B) expansion and periodic modernization  
4 and upgrade of technology components of the  
5 System;

6 (C) identification of end-user communities,  
7 their needs for information provided by the Sys-  
8 tem, and the System's effectiveness in dissemi-  
9 nating information to end-user communities  
10 and the general public; and

11 (D) any other purpose identified by the  
12 Administrator or the Interagency Ocean Ob-  
13 serving Committee.

14 (3) MEMBERS.—

15 (A) IN GENERAL.—The System advisory  
16 committee shall be composed of members ap-  
17 pointed by the Administrator. Members shall be  
18 qualified by education, training, and experience  
19 to evaluate scientific and technical information  
20 related to the design, operation, maintenance,  
21 or use of the System, or use of data products  
22 provided through the System.

23 (B) TERMS OF SERVICE.—Members shall  
24 be appointed for 3-year terms, renewable once.  
25 A vacancy appointment shall be for the remain-



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1 der of the unexpired term of the vacancy, and  
2 an individual so appointed may subsequently be  
3 appointed for 2 full 3-year terms if the remain-  
4 der of the unexpired term is less than 1 year.

5 (C) CHAIRPERSON.—The Administrator  
6 shall designate a chairperson from among the  
7 members of the System advisory committee.

8 (D) APPOINTMENT.—Members of the Sys-  
9 tem advisory committee shall be appointed as  
10 special Government employees for purposes of  
11 section 202(a) of title 18, United States Code.

12 (4) ADMINISTRATIVE PROVISIONS.—

13 (A) REPORTING.—The System advisory  
14 committee shall report to the Administrator and  
15 the Interagency Ocean Observing Committee, as  
16 appropriate.

17 (B) ADMINISTRATIVE SUPPORT.—The Ad-  
18 ministrator shall provide administrative support  
19 to the System advisory committee.

20 (C) MEETINGS.—The System advisory  
21 committee shall meet at least once each year,  
22 and at other times at the call of the Adminis-  
23 trator, the Interagency Ocean Observing Com-  
24 mittee, or the chairperson.

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1 (D) COMPENSATION AND EXPENSES.—

2 Members of the System advisory committee  
3 shall not be compensated for service on that  
4 Committee, but may be allowed travel expenses,  
5 including per diem in lieu of subsistence, in ac-  
6 cordance with subchapter I of chapter 57 of  
7 title 5, United States Code.

8 (E) EXPIRATION.—Section 14 of the Fed-  
9 eral Advisory Committee Act (5 U.S.C. App.)  
10 shall not apply to the System advisory com-  
11 mittee.

12 (e) CIVIL LIABILITY.—For purposes of determining  
13 liability arising from the dissemination and use of observa-  
14 tion data gathered pursuant to this section, any non-Fed-  
15 eral asset or regional information coordination entity in-  
16 corporated into the System by contract, lease, grant, or  
17 cooperative agreement under subsection (c)(3)(D) that is  
18 participating in the System shall be considered to be part  
19 of the National Oceanic and Atmospheric Administration.  
20 Any employee of such a non-Federal asset or regional in-  
21 formation coordination entity, while operating within the  
22 scope of his or her employment in carrying out the pur-  
23 poses of this subtitle, with respect to tort liability, is  
24 deemed to be an employee of the Federal Government.

1 (f) LIMITATION.—Nothing in this subtitle shall be  
2 construed to invalidate existing certifications, contracts, or  
3 agreements between regional information coordination en-  
4 tities and other elements of the System.

5 **SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.**

6 (a) IN GENERAL.—To carry out interagency activi-  
7 ties under this subtitle, the Secretary of Commerce may  
8 execute cooperative agreements, or any other agreements,  
9 with, and receive and expend funds made available by, any  
10 State or subdivision thereof, any Federal agency, or any  
11 public or private organization, or individual.

12 (b) RECIPROCITY.—Member Departments and agen-  
13 cies of the Council shall have the authority to create, sup-  
14 port, and maintain joint centers, and to enter into and  
15 perform such contracts, leases, grants, and cooperative  
16 agreements as may be necessary to carry out the purposes  
17 of this subtitle and fulfillment of the System Plan.

18 **SEC. 12306. APPLICATION WITH OTHER LAWS.**

19 Nothing in this subtitle supersedes or limits the au-  
20 thority of any agency to carry out its responsibilities and  
21 missions under other laws.

22 **SEC. 12307. REPORT TO CONGRESS.**

23 (a) REQUIREMENT.—Not later than 2 years after the  
24 date of the enactment of this Act and every 2 years there-  
25 after, the Administrator shall prepare and the President

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1 acting through the Council shall approve and transmit to  
2 the Congress a report on progress made in implementing  
3 this subtitle.

4 (b) CONTENTS.—The report shall include—

5 (1) a description of activities carried out under  
6 this subtitle and the System Plan;

7 (2) an evaluation of the effectiveness of the  
8 System, including an evaluation of progress made by  
9 the Council to achieve the goals identified under the  
10 System Plan;

11 (3) identification of Federal and non-Federal  
12 assets as determined by the Council that have been  
13 integrated into the System, including assets essential  
14 to the gathering of required observation data vari-  
15 ables necessary to meet the respective missions of  
16 Council agencies;

17 (4) a review of procurements, planned or initi-  
18 ated, by each Council agency to enhance, expand, or  
19 modernize the observation capabilities and data  
20 products provided by the System, including data  
21 management and communication subsystems;

22 (5) an assessment regarding activities to inte-  
23 grate Federal and non-Federal assets, nationally and  
24 on the regional level, and discussion of the perform-  
25 ance and effectiveness of regional information co-

1 ordination entities to coordinate regional observation  
2 operations;

3 (6) a description of benefits of the program to  
4 users of data products resulting from the System  
5 (including the general public, industries, scientists,  
6 resource managers, emergency responders, policy  
7 makers, and educators);

8 (7) recommendations concerning—

9 (A) modifications to the System; and

10 (B) funding levels for the System in subse-  
11 quent fiscal years; and

12 (8) the results of a periodic external inde-  
13 pendent programmatic audit of the System.

14 **SEC. 12308. PUBLIC-PRIVATE USE POLICY.**

15 The Council shall develop a policy within 6 months  
16 after the date of the enactment of this Act that defines  
17 processes for making decisions about the roles of the Fed-  
18 eral Government, the States, regional information coordi-  
19 nation entities, the academic community, and the private  
20 sector in providing to end-user communities environmental  
21 information, products, technologies, and services related to  
22 the System. The Council shall publish the policy in the  
23 Federal Register for public comment for a period not less  
24 than 60 days. Nothing in this section shall be construed

1 to require changes in policy in effect on the date of enact-  
2 ment of this Act.

3 **SEC. 12309. INDEPENDENT COST ESTIMATE.**

4       Within 1 year after the date of enactment of this Act,  
5 the Interagency Ocean Observation Committee, through  
6 the Administrator and the Director of the National  
7 Science Foundation, shall obtain an independent cost esti-  
8 mate for operations and maintenance of existing Federal  
9 assets of the System, and planned or anticipated acquisi-  
10 tion, operation, and maintenance of new Federal assets  
11 for the System, including operation facilities, observation  
12 equipment, modeling and software, data management and  
13 communication, and other essential components. The inde-  
14 pendent cost estimate shall be transmitted unabridged and  
15 without revision by the Administrator to Congress.

16 **SEC. 12310. INTENT OF CONGRESS.**

17       It is the intent of Congress that funding provided to  
18 agencies of the Council to implement this subtitle shall  
19 supplement, and not replace, existing sources of funding  
20 for other programs. It is the further intent of Congress  
21 that agencies of the Council shall not enter into contracts  
22 or agreements for the development or procurement of new  
23 Federal assets for the System that are estimated to be  
24 in excess of \$250,000,000 in life-cycle costs without first

1 providing adequate notice to Congress and opportunity for  
2 review and comment.

3 **SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Sec-  
5 retary of Commerce for fiscal years 2009 through 2013  
6 such sums as are necessary to fulfill the purposes of this  
7 subtitle and support activities identified in the annual co-  
8 ordinated System budget developed by the Interagency  
9 Ocean Observation Committee and submitted to the Con-  
10 gress.

11 **Subtitle D—Federal Ocean Acidifi-**  
12 **cation Research and Monitoring**  
13 **Act of 2009**

14 **SEC. 12401. SHORT TITLE.**

15 This subtitle may be cited as the “Federal Ocean  
16 Acidification Research And Monitoring Act of 2009” or  
17 the “FOARAM Act”.

18 **SEC. 12402. PURPOSES.**

19 (a) PURPOSES.—The purposes of this subtitle are to  
20 provide for—

21 (1) development and coordination of a com-  
22 prehensive interagency plan to—

23 (A) monitor and conduct research on the  
24 processes and consequences of ocean acidifica-  
25 tion on marine organisms and ecosystems; and

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1 (B) establish an interagency research and  
2 monitoring program on ocean acidification;

3 (2) establishment of an ocean acidification pro-  
4 gram within the National Oceanic and Atmospheric  
5 Administration;

6 (3) assessment and consideration of regional  
7 and national ecosystem and socioeconomic impacts  
8 of increased ocean acidification; and

9 (4) research adaptation strategies and tech-  
10 niques for effectively conserving marine ecosystems  
11 as they cope with increased ocean acidification.

12 **SEC. 12403. DEFINITIONS.**

13 In this subtitle:

14 (1) OCEAN ACIDIFICATION.—The term “ocean  
15 acidification” means the decrease in pH of the  
16 Earth’s oceans and changes in ocean chemistry  
17 caused by chemical inputs from the atmosphere, in-  
18 cluding carbon dioxide.

19 (2) SECRETARY.—The term “Secretary” means  
20 the Secretary of Commerce, acting through the Ad-  
21 ministrator of the National Oceanic and Atmos-  
22 pheric Administration.

23 (3) SUBCOMMITTEE.—The term “Sub-  
24 committee” means the Joint Subcommittee on



1 Ocean Science and Technology of the National  
2 Science and Technology Council.

3 **SEC. 12404. INTERAGENCY SUBCOMMITTEE.**

4 (a) DESIGNATION.—

5 (1) IN GENERAL.—The Joint Subcommittee on  
6 Ocean Science and Technology of the National  
7 Science and Technology Council shall coordinate  
8 Federal activities on ocean acidification and estab-  
9 lish an interagency working group.

10 (2) MEMBERSHIP.—The interagency working  
11 group on ocean acidification shall be comprised of  
12 senior representatives from the National Oceanic  
13 and Atmospheric Administration, the National  
14 Science Foundation, the National Aeronautics and  
15 Space Administration, the United States Geological  
16 Survey, the United States Fish and Wildlife Service,  
17 and such other Federal agencies as appropriate.

18 (3) CHAIRMAN.—The interagency working  
19 group shall be chaired by the representative from  
20 the National Oceanic and Atmospheric Administra-  
21 tion.

22 (b) DUTIES.—The Subcommittee shall—

23 (1) develop the strategic research and moni-  
24 toring plan to guide Federal research on ocean acidi-

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1       fication required under section 12405 of this subtitle  
2       and oversee the implementation of the plan;

3           (2) oversee the development of—

4               (A) an assessment of the potential impacts  
5               of ocean acidification on marine organisms and  
6               marine ecosystems; and

7               (B) adaptation and mitigation strategies to  
8               conserve marine organisms and ecosystems ex-  
9               posed to ocean acidification;

10          (3) facilitate communication and outreach op-  
11          portunities with nongovernmental organizations and  
12          members of the stakeholder community with inter-  
13          ests in marine resources;

14          (4) coordinate the United States Federal re-  
15          search and monitoring program with research and  
16          monitoring programs and scientists from other na-  
17          tions; and

18          (5) establish or designate an Ocean Acidifica-  
19          tion Information Exchange to make information on  
20          ocean acidification developed through or utilized by  
21          the interagency ocean acidification program acces-  
22          sible through electronic means, including informa-  
23          tion which would be useful to policymakers, re-  
24          searchers, and other stakeholders in mitigating or  
25          adapting to the impacts of ocean acidification.

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1 (c) REPORTS TO CONGRESS.—

2 (1) INITIAL REPORT.—Not later than 1 year  
3 after the date of enactment of this Act, the Sub-  
4 committee shall transmit a report to the Committee  
5 on Commerce, Science, and Transportation of the  
6 Senate and the Committee on Science and Tech-  
7 nology and the Committee on Natural Resources of  
8 the House of Representatives that—

9 (A) includes a summary of federally fund-  
10 ed ocean acidification research and monitoring  
11 activities, including the budget for each of these  
12 activities; and

13 (B) describes the progress in developing  
14 the plan required under section 12405 of this  
15 subtitle.

16 (2) BIENNIAL REPORT.—Not later than 2 years  
17 after the delivery of the initial report under para-  
18 graph (1) and every 2 years thereafter, the Sub-  
19 committee shall transmit a report to the Committee  
20 on Commerce, Science, and Transportation of the  
21 Senate and the Committee on Science and Tech-  
22 nology and the Committee on Natural Resources of  
23 the House of Representatives that includes—

24 (A) a summary of federally funded ocean  
25 acidification research and monitoring activities,

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1 including the budget for each of these activities;  
2 and

3 (B) an analysis of the progress made to-  
4 ward achieving the goals and priorities for the  
5 interagency research plan developed by the Sub-  
6 committee under section 12405.

7 (3) STRATEGIC RESEARCH PLAN.—Not later  
8 than 2 years after the date of enactment of this Act,  
9 the Subcommittee shall transmit the strategic re-  
10 search plan developed under section 12405 to the  
11 Committee on Commerce, Science, and Transpor-  
12 tation of the Senate and the Committee on Science  
13 and Technology and the Committee on Natural Re-  
14 sources of the House of Representatives. A revised  
15 plan shall be submitted at least once every 5 years  
16 thereafter.

17 **SEC. 12405. STRATEGIC RESEARCH PLAN.**

18 (a) IN GENERAL.—Not later than 2 years after the  
19 date of enactment of this Act, the Subcommittee shall de-  
20 velop a strategic plan for Federal research and monitoring  
21 on ocean acidification that will provide for an assessment  
22 of the impacts of ocean acidification on marine organisms  
23 and marine ecosystems and the development of adaptation  
24 and mitigation strategies to conserve marine organisms  
25 and marine ecosystems. In developing the plan, the Sub-

1 committee shall consider and use information, reports, and  
2 studies of ocean acidification that have identified research  
3 and monitoring needed to better understand ocean acidifi-  
4 cation and its potential impacts, and recommendations  
5 made by the National Academy of Sciences in the review  
6 of the plan required under subsection (d).

7 (b) CONTENTS OF THE PLAN.—The plan shall—

8 (1) provide for interdisciplinary research among  
9 the ocean sciences, and coordinated research and ac-  
10 tivities to improve the understanding of ocean chem-  
11 istry that will affect marine ecosystems;

12 (2) establish, for the 10-year period beginning  
13 in the year the plan is submitted, the goals and pri-  
14 orities for Federal research and monitoring which  
15 will—

16 (A) advance understanding of ocean acidi-  
17 fication and its physical, chemical, and biologi-  
18 cal impacts on marine organisms and marine  
19 ecosystems;

20 (B) improve the ability to assess the socio-  
21 economic impacts of ocean acidification; and

22 (C) provide information for the develop-  
23 ment of adaptation and mitigation strategies to  
24 conserve marine organisms and marine eco-  
25 systems;

- 1           (3) describe specific activities, including—
  - 2                   (A) efforts to determine user needs;
  - 3                   (B) research activities;
  - 4                   (C) monitoring activities;
  - 5                   (D) technology and methods development;
  - 6                   (E) data collection;
  - 7                   (F) database development;
  - 8                   (G) modeling activities;
  - 9                   (H) assessment of ocean acidification im-
  - 10                  pacts; and
  - 11                  (I) participation in international research
  - 12                  efforts;
- 13           (4) identify relevant programs and activities of
- 14           the Federal agencies that contribute to the inter-
- 15           agency program directly and indirectly and set forth
- 16           the role of each Federal agency in implementing the
- 17           plan;
- 18           (5) consider and utilize, as appropriate, reports
- 19           and studies conducted by Federal agencies, the Na-
- 20           tional Research Council, or other entities;
- 21           (6) make recommendations for the coordination
- 22           of the ocean acidification research and monitoring
- 23           activities of the United States with such activities of
- 24           other nations and international organizations;

1           (7) outline budget requirements for Federal  
2 ocean acidification research and monitoring and as-  
3 sessment activities to be conducted by each agency  
4 under the plan;

5           (8) identify the monitoring systems and sam-  
6 pling programs currently employed in collecting data  
7 relevant to ocean acidification and prioritize addi-  
8 tional monitoring systems that may be needed to en-  
9 sure adequate data collection and monitoring of  
10 ocean acidification and its impacts; and

11          (9) describe specific activities designed to facili-  
12 tate outreach and data and information exchange  
13 with stakeholder communities.

14          (c) PROGRAM ELEMENTS.—The plan shall include at  
15 a minimum the following program elements:

16           (1) Monitoring of ocean chemistry and biologi-  
17 cal impacts associated with ocean acidification at se-  
18 lected coastal and open-ocean monitoring stations,  
19 including satellite-based monitoring to charac-  
20 terize—

21                   (A) marine ecosystems;

22                   (B) changes in marine productivity; and

23                   (C) changes in surface ocean chemistry.

24           (2) Research to understand the species specific  
25 physiological responses of marine organisms to ocean

1 acidification, impacts on marine food webs of ocean  
2 acidification, and to develop environmental and eco-  
3 logical indices that track marine ecosystem re-  
4 sponses to ocean acidification.

5 (3) Modeling to predict changes in the ocean  
6 carbon cycle as a function of carbon dioxide and at-  
7 mosphere-induced changes in temperature, ocean cir-  
8 culation, biogeochemistry, ecosystem and terrestrial  
9 input, and modeling to determine impacts on marine  
10 ecosystems and individual marine organisms.

11 (4) Technology development and standardiza-  
12 tion of carbonate chemistry measurements on moor-  
13 ings and autonomous floats.

14 (5) Assessment of socioeconomic impacts of  
15 ocean acidification and development of adaptation  
16 and mitigation strategies to conserve marine orga-  
17 nisms and marine ecosystems.

18 (d) NATIONAL ACADEMY OF SCIENCES EVALUA-  
19 TION.—The Secretary shall enter into an agreement with  
20 the National Academy of Sciences to review the plan.

21 (e) PUBLIC PARTICIPATION.—In developing the plan,  
22 the Subcommittee shall consult with representatives of  
23 academic, State, industry and environmental groups. Not  
24 later than 90 days before the plan, or any revision thereof,  
25 is submitted to the Congress, the plan shall be published



1 in the Federal Register for a public comment period of  
2 not less than 60 days.

3 **SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.**

4 (a) IN GENERAL.—The Secretary shall establish and  
5 maintain an ocean acidification program within the Na-  
6 tional Oceanic and Atmospheric Administration to conduct  
7 research, monitoring, and other activities consistent with  
8 the strategic research and implementation plan developed  
9 by the Subcommittee under section 12405 that—

10 (1) includes—

11 (A) interdisciplinary research among the  
12 ocean and atmospheric sciences, and coordi-  
13 nated research and activities to improve under-  
14 standing of ocean acidification;

15 (B) the establishment of a long-term moni-  
16 toring program of ocean acidification utilizing  
17 existing global and national ocean observing as-  
18 sets, and adding instrumentation and sampling  
19 stations as appropriate to the aims of the re-  
20 search program;

21 (C) research to identify and develop adap-  
22 tation strategies and techniques for effectively  
23 conserving marine ecosystems as they cope with  
24 increased ocean acidification;

1           (D) as an integral part of the research  
2 programs described in this subtitle, educational  
3 opportunities that encourage an interdiscipli-  
4 nary and international approach to exploring  
5 the impacts of ocean acidification;

6           (E) as an integral part of the research pro-  
7 grams described in this subtitle, national public  
8 outreach activities to improve the under-  
9 standing of current scientific knowledge of  
10 ocean acidification and its impacts on marine  
11 resources; and

12           (F) coordination of ocean acidification  
13 monitoring and impacts research with other ap-  
14 propriate international ocean science bodies  
15 such as the International Oceanographic Com-  
16 mission, the International Council for the Ex-  
17 ploration of the Sea, the North Pacific Marine  
18 Science Organization, and others;

19           (2) provides grants for critical research projects  
20 that explore the effects of ocean acidification on eco-  
21 systems and the socioeconomic impacts of increased  
22 ocean acidification that are relevant to the goals and  
23 priorities of the strategic research plan; and

24           (3) incorporates a competitive merit-based proc-  
25 ess for awarding grants that may be conducted

1 jointly with other participating agencies or under the  
2 National Oceanographic Partnership Program under  
3 section 7901 of title 10, United States Code.

4 (b) **ADDITIONAL AUTHORITY.**—In conducting the  
5 Program, the Secretary may enter into and perform such  
6 contracts, leases, grants, or cooperative agreements as  
7 may be necessary to carry out the purposes of this subtitle  
8 on such terms as the Secretary considers appropriate.

9 **SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.**

10 (a) **RESEARCH ACTIVITIES.**—The Director of the Na-  
11 tional Science Foundation shall continue to carry out re-  
12 search activities on ocean acidification which shall support  
13 competitive, merit-based, peer-reviewed proposals for re-  
14 search and monitoring of ocean acidification and its im-  
15 pacts, including—

16 (1) impacts on marine organisms and marine  
17 ecosystems;

18 (2) impacts on ocean, coastal, and estuarine  
19 biogeochemistry; and

20 (3) the development of methodologies and tech-  
21 nologies to evaluate ocean acidification and its im-  
22 pacts.

23 (b) **CONSISTENCY.**—The research activities shall be  
24 consistent with the strategic research plan developed by  
25 the Subcommittee under section 12405.

1           (c) COORDINATION.—The Director shall encourage  
2 coordination of the Foundation’s ocean acidification activi-  
3 ties with such activities of other nations and international  
4 organizations.

5 **SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.**

6           (a) OCEAN ACIDIFICATION ACTIVITIES.—The Ad-  
7 ministrator of the National Aeronautics and Space Admin-  
8 istration, in coordination with other relevant agencies,  
9 shall ensure that space-based monitoring assets are used  
10 in as productive a manner as possible for monitoring of  
11 ocean acidification and its impacts.

12           (b) PROGRAM CONSISTENCY.—The Administrator  
13 shall ensure that the Agency’s research and monitoring  
14 activities on ocean acidification are carried out in a man-  
15 ner consistent with the strategic research plan developed  
16 by the Subcommittee under section 12405.

17           (c) COORDINATION.—The Administrator shall en-  
18 courage coordination of the Agency’s ocean acidification  
19 activities with such activities of other nations and inter-  
20 national organizations.

21 **SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.**

22           (a) NOAA.—There are authorized to be appropriated  
23 to the National Oceanic and Atmospheric Administration  
24 to carry out the purposes of this subtitle—

25                   (1) \$8,000,000 for fiscal year 2009;

1 (2) \$12,000,000 for fiscal year 2010;

2 (3) \$15,000,000 for fiscal year 2011; and

3 (4) \$20,000,000 for fiscal year 2012.

4 (b) NSF.—There are authorized to be appropriated  
5 to the National Science Foundation to carry out the pur-  
6 poses of this subtitle—

7 (1) \$6,000,000 for fiscal year 2009;

8 (2) \$8,000,000 for fiscal year 2010;

9 (3) \$12,000,000 for fiscal year 2011; and

10 (4) \$15,000,000 for fiscal year 2012.

11 **Subtitle E—Coastal and Estuarine**  
12 **Land Conservation Program**

13 **SEC. 12501. SHORT TITLE.**

14 This Act may be cited as the “Coastal and Estuarine  
15 Land Conservation Program Act”.

16 **SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE**  
17 **LAND CONSERVATION PROGRAM.**

18 The Coastal Zone Management Act of 1972 (16  
19 U.S.C. 1451 et seq.) is amended by inserting after section  
20 307 the following new section:

21 “AUTHORIZATION OF THE COASTAL AND ESTUARINE

22 LAND CONSERVATION PROGRAM

23 “SEC. 307A. (a) IN GENERAL.—The Secretary may  
24 conduct a Coastal and Estuarine Land Conservation Pro-  
25 gram, in cooperation with appropriate State, regional, and  
26 other units of government, for the purposes of protecting

1 important coastal and estuarine areas that have signifi-  
2 cant conservation, recreation, ecological, historical, or aes-  
3 thetic values, or that are threatened by conversion from  
4 their natural, undeveloped, or recreational state to other  
5 uses or could be managed or restored to effectively con-  
6 serve, enhance, or restore ecological function. The pro-  
7 gram shall be administered by the National Ocean Service  
8 of the National Oceanic and Atmospheric Administration  
9 through the Office of Ocean and Coastal Resource Man-  
10 agement.

11 “(b) PROPERTY ACQUISITION GRANTS.—The Sec-  
12 retary shall make grants under the program to coastal  
13 states with approved coastal zone management plans or  
14 National Estuarine Research Reserve units for the pur-  
15 pose of acquiring property or interests in property de-  
16 scribed in subsection (a) that will further the goals of—

17 “(1) a Coastal Zone Management Plan or Pro-  
18 gram approved under this title;

19 “(2) a National Estuarine Research Reserve  
20 management plan;

21 “(3) a regional or State watershed protection or  
22 management plan involving coastal states with ap-  
23 proved coastal zone management programs; or

1           “(4) a State coastal land acquisition plan that  
2           is consistent with an approved coastal zone manage-  
3           ment program.

4           “(c) GRANT PROCESS.—The Secretary shall allocate  
5 funds to coastal states or National Estuarine Research  
6 Reserves under this section through a competitive grant  
7 process in accordance with guidelines that meet the fol-  
8 lowing requirements:

9           “(1) The Secretary shall consult with the coast-  
10 al state’s coastal zone management program, any  
11 National Estuarine Research Reserve in that State,  
12 and the lead agency designated by the Governor for  
13 coordinating the implementation of this section (if  
14 different from the coastal zone management pro-  
15 gram).

16           “(2) Each participating coastal state, after con-  
17 sultation with local governmental entities and other  
18 interested stakeholders, shall identify priority con-  
19 servation needs within the State, the values to be  
20 protected by inclusion of lands in the program, and  
21 the threats to those values that should be avoided.

22           “(3) Each participating coastal state shall to  
23 the extent practicable ensure that the acquisition of  
24 property or easements shall complement working wa-  
25 terfront needs.

1           “(4) The applicant shall identify the values to  
2           be protected by inclusion of the lands in the pro-  
3           gram, management activities that are planned and  
4           the manner in which they may affect the values  
5           identified, and any other information from the land-  
6           owner relevant to administration and management of  
7           the land.

8           “(5) Awards shall be based on demonstrated  
9           need for protection and ability to successfully lever-  
10          age funds among participating entities, including  
11          Federal programs, regional organizations, State and  
12          other governmental units, landowners, corporations,  
13          or private organizations.

14          “(6) The governor, or the lead agency des-  
15          ignated by the governor for coordinating the imple-  
16          mentation of this section, where appropriate in con-  
17          sultation with the appropriate local government,  
18          shall determine that the application is consistent  
19          with the State’s or territory’s approved coastal zone  
20          plan, program, and policies prior to submittal to the  
21          Secretary.

22          “(7)(A) Priority shall be given to lands de-  
23          scribed in subsection (a) that can be effectively man-  
24          aged and protected and that have significant ecologi-  
25          cal value.



1           “(B) Of the projects that meet the standard in  
2           subparagraph (A), priority shall be given to lands  
3           that—

4                   “(i) are under an imminent threat of con-  
5                   version to a use that will degrade or otherwise  
6                   diminish their natural, undeveloped, or rec-  
7                   reational state; and

8                   “(ii) serve to mitigate the adverse impacts  
9                   caused by coastal population growth in the  
10                  coastal environment.

11           “(8) In developing guidelines under this section,  
12           the Secretary shall consult with coastal states, other  
13           Federal agencies, and other interested stakeholders  
14           with expertise in land acquisition and conservation  
15           procedures.

16           “(9) Eligible coastal states or National Estua-  
17           rine Research Reserves may allocate grants to local  
18           governments or agencies eligible for assistance under  
19           section 306A(e).

20           “(10) The Secretary shall develop performance  
21           measures that the Secretary shall use to evaluate  
22           and report on the program’s effectiveness in accom-  
23           plishing its purposes, and shall submit such evalua-  
24           tions to Congress triennially.

1           “(d) LIMITATIONS AND PRIVATE PROPERTY PROTEC-  
2 TIONS.—

3           “(1) A grant awarded under this section may  
4 be used to purchase land or an interest in land, in-  
5 cluding an easement, only from a willing seller. Any  
6 such purchase shall not be the result of a forced tak-  
7 ing under this section. Nothing in this section re-  
8 quires a private property owner to participate in the  
9 program under this section.

10           “(2) Any interest in land, including any ease-  
11 ment, acquired with a grant under this section shall  
12 not be considered to create any new liability, or have  
13 any effect on liability under any other law, of any  
14 private property owner with respect to any person  
15 injured on the private property.

16           “(3) Nothing in this section requires a private  
17 property owner to provide access (including Federal,  
18 State, or local government access) to or use of pri-  
19 vate property unless such property or an interest in  
20 such property (including a conservation easement)  
21 has been purchased with funds made available under  
22 this section.

23           “(e) RECOGNITION OF AUTHORITY TO CONTROL  
24 LAND USE.—Nothing in this title modifies the authority

1 of Federal, State, or local governments to regulate land  
2 use.

3 “(f) MATCHING REQUIREMENTS.—

4 “(1) IN GENERAL.—The Secretary may not  
5 make a grant under the program unless the Federal  
6 funds are matched by non-Federal funds in accord-  
7 ance with this subsection.

8 “(2) COST SHARE REQUIREMENT.—

9 “(A) IN GENERAL.—Grant funds under  
10 the program shall require a 100 percent match  
11 from other non-Federal sources.

12 “(B) WAIVER OF REQUIREMENT.—The  
13 Secretary may grant a waiver of subparagraph  
14 (A) for underserved communities, communities  
15 that have an inability to draw on other sources  
16 of funding because of the small population or  
17 low income of the community, or for other rea-  
18 sons the Secretary deems appropriate and con-  
19 sistent with the purposes of the program.

20 “(3) OTHER FEDERAL FUNDS.—Where finan-  
21 cial assistance awarded under this section represents  
22 only a portion of the total cost of a project, funding  
23 from other Federal sources may be applied to the  
24 cost of the project. Each portion shall be subject to

1 match requirements under the applicable provision  
2 of law.

3 “(4) SOURCE OF MATCHING COST SHARE.—For  
4 purposes of paragraph (2)(A), the non-Federal cost  
5 share for a project may be determined by taking into  
6 account the following:

7 “(A) The value of land or a conservation  
8 easement may be used by a project applicant as  
9 non-Federal match, if the Secretary determines  
10 that—

11 “(i) the land meets the criteria set  
12 forth in section 2(b) and is acquired in the  
13 period beginning 3 years before the date of  
14 the submission of the grant application  
15 and ending 3 years after the date of the  
16 award of the grant;

17 “(ii) the value of the land or easement  
18 is held by a non-governmental organization  
19 included in the grant application in per-  
20 petuity for conservation purposes of the  
21 program; and

22 “(iii) the land or easement is con-  
23 nected either physically or through a con-  
24 servation planning process to the land or  
25 easement that would be acquired.

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1           “(B) The appraised value of the land or  
2           conservation easement at the time of the grant  
3           closing will be considered and applied as the  
4           non-Federal cost share.

5           “(C) Costs associated with land acquisi-  
6           tion, land management planning, remediation,  
7           restoration, and enhancement may be used as  
8           non-Federal match if the activities are identi-  
9           fied in the plan and expenses are incurred with-  
10          in the period of the grant award, or, for lands  
11          described in (A), within the same time limits  
12          described therein. These costs may include ei-  
13          ther cash or in-kind contributions.

14          “(g) RESERVATION OF FUNDS FOR NATIONAL ESTU-  
15          ARINE RESEARCH RESERVE SITES.—No less than 15 per-  
16          cent of funds made available under this section shall be  
17          available for acquisitions benefitting National Estuarine  
18          Research Reserves.

19          “(h) LIMIT ON ADMINISTRATIVE COSTS.—No more  
20          than 5 percent of the funds made available to the Sec-  
21          retary under this section shall be used by the Secretary  
22          for planning or administration of the program. The Sec-  
23          retary shall provide a report to Congress with an account  
24          of all expenditures under this section for fiscal year 2009  
25          and triennially thereafter.

1           “(i) TITLE AND MANAGEMENT OF ACQUIRED PROP-  
2 ERTY.—If any property is acquired in whole or in part  
3 with funds made available through a grant under this sec-  
4 tion, the grant recipient shall provide—

5           “(1) such assurances as the Secretary may re-  
6 quire that—

7           “(A) the title to the property will be held  
8 by the grant recipient or another appropriate  
9 public agency designated by the recipient in  
10 perpetuity;

11           “(B) the property will be managed in a  
12 manner that is consistent with the purposes for  
13 which the land entered into the program and  
14 shall not convert such property to other uses;  
15 and

16           “(C) if the property or interest in land is  
17 sold, exchanged, or divested, funds equal to the  
18 current value will be returned to the Secretary  
19 in accordance with applicable Federal law for  
20 redistribution in the grant process; and

21           “(2) certification that the property (including  
22 any interest in land) will be acquired from a willing  
23 seller.

24           “(j) REQUIREMENT FOR PROPERTY USED FOR NON-  
25 FEDERAL MATCH.—If the grant recipient elects to use

1 any land or interest in land held by a non-governmental  
2 organization as a non-Federal match under subsection (g),  
3 the grant recipient must to the Secretary's satisfaction  
4 demonstrate in the grant application that such land or in-  
5 terest will satisfy the same requirements as the lands or  
6 interests in lands acquired under the program.

7 “(k) DEFINITIONS.—In this section:

8 “(1) CONSERVATION EASEMENT.—The term  
9 ‘conservation easement’ includes an easement or re-  
10 striction, recorded deed, or a reserve interest deed  
11 where the grantee acquires all rights, title, and in-  
12 terest in a property, that do not conflict with the  
13 goals of this section except those rights, title, and  
14 interests that may run with the land that are ex-  
15 pressly reserved by a grantor and are agreed to at  
16 the time of purchase.

17 “(2) INTEREST IN PROPERTY.—The term ‘in-  
18 terest in property’ includes a conservation easement.

19 “(l) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to the Secretary to carry  
21 out this section \$60,000,000 for each of fiscal years 2009  
22 through 2013.”.

1       **TITLE XIII—MISCELLANEOUS**

2       **SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH**  
3               **DAKOTA TRUST FUNDS.**

4           (a) NORTH DAKOTA TRUST FUNDS.—The Act of  
5 February 22, 1889 (25 Stat. 676, chapter 180), is amend-  
6 ed by adding at the end the following:

7       **“SEC. 26. NORTH DAKOTA TRUST FUNDS.**

8           “(a) DISPOSITION.—Notwithstanding section 11, the  
9 State of North Dakota shall, with respect to any trust  
10 fund in which proceeds from the sale of public land are  
11 deposited under this Act (referred to in this section as the  
12 ‘trust fund’)—

13               “(1) deposit all revenues earned by a trust fund  
14           into the trust fund;

15               “(2) deduct the costs of administering a trust  
16           fund from each trust fund; and

17               “(3) manage each trust fund to—

18                       “(A) preserve the purchasing power of the  
19           trust fund; and

20                       “(B) maintain stable distributions to trust  
21           fund beneficiaries.

22           “(b) DISTRIBUTIONS.—Notwithstanding section 11,  
23 any distributions from trust funds in the State of North  
24 Dakota shall be made in accordance with section 2 of arti-  
25 cle IX of the Constitution of the State of North Dakota.



1           “(c) MANAGEMENT OF PROCEEDS.—Notwith-  
2 standing section 13, the State of North Dakota shall man-  
3 age the proceeds referred to in that section in accordance  
4 with subsections (a) and (b).

5           “(d) MANAGEMENT OF LAND AND PROCEEDS.—Not-  
6 withstanding sections 14 and 16, the State of North Da-  
7 kota shall manage the land granted under that section,  
8 including any proceeds from the land, and make distribu-  
9 tions in accordance with subsections (a) and (b).”.

10           (b) MANAGEMENT AND DISTRIBUTION OF MORRILL  
11 ACT GRANTS.—The Act of July 2, 1862 (commonly  
12 known as the “First Morrill Act”) (7 U.S.C. 301 et seq.),  
13 is amended by adding at the end the following:

14 **“SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.**

15           “(a) EXPENSES.—Notwithstanding section 3, the  
16 State of North Dakota shall manage the land granted to  
17 the State under the first section, including any proceeds  
18 from the land, in accordance with this section.

19           “(b) DISPOSITION OF PROCEEDS.—Notwithstanding  
20 section 4, the State of North Dakota shall, with respect  
21 to any trust fund in which proceeds from the sale of land  
22 under this Act are deposited (referred to in this section  
23 as the ‘trust fund’)—

24                   “(1) deposit all revenues earned by a trust fund  
25           into the trust fund;

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1           “(2) deduct the costs of administering a trust  
2 fund from each trust fund; and

3           “(3) manage each trust fund to—

4                 “(A) preserve the purchasing power of the  
5 trust fund; and

6                 “(B) maintain stable distributions to trust  
7 fund beneficiaries.

8           “(c) DISTRIBUTIONS.—Notwithstanding section 4,  
9 any distributions from trust funds in the State of North  
10 Dakota shall be made in accordance with section 2 of arti-  
11 cle IX of the Constitution of the State of North Dakota.

12           “(d) MANAGEMENT.—Notwithstanding section 5, the  
13 State of North Dakota shall manage the land granted  
14 under the first section, including any proceeds from the  
15 land, in accordance with this section.”.

16           (c) CONSENT OF CONGRESS.—Effective July 1,  
17 2009, Congress consents to the amendments to the Con-  
18 stitution of North Dakota proposed by House Concurrent  
19 Resolution No. 3037 of the 59th Legislature of the State  
20 of North Dakota entitled “A concurrent resolution for the  
21 amendment of sections 1 and 2 of article IX of the Con-  
22 stitution of North Dakota, relating to distributions from  
23 and the management of the common schools trust fund  
24 and the trust funds of other educational or charitable in-  
25 stitutions; and to provide a contingent effective date” and

1 approved by the voters of the State of North Dakota on  
2 November 7, 2006.

3 **SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORA-**  
4 **TION AND IRRIGATION MITIGATION ACT OF**  
5 **2000.**

6 (a) **PRIORITY PROJECTS.**—Section 3(c)(3) of the  
7 Fisheries Restoration and Irrigation Mitigation Act of  
8 2000 (16 U.S.C. 777 note; Public Law 106–502) is  
9 amended by striking “\$5,000,000” and inserting  
10 “\$2,500,000”.

11 (b) **COST SHARING.**—Section 7(e) of Fisheries Res-  
12 toration and Irrigation Mitigation Act of 2000 (16 U.S.C.  
13 777 note; Public Law 106–502) is amended—

14 (1) by striking “The value” and inserting the  
15 following:

16 “(1) **IN GENERAL.**—The value”; and

17 (2) by adding at the end the following:

18 “(2) **BONNEVILLE POWER ADMINISTRATION.**—

19 “(A) **IN GENERAL.**—The Secretary may,  
20 without further appropriation and without fiscal  
21 year limitation, accept any amounts provided to  
22 the Secretary by the Administrator of the Bon-  
23 neville Power Administration.

24 “(B) **NON-FEDERAL SHARE.**—Any  
25 amounts provided by the Bonneville Power Ad-

1           ministration directly or through a grant to an-  
2           other entity for a project carried under the Pro-  
3           gram shall be credited toward the non-Federal  
4           share of the costs of the project.”.

5           (c) REPORT.—Section 9 of the Fisheries Restoration  
6 and Irrigation Mitigation Act of 2000 (16 U.S.C. 777  
7 note; Public Law 106–502) is amended—

8           (1) by inserting “any” before “amounts are  
9           made”; and

10           (2) by inserting after “Secretary shall” the fol-  
11           lowing: “, after partnering with local governmental  
12           entities and the States in the Pacific Ocean drainage  
13           area,”.

14           (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 10 of the Fisheries Restoration and Irrigation Mitigation  
16 Act of 2000 (16 U.S.C. 777 note; Public Law 106–502)  
17 is amended—

18           (1) in subsection (a), by striking “2001 through  
19           2005” and inserting “ 2009 through 2015”; and

20           (2) in subsection (b), by striking paragraph (2)  
21           and inserting the following:

22           “(2) ADMINISTRATIVE EXPENSES.—

23           “(A) DEFINITION OF ADMINISTRATIVE EX-  
24           PENSE.—In this paragraph, the term ‘adminis-  
25           trative expense’ means, except as provided in



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1                   retary, shall be provided to the Fed-  
2                   eral agency carrying out the Program.

3                   “(iii) STATE EXPENSES.—Amounts  
4                   made available to States for administrative  
5                   expenses under clause (i)—

6                   “(I) shall be divided evenly  
7                   among all States provided assistance  
8                   under the Program; and

9                   “(II) may be used by a State to  
10                  provide technical assistance relating to  
11                  the program, including any staffing  
12                  expenditures (including staff travel ex-  
13                  penses) associated with—

14                  “(aa) arranging meetings to  
15                  promote the Program to potential  
16                  applicants;

17                  “(bb) assisting applicants  
18                  with the preparation of applica-  
19                  tions for funding under the Pro-  
20                  gram; and

21                  “(cc) visiting construction  
22                  sites to provide technical assist-  
23                  ance, if requested by the appli-  
24                  cant.”.

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1 **SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS**  
2 **PIPELINE ACT.**

3 (a) ADMINISTRATION.—Section 106 of the Alaska  
4 Natural Gas Pipeline Act (15 U.S.C. 720d) is amended  
5 by adding at the end the following:

6 “(h) ADMINISTRATION.—

7 “(1) PERSONNEL APPOINTMENTS.—

8 “(A) IN GENERAL.—The Federal Coordi-  
9 nator may appoint and terminate such per-  
10 sonnel as the Federal Coordinator determines  
11 to be appropriate.

12 “(B) AUTHORITY OF FEDERAL COORDI-  
13 NATOR.—Personnel appointed by the Federal  
14 Coordinator under subparagraph (A) shall be  
15 appointed without regard to the provisions of  
16 title 5, United States Code, governing appoint-  
17 ments in the competitive service.

18 “(2) COMPENSATION.—

19 “(A) IN GENERAL.—Subject to subpara-  
20 graph (B), personnel appointed by the Federal  
21 Coordinator under paragraph (1)(A) shall be  
22 paid without regard to the provisions of chapter  
23 51 and subchapter III of chapter 53 of title 5,  
24 United States Code (relating to classification  
25 and General Schedule pay rates).

1           “(B) MAXIMUM LEVEL OF COMPENSA-  
2           TION.—The rate of pay for personnel appointed  
3           by the Federal Coordinator under paragraph  
4           (1)(A) shall not exceed the maximum level of  
5           rate payable for level III of the Executive  
6           Schedule.

7           “(C) APPLICABILITY OF SECTION 5941.—  
8           Section 5941 of title 5, United States Code,  
9           shall apply to personnel appointed by the Fed-  
10          eral Coordinator under paragraph (1)(A).

11          “(3) TEMPORARY SERVICES.—

12           “(A) IN GENERAL.—The Federal Coordi-  
13          nator may procure temporary and intermittent  
14          services in accordance with section 3109(b) of  
15          title 5, United States Code.

16           “(B) MAXIMUM LEVEL OF COMPENSA-  
17          TION.—The level of compensation of an indi-  
18          vidual employed on a temporary or intermittent  
19          basis under subparagraph (A) shall not exceed  
20          the maximum level of rate payable for level III  
21          of the Executive Schedule.

22          “(4) FEES, CHARGES, AND COMMISSIONS.—

23           “(A) IN GENERAL.—The Federal Coordi-  
24          nator shall have the authority to establish,  
25          change, and abolish reasonable filing and serv-



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1           ice fees, charges, and commissions, require de-  
2           posits of payments, and provide refunds as pro-  
3           vided to the Secretary of the Interior in section  
4           304 of the Federal Land Policy and Manage-  
5           ment Act of 1976 (43 U.S.C. 1734), except  
6           that the authority shall be with respect to the  
7           duties of the Federal Coordinator, as described  
8           in this Act.

9           “(B) AUTHORITY OF SECRETARY OF THE  
10          INTERIOR.—Subparagraph (A) shall not affect  
11          the authority of the Secretary of the Interior to  
12          establish, change, and abolish reasonable filing  
13          and service fees, charges, and commissions, re-  
14          quire deposits of payments, and provide refunds  
15          under section 304 of the Federal Land Policy  
16          and Management Act of 1976 (43 U.S.C.  
17          1734).

18          “(C) USE OF FUNDS.—The Federal Coor-  
19          dinator is authorized to use, without further ap-  
20          propriation, amounts collected under subpara-  
21          graph (A) to carry out this section.”.

22          (b) CLARIFICATION OF AUTHORITY.—Section 107(a)  
23          of the Alaska Natural Gas Pipeline Act (15 U.S.C.  
24          720e(a)) is amended by striking paragraph (3) and insert-  
25          ing the following:

1           “(3) the validity of any determination, permit,  
2 approval, authorization, review, or other related ac-  
3 tion taken under any provision of law relating to a  
4 gas transportation project constructed and operated  
5 in accordance with section 103, including—

6           “(A) subchapter II of chapter 5, and chap-  
7 ter 7, of title 5, United States Code (commonly  
8 known as the ‘Administrative Procedure Act’);

9           “(B) the Endangered Species Act of 1973  
10 (16 U.S.C. 1531 et seq.);

11           “(C) the National Environmental Policy  
12 Act of 1969 (42 U.S.C. 4321 et seq.);

13           “(D) the National Historic Preservation  
14 Act (16 U.S.C. 470 et seq.); and

15           “(E) the Alaska National Interest Lands  
16 Conservation Act (16 U.S.C. 3101 et seq.)”.

17 **SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DE-**  
18 **PARTMENT OF ENERGY.**

19           (a) IN GENERAL.—Section 203(a) of the Department  
20 of Energy Organization Act (42 U.S.C. 7133(a)) is  
21 amended in the first sentence by striking “7 Assistant  
22 Secretaries” and inserting “8 Assistant Secretaries”.

23           (b) CONFORMING AMENDMENT.—Section 5315 of  
24 title 5, United States Code, is amended by striking “As-

1 sistant Secretaries of Energy (7)” and inserting “Assist-  
2 ant Secretaries of Energy (8)”.

3 (c) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that leadership for missions of the Department of  
5 Energy relating to electricity delivery and reliability  
6 should be at the Assistant Secretary level.

7 **SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTI-  
8 TUTE.**

9 (a) DEFINITIONS.—In this section:

10 (1) INSTITUTE.—The term “Institute” means  
11 the Lovelace Respiratory Research Institute, a non-  
12 profit organization chartered under the laws of the  
13 State of New Mexico.

14 (2) MAP.—The term “map” means the map en-  
15 titled “Lovelace Respiratory Research Institute  
16 Land Conveyance” and dated March 18, 2008.

17 (3) SECRETARY CONCERNED.—The term “Sec-  
18 retary concerned” means—

19 (A) the Secretary of Energy, with respect  
20 to matters concerning the Department of En-  
21 ergy;

22 (B) the Secretary of the Interior, with re-  
23 spect to matters concerning the Department of  
24 the Interior; and

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1 (C) the Secretary of the Air Force, with  
2 respect to matters concerning the Department  
3 of the Air Force.

4 (4) SECRETARY OF ENERGY.—The term “Sec-  
5 retary of Energy” means the Secretary of Energy,  
6 acting through the Administrator for the National  
7 Nuclear Security Administration.

8 (b) CONVEYANCE OF LAND.—

9 (1) IN GENERAL.—Notwithstanding section  
10 120(h) of the Comprehensive Environmental Re-  
11 sponse, Compensation, and Liability Act of 1980 (42  
12 U.S.C. 9620(h)) and subject to valid existing rights  
13 and this section, the Secretary of Energy, in con-  
14 sultation with the Secretary of the Interior and the  
15 Secretary of the Air Force, may convey to the Insti-  
16 tute, on behalf of the United States, all right, title,  
17 and interest of the United States in and to the par-  
18 cel of land described in paragraph (2) for research,  
19 scientific, or educational use.

20 (2) DESCRIPTION OF LAND.—The parcel of  
21 land referred to in paragraph (1)—

22 (A) is the approximately 135 acres of land  
23 identified as “Parcel A” on the map;

24 (B) includes any improvements to the land  
25 described in subparagraph (A); and

1 (C) excludes any portion of the utility sys-  
2 tem and infrastructure reserved by the Sec-  
3 retary of the Air Force under paragraph (4).

4 (3) OTHER FEDERAL AGENCIES.—The Sec-  
5 retary of the Interior and the Secretary of the Air  
6 Force shall complete any real property actions, in-  
7 cluding the revocation of any Federal withdrawals of  
8 the parcel conveyed under paragraph (1) and the  
9 parcel described in subsection (c)(1), that are nec-  
10 essary to allow the Secretary of Energy to—

11 (A) convey the parcel under paragraph (1);

12 or

13 (B) transfer administrative jurisdiction  
14 under subsection (c).

15 (4) RESERVATION OF UTILITY INFRASTRUC-  
16 TURE AND ACCESS.—The Secretary of the Air Force  
17 may retain ownership and control of—

18 (A) any portions of the utility system and  
19 infrastructure located on the parcel conveyed  
20 under paragraph (1); and

21 (B) any rights of access determined to be  
22 necessary by the Secretary of the Air Force to  
23 operate and maintain the utilities on the parcel.

24 (5) RESTRICTIONS ON USE.—

1           (A) AUTHORIZED USES.—The Institute  
2 shall allow only research, scientific, or edu-  
3 cational uses of the parcel conveyed under para-  
4 graph (1).

5           (B) REVERSION.—

6           (i) IN GENERAL.—If, at any time, the  
7 Secretary of Energy, in consultation with  
8 the Secretary of the Air Force, determines,  
9 in accordance with clause (ii), that the par-  
10 cel conveyed under paragraph (1) is not  
11 being used for a purpose described in sub-  
12 paragraph (A)—

13           (I) all right, title, and interest in  
14 and to the entire parcel, or any por-  
15 tion of the parcel not being used for  
16 the purposes, shall revert, at the op-  
17 tion of the Secretary, to the United  
18 States; and

19           (II) the United States shall have  
20 the right of immediate entry onto the  
21 parcel.

22           (ii) REQUIREMENTS FOR DETERMINA-  
23 TION.—Any determination of the Secretary  
24 under clause (i) shall be made on the

1 record and after an opportunity for a hear-  
2 ing.

3 (6) COSTS.—

4 (A) IN GENERAL.—The Secretary of En-  
5 ergy shall require the Institute to pay, or reim-  
6 burse the Secretary concerned, for any costs in-  
7 curred by the Secretary concerned in carrying  
8 out the conveyance under paragraph (1), in-  
9 cluding any survey costs related to the convey-  
10 ance.

11 (B) REFUND.—If the Secretary concerned  
12 collects amounts under subparagraph (A) from  
13 the Institute before the Secretary concerned in-  
14 curs the actual costs, and the amount collected  
15 exceeds the actual costs incurred by the Sec-  
16 retary concerned to carry out the conveyance,  
17 the Secretary concerned shall refund to the In-  
18 stitute an amount equal to difference between—

19 (i) the amount collected by the Sec-  
20 retary concerned; and

21 (ii) the actual costs incurred by the  
22 Secretary concerned.

23 (C) DEPOSIT IN FUND.—

24 (i) IN GENERAL.—Amounts received  
25 by the United States under this paragraph

1 as a reimbursement or recovery of costs in-  
2 curred by the Secretary concerned to carry  
3 out the conveyance under paragraph (1)  
4 shall be deposited in the fund or account  
5 that was used to cover the costs incurred  
6 by the Secretary concerned in carrying out  
7 the conveyance.

8 (ii) USE.—Any amounts deposited  
9 under clause (i) shall be available for the  
10 same purposes, and subject to the same  
11 conditions and limitations, as any other  
12 amounts in the fund or account.

13 (7) CONTAMINATED LAND.—In consideration  
14 for the conveyance of the parcel under paragraph  
15 (1), the Institute shall—

16 (A) take fee title to the parcel and any im-  
17 provements to the parcel, as contaminated;

18 (B) be responsible for undertaking and  
19 completing all environmental remediation re-  
20 quired at, in, under, from, or on the parcel for  
21 all environmental conditions relating to or aris-  
22 ing from the release or threat of release of  
23 waste material, substances, or constituents, in  
24 the same manner and to the same extent as re-  
25 quired by law applicable to privately owned fa-



1           ilities, regardless of the date of the contamina-  
2           tion or the responsible party;

3           (C) indemnify the United States for—

4                 (i) any environmental remediation or  
5                 response costs the United States reason-  
6                 ably incurs if the Institute fails to reme-  
7                 diate the parcel; or

8                 (ii) contamination at, in, under, from,  
9                 or on the land, for all environmental condi-  
10                tions relating to or arising from the release  
11                or threat of release of waste material, sub-  
12                stances, or constituents;

13           (D) indemnify, defend, and hold harmless  
14           the United States from any damages, costs, ex-  
15           penses, liabilities, fines, penalties, claim, or de-  
16           mand for loss, including claims for property  
17           damage, personal injury, or death resulting  
18           from releases, discharges, emissions, spills, stor-  
19           age, disposal, or any other acts or omissions by  
20           the Institute and any officers, agents, employ-  
21           ees, contractors, sublessees, licensees, succes-  
22           sors, assigns, or invitees of the Institute arising  
23           from activities conducted, on or after October 1,  
24           1996, on the parcel conveyed under paragraph  
25           (1); and

1           (E) reimburse the United States for all  
2           legal and attorney fees, costs, and expenses in-  
3           curred in association with the defense of any  
4           claims described in subparagraph (D).

5           (8) CONTINGENT ENVIRONMENTAL RESPONSE  
6           OBLIGATIONS.—If the Institute does not undertake  
7           or complete environmental remediation as required  
8           by paragraph (7) and the United States is required  
9           to assume the responsibilities of the remediation, the  
10          Secretary of Energy shall be responsible for con-  
11          ducting any necessary environmental remediation or  
12          response actions with respect to the parcel conveyed  
13          under paragraph (1).

14          (9) NO ADDITIONAL COMPENSATION.—Except  
15          as otherwise provided in this section, no additional  
16          consideration shall be required for conveyance of the  
17          parcel to the Institute under paragraph (1).

18          (10) ACCESS AND UTILITIES.—On conveyance  
19          of the parcel under paragraph (1), the Secretary of  
20          the Air Force shall, on behalf of the United States  
21          and subject to any terms and conditions as the Sec-  
22          retary determines to be necessary (including condi-  
23          tions providing for the reimbursement of costs), pro-  
24          vide the Institute with—

1           (A) access for employees and invitees of  
2           the Institute across Kirtland Air Force Base to  
3           the parcel conveyed under that paragraph; and

4           (B) access to utility services for the land  
5           and any improvements to the land conveyed  
6           under that paragraph.

7           (11) ADDITIONAL TERM AND CONDITIONS.—

8           The Secretary of Energy, in consultation with the  
9           Secretary of the Interior and Secretary of the Air  
10          Force, may require any additional terms and condi-  
11          tions for the conveyance under paragraph (1) that  
12          the Secretaries determine to be appropriate to pro-  
13          tect the interests of the United States.

14          (c) TRANSFER OF ADMINISTRATIVE JURISDIC-  
15          TION.—

16          (1) IN GENERAL.—After the conveyance under  
17          subsection (b)(1) has been completed, the Secretary  
18          of Energy shall, on request of the Secretary of the  
19          Air Force, transfer to the Secretary of the Air Force  
20          administrative jurisdiction over the parcel of ap-  
21          proximately 7 acres of land identified as “Parcel B”  
22          on the map, including any improvements to the par-  
23          cel.

24          (2) REMOVAL OF IMPROVEMENTS.—In concur-  
25          rence with the transfer under paragraph (1), the

1 Secretary of Energy shall, on request of the Sec-  
2 retary of the Air Force, arrange and pay for removal  
3 of any improvements to the parcel transferred under  
4 that paragraph.

5 **SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NA-**  
6 **TIONAL TROPICAL BOTANICAL GARDEN.**

7 Chapter 1535 of title 36, United States Code, is  
8 amended by adding at the end the following:

9 **“§ 153514. Authorization of appropriations**

10 “(a) IN GENERAL.—Subject to subsection (b), there  
11 is authorized to be appropriated to the corporation for op-  
12 eration and maintenance expenses \$500,000 for each of  
13 fiscal years 2008 through 2017.

14 “(b) LIMITATION.—Any Federal funds made avail-  
15 able under subsection (a) shall be matched on a 1-to-1  
16 basis by non-Federal funds.”.

17 **TITLE XIV—CHRISTOPHER AND**  
18 **DANA REEVE PARALYSIS ACT**

19 **SEC. 14001. SHORT TITLE.**

20 This title may be cited as the “Christopher and Dana  
21 Reeve Paralysis Act”.

1       **Subtitle A—Paralysis Research**

2       **SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF**  
3                   **HEALTH WITH RESPECT TO RESEARCH ON**  
4                   **PARALYSIS.**

5           (a) COORDINATION.—The Director of the National  
6 Institutes of Health (referred to in this title as the “Direc-  
7 tor”), pursuant to the general authority of the Director,  
8 may develop mechanisms to coordinate the paralysis re-  
9 search and rehabilitation activities of the Institutes and  
10 Centers of the National Institutes of Health in order to  
11 further advance such activities and avoid duplication of  
12 activities.

13           (b) CHRISTOPHER AND DANA REEVE PARALYSIS RE-  
14 SEARCH CONSORTIA.—

15           (1) IN GENERAL.—The Director may make  
16 awards of grants to public or private entities to pay  
17 all or part of the cost of planning, establishing, im-  
18 proving, and providing basic operating support for  
19 consortia in paralysis research. The Director shall  
20 designate each consortium funded through such  
21 grants as a Christopher and Dana Reeve Paralysis  
22 Research Consortium.

23           (2) RESEARCH.—Each consortium under para-  
24 graph (1)—

1 (A) may conduct basic, translational, and  
2 clinical paralysis research;

3 (B) may focus on advancing treatments  
4 and developing therapies in paralysis research;

5 (C) may focus on one or more forms of pa-  
6 ralysis that result from central nervous system  
7 trauma or stroke;

8 (D) may facilitate and enhance the dis-  
9 semination of clinical and scientific findings;  
10 and

11 (E) may replicate the findings of consortia  
12 members or other researchers for scientific and  
13 translational purposes.

14 (3) COORDINATION OF CONSORTIA; REPORTS.—

15 The Director may, as appropriate, provide for the  
16 coordination of information among consortia under  
17 paragraph (1) and ensure regular communication  
18 among members of the consortia, and may require  
19 the periodic preparation of reports on the activities  
20 of the consortia and the submission of the reports to  
21 the Director.

22 (4) ORGANIZATION OF CONSORTIA.—Each con-  
23 sortium under paragraph (1) may use the facilities  
24 of a single lead institution, or be formed from sev-

1       eral cooperating institutions, meeting such require-  
2       ments as may be prescribed by the Director.

3       (c) PUBLIC INPUT.—The Director may provide for a  
4       mechanism to educate and disseminate information on the  
5       existing and planned programs and research activities of  
6       the National Institutes of Health with respect to paralysis  
7       and through which the Director can receive comments  
8       from the public regarding such programs and activities.

9                                   **Subtitle B—Paralysis**  
10       **Rehabilitation Research and Care**

11       **SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF**  
12                                   **HEALTH WITH RESPECT TO RESEARCH WITH**  
13                                   **IMPLICATIONS FOR ENHANCING DAILY FUNC-**  
14                                   **TION FOR PERSONS WITH PARALYSIS.**

15       (a) IN GENERAL.—The Director, pursuant to the  
16       general authority of the Director, may make awards of  
17       grants to public or private entities to pay all or part of  
18       the costs of planning, establishing, improving, and pro-  
19       viding basic operating support to multicenter networks of  
20       clinical sites that will collaborate to design clinical reha-  
21       bilitation intervention protocols and measures of outcomes  
22       on one or more forms of paralysis that result from central  
23       nervous system trauma, disorders, or stroke, or any com-  
24       bination of such conditions.

1 (b) RESEARCH.—A multicenter network of clinical  
2 sites funded through this section may—

3 (1) focus on areas of key scientific concern, in-  
4 cluding—

5 (A) improving functional mobility;

6 (B) promoting behavioral adaptation to  
7 functional losses, especially to prevent sec-  
8 ondary complications;

9 (C) assessing the efficacy and outcomes of  
10 medical rehabilitation therapies and practices  
11 and assisting technologies;

12 (D) developing improved assistive tech-  
13 nology to improve function and independence;  
14 and

15 (E) understanding whole body system re-  
16 sponses to physical impairments, disabilities,  
17 and societal and functional limitations; and

18 (2) replicate the findings of network members  
19 or other researchers for scientific and translation  
20 purposes.

21 (c) COORDINATION OF CLINICAL TRIALS NETWORKS;  
22 REPORTS.—The Director may, as appropriate, provide for  
23 the coordination of information among networks funded  
24 through this section and ensure regular communication  
25 among members of the networks, and may require the



1 periodic preparation of reports on the activities of the net-  
2 works and submission of reports to the Director.

3 **Subtitle C—Improving Quality of**  
4 **Life for Persons With Paralysis**  
5 **and Other Physical Disabilities**

6 **SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR**  
7 **PERSONS WITH PARALYSIS AND OTHER**  
8 **PHYSICAL DISABILITIES.**

9 (a) IN GENERAL.—The Secretary of Health and  
10 Human Services (in this subtitle referred to as the “Sec-  
11 retary”) may study the unique health challenges associ-  
12 ated with paralysis and other physical disabilities and  
13 carry out projects and interventions to improve the quality  
14 of life and long-term health status of persons with paral-  
15 ysis and other physical disabilities. The Secretary may  
16 carry out such projects directly and through awards of  
17 grants or contracts.

18 (b) CERTAIN ACTIVITIES.—Activities under sub-  
19 section (a) may include—

20 (1) the development of a national paralysis and  
21 physical disability quality of life action plan, to pro-  
22 mote health and wellness in order to enhance full  
23 participation, independent living, self-sufficiency,  
24 and equality of opportunity in partnership with vol-  
25 untary health agencies focused on paralysis and

1 other physical disabilities, to be carried out in co-  
2 ordination with the State-based Disability and  
3 Health Program of the Centers for Disease Control  
4 and Prevention;

5 (2) support for programs to disseminate infor-  
6 mation involving care and rehabilitation options and  
7 quality of life grant programs supportive of commu-  
8 nity-based programs and support systems for per-  
9 sons with paralysis and other physical disabilities;

10 (3) in collaboration with other centers and na-  
11 tional voluntary health agencies, the establishment  
12 of a population-based database that may be used for  
13 longitudinal and other research on paralysis and  
14 other disabling conditions; and

15 (4) the replication and translation of best prac-  
16 tices and the sharing of information across States,  
17 as well as the development of comprehensive, unique,  
18 and innovative programs, services, and demonstra-  
19 tions within existing State-based disability and  
20 health programs of the Centers for Disease Control  
21 and Prevention which are designed to support and  
22 advance quality of life programs for persons living  
23 with paralysis and other physical disabilities focus-  
24 ing on—

25 (A) caregiver education;

1 (B) promoting proper nutrition, increasing  
2 physical activity, and reducing tobacco use;

3 (C) education and awareness programs for  
4 health care providers;

5 (D) prevention of secondary complications;

6 (E) home- and community-based interven-  
7 tions;

8 (F) coordinating services and removing  
9 barriers that prevent full participation and inte-  
10 gration into the community; and

11 (G) recognizing the unique needs of under-  
12 served populations.

13 (c) GRANTS.—The Secretary may award grants in ac-  
14 cordance with the following:

15 (1) To State and local health and disability  
16 agencies for the purpose of—

17 (A) establishing a population-based data-  
18 base that may be used for longitudinal and  
19 other research on paralysis and other disabling  
20 conditions;

21 (B) developing comprehensive paralysis  
22 and other physical disability action plans and  
23 activities focused on the items listed in sub-  
24 section (b)(4);

1 (C) assisting State-based programs in es-  
2 tablishing and implementing partnerships and  
3 collaborations that maximize the input and sup-  
4 port of people with paralysis and other physical  
5 disabilities and their constituent organizations;

6 (D) coordinating paralysis and physical  
7 disability activities with existing State-based  
8 disability and health programs;

9 (E) providing education and training op-  
10 portunities and programs for health profes-  
11 sionals and allied caregivers; and

12 (F) developing, testing, evaluating, and  
13 replicating effective intervention programs to  
14 maintain or improve health and quality of life.

15 (2) To private health and disability organiza-  
16 tions for the purpose of—

17 (A) disseminating information to the pub-  
18 lic;

19 (B) improving access to services for per-  
20 sons living with paralysis and other physical  
21 disabilities and their caregivers;

22 (C) testing model intervention programs to  
23 improve health and quality of life; and

24 (D) coordinating existing services with  
25 State-based disability and health programs.

1 (d) COORDINATION OF ACTIVITIES.—The Secretary  
2 shall ensure that activities under this section are coordi-  
3 nated as appropriate by the agencies of the Department  
4 of Health and Human Services.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—For the  
6 purpose of carrying out this section, there is authorized  
7 to be appropriated \$25,000,000 for each of fiscal years  
8 2008 through 2011.

9 **TITLE XV—SMITHSONIAN INSTI-**  
10 **TUTION FACILITIES AUTHOR-**  
11 **IZATION**

12 **SEC. 15101. LABORATORY AND SUPPORT SPACE,**  
13 **EDGEWATER, MARYLAND.**

14 (a) AUTHORITY TO DESIGN AND CONSTRUCT.—The  
15 Board of Regents of the Smithsonian Institution is au-  
16 thorized to design and construct laboratory and support  
17 space to accommodate the Mathias Laboratory at the  
18 Smithsonian Environmental Research Center in  
19 Edgewater, Maryland.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to carry out this section a  
22 total of \$41,000,000 for fiscal years 2009 through 2011.  
23 Such sums shall remain available until expended.

1 **SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.**

2 (a) **AUTHORITY TO CONSTRUCT.**—The Board of Re-  
3 gents of the Smithsonian Institution is authorized to con-  
4 struct laboratory space to accommodate the terrestrial re-  
5 search program of the Smithsonian tropical research insti-  
6 tute in Gamboa, Panama.

7 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
8 authorized to be appropriated to carry out this section a  
9 total of \$14,000,000 for fiscal years 2009 and 2010. Such  
10 sums shall remain available until expended.

11 **SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.**

12 (a) **IN GENERAL.**—The Board of Regents of the  
13 Smithsonian Institution is authorized to construct a  
14 greenhouse facility at its museum support facility in  
15 Suitland, Maryland, to maintain the horticultural oper-  
16 ations of, and preserve the orchid collection held in trust  
17 by, the Smithsonian Institution.

18 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
19 authorized to be appropriated \$12,000,000 to carry out  
20 this section. Such sums shall remain available until ex-  
21 pended.