

106TH CONGRESS  
2D SESSION

# H. R. 4828

To designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2000

Mr. WALDEN of Oregon (for himself and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, 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; PURPOSES; TABLE OF CON-**  
4       **TENTS.**

5       (a) **SHORT TITLE.**—This Act may be cited as the  
6       “Steens Mountain Wilderness Act of 2000”.

7       (b) **PURPOSES.**—The purposes of this Act are the fol-  
8       lowing:

1           (1) To designate six wilderness areas and the  
2 Steens Mountain Cooperative Management and Pro-  
3 tection Area in Harney County, Oregon.

4           (2) To provide for the acquisition of private  
5 lands through exchange for inclusion in the wilder-  
6 ness areas and the Cooperative Management and  
7 Protection Area.

8           (3) To provide for and expand cooperative man-  
9 agement activities between public and private land-  
10 owners in the vicinity of the wilderness areas and  
11 surrounding lands.

12           (4) To authorize the purchase of land and de-  
13 velopment and nondevelopment rights.

14           (5) To designate additional components of the  
15 National Wild and Scenic Rivers System.

16           (6) To support efforts to preserve the Redband  
17 Trout and the Hammond fir grove.

18           (7) To establish a citizens' management advi-  
19 sory council for the Cooperative Management and  
20 Protection Area.

21           (8) To provide for the management of the Co-  
22 operative Management and Protection Area to  
23 ensure—

1           (A) the conservation, protection, and im-  
2           proved management of the ecological, social and  
3           economic environment of the area;

4           (B) the protection of geological, biological,  
5           wildlife, riparian and scenic resources, North  
6           American Indian tribal and cultural and archae-  
7           ological resource sites, and additional cultural  
8           and historic sites; and

9           (C) the recognition and promotion of cur-  
10          rent and historic recreation use.

11          (9) To maintain and enhance cooperative and  
12          innovative management practices between the public  
13          and private land managers in the Cooperative Man-  
14          agement and Protection Area.

15          (10) To maintain the viability of grazing and  
16          recreation operations on private and public land in  
17          the Cooperative Management and Protection Area.

18          (11) To conserve, protect, and manage the  
19          long-term ecological health and functioning water-  
20          sheds of Steens Mountain.

21          (12) To authorize only such uses on Federal  
22          lands in the Cooperative Management and Protec-  
23          tion Area that are consistent with the purposes of  
24          this Act.

1           (c) TABLE OF CONTENTS.—The table of contents of  
2 this Act is as follows:

- Sec. 1. Short title; purposes; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Maps and legal descriptions.
- Sec. 4. Valid existing rights.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND  
PROTECTION AREA.

Subtitle A—Designation and Purposes

- Sec. 101. Designation of Cooperative Management and Protection Area.
- Sec. 102. Objectives of Cooperative Management and Protection Area.

Subtitle B—Management of Federal Lands

- Sec. 111. Management authorities and purposes.
- Sec. 112. Roads and travel access.
- Sec. 113. Land use authorities.
- Sec. 114. Land acquisition authority.

Subtitle C—Cooperative Management

- Sec. 121. Cooperative management projects.
- Sec. 122. Cooperative efforts to control development on non-Federal lands.

Subtitle D—Advisory Council

- Sec. 131. Establishment of advisory council.
- Sec. 132. Advisory role in management activities.
- Sec. 133. Science committee.

TITLE II—STEENS MOUNTAIN WILDERNESS AREAS

- Sec. 201. Designation of wilderness areas, Harney County, Oregon.
- Sec. 202. Administration of wilderness areas.
- Sec. 203. Water rights.
- Sec. 204. Treatment of other wilderness study areas.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

- Sec. 301. Designation of streams for wild and scenic river status in Steens Mountain area.
- Sec. 302. Donner und Blitzen River redband trout reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

- Sec. 401. Designation of mineral withdrawal area.
- Sec. 402. Treatment of State lands and mineral interests.

TITLE V—PROTECTION OF FIR GROVE

- Sec. 501. Fir grove management area and reserve.

TITLE VI—LAND EXCHANGES

- Sec. 601. Land exchange, Roaring Springs Ranch.  
 Sec. 602. Land exchanges, Kiger Gorge.  
 Sec. 603. Land exchange, Scharff Estate inholding.  
 Sec. 604. Land exchange, Tom J. Davis Livestock, Incorporated.  
 Sec. 605. Land exchange, Hammond Ranch.  
 Sec. 606. Land exchange, John and Cindy Witzel.  
 Sec. 607. General provisions applicable to land exchanges.

#### TITLE VII—FUNDING AUTHORITIES

- Sec. 701. Authorization of appropriations.  
 Sec. 702. Use of land and water conservation fund.

#### TITLE VIII—CONDITIONAL IMPLEMENTATION OF ACT

- Sec. 801. Implementation conditioned on completion of certain exchanges.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADVISORY COUNCIL.**—The term “advisory  
 4 council” means the Steens Mountain Advisory Coun-  
 5 cil established by title IV.

6 (2) **COOPERATIVE MANAGEMENT AND PROTEC-**  
 7 **TION AREA.**—The term “Cooperative Management  
 8 and Protection Area” means the Steens Mountain  
 9 Cooperative Management and Protection Area des-  
 10 ignated by title I.

11 (3) **COOPERATIVE MANAGEMENT PROGRAM.**—  
 12 The term “cooperative management program”  
 13 means the cooperative management program carried  
 14 out in the Cooperative Management and Protection  
 15 Area pursuant to section 121.

16 (4) **MANAGEMENT PLAN.**—The term “manage-  
 17 ment plan” means the management plan for the Co-  
 18 operative Management and Protection Area and the

1 wilderness areas required to be prepared by section  
2 111(b).

3 (5) NONDEVELOPMENT EASEMENT.—The term  
4 “nondevelopment easement” means a binding con-  
5 tractual agreement between the Secretary and a  
6 landowner in the Cooperative Management and Pro-  
7 tection Area to prevent or restrict development on  
8 the land covered by the easement permanently or  
9 during a time period specified in the agreement.

10 (6) REDBAND TROUT RESERVE.—The term  
11 “Redband Trout Reserve” means the Donner und  
12 Blitzen Redband Trout Reserve designated by sec-  
13 tion 302.

14 (7) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Interior, acting through the Bu-  
16 reau of Land Management.

17 (8) SCIENCE COMMITTEE.—The term “science  
18 committee” means the committee of independent sci-  
19 entists appointed under section 133.

20 (9) WILDERNESS AREA.—The term “wilderness  
21 area” means any of the wilderness areas in the vi-  
22 cinity of Steens Mountain in the State of Oregon  
23 designated by title II.

1 **SEC. 3. MAPS AND LEGAL DESCRIPTIONS.**

2 (a) PREPARATION AND SUBMISSION.—As soon as  
3 practicable after the date of the enactment of this Act,  
4 the Secretary shall prepare and submit to Congress maps  
5 and legal descriptions of the following:

6 (1) The Cooperative Management and Protec-  
7 tion Area.

8 (2) The wilderness areas.

9 (3) The wild and scenic river segments and  
10 redband trout reserve designated by title III.

11 (4) The mineral withdrawal area designated by  
12 title IV.

13 (5) The fir grove management area and reserve  
14 designated by title V.

15 (6) The land exchanges required by title VI.

16 (b) LEGAL EFFECT AND CORRECTION.—The maps  
17 and legal descriptions referred to in subsection (a) shall  
18 have the same force and effect as if included in this Act,  
19 except the Secretary may correct clerical and typo-  
20 graphical errors in such maps and legal descriptions.

21 (c) PUBLIC AVAILABILITY.—Copies of the maps and  
22 legal descriptions referred to in subsection (a) shall be on  
23 file and available for public inspection in the Office of the  
24 Director of the Bureau of Land Management and in the  
25 appropriate office of the Bureau of Land Management in  
26 the State of Oregon.

1 **SEC. 4. VALID EXISTING RIGHTS.**

2 Nothing in this Act shall effect any valid existing  
3 right.

4 **TITLE I—STEENS MOUNTAIN CO-**  
5 **OPERATIVE MANAGEMENT**  
6 **AND PROTECTION AREA.**

7 **Subtitle A—Designation and**  
8 **Purposes**

9 **SEC. 101. DESIGNATION OF COOPERATIVE MANAGEMENT**  
10 **AND PROTECTION AREA.**

11 Subject to section 801, the Secretary shall designate  
12 the Steens Mountain Cooperative Management and Pro-  
13 tection Area consisting of approximately 500,000 acres of  
14 Federal land located in Harney County, Oregon, in the  
15 vicinity of Steens Mountain, as generally depicted on the  
16 map entitled Steens Mountain Cooperative Management  
17 and Protection Area and dated \_\_\_\_\_, 2000.

18 **SEC. 102. OBJECTIVES OF COOPERATIVE MANAGEMENT**  
19 **AND PROTECTION AREA.**

20 The objectives for which the Cooperative Manage-  
21 ment and Protection Area is designated are as follows:

22 (1) To maintain and enhance cooperative and  
23 innovative management practices between the public  
24 and private land managers in the Cooperative Man-  
25 agement and Protection Area.

1           (2) To maintain the viability of grazing and  
2 recreation operations on private and public lands in  
3 the Cooperative Management and Protection Area.

4           (3) To conserve, protect, and manage the long-  
5 term ecological health and functioning watersheds of  
6 Steens Mountain.

## 7 **Subtitle B—Management of Federal** 8 **Lands**

### 9 **SEC. 111. MANAGEMENT AUTHORITIES AND PURPOSES.**

10       (a) IN GENERAL.—The Secretary shall manage all  
11 Federal lands included in the Cooperative Management  
12 and Protection Area pursuant to the Federal Land Policy  
13 and Management Act of 1976 (43 U.S.C. 1701 et seq.)  
14 and other applicable provisions of law, including this Act,  
15 in a manner that—

16           (1) ensures the conservation, protection, and  
17 improved management of the ecological, social and  
18 economic environment of the Cooperative Manage-  
19 ment and Protection Area, including geological, bio-  
20 logical, wildlife, riparian, and scenic resources,  
21 North American Indian tribal and cultural and ar-  
22 chaeological resource sites, and additional cultural  
23 and historic sites; and

24           (2) recognizes and promotes current and his-  
25 toric recreational use.

1 (b) MANAGEMENT PLAN.—Within four years after  
2 the date of the enactment of this Act, the Secretary shall  
3 develop a comprehensive plan for the long-range protection  
4 and management of the Federal lands included in the Co-  
5 operative Management and Protection Area, including the  
6 wilderness areas. The plan shall—

7 (1) describe the appropriate uses and manage-  
8 ment of the Cooperative Management and Protection  
9 Area consistent with this Act;

10 (2) incorporate, as appropriate, decisions con-  
11 tained in any current or future management or ac-  
12 tivity plan for the Cooperative Management and  
13 Protection Area and use information developed in  
14 previous studies of the lands within or adjacent to  
15 the Cooperative Management and Protection Area;  
16 and

17 (3) provide for coordination with State, county,  
18 and private local landowners.

19 **SEC. 112. ROADS AND TRAVEL ACCESS.**

20 (a) TRANSPORTATION PLAN.—The management plan  
21 shall include, as an integral part, a comprehensive trans-  
22 portation plan for the Federal lands included in the Coop-  
23 erative Management and Protection Area, which shall ad-  
24 dress the maintenance, improvement, and closure of roads  
25 and trails as well as travel access.

1 (b) PROHIBITION ON OFF-ROAD MOTORIZED TRAV-  
2 EL.—

3 (1) PROHIBITION.—The use of motorized or  
4 mechanized vehicles on Federal lands included in the  
5 Cooperative Management and Protection Area—

6 (A) is prohibited off road; and

7 (B) is limited to such roads and trails as  
8 may be designated for their use as part of the  
9 management plan.

10 (2) EXCEPTIONS.—Paragraph (1) does not pro-  
11 hibit the use of motorized or mechanized vehicles on  
12 Federal lands included in the Cooperative Manage-  
13 ment and Protection Area if the Secretary deter-  
14 mines that such use—

15 (A) is needed for administrative purposes  
16 or to respond to an emergency; or

17 (B) is appropriate for the construction or  
18 maintenance of agricultural facilities, fish and  
19 wildlife management, or ecological restoration  
20 projects, except in areas designated as wilder-  
21 ness or managed under the provisions of section  
22 603(c) of the Federal Land Policy and Manage-  
23 ment Act of 1976 (43 U.S.C. 1782).

24 (c) PROHIBITION ON NEW CONSTRUCTION.—

1           (1) PROHIBITION, EXCEPTION.—No new road  
2 or trail for motorized or mechanized vehicles may be  
3 constructed on Federal lands in the Cooperative  
4 Management and Protection Area unless the Sec-  
5 retary determines that the road or trail is necessary  
6 for public safety or protection of the environment.  
7 Any determination under this subsection shall be  
8 made in consultation with the advisory council.

9           (2) TRAILS.—Nothing in this subsection is in-  
10 tended to limit the authority of the Secretary to con-  
11 struct or maintain trails for nonmotorized or non-  
12 mechanized use.

13       (d) ACCESS TO NONFEDERALLY OWNED LANDS.—

14           (1) REASONABLE ACCESS.—The Secretary shall  
15 provide reasonable access to nonfederally owned  
16 lands or interests in land within the boundaries of  
17 the Cooperative Management and Protection Area  
18 and the wilderness areas to provide the owner of the  
19 land or interest the reasonable use thereof.

20           (2) EFFECT ON EXISTING RIGHTS-OF WAY.—  
21 Nothing in this Act shall have the effect of termi-  
22 nating any valid existing right-of-way on Federal  
23 lands included in the Cooperative Management and  
24 Protection Area.

1 **SEC. 113. LAND USE AUTHORITIES.**

2 (a) IN GENERAL.—The Secretary shall allow only  
3 such uses of the Federal lands included in the Cooperative  
4 Management and Protection Area as the Secretary finds  
5 will further the purposes for which the Cooperative Man-  
6 agement and Protection Area is established.

7 (b) COMMERCIAL TIMBER.—

8 (1) PROHIBITION.—The Federal lands included  
9 in the Cooperative Management and Protection Area  
10 shall not be made available for commercial timber  
11 harvest.

12 (2) LIMITED EXCEPTION.—The Secretary may  
13 authorize the removal of trees from Federal lands  
14 included in the Cooperative Management and Pro-  
15 tection Area only if the Secretary determines that  
16 the removal is clearly needed for purposes of ecologi-  
17 cal restoration and maintenance or for public safety.  
18 The Secretary may authorize the sale of forest prod-  
19 ucts resulting from the authorized removal of trees  
20 under this paragraph.

21 (3) SPECIAL RULE FOR JUNIPER SPECIES.—  
22 The Secretary may not permit management of juni-  
23 per species with mechanized tools unless the Sec-  
24 retary first considers nonmechanized treatments and  
25 the recommendations of the science committee and  
26 the advisory council.

1 (c) HUNTING, FISHING AND TRAPPING.—

2 (1) AUTHORIZATION.—The Secretary shall per-  
3 mit hunting, fishing, and trapping on Federal lands  
4 included in the Cooperative Management and Pro-  
5 tection Area in accordance with applicable laws and  
6 regulations of the United States and the State of  
7 Oregon.

8 (2) AREA AND TIME LIMITATIONS.—After con-  
9 sultation with the Oregon Department of Fish and  
10 Wildlife, the Secretary may designate zones where,  
11 and establish periods when, hunting, trapping or  
12 fishing is prohibited on Federal lands included in the  
13 Cooperative Management and Protection Area for  
14 reasons of public safety, administration, or public  
15 use and enjoyment.

16 (d) GRAZING.—

17 (1) CONTINUATION OF EXISTING LAW.—Except  
18 as otherwise provided in this Act, the laws, regula-  
19 tions, and executive orders otherwise applicable to  
20 the Bureau of Land Management in issuing and ad-  
21 ministering grazing leases and permits on lands  
22 under its jurisdiction shall apply in regard to the  
23 Federal lands included in the Cooperative Manage-  
24 ment and Protection Area.

## 1 (2) CANCELLATION OF CERTAIN PERMITS.—

2 The Secretary shall cancel that portion of the per-  
3 mitted grazing on Federal lands in the Lowther and  
4 Roaring Springs allotments located within the area  
5 designated on the map referred to in section 101 as  
6 the “no livestock grazing area”. Upon cancellation,  
7 future grazing use in that designated area is prohib-  
8 ited. The Secretary shall seek suitable forage else-  
9 where for the grazing permittees whose permits are  
10 canceled under this paragraph.

## 11 (e) PROHIBITION ON CONSTRUCTION OF FACILI-

12 TIES.—No new facilities may be constructed on Federal  
13 lands included in the Cooperative Management and Pro-  
14 tection Area unless the Secretary determines that the  
15 structure is necessary—

16 (1) for enhancing botanical, fish, wildlife, or  
17 watershed conditions; or

18 (2) for public information, health, or safety.

19 **SEC. 114. LAND ACQUISITION AUTHORITY.**

## 20 (a) ACQUISITION.—

21 (1) ACQUISITION AUTHORIZED.—In addition to  
22 the land acquisitions authorized by title VI, the Sec-  
23 retary may acquire other non-Federal lands and in-  
24 terests in lands located within the boundaries of the

1 Cooperative Management and Protection Area or the  
2 wilderness areas.

3 (2) ACQUISITION METHODS.—Lands may be ac-  
4 quired under this subsection only by voluntary ex-  
5 change, donation, or purchase from willing sellers.

6 (b) TREATMENT OF ACQUIRED LANDS.—

7 (1) IN GENERAL.—Upon acquisition under sub-  
8 section (a), lands or interests in lands acquired with-  
9 in the boundaries of the Cooperative Management  
10 and Protection Area shall—

11 (A) become part of the Cooperative Man-  
12 agement and Protection Area; and

13 (B) be managed pursuant to the laws ap-  
14 plicable to the Cooperative Management and  
15 Protection Area.

16 (2) LANDS WITHIN WILDERNESS AREA.—If the  
17 acquired lands or interests in lands are also within  
18 the boundaries of a wilderness area, the lands or in-  
19 terests in lands shall—

20 (1) become part of the wilderness area; and

21 (2) be managed pursuant to title II and the  
22 other laws applicable to the wilderness area.

23 (c) APPRAISAL.—In appraising non-Federal land, de-  
24 velopment rights, or conservation easements for possible  
25 acquisition under this section or section 122, the Secretary

1 shall disregard any adverse impacts on values resulting  
2 from the designation of the Cooperative Management and  
3 Protection Area or the wilderness areas.

4 (d) LIMITATION ON DISPOSAL.—The Secretary may  
5 not dispose of Federal land in the Cooperative Manage-  
6 ment and Protection Area unless—

7 (1) the disposal is specifically authorized by  
8 Congress in a law enacted after the date of the en-  
9 actment of this Act; or

10 (2) the Secretary certifies to Congress that the  
11 disposal of the land is part of a land exchange that  
12 furthers the purposes of the Cooperative Manage-  
13 ment and Protection Area.

## 14 **Subtitle C—Cooperative** 15 **Management**

### 16 **SEC. 121. COOPERATIVE MANAGEMENT PROJECTS.**

17 (a) COOPERATIVE EFFORTS.—To further the pur-  
18 poses for which the Cooperative Management and Protec-  
19 tion Area is designated, the Secretary may work with non-  
20 Federal landowners in the Cooperative Management and  
21 Protection Area who voluntarily agree to participate in the  
22 cooperative management of Federal and non-Federal  
23 lands in the Cooperative Management and Protection  
24 Area.

1           (b) MANAGEMENT AND CONSERVATION.—The Sec-  
2 retary may enter into an agreement with a non-Federal  
3 landowner in the Cooperative Management and Protection  
4 Area to provide for the cooperative conservation and man-  
5 agement of the Federal and non-Federal lands subject to  
6 the agreement.

7           (c) OTHER PARTICIPANTS.—With the consent of the  
8 landowners involved, the Secretary may permit permittees,  
9 special-use permit holders, other Federal and State agen-  
10 cies, and interested members of the public to participate  
11 in a cooperative management project carried out under  
12 this section as appropriate to achieve the resource or land  
13 use management objectives of the project.

14           (d) TRIBAL CULTURAL SITE PROTECTION.—The  
15 Secretary may enter into agreements with the Burns Pai-  
16 ute Tribe to protect cultural sites in the Cooperative Man-  
17 agement and Protection Area of importance to the tribe.

18 **SEC. 122. COOPERATIVE EFFORTS TO CONTROL DEVELOP-**  
19 **MENT ON NON-FEDERAL LANDS.**

20           (a) POLICY.—Development on public and private  
21 lands within the boundaries of the Cooperative Manage-  
22 ment and Protection Area which is different from the cur-  
23 rent character and uses of the lands is inconsistent with  
24 the purpose of this Act.

1           (b) USE OF NONDEVELOPMENT AND CONSERVATION  
2 EASEMENTS.—The Secretary may enter into a non-  
3 development easement with willing landowners for the ac-  
4 quisition of development rights and a temporary or per-  
5 petual conservation easement to prevent or restrict devel-  
6 opment on non-Federal lands within the boundaries of the  
7 Cooperative Management and Protection Area and to pro-  
8 tect open space and the viewshed in the Cooperative Man-  
9 agement and Protection Area.

10          (c) CONSIDERATION.—Consideration for a non-  
11 development easement or a conservation easement under  
12 subsection (b) may include—

13           (1) the exchange of other lands under the juris-  
14 diction of the Bureau of Land Management; and

15           (2) the provision of a legally binding long-term  
16 (up to 30 years) grazing permit in exchange for a  
17 legally binding equivalent long-term development  
18 right or conservation easement.

19          (d) RELATION TO PROPERTY RIGHTS AND STATE  
20 AND LOCAL LAW.—Nothing in this section is intended to  
21 affect rights or interests in real property or supersede  
22 State law.

## 1           **Subtitle D—Advisory Council**

### 2   **SEC. 131. ESTABLISHMENT OF ADVISORY COUNCIL.**

3           (a) **ESTABLISHMENT.**—Subject to section 801, the  
4 Secretary shall establish the Steens Mountain Advisory  
5 Council to advise the Secretary in managing the wilder-  
6 ness areas and the Cooperative Management and Protec-  
7 tion Area and in promoting the cooperative management  
8 under subtitle C.

9           (b) **MEMBERS.**—The advisory council shall consist of  
10 12 members, to be appointed by the Secretary, as follows:

11           (1) A private landowner in the Cooperative  
12 Management and Protection Area, appointed from  
13 nominees submitted by the county court for Harney  
14 County, Oregon.

15           (2) Two persons who are grazing permittees on  
16 Federal lands in the Cooperative Management and  
17 Protection Area, appointed from nominees submitted  
18 by the county court for Harney County, Oregon.

19           (3) A person interested in fish and recreational  
20 fishing in the Cooperative Management and Protec-  
21 tion Area, appointed from nominees submitted by  
22 the Governor of Oregon.

23           (4) A member of the Burns Paiute Tribe, ap-  
24 pointed from nominees submitted by the tribe.

1           (5) Two persons who are recognized environ-  
2           mental representatives, one of whom shall represent  
3           the State as a whole, and one of whom is from the  
4           local area, appointed from nominees submitted by  
5           the Governor of Oregon.

6           (6) A person who participates in what is com-  
7           monly called dispersed recreation, such as hiking,  
8           camping, nature viewing, nature photography, bird  
9           watching, horse back riding, or trail walking, ap-  
10          pointed from nominees submitted by the Oregon  
11          State Director of the Bureau of Land Management.

12          (7) A person who is a recreational permit hold-  
13          er or is a representative of a commercial recreation  
14          operation in the Cooperative Management and Pro-  
15          tection Area, appointed from nominees submitted  
16          jointly by the Oregon State Director of the Bureau  
17          of Land Management and the county court for Har-  
18          ney County, Oregon.

19          (8) A person who participates in what is com-  
20          monly called mechanized or consumptive recreation,  
21          such as hunting, fishing, off-road driving, hang glid-  
22          ing, or parasailing, appointed from nominees sub-  
23          mitted by the Oregon State Director of the Bureau  
24          of Land Management.

1           (9) A person with expertise and interest in wild  
2 horse management on Steens Mountain, appointed  
3 from nominees submitted by the Oregon State Di-  
4 rector of the Bureau of Land Management.

5           (10) A person who has no financial interest in  
6 the Cooperative Management and Protection Area to  
7 represent statewide interests, appointed from nomi-  
8 nees submitted by the Governor of Oregon.

9           (c) TERMS.—

10           (1) STAGGERED TERMS.—Members of the advi-  
11 sory council shall be appointed for terms of three  
12 years, except that, of the members first appointed,  
13 four members shall be appointed for a term of one  
14 year and four members shall be appointed for a term  
15 of two years.

16           (2) REAPPOINTMENT.—A member may be re-  
17 appointed to serve on the advisory council.

18           (3) VACANCY.—A vacancy on the advisory  
19 council shall be filled in the same manner as the  
20 original appointment.

21           (d) CHAIRPERSON AND PROCEDURES.—The advisory  
22 council shall elect a chairperson and establish such rules  
23 and procedures as it deems necessary or desirable.

24           (e) SERVICE WITHOUT COMPENSATION.—Members  
25 of the advisory council shall serve without pay, but the

1 Secretary shall reimburse members for reasonable ex-  
2 penses incurred in carrying out official duties as a member  
3 of the council.

4 (f) ADMINISTRATIVE SUPPORT.—The Secretary shall  
5 provide the advisory council with necessary administrative  
6 support and shall designate an appropriate officer of the  
7 Bureau of Land Management to serve as the Secretary’s  
8 liaison to the council.

9 (g) APPLICABLE LAW.—The advisory committee  
10 shall be subject to the Federal Land Policy and Manage-  
11 ment Act of 1976 (43 U.S.C. 1701 et seq.) and the Fed-  
12 eral Advisory Committee Act (5 U.S.C. App.).

13 **SEC. 132. ADVISORY ROLE IN MANAGEMENT ACTIVITIES.**

14 (a) MANAGEMENT RECOMMENDATIONS.—The advi-  
15 sory committee shall utilize sound science, existing plans  
16 for the management of Federal lands included in the Co-  
17 operative Management and Protection Area, and other  
18 tools to formulate recommendations for the Secretary  
19 regarding—

20 (1) new and unique approaches to the manage-  
21 ment of lands within the boundaries of the Coopera-  
22 tive Management and Protection Area; and

23 (2) cooperative programs and incentives for  
24 seamless landscape management that meets human  
25 needs and maintains and improves the ecological and

1 economic integrity of the Cooperative Management  
2 and Protection Area.

3 (b) PREPARATION OF MANAGEMENT PLAN.—The  
4 Secretary shall consult with the advisory committee as  
5 part of the preparation and implementation of the man-  
6 agement plan.

7 (c) SUBMISSION OF RECOMMENDATIONS.—No rec-  
8 ommendations may be presented to the Secretary by the  
9 advisory council without the agreement of at least nine  
10 members of the advisory council.

11 **SEC. 133. SCIENCE COMMITTEE.**

12 The Secretary shall appoint, as needed or at the re-  
13 quest of the advisory council, a team of respected, knowl-  
14 edgeable, and diverse scientists to provide advice on ques-  
15 tions relating to the management of the Cooperative Man-  
16 agement and Protection Area to the Secretary and the ad-  
17 visory council. The Secretary shall seek the advice of the  
18 advisory council in making these appointments.

19 **TITLE II—STEENS MOUNTAIN**  
20 **WILDERNESS AREAS**

21 **SEC. 201. DESIGNATION OF WILDERNESS AREAS, HARNEY**  
22 **COUNTY, OREGON.**

23 (a) INITIAL DESIGNATION.—In order to protect the  
24 wilderness character and the remote nature of Steens  
25 Mountain and surrounding Federal lands, and to further

1 the purposes of the Wilderness Act (16 U.S.C. 1131 et  
2 seq.), the Secretary shall designate, subject to section 801,  
3 lands in the Cooperative Management and Protection Area  
4 eventually comprising a total of approximately 143,000  
5 acres, as generally depicted on the map referred to in sec-  
6 tion 101, as wilderness and therefore as components of  
7 the National Wilderness Preservation System, as follows:

8           (1) Certain lands in Harney County, Oregon,  
9           comprising approximately 22,450 acres of Federal  
10          land, as generally depicted on a map entitled  
11          “Blitzen River Wilderness” and dated \_\_\_\_, which  
12          shall be known as the Blitzen River Wilderness.

13           (2) Certain lands in Harney County, Oregon,  
14           comprising approximately 49,100 acres of Federal  
15          land, as generally depicted on a map entitled “High  
16          Steens Wilderness” and dated \_\_\_\_, which shall be  
17          known as the High Steens Wilderness.

18           (3) Certain lands in Harney County, Oregon,  
19           comprising approximately 13,850 acres of Federal  
20          land, as generally depicted on a map entitled “Little  
21          Blitzen Gorge Wilderness” and dated \_\_\_\_, which  
22          shall be known as the Little Blitzen Gorge Wilder-  
23          ness.

24           (4) Certain lands in Harney County, Oregon,  
25           comprising approximately 9,150 acres of Federal

1 land, as generally depicted on a map entitled “South  
2 Fork Donner und Blitzen Wilderness” and dated  
3 \_\_\_\_\_, which shall be known as the South Fork  
4 Donner und Blitzen Wilderness.

5 (5) Certain lands in Harney County, Oregon,  
6 comprising approximately 13,950 acres of Federal  
7 land, as generally depicted on a map entitled “Home  
8 Creek Wilderness” and dated \_\_\_\_\_, which shall be  
9 known as the Home Creek Wilderness.

10 (6) Certain lands in Harney County, Oregon,  
11 comprising approximately 16,650 acres of Federal  
12 land, as generally depicted on a map entitled  
13 “Alvord Peak Wilderness” and dated \_\_\_\_\_, which  
14 shall be known as the Alvord Peak Wilderness.

15 (b) COVERED WILDERNESS STUDY AREAS.—The  
16 Federal lands designated as wilderness under subsection  
17 (a) consist of all or a portion of the following wilderness  
18 study areas:

19 (1) The Alvord Peak wilderness study area  
20 (WSA OR–2–83).

21 (2) The High Steens wilderness study area  
22 (WSA OR–2–85F).

23 (3) The South Fork Donner und Blitzen wilder-  
24 ness study area (WSA OR–2–85G).

1           (4) The Home Creek wilderness study area  
2           (WSA OR-2-85H).

3           (5) The Blitzen River wilderness study area  
4           (WSA OR-2-86E).

5           (6) The Little Blitzen Gorge wilderness study  
6           area (WSA OR-2-86F).

7           (c) EXCLUSION OF ROADS.—In preparing the maps  
8           and the legal descriptions for the wilderness areas as re-  
9           quired by section 3(a), the Secretary shall ensure that the  
10          following roads are outside of the boundaries of the wilder-  
11          ness areas:

12           (1) The Steens Mountain Loop Road.

13           (2) Newton Cabin Road to Indian Creek.

14           (3) Cold Springs Road.

15           (4) Carlson Creek Road.

16           (5) Bone Creek Road.

17   **SEC. 202. ADMINISTRATION OF WILDERNESS AREAS.**

18          (a) GENERAL RULE.—The Secretary shall administer  
19          the wilderness areas in accordance with this Act and the  
20          Wilderness Act (16 U.S.C. 1131 et seq.). Any reference  
21          in the Wilderness Act to the effective date of that Act (or  
22          any similar reference) shall be deemed to be a reference  
23          to the date of the enactment of this Act.

24          (b) ACCESS TO NON-FEDERAL LANDS.—The  
25          Secretary shall provide reasonable access to private

1 lands within the boundaries of the wilderness areas,  
2 as provided in section 112(d).

3 (c) GRAZING.—

4 (1) CONTINUATION OF EXISTING LAW.—Except  
5 as provided in paragraph (2), grazing of livestock  
6 shall be administered in accordance with the provi-  
7 sion of section 4(d)(4) of the Wilderness Act (16  
8 U.S.C. 1133(d)(4)), in accordance with the provi-  
9 sions of this Act, and in accordance with the guide-  
10 lines set forth in Appendix A of House Report 101-  
11 405 of the 101st Congress.

12 (2) RETIREMENT OF CERTAIN PERMITS.—The  
13 Secretary shall permanently retire all grazing per-  
14 mits applicable to certain lands in the wilderness  
15 areas, totaling approximately 100,648 acres, as de-  
16 picted on the map referred to in section 101, and  
17 livestock shall be excluded from these lands.

18 (d) SPECIAL USE PERMITS.—The Secretary may  
19 renew a special recreational use permit applicable to lands  
20 included in the wilderness areas to the extent that the Sec-  
21 retary determines that the permit is consistent with the  
22 Wilderness Act (16 U.S.C. 1131 et seq). If renewal is not  
23 consistent with the Wilderness Act, the Secretary shall  
24 seek other opportunities for the permit holder to realize  
25 historic permit use to the extent that the use is consistent

1 with the Wilderness Act and this Act, as determined by  
2 the Secretary.

3 (e) USE OF AIRCRAFT.—The Secretary may author-  
4 ize aircraft overflights of the wilderness areas to the extent  
5 the Secretary determines the aircraft use is necessary for  
6 livestock and wildlife management.

7 (f) WATER DEVELOPMENTS.—In the Alvord Peak  
8 Wilderness designated pursuant to section 201(6), the  
9 Secretary may permit the establishment of up to six new  
10 water developments consistent with the Federal Land Pol-  
11 icy and Management Act of 1976 (43 U.S.C. 1701 et  
12 seq.).

13 (g) MANAGEMENT OF JUNIPER SPECIES.—The Sec-  
14 retary may not permit management of juniper species on  
15 lands in the wilderness areas with mechanized tools unless  
16 the Secretary first considers nonmechanized treatments  
17 and the recommendations of the science committee and  
18 the advisory council.

19 **SEC. 203. WATER RIGHTS.**

20 (a) RESERVATION.—Congress hereby reserves a  
21 quantity of water sufficient to fulfill the purposes for  
22 which the wilderness areas are designated. The priority  
23 date of such reserved rights shall be the date of the enact-  
24 ment of this Act.

1 (b) PROTECTION.—The Secretary shall take such  
2 steps as may be necessary to protect the rights reserved  
3 by subsection (a), including the filing by the Secretary of  
4 a claim for the quantification of the rights in any present  
5 or future appropriate stream adjudication in the courts  
6 of the State of Oregon in which the United States is or  
7 may be joined and which is conducted in accordance with  
8 section 208 of the Act of July 10, 1952 (43 U.S.C. 666;  
9 commonly referred the McCarran Amendment).

10 (c) RELATION TO OTHER RESERVATIONS.—Nothing  
11 in this Act shall be construed as a relinquishment or re-  
12 duction of any water rights reserved or appropriated by  
13 the United States in the State of Oregon on or before the  
14 date of enactment of this Act.

15 **SEC. 204. TREATMENT OF OTHER WILDERNESS STUDY**  
16 **AREAS.**

17 (a) STATUS UNAFFECTED.—Any wilderness study  
18 area, or portion of a wilderness study area, within the  
19 boundaries of the Cooperative Management and Protec-  
20 tion Area but not included in a wilderness area shall—

21 (1) remain a wilderness study area; and

22 (2) continue to be managed as a wilderness  
23 study area under section 603(c) of the Federal Land  
24 Policy and Management Act of 1976 (43 U.S.C.  
25 1782).

1 (b) SPECIAL MANAGEMENT CONSIDERATIONS.—

2 (1) IN GENERAL.—It is anticipated that water  
3 developments, juniper management, and fencing may  
4 be necessary in the wilderness study areas referred  
5 to in subsection (a) for the purpose of resource pro-  
6 tection rather than to accommodate increased num-  
7 bers of livestock, subject to section 603(c) of the  
8 Federal Land Policy and Management Act of 1976  
9 (43 U.S.C. 1782). The Secretary shall be responsible  
10 for installing any fencing required for resource pro-  
11 tection.

12 (2) SPECIAL RULE FOR JUNIPER SPECIES.—

13 The Secretary may not permit management of juni-  
14 per species in the wilderness study areas referred to  
15 in subsection (a) with mechanized tools unless the  
16 Secretary first considers nonmechanized treatments  
17 and the recommendations of the science committee  
18 and the advisory council.

1       **TITLE III—WILD AND SCENIC**  
2       **RIVERS AND TROUT RESERVE**

3       **SEC. 301. DESIGNATION OF STREAMS FOR WILD AND SCE-**  
4                       **NIC RIVER STATUS IN STEENS MOUNTAIN**  
5                       **AREA.**

6       (a) EXPANSION OF DONNER UND BLITZEN WILD  
7 RIVER.—Section 3(a)(74) of the Wild and Scenic Rivers  
8 Act (16 U.S.C. 1274(a)(74)) is amended—

9               (1) by striking “the” at the beginning of each  
10              subparagraph and inserting “The”;

11              (2) by striking the semicolon at the end of sub-  
12              paragraphs (A), (B), (C), and (D) and inserting a  
13              period;

14              (3) by striking “; and” at the end of subpara-  
15              graph (E) and inserting a period; and

16              (4) by adding at the end the following new sub-  
17              paragraphs:

18              “(G) The 5.1 mile segment of Mud Creek from  
19              its confluence with an unnamed spring in the SW.¼  
20              of section 32, township 33 south, range 33 east, to  
21              its confluence with the Donner und Blitzen River.

22              “(H) The 8.1 mile segment of Ankle Creek  
23              from its headwaters to its confluence with the  
24              Donner und Blitzen River.

1           “(I) The 1.6 mile segment of the South Fork  
2 of Ankle Creek from its confluence with an unnamed  
3 tributary in the SE.¼SE.¼ of section 17, township  
4 34 south, range 33 east, to its confluence with Ankle  
5 Creek.”.

6           (b) DESIGNATION OF WILDHORSE CREEK, OR-  
7 EGON.—Section 3(a) of the Wild and Scenic Rivers Act  
8 (16 U.S.C. 1274(a)) is amended by adding at the end the  
9 following new paragraph:

10          “(161) WILDHORSE CREEK, OREGON.—The fol-  
11 lowing segments in the Steens Mountain Cooperative Man-  
12 agement and Protection Area in the State of Oregon, to  
13 be administered by the Secretary of the Interior as a wild  
14 river:

15           “(A) The 2.6 mile segment of Little Wildhorse  
16 Creek from its headwaters to its confluence with  
17 Wildhorse Creek.

18           “(B) The 7.0 mile segment of Wildhorse Creek  
19 from its headwaters, and including .36 stream miles  
20 into section 34, township 34 south, range 33 east.”.

21           (b) MAPS.—The stream segments described in the  
22 amendments made by this section are generally depicted  
23 on the map referred to in section 101.

24           (c) MANAGEMENT.—Where management require-  
25 ments for a stream segment described in the amendments

1 made by this section differ between the Wild and Scenic  
2 Rivers Act (16 U.S.C. 1271 et seq.) and the wilderness  
3 area within which the segment is located, the more restric-  
4 tive requirements shall apply.

5 **SEC. 302. DONNER UND BLITZEN RIVER REDBAND TROUT**  
6 **RESERVE.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) Those portions of the Donner und Blitzen  
9 River in the wilderness areas are an exceptional en-  
10 vironmental resource that provides habitat for  
11 unique populations of native fish, migratory water-  
12 fowl, and other wildlife resources, including a unique  
13 population of redband trout.

14 (2) Redband trout represent a unique natural  
15 history reflecting the Pleistocene connection between  
16 the lake basins of eastern Oregon and the Snake  
17 and Columbia Rivers.

18 (b) DESIGNATION OF RESERVE.—Subject to section  
19 801, the Secretary shall designate the Donner und Blitzen  
20 Redband Trout Reserve consisting of the Donner und  
21 Blitzen River in the wilderness areas above its confluence  
22 with Fish Creek and the Federal riparian lands imme-  
23 diately adjacent to the river, as depicted on the map re-  
24 ferred to in section 101.

1 (c) RESERVE PURPOSES.—The purposes of the  
2 Redband Trout Reserve are—

3 (1) to conserve, protect, and enhance the  
4 Donner und Blitzen River population of redband  
5 trout and the unique ecosystem of plants, fish, and  
6 wildlife of a river system; and

7 (2) to provide opportunities for scientific re-  
8 search, environmental education, and fish and wild-  
9 life oriented recreation and access to the extent com-  
10 patible with paragraph (1).

11 (d) EXCLUSION OF PRIVATE LANDS.—The Redband  
12 Trout Reserve does not include any private lands adjacent  
13 to the Donner und Blitzen River or its tributaries.

14 (e) ADMINISTRATION.—

15 (1) IN GENERAL.—The Secretary shall admin-  
16 ister all lands, waters, and interests therein in the  
17 Redband Trout Reserve consistent with the Wilder-  
18 ness Act (16 U.S.C. 1131 et seq.) and the Wild and  
19 Scenic Rivers Act (16 U.S.C. 1271 et seq.).

20 (2) CONSULTATION.—In administering the  
21 Redband Trout Reserve, the Secretary shall consult  
22 with the advisory council and cooperate with the Or-  
23 egon Department of Fish and Wildlife.

24 (3) RELATION TO RECREATION.—To the extent  
25 consistent with applicable law, the Secretary shall

1 manage recreational activities in the Redband Trout  
2 Reserve in a manner that conserves the unique pop-  
3 ulation of redband trout native to the Donner und  
4 Blitzen River.

5 (4) REMOVAL OF DAM.—The Secretary shall re-  
6 move the dam located below the mouth of Fish  
7 Creek and above Page Springs if removal of the dam  
8 is scientifically justified and funds are available for  
9 such purpose.

10 (f) OUTREACH AND EDUCATION.—The Secretary  
11 may work with, provide technical assistance to, provide  
12 community outreach and education programs for or with,  
13 or enter into cooperative agreements with private land-  
14 owners, State and local governments or agencies, and con-  
15 servation organizations to further the purposes of the  
16 Redband Trout Reserve.

## 17 **TITLE IV—MINERAL** 18 **WITHDRAWAL AREA**

### 19 **SEC. 401. DESIGNATION OF MINERAL WITHDRAWAL AREA.**

20 (a) DESIGNATION.—Except as provided in this sec-  
21 tion and subject to section 801, all Federal lands included  
22 within the mineral withdrawal boundaries depicted on the  
23 map referred to in section 101 shall be withdrawn from—

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

1           (2) operation of the mineral leasing and geo-  
2           thermal leasing laws, and all amendments thereto,  
3           and the minerals materials laws, and all amend-  
4           ments thereto.

5           (b) ROAD MAINTENANCE.—If consistent with the  
6           purposes of this Act and the management plan for the Co-  
7           operative Management and Protection Area, the Secretary  
8           may permit the development of saleable mineral resources,  
9           for road maintenance use only, in specific locations within  
10          the mineral withdrawal boundaries (excluding the wilder-  
11          ness areas and any wilderness study area) where such de-  
12          velopment was authorized before the date of enactment of  
13          this Act.

14   **SEC. 402. TREATMENT OF STATE LANDS AND MINERAL IN-**  
15                                   **TERESTS.**

16          In the case of any lands and mineral interests that  
17          are managed by the Oregon Division of State Lands and  
18          located within the boundaries of the mineral withdrawal  
19          area designated pursuant to section 401, the Secretary  
20          shall acquire such lands and interests in exchange for—

21               (1) Federal lands or Federal mineral interests  
22               that are outside the boundaries of the mineral with-  
23               drawal area, are of approximately equal value, and  
24               are agreed to by the parties;

25               (2) a monetary payment to the State; or

1           (3) a combination of a conveyance under para-  
2           graph (1) and a monetary payment under paragraph  
3           (2).

## 4           **TITLE V—PROTECTION OF FIR** 5           **GROVE**

### 6           **SEC. 501. FIR GROVE MANAGEMENT AREA AND RESERVE.**

7           (a) ESTABLISHMENT.—Upon completion of the Ham-  
8           mond land exchange authorized by section 605, the Sec-  
9           retary shall establish a fir grove management area and  
10          reserve in the area of Big Fir, Little Fir, and Fence  
11          Creeks in the Cooperative Management and Protection  
12          Area.

13          (b) MANAGEMENT.—Special management practices  
14          shall be adopted for the management area to protect the  
15          unique remnant Grand Fir Groves that exist in the area.  
16          As part of the management plan, the Secretary, working  
17          in conjunction with the advisory council and the science  
18          committee, shall analyze and design management provi-  
19          sions for the area.

20          (c) GRAZING.—The management area shall be closed  
21          to grazing, but the Secretary shall continue to permit the  
22          trailing of livestock through the area and the maintenance  
23          of these trails.

## 1       **TITLE VI—LAND EXCHANGES**

### 2       **SEC. 601. LAND EXCHANGE, ROARING SPRINGS RANCH.**

3           (a) EXCHANGE AUTHORIZED.—For the purpose of  
4 protecting and consolidating Federal lands within the wil-  
5 derness areas, the Secretary may carry out a land ex-  
6 change with Roaring Springs Ranch, Incorporated, to con-  
7 vey all right, title, and interest of the United States in  
8 and to certain parcels of land under the jurisdiction of  
9 the Bureau of Land Management in the vicinity of Steens  
10 Mountain, Oregon, as depicted on the map referred to in  
11 section 101, consisting of a total of approximately \_\_\_\_  
12 acres in exchange for the private lands described in sub-  
13 section (b).

14           (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-  
15 eration for the conveyance of the Federal lands referred  
16 to in subsection (a), Roaring Springs Ranch, Incor-  
17 porated, shall convey to the Secretary parcels of land con-  
18 sisting of approximately \_\_\_\_ acres, as depicted on the  
19 map referred to in subsection (a), for inclusion in a wilder-  
20 ness area.

21           (c) TREATMENT OF GRAZING.—Section 113(d)(2),  
22 relating to the effect of the cancellation of grazing permits  
23 for the Lowther and Roaring Springs allotments in the  
24 Cooperative Management and Protection Area, shall apply  
25 to the land exchange authorized by this section.

1 (e) COMPLETION OF CONVEYANCE.—The Secretary  
2 shall complete the conveyance of the Federal lands under  
3 subsection (a) within three months after the Secretary ac-  
4 cepts the lands described in subsection (b).

5 **SEC. 602. LAND EXCHANGES, KIGER GORGE.**

6 (a) C. M. OTLEY EXCHANGE.—

7 (1) EXCHANGE AUTHORIZED.—For the purpose  
8 of protecting and consolidating Federal lands within  
9 the wilderness areas, the Secretary may carry out a  
10 land exchange with C. M. Otley to convey all right,  
11 title, and interest of the United States in and to cer-  
12 tain parcels of land under the jurisdiction of the Bu-  
13 reau of Land Management in the vicinity of Steens  
14 Mountain, Oregon, as depicted on the map referred  
15 to in section 101, consisting of a total of approxi-  
16 mately \_\_\_\_ acres in exchange for the private lands  
17 described in paragraph (2).

18 (2) RECEIPT OF NON-FEDERAL LANDS.—As  
19 consideration for the conveyance of the Federal  
20 lands referred to in paragraph (1), C. M. Otley shall  
21 convey to the Secretary a parcel of land in the head-  
22 waters of Kiger gorge consisting of approximately  
23 \_\_\_\_ acres, as depicted on the map referred to in  
24 paragraph (1), for inclusion in a wilderness area.

25 (b) OTLEY BROTHERS EXCHANGE.—

1           (1) EXCHANGE AUTHORIZED.—For the purpose  
2 of protecting and consolidating Federal lands within  
3 the wilderness areas, the Secretary may carry out a  
4 land exchange with the Otley Brother's, Inc., to con-  
5 vey all right, title, and interest of the United States  
6 in and to certain parcels of land under the jurisdic-  
7 tion of the Bureau of Land Management in the vi-  
8 cinity of Steens Mountain, Oregon, as depicted on  
9 the map referred to in section 101, consisting of a  
10 total of approximately \_\_\_\_ acres in exchange for  
11 the private lands described in paragraph (2).

12           (2) RECEIPT OF NON-FEDERAL LANDS.—As  
13 consideration for the conveyance of the Federal  
14 lands referred to in paragraph (1), the Otley Broth-  
15 er's, Inc., shall convey to the Secretary a parcel of  
16 land in the headwaters of Kiger gorge consisting of  
17 approximately \_\_\_\_ acres, as depicted on the map  
18 referred to in paragraph (1), for inclusion in a wil-  
19 derness area.

20           (c) COMPLETION OF CONVEYANCE.—The Secretary  
21 shall complete the conveyances of the Federal lands under  
22 subsections (a) and (b) within three months after the Sec-  
23 retary accepts the lands described in such subsections.

1 **SEC. 603. LAND EXCHANGE, SCHARFF ESTATE INHOLDING.**

2 (a) EXCHANGE AUTHORIZED.—For the purpose of  
3 protecting and consolidating Federal lands within the wil-  
4 derness areas, the Secretary may carry out a land ex-  
5 change with the Scharff Estate to convey all right, title,  
6 and interest of the United States in and to certain parcels  
7 of land under the jurisdiction of the Bureau of Land Man-  
8 agement in the vicinity of Steens Mountain, Oregon, as  
9 depicted on the map referred to in section 101, consisting  
10 of a total of approximately \_\_\_\_ acres in exchange for the  
11 private lands described in subsection (b).

12 (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-  
13 eration for the conveyance of the Federal lands referred  
14 to in subsection (a), the Scharff Estate shall convey to  
15 the Secretary a parcel of land on Lower Fish Creek con-  
16 sisting of approximately 720 acres, as depicted on the map  
17 referred to in subsection (a), for inclusion in a wilderness  
18 area.

19 (c) COMPLETION OF CONVEYANCE.—The Secretary  
20 shall complete the conveyance of the Federal lands under  
21 subsection (a) within three months after the Secretary ac-  
22 cepts the lands described in subsection (b).

23 **SEC. 604. LAND EXCHANGE, TOM J. DAVIS LIVESTOCK, IN-**  
24 **CORPORATED.**

25 (a) EXCHANGE AUTHORIZED.—For the purpose of  
26 protecting and consolidating Federal lands within the wil-

1 derness areas, the Secretary may carry out a land ex-  
2 change with Tom J. Davis Livestock, Incorporated, to con-  
3 vey all right, title, and interest of the United States in  
4 and to certain parcels of land under the jurisdiction of  
5 the Bureau of Land Management in the vicinity of Steens  
6 Mountain, Oregon, as depicted on the map referred to in  
7 section 101, consisting of a total of approximately \_\_\_\_  
8 acres in exchange for the private lands described in sub-  
9 section (b).

10 (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-  
11 eration for the conveyance of the Federal lands referred  
12 to in subsection (a), Tom J. Davis Livestock, Incor-  
13 porated, shall convey to the Secretary a parcel of land con-  
14 sisting of approximately \_\_\_\_ acres, as depicted on the  
15 map referred to in subsection (a), for inclusion in a wilder-  
16 ness area.

17 (c) COMPLETION OF CONVEYANCE.—The Secretary  
18 shall complete the conveyance of the Federal lands under  
19 subsection (a) within three months after the Secretary ac-  
20 cepts the lands described in subsection (b).

21 **SEC. 605. LAND EXCHANGE, HAMMOND RANCH.**

22 (a) EXCHANGE AUTHORIZED.—For the purpose of  
23 establishing the fir grove management area and reserve  
24 under section 501, the Secretary may carry out a land  
25 exchange with Hammond Ranch, Incorporated, to convey

1 all right, title, and interest of the United States in and  
2 to certain parcels of land under the jurisdiction of the Bu-  
3 reau of Land Management in the vicinity of Steens Moun-  
4 tain, Oregon, as depicted on the map referred to in section  
5 101, consisting of a total of approximately \_\_\_\_ acres in  
6 exchange for the private lands described in subsection (b).

7 (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-  
8 eration for the conveyance of the Federal lands referred  
9 to in subsection (a), Hammond Ranch, Incorporated, shall  
10 convey to the Secretary a parcel of land consisting of ap-  
11 proximately \_\_\_\_ acres, as depicted on the map referred  
12 to in subsection (a), for inclusion in the fir grove manage-  
13 ment area and reserve.

14 (c) COMPLETION OF CONVEYANCE.—The Secretary  
15 shall complete the conveyance of the Federal lands under  
16 subsection (a) within three months after the Secretary ac-  
17 cepts the lands described in subsection (b).

18 **SEC. 606. LAND EXCHANGE, JOHN AND CINDY WITZEL.**

19 (a) EXCHANGE AUTHORIZED.—For the purpose of  
20 protecting and consolidating Federal lands within the Co-  
21 operative Management and Protection Area, the Secretary  
22 may carry out a land exchange with John and Cindy  
23 Witzel to convey all right, title, and interest of the United  
24 States in and to certain parcels of land under the jurisdic-  
25 tion of the Bureau of Land Management in the vicinity

1 of Steens Mountain, Oregon, as depicted on the map re-  
2 ferred to in section 101, consisting of a total of approxi-  
3 mately \_\_\_\_ acres in exchange for the private lands and  
4 conservation easement described in subsection (b).

5 (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-  
6 eration for the conveyance of the Federal lands referred  
7 to in subsection (a), John and Cindy Witzel shall convey  
8 to the Secretary—

9 (1) a parcel of land consisting of approximately  
10 120 acres on Fish Creek, as depicted on the map re-  
11 ferred to in subsection (a), for inclusion in the Coop-  
12 erative Management and Protection Area; and

13 (2) a conservation easement on an additional  
14 200 acres of their land.

15 (c) COMPLETION OF CONVEYANCE.—The Secretary  
16 shall complete the conveyance of the Federal lands under  
17 subsection (a) within three months after the Secretary ac-  
18 cepts the lands described in subsection (b).

19 **SEC. 607. GENERAL PROVISIONS APPLICABLE TO LAND EX-**  
20 **CHANGES.**

21 (a) APPLICABLE LAW.—Except as otherwise provided  
22 in this section, any exchange of Federal land under this  
23 title shall be subject to the laws and regulations applicable  
24 to the conveyance and acquisition of land under the juris-  
25 diction of the Bureau of Land Management.

1           (b) CONDITIONS ON ACCEPTANCE.—Title to the non-  
2 Federal lands to be conveyed under this title must be ac-  
3 ceptable to the Secretary, and the conveyances shall be  
4 subject to valid existing rights of record. The non-Federal  
5 lands shall conform with the title approval standards ap-  
6 plicable to Federal land acquisitions.

7           (c) LEGAL DESCRIPTIONS.—The exact acreage and  
8 legal description of all lands to be exchanged under this  
9 title shall be determined by surveys satisfactory to the Sec-  
10 retary. The costs of any such survey, as well as other ad-  
11 ministrative costs incurred to execute a land exchange  
12 under this title, shall be borne by the Secretary.

13          (d) PUBLIC COMMENT.—The Secretary shall provide  
14 interested persons with an opportunity to review and com-  
15 ment on the environmental benefits of the land exchanges  
16 authorized by this title.

17          (e) INDEPENDENT REVIEW.—The Secretary shall  
18 enter into an agreement with an independent party to re-  
19 view the land exchanges authorized by this title and to  
20 submit to the Secretary a report regarding whether the  
21 overall land exchange package described in this title re-  
22 flects fair value and will benefit the public.

## **TITLE VII—FUNDING AUTHORITIES**

### **3 SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

4 Except as provided in section 702, There is hereby  
5 authorized to be appropriated such sums as may be nec-  
6 essary to carry out this Act.

### **7 SEC. 702. USE OF LAND AND WATER CONSERVATION FUND.**

8 (a) AVAILABILITY OF FUND.—There are authorized  
9 to be appropriated \$25,000,000 from the land and water  
10 conservation fund established under section 2 of the Land  
11 and Water Conservation Fund Act of 1965 (16 U.S.C.  
12 460l–5) to provide funds for the acquisition of land and  
13 interests in land under section 114 and to enter into non-  
14 development easements and conservation easements under  
15 section 122(b).

16 (b) TERM OF USE.—Amounts appropriated pursuant  
17 to the authorization of appropriations in subsection (a)  
18 shall remain available until expended.

## **19 TITLE VIII—CONDITIONAL 20 IMPLEMENTATION OF ACT**

### **21 SEC. 801. IMPLEMENTATION CONDITIONED ON COMPLE- 22 TION OF CERTAIN EXCHANGES.**

23 The amendments made by section 301 shall not take  
24 effect and the Secretary may not designate the Coopera-  
25 tive Management and Protection Area, the wilderness

1 areas, the mineral withdrawal area, the Donner und  
2 Blitzen River redband trout reserve, or the fir groves man-  
3 agement area and reserve or undertake any other activity  
4 required or authorized by this Act (other than title VI)  
5 until the Secretary certifies to Congress that—

6           (1) the land exchanges authorized by sections  
7       601, 602, 603, and 604 described in title VI have  
8       been successfully completed; and

9           (2) the Secretary has obtained suitable forage  
10       elsewhere, as required by section 113(d)(2) and  
11       601(c), for the grazing permittees in the Lowther  
12       and Roaring Springs allotments whose permits are  
13       to be canceled pursuant to section 113(d)(2).

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