

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4828

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IN THE SENATE OF THE UNITED STATES

OCTOBER 4 (legislative day, SEPTEMBER 22), 2000

Received

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## AN ACT

To designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area 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,*

1 **SECTION 1. SHORT TITLE; PURPOSES; TABLE OF CON-**  
2 **TENTS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the  
4 “Steens Mountain Cooperative Management and Protec-  
5 tion Act of 2000”.

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

8 (1) To maintain the cultural, economic, ecologi-  
9 cal, and social health of the Steens Mountain area  
10 in Harney County, Oregon.

11 (2) To designate the Steens Mountain Wilder-  
12 ness Area.

13 (3) To designate the Steens Mountain Coopera-  
14 tive Management and Protection Area.

15 (4) To provide for the acquisition of private  
16 lands through exchange for inclusion in the Wilder-  
17 ness Area and the Cooperative Management and  
18 Protection Area.

19 (5) To provide for and expand cooperative man-  
20 agement activities between public and private land-  
21 owners in the vicinity of the Wilderness Area and  
22 surrounding lands.

23 (6) To authorize the purchase of land and de-  
24 velopment and nondevelopment rights.

25 (7) To designate additional components of the  
26 National Wild and Scenic Rivers System.

1           (8) To establish a reserve for redband trout and  
2 a wildlands juniper management area.

3           (9) To establish a citizens' management advi-  
4 sory council for the Cooperative Management and  
5 Protection Area.

6           (10) To maintain and enhance cooperative and  
7 innovative management practices between the public  
8 and private land managers in the Cooperative Man-  
9 agement and Protection Area.

10          (11) To promote viable and sustainable grazing  
11 and recreation operations on private and public  
12 lands.

13          (12) To conserve, protect, and manage for  
14 healthy watersheds and the long-term ecological in-  
15 tegrity of Steens Mountain.

16          (13) To authorize only such uses on Federal  
17 lands in the Cooperative Management and Protec-  
18 tion Area that are consistent with the purposes of  
19 this Act.

20          (c) TABLE OF CONTENTS.—The table of contents of  
21 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.
- Sec. 5. Protection of tribal rights.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND  
PROTECTION AREA

Subtitle A—Designation and Purposes

- Sec. 101. Designation of Steens Mountain Cooperative Management and Protection Area.
- Sec. 102. Purpose and 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.
- Sec. 115. Special use permits.

#### Subtitle C—Cooperative Management

- Sec. 121. Cooperative management agreements.
- Sec. 122. Cooperative efforts to control development and encourage conservation.

#### 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 AREA

- Sec. 201. Designation of Steens Mountain Wilderness Area.
- Sec. 202. Administration of Wilderness Area.
- Sec. 203. Water rights.
- Sec. 204. Treatment of 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—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

- Sec. 501. Wildlands juniper management area.
- Sec. 502. Release from wilderness study area status.

### TITLE VI—LAND EXCHANGES

- Sec. 601. Land exchange, Roaring Springs Ranch.
- Sec. 602. Land exchanges, C.M. Otley and Otley Brothers.
- Sec. 603. Land exchange, Tom J. Davis Livestock, Incorporated.
- Sec. 604. Land exchange, Lowther (Clemens) Ranch.
- Sec. 605. General provisions applicable to land exchanges.

### TITLE VII—FUNDING AUTHORITIES

Sec. 701. Authorization of appropriations.

Sec. 702. Use of land and water conservation fund.

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 AGREEMENT.**—An agreement to plan or implement (or  
7 both) cooperative recreation, ecological, grazing,  
8 fishery, vegetation, prescribed fire, cultural site pro-  
9 tection, wildfire or other measures to beneficially  
10 meet public use needs and the public land and pri-  
11 vate land objectives of this Act.

12 (3) **COOPERATIVE MANAGEMENT AND PROTECTION AREA.**—The term “Cooperative Management  
13 and Protection Area” means the Steens Mountain  
14 Cooperative Management and Protection Area des-  
15 ignated by title I.

16 (4) **EASEMENTS.**—

17 (A) **CONSERVATION EASEMENT.**—The  
18 term “conservation easement” means a binding  
19 contractual agreement between the Secretary  
20 and a landowner in the Cooperative Manage-  
21 ment and Protection Area under which the  
22 landowner, permanently or during a time period  
23  
24

1 specified in the agreement, agrees to conserve  
2 or restore habitat, open space, scenic, or other  
3 ecological resource values on the land covered  
4 by the easement.

5 (B) NONDEVELOPMENT EASEMENT.—The  
6 term “nondevelopment easement” means a  
7 binding contractual agreement between the Sec-  
8 retary and a landowner in the Cooperative Man-  
9 agement and Protection Area that will, perma-  
10 nently or during a time period specified in the  
11 agreement—

12 (i) prevent or restrict development on  
13 the land covered by the easement; or

14 (ii) protect open space or viewshed.

15 (5) ECOLOGICAL INTEGRITY.—The term “eco-  
16 logical integrity” means a landscape where ecological  
17 processes are functioning to maintain the structure,  
18 composition, activity, and resilience of the landscape  
19 over time, including—

20 (A) a complex of plant communities, habi-  
21 tats and conditions representative of variable  
22 and sustainable successional conditions; and

23 (B) the maintenance of biological diversity,  
24 soil fertility, and genetic interchange.

1           (6) MANAGEMENT PLAN.—The term “manage-  
2           ment plan” means the management plan for the Co-  
3           operative Management and Protection Area and the  
4           Wilderness Area required to be prepared by section  
5           111(b).

6           (7) REDBAND TROUT RESERVE.—The term  
7           “Redband Trout Reserve” means the Donner und  
8           Blitzen Redband Trout Reserve designated by sec-  
9           tion 302.

10          (8) SECRETARY.—The term “Secretary” means  
11          the Secretary of the Interior, acting through the Bu-  
12          reau of Land Management.

13          (9) SCIENCE COMMITTEE.—The term “science  
14          committee” means the committee of independent sci-  
15          entists appointed under section 133.

16          (10) WILDERNESS AREA.—The term “Wilder-  
17          ness Area” means the Steens Mountain Wilderness  
18          Area designated by title II.

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

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

24                  (1) The Cooperative Management and Protec-  
25                  tion Area.

1 (2) The Wilderness Area.

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

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

6 (5) The wildlands juniper management area es-  
7 tablished by title V.

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

9 (b) **LEGAL EFFECT AND CORRECTION.**—The maps  
10 and legal descriptions referred to in subsection (a) shall  
11 have the same force and effect as if included in this Act,  
12 except the Secretary may correct clerical and typo-  
13 graphical errors in such maps and legal descriptions.

14 (c) **PUBLIC AVAILABILITY.**—Copies of the maps and  
15 legal descriptions referred to in subsection (a) shall be on  
16 file and available for public inspection in the Office of the  
17 Director of the Bureau of Land Management and in the  
18 appropriate office of the Bureau of Land Management in  
19 the State of Oregon.

20 **SEC. 4. VALID EXISTING RIGHTS.**

21 Nothing in this Act shall effect any valid existing  
22 right.

23 **SEC. 5. PROTECTION OF TRIBAL RIGHTS.**

24 Nothing in this Act shall be construed to diminish  
25 the rights of any Indian tribe. Nothing in this Act shall



1 be construed to diminish tribal rights, including those of  
2 the Burns Paiute Tribe, regarding access to Federal lands  
3 for tribal activities, including spiritual, cultural, and tradi-  
4 tional food gathering activities.

5 **TITLE I—STEENS MOUNTAIN CO-**  
6 **OPERATIVE MANAGEMENT**  
7 **AND PROTECTION AREA**  
8 **Subtitle A—Designation and**  
9 **Purposes**

10 **SEC. 101. DESIGNATION OF STEENS MOUNTAIN COOPERA-**  
11 **TIVE MANAGEMENT AND PROTECTION AREA.**

12 (a) DESIGNATION.—The Secretary shall designate  
13 the Steens Mountain Cooperative Management and Protec-  
14 tion Area consisting of approximately 425,550 acres of  
15 Federal land located in Harney County, Oregon, in the  
16 vicinity of Steens Mountain, as generally depicted on the  
17 map entitled “Steens Mountain Boundary Map” and  
18 dated September 18, 2000.

19 (b) CONTENTS OF MAP.—In addition to the general  
20 boundaries of the Cooperative Management and Protec-  
21 tion Area, the map referred to in subsection (a) also de-  
22 picts the general boundaries of the following:

23 (1) The no livestock grazing area described in  
24 section 113(e).

1           (2) The mineral withdrawal area designated by  
2           title IV.

3           (3) The wildlands juniper management area es-  
4           tablished by title V.

5 **SEC. 102. PURPOSE AND OBJECTIVES OF COOPERATIVE**  
6 **MANAGEMENT AND PROTECTION AREA.**

7           (a) **PURPOSE.**—The purpose of the Cooperative Man-  
8           agement and Protection Area is to conserve, protect, and  
9           manage the long-term ecological integrity of Steens Moun-  
10          tain for future and present generations.

11          (b) **OBJECTIVES.**—To further the purpose specified  
12          in subsection (a), and consistent with such purpose, the  
13          Secretary shall manage the Cooperative Management and  
14          Protection Area for the benefit of present and future  
15          generations—

16                (1) to maintain and enhance cooperative and in-  
17                novative management projects, programs and agree-  
18                ments between tribal, public, and private interests in  
19                the Cooperative Management and Protection Area;

20                (2) to promote grazing, recreation, historic, and  
21                other uses that are sustainable;

22                (3) to conserve, protect and to ensure tradi-  
23                tional access to cultural, gathering, religious, and ar-  
24                chaeological sites by the Burns Paiute Tribe on Fed-

1 eral lands and to promote cooperation with private  
2 landowners;

3 (4) to ensure the conservation, protection, and  
4 improved management of the ecological, social, and  
5 economic environment of the Cooperative Manage-  
6 ment and Protection Area, including geological, bio-  
7 logical, wildlife, riparian, and scenic resources; and

8 (5) to promote and foster cooperation, commu-  
9 nication, and understanding and to reduce conflict  
10 between Steens Mountain users and interests.

## 11 **Subtitle B—Management of Federal** 12 **Lands**

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

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

20 (1) ensures the conservation, protection, and  
21 improved management of the ecological, social and  
22 economic environment of the Cooperative Manage-  
23 ment and Protection Area, including geological, bio-  
24 logical, wildlife, riparian, and scenic resources,  
25 North American Indian tribal and cultural and ar-

1        chaeological resource sites, and additional cultural  
2        and historic sites; and

3            (2) recognizes and allows current and historic  
4        recreational use.

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

11            (1) describe the appropriate uses and manage-  
12        ment of the Cooperative Management and Protection  
13        Area consistent with this Act;

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

20            (3) provide for coordination with State, county,  
21        and private local landowners and the Burns Paiute  
22        Tribe; and

23            (4) determine measurable and achievable man-  
24        agement objectives, consistent with the management

1 objectives in section 102, to ensure the ecological in-  
2 tegrity of the area.

3 (c) MONITORING.—The Secretary shall implement a  
4 monitoring program for Federal lands in the Cooperative  
5 Management and Protection Area so that progress to-  
6 wards ecological integrity objectives can be determined.

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

8 (a) TRANSPORTATION PLAN.—The management plan  
9 shall include, as an integral part, a comprehensive trans-  
10 portation plan for the Federal lands included in the Coop-  
11 erative Management and Protection Area, which shall ad-  
12 dress the maintenance, improvement, and closure of roads  
13 and trails as well as travel access.

14 (b) PROHIBITION ON OFF-ROAD MOTORIZED TRAV-  
15 EL.—

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

19 (A) is prohibited off road; and

20 (B) is limited to such roads and trails as  
21 may be designated for their use as part of the  
22 management plan.

23 (2) EXCEPTIONS.—Paragraph (1) does not pro-  
24 hibit the use of motorized or mechanized vehicles on  
25 Federal lands included in the Cooperative Manage-

1       ment and Protection Area if the Secretary deter-  
2       mines that such use—

3               (A) is needed for administrative purposes  
4               or to respond to an emergency; or

5               (B) is appropriate for the construction or  
6               maintenance of agricultural facilities, fish and  
7               wildlife management, or ecological restoration  
8               projects, except in areas designated as wilder-  
9               ness or managed under the provisions of section  
10              603(c) of the Federal Land Policy and Manage-  
11              ment Act of 1976 (43 U.S.C. 1782).

12       (c) ROAD CLOSURES.—Any determination to perma-  
13       nently close an existing road in the Cooperative Manage-  
14       ment and Protection Area or to restrict the access of mo-  
15       torized or mechanized vehicles on certain roads shall be  
16       made in consultation with the advisory council and the  
17       public.

18       (d) PROHIBITION ON NEW CONSTRUCTION.—

19               (1) PROHIBITION, EXCEPTION.—No new road  
20               or trail for motorized or mechanized vehicles may be  
21               constructed on Federal lands in the Cooperative  
22               Management and Protection Area unless the Sec-  
23               retary determines that the road or trail is necessary  
24               for public safety or protection of the environment.  
25               Any determination under this subsection shall be

1 made in consultation with the advisory council and  
2 the public.

3 (2) TRAILS.—Nothing in this subsection is in-  
4 tended to limit the authority of the Secretary to con-  
5 struct or maintain trails for nonmotorized or non-  
6 mechanized use.

7 (e) ACCESS TO NONFEDERALLY OWNED LANDS.—

8 (1) REASONABLE ACCESS.—The Secretary shall  
9 provide reasonable access to nonfederally owned  
10 lands or interests in land within the boundaries of  
11 the Cooperative Management and Protection Area  
12 and the Wilderness Area to provide the owner of the  
13 land or interest the reasonable use thereof.

14 (2) EFFECT ON EXISTING RIGHTS-OF-WAY.—  
15 Nothing in this Act shall have the effect of termi-  
16 nating any valid existing right-of-way on Federal  
17 lands included in the Cooperative Management and  
18 Protection Area.

19 **SEC. 113. LAND USE AUTHORITIES.**

20 (a) IN GENERAL.—The Secretary shall allow only  
21 such uses of the Federal lands included in the Cooperative  
22 Management and Protection Area as the Secretary finds  
23 will further the purposes for which the Cooperative Man-  
24 agement and Protection Area is established.

25 (b) COMMERCIAL TIMBER.—

1           (1) PROHIBITION.—The Federal lands included  
2           in the Cooperative Management and Protection Area  
3           shall not be made available for commercial timber  
4           harvest.

5           (2) LIMITED EXCEPTION.—The Secretary may  
6           authorize the removal of trees from Federal lands in  
7           the Cooperative Management and Protection Area  
8           only if the Secretary determines that the removal is  
9           clearly needed for purposes of ecological restoration  
10          and maintenance or for public safety. Except in the  
11          Wilderness Area and the wilderness study areas re-  
12          ferred to in section 204(a), the Secretary may au-  
13          thorize the sale of products resulting from the au-  
14          thorized removal of trees under this paragraph.

15          (c) JUNIPER MANAGEMENT.—The Secretary shall  
16          emphasize the restoration of the historic fire regime in the  
17          Cooperative Management and Protection Area and the re-  
18          sulting native vegetation communities through active man-  
19          agement of Western Juniper on a landscape level. Man-  
20          agement measures shall include the use of natural and  
21          prescribed burning.

22          (d) HUNTING, FISHING, AND TRAPPING.—

23                 (1) AUTHORIZATION.—The Secretary shall per-  
24                 mit hunting, fishing, and trapping on Federal lands  
25                 included in the Cooperative Management and Pro-



1       tection Area in accordance with applicable laws and  
2       regulations of the United States and the State of  
3       Oregon.

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

12      (e) GRAZING.—

13           (1) CONTINUATION OF EXISTING LAW.—Except  
14      as otherwise provided in this section and title VI,  
15      the laws, regulations, and executive orders otherwise  
16      applicable to the Bureau of Land Management in  
17      issuing and administering grazing leases and per-  
18      mits on lands under its jurisdiction shall apply in re-  
19      gard to the Federal lands included in the Coopera-  
20      tive Management and Protection Area.

21           (2) CANCELLATION OF CERTAIN PERMITS.—  
22      The Secretary shall cancel that portion of the per-  
23      mitted grazing on Federal lands in the Fish Creek/  
24      Big Indian, East Ridge, and South Steens allot-  
25      ments located within the area designated as the “no

1 livestock grazing area” on the map referred to in  
2 section 101(a). Upon cancellation, future grazing  
3 use in that designated area is prohibited. The Sec-  
4 retary shall be responsible for installing and main-  
5 taining any fencing required for resource protection  
6 within the designated no livestock grazing area.

7 (3) FORAGE REPLACEMENT.—Reallocation of  
8 available forage shall be made as follows:

9 (A) O’Keefe pasture within the Miners  
10 Field allotment to Stafford Ranches.

11 (B) Fields Seeding and Bone Creek Pas-  
12 ture east of the county road within the Miners  
13 Field allotment to Amy Ready.

14 (C) Miners Field Pasture, Schouver Seed-  
15 ing and Bone Creek Pasture west of the county  
16 road within the Miners Field allotment to Roar-  
17 ing Springs Ranch.

18 (D) 800 animal unit months within the  
19 Crows Nest allotment to Lowther (Clemens)  
20 Ranch.

21 (4) FENCING AND WATER SYSTEMS.—The Sec-  
22 retary shall also construct fencing and develop water  
23 systems as necessary to allow reasonable and effi-  
24 cient livestock use of the forage resources referred to  
25 in paragraph (3).

1 (f) PROHIBITION ON CONSTRUCTION OF FACILI-  
2 TIES.—No new facilities may be constructed on Federal  
3 lands included in the Cooperative Management and Pro-  
4 tection Area unless the Secretary determines that the  
5 structure—

6 (1) will be minimal in nature;

7 (2) is consistent with the purposes of this Act;

8 and

9 (3) is necessary—

10 (A) for enhancing botanical, fish, wildlife,  
11 or watershed conditions;

12 (B) for public information, health, or safe-  
13 ty;

14 (C) for the management of livestock; or

15 (D) for the management of recreation, but  
16 not for the promotion of recreation.

17 (g) WITHDRAWAL.—Subject to valid existing rights,  
18 the Federal lands and interests in lands included in the  
19 Cooperative Management and Protection Areas are hereby  
20 withdrawn from all forms of entry, appropriation, or dis-  
21 posal under the public land laws, except in the case of  
22 land exchanges if the Secretary determines that the ex-  
23 change furthers the purpose and objectives specified in  
24 section 102 and so certifies to Congress.

1 **SEC. 114. LAND ACQUISITION AUTHORITY.**

2 (a) ACQUISITION.—

3 (1) ACQUISITION AUTHORIZED.—In addition to  
4 the land acquisitions authorized by title VI, the Sec-  
5 retary may acquire other non-Federal lands and in-  
6 terests in lands located within the boundaries of the  
7 Cooperative Management and Protection Area or the  
8 Wilderness Area.

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

12 (b) TREATMENT OF ACQUIRED LANDS.—

13 (1) IN GENERAL.—Subject to paragraphs (2)  
14 and (3), lands or interests in lands acquired under  
15 subsection (a) or title VI that are located within the  
16 boundaries of the Cooperative Management and Pro-  
17 tection Area shall—

18 (A) become part of the Cooperative Man-  
19 agement and Protection Area; and

20 (B) be managed pursuant to the laws ap-  
21 plicable to the Cooperative Management and  
22 Protection Area.

23 (2) LANDS WITHIN WILDERNESS AREA.—If  
24 lands or interests in lands acquired under subsection  
25 (a) or title VI are within the boundaries of the Wil-

1        derness Area, the acquired lands or interests in  
2        lands shall—

3            (1) become part of the Wilderness Area; and

4            (2) be managed pursuant to title II and the  
5        other laws applicable to the Wilderness Area.

6            (3) LANDS WITHIN WILDERNESS STUDY  
7        AREA.—If the lands or interests in lands acquired  
8        under subsection (a) or title VI are within the  
9        boundaries of a wilderness study area, the acquired  
10       lands or interests in lands shall—

11           (1) become part of that wilderness study area;  
12        and

13           (2) be managed pursuant to the laws applicable  
14        to that wilderness study area.

15        (c) APPRAISAL.—In appraising non-Federal land, de-  
16        velopment rights, or conservation easements for possible  
17        acquisition under this section or section 122, the Secretary  
18        shall disregard any adverse impacts on values resulting  
19        from the designation of the Cooperative Management and  
20        Protection Area or the Wilderness Area.

21        **SEC. 115. SPECIAL USE PERMITS.**

22        The Secretary may renew a special recreational use  
23        permit applicable to lands included in the Wilderness Area  
24        to the extent that the Secretary determines that the per-  
25        mit is consistent with the Wilderness Act (16 U.S.C. 1131

1 et seq.). If renewal is not consistent with the Wilderness  
2 Act, the Secretary shall seek other opportunities for the  
3 permit holder through modification of the permit to realize  
4 historic permit use to the extent that the use is consistent  
5 with the Wilderness Act and this Act, as determined by  
6 the Secretary.

## 7 **Subtitle C—Cooperative** 8 **Management**

### 9 **SEC. 121. COOPERATIVE MANAGEMENT AGREEMENTS.**

10 (a) COOPERATIVE EFFORTS.—To further the pur-  
11 poses and objectives for which the Cooperative Manage-  
12 ment and Protection Area is designated, the Secretary  
13 may work with non-Federal landowners and other parties  
14 who voluntarily agree to participate in the cooperative  
15 management of Federal and non-Federal lands in the Co-  
16 operative Management and Protection Area.

17 (b) AGREEMENTS AUTHORIZED.—The Secretary may  
18 enter into a cooperative management agreement with any  
19 party to provide for the cooperative conservation and man-  
20 agement of the Federal and non-Federal lands subject to  
21 the agreement.

22 (c) OTHER PARTICIPANTS.—With the consent of the  
23 landowners involved, the Secretary may permit permittees,  
24 special-use permit holders, other Federal and State agen-  
25 cies, and interested members of the public to participate

1 in a cooperative management agreement as appropriate to  
2 achieve the resource or land use management objectives  
3 of the agreement.

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

8 **SEC. 122. COOPERATIVE EFFORTS TO CONTROL DEVELOP-**  
9 **MENT AND ENCOURAGE CONSERVATION.**

10 (a) POLICY.—Development on public and private  
11 lands within the boundaries of the Cooperative Manage-  
12 ment and Protection Area which is different from the cur-  
13 rent character and uses of the lands is inconsistent with  
14 the purposes of this Act.

15 (b) USE OF NONDEVELOPMENT AND CONSERVATION  
16 EASEMENTS.—The Secretary may enter into a non-  
17 development easement or conservation easement with will-  
18 ing landowners to further the purposes of this Act.

19 (c) CONSERVATION INCENTIVE PAYMENTS.—The  
20 Secretary may provide technical assistance, cost-share  
21 payments, incentive payments, and education to a private  
22 landowner in the Cooperative Management and Protection  
23 Area who enters into a contract with the Secretary to pro-  
24 tect or enhance ecological resources on the private land

1 covered by the contract if those protections or enhance-  
2 ments benefit public lands.

3 (d) RELATION TO PROPERTY RIGHTS AND STATE  
4 AND LOCAL LAW.—Nothing in this Act is intended to af-  
5 fect rights or interests in real property or supersede State  
6 law.

## 7 **Subtitle D—Advisory Council**

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

9 (a) ESTABLISHMENT.—The Secretary shall establish  
10 the Steens Mountain Advisory Council to advise the Sec-  
11 retary in managing the Cooperative Management and Pro-  
12 tection Area and in promoting the cooperative manage-  
13 ment under subtitle C.

14 (b) MEMBERS.—The advisory council shall consist of  
15 12 voting members, to be appointed by the Secretary, as  
16 follows:

17 (1) A private landowner in the Cooperative  
18 Management and Protection Area, appointed from  
19 nominees submitted by the county court for Harney  
20 County, Oregon.

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



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

5           (4) A member of the Burns Paiute Tribe, ap-  
6 pointed from nominees submitted by the Burns Pai-  
7 ute Tribe.

8           (5) Two persons who are recognized environ-  
9 mental representatives, one of whom shall represent  
10 the State as a whole, and one of whom is from the  
11 local area, appointed from nominees submitted by  
12 the Governor of Oregon.

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

19          (7) A person who is a recreational permit hold-  
20 er or is a representative of a commercial recreation  
21 operation in the Cooperative Management and Pro-  
22 tection Area, appointed from nominees submitted  
23 jointly by the Oregon State Director of the Bureau  
24 of Land Management and the county court for Har-  
25 ney County, Oregon.

1           (8) A person who participates in what is com-  
2           monly called mechanized or consumptive recreation,  
3           such as hunting, fishing, off-road driving, hang glid-  
4           ing, or parasailing, appointed from nominees sub-  
5           mitted by the Oregon State Director of the Bureau  
6           of Land Management.

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

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

15          (c) CONSULTATION.—In reviewing nominees sub-  
16          mitted under subsection (b) for possible appointment to  
17          the advisory council, the Secretary shall consult with the  
18          respective community of interest that the nominees are to  
19          represent to ensure that the nominees have the support  
20          of their community of interest.

21          (d) TERMS.—

22                (1) STAGGERED TERMS.—Members of the advi-  
23                sory council shall be appointed for terms of three  
24                years, except that, of the members first appointed,  
25                four members shall be appointed for a term of one

1 year and four members shall be appointed for a term  
2 of 2 years.

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

5 (3) VACANCY.—A vacancy on the advisory  
6 council shall be filled in the same manner as the  
7 original appointment.

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

11 (e) SERVICE WITHOUT COMPENSATION.—Members  
12 of the advisory council shall serve without pay, but the  
13 Secretary shall reimburse members for reasonable ex-  
14 penses incurred in carrying out official duties as a member  
15 of the council.

16 (f) ADMINISTRATIVE SUPPORT.—The Secretary shall  
17 provide the advisory council with necessary administrative  
18 support and shall designate an appropriate officer of the  
19 Bureau of Land Management to serve as the Secretary's  
20 liaison to the council.

21 (g) STATE LIAISON.—The Secretary shall appoint  
22 one person, nominated by the Governor of Oregon, to serve  
23 as the State government liaison to the advisory council.

24 (h) APPLICABLE LAW.—The advisory committee  
25 shall be subject to the Federal Land Policy and Manage-

1 ment Act of 1976 (43 U.S.C. 1701 et seq.) and the Fed-  
2 eral Advisory Committee Act (5 U.S.C. App.).

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

4 (a) **MANAGEMENT RECOMMENDATIONS.**—The advi-  
5 sory committee shall utilize sound science, existing plans  
6 for the management of Federal lands included in the Co-  
7 operative Management and Protection Area, and other  
8 tools to formulate recommendations for the Secretary  
9 regarding—

10 (1) new and unique approaches to the manage-  
11 ment of lands within the boundaries of the Coopera-  
12 tive Management and Protection Area; and

13 (2) cooperative programs and incentives for  
14 seamless landscape management that meets human  
15 needs and maintains and improves the ecological and  
16 economic integrity of the Cooperative Management  
17 and Protection Area.

18 (b) **PREPARATION OF MANAGEMENT PLAN.**—The  
19 Secretary shall consult with the advisory committee as  
20 part of the preparation and implementation of the man-  
21 agement plan.

22 (c) **SUBMISSION OF RECOMMENDATIONS.**—No rec-  
23 ommendations may be presented to the Secretary by the  
24 advisory council without the agreement of at least nine  
25 members of the advisory council.

1 **SEC. 133. SCIENCE COMMITTEE.**

2       The Secretary shall appoint, as needed or at the re-  
3 quest of the advisory council, a team of respected, knowl-  
4 edgeable, and diverse scientists to provide advice on ques-  
5 tions relating to the management of the Cooperative Man-  
6 agement and Protection Area to the Secretary and the ad-  
7 visory council. The Secretary shall seek the advice of the  
8 advisory council in making these appointments.

9       **TITLE II—STEENS MOUNTAIN**  
10               **WILDERNESS AREA**

11 **SEC. 201. DESIGNATION OF STEENS MOUNTAIN WILDER-**  
12               **NESS AREA.**

13       The Federal lands in the Cooperative Management  
14 and Protection Area depicted as wilderness on the map  
15 entitled “Steens Mountain Wilderness Area” and dated  
16 September 18, 2000, are hereby designated as wilderness  
17 and therefore as a component of the National Wilderness  
18 Preservation System. The wilderness area shall be known  
19 as the Steens Mountain Wilderness Area.

20 **SEC. 202. ADMINISTRATION OF WILDERNESS AREA.**

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

1           (b) WILDERNESS BOUNDARIES ALONG ROADS.—  
2 Where a wilderness boundary exists along a road, the wil-  
3 derness boundary shall be set back from the centerline of  
4 the road, consistent with the Bureau of Land Manage-  
5 ment’s guidelines as established in its Wilderness Manage-  
6 ment Policy.

7           (c) ACCESS TO NON-FEDERAL LANDS.—The Sec-  
8 retary shall provide reasonable access to private lands  
9 within the boundaries of the Wilderness Area, as provided  
10 in section 112(d).

11          (d) GRAZING.—

12           (1) ADMINISTRATION.—Except as provided in  
13 section 113(e)(2), grazing of livestock shall be ad-  
14 ministered in accordance with the provision of sec-  
15 tion 4(d)(4) of the Wilderness Act (16 U.S.C.  
16 1133(d)(4)), in accordance with the provisions of  
17 this Act, and in accordance with the guidelines set  
18 forth in Appendices A and B of House Report 101–  
19 405 of the 101st Congress.

20           (2) RETIREMENT OF CERTAIN PERMITS.—The  
21 Secretary shall permanently retire all grazing per-  
22 mits applicable to certain lands in the Wilderness  
23 Area, as depicted on the map referred to in section  
24 101(a), and livestock shall be excluded from these  
25 lands.

1 **SEC. 203. WATER RIGHTS.**

2 Nothing in this Act shall constitute an express or im-  
3 plied claim or denial on the part of the Federal Govern-  
4 ment as to exemption from State water laws.

5 **SEC. 204. TREATMENT OF WILDERNESS STUDY AREAS.**

6 (a) STATUS UNAFFECTED.—Except as provided in  
7 section 502, any wilderness study area, or portion of a  
8 wilderness study area, within the boundaries of the Coop-  
9 erative Management and Protection Area, but not in-  
10 cluded in the Wilderness Area, shall remain a wilderness  
11 study area notwithstanding the enactment of this Act.

12 (b) MANAGEMENT.—The wilderness study areas re-  
13 ferred to in subsection (a) shall continue to be managed  
14 under section 603(c) of the Federal Land Policy and Man-  
15 agement Act of 1976 (43 U.S.C. 1782(c)) in a manner  
16 so as not to impair the suitability of the areas for preser-  
17 vation as wilderness.

18 (c) EXPANSION OF BASQUE HILLS WILDERNESS  
19 STUDY AREA.—The boundaries of the Basque Hills Wil-  
20 derness Study Area are hereby expanded to include the  
21 Federal lands within sections 8, 16, 17, 21, 22, and 27  
22 of township 36 south, range 31 east, Willamette Meridian.  
23 These lands shall be managed under section 603(c) of the  
24 Federal Lands Policy and Management Act of 1976 (43  
25 U.S.C. 1782(c)) to protect and enhance the wilderness val-  
26 ues of these lands.

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  
20              SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section 32, township 33 south, range  
21              33 east, to its confluence with the Donner und  
22              Blitzen River.

23             “(H) The 8.1 mile segment of Ankle Creek  
24              from its headwaters to its confluence with the  
25              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<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section 17, township  
4 34 south, range 33 east, to its confluence with Ankle  
5 Creek.”.

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

10          “( ) WILDHORSE AND KIGER CREEKS, OREGON.—  
11 The following segments in the Steens Mountain Coopera-  
12 tive Management and Protection Area in the State of Or-  
13 egon, to be administered by the Secretary of the Interior  
14 as wild rivers:

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           “(C) The approximately 4.25-mile segment of  
22 Kiger Creek from its headwaters to the point at  
23 which it leaves the Steens Mountain Wilderness Area  
24 within the Steens Mountain Cooperative Manage-  
25 ment and Protection Area.”.

1 (c) MANAGEMENT.—Where management require-  
2 ments for a stream segment described in the amendments  
3 made by this section differ between the Wild and Scenic  
4 Rivers Act (16 U.S.C. 1271 et seq.) and the Wilderness  
5 Area, the more restrictive requirements shall apply.

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

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

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

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

19 (b) DESIGNATION OF RESERVE.—The Secretary shall  
20 designate the Donner und Blitzen Redband Trout Reserve  
21 consisting of the Donner und Blitzen River in the Wilder-  
22 ness Area above its confluence with Fish Creek and the  
23 Federal riparian lands immediately adjacent to the river.

24 (c) RESERVE PURPOSES.—The purposes of the  
25 Redband Trout Reserve are—

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

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

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

12          (e) ADMINISTRATION.—

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

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

22           (3) RELATION TO RECREATION.—To the extent  
23           consistent with applicable law, the Secretary shall  
24           manage recreational activities in the Redband Trout  
25           Reserve in a manner that conserves the unique pop-

1       ulation of redband trout native to the Donner und  
2       Blitzen River.

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

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

## 15                               **TITLE IV—MINERAL** 16                               **WITHDRAWAL AREA**

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

18               (a) DESIGNATION.—Subject to valid existing rights,  
19      the Federal lands and interests in lands included within  
20      the withdrawal boundary as depicted on the map referred  
21      to in section 101(a) are hereby withdrawn from—

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

24                       (2) operation of the mineral leasing and geo-  
25      thermal leasing laws and from the minerals mate-

1       rials laws and all amendments thereto except as  
2       specified in subsection (b).

3       (b) ROAD MAINTENANCE.—If consistent with the  
4 purposes of this Act and the management plan for the Co-  
5 operative Management and Protection Area, the Secretary  
6 may permit the development of saleable mineral resources,  
7 for road maintenance use only, in those locations identified  
8 on the map referred to in section 101(a) as an existing  
9 “gravel pit” within the mineral withdrawal boundaries (ex-  
10 cluding the Wilderness Area, wilderness study areas, and  
11 designated segments of the National Wild and Scenic Riv-  
12 ers System) where such development was authorized be-  
13 fore the date of the enactment of this Act.

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

16       (a) ACQUISITION REQUIRED.—The Secretary shall  
17 acquire, for approximately equal value and as agreed to  
18 by the Secretary and the State of Oregon, lands and inter-  
19 ests in lands owned by the State within the boundaries  
20 of the mineral withdrawal area designated pursuant to  
21 section 401.

22       (b) ACQUISITION METHODS.—The Secretary shall ac-  
23 quire such State lands and interests in lands in exchange  
24 for—

1           (1) Federal lands or Federal mineral interests  
2           that are outside the boundaries of the mineral with-  
3           drawal area;

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

5           (3) a combination of a conveyance under para-  
6           graph (1) and a monetary payment under paragraph  
7           (2).

8           **TITLE V—ESTABLISHMENT OF**  
9           **WILDLANDS JUNIPER MAN-**  
10          **AGEMENT AREA**

11          **SEC. 501. WILDLANDS JUNIPER MANAGEMENT AREA.**

12          (a) ESTABLISHMENT.—To further the purposes of  
13          section 113(c), the Secretary shall establish a special man-  
14          agement area consisting of certain Federal lands in the  
15          Cooperative Management and Protection Area, as depicted  
16          on the map referred to in section 101(a), which shall be  
17          known as the Wildlands Juniper Management Area.

18          (b) MANAGEMENT.—Special management practices  
19          shall be adopted for the Wildlands Juniper Management  
20          Area for the purposes of experimentation, education, inter-  
21          pretation, and demonstration of active and passive man-  
22          agement intended to restore the historic fire regime and  
23          native vegetation communities on Steens Mountain.

24          (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
25          tion to the authorization of appropriations in section 701,

1 there is authorized to be appropriated \$5,000,000 to carry  
2 out this title and section 113(c) regarding juniper man-  
3 agement in the Cooperative Management and Protection  
4 Area.

5 **SEC. 502. RELEASE FROM WILDERNESS STUDY AREA STA-**  
6 **TUS.**

7 The Federal lands included in the Wildlands Juniper  
8 Management Area established under section 501 are no  
9 longer subject to the requirement of section 603(c) of the  
10 Federal Land Policy and Management Act of 1976 (43  
11 U.S.C. 1782(c)) pertaining to managing the lands so as  
12 not to impair the suitability of the lands for preservation  
13 as wilderness.

14 **TITLE VI—LAND EXCHANGES**

15 **SEC. 601. LAND EXCHANGE, ROARING SPRINGS RANCH.**

16 (a) EXCHANGE AUTHORIZED.—For the purpose of  
17 protecting and consolidating Federal lands within the Co-  
18 operative Management and Protection Area, the Secretary  
19 may carry out a land exchange with Roaring Springs  
20 Ranch, Incorporated, to convey all right, title, and interest  
21 of the United States in and to certain parcels of land  
22 under the jurisdiction of the Bureau of Land Management  
23 in the vicinity of Steens Mountain, Oregon, as depicted  
24 on the map referred to in section 605(a), consisting of a

1 total of approximately 76,374 acres in exchange for the  
2 private lands described in subsection (b).

3 (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-  
4 eration for the conveyance of the Federal lands referred  
5 to in subsection (a) and the disbursement referred to in  
6 subsection (d), Roaring Springs Ranch, Incorporated,  
7 shall convey to the Secretary parcels of land consisting of  
8 approximately 10,909 acres, as depicted on the map re-  
9 ferred to in section 605(a), for inclusion in the Wilderness  
10 Area, a wilderness study area, and the no livestock grazing  
11 area as appropriate.

12 (c) TREATMENT OF GRAZING.—Paragraphs (2) and  
13 (3) of section 113(e), relating to the effect of the cancella-  
14 tion in part of grazing permits for the South Steens allot-  
15 ment in the Wilderness Area and reassignment of use  
16 areas as described in paragraph (3)(C) of such section,  
17 shall apply to the land exchange authorized by this section.

18 (d) DISBURSEMENT.—Upon completion of the land  
19 exchange authorized by this section, the Secretary is au-  
20 thorized to make a disbursement to Roaring Springs  
21 Ranch, Incorporated, in the amount of \$2,889,000.

22 (e) COMPLETION OF CONVEYANCE.—The Secretary  
23 shall complete the conveyance of the Federal lands under  
24 subsection (a) within 70 days after the Secretary accepts  
25 the lands described in subsection (b).



1 **SEC. 602. LAND EXCHANGES, C.M. OTLEY AND OTLEY**  
2 **BROTHERS.**

3 (a) C. M. OTLEY EXCHANGE.—

4 (1) EXCHANGE AUTHORIZED.—For the purpose  
5 of protecting and consolidating Federal lands within  
6 the Cooperative Management and Protection Area,  
7 the Secretary may carry out a land exchange with  
8 C. M. Otley to convey all right, title, and interest of  
9 the United States in and to certain parcels of land  
10 under the jurisdiction of the Bureau of Land Man-  
11 agement in the vicinity of Steens Mountain, Oregon,  
12 as depicted on the map referred to in section 605(a),  
13 consisting of a total of approximately 3,845 acres in  
14 exchange for the private lands described in para-  
15 graph (2).

16 (2) RECEIPT OF NON-FEDERAL LANDS.—As  
17 consideration for the conveyance of the Federal  
18 lands referred to in paragraph (1) and the disburse-  
19 ment referred to in paragraph (3), C. M. Otley shall  
20 convey to the Secretary a parcel of land in the head-  
21 waters of Kiger gorge consisting of approximately  
22 851 acres, as depicted on the map referred to in sec-  
23 tion 605(a), for inclusion in the Wilderness Area  
24 and the no livestock grazing area as appropriate.

25 (3) DISBURSEMENT.—Upon completion of the  
26 land exchange authorized by this subsection, the

1 Secretary is authorized to make a disbursement to  
2 C.M. Otley, in the amount of \$920,000.

3 (b) OTLEY BROTHERS EXCHANGE.—

4 (1) EXCHANGE AUTHORIZED.—For the purpose  
5 of protecting and consolidating Federal lands within  
6 the Cooperative Management and Protection Area,  
7 the Secretary may carry out a land exchange with  
8 the Otley Brother's, Inc., to convey all right, title,  
9 and interest of the United States in and to certain  
10 parcels of land under the jurisdiction of the Bureau  
11 of Land Management in the vicinity of Steens  
12 Mountain, Oregon, as depicted on the map referred  
13 to in section 605(a), consisting of a total of approxi-  
14 mately 6,881 acres in exchange for the private lands  
15 described in paragraph (2).

16 (2) RECEIPT OF NON-FEDERAL LANDS.—As  
17 consideration for the conveyance of the Federal  
18 lands referred to in paragraph (1) and the disburse-  
19 ment referred to in subsection (3), the Otley Broth-  
20 er's, Inc., shall convey to the Secretary a parcel of  
21 land in the headwaters of Kiger gorge consisting of  
22 approximately 505 acres, as depicted on the map re-  
23 ferred to in section 605(a), for inclusion in the Wil-  
24 derness Area and the no livestock grazing area as  
25 appropriate.

1           (3) DISBURSEMENT.—Upon completion of the  
2           land exchange authorized by this subsection, the  
3           Secretary is authorized to make a disbursement to  
4           Otley Brother's, Inc., in the amount of \$400,000.

5           (c) COMPLETION OF CONVEYANCE.—The Secretary  
6           shall complete the conveyances of the Federal lands under  
7           subsections (a) and (b) within 70 days after the Secretary  
8           accepts the lands described in such subsections.

9   **SEC. 603. LAND EXCHANGE, TOM J. DAVIS LIVESTOCK, IN-**  
10                                   **CORPORATED.**

11          (a) EXCHANGE AUTHORIZED.—For the purpose of  
12          protecting and consolidating Federal lands within the Wil-  
13          derness Area, the Secretary may carry out a land ex-  
14          change with Tom J. Davis Livestock, Incorporated, to con-  
15          vey all right, title, and interest of the United States in  
16          and to certain parcels of land under the jurisdiction of  
17          the Bureau of Land Management in the vicinity of Steens  
18          Mountain, Oregon, as depicted on the map referred to in  
19          section 605(a), consisting of a total of approximately  
20          5,340 acres in exchange for the private lands described  
21          in subsection (b).

22          (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-  
23          eration for the conveyance of the Federal lands referred  
24          to in subsection (a) and the disbursement referred to in  
25          subsection (c), Tom J. Davis Livestock, Incorporated,

1 shall convey to the Secretary a parcel of land consisting  
2 of approximately 5,103 acres, as depicted on the map re-  
3 ferred to in section 605(a), for inclusion in the Wilderness  
4 Area.

5 (c) DISBURSEMENT.—Upon completion of the land  
6 exchange authorized by this section, the Secretary is au-  
7 thorized to make a disbursement to Tom J. Davis Live-  
8 stock, Incorporated, in the amount of \$800,000.

9 (d) COMPLETION OF CONVEYANCE.—The Secretary  
10 shall complete the conveyance of the Federal lands under  
11 subsection (a) within 70 days after the Secretary accepts  
12 the lands described in subsection (b).

13 **SEC. 604. LAND EXCHANGE, LOWTHER (CLEMENS) RANCH.**

14 (a) EXCHANGE AUTHORIZED.—For the purpose of  
15 protecting and consolidating Federal lands within the Co-  
16 operative Management and Protection Area, the Secretary  
17 may carry out a land exchange with the Lowther  
18 (Clemens) Ranch to convey all right, title, and interest of  
19 the United States in and to certain parcels of land under  
20 the jurisdiction of the Bureau of Land Management in the  
21 vicinity of Steens Mountain, Oregon, as depicted on the  
22 map referred to in section 605(a), consisting of a total  
23 of approximately 11,796 acres in exchange for the private  
24 lands described in subsection (b).

1           (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-  
2           eration for the conveyance of the Federal lands referred  
3           to in subsection (a) and the disbursement referred to in  
4           subsection (d), the Lowther (Clemens) Ranch shall convey  
5           to the Secretary a parcel of land consisting of approxi-  
6           mately 1,078 acres, as depicted on the map referred to  
7           in section 605(a), for inclusion in the Cooperative Man-  
8           agement and Protection Area.

9           (c) TREATMENT OF GRAZING.—Paragraphs (2) and  
10          (3) of section 113(e), relating to the effect of the cancella-  
11          tion in whole of the grazing permit for the Fish Creek/  
12          Big Indian allotment in the Wilderness Area and reassign-  
13          ment of use areas as described in paragraph (3)(D) of  
14          such section, shall apply to the land exchange authorized  
15          by this section.

16          (d) DISBURSEMENT.—Upon completion of the land  
17          exchange authorized by this section, the Secretary is au-  
18          thorized to make a disbursement to Lowther (Clemens)  
19          Ranch, in the amount of \$148,000.

20          (e) COMPLETION OF CONVEYANCE.—The Secretary  
21          shall complete the conveyance of the Federal lands under  
22          subsection (a) within 70 days after the Secretary accepts  
23          the lands described in subsection (b).

1 **SEC. 605. GENERAL PROVISIONS APPLICABLE TO LAND EX-**  
2 **CHANGES.**

3 (a) MAP.—The land conveyances described in this  
4 title are generally depicted on the map entitled “Steens  
5 Mountain Land Exchanges” and dated September 18,  
6 2000.

7 (b) APPLICABLE LAW.—Except as otherwise provided  
8 in this section, the exchange of Federal land under this  
9 title is subject to the existing laws and regulations applica-  
10 ble to the conveyance and acquisition of land under the  
11 jurisdiction of the Bureau of Land Management. It is an-  
12 ticipated that the Secretary will be able to carry out such  
13 land exchanges without the promulgation of additional  
14 regulations and without regard to the notice and comment  
15 provisions of section 553 of title 5, United States Code.

16 (c) CONDITIONS ON ACCEPTANCE.—Title to the non-  
17 Federal lands to be conveyed under this title must be ac-  
18 ceptable to the Secretary, and the conveyances shall be  
19 subject to valid existing rights of record. The non-Federal  
20 lands shall conform with the title approval standards ap-  
21 plicable to Federal land acquisitions.

22 (d) LEGAL DESCRIPTIONS.—The exact acreage and  
23 legal description of all lands to be exchanged under this  
24 title shall be determined by surveys satisfactory to the Sec-  
25 retary. The costs of any such survey, as well as other ad-

1 ministrative costs incurred to execute a land exchange  
2 under this title, shall be borne by the Secretary.

3 **TITLE VII—FUNDING**  
4 **AUTHORITIES**

5 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

6 Except as provided in sections 501(c) and 702, there  
7 is hereby authorized to be appropriated such sums as may  
8 be necessary to carry out this Act.

9 **SEC. 702. USE OF LAND AND WATER CONSERVATION FUND.**

10 (a) AVAILABILITY OF FUND.—There are authorized  
11 to be appropriated \$25,000,000 from the land and water  
12 conservation fund established under section 2 of the Land  
13 and Water Conservation Fund Act of 1965 (16 U.S.C.  
14 4601–5) to provide funds for the acquisition of land and  
15 interests in land under section 114 and to enter into non-  
16 development easements and conservation easements under  
17 subsections (b) and (c) of section 122.

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

Passed the House of Representatives October 4,  
2000.

Attest:

JEFF TRANDAHL,

*Clerk.*