

Union Calendar No. 560

106TH CONGRESS
2^D SESSION

H. R. 4828

[Report No. 106-929, Part I]

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.

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

OCTOBER 3, 2000

Additional sponsor: Ms. HOOLEY of Oregon

OCTOBER 3, 2000

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

OCTOBER 3, 2000

Referral to the Committee on Agriculture extended for a period ending not later than October 3, 2000

OCTOBER 3, 2000

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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 Cooperative Management and Protection*
7 *Act of 2000”.*

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

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

13 (2) *To designate the Steens Mountain Wilderness*
14 *Area.*

15 (3) *To designate the Steens Mountain Coopera-*
16 *tive Management and Protection Area.*

17 (4) *To provide for the acquisition of private*
18 *lands through exchange for inclusion in the Wilder-*

1 *ness Area and the Cooperative Management and Pro-*
2 *tection Area.*

3 (5) *To provide for and expand cooperative man-*
4 *agement activities between public and private land-*
5 *owners in the vicinity of the Wilderness Area and*
6 *surrounding lands.*

7 (6) *To authorize the purchase of land and devel-*
8 *opment and nondevelopment rights.*

9 (7) *To designate additional components of the*
10 *National Wild and Scenic Rivers System.*

11 (8) *To establish a reserve for redband trout and*
12 *a wildlands juniper management area.*

13 (9) *To establish a citizens' management advisory*
14 *council for the Cooperative Management and Protec-*
15 *tion Area.*

16 (10) *To maintain and enhance cooperative and*
17 *innovative management practices between the public*
18 *and private land managers in the Cooperative Man-*
19 *agement and Protection Area.*

20 (11) *To promote viable and sustainable grazing*
21 *and recreation operations on private and public*
22 *lands.*

23 (12) *To conserve, protect, and manage for*
24 *healthy watersheds and the long-term ecological integ-*
25 *egrity of Steens Mountain.*

- 1 (13) *To authorize only such uses on Federal*
 2 *lands in the Cooperative Management and Protection*
 3 *Area that are consistent with the purposes of this Act.*
 4 (c) *TABLE OF CONTENTS.—The table of contents of this*
 5 *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.—
7 An agreement to plan or implement (or both) cooper-
8 ative recreation, ecological, grazing, fishery, vegeta-
9 tion, prescribed fire, cultural site protection, wildfire
10 or other measures to beneficially meet public use
11 needs and the public land and private land objectives
12 of this Act.

13 (3) COOPERATIVE MANAGEMENT AND PROTEC-
14 TION AREA.—*The term “Cooperative Management*
15 and Protection Area” means the Steens Mountain Co-

operative Management and Protection Area designated by title I.

(4) *EASEMENTS.*—

(A) *CONSERVATION EASEMENT.*—The term “conservation easement” means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area under which the landowner, permanently or during a time period specified in the agreement, agrees to conserve or restore habitat, open space, scenic, or other ecological resource values on the land covered by the easement.

(B) *NONDEVELOPMENT EASEMENT.*—The term “nondevelopment easement” means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area that will, permanently or during a time period specified in the agreement—

- (i) prevent or restrict development on the land covered by the easement; or
- (ii) protect open space or viewshed.

(5) *ECOLOGICAL INTEGRITY.*—The term “ecological integrity” means a landscape where ecological

processes are functioning to maintain the structure, composition, activity, and resilience of the landscape over time, including—

(A) a complex of plant communities, habitats and conditions representative of variable and sustainable successional conditions; and

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

(6) *MANAGEMENT PLAN.*—The term “management plan” means the management plan for the Cooperative Management and Protection Area and the Wilderness Area required to be prepared by section 111(b).

(7) *REDBAND TROUT RESERVE.*—The term “Redband Trout Reserve” means the Donner und Blitzen Redband Trout Reserve designated by section 302.

(8) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(9) *SCIENCE COMMITTEE.*—The term “science committee” means the committee of independent scientists appointed under section 133.

1 (10) *WILDERNESS AREA*.—*The term “Wilderness*
 2 *Area” means the Steens Mountain Wilderness Area*
 3 *designated by title II.*

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

5 (a) *PREPARATION AND SUBMISSION*.—*As soon as prac-*
 6 *ticable after the date of the enactment of this Act, the Sec-*
 7 *retary shall prepare and submit to Congress maps and legal*
 8 *descriptions of the following:*

9 (1) *The Cooperative Management and Protection*
 10 *Area.*

11 (2) *The Wilderness Area.*

12 (3) *The wild and scenic river segments and*
 13 *reband trout reserve designated by title III.*

14 (4) *The mineral withdrawal area designated by*
 15 *title IV.*

16 (5) *The wildlands juniper management area es-*
 17 *tablished by title V.*

18 (6) *The land exchanges required by title VI.*

19 (b) *LEGAL EFFECT AND CORRECTION*.—*The maps and*
 20 *legal descriptions referred to in subsection (a) shall have*
 21 *the same force and effect as if included in this Act, except*
 22 *the Secretary may correct clerical and typographical errors*
 23 *in such maps and legal descriptions.*

24 (c) *PUBLIC AVAILABILITY*.—*Copies of the maps and*
 25 *legal descriptions referred to in subsection (a) shall be on*

1 *file and available for public inspection in the Office of the*
 2 *Director of the Bureau of Land Management and in the*
 3 *appropriate office of the Bureau of Land Management in*
 4 *the State of Oregon.*

5 **SEC. 4. VALID EXISTING RIGHTS.**

6 *Nothing in this Act shall effect any valid existing*
 7 *right.*

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

9 *Nothing in this Act shall be construed to diminish the*
 10 *rights of any Indian tribe. Nothing in this Act shall be con-*
 11 *strued to diminish tribal rights, including those of the*
 12 *Burns Paiute Tribe, regarding access to Federal lands for*
 13 *tribal activities, including spiritual, cultural, and tradi-*
 14 *tional food gathering activities.*

15 **TITLE I—STEENS MOUNTAIN CO-**
 16 **OPERATIVE MANAGEMENT**
 17 **AND PROTECTION AREA**
 18 **Subtitle A—Designation and**
 19 **Purposes**

20 **SEC. 101. DESIGNATION OF STEENS MOUNTAIN COOPERA-**
 21 **TIVE MANAGEMENT AND PROTECTION AREA.**

22 *(a) DESIGNATION.—The Secretary shall designate the*
 23 *Steens Mountain Cooperative Management and Protection*
 24 *Area consisting of approximately 425,550 acres of Federal*
 25 *land located in Harney County, Oregon, in the vicinity of*

1 *Steens Mountain, as generally depicted on the map entitled*
 2 *“Steens Mountain Boundary Map” and dated September*
 3 *18, 2000.*

4 (b) *CONTENTS OF MAP.*—*In addition to the general*
 5 *boundaries of the Cooperative Management and Protection*
 6 *Area, the map referred to in subsection (a) also depicts the*
 7 *general boundaries of the following:*

8 (1) *The no livestock grazing area described in*
 9 *section 113(e).*

10 (2) *The mineral withdrawal area designated by*
 11 *title IV.*

12 (3) *The wildlands juniper management area es-*
 13 *tablished by title V.*

14 **SEC. 102. PURPOSE AND OBJECTIVES OF COOPERATIVE**
 15 **MANAGEMENT AND PROTECTION AREA.**

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

20 (b) *OBJECTIVES.*—*To further the purpose specified in*
 21 *subsection (a), and consistent with such purpose, the Sec-*
 22 *retary shall manage the Cooperative Management and Pro-*
 23 *tection Area for the benefit of present and future*
 24 *generations—*

1 (1) *to maintain and enhance cooperative and in-*
 2 *novative management projects, programs and agree-*
 3 *ments between tribal, public, and private interests in*
 4 *the Cooperative Management and Protection Area;*

5 (2) *to promote grazing, recreation, historic, and*
 6 *other uses that are sustainable;*

7 (3) *to conserve, protect and to ensure traditional*
 8 *access to cultural, gathering, religious, and archae-*
 9 *ological sites by the Burns Paiute Tribe on Federal*
 10 *lands and to promote cooperation with private land-*
 11 *owners;*

12 (4) *to ensure the conservation, protection, and*
 13 *improved management of the ecological, social, and*
 14 *economic environment of the Cooperative Management*
 15 *and Protection Area, including geological, biological,*
 16 *wildlife, riparian, and scenic resources; and*

17 (5) *to promote and foster cooperation, commu-*
 18 *nication, and understanding and to reduce conflict*
 19 *between Steens Mountain users and interests.*

20 ***Subtitle B—Management of Federal*** 21 ***Lands***

22 ***SEC. 111. MANAGEMENT AUTHORITIES AND PURPOSES.***

23 (a) *IN GENERAL.*—*The Secretary shall manage all*
 24 *Federal lands included in the Cooperative Management and*
 25 *Protection Area pursuant to the Federal Land Policy and*

1 *Management Act of 1976 (43 U.S.C. 1701 et seq.) and other*
2 *applicable provisions of law, including this Act, in a man-*
3 *ner that—*

4 (1) *ensures the conservation, protection, and im-*
5 *proved management of the ecological, social and eco-*
6 *nomie environment of the Cooperative Management*
7 *and Protection Area, including geological, biological,*
8 *wildlife, riparian, and scenic resources, North Amer-*
9 *ican Indian tribal and cultural and archaeological*
10 *resource sites, and additional cultural and historic*
11 *sites; and*

12 (2) *recognizes and allows current and historic*
13 *recreational use.*

14 (b) *MANAGEMENT PLAN.—Within four years after the*
15 *date of the enactment of this Act, the Secretary shall develop*
16 *a comprehensive plan for the long-range protection and*
17 *management of the Federal lands included in the Coopera-*
18 *tive Management and Protection Area, including the Wil-*
19 *derness Area. The plan shall—*

20 (1) *describe the appropriate uses and manage-*
21 *ment of the Cooperative Management and Protection*
22 *Area consistent with this Act;*

23 (2) *incorporate, as appropriate, decisions con-*
24 *tained in any current or future management or activ-*
25 *ity plan for the Cooperative Management and Protec-*

1 *tion Area and use information developed in previous*
 2 *studies of the lands within or adjacent to the Cooper-*
 3 *ative Management and Protection Area;*

4 *(3) provide for coordination with State, county,*
 5 *and private local landowners and the Burns Paiute*
 6 *Tribe; and*

7 *(4) determine measurable and achievable man-*
 8 *agement objectives, consistent with the management*
 9 *objectives in section 102, to ensure the ecological in-*
 10 *tegrity of the area.*

11 *(c) MONITORING.—The Secretary shall implement a*
 12 *monitoring program for Federal lands in the Cooperative*
 13 *Management and Protection Area so that progress towards*
 14 *ecological integrity objectives can be determined.*

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

16 *(a) TRANSPORTATION PLAN.—The management plan*
 17 *shall include, as an integral part, a comprehensive trans-*
 18 *portation plan for the Federal lands included in the Cooper-*
 19 *ative Management and Protection Area, which shall address*
 20 *the maintenance, improvement, and closure of roads and*
 21 *trails as well as travel access.*

22 *(b) PROHIBITION ON OFF-ROAD MOTORIZED TRAV-*
 23 *EL.—*

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

4 *(A) is prohibited off road; and*

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

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

13 *(A) is needed for administrative purposes or*
14 *to respond to an emergency; or*

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

22 (c) *ROAD CLOSURES.*—*Any determination to perma-*
23 *nently close an existing road in the Cooperative Manage-*
24 *ment and Protection Area or to restrict the access of motor-*

1 ized or mechanized vehicles on certain roads shall be made
 2 in consultation with the advisory council and the public.

3 (d) *PROHIBITION ON NEW CONSTRUCTION.*—

4 (1) *PROHIBITION, EXCEPTION.*—No new road or
 5 trail for motorized or mechanized vehicles may be
 6 constructed on Federal lands in the Cooperative Man-
 7 agement and Protection Area unless the Secretary de-
 8 termines that the road or trail is necessary for public
 9 safety or protection of the environment. Any deter-
 10 mination under this subsection shall be made in con-
 11 sultation with the advisory council and the public.

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

16 (e) *ACCESS TO NONFEDERALLY OWNED LANDS.*—

17 (1) *REASONABLE ACCESS.*—The Secretary shall
 18 provide reasonable access to nonfederally owned lands
 19 or interests in land within the boundaries of the Co-
 20 operative Management and Protection Area and the
 21 Wilderness Area to provide the owner of the land or
 22 interest the reasonable use thereof.

23 (2) *EFFECT ON EXISTING RIGHTS-OF-WAY.*—
 24 Nothing in this Act shall have the effect of termi-
 25 nating any valid existing right-of-way on Federal

1 *lands included in the Cooperative Management and*
2 *Protection Area.*

3 **SEC. 113. LAND USE AUTHORITIES.**

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

9 (b) *COMMERCIAL TIMBER.*—

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

14 (2) *LIMITED EXCEPTION.*—*The Secretary may*
15 *authorize the removal of trees from Federal lands in*
16 *the Cooperative Management and Protection Area*
17 *only if the Secretary determines that the removal is*
18 *clearly needed for purposes of ecological restoration*
19 *and maintenance or for public safety. Except in the*
20 *Wilderness Area and the wilderness study areas re-*
21 *ferred to in section 204(a), the Secretary may author-*
22 *ize the sale of products resulting from the authorized*
23 *removal of trees under this paragraph.*

24 (c) *JUNIPER MANAGEMENT.*—*The Secretary shall em-*
25 *phasize the restoration of the historic fire regime in the Co-*

1 *operative Management and Protection Area and the result-*
2 *ing native vegetation communities through active manage-*
3 *ment of Western Juniper on a landscape level. Management*
4 *measures shall include the use of natural and prescribed*
5 *burning.*

6 (d) *HUNTING, FISHING, AND TRAPPING.—*

7 (1) *AUTHORIZATION.—The Secretary shall per-*
8 *mit hunting, fishing, and trapping on Federal lands*
9 *included in the Cooperative Management and Protec-*
10 *tion Area in accordance with applicable laws and*
11 *regulations of the United States and the State of Or-*
12 *egon.*

13 (2) *AREA AND TIME LIMITATIONS.—After con-*
14 *sultation with the Oregon Department of Fish and*
15 *Wildlife, the Secretary may designate zones where,*
16 *and establish periods when, hunting, trapping or fish-*
17 *ing is prohibited on Federal lands included in the Co-*
18 *operative Management and Protection Area for rea-*
19 *sons of public safety, administration, or public use*
20 *and enjoyment.*

21 (e) *GRAZING.—*

22 (1) *CONTINUATION OF EXISTING LAW.—Except*
23 *as otherwise provided in this Act, the laws, regula-*
24 *tions, and executive orders otherwise applicable to the*
25 *Bureau of Land Management in issuing and admin-*

1 *istering grazing leases and permits on lands under its*
 2 *jurisdiction shall apply in regard to the Federal*
 3 *lands included in the Cooperative Management and*
 4 *Protection Area.*

5 (2) *CANCELLATION OF CERTAIN PERMITS.—The*
 6 *Secretary shall cancel that portion of the permitted*
 7 *grazing on Federal lands in the Fish Creek/Big In-*
 8 *dian, East Ridge, and South Steens allotments lo-*
 9 *cated within the area designated as the “no livestock*
 10 *grazing area” on the map referred to in section*
 11 *101(a). Upon cancellation, future grazing use in that*
 12 *designated area is prohibited. The Secretary shall be*
 13 *responsible for installing and maintaining any fenc-*
 14 *ing required for resource protection within the des-*
 15 *ignated no livestock grazing area.*

16 (3) *FORAGE REPLACEMENT.—Reallocation of*
 17 *available forage shall be made as follows:*

18 (A) *O’Keefe pasture within the Miners Field*
 19 *allotment to Stafford Ranches.*

20 (B) *Fields Seeding and Bone Creek Pasture*
 21 *east of the county road within the Miners Field*
 22 *allotment to Amy Ready.*

23 (C) *Miners Field Pasture, Schouver Seeding*
 24 *and Bone Creek Pasture west of the county road*

1 *within the Miners Field allotment to Roaring*
 2 *Springs Ranch.*

3 *(D) 800 animal unit months within the*
 4 *Crows Nest allotment to Lowther (Clemens)*
 5 *Ranch.*

6 (4) *FENCING AND WATER SYSTEMS.*—*The Sec-*
 7 *retary shall also construct fencing and develop water*
 8 *systems as necessary to allow reasonable and efficient*
 9 *livestock use of the forage resources referred to in*
 10 *paragraph (3).*

11 (f) *PROHIBITION ON CONSTRUCTION OF FACILITIES.*—
 12 *No new facilities may be constructed on Federal lands in-*
 13 *cluded in the Cooperative Management and Protection Area*
 14 *unless the Secretary determines that the structure—*

15 (1) *will be minimal in nature;*

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

17 *and*

18 (3) *is necessary—*

19 (A) *for enhancing botanical, fish, wildlife,*
 20 *or watershed conditions;*

21 (B) *for public information, health, or safety;*

22 (C) *for the management of livestock; or*

23 (D) *for the management of recreation, but*
 24 *not for the promotion of recreation.*

1 (g) *WITHDRAWAL.*—Subject to valid existing rights,
 2 the Federal lands and interests in lands included in the
 3 Cooperative Management and Protection Areas are hereby
 4 withdrawn from all forms of entry, appropriation, or dis-
 5 posal under the public land laws, except in the case of land
 6 exchanges if the Secretary determines that the exchange fur-
 7 thers the purpose and objectives specified in section 102 and
 8 so certifies to Congress.

9 **SEC. 114. LAND ACQUISITION AUTHORITY.**

10 (a) *ACQUISITION.*—

11 (1) *ACQUISITION AUTHORIZED.*—In addition to
 12 the land acquisitions authorized by title VI, the Sec-
 13 retary may acquire other non-Federal lands and in-
 14 terests in lands located within the boundaries of the
 15 Cooperative Management and Protection Area or the
 16 Wilderness Area.

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

20 (b) *TREATMENT OF ACQUIRED LANDS.*—

21 (1) *IN GENERAL.*—Subject to paragraphs (2) and
 22 (3), lands or interests in lands acquired under sub-
 23 section (a) or title VI that are located within the
 24 boundaries of the Cooperative Management and Pro-
 25 tection Area shall—

1 (A) become part of the Cooperative Manage-
2 ment and Protection Area; and

3 (B) be managed pursuant to the laws appli-
4 cable to the Cooperative Management and Pro-
5 tection Area.

6 (2) LANDS WITHIN WILDERNESS AREA.—If lands
7 or interests in lands acquired under subsection (a) or
8 title VI are within the boundaries of the Wilderness
9 Area, the acquired lands or interests in lands shall—

10 (A) become part of the Wilderness Area; and

11 (B) be managed pursuant to title II and the
12 other laws applicable to the Wilderness Area.

13 (3) LANDS WITHIN WILDERNESS STUDY AREA.—
14 If the lands or interests in lands acquired under sub-
15 section (a) or title VI are within the boundaries of a
16 wilderness study area, the acquired lands or interests
17 in lands shall—

18 (A) become part of that wilderness study
19 area; and

20 (B) be managed pursuant to the laws appli-
21 cable to that wilderness study area.

22 (c) APPRAISAL.—In appraising non-Federal land, de-
23 velopment rights, or conservation easements for possible ac-
24 quisition under this section or section 122, the Secretary
25 shall disregard any adverse impacts on values resulting

1 *from the designation of the Cooperative Management and*
 2 *Protection Area or the Wilderness Area.*

3 **SEC. 115. SPECIAL USE PERMITS.**

4 *The Secretary may renew a special recreational use*
 5 *permit applicable to lands included in the Wilderness Area*
 6 *to the extent that the Secretary determines that the permit*
 7 *is consistent with the Wilderness Act (16 U.S.C. 1131 et*
 8 *seq.). If renewal is not consistent with the Wilderness Act,*
 9 *the Secretary shall seek other opportunities for the permit*
 10 *holder through modification of the permit to realize historic*
 11 *permit use to the extent that the use is consistent with the*
 12 *Wilderness Act and this Act, as determined by the Sec-*
 13 *retary.*

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

16 **SEC. 121. COOPERATIVE MANAGEMENT AGREEMENTS.**

17 *(a) COOPERATIVE EFFORTS.—To further the purposes*
 18 *and objectives for which the Cooperative Management and*
 19 *Protection Area is designated, the Secretary may work with*
 20 *non-Federal landowners and other parties who voluntarily*
 21 *agree to participate in the cooperative management of Fed-*
 22 *eral and non-Federal lands in the Cooperative Management*
 23 *and Protection Area.*

24 *(b) AGREEMENTS AUTHORIZED.—The Secretary may*
 25 *enter into a cooperative management agreement with any*

1 party to provide for the cooperative conservation and man-
 2 agement of the Federal and non-Federal lands subject to
 3 the agreement.

4 (c) *OTHER PARTICIPANTS.*—With the consent of the
 5 landowners involved, the Secretary may permit permittees,
 6 special-use permit holders, other Federal and State agen-
 7 cies, and interested members of the public to participate in
 8 a cooperative management agreement as appropriate to
 9 achieve the resource or land use management objectives of
 10 the agreement.

11 (d) *TRIBAL CULTURAL SITE PROTECTION.*—The Sec-
 12 retary may enter into agreements with the Burns Paiute
 13 Tribe to protect cultural sites in the Cooperative Manage-
 14 ment and Protection Area of importance to the tribe.

15 **SEC. 122. COOPERATIVE EFFORTS TO CONTROL DEVELOP-**
 16 **MENT AND ENCOURAGE CONSERVATION.**

17 (a) *POLICY.*—Development on public and private
 18 lands within the boundaries of the Cooperative Management
 19 and Protection Area which is different from the current
 20 character and uses of the lands is inconsistent with the pur-
 21 poses of this Act.

22 (b) *USE OF NONDEVELOPMENT AND CONSERVATION*
 23 *EASEMENTS.*—The Secretary may enter into a nondevelop-
 24 ment easement or conservation easement with willing land-
 25 owners to further the purposes of this Act.

1 (c) *CONSERVATION INCENTIVE PAYMENTS.*—*The Sec-*
 2 *retary may provide technical assistance, cost-share pay-*
 3 *ments, incentive payments, and education to a private*
 4 *landowner in the Cooperative Management and Protection*
 5 *Area who enters into a contract with the Secretary to pro-*
 6 *tect or enhance ecological resources on the private land cov-*
 7 *ered by the contract if those protections or enhancements*
 8 *benefit public lands.*

9 (d) *RELATION TO PROPERTY RIGHTS AND STATE AND*
 10 *LOCAL LAW.*—*Nothing in this Act is intended to affect*
 11 *rights or interests in real property or supersede State law.*

12 ***Subtitle D—Advisory Council***

13 ***SEC. 131. ESTABLISHMENT OF ADVISORY COUNCIL.***

14 (a) *ESTABLISHMENT.*—*The Secretary shall establish*
 15 *the Steens Mountain Advisory Council to advise the Sec-*
 16 *retary in managing the Cooperative Management and Pro-*
 17 *tection Area and in promoting the cooperative management*
 18 *under subtitle C.*

19 (b) *MEMBERS.*—*The advisory council shall consist of*
 20 *12 voting members, to be appointed by the Secretary, as*
 21 *follows:*

22 (1) *A private landowner in the Cooperative*
 23 *Management and Protection Area, appointed from*
 24 *nominees submitted by the county court for Harney*
 25 *County, Oregon.*

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

5 (3) *A person interested in fish and recreational*
6 *fishing in the Cooperative Management and Protec-*
7 *tion Area, appointed from nominees submitted by the*
8 *Governor of Oregon.*

9 (4) *A member of the Burns Paiute Tribe, ap-*
10 *pointed from nominees submitted by the Burns Paiute*
11 *Tribe.*

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

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

23 (7) *A person who is a recreational permit holder*
24 *or is a representative of a commercial recreation op-*
25 *eration in the Cooperative Management and Protec-*

1 *tion Area, appointed from nominees submitted jointly*
2 *by the Oregon State Director of the Bureau of Land*
3 *Management and the county court for Harney Coun-*
4 *ty, Oregon.*

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

11 (9) *A person with expertise and interest in wild*
12 *horse management on Steens Mountain, appointed*
13 *from nominees submitted by the Oregon State Direc-*
14 *tor of the Bureau of Land Management.*

15 (10) *A person who has no financial interest in*
16 *the Cooperative Management and Protection Area to*
17 *represent statewide interests, appointed from nomi-*
18 *nees submitted by the Governor of Oregon.*

19 (c) *CONSULTATION.—In reviewing nominees submitted*
20 *under subsection (b) for possible appointment to the advi-*
21 *sory council, the Secretary shall consult with the respective*
22 *community of interest that the nominees are to represent*
23 *to ensure that the nominees have the support of their com-*
24 *munity of interest.*

25 (d) *TERMS.—*

1 (1) *STAGGERED TERMS.*—*Members of the advisory*
2 *council shall be appointed for terms of three*
3 *years, except that, of the members first appointed,*
4 *four members shall be appointed for a term of one*
5 *year and four members shall be appointed for a term*
6 *of two years.*

7 (2) *REAPPOINTMENT.*—*A member may be re-*
8 *appointed to serve on the advisory council.*

9 (3) *VACANCY.*—*A vacancy on the advisory coun-*
10 *cil shall be filled in the same manner as the original*
11 *appointment.*

12 (d) *CHAIRPERSON AND PROCEDURES.*—*The advisory*
13 *council shall elect a chairperson and establish such rules*
14 *and procedures as it deems necessary or desirable.*

15 (e) *SERVICE WITHOUT COMPENSATION.*—*Members of*
16 *the advisory council shall serve without pay, but the Sec-*
17 *retary shall reimburse members for reasonable expenses in-*
18 *curred in carrying out official duties as a member of the*
19 *council.*

20 (f) *ADMINISTRATIVE SUPPORT.*—*The Secretary shall*
21 *provide the advisory council with necessary administrative*
22 *support and shall designate an appropriate officer of the*
23 *Bureau of Land Management to serve as the Secretary's li-*
24 *aision to the council.*

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

4 (h) *APPLICABLE LAW*.—*The advisory committee shall*
 5 *be subject to the Federal Land Policy and Management Act*
 6 *of 1976 (43 U.S.C. 1701 et seq.) and the Federal Advisory*
 7 *Committee Act (5 U.S.C. App.).*

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

9 (a) *MANAGEMENT RECOMMENDATIONS*.—*The advisory*
 10 *committee shall utilize sound science, existing plans for the*
 11 *management of Federal lands included in the Cooperative*
 12 *Management and Protection Area, and other tools to formu-*
 13 *late recommendations for the Secretary regarding—*

14 (1) *new and unique approaches to the manage-*
 15 *ment of lands within the boundaries of the Coopera-*
 16 *tive Management and Protection Area; and*

17 (2) *cooperative programs and incentives for*
 18 *seamless landscape management that meets human*
 19 *needs and maintains and improves the ecological and*
 20 *economic integrity of the Cooperative Management*
 21 *and Protection Area.*

22 (b) *PREPARATION OF MANAGEMENT PLAN*.—*The Sec-*
 23 *retary shall consult with the advisory committee as part*
 24 *of the preparation and implementation of the management*
 25 *plan.*

1 (c) *SUBMISSION OF RECOMMENDATIONS.*—No rec-
 2 ommendations may be presented to the Secretary by the ad-
 3 visory council without the agreement of at least nine mem-
 4 bers of the advisory council.

5 **SEC. 133. SCIENCE COMMITTEE.**

6 *The Secretary shall appoint, as needed or at the re-*
 7 *quest of the advisory council, a team of respected, knowl-*
 8 *edgeable, and diverse scientists to provide advice on ques-*
 9 *tions relating to the management of the Cooperative Man-*
 10 *agement and Protection Area to the Secretary and the advi-*
 11 *sory council. The Secretary shall seek the advice of the advi-*
 12 *sory council in making these appointments.*

13 **TITLE II—STEENS MOUNTAIN**
 14 **WILDERNESS AREA**

15 **SEC. 201. DESIGNATION OF STEENS MOUNTAIN WILDER-**
 16 **NESS AREA.**

17 *The Federal lands in the Cooperative Management and*
 18 *Protection Area depicted as wilderness on the map entitled*
 19 *“Steens Mountain Wilderness Area” and dated September*
 20 *18, 2000, are hereby designated as wilderness and therefore*
 21 *as a component of the National Wilderness Preservation*
 22 *System. The wilderness area shall be known as the Steens*
 23 *Mountain Wilderness Area.*

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

2 (a) *GENERAL RULE.*—*The Secretary shall administer*
3 *the Wilderness Area in accordance with this title and the*
4 *Wilderness Act (16 U.S.C. 1131 et seq.). Any reference in*
5 *the Wilderness Act to the effective date of that Act (or any*
6 *similar reference) shall be deemed to be a reference to the*
7 *date of the enactment of this Act.*

8 (b) *WILDERNESS BOUNDARIES ALONG ROADS.*—*Where*
9 *a wilderness boundary exists along a road, the wilderness*
10 *boundary shall be set back from the centerline of the road,*
11 *consistent with the Bureau of Land Management’s guide-*
12 *lines as established in its Wilderness Management Policy.*

13 (c) *ACCESS TO NON-FEDERAL LANDS.*—*The Secretary*
14 *shall provide reasonable access to private lands within the*
15 *boundaries of the Wilderness Area, as provided in section*
16 *112(d).*

17 (d) *GRAZING.*—

18 (1) *ADMINISTRATION.*—*Except as provided in*
19 *section 113(e)(2), grazing of livestock shall be admin-*
20 *istered in accordance with the provision of section*
21 *4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)),*
22 *in accordance with the provisions of this Act, and in*
23 *accordance with the guidelines set forth in Appendices*
24 *A and B of House Report 101–405 of the 101st Con-*
25 *gress.*

1 (2) *RETIREMENT OF CERTAIN PERMITS.*—The
2 *Secretary shall permanently retire all grazing per-*
3 *mits applicable to certain lands in the Wilderness*
4 *Area, as depicted on the map referred to in subsection*
5 *(a), and livestock shall be excluded from these lands.*

6 **SEC. 203. WATER RIGHTS.**

7 (a) *RESERVATION.*—Congress hereby reserves a quan-
8 *tity of water sufficient to fulfill the purposes for which the*
9 *Wilderness Area are designated. The priority date of such*
10 *reserved rights shall be the date of the enactment of this*
11 *Act.*

12 (b) *PROTECTION.*—The Secretary shall take such steps
13 *as may be necessary to protect the rights reserved by sub-*
14 *section (a), including the filing by the Secretary of a claim*
15 *for the quantification of the rights in any present or future*
16 *appropriate stream adjudication in the courts of the State*
17 *of Oregon in which the United States is or may be joined*
18 *and which is conducted in accordance with section 208 of*
19 *the Act of July 10, 1952 (43 U.S.C. 666; commonly referred*
20 *the McCarran Amendment).*

21 (c) *RELATION TO OTHER RESERVATIONS.*—Nothing in
22 *this Act shall be construed as a relinquishment or reduction*
23 *of any water rights reserved or appropriated by the United*
24 *States in the State of Oregon on or before the date of enact-*
25 *ment of this Act.*

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

2 (a) *STATUS UNAFFECTED.*—Any wilderness study
3 area, or portion of a wilderness study area, within the
4 boundaries of the Cooperative Management and Protection
5 Area but not included in the Wilderness Area shall remain
6 a wilderness study area notwithstanding the enactment of
7 this Act.

8 (b) *MANAGEMENT.*—

9 (1) *APPLICABLE LAWS.*—The wilderness study
10 areas referred to in subsection (a) shall continue to be
11 managed under section 603(c) of the Federal Land
12 Policy and Management Act of 1976 (43 U.S.C.
13 1782(c)) in a manner so as not to impair the suit-
14 ability of the areas for preservation as wilderness.

15 (2) *CERTAIN ACTIVITIES PERMITTED.*—Con-
16 sistent with section 603(c) of the Federal Land Policy
17 and Management Act of 1976 (43 U.S.C. 1782(c)), the
18 Secretary may permit water developments, juniper
19 management, and fencing in a wilderness study area
20 referred to in subsection (a) when necessary to protect
21 or enhance wilderness values. The Secretary may not
22 permit management of juniper species in the wilder-
23 ness study areas with mechanized tools unless the Sec-
24 retary first considers nonmechanized treatments and
25 the recommendations of the science committee and the
26 advisory council.

1 (c) *EXPANSION OF BASQUE HILLS WILDERNESS*
 2 *STUDY AREA.*—*The boundaries of the Basque Hills Wilder-*
 3 *ness Study Area are hereby expanded to include the Federal*
 4 *lands within sections 8, 16, 17, 21, 22, and 27 of township*
 5 *36 south, range 31 east, Willamette Meridian. These lands*
 6 *shall be managed under section 603(c) of the Federal Lands*
 7 *Policy and Management Act of 1976 (43 U.S.C. 1782(c))*
 8 *to protect and enhance the wilderness values of these lands.*

9 ***TITLE III—WILD AND SCENIC***
 10 ***RIVERS AND TROUT RESERVE***

11 ***SEC. 301. DESIGNATION OF STREAMS FOR WILD AND SCE-***
 12 ***NIC RIVER STATUS IN STEENS MOUNTAIN***
 13 ***AREA.***

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

17 (1) *by striking “the” at the beginning of each*
 18 *subparagraph and inserting “The”;*

19 (2) *by striking the semicolon at the end of sub-*
 20 *paragraphs (A), (B), (C), and (D) and inserting a*
 21 *period;*

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

24 (4) *by adding at the end the following new sub-*
 25 *paragraphs:*

1 “(G) *The 5.1 mile segment of Mud Creek from its*
 2 *confluence with an unnamed spring in the*
 3 *SW^{1/4}SE^{1/4} of section 32, township 33 south, range 33*
 4 *east, to its confluence with the Donner und Blitzen*
 5 *River.*

6 “(H) *The 8.1 mile segment of Ankle Creek from*
 7 *its headwaters to its confluence with the Donner und*
 8 *Blitzen River.*

9 “(I) *The 1.6 mile segment of the South Fork of*
 10 *Ankle Creek from its confluence with an unnamed*
 11 *tributary in the SE^{1/4}SE^{1/4} of section 17, township 34*
 12 *south, range 33 east, to its confluence with Ankle*
 13 *Creek.”.*

14 (b) *DESIGNATION OF WILDHORSE CREEK, OREGON.—*
 15 *Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.*
 16 *1274(a)) is amended by adding at the end the following*
 17 *new paragraph:*

18 “(163) *WILDHORSE CREEK, OREGON.—The following*
 19 *segments in the Steens Mountain Cooperative Management*
 20 *and Protection Area in the State of Oregon, to be adminis-*
 21 *tered by the Secretary of the Interior as a wild river:*

22 “(A) *The 2.6 mile segment of Little Wildhorse*
 23 *Creek from its headwaters to its confluence with*
 24 *Wildhorse Creek.*

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

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

9 **SEC. 302. DONNER UND BLITZEN RIVER REDBAND TROUT**
10 **RESERVE.**

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

12 (1) *Those portions of the Donner und Blitzen*
13 *River in the Wilderness Area are an exceptional envi-*
14 *ronmental resource that provides habitat for unique*
15 *populations of native fish, migratory waterfowl, and*
16 *other wildlife resources, including a unique popu-*
17 *lation of redband trout.*

18 (2) *Redband trout represent a unique natural*
19 *history reflecting the Pleistocene connection between*
20 *the lake basins of eastern Oregon and the Snake and*
21 *Columbia Rivers.*

22 (b) *DESIGNATION OF RESERVE.*—The Secretary shall
23 designate the Donner und Blitzen Redband Trout Reserve
24 consisting of the Donner und Blitzen River in the Wilder-

ness Area above its confluence with Fish Creek and the Federal riparian lands immediately adjacent to the river.

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

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

(2) to provide opportunities for scientific research, environmental education, and fish and wildlife oriented recreation and access to the extent compatible with paragraph (1).

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

(e) *ADMINISTRATION.*—

(1) *IN GENERAL.*—The Secretary shall administer all lands, waters, and interests therein in the Redband Trout Reserve consistent with the Wilderness Act (16 U.S.C. 1131 et seq.) and the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(2) *CONSULTATION.*—In administering the Redband Trout Reserve, the Secretary shall consult with the advisory council and cooperate with the Oregon Department of Fish and Wildlife.

1 (3) *RELATION TO RECREATION.*—*To the extent*
 2 *consistent with applicable law, the Secretary shall*
 3 *manage recreational activities in the Redband Trout*
 4 *Reserve in a manner that conserves the unique popu-*
 5 *lation of redband trout native to the Donner und*
 6 *Blitzen River.*

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

12 (f) *OUTREACH AND EDUCATION.*—*The Secretary may*
 13 *work with, provide technical assistance to, provide commu-*
 14 *nity outreach and education programs for or with, or enter*
 15 *into cooperative agreements with private landowners, State*
 16 *and local governments or agencies, and conservation orga-*
 17 *nizations to further the purposes of the Redband Trout Re-*
 18 *serve.*

19 **TITLE IV—MINERAL** 20 **WITHDRAWAL AREA**

21 **SEC. 401. DESIGNATION OF MINERAL WITHDRAWAL AREA.**

22 (a) *DESIGNATION.*—*Subject to valid existing rights,*
 23 *the Federal lands and interests in lands included within*
 24 *the withdrawal boundary as depicted on the map referred*
 25 *to in section 101(a) are hereby withdrawn from—*

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

3 (2) *operation of the mineral leasing and geo-*
 4 *thermal leasing laws and from the minerals materials*
 5 *laws and all amendments thereto except as specified*
 6 *in subsection (b).*

7 (b) *ROAD MAINTENANCE.*—*If consistent with the pur-*
 8 *poses of this Act and the management plan for the Coopera-*
 9 *tive Management and Protection Area, the Secretary may*
 10 *permit the development of saleable mineral resources, for*
 11 *road maintenance use only, in those locations identified on*
 12 *the map referred to in section 101(a) as an existing “gravel*
 13 *pit” within the mineral withdrawal boundaries (excluding*
 14 *the Wilderness Area, wilderness study areas, and designated*
 15 *segments of the National Wild and Scenic Rivers System)*
 16 *where such development was authorized before the date of*
 17 *enactment of this Act.*

18 **SEC. 402. TREATMENT OF STATE LANDS AND MINERAL IN-**
 19 **TERESTS.**

20 *The Secretary shall acquire all right, title, and interest*
 21 *of the State of Oregon in lands owned by the State within*
 22 *the boundaries of the mineral withdrawal area designated*
 23 *pursuant to section 401 in exchange for—*

24 (1) *Federal lands or Federal mineral interests*
 25 *that are outside the boundaries of the mineral with-*

1 drawal area, are of approximately equal value, and
2 are agreed to by the parties;

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

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

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

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

11 (a) *ESTABLISHMENT.*—To further the purposes of sec-
12 tion 113(c), the Secretary shall establish a special manage-
13 ment area consisting of certain Federal lands in the Cooper-
14 ative Management and Protection Area, as depicted on the
15 map referred to in section 101(a), which shall be known
16 as the Wildlands Juniper Management Area.

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

23 (c) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-
24 tion to the authorization of appropriations in section 701,
25 there is authorized to be appropriated \$5,000,000 to carry

1 *out this section and section 113(c) regarding juniper man-*
 2 *agement in the Cooperative Management and Protection*
 3 *Area.*

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

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

13 **TITLE VI—LAND EXCHANGES**

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

15 *(a) EXCHANGE AUTHORIZED.—For the purpose of pro-*
 16 *tecting and consolidating Federal lands within the Coopera-*
 17 *tive Management and Protection Area, the Secretary may*
 18 *carry out a land exchange with Roaring Springs Ranch,*
 19 *Incorporated, to convey all right, title, and interest of the*
 20 *United States in and to certain parcels of land under the*
 21 *jurisdiction of the Bureau of Land Management in the vi-*
 22 *cinity of Steens Mountain, Oregon, as depicted on the map*
 23 *referred to in section 605(a), consisting of a total of ap-*
 24 *proximately 76,373.53 acres in exchange for the private*
 25 *lands described in subsection (b).*

1 (b) *RECEIPT OF NON-FEDERAL LANDS.*—As consider-
 2 ation for the conveyance of the Federal lands referred to
 3 in subsection (a), Roaring Springs Ranch, Incorporated,
 4 shall convey to the Secretary parcels of land consisting of
 5 approximately 10,908.72 acres, as depicted on the map re-
 6 ferred to in section 605(a), for inclusion in the Wilderness
 7 Area, a wilderness study area, and the no livestock grazing
 8 area as appropriate.

9 (c) *TREATMENT OF GRAZING.*—Paragraphs (2) and
 10 (3) of section 113(e), relating to the effect of the cancellation
 11 in part of grazing permits for the South Steens allotment
 12 in the Wilderness Area and reassignment of use areas as
 13 described in paragraph (3)(C) of such section, shall apply
 14 to the land exchange authorized by this section.

15 (d) *ECONOMIC ADJUSTMENT DISBURSEMENTS.*—Upon
 16 the completion of the land exchange authorized by this sec-
 17 tion, the Secretary shall make an economic adjustment dis-
 18 bursement to the Roaring Springs Ranch, Incorporated, in
 19 the amount of \$2,889,000 to compensate for lost produc-
 20 tivity and economic activity caused by the dislocation and
 21 reallocation of resources and the disruption and termi-
 22 nation of traditional management techniques as a result of
 23 the enactment of this Act.

24 (e) *COMPLETION OF CONVEYANCE.*—The Secretary
 25 shall complete the conveyance of the Federal lands under

1 subsection (a) within 70 days after the Secretary accepts
 2 the lands described in subsection (b).

3 **SEC. 602. LAND EXCHANGES, C.M. OTLEY AND OTLEY**
 4 **BROTHERS.**

5 (a) *C.M. OTLEY EXCHANGE.*—

6 (1) *EXCHANGE AUTHORIZED.*—*For the purpose*
 7 *of protecting and consolidating Federal lands within*
 8 *the Cooperative Management and Protection Area, the*
 9 *Secretary may carry out a land exchange with C.M.*
 10 *Otley to convey all right, title, and interest of the*
 11 *United States in and to certain parcels of land under*
 12 *the jurisdiction of the Bureau of Land Management*
 13 *in the vicinity of Steens Mountain, Oregon, as de-*
 14 *scribed on the map referred to in section 605(a), con-*
 15 *sisting of a total of approximately 3,844.58 acres in*
 16 *exchange for the private lands described in paragraph*
 17 *(2).*

18 (2) *RECEIPT OF NON-FEDERAL LANDS.*—*As con-*
 19 *sideration for the conveyance of the Federal lands re-*
 20 *ferred to in paragraph (1), C.M. Otley shall convey*
 21 *to the Secretary a parcel of land in the headwaters*
 22 *of Kiger gorge consisting of approximately 851.13*
 23 *acres, as depicted on the map referred to in section*
 24 *605(a), for inclusion in the Wilderness Area and the*
 25 *no livestock grazing area as appropriate.*

1 (3) *ECONOMIC ADJUSTMENT DISBURSEMENTS.*—

2 *Upon the completion of the land exchange authorized*
3 *by this subsection, the Secretary shall make an eco-*
4 *nomic adjustment disbursement to C.M. Otley in the*
5 *amount of \$920,000 to compensate for lost produc-*
6 *tivity and economic activity caused by the dislocation*
7 *and reallocation of resources and the disruption and*
8 *termination of traditional management techniques as*
9 *a result of the enactment of this Act.*

10 (b) *OTLEY BROTHERS EXCHANGE.*—

11 (1) *EXCHANGE AUTHORIZED.*—*For the purpose*
12 *of protecting and consolidating Federal lands within*
13 *the Cooperative Management and Protection Area, the*
14 *Secretary may carry out a land exchange with the*
15 *Otley Brother's, Inc., to convey all right, title, and in-*
16 *terest of the United States in and to certain parcels*
17 *of land under the jurisdiction of the Bureau of Land*
18 *Management in the vicinity of Steens Mountain, Or-*
19 *egon, as depicted on the map referred to in section*
20 *605(a), consisting of a total of approximately*
21 *6,880.54 acres in exchange for the private lands de-*
22 *scribed in paragraph (2).*

23 (2) *RECEIPT OF NON-FEDERAL LANDS.*—*As con-*
24 *sideration for the conveyance of the Federal lands re-*
25 *ferred to in paragraph (1), the Otley Brother's, Inc.,*

1 *shall convey to the Secretary a parcel of land in the*
 2 *headwaters of Kiger gorge consisting of approximately*
 3 *504.91 acres, as depicted on the map referred to in*
 4 *section 605(a), for inclusion in the Wilderness Area*
 5 *and the no livestock grazing area as appropriate.*

6 (3) *ECONOMIC ADJUSTMENT DISBURSEMENTS.—*
 7 *Upon the completion of the land exchange authorized*
 8 *by this subsection, the Secretary shall make an eco-*
 9 *nomic adjustment disbursement to Otley Brother's,*
 10 *Inc., in the amount of \$400,000 to compensate for lost*
 11 *productivity and economic activity caused by the dis-*
 12 *location and reallocation of resources and the disrup-*
 13 *tion and termination of traditional management tech-*
 14 *niques as a result of the enactment of this Act.*

15 (c) *COMPLETION OF CONVEYANCE.—The Secretary*
 16 *shall complete the conveyances of the Federal lands under*
 17 *subsections (a) and (b) within 70 days after the Secretary*
 18 *accepts the lands described in such subsections.*

19 **SEC. 603. LAND EXCHANGE, TOM J. DAVIS LIVESTOCK, IN-**
 20 **CORPORATED.**

21 (a) *EXCHANGE AUTHORIZED.—For the purpose of pro-*
 22 *tecting and consolidating Federal lands within the Wilder-*
 23 *ness Area, the Secretary may carry out a land exchange*
 24 *with Tom J. Davis Livestock, Incorporated, to convey all*
 25 *right, title, and interest of the United States in and to cer-*

tain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 5,339.51 acres in exchange for the private lands described in subsection (b).

(b) *RECEIPT OF NON-FEDERAL LANDS.*—As consideration for the conveyance of the Federal lands referred to in subsection (a), Tom J. Davis Livestock, Incorporated, shall convey to the Secretary a parcel of land consisting of approximately 5,103.2 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area.

(c) *ECONOMIC ADJUSTMENT DISBURSEMENTS.*—Upon the completion of the land exchange authorized by this section, the Secretary shall make an economic adjustment disbursement to Tom J. Davis Livestock, Incorporated, in the amount of \$800,000 to compensate for lost productivity and economic activity caused by the dislocation and reallocation of resources and the disruption and termination of traditional management techniques as a result of the enactment of this Act.

(d) *COMPLETION OF CONVEYANCE.*—The Secretary shall complete the conveyance of the Federal lands under

1 subsection (a) within 70 days after the Secretary accepts
 2 the lands described in subsection (b).

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

4 (a) *EXCHANGE AUTHORIZED.*—For the purpose of pro-
 5 tecting and consolidating Federal lands within the Coopera-
 6 tive Management and Protection Area, the Secretary may
 7 carry out a land exchange with the Lowther (Clemens)
 8 Ranch to convey all right, title, and interest of the United
 9 States in and to certain parcels of land under the jurisdic-
 10 tion of the Bureau of Land Management in the vicinity
 11 of Steens Mountain, Oregon, as depicted on the map re-
 12 ferred to in section 605(a), consisting of a total of approxi-
 13 mately 11,795.84 acres in exchange for the private lands
 14 described in subsection (b).

15 (b) *RECEIPT OF NON-FEDERAL LANDS.*—As consider-
 16 ation for the conveyance of the Federal lands referred to
 17 in subsection (a), the Lowther (Clemens) Ranch shall con-
 18 vey to the Secretary a parcel of land consisting of approxi-
 19 mately 1,077.67 acres, as depicted on the map referred to
 20 in section 605(a), for inclusion in the Cooperative Manage-
 21 ment and Protection Area.

22 (c) *TREATMENT OF GRAZING.*—Paragraphs (2) and
 23 (3) of section 113(e), relating to the effect of the cancellation
 24 in whole of the grazing permit for the Fish Creek/Big In-
 25 dian allotment in the Wilderness Area and reassignment

1 of use areas as described in paragraph (3)(D) of such sec-
 2 tion, shall apply to the land exchange authorized by this
 3 section.

4 (d) *ECONOMIC ADJUSTMENT DISBURSEMENTS.*—Upon
 5 the completion of the land exchange authorized by this sec-
 6 tion, the Secretary shall make an economic adjustment dis-
 7 bursement to the Lowther (Clemens) Ranch in the amount
 8 of \$148,000 to compensate for lost productivity and eco-
 9 nomic activity caused by the dislocation and reallocation
 10 of resources and the disruption and termination of tradi-
 11 tional management techniques as a result of the enactment
 12 of this Act.

13 (e) *COMPLETION OF CONVEYANCE.*—The Secretary
 14 shall complete the conveyance of the Federal lands under
 15 subsection (a) within 70 days after the Secretary accepts
 16 the lands described in subsection (b).

17 **SEC. 605. GENERAL PROVISIONS APPLICABLE TO LAND EX-**
 18 **CHANGES.**

19 (a) *MAP.*—The land conveyances described in this title
 20 are generally depicted on the map entitled “Steens Moun-
 21 tain Land Exchanges” and dated September 18, 2000.

22 (b) *APPLICABLE LAW.*—Except as otherwise provided
 23 in this section, the exchange of Federal land under this title
 24 is subject to the existing laws and regulations applicable
 25 to the conveyance and acquisition of land under the juris-

1 *diction of the Bureau of Land Management. It is antici-*
 2 *pated that the Secretary will be able to carry out such land*
 3 *exchanges without the promulgation of additional regula-*
 4 *tions and without regard to the notice and comment provi-*
 5 *sions of section 553 of title 5, United States Code.*

6 (c) *CONDITIONS ON ACCEPTANCE.—Title to the non-*
 7 *Federal lands to be conveyed under this title must be accept-*
 8 *able to the Secretary, and the conveyances shall be subject*
 9 *to valid existing rights of record. The non-Federal lands*
 10 *shall conform with the title approval standards applicable*
 11 *to Federal land acquisitions.*

12 (d) *LEGAL DESCRIPTIONS.—The exact acreage and*
 13 *legal description of all lands to be exchanged under this title*
 14 *shall be determined by surveys satisfactory to the Secretary.*
 15 *The costs of any such survey, as well as other administra-*
 16 *tive costs incurred to execute a land exchange under this*
 17 *title, shall be borne by the Secretary.*

18 ***TITLE VII—FUNDING***

19 ***AUTHORITIES***

20 ***SEC. 701. AUTHORIZATION OF APPROPRIATIONS.***

21 *Except as provided in section 702, there is hereby au-*
 22 *thorized to be appropriated such sums as may be necessary*
 23 *to carry out this Act.*

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

2 (a) *AVAILABILITY OF FUND.*—*There are authorized to*
3 *be appropriated \$25,000,000 from the land and water con-*
4 *servation fund established under section 2 of the Land and*
5 *Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5)*
6 *to provide funds for the acquisition of land and interests*
7 *in land under section 114 and to enter into nondevelopment*
8 *easements and conservation easements under subsections (b)*
9 *and (c) of section 122.*

10 (b) *TERM OF USE.*—*Amounts appropriated pursuant*
11 *to the authorization of appropriations in subsection (a)*
12 *shall remain available until expended.*

Union Calendar No. 560

106TH CONGRESS
2D SESSION

H. R. 4828

[Report No. 106-929, Part I]

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.

OCTOBER 3, 2000

Reported from the Committee on Resources with an amendment

OCTOBER 3, 2000

Referral to the Committee on Agriculture extended for a period ending not later than October 3, 2000

OCTOBER 3, 2000

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed