

110TH CONGRESS
1ST SESSION

S. 802

To provide for the implementation of the Owyhee Initiative Agreement, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2007

Mr. CRAPO introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To provide for the implementation of the Owyhee Initiative
Agreement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Owyhee Initiative Implementation Act of 2007”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purpose.
- Sec. 3. Definitions.
- Sec. 4. General provisions.

TITLE I—OWYHEE INITIATIVE AGREEMENT

- Sec. 101. Implementation.
- Sec. 102. Science review program.
- Sec. 103. Conservation and research center program.
- Sec. 104. Authorization of appropriations.

TITLE II—WILDERNESS AND WILD AND SCENIC RIVERS

- Sec. 201. Wilderness designation.
- Sec. 202. Designation of wild and scenic rivers.
- Sec. 203. Administration of wilderness and wild and scenic rivers.
- Sec. 204. Land exchanges and acquisitions and grazing preferences.
- Sec. 205. Authorization of appropriations.

TITLE III—TRANSPORTATION AND RECREATION MANAGEMENT

- Sec. 301. Transportation plans.
- Sec. 302. Authority.
- Sec. 303. Cooperative agreements.
- Sec. 304. Authorization of appropriations.

TITLE IV—CULTURAL RESOURCES

- Sec. 401. Findings.
- Sec. 402. Implementation.
- Sec. 403. Authorization of appropriations.

1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the Owyhee-Bruneau Canyonlands Region is
 4 one of the most spectacular high deserts in the
 5 United States, unique in geology and rich in history;

6 (2) the Shoshone Paiute Indian tribes have put
 7 forth claims to aboriginal rights in the Region;

8 (3) since the 1860s, ranching has been an im-
 9 portant part of the heritage, culture, and economy
 10 of the Region;

11 (4) the Region has tremendous opportunities
 12 for outdoor recreation;

13 (5) there has been longstanding conflict over
 14 management of the public land in the Region;

1 (6) in 2001, the Owyhee County Board of Com-
2 missioners and the Tribes brought together a diverse
3 group of interests, with the intent that the Tribes
4 and the County, through government-to-government
5 coordination, could mutually launch a process for
6 achieving resolution of land use conflicts, protection
7 of the landscape resource, protection of cultural re-
8 sources, and economic stability; and

9 (7) as a result of the process described in para-
10 graph (6), the Owyhee Initiative Agreement, an
11 agreement between a coalition of representatives of
12 landowners, ranchers, environmental organizations,
13 County government, and recreation groups ap-
14 pointed in the County by the Board of County Com-
15 missioners, was formed to develop a natural re-
16 sources project that promotes ecological and eco-
17 nomic health within the County.

18 (b) PURPOSE.—The purpose of this Act is to provide
19 for the implementation of the Owyhee Initiative Agree-
20 ment to—

21 (1) preserve the natural processes that create
22 and maintain a functioning, unfragmented landscape
23 that supports and sustains a flourishing community
24 of human, plant, and animal life;

- 1 (2) provide for economic stability by preserving
2 livestock grazing as an economically viable use; and
3 (3) provide for the protection of cultural re-
4 sources.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

- 7 (1) BOARD.—The term “Board” means the
8 Board of Directors of the Owyhee Initiative Project.
9 (2) BUREAU.—The term “Bureau” means the
10 Bureau of Land Management.
11 (3) COUNTY.—The term “County” means
12 Owyhee County, Idaho.
13 (4) ORDINARY HIGH WATER MARK.—The term
14 “ordinary high water mark” shall have such mean-
15 ing as is given the term by the legislature of the
16 State.
17 (5) OWYHEE FRONT.—The term “Owyhee
18 Front” means that area of the County from Jump
19 Creek on the west to Mud Flat Road on the east
20 and draining north from the crest of the Silver City
21 Range to the Snake River.
22 (6) OWYHEE INITIATIVE AGREEMENT.—The
23 term “Owyhee Initiative Agreement” means the
24 agreement that provides for the implementation of a
25 project for the promotion of ecological and economic

1 health within the County entered into by a coalition
2 of representatives of landowners, ranchers, environ-
3 mental organizations, County government, and
4 recreation groups appointed in the County by the
5 Board of County Commissioners, entitled “Owyhee
6 Initiative Agreement”, as amended on May 10,
7 2006.

8 (7) PLAN.—The term “Plan” means the Sho-
9 shone Paiute Tribal Cultural Resource Protection
10 Plan approved by the Tribes.

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

13 (9) STATE.—The term “State” means the State
14 of Idaho.

15 (10) TRIBES.—The term “Tribes” means the
16 Shoshone-Paiute Tribes of the Duck Valley Indian
17 Reservation.

18 **SEC. 4. GENERAL PROVISIONS.**

19 (a) NO PRECEDENCE.—Nothing in this Act estab-
20 lishes a precedent with regard to any future legislation.

21 (b) NATIVE AMERICAN RECOGNITION AND USES.—
22 Nothing in this Act diminishes or otherwise affects—

23 (1) the trust responsibility of the United States
24 to Indian tribes and Indian individuals;

1 (2) the government-to-government relationship
2 between the United States and federally recognized
3 Indian tribes;

4 (3) the rights of any Indian tribe, including
5 rights of access to Federal land for tribal activities,
6 including spiritual, cultural, and traditional food-
7 gathering activities; or

8 (4) the sovereignty of any Indian tribe.

9 **TITLE I—OWYHEE INITIATIVE**
10 **AGREEMENT**

11 **SEC. 101. IMPLEMENTATION.**

12 (a) IN GENERAL.—The Secretary shall coordinate
13 with the Board and the County in implementing this Act
14 in accordance with applicable laws and regulations.

15 (b) EFFECT ON PUBLIC PARTICIPATION.—Nothing
16 in this Act diminishes or otherwise affects any applicable
17 law or regulation relating to public participation.

18 **SEC. 102. SCIENCE REVIEW PROGRAM.**

19 (a) IN GENERAL.—The Secretary shall coordinate
20 with the Board in the conduct of the science review pro-
21 cess as described in the Owyhee Initiative Agreement.

22 (b) MANAGEMENT ACTIONS.—Notwithstanding the
23 review process under this section, the Secretary shall pro-
24 ceed with management actions in a timely manner in ac-
25 cordance with applicable laws (including regulations).

1 **SEC. 103. CONSERVATION AND RESEARCH CENTER PRO-**
 2 **GRAM.**

3 The Secretary shall coordinate with the Board with
 4 respect to the conservation and research center program,
 5 as described in the Owyhee Initiative Agreement.

6 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated to the Sec-
 8 retary to carry out this title \$20,000,000.

9 **TITLE II—WILDERNESS AND**
 10 **WILD AND SCENIC RIVERS**

11 **SEC. 201. WILDERNESS DESIGNATION.**

12 (a) IN GENERAL.—In furtherance of the purposes of
 13 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
 14 land in the State is designated as wilderness and as com-
 15 ponents of the National Wilderness Preservation System:

16 (1) BIG JACKS CREEK WILDERNESS.—Certain
 17 land comprising approximately 51,624 acres, as gen-
 18 erally depicted on the map entitled “Big Jacks
 19 Creek Wilderness” and dated September 1, 2006,
 20 which shall be known as the “Big Jacks Creek Wil-
 21 derness”.

22 (2) BRUNEAU-JARBIDGE RIVERS WILDER-
 23 NESS.—Certain land comprising approximately
 24 91,328 acres, as generally depicted on the map enti-
 25 tled “Bruneau-Jarbridge Rivers Wilderness” and

1 dated September 1, 2006, which shall be known as
2 the “Bruneau-Jarbidge Rivers Wilderness”.

3 (3) LITTLE JACKS CREEK WILDERNESS.—Cer-
4 tain land comprising approximately 49,647 acres, as
5 generally depicted on the map entitled “Little Jacks
6 Creek Wilderness” and dated September 1, 2006,
7 which shall be known as the “Little Jacks Creek
8 Wilderness”.

9 (4) NORTH FORK OWYHEE WILDERNESS.—Cer-
10 tain land comprising approximately 43,113 acres, as
11 generally depicted on the map entitled “North Fork
12 Owyhee Wilderness” and dated September 1, 2006,
13 which shall be known as the “North Fork Owyhee
14 Wilderness”.

15 (5) OWYHEE RIVER WILDERNESS.—Certain
16 land comprising approximately 269,016 acres, as
17 generally depicted on the map entitled “Owyhee
18 River Wilderness” and dated September 1, 2006,
19 which shall be known as the “Owyhee River Wilder-
20 ness”.

21 (6) POLE CREEK WILDERNESS.—Certain land
22 comprising approximately 12,468 acres, as generally
23 depicted on the map entitled “Pole Creek Wilder-
24 ness” and dated September 1, 2006, which shall be
25 known as the “Pole Creek Wilderness”.

1 (b) RELEASE OF WILDERNESS STUDY AREAS.—

2 (1) FINDING.—Congress finds that, for the pur-
3 poses of section 603 of the Federal Land Policy and
4 Management Act of 1976 (43 U.S.C. 1782), the
5 public land in the County administered by the Bu-
6 reau in the following areas has been adequately
7 studied for wilderness designation:

8 (A) The Sheep Creek East Wilderness
9 Study Area.

10 (B) The Sheep Creek West Wilderness
11 Study Area.

12 (C) The Squaw Creek Canyon Wilderness
13 Study Area.

14 (D) The West Fork Red Canyon Wilder-
15 ness Study Area.

16 (E) The Upper Deep Creek Wilderness
17 Study Area.

18 (F) The Big Willow Springs Wilderness
19 Study Area.

20 (G) The Middle Fork Owyhee River Wil-
21 derness Study Area.

22 (H) Any portion of the wilderness study
23 areas—

24 (i) not designated as wilderness by
25 subsection (a); and

1 (ii) designated for release on the map
2 dated September 1, 2006.

3 (2) RELEASE.—Any public land described in
4 paragraph (1) that is not designated as wilderness
5 by this subsection—

6 (A) is no longer subject to section 603(c)
7 of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1782(c)); and

9 (B) shall be managed in accordance with
10 land management plans adopted under section
11 202 of that Act (43 U.S.C. 1712).

12 (c) MAPS AND LEGAL DESCRIPTIONS.—

13 (1) IN GENERAL.—As soon as practicable after
14 the date of enactment of this Act, the Secretary
15 shall submit to the Committee on Energy and Nat-
16 ural Resources of the Senate and the Committee on
17 Resources of the House of Representatives a map
18 and legal description for each area designated as wil-
19 derness by this Act.

20 (2) EFFECT.—Each map and legal description
21 submitted under paragraph (1) shall have the same
22 force and effect as if included in this Act, except
23 that the Secretary may correct any minor errors in
24 such a map or legal description.

1 (3) AVAILABILITY OF MAPS.—The maps sub-
2 mitted under paragraph (1) shall be available for
3 public inspection in—

4 (A) the offices of the Idaho State Director
5 of the Bureau; and

6 (B) the offices of the Boise and Twin Falls
7 Districts of the Bureau.

8 **SEC. 202. DESIGNATION OF WILD AND SCENIC RIVERS.**

9 (a) STATEMENT OF INTENT.—The intent of wild,
10 scenic, and recreational river designations under this sub-
11 section is to resolve the wild, scenic, and recreational river
12 status of the segments within the County, as depicted on
13 the maps submitted under section 201(c).

14 (b) DESIGNATION.—Section 3(a) of the Wild and
15 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

16 (1) by redesignating paragraph (167) (relating
17 to the Musconetcong River, New Jersey) as para-
18 graph (169);

19 (2) by designating the undesignated paragraph
20 relating to the White Salmon River, Washington, as
21 paragraph (167);

22 (3) by designating the undesignated paragraph
23 relating to the Black Butte River, California, as
24 paragraph (168); and

25 (4) by adding at the end the following:

1 “(170) BATTLE CREEK, IDAHO.—The 23.4
2 miles of Battle Creek in the State of Idaho from the
3 confluence of the Owyhee River to the upstream
4 boundary of the Owyhee River Wilderness, to be ad-
5 ministered by the Secretary of the Interior as a wild
6 river.

7 “(171) BIG JACKS CREEK, IDAHO.—The 35.0
8 miles of Big Jacks Creek in the State of Idaho from
9 the downstream border of the Big Jacks Creek Wil-
10 derness in sec. 8, T. 8 S., R. 4 E., to the point at
11 which it enters the NW¹/₄ of sec. 26, T. 10 S., R.
12 2 E., Boise Meridian, Idaho, to be administered by
13 the Secretary of the Interior as a wild river.

14 “(172) BRUNEAU RIVER, IDAHO.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraph (B), the 39.3-mile segment of the
17 Bruneau River from the downstream boundary
18 of the Bruneau-Jarbidge Wilderness to the up-
19 stream confluence with the west fork of the
20 Bruneau River and the Jarbidge River, to be
21 administered by the Secretary of the Interior as
22 a wild river.

23 “(B) EXCEPTION.—Notwithstanding sub-
24 paragraph (A), the .6-mile segment of the
25 Bruneau River at the Indian Hot Springs pub-

1 lic road access shall be administered by the Sec-
2 retary of the Interior as a recreational river.

3 “(173) WEST FORK OF THE BRUNEAU RIVER,
4 IDAHO.—The 6.2 miles of the West Fork of the
5 Bruneau River in the State of Idaho from the con-
6 fluence with the Jarbidge River to the upstream
7 Bruneau-Jarbidge Rivers Wilderness border, to be
8 administered by the Secretary of the Interior as a
9 wild river.

10 “(174) CAMAS CREEK, IDAHO.—The 3.0 miles
11 of Camas Creek in the State of Idaho from the con-
12 fluence with Pole Creek to the east boundary of sec.
13 26, T. 10 S., R. 2 W., Boise Meridian, Idaho, to be
14 administered by the Secretary of the Interior as a
15 scenic river.

16 “(175) COTTONWOOD CREEK, IDAHO.—The 2.6
17 miles of Cottonwood Creek in the State of Idaho
18 from the confluence with Big Jacks Creek to the up-
19 stream boundary of the Big Jacks Creek Wilderness,
20 to be administered by the Secretary of the Interior
21 as a wild river.

22 “(176) DEEP CREEK, IDAHO.—The following
23 segments of Deep Creek in the State of Idaho, to be
24 administered by the Secretary of the Interior:

1 “(A) The 13.1-mile segment of Deep Creek
2 from the confluence with the Owyhee River to
3 the upstream boundary of the Owyhee River
4 Wilderness in sec. 30, T. 12 S., R. 2 W., Boise
5 Meridian, Idaho, as a wild river.

6 “(B) The 26.4-mile segment of Deep Creek
7 from the boundary of Owyhee River Wilderness
8 in sec. 30, T. 12 S., R. 2 W., Boise Meridian,
9 Idaho, to the upstream crossing of Mud Flat
10 Road, as a scenic river.

11 “(177) DICKSHOOTER CREEK, IDAHO.—The
12 11.0 miles of Dickshooter Creek in the State of
13 Idaho from the confluence with Deep Creek to the
14 upstream boundary of the Owyhee River Wilderness,
15 to be administered by the Secretary of the Interior
16 as a wild river.

17 “(178) DUNCAN CREEK, IDAHO.—The following
18 segments of Duncan Creek in the State of Idaho, to
19 be administered by the Secretary of the Interior:

20 “(A) The 5.2-mile segment of Duncan
21 Creek from the eastern boundary of sec. 18, T.
22 10 S., R. 4 E., Boise Meridian, Idaho, up-
23 stream to the NW¹/₄ of sec. 1, T. 11 S., R. 3
24 E., Boise Meridian, Idaho, as a scenic river.

1 “(B) The 0.9-mile segment of Duncan
2 Creek from the confluence with Big Jacks
3 Creek upstream to the beginning of the Duncan
4 Creek Scenic River segment, as a wild river.

5 “(179) JARBIDGE RIVER, IDAHO.—The 28.8
6 miles of the Jarbidge River in the State of Idaho
7 from the confluence with the West Fork Bruneau
8 River to the upstream boundary of the Bruneau-
9 Jarbidge Rivers Wilderness, to be administered by
10 the Secretary of the Interior as a wild river.

11 “(180) LITTLE JACKS CREEK, IDAHO.—The
12 13.2 miles of Little Jacks Creek in the State of
13 Idaho from the downstream boundary of the Little
14 Jacks Creek Wilderness, upstream to the NW¹/₄ of
15 sec. 27, T. 9 S., R. 2 E., Boise Meridian, Idaho, to
16 be administered by the Secretary of the Interior as
17 a wild river.

18 “(181) LITTLE OWYHEE, IDAHO.—The 11.0
19 miles of the Little Owyhee in the State of Idaho
20 from the confluence with the South Fork of the
21 Owyhee River to the upstream boundary of the
22 Owyhee River Wilderness, to be administered by the
23 Secretary of the Interior as a wild river.

24 “(182) NORTH FORK OF THE OWYHEE RIVER,
25 IDAHO.—The following segments of the North Fork

1 of the Owyhee River in the State of Idaho, to be ad-
2 ministered by the Secretary of the Interior:

3 “(A) The 5.7-mile segment of the North
4 Fork of the Owyhee River from the Idaho-Or-
5 egon State border to the Wild River segment of
6 the North Fork of the Owyhee River, as a rec-
7 reational river.

8 “(B) The 15.1-mile segment of the North
9 Fork of the Owyhee River from the western/
10 downstream boundary of the North Fork
11 Owyhee River Wilderness to the northern/up-
12 stream boundary of the North Fork Owyhee
13 River Wilderness, as a wild river.

14 “(183) OX PRONG, IDAHO.—The 1.3 miles of
15 the Ox Prong in the State of Idaho from the con-
16 fluence with Little Jacks Creek to the upstream
17 boundary of the Little Jacks Creek Wilderness, to be
18 administered by the Secretary of the Interior as a
19 wild river.

20 “(184) OWYHEE RIVER, IDAHO.—The 67.3
21 miles of the Owyhee River in the State of Idaho
22 from the Idaho-Oregon State border to the upstream
23 boundary of the Owyhee River Wilderness, to be ad-
24 ministered by the Secretary of the Interior as a wild
25 river, subject to the conditions that—

1 “(A) motorized access shall be permitted
2 at Crutchers Crossing; and

3 “(B) any crossing shall remain
4 unconstructed.

5 “(185) POLE CREEK, IDAHO.—The 14.3 miles
6 of Pole Creek in the State of Idaho from the con-
7 fluence with Deep Creek upstream to the south
8 boundary of sec. 16, T. 10 S., R. 2 W., Boise Merid-
9 ian, Idaho, to be administered by the Secretary of
10 the Interior as a scenic river.

11 “(186) RED CANYON, IDAHO.—The 4.6 miles of
12 Red Canyon in the State of Idaho from the con-
13 fluence of the Owyhee River to the upstream bound-
14 ary of the Owyhee River Wilderness, to be adminis-
15 tered by the Secretary of the Interior as a wild river.

16 “(187) SHEEP CREEK, IDAHO.—The 25.6 miles
17 of Sheep Creek in the State of Idaho from the con-
18 fluence with the Bruneau River to the upstream
19 boundary of the Bruneau-Jarbidge Rivers Wilder-
20 ness, to be administered by the Secretary of the In-
21 terior as a wild river.

22 “(188) SOUTH FORK OF THE OWYHEE RIVER,
23 IDAHO.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the 31.4-mile segment of the

1 South Fork of the Owyhee River from the con-
2 fluence with the Owyhee River to the upstream
3 boundary of the Owyhee River Wilderness at
4 the Idaho-Nevada State border shall be admin-
5 istered by the Secretary of the Interior as a
6 wild river.

7 “(B) EXCEPTION.—Notwithstanding sub-
8 paragraph (A), the 1.2-mile segment of the
9 South Fork of the Owyhee River across the pri-
10 vate lands in secs. 25 and 36, T. 14 S., R. 5
11 W., Boise Meridian, Idaho, shall be adminis-
12 tered by the Secretary of the Interior as a rec-
13 reational river.

14 “(189) WICKAHONEY, IDAHO.—The 1.5 miles
15 of Wickahoney Creek in the State of Idaho from the
16 confluence of Big Jacks Creek to the upstream
17 boundary of the Big Jacks Creek Wilderness, to be
18 administered by the Secretary of the Interior as a
19 wild river.”.

20 (c) EXTENT OF BOUNDARIES.—Notwithstanding sec-
21 tion 3(b) of the Wild and Scenic Rivers Act (16 U.S.C.
22 1274(b)), the boundaries of the wild and scenic river cor-
23 ridor for a river designated as a wild and scenic river by
24 any of paragraphs (170) through (189) of section 3(a) of

1 that Act (16 U.S.C. 1274(a)) (as added by subsection (b))
2 shall be the ordinary high water mark.

3 (d) MAPS AND LEGAL DESCRIPTIONS.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of enactment of this Act, the Secretary
6 shall submit to the Committee on Energy and Nat-
7 ural Resources of the Senate and the Committee on
8 Resources of the House of Representatives the map
9 and legal description of each segment of a river des-
10 igned as a wild and scenic river under this section
11 or an amendment made by this section.

12 (2) EFFECT.—Each map and legal description
13 submitted under paragraph (1) shall have the same
14 force and effect as if included in this Act, except
15 that the Secretary may correct any minor errors in
16 the maps and legal descriptions.

17 (3) AVAILABILITY OF MAPS.—The maps sub-
18 mitted under paragraph (1) shall be available for
19 public inspection in—

20 (A) the offices of the Idaho State Director
21 of the Bureau; and

22 (B) the offices of the Boise and Twin Falls
23 districts of the Bureau.

24 (e) WATER RIGHTS.—Water Rights relating to a seg-
25 ment of a river designated as a wild and scenic river under

1 any of paragraphs (170) through (189) of section 3(a) of
2 the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as
3 added by subsection (b)) shall be reserved in accordance
4 with—

5 (1) the provisions of that Act (16 U.S.C. 1271
6 et seq.);

7 (2) the laws and regulations of the State; and

8 (3) the Owyhee Initiative Agreement.

9 **SEC. 203. ADMINISTRATION OF WILDERNESS AND WILD**
10 **AND SCENIC RIVERS.**

11 (a) **MANAGEMENT.**—Subject to valid existing rights,
12 each area designated as wilderness by section 201 shall
13 be administered by the Secretary in accordance with the
14 Wilderness Act (16 U.S.C. 1131 et seq.), except that—

15 (1) any reference in that Act to the effective
16 date shall be considered to be a reference to the date
17 of enactment of this Act; and

18 (2) any reference in that Act to the Secretary
19 of Agriculture shall be considered to be a reference
20 to the Secretary of the Interior with respect to land
21 administered by the Secretary of the Interior.

22 (b) **INVENTORY.**—In accordance with the Owyhee Ini-
23 tiative Agreement, not later than 1 year after the date
24 on which a wilderness is designated under section 201, the

1 Bureau shall conduct an inventory of wilderness grazing
2 management facilities and activities in the wilderness.

3 (c) LIVESTOCK.—In the wilderness areas designated
4 by section 201 that are administered by the Bureau, the
5 grazing of livestock in areas in which grazing is estab-
6 lished as of the date of enactment of this Act shall be
7 allowed to continue, subject to such reasonable regula-
8 tions, policies, and practices as the Secretary considers
9 necessary, consistent with section 4(d)(4) of the Wilder-
10 ness Act (16 U.S.C. 1133(d)(4)) and the guidelines de-
11 scribed in Appendix A of House Report 101–405.

12 (d) RECREATIONAL SADDLE AND PACK STOCK.—
13 Nothing in this Act precludes horseback riding or the use
14 of recreational saddle or pack stock in any wilderness des-
15 ignated by section 201.

16 (e) OUTFITTING AND GUIDING ACTIVITIES.—

17 (1) IN GENERAL.—Consistent with section
18 4(d)(6) of the Wilderness Act (16 U.S.C.
19 1133(d)(6)) and subject to any regulations that the
20 Secretary determines to be necessary, the Secretary
21 shall permit the continuation of outfitting and guid-
22 ing activities in any wilderness designated by section
23 201.

24 (2) EFFECT OF DESIGNATION.—Designation of
25 an area as wilderness areas under section 201 shall

1 not require the Secretary to limit the conduct of out-
2 fitting activities or the use of the system of reserved
3 camps and allocated river launches designated for
4 use by members of the public that use outfitter serv-
5 ices that are in existence before the date of enact-
6 ment of this Act.

7 (f) ACCESS TO NON-FEDERAL LAND.—Nothing in
8 this Act denies an owner of non-Federal land the right
9 to access the land.

10 (g) ROADS ADJACENT TO WILDERNESS.—With re-
11 spect to any road adjacent to a wilderness designated by
12 section 201 (as depicted on the applicable map), the
13 boundary of the wilderness shall be—

14 (1) 100 feet from the center line for a primary
15 road;

16 (2) 50 feet from the center line for a primitive
17 wilderness boundary road; and

18 (3) 30 feet on either side of the center line for
19 an interior wilderness division or cherrystem road.

20 (h) WILDLIFE MANAGEMENT.—

21 (1) IN GENERAL.—In accordance with section
22 4(d)(7) of the Wilderness Act (16 U.S.C.
23 1133(d)(7)), nothing in this title affects or dimin-
24 ishes the jurisdiction of the State with respect to
25 fish and wildlife management, including the regula-

1 tion of hunting, fishing, and trapping in any wilder-
2 ness designated by section 201.

3 (2) MANAGEMENT ACTIVITIES.—

4 (A) IN GENERAL.—In furtherance of the
5 purposes and principles of the Wilderness Act
6 (16 U.S.C. 1131 et seq.), management activities
7 to maintain or restore fish and wildlife popu-
8 lations and the habitats necessary to support
9 such populations may be carried out in any wil-
10 derness designated by section 201, if the man-
11 agement activities are—

12 (i) consistent with relevant wilderness
13 management plans; and

14 (ii) conducted in accordance with ap-
15 propriate policies, such as the policies es-
16 tablished in Appendix B of House Report
17 101–405.

18 (B) INCLUSIONS.—Management activities
19 under subparagraph (A) may include the occa-
20 sional and temporary use of motorized vehicles,
21 if the use, as determined by the Secretary,
22 would promote healthy, viable, and more natu-
23 rally distributed wildlife populations that would
24 enhance wilderness values while causing the

1 minimum impact necessary to accomplish the
2 promotion of such outcomes.

3 (3) EXISTING ACTIVITIES.—Consistent with
4 section 4(d)(1) of the Wilderness Act (16 U.S.C.
5 1133(d)(1)) and in accordance with appropriate poli-
6 cies, such as those established in Appendix B of
7 House Report 101–405, the State may continue to
8 use aircraft (including helicopters) in the wilderness
9 areas designated by section 201 to survey, capture,
10 transplant, monitor, and provide water for wildlife
11 populations, including bighorn sheep and feral stock,
12 horses, and burros.

13 (i) WILDFIRE MANAGEMENT.—Consistent with sec-
14 tion 4 of the Wilderness Act (16 U.S.C. 1133), nothing
15 in this title precludes a Federal, State, or local agency
16 from conducting wildfire management operations (includ-
17 ing operations using aircraft or mechanized equipment) to
18 manage wildfires in any wilderness designated by section
19 201.

20 (j) INCORPORATION OF ACQUIRED LAND AND INTER-
21 ESTS.—Any land or interest within the perimeter of, or
22 adjacent to, an area designated as a wilderness by section
23 201 or any land or interest described in section 204 that
24 is acquired by the United States after the date of enact-
25 ment of this Act shall be added to and administered as

1 part of the wilderness within which the acquired land or
2 interest is located.

3 (k) ADJACENT MANAGEMENT.—

4 (1) IN GENERAL.—The designation of a wilder-
5 ness by section 201 shall not create any protective
6 perimeters or buffer zones around the wilderness.

7 (2) NONWILDERNESS ACTIVITIES.—The fact
8 that nonwilderness activities or uses can be seen or
9 heard from areas within a wilderness or wild and
10 scenic river designated under this section shall not
11 preclude the conduct of those activities or uses out-
12 side the boundary of the wilderness or wild and sce-
13 nic river.

14 (l) MILITARY OVERFLIGHTS.—Nothing in this sec-
15 tion restricts or precludes—

16 (1) low-level overflights and operations of mili-
17 tary aircraft, helicopters, missiles, or unmanned aer-
18 ial vehicles over the areas designated as a wilderness
19 by section 201, including military overflights that
20 can be seen or heard within the wilderness or wild
21 and scenic river areas;

22 (2) flight testing and evaluation;

23 (3) the designation or creation of new units of
24 special use airspace, the expansion of units of special
25 use airspace in existence on the date of enactment

1 of this Act, or the use or establishment of military
2 flight training routes over the wilderness or wild and
3 scenic river areas; or

4 (4) emergency access and response.

5 (m) WATER RIGHTS.—In accordance with section
6 4(d)(6) of the Wilderness Act (16 U.S.C. 1133(d)(6)),
7 nothing in this Act provides an express or implied claim
8 or denial of the Federal Government with respect to any
9 exemption from water laws of the State.

10 **SEC. 204. LAND EXCHANGES AND ACQUISITIONS AND GRAZ-**
11 **ING PREFERENCES.**

12 (a) EXCHANGES AND ACQUISITIONS.—

13 (1) FINDINGS.—Congress finds that—

14 (A) the consolidation of land ownership
15 would facilitate sound and efficient manage-
16 ment for public and private land and serve im-
17 portant public objectives, including—

18 (i) the enhancement of public access,
19 aesthetics, and recreational opportunities
20 within and adjacent to designated wilder-
21 ness and wild and scenic river areas; and

22 (ii) the protection and enhancement of
23 wildlife habitat, including sensitive species;

24 (B) time is of the essence in completing
25 appropriate land exchanges because further

1 delays may force landowners to construct roads
2 in, develop, or sell private land inholdings, and
3 diminish the public values for which the private
4 land is to be acquired; and

5 (C) it is in the public interest to complete
6 the land exchanges at the earliest practicable
7 date so that the land acquired by the United
8 States can be preserved for protection of wilder-
9 ness character, wildlife habitat, and permanent
10 public use and enjoyment.

11 (2) AUTHORIZATION.—The Secretary may ac-
12 quire, by purchase or other exchange, any land or
13 interest offered by an owner under paragraph (3),
14 subject to the conditions described in paragraph (4).

15 (3) OFFERS TO CONVEY.—

16 (A) IN GENERAL.—An owner of land or an
17 interest identified under the document entitled
18 “Land Exchanges and Acquisitions” and dated
19 September 1, 2006, may offer to convey the
20 land or interest to the Secretary by purchase or
21 exchange if the owner has submitted to the Sec-
22 retary, on or before the date of enactment of
23 this Act—

24 (i) a written notice of the intent to ex-
25 change or sell the land or interest;

1 (ii) an identification of each parcel of
2 land and each interest to be exchanged or
3 sold;

4 (iii) a description of the value of each
5 parcel of land and each interest as de-
6 scribed in that document; and

7 (iv) in the case of an exchange, a de-
8 scription of the Federal land sought for
9 the exchange.

10 (B) CONVEYANCE BY SALE.—

11 (i) IN GENERAL.—Subject to the
12 availability of funds, the Secretary shall
13 acquire any land or interests offered for
14 purchase under subparagraph (A) as soon
15 as practicable after the date of enactment
16 of this Act.

17 (ii) ELECTION TO RECEIVE CASH.—If
18 an owner makes an election under sub-
19 paragraph (C)(iii)(II), the Secretary shall
20 acquire by sale the land or interest of the
21 owner as soon as practicable after the date
22 on which the Secretary receives a notice of
23 the election of the owner.

24 (C) CONVEYANCE BY DIRECT EX-
25 CHANGE.—

1 (i) IN GENERAL.—On the election of
2 an owner that has submitted an appro-
3 priate notice under subparagraph (A)(i),
4 the Secretary may acquire land or property
5 interests identified as eligible for exchange
6 in the document entitled “Land Exchanges
7 and Acquisitions” and dated September 1,
8 2006, in exchange for Federal land that
9 is—

10 (I) of equal value to the land or
11 property interests, as determined by
12 appraisals of the applicable Federal
13 land, with or without development
14 rights;

15 (II) located in the County; and

16 (III) described in the document
17 referred to in subparagraph (A).

18 (ii) ACTION BY SECRETARY.—Not
19 later than 60 days after the date on which
20 the appraisals of applicable land are com-
21 pleted, the Secretary shall offer to enter
22 into an exchange under this subparagraph
23 with each appropriate owner of land or a
24 property interest offered for exchange
25 under subparagraph (A).

1 (iii) DECISIONS BY OWNERS.—Not
2 later than 60 days after the date on which
3 the appraisals of applicable land are com-
4 pleted, an owner of land or a property in-
5 terest subject to an exchange under this
6 subparagraph may elect—

7 (I) to waive any applicable devel-
8 opment right relating to the Federal
9 land to be exchanged, subject to the
10 adjustment of the exchange to achieve
11 like values;

12 (II) to receive cash in lieu of
13 Federal land for all or any portion of
14 the land or property interest to be ex-
15 changed; or

16 (III) to withdraw from participa-
17 tion in any exchange program.

18 (iv) APPLICABILITY OF OTHER LAW.—
19 Except as otherwise provided in this sec-
20 tion, each exchange of Federal land under
21 this section shall be subject to laws (in-
22 cluding regulations) applicable to the con-
23 veyance and acquisition of land under the
24 jurisdiction of the Bureau of Land Man-
25 agement.

1 (D) FACILITATED LAND EXCHANGES.—

2 (i) IN GENERAL.—Not later than 30
3 days after the date of enactment of this
4 Act, the Secretary shall offer to enter into
5 a facilitated land exchange in accordance
6 with subparagraph (A) and conducted
7 through a land exchange facilitator to be
8 designated by the Board.

9 (ii) EXCHANGE OFFER.—

10 (I) IN GENERAL.—Not later than
11 60 days after the date on which the
12 appraisals of applicable land are com-
13 pleted, the land exchange facilitator
14 shall submit to the Secretary an offer
15 to exchange private land for Federal
16 land in the County.

17 (II) REQUIREMENT.—An offer to
18 exchange under subclause (I) shall
19 demonstrate that the appraised value
20 of the private land is equal or ap-
21 proximately equal to the appraised
22 value, with or without development
23 rights, of the Federal land offered for
24 exchange.

25 (4) CONDITIONS.—

1 (A) TITLE.—Title to any private land con-
2 veyed under this subsection shall—

3 (i) be acceptable to the Secretary; and

4 (ii) conform with title approval stand-
5 ards applicable to Federal land acquisi-
6 tions.

7 (B) VALID EXISTING RIGHTS.—Convey-
8 ances under this subsection shall be subject to
9 valid existing rights of record.

10 (5) EFFECT OF SUBSECTION.—Nothing in this
11 subsection—

12 (A) creates any compensable property right
13 or title with respect to grazing preferences; or

14 (B) affects any public access route on Fed-
15 eral land exchanged under this subsection.

16 (b) GRAZING PREFERENCES.—

17 (1) IN GENERAL.—A holder of a valid grazing
18 preference with respect to all or a portion of any
19 Federal land designated by this Act as a wilderness
20 may voluntarily offer to the Secretary for sale or do-
21 nation all or any portion of the grazing preference.

22 (2) NOTICE.—To offer a grazing preference for
23 sale or donation under paragraph (1), the holder of
24 the grazing preference shall submit to the Secretary

1 a written notice of the intent of the holder, includ-
2 ing—

3 (A) a description of the Federal land to
4 which the grazing preference applies; and

5 (B) the date on which the holder will relin-
6 quish use of the grazing preference, which shall
7 be not later than 1 year after the date on which
8 the notice is submitted.

9 (3) CONSIDERATION.—The Secretary shall pro-
10 vide to a holder that offers a grazing preference for
11 sale under paragraph (1) consideration in accord-
12 ance with the schedule of payments described in the
13 document described in subsection (a)(3)(A).

14 (4) CANCELLATION AND RETIREMENT OF LIVE-
15 STOCK GRAZING.—Beginning on the date identified
16 under paragraph (2)(B)—

17 (A) the applicable grazing preference shall
18 be canceled; and

19 (B) the associated livestock grazing shall
20 be permanently retired.

21 (5) FENCING.—The Secretary shall install and
22 maintain any fencing and other structures required
23 to prevent grazing use of any Federal land on which
24 a grazing preference has been voluntarily sold or do-
25 nated under this subsection.

1 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Bu-
3 reau such sums as are necessary to carry out this title.

4 **TITLE III—TRANSPORTATION**
5 **AND RECREATION MANAGE-**
6 **MENT**

7 **SEC. 301. TRANSPORTATION PLANS.**

8 (a) IN GENERAL.—The Bureau shall develop and im-
9 plement transportation plans for land managed by the Bu-
10 reau outside of wilderness areas in the County.

11 (b) CONSULTATION AND COORDINATION.—The
12 transportation plans and cooperative agreements shall be
13 developed in consultation and coordination with appro-
14 priate Federal Government entities, tribal government en-
15 tities, and State and local government entities consistent
16 with—

17 (1) the Federal Land Policy and Management
18 Act of 1976 (43 U.S.C. 1701 et seq.);

19 (2) the National Environmental Policy Act of
20 1969 (42 U.S.C. 4321 et seq.); and

21 (3) any other applicable laws.

22 (c) INCLUSIONS.—The Bureau shall ensure that all
23 areas of the County managed by the Bureau, including
24 areas that are remote and rarely used for motorized recre-
25 ation, are included and in transportation plans developed
26 under subsection (a) to—

1 (1) provide for management of anticipated
2 growth in recreational use of the land; and

3 (2) develop a system to provide a wide range of
4 recreational opportunities and experiences for all
5 users.

6 (d) LIMITATION.—Transportation plans under sub-
7 section (a) shall not affect the status of any road adjacent
8 to any wilderness (as depicted on the applicable map).

9 (e) SYSTEM OF ROUTES.—

10 (1) IN GENERAL.—Each transportation plan
11 under subsection (a) shall—

12 (A) establish a system of designated roads
13 and trails;

14 (B) include a multiple use recreational
15 trail system, that provides a wide range of rec-
16 reational opportunities and experiences for all
17 users while protecting natural and cultural re-
18 sources;

19 (C) limit the use of motorized and mecha-
20 nized vehicles to designated roads and trails;

21 (D) address use of snow vehicles on roads,
22 trails, and areas designated for such use;

23 (E) be based on resource and route inven-
24 tories;

1 (F) include designation of routes and route
2 systems that are open or closed; and

3 (G) include provisions relating to, with re-
4 spect to the applicable land—

5 (i) trail construction and reconstruc-
6 tion;

7 (ii) road and trail closure;

8 (iii) seasonal closures or restrictions;

9 (iv) restoration of disturbed areas;

10 (v) monitoring;

11 (vi) maintenance;

12 (vii) maps;

13 (viii) signs;

14 (ix) education; and

15 (x) enforcement.

16 (2) TEMPORARY LIMITATION.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), until the date on which the
19 Bureau completes transportation planning, all
20 recreational motorized and mechanized off-high-
21 way vehicle use shall be limited to roads and
22 trails in existence on the day before the date of
23 enactment of this Act.

24 (B) EXCEPTIONS.—

1 (i) IN GENERAL.—Subparagraph (A)
2 shall not apply to areas specifically identi-
3 fied as open, closed, or limited under the
4 Owyhee resource management plan.

5 (ii) HEMMINGWAY BUTTE AREA.—
6 Notwithstanding subparagraph (A), the
7 Bureau may take into consideration main-
8 taining the Hemmingway Butte area as
9 open to cross-country travel.

10 (f) SCHEDULE.—

11 (1) OWYHEE FRONT.—Not later than 1 year
12 after the date of enactment of this Act, the Bureau
13 shall complete a transportation plan for the Owyhee
14 Front.

15 (2) OTHER FEDERAL LANDS IN THE COUNTY.—
16 Not later than 3 years after the date of enactment
17 of this Act, the Bureau shall complete a transpor-
18 tation plan for Federal land in the County outside
19 the Owyhee Front.

20 **SEC. 302. AUTHORITY.**

21 Transportation and travel management under this
22 title shall not affect the authority of the Bureau to man-
23 age or regulate off-highway vehicle use under title 43,
24 Code of Federal Regulations (as in effect on September
25 25, 2005).

1 **SEC. 303. COOPERATIVE AGREEMENTS.**

2 (a) IN GENERAL.—As soon as practicable, after the
3 date of enactment of this Act, the Bureau shall offer to
4 enter into cooperative agreements with the County—

5 (1) to establish a cooperative search and rescue
6 program; and

7 (2) to implement and enforce the transportation
8 plans described in this section.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Bureau such
11 sums as are necessary—

12 (1) to carry out search and rescue operations in
13 the County; and

14 (2) to develop, implement, and enforce off-high-
15 way motor vehicle transportation plans under this
16 section.

17 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Bu-
19 reau such sums as are necessary to accelerate completion
20 and implementation by the Bureau of the transportation
21 plan for the Owyhee Front and subsequent transportation
22 plans for the remainder of the County.

23 **TITLE IV—CULTURAL**
24 **RESOURCES**

25 **SEC. 401. FINDINGS.**

26 Congress finds that—

1 (1) the County is rich in history and culture
2 going back thousands of years;

3 (2) the cultural and historical resources impor-
4 tant to the people and ancestors of the Tribes must
5 be protected against abuse and desecration, whether
6 intentional or unintentional;

7 (3) there are opportunities—

8 (A) to increase knowledge of cultural re-
9 sources;

10 (B) to monitor influences from outside
11 forces; and

12 (C) to improve the inspection and super-
13 vision of major cultural sites;

14 (4) inventory and monitoring programs that
15 identify and document cultural sites and the condi-
16 tion of those sites over time would—

17 (A) assist in ensuring the preservation of
18 the sites; and

19 (B) help to focus resources—

20 (i) to ensure compliance with prohibi-
21 tions against destruction and or removal of
22 cultural items; and

23 (ii) to prevent inadvertent negative
24 impacts;

25 (5) the Owyhee Initiative Agreement will—

1 (A) support a broad range of measures to
2 protect cultural sites and resources important
3 to the continuation of the traditions and beliefs
4 of the Tribes; and

5 (B) provide for the implementation of the
6 Plan; and

7 (6) the implementation of the Plan should—

8 (A) be consistent with the Indian Self-De-
9 termination and Education Assistance Act (25
10 U.S.C. 450 et seq.); and

11 (B) recognize that—

12 (i) the right of Indians to self-govern-
13 ment results from the inherent sovereignty
14 of Indian tribes; and

15 (ii) the United States—

16 (I) has a special and unique legal
17 and political relationship with feder-
18 ally recognized Indian tribes; and

19 (II) is obligated to develop a gov-
20 ernment-to-government relationship
21 with Indian tribes under the Constitu-
22 tion, treaties, Federal law, and the
23 course of dealings with Indian tribes.

24 **SEC. 402. IMPLEMENTATION.**

25 The Tribes shall implement the Plan.

1 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Tribes
3 to carry out this title—

4 (1) \$900,000 for fiscal year 2008; and

5 (2) \$900,000 for each of fiscal years 2009
6 through 2012.

○