

111TH CONGRESS
1ST SESSION

S. 22

AN ACT

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

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Omnibus Public Land Management Act of 2009”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS
PRESERVATION SYSTEM**

Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.

Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.

Sec. 1003. Monongahela National Forest boundary confirmation.

Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.

Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.

Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.

Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.

Sec. 1105. Trail plan and development.

Sec. 1106. Maps and boundary descriptions.

Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

Sec. 1201. Definitions.

Sec. 1202. Designation of wilderness areas.

Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.

Sec. 1204. Mount Hood National Recreation Area.

Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.

Sec. 1206. Land exchanges.

Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.

Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.

Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

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

Subtitle F—Owyhee Public Land Management

- Sec. 1501. Definitions.
- Sec. 1502. Owyhee Science Review and Conservation Center.
- Sec. 1503. Wilderness areas.
- Sec. 1504. Designation of wild and scenic rivers.
- Sec. 1505. Land identified for disposal.
- Sec. 1506. Tribal cultural resources.
- Sec. 1507. Recreational travel management plans.
- Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

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

Subtitle H—Pictured Rocks National Lakeshore Wilderness

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

Subtitle I—Oregon Badlands Wilderness

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

Subtitle J—Spring Basin Wilderness, Oregon

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

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

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

Subtitle L—Riverside County Wilderness, California

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

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

- Sec. 1901. Definitions.
- Sec. 1902. Designation of wilderness areas.
- Sec. 1903. Administration of wilderness areas.
- Sec. 1904. Authorization of appropriations.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

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

Subtitle O—Washington County, Utah

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

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

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

Subtitle B—Prehistoric Trackways National Monument

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

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

- Sec. 2201. Definitions.

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

Subtitle D—Snake River Birds of Prey National Conservation Area

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

Subtitle E—Dominguez-Escalante National Conservation Area

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

Subtitle F—Rio Puerco Watershed Management Program

- Sec. 2501. Rio Puerco Watershed Management Program.

Subtitle G—Land Conveyances and Exchanges

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

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

- Sec. 3001. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

- Sec. 3101. Wildland firefighter safety.

Subtitle C—Wyoming Range

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

Subtitle D—Land Conveyances and Exchanges

- Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.
- Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.

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

Subtitle E—Colorado Northern Front Range Study

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

TITLE IV—FOREST LANDSCAPE RESTORATION

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

TITLE V—RIVERS AND TRAILS

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

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

Subtitle B—Wild and Scenic Rivers Studies

- Sec. 5101. Missisquoi and Trout Rivers Study.

Subtitle C—Additions to the National Trails System

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

Subtitle D—National Trail System Amendments

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

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

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

Subtitle B—Competitive Status for Federal Employees in Alaska

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

Subtitle C—Management of the Baca National Wildlife Refuge

Sec. 6201. Baca National Wildlife Refuge.

Subtitle D—Paleontological Resources Preservation

- Sec. 6301. Definitions.
- Sec. 6302. Management.
- Sec. 6303. Public awareness and education program.
- Sec. 6304. Collection of paleontological resources.
- Sec. 6305. Curation of resources.
- Sec. 6306. Prohibited acts; criminal penalties.
- Sec. 6307. Civil penalties.
- Sec. 6308. Rewards and forfeiture.
- Sec. 6309. Confidentiality.
- Sec. 6310. Regulations.
- Sec. 6311. Savings provisions.
- Sec. 6312. Authorization of appropriations.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

- Sec. 6401. Definitions.
- Sec. 6402. Land exchange.
- Sec. 6403. King Cove Road.
- Sec. 6404. Administration of conveyed lands.
- Sec. 6405. Failure to begin road construction.
- Sec. 6406. Expiration of legislative.

Subtitle F—Wolf Livestock Loss Demonstration Project

- Sec. 6501. Definitions.
- Sec. 6502. Wolf compensation and prevention program.
- Sec. 6503. Authorization of appropriations.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

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

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

- Sec. 7101. Funding for Keweenaw National Historical Park.
- Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.
- Sec. 7103. Little River Canyon National Preserve boundary expansion.
- Sec. 7104. Hopewell Culture National Historical Park boundary expansion.
- Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.
- Sec. 7106. Minute Man National Historical Park.
- Sec. 7107. Everglades National Park.

- Sec. 7108. Kalaupapa National Historical Park.
- Sec. 7109. Boston Harbor Islands National Recreation Area.
- Sec. 7110. Thomas Edison National Historical Park, New Jersey.
- Sec. 7111. Women's Rights National Historical Park.
- Sec. 7112. Martin Van Buren National Historic Site.
- Sec. 7113. Palo Alto Battlefield National Historical Park.
- Sec. 7114. Abraham Lincoln Birthplace National Historical Park.
- Sec. 7115. New River Gorge National River.
- Sec. 7116. Technical corrections.
- Sec. 7117. Dayton Aviation Heritage National Historical Park, Ohio.
- Sec. 7118. Fort Davis National Historic Site.

Subtitle C—Special Resource Studies

- Sec. 7201. Walnut Canyon study.
- Sec. 7202. Tule Lake Segregation Center, California.
- Sec. 7203. Estate Grange, St. Croix.
- Sec. 7204. Harriet Beecher Stowe House, Maine.
- Sec. 7205. Shepherdstown battlefield, West Virginia.
- Sec. 7206. Green McAdoo School, Tennessee.
- Sec. 7207. Harry S Truman Birthplace, Missouri.
- Sec. 7208. Battle of Matewan special resource study.
- Sec. 7209. Butterfield Overland Trail.
- Sec. 7210. Cold War sites theme study.
- Sec. 7211. Battle of Camden, South Carolina.
- Sec. 7212. Fort San Gerónimo, Puerto Rico.

Subtitle D—Program Authorizations

- Sec. 7301. American Battlefield Protection Program.
- Sec. 7302. Preserve America Program.
- Sec. 7303. Save America's Treasures Program.
- Sec. 7304. Route 66 Corridor Preservation Program.
- Sec. 7305. National Cave and Karst Research Institute.

Subtitle E—Advisory Commissions

- Sec. 7401. Na Hoa Pili O Kaloko-Honokohau Advisory Commission.
- Sec. 7402. Cape Cod National Seashore Advisory Commission.
- Sec. 7403. National Park System Advisory Board.
- Sec. 7404. Concessions Management Advisory Board.
- Sec. 7405. St. Augustine 450th Commemoration Commission.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

- Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.
- Sec. 8002. Cache La Poudre River National Heritage Area, Colorado.
- Sec. 8003. South Park National Heritage Area, Colorado.
- Sec. 8004. Northern Plains National Heritage Area, North Dakota.
- Sec. 8005. Baltimore National Heritage Area, Maryland.
- Sec. 8006. Freedom's Way National Heritage Area, Massachusetts and New Hampshire.
- Sec. 8007. Mississippi Hills National Heritage Area.
- Sec. 8008. Mississippi Delta National Heritage Area.
- Sec. 8009. Muscle Shoals National Heritage Area, Alabama.

Sec. 8010. Kenai Mountains-Turnagain Arm National Heritage Area, Alaska.

Subtitle B—Studies

Sec. 8101. Chattahoochee Trace, Alabama and Georgia.

Sec. 8102. Northern Neck, Virginia.

Subtitle C—Amendments Relating to National Heritage Corridors

Sec. 8201. Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

Sec. 8202. Delaware And Lehigh National Heritage Corridor.

Sec. 8203. Erie Canalway National Heritage Corridor.

Sec. 8204. John H. Chafee Blackstone River Valley National Heritage Corridor.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

Sec. 9001. Snake, Boise, and Payette River systems, Idaho.

Sec. 9002. Sierra Vista Subwatershed, Arizona.

Sec. 9003. San Diego Intertie, California.

Subtitle B—Project Authorizations

Sec. 9101. Tumalo Irrigation District Water Conservation Project, Oregon.

Sec. 9102. Madera Water Supply Enhancement Project, California.

Sec. 9103. Eastern New Mexico Rural Water System project, New Mexico.

Sec. 9104. Rancho California Water District project, California.

Sec. 9105. Jackson Gulch Rehabilitation Project, Colorado.

Sec. 9106. Rio Grande Pueblos, New Mexico.

Sec. 9107. Upper Colorado River endangered fish programs.

Sec. 9108. Santa Margarita River, California.

Sec. 9109. Elsinore Valley Municipal Water District.

Sec. 9110. North Bay Water Reuse Authority.

Sec. 9111. Prado Basin Natural Treatment System Project, California.

Sec. 9112. Bunker Hill Groundwater Basin, California.

Sec. 9113. GREAT Project, California.

Sec. 9114. Yucaipa Valley Water District, California.

Sec. 9115. Arkansas Valley Conduit, Colorado.

Subtitle C—Title Transfers and Clarifications

Sec. 9201. Transfer of McGee Creek pipeline and facilities.

Sec. 9202. Albuquerque Biological Park, New Mexico, title clarification.

Sec. 9203. Goleta Water District Water Distribution System, California.

Subtitle D—San Gabriel Basin Restoration Fund

Sec. 9301. Restoration Fund.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

Sec. 9401. Definitions.

Sec. 9402. Implementation and water accounting.

Sec. 9403. Enforceability of program documents.

Sec. 9404. Authorization of appropriations.

Subtitle F—Secure Water

- Sec. 9501. Findings.
- Sec. 9502. Definitions.
- Sec. 9503. Reclamation climate change and water program.
- Sec. 9504. Water management improvement.
- Sec. 9505. Hydroelectric power assessment.
- Sec. 9506. Climate change and water intragovernmental panel.
- Sec. 9507. Water data enhancement by United States Geological Survey.
- Sec. 9508. National water availability and use assessment program.
- Sec. 9509. Research agreement authority.
- Sec. 9510. Effect.

Subtitle G—Aging Infrastructure

- Sec. 9601. Definitions.
- Sec. 9602. Guidelines and inspection of project facilities and technical assistance to transferred works operating entities.
- Sec. 9603. Extraordinary operation and maintenance work performed by the Secretary.
- Sec. 9604. Relationship to Twenty-First Century Water Works Act.
- Sec. 9605. Authorization of appropriations.

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

- Sec. 10001. Short title.
- Sec. 10002. Purpose.
- Sec. 10003. Definitions.
- Sec. 10004. Implementation of settlement.
- Sec. 10005. Acquisition and disposal of property; title to facilities.
- Sec. 10006. Compliance with applicable law.
- Sec. 10007. Compliance with Central Valley Project Improvement Act.
- Sec. 10008. No private right of action.
- Sec. 10009. Appropriations; Settlement Fund.
- Sec. 10010. Repayment contracts and acceleration of repayment of construction costs.
- Sec. 10011. California Central Valley Spring Run Chinook salmon.

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

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

PART III—FRIANT DIVISION IMPROVEMENTS

- Sec. 10201. Federal facility improvements.
- Sec. 10202. Financial assistance for local projects.
- Sec. 10203. Authorization of appropriations.

Subtitle B—Northwestern New Mexico Rural Water Projects

- Sec. 10301. Short title.
- Sec. 10302. Definitions.
- Sec. 10303. Compliance with environmental laws.
- Sec. 10304. No reallocation of costs.
- Sec. 10305. Interest rate.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT
AND PUBLIC LAW 87-483

- Sec. 10401. Amendments to the Colorado River Storage Project Act.
- Sec. 10402. Amendments to Public Law 87-483.
- Sec. 10403. Effect on Federal water law.

PART II—RECLAMATION WATER SETTLEMENTS FUND

- Sec. 10501. Reclamation Water Settlements Fund.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

- Sec. 10601. Purposes.
- Sec. 10602. Authorization of Navajo-Gallup Water Supply Project.
- Sec. 10603. Delivery and use of Navajo-Gallup Water Supply Project water.
- Sec. 10604. Project contracts.
- Sec. 10605. Navajo Nation Municipal Pipeline.
- Sec. 10606. Authorization of conjunctive use wells.
- Sec. 10607. San Juan River Navajo Irrigation Projects.
- Sec. 10608. Other irrigation projects.
- Sec. 10609. Authorization of appropriations.

PART IV—NAVAJO NATION WATER RIGHTS

- Sec. 10701. Agreement.
- Sec. 10702. Trust Fund.
- Sec. 10703. Waivers and releases.
- Sec. 10704. Water rights held in trust.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water
Rights Settlement

- Sec. 10801. Findings.
- Sec. 10802. Purposes.
- Sec. 10803. Definitions.
- Sec. 10804. Approval, ratification, and confirmation of agreement; authorization.
- Sec. 10805. Tribal water rights.
- Sec. 10806. Duck Valley Indian Irrigation Project.
- Sec. 10807. Development and Maintenance Funds.
- Sec. 10808. Tribal waiver and release of claims.
- Sec. 10809. Miscellaneous.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY
AUTHORIZATIONS

- Sec. 11001. Reauthorization of the National Geologic Mapping Act of 1992.
- Sec. 11002. New Mexico water resources study.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

- Sec. 12001. Purpose.
- Sec. 12002. Program established.
- Sec. 12003. Powers and duties of the Administrator.

- Sec. 12004. Ocean exploration and undersea research technology and infrastructure task force.
- Sec. 12005. Ocean Exploration Advisory Board.
- Sec. 12006. Authorization of appropriations.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

- Sec. 12101. Short title.
- Sec. 12102. Program established.
- Sec. 12103. Powers of program director.
- Sec. 12104. Administrative structure.
- Sec. 12105. Research, exploration, education, and technology programs.
- Sec. 12106. Competitiveness.
- Sec. 12107. Authorization of appropriations.

Subtitle B—Ocean and Coastal Mapping Integration Act

- Sec. 12201. Short title.
- Sec. 12202. Establishment of program.
- Sec. 12203. Interagency committee on ocean and coastal mapping.
- Sec. 12204. Biannual reports.
- Sec. 12205. Plan.
- Sec. 12206. Effect on other laws.
- Sec. 12207. Authorization of appropriations.
- Sec. 12208. Definitions.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

- Sec. 12301. Short title.
- Sec. 12302. Purposes.
- Sec. 12303. Definitions.
- Sec. 12304. Integrated coastal and ocean observing system.
- Sec. 12305. Interagency financing and agreements.
- Sec. 12306. Application with other laws.
- Sec. 12307. Report to Congress.
- Sec. 12308. Public-private use policy.
- Sec. 12309. Independent cost estimate.
- Sec. 12310. Intent of Congress.
- Sec. 12311. Authorization of appropriations.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of
2009

- Sec. 12401. Short title.
- Sec. 12402. Purposes.
- Sec. 12403. Definitions.
- Sec. 12404. Interagency subcommittee.
- Sec. 12405. Strategic research plan.
- Sec. 12406. NOAA ocean acidification activities.
- Sec. 12407. NSF ocean acidification activities.
- Sec. 12408. NASA ocean acidification activities.
- Sec. 12409. Authorization of appropriations.

Subtitle E—Coastal and Estuarine Land Conservation Program

- Sec. 12501. Short title.

Sec. 12502. Authorization of Coastal and Estuarine Land Conservation Program.

TITLE XIII—MISCELLANEOUS

- Sec. 13001. Management and distribution of North Dakota trust funds.
 Sec. 13002. Amendments to the Fisheries Restoration and Irrigation Mitigation Act of 2000.
 Sec. 13003. Amendments to the Alaska Natural Gas Pipeline Act.
 Sec. 13004. Additional Assistant Secretary for Department of Energy.
 Sec. 13005. Lovelace Respiratory Research Institute.
 Sec. 13006. Authorization of appropriations for National Tropical Botanical Garden.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

Sec. 14001. Short title.

Subtitle A—Paralysis Research

Sec. 14101. Activities of the National Institutes of Health with respect to research on paralysis.

Subtitle B—Paralysis Rehabilitation Research and Care

Sec. 14201. Activities of the National Institutes of Health with respect to research with implications for enhancing daily function for persons with paralysis.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

Sec. 14301. Programs to improve quality of life for persons with paralysis and other physical disabilities.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

- Sec. 15101. Laboratory and support space, Edgewater, Maryland.
 Sec. 15102. Laboratory space, Gamboa, Panama.
 Sec. 15103. Construction of greenhouse facility.

1 **TITLE I—ADDITIONS TO THE NA-**
2 **TIONAL WILDERNESS PRES-**
3 **ERVATION SYSTEM**
4 **Subtitle A—Wild Monongahela**
5 **Wilderness**

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

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

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

20 (2) Certain Federal land comprising approxi-
21 mately 11,951 acres, as generally depicted on the
22 map entitled “Cranberry Expansion Proposed Wil-
23 derness” and dated March 11, 2008, which shall be
24 added to and administered as part of the Cranberry

1 Wilderness designated by section 1(1) of Public Law
2 97–466 (96 Stat. 2538).

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

10 (4) Certain Federal land comprising approxi-
11 mately 698 acres, as generally depicted on the map
12 entitled “Otter Creek Expansion Proposed Wilder-
13 ness” and dated March 11, 2008, which shall be
14 added to and administered as part of the Otter
15 Creek Wilderness designated by section 3(a)(14) of
16 Public Law 93–622 (88 Stat. 2098).

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

22 (6) Certain Federal land comprising approxi-
23 mately 6,030 acres, as generally depicted on the
24 map entitled “Spice Run Proposed Wilderness” and

1 dated March 11, 2008, which shall be known as the
2 “Spice Run Wilderness”.

3 (b) MAPS AND LEGAL DESCRIPTION.—

4 (1) FILING AND AVAILABILITY.—As soon as
5 practicable after the date of the enactment of this
6 Act, the Secretary of Agriculture, acting through the
7 Chief of the Forest Service, shall file with the Com-
8 mittee on Natural Resources of the House of Rep-
9 resentatives and the Committee on Energy and Nat-
10 ural Resources of the Senate a map and legal de-
11 scription of each wilderness area designated or ex-
12 panded by subsection (a). The maps and legal de-
13 scriptions shall be on file and available for public in-
14 spection in the office of the Chief of the Forest Serv-
15 ice and the office of the Supervisor of the
16 Monongahela National Forest.

17 (2) FORCE AND EFFECT.—The maps and legal
18 descriptions referred to in this subsection shall have
19 the same force and effect as if included in this sub-
20 title, except that the Secretary may correct errors in
21 the maps and descriptions.

22 (c) ADMINISTRATION.—Subject to valid existing
23 rights, the Federal lands designated as wilderness by sub-
24 section (a) shall be administered by the Secretary in ac-
25 cordance with the Wilderness Act (16 U.S.C. 1131 et

1 seq.). The Secretary may continue to authorize the com-
2 petitive running event permitted from 2003 through 2007
3 in the vicinity of the boundaries of the Dolly Sods Wilder-
4 ness addition designated by paragraph (3) of subsection
5 (a) and the Roaring Plains West Wilderness Area des-
6 igned by paragraph (5) of such subsection, in a manner
7 compatible with the preservation of such areas as wilder-
8 ness.

9 (d) **EFFECTIVE DATE OF WILDERNESS ACT.**—With
10 respect to the Federal lands designated as wilderness by
11 subsection (a), any reference in the Wilderness Act (16
12 U.S.C. 1131 et seq.) to the effective date of the Wilderness
13 Act shall be deemed to be a reference to the date of the
14 enactment of this Act.

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

20 **SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH**
21 **WILDERNESS, MONONGAHELA NATIONAL**
22 **FOREST.**

23 (a) **BOUNDARY ADJUSTMENT.**—The boundary of the
24 Laurel Fork South Wilderness designated by section 1(3)
25 of Public Law 97–466 (96 Stat. 2538) is modified to ex-

1 clude two parcels of land, as generally depicted on the map
2 entitled “Monongahela National Forest Laurel Fork
3 South Wilderness Boundary Modification” and dated
4 March 11, 2008, and more particularly described accord-
5 ing to the site-specific maps and legal descriptions on file
6 in the office of the Forest Supervisor, Monongahela Na-
7 tional Forest. The general map shall be on file and avail-
8 able for public inspection in the Office of the Chief of the
9 Forest Service.

10 (b) MANAGEMENT.—Federally owned land delineated
11 on the maps referred to in subsection (a) as the Laurel
12 Fork South Wilderness, as modified by such subsection,
13 shall continue to be administered by the Secretary of Agri-
14 culture in accordance with the Wilderness Act (16 U.S.C.
15 1131 et seq.).

16 **SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY**
17 **CONFIRMATION.**

18 (a) IN GENERAL.—The boundary of the
19 Monongahela National Forest is confirmed to include the
20 tracts of land as generally depicted on the map entitled
21 “Monongahela National Forest Boundary Confirmation”
22 and dated March 13, 2008, and all Federal lands under
23 the jurisdiction of the Secretary of Agriculture, acting
24 through the Chief of the Forest Service, encompassed

1 within such boundary shall be managed under the laws
2 and regulations pertaining to the National Forest System.

3 (b) LAND AND WATER CONSERVATION FUND.—For
4 the purposes of section 7 of the Land and Water Con-
5 servation Fund Act of 1965 (16 U.S.C. 4601–9), the
6 boundaries of the Monongahela National Forest, as con-
7 firmed by subsection (a), shall be considered to be the
8 boundaries of the Monongahela National Forest as of Jan-
9 uary 1, 1965.

10 **SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.**

11 (a) PLAN.—

12 (1) IN GENERAL.—The Secretary of Agri-
13 culture, in consultation with interested parties, shall
14 develop a plan to provide for enhanced nonmotorized
15 recreation trail opportunities on lands not des-
16 ignated as wilderness within the Monongahela Na-
17 tional Forest.

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

22 (b) REPORT.—Not later than two years after the date
23 of the enactment of this Act, the Secretary of Agriculture
24 shall submit to Congress a report on the implementation

1 of the plan required under subsection (a), including the
2 identification of priority trails for development.

3 (c) CONSIDERATION OF CONVERSION OF FOREST
4 ROADS TO RECREATIONAL USES.—In considering possible
5 closure and decommissioning of a Forest Service road
6 within the Monongahela National Forest after the date of
7 the enactment of this Act, the Secretary of Agriculture,
8 in accordance with applicable law, may consider converting
9 the road to nonmotorized uses to enhance recreational op-
10 portunities within the Monongahela National Forest.

11 **Subtitle B—Virginia Ridge and** 12 **Valley Wilderness**

13 **SEC. 1101. DEFINITIONS.**

14 In this subtitle:

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

18 (2) SECRETARY.—The term “Secretary” means
19 the Secretary of Agriculture.

1 **SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOR-**
2 **EST SYSTEM LAND IN JEFFERSON NATIONAL**
3 **FOREST AS WILDERNESS OR A WILDERNESS**
4 **STUDY AREA.**

5 (a) DESIGNATION OF WILDERNESS.—Section 1 of
6 Public Law 100–326 (16 U.S.C. 1132 note; 102 Stat.
7 584, 114 Stat. 2057), is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “System—” and inserting “System:”;

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

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

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

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

18 “(9) Certain land in the Jefferson National
19 Forest comprising approximately 3,743 acres, as
20 generally depicted on the map entitled ‘Brush Moun-
21 tain and Brush Mountain East’ and dated May 5,
22 2008, which shall be known as the ‘Brush Mountain
23 East Wilderness’.

24 “(10) Certain land in the Jefferson National
25 Forest comprising approximately 4,794 acres, as
26 generally depicted on the map entitled ‘Brush Moun-

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

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

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

15 “(13) Certain land in the Jefferson National
16 Forest comprising approximately 8,470 acres, as
17 generally depicted on the map entitled ‘Garden
18 Mountain and Hunting Camp Creek’ and dated
19 April 28, 2008, which shall be known as the ‘Hunt-
20 ing Camp Creek Wilderness’.

21 “(14) Certain land in the Jefferson National
22 Forest comprising approximately 3,291 acres, as
23 generally depicted on the map entitled ‘Garden
24 Mountain and Hunting Camp Creek’ and dated

1 April 28, 2008, which shall be known as the ‘Garden
2 Mountain Wilderness’.

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

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

19 “(17) Certain land in the Jefferson National
20 Forest comprising approximately 1,845 acres, as
21 generally depicted on the map entitled ‘Lewis Fork
22 Addition and Little Wilson Creek Additions’ and
23 dated April 28, 2008, which is incorporated in the
24 Little Wilson Creek Wilderness designated by section

1 2(5) of the Virginia Wilderness Act of 1984 (16
2 U.S.C. 1132 note; Public Law 98–586).

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

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

17 “(20) Certain land in the Jefferson National
18 Forest comprising approximately 263 acres, as gen-
19 erally depicted on the map entitled ‘Kimberling
20 Creek Additions and Potential Wilderness Area’ and
21 dated April 28, 2008, which is incorporated in the
22 Kimberling Creek Wilderness designated by section
23 2(2) of the Virginia Wilderness Act of 1984 (16
24 U.S.C. 1132 note; Public Law 98–586).”.

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

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

6 (2) in section 6(a)—

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

9 (B) in each of paragraphs (1) and (2), by
10 striking the semicolon at the end and inserting
11 a period;

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

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

15 “(5) Certain land in the Jefferson National
16 Forest comprising approximately 3,226 acres, as
17 generally depicted on the map entitled ‘Lynn Camp
18 Creek Wilderness Study Area’ and dated April 28,
19 2008, which shall be known as the ‘Lynn Camp
20 Creek Wilderness Study Area’.”.

21 **SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTEN-**
22 **TIAL WILDERNESS AREA, JEFFERSON NA-**
23 **TIONAL FOREST, VIRGINIA.**

24 (a) DESIGNATION.—In furtherance of the purposes of
25 the Wilderness Act (16 U.S.C. 1131 et seq.), certain land

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

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

13 (c) ECOLOGICAL RESTORATION.—

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

24 (2) LIMITATION.—To the maximum extent
25 practicable, the Secretary shall use the minimum

1 tool or administrative practice necessary to accom-
2 plish ecological restoration with the least amount of
3 adverse impact on wilderness character and re-
4 sources.

5 (d) WILDERNESS DESIGNATION.—The potential wil-
6 derness area shall be designated as wilderness and incor-
7 porated in the Kimberling Creek Wilderness on the earlier
8 of—

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

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

16 **SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC**
17 **AREAS, JEFFERSON NATIONAL FOREST, VIR-**
18 **GINIA.**

19 (a) ESTABLISHMENT.—There are designated as Na-
20 tional Scenic Areas—

21 (1) certain National Forest System land in the
22 Jefferson National Forest, comprising approximately
23 5,192 acres, as generally depicted on the map enti-
24 tled “Seng Mountain and Raccoon Branch” and

1 dated April 28, 2008, which shall be known as the
2 “Seng Mountain National Scenic Area”; and

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

9 (b) PURPOSES.—The purposes of the scenic areas
10 are—

11 (1) to ensure the protection and preservation of
12 scenic quality, water quality, natural characteristics,
13 and water resources of the scenic areas;

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

16 (3) to protect areas in the scenic areas that
17 may develop characteristics of old-growth forests;
18 and

19 (4) consistent with paragraphs (1), (2), and
20 (3), to provide a variety of recreation opportunities
21 in the scenic areas.

22 (c) ADMINISTRATION.—

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

25 (A) this subtitle; and

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

3 (2) AUTHORIZED USES.—The Secretary shall
4 only allow uses of the scenic areas that the Secretary
5 determines will further the purposes of the scenic
6 areas, as described in subsection (b).

7 (d) MANAGEMENT PLAN.—

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

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

19 (e) ROADS.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), after the date of enactment of this Act,
22 no roads shall be established or constructed within
23 the scenic areas.

24 (2) LIMITATION.—Nothing in this subsection
25 denies any owner of private land (or an interest in

1 private land) that is located in a scenic area the
2 right to access the private land.

3 (f) TIMBER HARVEST.—

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

7 (2) EXCEPTIONS.—The Secretary may author-
8 ize harvesting of timber in the scenic areas if the
9 Secretary determines that the harvesting is nec-
10 essary to—

11 (A) control fire;

12 (B) provide for public safety or trail ac-
13 cess; or

14 (C) control insect and disease outbreaks.

15 (3) FIREWOOD FOR PERSONAL USE.—Firewood
16 may be harvested for personal use along perimeter
17 roads in the scenic areas, subject to any conditions
18 that the Secretary may impose.

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

21 (1) to maintain scenic quality;

22 (2) to prevent tree mortality;

23 (3) to reduce hazards to visitors; or

24 (4) to protect private land.

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

5 (i) MOTORIZED VEHICLES.—

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

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

11 (A) to carry out administrative activities
12 that further the purposes of the scenic areas, as
13 described in subsection (b);

14 (B) to assist wildlife management projects
15 in existence on the date of enactment of this
16 Act; and

17 (C) during deer and bear hunting sea-
18 sons—

19 (i) on Forest Development Roads
20 49410 and 84b; and

21 (ii) on the portion of Forest Develop-
22 ment Road 6261 designated on the map
23 described in subsection (a)(2) as “open
24 seasonally”.

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

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

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

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

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

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

14 (2) operation of the mineral leasing and geo-
15 thermal leasing laws.

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

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

20 (1) in a manner consistent with the Wilderness
21 Act (16 U.S.C. 1131 et seq.), hiking and equestrian
22 trails in the wilderness areas designated by para-
23 graphs (9) through (20) of section 1 of Public Law
24 100–326 (16 U.S.C. 1132 note) (as added by section
25 1102(a)(5)); and

1 (2) nonmotorized recreation trails in the scenic
2 areas.

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

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

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

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

23 (1) the scenic areas;

24 (2) the wilderness areas designated by para-
25 graphs (9) through (20) of section 1 of Public Law

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

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

7 (4) the potential wilderness area designated by
8 section 1103(a).

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

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

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

22 **SEC. 1107. EFFECTIVE DATE.**

23 Any reference in the Wilderness Act (16 U.S.C. 1131
24 et seq.) to the effective date of that Act shall be considered

1 to be a reference to the date of enactment of this Act for
2 purposes of administering—

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

7 (2) the potential wilderness area designated by
8 section 1103(a).

9 **Subtitle C—Mt. Hood Wilderness,**
10 **Oregon**

11 **SEC. 1201. DEFINITIONS.**

12 In this subtitle:

13 (1) SECRETARY.—The term “Secretary” means
14 the Secretary of Agriculture.

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

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

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

24 (1) BADGER CREEK WILDERNESS ADDITIONS.—
25 Certain Federal land managed by the Forest Serv-

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

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

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

1 “Clackamas Wilderness—South Fork Clackamas”,
2 dated July 16, 2007, which shall be known as the
3 “Clackamas Wilderness”.

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

14 (5) MOUNT HOOD WILDERNESS ADDITIONS.—
15 Certain Federal land managed by the Forest Serv-
16 ice, comprising approximately 18,450 acres, as gen-
17 erally depicted on the maps entitled “Mount Hood
18 Wilderness—Barlow Butte”, “Mount Hood Wilder-
19 ness—Elk Cove/Mazama”, “Richard L. Kohnstamm
20 Memorial Area”, “Mount Hood Wilderness—Sand
21 Canyon”, “Mount Hood Wilderness—Sandy Addi-
22 tions”, “Mount Hood Wilderness—Twin Lakes”,
23 and “Mount Hood Wilderness—White River”, dated
24 July 16, 2007, and the map entitled “Mount Hood
25 Wilderness—Cloud Cap”, dated July 20, 2007,

1 which is incorporated in, and considered to be a part
2 of, the Mount Hood Wilderness, as designated under
3 section 3(a) of the Wilderness Act (16 U.S.C.
4 1132(a)) and enlarged by section 3(d) of the Endan-
5 gered American Wilderness Act of 1978 (16 U.S.C.
6 1132 note; 92 Stat. 43).

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

14 (7) SALMON-HUCKLEBERRY WILDERNESS ADDI-
15 TIONS.—Certain Federal land managed by the For-
16 est Service, comprising approximately 16,620 acres,
17 as generally depicted on the maps entitled “Salmon-
18 Huckleberry Wilderness—Alder Creek Addition”,
19 “Salmon-Huckleberry Wilderness—Eagle Creek Ad-
20 dition”, “Salmon-Huckleberry Wilderness—Hunch-
21 back Mountain”, “Salmon-Huckleberry Wilder-
22 ness—Inch Creek”, “Salmon-Huckleberry Wilder-
23 ness—Mirror Lake”, and “Salmon-Huckleberry Wil-
24 derness—Salmon River Meadows”, dated July 16,
25 2007, which is incorporated in, and considered to be

1 a part of, the Salmon-Huckleberry Wilderness, as
2 designated by section 3(2) of the Oregon Wilderness
3 Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

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

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

17 (c) POTENTIAL WILDERNESS AREA; ADDITIONS TO
18 WILDERNESS AREAS.—

19 (1) ROARING RIVER POTENTIAL WILDERNESS
20 AREA.—

21 (A) IN GENERAL.—In furtherance of the
22 purposes of the Wilderness Act (16 U.S.C.
23 1131 et seq.), certain Federal land managed by
24 the Forest Service, comprising approximately
25 900 acres identified as “Potential Wilderness”

1 on the map entitled “Roaring River Wilder-
2 ness”, dated July 16, 2007, is designated as a
3 potential wilderness area.

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

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

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

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

21 (2) ADDITION TO THE MOUNT HOOD WILDER-
22 NESS.—On completion of the land exchange under
23 section 1206(a)(2), certain Federal land managed by
24 the Forest Service, comprising approximately 1,710
25 acres, as generally depicted on the map entitled

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

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

20 (d) MAPS AND LEGAL DESCRIPTIONS.—

21 (1) IN GENERAL.—As soon as practicable after
22 the date of enactment of this Act, the Secretary
23 shall file a map and a legal description of each wil-
24 derness area and potential wilderness area des-
25 ignated by this section, with—

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

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

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

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

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

21 (e) ADMINISTRATION.—

22 (1) IN GENERAL.—Subject to valid existing
23 rights, each area designated as wilderness by this
24 section shall be administered by the Secretary that
25 has jurisdiction over the land within the wilderness,

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

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

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

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

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

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

19 (f) BUFFER ZONES.—

20 (1) IN GENERAL.—As provided in the Oregon
21 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
22 lic Law 98–328), Congress does not intend for des-
23 ignation of wilderness areas in the State under this
24 section to lead to the creation of protective perim-
25 eters or buffer zones around each wilderness area.

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

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

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

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

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

22 (1) entry, appropriation, or disposal under the
23 public land laws;

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

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

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

6 (a) WILD AND SCENIC RIVER DESIGNATIONS,
7 MOUNT HOOD NATIONAL FOREST.—

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

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

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

22 “(173) MIDDLE FORK HOOD RIVER.—The 3.7-
23 mile segment of the Middle Fork Hood River from
24 the confluence of Clear and Coe Branches to the
25 north section line of section 11, township 1 south,

1 range 9 east, to be administered by the Secretary of
2 Agriculture as a scenic river.

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

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

13 “(176) FIFTEENMILE CREEK, OREGON.—

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

21 “(i) The 2.6-mile segment from its
22 source at Senecal Spring to the Badger
23 Creek Wilderness boundary, as a wild
24 river.

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

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

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

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

23 “(177) EAST FORK HOOD RIVER, OREGON.—
24 The 13.5-mile segment of the East Fork Hood River
25 from Oregon State Highway 35 to the Mount Hood

1 National Forest boundary, to be administered by the
2 Secretary of Agriculture as a recreational river.

3 “(178) COLLAWASH RIVER, OREGON.—The
4 17.8-mile segment of the Collawash River from the
5 headwaters of the East Fork Collawash to the con-
6 fluence of the mainstream of the Collawash River
7 with the Clackamas River, to be administered by the
8 Secretary of Agriculture in the following classes:

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

12 “(B) The 6.8-mile segment from Buckeye
13 Creek to the Clackamas River, as a recreational
14 river.

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

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

22 (b) PROTECTION FOR HOOD RIVER, OREGON.—Sec-
23 tion 13(a)(4) of the “Columbia River Gorge National Sce-
24 nic Area Act” (16 U.S.C. 544k(a)(4)) is amended by strik-

1 ing “for a period not to exceed twenty years from the date
2 of enactment of this Act,”.

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

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

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

17 (c) MAP AND LEGAL DESCRIPTION.—

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

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

1 (B) the Committee on Natural Resources
2 of the House of Representatives.

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

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

12 (d) ADMINISTRATION.—

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

14 (A) administer the Mount Hood National
15 Recreation Area—

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

19 (ii) consistent with the purposes de-
20 scribed in subsection (a); and

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

24 (2) APPLICABLE LAW.—Any portion of a wil-
25 derness area designated by section 1202 that is lo-

1 cated within the Mount Hood National Recreation
2 Area shall be administered in accordance with the
3 Wilderness Act (16 U.S.C. 1131 et seq.).

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

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

9 (A) maximizes the retention of large
10 trees—

11 (i) as appropriate to the forest type;
12 and

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

16 (B) improves the habitats of threatened,
17 endangered, or sensitive species; or

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

21 (2) to accomplish an approved management ac-
22 tivity in furtherance of the purposes established by
23 this section, if the cutting, sale, or removal of timber
24 is incidental to the management activity; or

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

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

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

13 (2) to conduct environmental cleanup required
14 by the United States;

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

17 (4) to prevent irreparable resource damage by
18 an existing road; or

19 (5) to rectify a hazardous road condition.

20 (g) WITHDRAWAL.—Subject to valid existing rights,
21 all Federal land within the Mount Hood National Recre-
22 ation Area is withdrawn from—

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

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

3 (3) disposition under all laws relating to min-
4 eral and geothermal leasing.

5 (h) TRANSFER OF ADMINISTRATIVE JURISDIC-
6 TION.—

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

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

19 **SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER**
20 **BIG BOTTOM, AND CULTUS CREEK.**

21 (a) CRYSTAL SPRINGS WATERSHED SPECIAL RE-
22 SOURCES MANAGEMENT UNIT.—

23 (1) ESTABLISHMENT.—

24 (A) IN GENERAL.—On completion of the
25 land exchange under section 1206(a)(2), there

1 shall be established a special resources manage-
2 ment unit in the State consisting of certain
3 Federal land managed by the Forest Service, as
4 generally depicted on the map entitled “Crystal
5 Springs Watershed Special Resources Manage-
6 ment Unit”, dated June 2006 (referred to in
7 this subsection as the “map”), to be known as
8 the “Crystal Springs Watershed Special Re-
9 sources Management Unit” (referred to in this
10 subsection as the “Management Unit”).

11 (B) EXCLUSION OF CERTAIN LAND.—The
12 Management Unit does not include any Na-
13 tional Forest System land otherwise covered by
14 subparagraph (A) that is designated as wilder-
15 ness by section 1202.

16 (C) WITHDRAWAL.—

17 (i) IN GENERAL.—Subject to valid
18 rights in existence on the date of enact-
19 ment of this Act, the Federal land des-
20 ignated as the Management Unit is with-
21 drawn from all forms of—

22 (I) entry, appropriation, or dis-
23 posal under the public land laws;

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

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

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

7 (2) PURPOSES.—The purposes of the Manage-
8 ment Unit are—

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

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

16 (3) MAP AND LEGAL DESCRIPTION.—

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

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

24 (ii) the Committee on Natural Re-
25 sources of the House of Representatives.

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

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

12 (4) ADMINISTRATION.—

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

14 (i) administer the Management
15 Unit—

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

20 (II) consistent with the purposes
21 described in paragraph (2); and

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

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

13 (i) in any area located not more than
14 400 feet from structures located on—

15 (I) National Forest System land;

16 or

17 (II) private land adjacent to Na-
18 tional Forest System land;

19 (ii) in any area located not more than
20 400 feet from the Cooper Spur Road, the
21 Cloud Cap Road, or the Cooper Spur Ski
22 Area Loop Road; and

23 (iii) on any other National Forest
24 System land in the Management Unit, with
25 priority given to activities that restore pre-

1 viously harvested stands, including the re-
2 moval of logging slash, smaller diameter
3 material, and ladder fuels.

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

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

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

17 (C) Commercial livestock grazing.

18 (D) The placement of new fuel storage
19 tanks.

20 (E) Except to the extent necessary to fur-
21 ther the purposes described in paragraph (2),
22 the application of any toxic chemicals (other
23 than fire retardants), including pesticides,
24 rodenticides, or herbicides.

25 (6) FOREST ROAD CLOSURES.—

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

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

11 (7) PRIVATE LAND.—

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

17 (i) the owners of the private property;

18 and

19 (ii) guests to the private property.

20 (B) COOPERATION.—The Secretary is en-
21 couraged to work with private landowners who
22 have agreed to cooperate with the Secretary to
23 further the purposes of this subsection.

24 (8) ACQUISITION OF LAND.—

1 (A) IN GENERAL.—The Secretary may ac-
2 quire from willing landowners any land located
3 within the area identified on the map as the
4 “Crystal Springs Zone of Contribution”.

5 (B) INCLUSION IN MANAGEMENT UNIT.—
6 On the date of acquisition, any land acquired
7 under subparagraph (A) shall be incorporated
8 in, and be managed as part of, the Management
9 Unit.

10 (b) PROTECTIONS FOR UPPER BIG BOTTOM AND
11 CULTUS CREEK.—

12 (1) IN GENERAL.—The Secretary shall manage
13 the Federal land administered by the Forest Service
14 described in paragraph (2) in a manner that pre-
15 serves the natural and primitive character of the
16 land for recreational, scenic, and scientific use.

17 (2) DESCRIPTION OF LAND.—The Federal land
18 referred to in paragraph (1) is—

19 (A) the approximately 1,580 acres, as gen-
20 erally depicted on the map entitled “Upper Big
21 Bottom”, dated July 16, 2007; and

22 (B) the approximately 280 acres identified
23 as “Cultus Creek” on the map entitled
24 “Clackamas Wilderness—South Fork
25 Clackamas”, dated July 16, 2007.

1 (3) MAPS AND LEGAL DESCRIPTIONS.—

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

7 (i) the Committee on Energy and
8 Natural Resources of the Senate; and

9 (ii) the Committee on Natural Re-
10 sources of the House of Representatives.

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

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

22 (4) USE OF LAND.—

23 (A) IN GENERAL.—Subject to valid exist-
24 ing rights, with respect to the Federal land de-
25 scribed in paragraph (2), the Secretary shall

1 only allow uses that are consistent with the pur-
2 poses identified in paragraph (1).

3 (B) PROHIBITED USES.—The following
4 shall be prohibited on the Federal land de-
5 scribed in paragraph (2):

6 (i) Permanent roads.

7 (ii) Commercial enterprises.

8 (iii) Except as necessary to meet the
9 minimum requirements for the administra-
10 tion of the Federal land and to protect
11 public health and safety—

12 (I) the use of motor vehicles; or

13 (II) the establishment of tem-
14 porary roads.

15 (5) WITHDRAWAL.—Subject to valid existing
16 rights, the Federal land described in paragraph (2)
17 is withdrawn from—

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

20 (B) location, entry, and patent under the
21 mining laws; and

22 (C) disposition under all laws relating to
23 mineral and geothermal leasing.

1 **SEC. 1206. LAND EXCHANGES.**

2 (a) COOPER SPUR-GOVERNMENT CAMP LAND EX-
3 CHANGE.—

4 (1) DEFINITIONS.—In this subsection:

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

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

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

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

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

23 (i) the parcel of approximately 770
24 acres of private land at Cooper Spur iden-
25 tified as “Land to be acquired by USFS”
26 on the exchange map; and

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

6 (2) COOPER SPUR-GOVERNMENT CAMP LAND
7 EXCHANGE.—

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

18 (B) COMPLIANCE WITH EXISTING LAW.—
19 Except as otherwise provided in this subsection,
20 the Secretary shall carry out the land exchange
21 under this subsection in accordance with section
22 206 of the Federal Land Policy and Manage-
23 ment Act of 1976 (43 U.S.C. 1716).

24 (C) CONDITIONS ON ACCEPTANCE.—

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

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

11 (D) APPRAISALS.—

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

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

22 (I) the Uniform Appraisal Stand-
23 ards for Federal Land Acquisitions;
24 and

1 (II) the Uniform Standards of
2 Professional Appraisal Practice.

3 (E) SURVEYS.—

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

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

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

19 (G) RESERVATION OF EASEMENTS.—As a
20 condition of the conveyance of the Federal land,
21 the Secretary shall reserve—

22 (i) a conservation easement to the
23 Federal land to protect existing wetland,
24 as identified by the Oregon Department of
25 State Lands, that allows equivalent wet-

1 land mitigation measures to compensate
2 for minor wetland encroachments nec-
3 essary for the orderly development of the
4 Federal land; and

5 (ii) a trail easement to the Federal
6 land that allows—

7 (I) nonmotorized use by the pub-
8 lic of existing trails;

9 (II) roads, utilities, and infra-
10 structure facilities to cross the trails;
11 and

12 (III) improvement or relocation
13 of the trails to accommodate develop-
14 ment of the Federal land.

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

16 (1) DEFINITIONS.—In this subsection:

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

21 (B) FEDERAL LAND.—The term “Federal
22 land” means the parcel of land consisting of ap-
23 proximately 10 acres of National Forest System
24 land in the Columbia River Gorge National Sce-

1 nic Area identified as “USFS Land to be con-
2 veyed” on the exchange map.

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

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

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

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

20 (B) COMPLIANCE WITH EXISTING LAW.—
21 Except as otherwise provided in this subsection,
22 the Secretary shall carry out the land exchange
23 under this subsection in accordance with section
24 206 of the Federal Land Policy and Manage-
25 ment Act of 1976 (43 U.S.C. 1716).

1 (3) CONDITIONS ON ACCEPTANCE.—

2 (A) TITLE.—As a condition of the land ex-
3 change under this subsection, title to the non-
4 Federal land to be acquired by the Secretary
5 under this subsection shall be acceptable to the
6 Secretary.

7 (B) TERMS AND CONDITIONS.—The con-
8 veyance of the Federal land and non-Federal
9 land shall be subject to such terms and condi-
10 tions as the Secretary may require.

11 (4) APPRAISALS.—

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

17 (B) REQUIREMENTS.—An appraisal under
18 subparagraph (A) shall be conducted in accord-
19 ance with nationally recognized appraisal stand-
20 ards, including—

21 (i) the Uniform Appraisal Standards
22 for Federal Land Acquisitions; and

23 (ii) the Uniform Standards of Profes-
24 sional Appraisal Practice.

25 (5) SURVEYS.—

1 (A) IN GENERAL.—The exact acreage and
2 legal description of the Federal land and non-
3 Federal land shall be determined by surveys ap-
4 proved by the Secretary.

5 (B) COSTS.—The responsibility for the
6 costs of any surveys conducted under subpara-
7 graph (A), and any other administrative costs
8 of carrying out the land exchange, shall be de-
9 termined by the Secretary and the Port.

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

15 (c) HUNCHBACK MOUNTAIN LAND EXCHANGE AND
16 BOUNDARY ADJUSTMENT.—

17 (1) DEFINITIONS.—In this subsection:

18 (A) COUNTY.—The term “County” means
19 Clackamas County, Oregon.

20 (B) EXCHANGE MAP.—The term “ex-
21 change map” means the map entitled “Hunch-
22 back Mountain Land Exchange, Clackamas
23 County”, dated June 2006.

24 (C) FEDERAL LAND.—The term “Federal
25 land” means the parcel of land consisting of ap-

1 proximately 160 acres of National Forest Sys-
2 tem land in the Mount Hood National Forest
3 identified as “USFS Land to be Conveyed” on
4 the exchange map.

5 (D) NON-FEDERAL LAND.—The term
6 “non-Federal land” means the parcel of land
7 consisting of approximately 160 acres identified
8 as “Land to be acquired by USFS” on the ex-
9 change map.

10 (2) HUNCHBACK MOUNTAIN LAND EX-
11 CHANGE.—

12 (A) CONVEYANCE OF LAND.—Subject to
13 the provisions of this paragraph, if the County
14 offers to convey to the United States all right,
15 title, and interest of the County in and to the
16 non-Federal land, the Secretary shall, subject to
17 valid existing rights, convey to the County all
18 right, title, and interest of the United States in
19 and to the Federal land.

20 (B) COMPLIANCE WITH EXISTING LAW.—
21 Except as otherwise provided in this paragraph,
22 the Secretary shall carry out the land exchange
23 under this paragraph in accordance with section
24 206 of the Federal Land Policy and Manage-
25 ment Act of 1976 (43 U.S.C. 1716).

1 (C) CONDITIONS ON ACCEPTANCE.—

2 (i) TITLE.—As a condition of the land
3 exchange under this paragraph, title to the
4 non-Federal land to be acquired by the
5 Secretary under this paragraph shall be
6 acceptable to the Secretary.

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

12 (D) APPRAISALS.—

13 (i) IN GENERAL.—As soon as prac-
14 ticable after the date of enactment of this
15 Act, the Secretary shall select an appraiser
16 to conduct an appraisal of the Federal
17 land and non-Federal land.

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

22 (I) the Uniform Appraisal Stand-
23 ards for Federal Land Acquisitions;
24 and

1 (II) the Uniform Standards of
2 Professional Appraisal Practice.

3 (E) SURVEYS.—

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

8 (ii) COSTS.—The responsibility for the
9 costs of any surveys conducted under
10 clause (i), and any other administrative
11 costs of carrying out the land exchange,
12 shall be determined by the Secretary and
13 the County.

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

19 (3) BOUNDARY ADJUSTMENT.—

20 (A) IN GENERAL.—The boundary of the
21 Mount Hood National Forest shall be adjusted
22 to incorporate—

23 (i) any land conveyed to the United
24 States under paragraph (2); and

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

3 (B) ADDITIONS TO THE NATIONAL FOREST
4 SYSTEM.—The Secretary shall administer the
5 land described in subparagraph (A)—

6 (i) in accordance with—

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

10 (II) any laws (including regula-
11 tions) applicable to the National For-
12 est System; and

13 (ii) subject to sections 1202(c)(3) and
14 1204(d), as applicable.

15 (C) LAND AND WATER CONSERVATION
16 FUND.—For the purposes of section 7 of the
17 Land and Water Conservation Fund Act of
18 1965 (16 U.S.C. 4601–9), the boundaries of the
19 Mount Hood National Forest modified by this
20 paragraph shall be considered to be the bound-
21 aries of the Mount Hood National Forest in ex-
22 istence as of January 1, 1965.

23 (d) CONDITIONS ON DEVELOPMENT OF FEDERAL
24 LAND.—

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

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

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

11 (ii) nationally recognized codes for de-
12 velopment in the wildland-urban interface
13 and wildfire hazard mitigation.

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

20 (C) ENFORCEMENT.—The requirements
21 under subparagraph (A) may be enforced by the
22 same entities otherwise enforcing codes, ordi-
23 nances, and standards.

24 (2) COMPLIANCE WITH CODES ON FEDERAL
25 LAND.—The Secretary shall ensure that applicable

1 construction activities and alterations undertaken or
2 permitted by the Secretary on National Forest Sys-
3 tem land in the Mount Hood National Forest are
4 conducted in accordance with—

5 (A) nationally recognized building and
6 property maintenance codes; and

7 (B) nationally recognized codes for devel-
8 opment in the wildland-urban interface develop-
9 ment and wildfire hazard mitigation.

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

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

18 (a) TRANSPORTATION PLAN.—

19 (1) IN GENERAL.—The Secretary shall seek to
20 participate in the development of an integrated,
21 multimodal transportation plan developed by the Or-
22 egon Department of Transportation for the Mount
23 Hood region to achieve comprehensive solutions to
24 transportation challenges in the Mount Hood re-
25 gion—

1 (A) to promote appropriate economic devel-
2 opment;

3 (B) to preserve the landscape of the Mount
4 Hood region; and

5 (C) to enhance public safety.

6 (2) ISSUES TO BE ADDRESSED.—In partici-
7 pating in the development of the transportation plan
8 under paragraph (1), the Secretary shall seek to ad-
9 dress—

10 (A) transportation alternatives between
11 and among recreation areas and gateway com-
12 munities that are located within the Mount
13 Hood region;

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

16 (C) establishing intermodal transportation
17 centers to link public transportation, parking,
18 and recreation destinations;

19 (D) creating a new interchange on Oregon
20 State Highway 26 located adjacent to or within
21 Government Camp;

22 (E) designating, maintaining, and improv-
23 ing alternative routes using Forest Service or
24 State roads for—

25 (i) providing emergency routes; or

- 1 (ii) improving access to, and travel
2 within, the Mount Hood region;
- 3 (F) the feasibility of establishing—
- 4 (i) a gondola connection that—
- 5 (I) connects Timberline Lodge to
6 Government Camp; and
- 7 (II) is located in close proximity
8 to the site of the historic gondola cor-
9 ridor; and
- 10 (ii) an intermodal transportation cen-
11 ter to be located in close proximity to Gov-
12 ernment Camp;
- 13 (G) burying power lines located in, or adja-
14 cent to, the Mount Hood National Forest along
15 Interstate 84 near the City of Cascade Locks,
16 Oregon; and
- 17 (H) creating mechanisms for funding the
18 implementation of the transportation plan
19 under paragraph (1), including—
- 20 (i) funds provided by the Federal Gov-
21 ernment;
- 22 (ii) public-private partnerships;
- 23 (iii) incremental tax financing; and

1 (iv) other financing tools that link
2 transportation infrastructure improvements
3 with development.

4 (b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP
5 STRATEGY.—

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

12 (2) SUBMISSION TO CONGRESS.—

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

16 (i) the Committee on Energy and
17 Natural Resources of the Senate; and

18 (ii) the Committee on Natural Re-
19 sources of the House of Representatives.

20 (B) IMPLEMENTATION SCHEDULE.—Not
21 later than 1 year after the date on which the
22 vegetation management strategy referred to in
23 paragraph (1) is completed, the Secretary shall
24 submit the implementation schedule to—

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

5 (c) LOCAL AND TRIBAL RELATIONSHIPS.—

6 (1) MANAGEMENT PLAN.—

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

23 (B) EFFECT.—This paragraph shall be
24 considered to be consistent with, and is in-
25 tended to help implement, the gathering rights

1 reserved by the treaty described in subpara-
2 graph (A).

3 (2) SAVINGS PROVISIONS REGARDING RELA-
4 TIONS WITH INDIAN TRIBES.—

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

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

20 (d) RECREATIONAL USES.—

21 (1) MOUNT HOOD NATIONAL FOREST REC-
22 REATIONAL WORKING GROUP.—The Secretary may
23 establish a working group for the purpose of pro-
24 viding advice and recommendations to the Forest

1 Service on planning and implementing recreation en-
2 hancements in the Mount Hood National Forest.

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

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

19 **Subtitle D—Copper Salmon** 20 **Wilderness, Oregon**

21 **SEC. 1301. DESIGNATION OF THE COPPER SALMON WIL-**
22 **DERNESS.**

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

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

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

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

7 “(30) certain land in the Siskiyou National
8 Forest, comprising approximately 13,700 acres, as
9 generally depicted on the map entitled ‘Proposed
10 Copper Salmon Wilderness Area’ and dated Decem-
11 ber 7, 2007, to be known as the ‘Copper Salmon
12 Wilderness’.”.

13 (b) MAPS AND LEGAL DESCRIPTION.—

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

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

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

23 (2) FORCE OF LAW.—The map and legal de-
24 scription filed under paragraph (1) shall have the
25 same force and effect as if included in this subtitle,

1 except that the Secretary may correct typographical
2 errors in the map and legal description.

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

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

11 **SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK**
12 **RIVER, OREGON.**

13 Section 3(a)(76) of the Wild and Scenic Rivers Act
14 (16 U.S.C. 1274(a)(76)) is amended—

15 (1) in the matter preceding subparagraph (A),
16 by striking “19-mile segment” and inserting “29-
17 mile segment”;

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

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

22 “(B)(i) The approximately 0.6-mile seg-
23 ment of the North Fork Elk from its source in
24 sec. 21, T. 33 S., R. 12 W., Willamette Merid-

1 ian, downstream to 0.01 miles below Forest
2 Service Road 3353, as a scenic river.

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

7 “(C)(i) The approximately 0.9-mile seg-
8 ment of the South Fork Elk from its source in
9 the southeast quarter of sec. 32, T. 33 S., R.
10 12 W., Willamette Meridian, downstream to
11 0.01 miles below Forest Service Road 3353, as
12 a scenic river.

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

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

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

20 (b) MEMORANDUM OF UNDERSTANDING.—The Sec-
21 retary shall seek to enter into a memorandum of under-
22 standing with the Coquille Indian Tribe regarding access
23 to the Copper Salmon Wilderness to conduct historical and
24 cultural activities.

1 **Subtitle E—Cascade-Siskiyou**
2 **National Monument, Oregon**

3 **SEC. 1401. DEFINITIONS.**

4 In this subtitle:

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

9 (2) **BUREAU OF LAND MANAGEMENT LAND.**—
10 The term “Bureau of Land Management land”
11 means the approximately 40 acres of land adminis-
12 tered by the Bureau of Land Management identified
13 as “Rowlett Selected”, as generally depicted on the
14 Box R Ranch land exchange map.

15 (3) **DEERFIELD LAND EXCHANGE MAP.**—The
16 term “Deerfield land exchange map” means the map
17 entitled “Proposed Deerfield-BLM Property Line
18 Adjustment” and dated May 1, 2008.

19 (4) **DEERFIELD PARCEL.**—The term “Deerfield
20 parcel” means the approximately 1.5 acres of land
21 identified as “From Deerfield to BLM”, as generally
22 depicted on the Deerfield land exchange map.

23 (5) **FEDERAL PARCEL.**—The term “Federal
24 parcel” means the approximately 1.3 acres of land
25 administered by the Bureau of Land Management

1 identified as “From BLM to Deerfield”, as generally
2 depicted on the Deerfield land exchange map.

3 (6) GRAZING ALLOTMENT.—The term “grazing
4 allotment” means any of the Box R, Buck Lake,
5 Buck Mountain, Buck Point, Conde Creek, Cove
6 Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly,
7 Howard Prairie, Jenny Creek, Keene Creek, North
8 Cove Creek, and Soda Mountain grazing allotments
9 in the State.

10 (7) GRAZING LEASE.—The term “grazing
11 lease” means any document authorizing the use of
12 a grazing allotment for the purpose of grazing live-
13 stock for commercial purposes.

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

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

19 (10) LIVESTOCK.—The term “livestock” does
20 not include beasts of burden used for recreational
21 purposes.

22 (11) MONUMENT.—The term “Monument”
23 means the Cascade-Siskiyou National Monument in
24 the State.

1 (12) ROWLETT PARCEL.—The term “Rowlett
2 parcel” means the parcel of approximately 40 acres
3 of private land identified as “Rowlett Offered”, as
4 generally depicted on the Box R Ranch land ex-
5 change map.

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

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

10 (15) WILDERNESS.—The term “Wilderness”
11 means the Soda Mountain Wilderness designated by
12 section 1405(a).

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

16 **SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PRO-**
17 **GRAM.**

18 (a) EXISTING GRAZING LEASES.—

19 (1) DONATION OF LEASE.—

20 (A) ACCEPTANCE BY SECRETARY.—The
21 Secretary shall accept any grazing lease that is
22 donated by a lessee.

23 (B) TERMINATION.—The Secretary shall
24 terminate any grazing lease acquired under sub-
25 paragraph (A).

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

5 (i) not issue any new grazing lease
6 within the grazing allotment covered by the
7 grazing lease; and

8 (ii) ensure a permanent end to live-
9 stock grazing on the grazing allotment cov-
10 ered by the grazing lease.

11 (2) DONATION OF PORTION OF GRAZING
12 LEASE.—

13 (A) IN GENERAL.—A lessee with a grazing
14 lease for a grazing allotment partially within
15 the Monument may elect to donate only that
16 portion of the grazing lease that is within the
17 Monument.

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

21 (C) MODIFICATION OF LEASE.—Except as
22 provided in paragraph (3), if a lessee donates a
23 portion of a grazing lease under subparagraph
24 (A), the Secretary shall—

1 (i) reduce the authorized grazing level
2 and area to reflect the donation; and

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

5 (D) AUTHORIZED LEVEL.—To ensure that
6 there is a permanent reduction in the level and
7 area of livestock grazing on the land covered by
8 a portion of a grazing lease donated under sub-
9 paragraph (A), the Secretary shall not allow
10 grazing to exceed the authorized level and area
11 established under subparagraph (C).

12 (3) COMMON ALLOTMENTS.—

13 (A) IN GENERAL.—If a grazing allotment
14 covered by a grazing lease or portion of a graz-
15 ing lease that is donated under paragraph (1)
16 or (2) also is covered by another grazing lease
17 that is not donated, the Secretary shall reduce
18 the grazing level on the grazing allotment to re-
19 flect the donation.

20 (B) AUTHORIZED LEVEL.—To ensure that
21 there is a permanent reduction in the level of
22 livestock grazing on the land covered by the
23 grazing lease or portion of a grazing lease do-
24 nated under paragraph (1) or (2), the Secretary

1 shall not allow grazing to exceed the level estab-
2 lished under subparagraph (A).

3 (b) LIMITATIONS.—The Secretary—

4 (1) with respect to the Agate, Emigrant Creek,
5 and Siskiyou allotments in and near the Monu-
6 ment—

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

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

10 (2) shall not establish any new allotments for
11 livestock grazing that include any Monument land
12 (whether leased or not leased for grazing on the date
13 of enactment of this Act).

14 (c) EFFECT OF DONATION.—A lessee who donates a
15 grazing lease or a portion of a grazing lease under this
16 section shall be considered to have waived any claim to
17 any range improvement on the associated grazing allot-
18 ment or portion of the associated grazing allotment, as
19 applicable.

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

21 (a) IN GENERAL.—For the purpose of protecting and
22 consolidating Federal land within the Monument, the Sec-
23 retary—

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

4 (2) if the Landowner accepts the offer—

5 (A) the Secretary shall convey to the
6 Landowner all right, title, and interest of the
7 United States in and to the Bureau of Land
8 Management land; and

9 (B) the Landowner shall convey to the
10 Secretary all right, title, and interest of the
11 Landowner in and to the Rowlett parcel.

12 (b) SURVEYS.—

13 (1) IN GENERAL.—The exact acreage and legal
14 description of the Bureau of Land Management land
15 and the Rowlett parcel shall be determined by sur-
16 veys approved by the Secretary.

17 (2) COSTS.—The responsibility for the costs of
18 any surveys conducted under paragraph (1), and any
19 other administrative costs of carrying out the land
20 exchange, shall be determined by the Secretary and
21 the Landowner.

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

25 (1) valid existing rights;

1 (2) title to the Rowlett parcel being acceptable
2 to the Secretary and in conformance with the title
3 approval standards applicable to Federal land acqui-
4 sitions;

5 (3) such terms and conditions as the Secretary
6 may require; and

7 (4) except as otherwise provided in this section,
8 any laws (including regulations) applicable to the
9 conveyance and acquisition of land by the Bureau of
10 Land Management.

11 (d) APPRAISALS.—

12 (1) IN GENERAL.—The Bureau of Land Man-
13 agement land and the Rowlett parcel shall be ap-
14 praised by an independent appraiser selected by the
15 Secretary.

16 (2) REQUIREMENTS.—An appraisal conducted
17 under paragraph (1) shall be conducted in accord-
18 ance with—

19 (A) the Uniform Appraisal Standards for
20 Federal Land Acquisitions; and

21 (B) the Uniform Standards of Professional
22 Appraisal Practice.

23 (3) APPROVAL.—The appraisals conducted
24 under this subsection shall be submitted to the Sec-
25 retary for approval.

1 (e) GRAZING ALLOTMENT.—As a condition of the
2 land exchange authorized under this section, the lessee of
3 the grazing lease for the Box R grazing allotment shall
4 donate the Box R grazing lease in accordance with section
5 1402(a)(1).

6 **SEC. 1404. DEERFIELD LAND EXCHANGE.**

7 (a) IN GENERAL.—For the purpose of protecting and
8 consolidating Federal land within the Monument, the Sec-
9 retary—

10 (1) may offer to convey to Deerfield Learning
11 Associates the Federal parcel in exchange for the
12 Deerfield parcel; and

13 (2) if Deerfield Learning Associates accepts the
14 offer—

15 (A) the Secretary shall convey to Deerfield
16 Learning Associates all right, title, and interest
17 of the United States in and to the Federal par-
18 cel; and

19 (B) Deerfield Learning Associates shall
20 convey to the Secretary all right, title, and in-
21 terest of Deerfield Learning Associates in and
22 to the Deerfield parcel.

23 (b) SURVEYS.—

24 (1) IN GENERAL.—The exact acreage and legal
25 description of the Federal parcel and the Deerfield

1 parcel shall be determined by surveys approved by
2 the Secretary.

3 (2) COSTS.—The responsibility for the costs of
4 any surveys conducted under paragraph (1), and any
5 other administrative costs of carrying out the land
6 exchange, shall be determined by the Secretary and
7 Deerfield Learning Associates.

8 (c) CONDITIONS.—

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

12 (A) valid existing rights;

13 (B) title to the Deerfield parcel being ac-
14 ceptable to the Secretary and in conformance
15 with the title approval standards applicable to
16 Federal land acquisitions;

17 (C) such terms and conditions as the Sec-
18 retary may require; and

19 (D) except as otherwise provided in this
20 section, any laws (including regulations) appli-
21 cable to the conveyance and acquisition of land
22 by the Bureau of Land Management.

23 (d) APPRAISALS.—

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

4 (2) REQUIREMENTS.—An appraisal conducted
5 under paragraph (1) shall be conducted in accord-
6 ance with—

7 (A) the Uniform Appraisal Standards for
8 Federal Land Acquisitions; and

9 (B) the Uniform Standards of Professional
10 Appraisal Practice.

11 (3) APPROVAL.—The appraisals conducted
12 under this subsection shall be submitted to the Sec-
13 retary for approval.

14 **SEC. 1405. SODA MOUNTAIN WILDERNESS.**

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

21 (b) MAP AND LEGAL DESCRIPTION.—

22 (1) SUBMISSION OF MAP AND LEGAL DESCRIP-
23 TION.—As soon as practicable after the date of en-
24 actment of this Act, the Secretary shall file a map
25 and legal description of the Wilderness with—

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

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

5 (2) FORCE AND EFFECT.—

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

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

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

21 (c) ADMINISTRATION OF WILDERNESS.—

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

1 (A) any reference in the Wilderness Act to
2 the effective date of the Wilderness Act shall be
3 considered to be a reference to the date of en-
4 actment of this Act; and

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

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

18 (3) LIVESTOCK.—Except as provided in section
19 1402 and by Presidential Proclamation Number
20 7318, dated June 9, 2000 (65 Fed. Reg. 37247),
21 the grazing of livestock in the Wilderness, if estab-
22 lished before the date of enactment of this Act, shall
23 be permitted to continue subject to such reasonable
24 regulations as are considered necessary by the Sec-
25 retary in accordance with—

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

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

8 (4) FISH AND WILDLIFE MANAGEMENT.—In ac-
9 cordance with section 4(d)(7) of the Wilderness Act
10 (16 U.S.C. 1133(d)(7)), nothing in this subtitle af-
11 fects the jurisdiction of the State with respect to fish
12 and wildlife on public land in the State.

13 (5) INCORPORATION OF ACQUIRED LAND AND
14 INTERESTS.—Any land or interest in land within the
15 boundary of the Wilderness that is acquired by the
16 United States shall—

17 (A) become part of the Wilderness; and

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

21 **SEC. 1406. EFFECT.**

22 Nothing in this subtitle—

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

1 (2) authorizes the use of eminent domain;

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

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

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

12 **Subtitle F—Owyhee Public Land** 13 **Management**

14 **SEC. 1501. DEFINITIONS.**

15 In this subtitle:

16 (1) **ACCOUNT.**—The term “account” means the
17 Owyhee Land Acquisition Account established by
18 section 1505(b)(1).

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

21 (3) **OWYHEE FRONT.**—The term “Owyhee
22 Front” means the area of the County from Jump
23 Creek on the west to Mud Flat Road on the east
24 and draining north from the crest of the Silver City
25 Range to the Snake River.

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

5 (5) PUBLIC LAND.—The term “public land”
6 has the meaning given the term in section 103(e) of
7 the Federal Land Policy and Management Act of
8 1976 (43 U.S.C. 1702(e)).

9 (6) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (7) STATE.—The term “State” means the State
12 of Idaho.

13 (8) TRIBES.—The term “Tribes” means the
14 Shoshone Paiute Tribes of the Duck Valley Reserva-
15 tion.

16 **SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION**
17 **CENTER.**

18 (a) ESTABLISHMENT.—The Secretary, in coordina-
19 tion with the Tribes, State, and County, and in consulta-
20 tion with the University of Idaho, Federal grazing permit-
21 tees, and public, shall establish the Owyhee Science Re-
22 view and Conservation Center in the County to conduct
23 research projects to address natural resources manage-
24 ment issues affecting public and private rangeland in the
25 County.

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

7 **SEC. 1503. WILDERNESS AREAS.**

8 (a) WILDERNESS AREAS DESIGNATION.—

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

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

20 (B) BRUNEAU-JARBIDGE RIVERS WILDER-
21 NESS.—Certain land comprising approximately
22 89,996 acres, as generally depicted on the map
23 entitled “Bruneau-Jarbidge Rivers Wilderness”
24 and dated December 15, 2008, which shall be

1 known as the “Bruneau-Jarbidge Rivers Wil-
2 derness”.

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

10 (D) NORTH FORK OWYHEE WILDER-
11 NESS.—Certain land comprising approximately
12 43,413 acres, as generally depicted on the map
13 entitled “North Fork Owyhee and Pole Creek
14 Wilderness” and dated May 5, 2008, which
15 shall be known as the “North Fork Owyhee
16 Wilderness”.

17 (E) OWYHEE RIVER WILDERNESS.—Cer-
18 tain land comprising approximately 267,328
19 acres, as generally depicted on the map entitled
20 “Owyhee River Wilderness” and dated May 5,
21 2008, which shall be known as the “Owyhee
22 River Wilderness”.

23 (F) POLE CREEK WILDERNESS.—Certain
24 land comprising approximately 12,533 acres, as
25 generally depicted on the map entitled “North

1 Fork Owyhee and Pole Creek Wilderness” and
2 dated May 5, 2008, which shall be known as
3 the “Pole Creek Wilderness”.

4 (2) MAPS AND LEGAL DESCRIPTIONS.—

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

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

19 (C) AVAILABILITY.—Each map and legal
20 description submitted under subparagraph (A)
21 shall be available in the appropriate offices of
22 the Bureau of Land Management.

23 (3) RELEASE OF WILDERNESS STUDY AREAS.—

24 (A) IN GENERAL.—Congress finds that, for
25 the purposes of section 603(c) of the Federal

1 Land Policy and Management Act of 1976 (43
2 U.S.C. 1782(e)), the public land in the County
3 administered by the Bureau of Land Manage-
4 ment has been adequately studied for wilder-
5 ness designation.

6 (B) RELEASE.—Any public land referred
7 to in subparagraph (A) that is not designated
8 as wilderness by this subtitle—

9 (i) is no longer subject to section
10 603(c) of the Federal Land Policy and
11 Management Act of 1976 (43 U.S.C.
12 1782(c)); and

13 (ii) shall be managed in accordance
14 with the applicable land use plan adopted
15 under section 202 of that Act (43 U.S.C.
16 1712).

17 (b) ADMINISTRATION.—

18 (1) IN GENERAL.—Subject to valid existing
19 rights, each area designated as wilderness by this
20 subtitle shall be administered by the Secretary in ac-
21 cordance with the Wilderness Act (16 U.S.C. 1131
22 et seq.), except that—

23 (A) any reference in that Act to the effec-
24 tive date shall be considered to be a reference
25 to the date of enactment of this Act; and

1 (B) any reference in that Act to the Sec-
2 retary of Agriculture shall be considered to be
3 a reference to the Secretary of the Interior.

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

7 (A) entry, appropriation, or disposal under
8 the public land laws;

9 (B) location, entry, and patent under the
10 mining laws; and

11 (C) disposition under the mineral leasing,
12 mineral materials, and geothermal leasing laws.

13 (3) LIVESTOCK.—

14 (A) IN GENERAL.—In the wilderness areas
15 designated by this subtitle, the grazing of live-
16 stock in areas in which grazing is established as
17 of the date of enactment of this Act shall be al-
18 lowed to continue, subject to such reasonable
19 regulations, policies, and practices as the Sec-
20 retary considers necessary, consistent with sec-
21 tion 4(d)(4) of the Wilderness Act (16 U.S.C.
22 1133(d)(4)) and the guidelines described in Ap-
23 pendix A of House Report 101–405.

24 (B) INVENTORY.—Not later than 1 year
25 after the date of enactment of this Act, the Sec-

1 retary shall conduct an inventory of existing fa-
2 cilities and improvements associated with graz-
3 ing activities in the wilderness areas and wild
4 and scenic rivers designated by this subtitle.

5 (C) FENCING.—The Secretary may con-
6 struct and maintain fencing around wilderness
7 areas designated by this subtitle as the Sec-
8 retary determines to be appropriate to enhance
9 wilderness values.

10 (D) DONATION OF GRAZING PERMITS OR
11 LEASES.—

12 (i) ACCEPTANCE BY SECRETARY.—

13 The Secretary shall accept the donation of
14 any valid existing permits or leases author-
15 izing grazing on public land, all or a por-
16 tion of which is within the wilderness areas
17 designated by this subtitle.

18 (ii) TERMINATION.—With respect to
19 each permit or lease donated under clause
20 (i), the Secretary shall—

21 (I) terminate the grazing permit
22 or lease; and

23 (II) except as provided in clause
24 (iii), ensure a permanent end to graz-

1 ing on the land covered by the permit
2 or lease.

3 (iii) COMMON ALLOTMENTS.—

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

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

22 (iv) PARTIAL DONATION.—

23 (I) IN GENERAL.—If a person
24 holding a valid grazing permit or lease
25 donates less than the full amount of

1 grazing use authorized under the per-
2 mit or lease, the Secretary shall—

3 (aa) reduce the authorized
4 grazing level to reflect the dona-
5 tion; and

6 (bb) modify the permit or
7 lease to reflect the revised level of
8 use.

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

17 (4) ACQUISITION OF LAND AND INTERESTS IN
18 LAND.—

19 (A) IN GENERAL.—Consistent with appli-
20 cable law, the Secretary may acquire land or in-
21 terests in land within the boundaries of the wil-
22 derness areas designated by this subtitle by
23 purchase, donation, or exchange.

24 (B) INCORPORATION OF ACQUIRED
25 LAND.—Any land or interest in land in, or ad-

1 joining the boundary of, a wilderness area des-
2 ignated by this subtitle that is acquired by the
3 United States shall be added to, and adminis-
4 tered as part of, the wilderness area in which
5 the acquired land or interest in land is located.

6 (5) TRAIL PLAN.—

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

14 (B) REPORT.—Not later than 2 years after
15 the date of enactment of this Act, the Secretary
16 shall submit to Congress a report that describes
17 the implementation of the trail plan.

18 (6) OUTFITTING AND GUIDE ACTIVITIES.—Con-
19 sistent with section 4(d)(5) of the Wilderness Act
20 (16 U.S.C. 1133(d)(5)), commercial services (includ-
21 ing authorized outfitting and guide activities) are
22 authorized in wilderness areas designated by this
23 subtitle to the extent necessary for activities that
24 fulfill the recreational or other wilderness purposes
25 of the areas.

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

7 (8) FISH AND WILDLIFE.—

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

11 (B) MANAGEMENT ACTIVITIES.—

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

21 (I) consistent with relevant wil-
22 derness management plans; and

23 (II) conducted in accordance with
24 appropriate policies, such as the poli-

1 cies established in Appendix B of
2 House Report 101–405.

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

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

23 (9) WILDFIRE, INSECT, AND DISEASE MANAGE-
24 MENT.—Consistent with section 4(d)(1) of the Wil-
25 derness Act (16 U.S.C. 1133(d)(1)), the Secretary

1 may take any measures that the Secretary deter-
2 mines to be necessary to control fire, insects, and
3 diseases, including, as the Secretary determines ap-
4 propriate, the coordination of those activities with a
5 State or local agency.

6 (10) ADJACENT MANAGEMENT.—

7 (A) IN GENERAL.—The designation of a
8 wilderness area by this subtitle shall not create
9 any protective perimeter or buffer zone around
10 the wilderness area.

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

17 (11) MILITARY OVERFLIGHTS.—Nothing in this
18 subtitle restricts or precludes—

19 (A) low-level overflights of military aircraft
20 over the areas designated as wilderness by this
21 subtitle, including military overflights that can
22 be seen or heard within the wilderness areas;

23 (B) flight testing and evaluation; or

24 (C) the designation or creation of new
25 units of special use airspace, or the establish-

1 ment of military flight training routes, over the
2 wilderness areas.

3 (12) WATER RIGHTS.—

4 (A) IN GENERAL.—The designation of
5 areas as wilderness by subsection (a) shall not
6 create an express or implied reservation by the
7 United States of any water or water rights for
8 wilderness purposes with respect to such areas.

9 (B) EXCLUSIONS.—This paragraph does
10 not apply to any components of the National
11 Wild and Scenic Rivers System designated by
12 section 1504.

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

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

18 “(180) BATTLE CREEK, IDAHO.—The 23.4
19 miles of Battle Creek from the confluence of the
20 Owyhee River to the upstream boundary of the
21 Owyhee River Wilderness, to be administered by the
22 Secretary of the Interior as a wild river.

23 “(181) BIG JACKS CREEK, IDAHO.—The 35.0
24 miles of Big Jacks Creek from the downstream bor-
25 der of the Big Jacks Creek Wilderness in sec. 8, T.

1 8 S., R. 4 E., to the point at which it enters the NW
2 ¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to
3 be administered by the Secretary of the Interior as
4 a wild river.

5 “(182) BRUNEAU RIVER, IDAHO.—

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

13 “(B) EXCEPTION.—Notwithstanding sub-
14 paragraph (A), the 0.6-mile segment of the
15 Bruneau River at the Indian Hot Springs pub-
16 lic road access shall be administered by the Sec-
17 retary of the Interior as a recreational river.

18 “(183) WEST FORK BRUNEAU RIVER, IDAHO.—

19 The approximately 0.35 miles of the West Fork of
20 the Bruneau River from the confluence with the
21 Jarbidge River to the downstream boundary of the
22 Bruneau Canyon Grazing Allotment in the SE/NE
23 of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be
24 administered by the Secretary of the Interior as a
25 wild river.

1 “(184) COTTONWOOD CREEK, IDAHO.—The 2.6
2 miles of Cottonwood Creek from the confluence with
3 Big Jacks Creek to the upstream boundary of the
4 Big Jacks Creek Wilderness, to be administered by
5 the Secretary of the Interior as a wild river.

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

12 “(186) DICKSHOOTER CREEK, IDAHO.—The
13 9.25 miles of Dickshooter Creek from the confluence
14 with Deep Creek to a point on the stream $\frac{1}{4}$ mile
15 due west of the east boundary of sec. 16, T. 12 S.,
16 R. 2 W., Boise Meridian, to be administered by the
17 Secretary of the Interior as a wild river.

18 “(187) DUNCAN CREEK, IDAHO.—The 0.9-mile
19 segment of Duncan Creek from the confluence with
20 Big Jacks Creek upstream to the east boundary of
21 sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be ad-
22 ministered by the Secretary of the Interior as a wild
23 river.

24 “(188) JARBIDGE RIVER, IDAHO.—The 28.8
25 miles of the Jarbidge River from the confluence with

1 the West Fork Bruneau River to the upstream
2 boundary of the Bruneau-Jarbidge Rivers Wilder-
3 ness, to be administered by the Secretary of the In-
4 terior as a wild river.

5 “(189) LITTLE JACKS CREEK, IDAHO.—The
6 12.4 miles of Little Jacks Creek from the down-
7 stream boundary of the Little Jacks Creek Wilder-
8 ness, upstream to the mouth of OX Prong Creek, to
9 be administered by the Secretary of the Interior as
10 a wild river.

11 “(190) NORTH FORK OWYHEE RIVER, IDAHO.—
12 The following segments of the North Fork of the
13 Owyhee River, to be administered by the Secretary
14 of the Interior:

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

19 “(B) The 15.1-mile segment from the up-
20 stream boundary of the North Fork Owyhee
21 River recreational segment designated in para-
22 graph (A) to the upstream boundary of the
23 North Fork Owyhee River Wilderness, as a wild
24 river.

25 “(191) OWYHEE RIVER, IDAHO.—

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

7 “(B) ACCESS.—The Secretary of the Inte-
8 rior shall allow for continued access across the
9 Owyhee River at Crutchers Crossing, subject to
10 such terms and conditions as the Secretary of
11 the Interior determines to be necessary.

12 “(192) RED CANYON, IDAHO.—The 4.6 miles of
13 Red Canyon from the confluence of the Owyhee
14 River to the upstream boundary of the Owyhee River
15 Wilderness, to be administered by the Secretary of
16 the Interior as a wild river.

17 “(193) SHEEP CREEK, IDAHO.—The 25.6 miles
18 of Sheep Creek from the confluence with the
19 Bruneau River to the upstream boundary of the
20 Bruneau-Jarbidge Rivers Wilderness, to be adminis-
21 tered by the Secretary of the Interior as a wild river.

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

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the 31.4-mile segment of the
25 South Fork of the Owyhee River upstream from

1 the confluence with the Owyhee River to the up-
2 stream boundary of the Owyhee River Wilder-
3 ness at the Idaho–Nevada State border, to be
4 administered by the Secretary of the Interior as
5 a wild river.

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

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

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

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

4 (2) the distance to the nearest confined canyon
5 rim.

6 (c) LAND ACQUISITION.—The Secretary shall not ac-
7 quire any private land within the exterior boundary of a
8 wild and scenic river corridor without the consent of the
9 owner.

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

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

16 (b) USE OF PROCEEDS.—

17 (1) IN GENERAL.—Notwithstanding any other
18 provision of law (other than a law that specifically
19 provides for a proportion of the proceeds of a land
20 sale to be distributed to any trust fund of the
21 State), proceeds from the sale of public land under
22 subsection (a) shall be deposited in a separate ac-
23 count in the Treasury of the United States to be
24 known as the “Owyhee Land Acquisition Account”.

25 (2) AVAILABILITY.—

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

8 (B) APPLICABLE LAW.—Any purchase of
9 land or interest in land under subparagraph (A)
10 shall be in accordance with applicable law.

11 (3) APPLICABILITY.—This subsection applies to
12 public land within the Boise District of the Bureau
13 of Land Management sold on or after January 1,
14 2008.

15 (4) ADDITIONAL AMOUNTS.—If necessary, the
16 Secretary may use additional amounts appropriated
17 to the Department of the Interior, subject to appli-
18 cable reprogramming guidelines.

19 (c) TERMINATION OF AUTHORITY.—

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

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

24 (B) the date on which a total of
25 \$8,000,000 from the account is expended.

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

4 (A) credited as sales of public land in the
5 State;

6 (B) transferred to the Federal Land Dis-
7 posal Account established under section 206(a)
8 of the Federal Land Transaction Facilitation
9 Act (43 U.S.C. 2305(a)); and

10 (C) used in accordance with that subtitle.

11 **SEC. 1506. TRIBAL CULTURAL RESOURCES.**

12 (a) COORDINATION.—The Secretary shall coordinate
13 with the Tribes in the implementation of the Shoshone
14 Paiute Cultural Resource Protection Plan.

15 (b) AGREEMENTS.—The Secretary shall seek to enter
16 into agreements with the Tribes to implement the Sho-
17 shone Paiute Cultural Resource Protection Plan to protect
18 cultural sites and resources important to the continuation
19 of the traditions and beliefs of the Tribes.

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

21 (a) IN GENERAL.—In accordance with the Federal
22 Land Policy and Management Act of 1976 (43 U.S.C.
23 1701 et seq.), the Secretary shall, in coordination with the
24 Tribes, State, and County, prepare 1 or more travel man-
25 agement plans for motorized and mechanized off-highway

1 vehicle recreation for the land managed by the Bureau of
2 Land Management in the County.

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

6 (c) LIMITATION TO DESIGNATED ROUTES.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the plan shall limit recreational motorized
9 and mechanized off-highway vehicle use to a system
10 of designated roads and trails established by the
11 plan.

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

14 (d) TEMPORARY LIMITATION.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), until the date on which the Secretary
17 completes the plan, all recreational motorized and
18 mechanized off-highway vehicle use shall be limited
19 to roads and trails lawfully in existence on the day
20 before the date of enactment of this Act.

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

23 (A) snowmobiles; or

1 (B) areas specifically identified as open,
2 closed, or limited in the Owyhee Resource Man-
3 agement Plan.

4 (e) SCHEDULE.—

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

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

15 **SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as are necessary to carry out this subtitle.

18 **Subtitle G—Sabinoso Wilderness,**
19 **New Mexico**

20 **SEC. 1601. DEFINITIONS.**

21 In this subtitle:

22 (1) MAP.—The term “map” means the map en-
23 titled “Sabinoso Wilderness” and dated September
24 8, 2008.

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

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

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

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

14 (b) MAP AND LEGAL DESCRIPTION.—

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

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

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

23 (2) FORCE OF LAW.—The map and legal de-
24 scription filed under paragraph (1) shall have the
25 same force and effect as if included in this subtitle,

1 except that the Secretary may correct any clerical
2 and typographical errors in the map and legal de-
3 scription.

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

8 (c) ADMINISTRATION OF WILDERNESS.—

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

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

18 (B) any reference in the Wilderness Act to
19 the Secretary of Agriculture shall be considered
20 to be a reference to the Secretary of the Inte-
21 rior.

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

1 (A) become part of the Sabinoso Wilder-
2 ness; and

3 (B) be managed in accordance with this
4 subtitle and any other laws applicable to the
5 Sabinoso Wilderness.

6 (3) GRAZING.—The grazing of livestock in the
7 Sabinoso Wilderness, if established before the date
8 of enactment of this Act, shall be administered in
9 accordance with—

10 (A) section 4(d)(4) of the Wilderness Act
11 (16 U.S.C. 1133(d)(4)); and

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

17 (4) FISH AND WILDLIFE.—In accordance with
18 section 4(d)(7) of the Wilderness Act (16 U.S.C.
19 1133(d)(7)), nothing in this subtitle affects the ju-
20 risdiction of the State with respect to fish and wild-
21 life in the State.

22 (5) ACCESS.—

23 (A) IN GENERAL.—In accordance with sec-
24 tion 5(a) of the Wilderness Act (16 U.S.C.
25 1134(a)), the Secretary shall continue to allow

1 private landowners adequate access to
2 inholdings in the Sabinoso Wilderness.

3 (B) CERTAIN LAND.—For access purposes,
4 private land within T. 16 N., R. 23 E., secs. 17
5 and 20 and the N¹/₂ of sec. 21, N.M.M., shall
6 be managed as an inholding in the Sabinoso
7 Wilderness.

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

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

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

20 (3) operation of the mineral materials and geo-
21 thermal leasing laws.

22 (e) RELEASE OF WILDERNESS STUDY AREAS.—Con-
23 gress finds that, for the purposes of section 603(c) of the
24 Federal Land Policy and Management Act of 1976 (43
25 U.S.C. 1782(c)), the public lands within the Sabinoso Wil-

1 derness Study Area not designated as wilderness by this
2 subtitle—

3 (1) have been adequately studied for wilderness
4 designation and are no longer subject to section
5 603(c) of the Federal Land Policy and Management
6 Act of 1976 (43 U.S.C. 1782(c)); and

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

10 **Subtitle H—Pictured Rocks** 11 **National Lakeshore Wilderness**

12 **SEC. 1651. DEFINITIONS.**

13 In this subtitle:

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

19 (2) **MAP.**—The term “map” means the map en-
20 titled “Pictured Rocks National Lakeshore Beaver
21 Basin Wilderness Boundary”, numbered 625/80,051,
22 and dated April 16, 2007.

23 (3) **NATIONAL LAKESHORE.**—The term “Na-
24 tional Lakeshore” means the Pictured Rocks Na-
25 tional Lakeshore.

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

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

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

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

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

16 (c) BOUNDARY.—

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

20 (2) SURFACE WATER.—The surface water of
21 Lake Superior, regardless of the fluctuating lake
22 level, shall be considered to be outside the boundary
23 of the Wilderness.

24 (d) MAP AND LEGAL DESCRIPTION.—

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

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

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

17 **SEC. 1653. ADMINISTRATION.**

18 (a) MANAGEMENT.—Subject to valid existing rights,
19 the Wilderness shall be administered by the Secretary in
20 accordance with the Wilderness Act (16 U.S.C. 1131 et
21 seq.), except that—

22 (1) any reference in that Act to the effective
23 date of that Act shall be considered to be a reference
24 to the date of enactment of this Act; and

1 (2) with respect to land administered by the
2 Secretary, any reference in that Act to the Secretary
3 of Agriculture shall be considered to be a reference
4 to the Secretary.

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

9 **SEC. 1654. EFFECT.**

10 Nothing in this subtitle—

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

12 (2) alters the management of the water of Lake
13 Superior within the boundary of the Pictured Rocks
14 National Lakeshore in existence on the date of en-
15 actment of this Act; or

16 (3) prohibits—

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

19 (B) the beaching of motorboats at the line
20 of demarcation.

21 **Subtitle I—Oregon Badlands**
22 **Wilderness**

23 **SEC. 1701. DEFINITIONS.**

24 In this subtitle:

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

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

5 (3) STATE.—The term “State” means the State
6 of Oregon.

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

10 **SEC. 1702. OREGON BADLANDS WILDERNESS.**

11 (a) DESIGNATION.—In accordance with the Wilder-
12 ness Act (16 U.S.C. 1131 et seq.), the approximately
13 29,301 acres of Bureau of Land Management land in the
14 State, as generally depicted on the wilderness map, is des-
15 ignated as wilderness and as a component of the National
16 Wilderness Preservation System, to be known as the “Or-
17 egon Badlands Wilderness”.

18 (b) ADMINISTRATION OF WILDERNESS.—

19 (1) IN GENERAL.—Subject to valid existing
20 rights, the Oregon Badlands Wilderness shall be ad-
21 ministered by the Secretary in accordance with the
22 Wilderness Act (16 U.S.C. 1131 et seq.), except
23 that—

24 (A) any reference in the Wilderness Act to
25 the effective date of that Act shall be consid-

1 ered to be a reference to the date of enactment
2 of this Act; and

3 (B) any reference in the Wilderness Act to
4 the Secretary of Agriculture shall be considered
5 to be a reference to the Secretary of the Inte-
6 rior.

7 (2) INCORPORATION OF ACQUIRED LAND AND
8 INTERESTS.—Any land or interest in land within the
9 boundary of the Oregon Badlands Wilderness that is
10 acquired by the United States shall—

11 (A) become part of the Oregon Badlands
12 Wilderness; and

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

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

22 (A) section 4(d)(4) of the Wilderness Act
23 (16 U.S.C. 1133(d)(4)); and

24 (B) the guidelines set forth in Appendix A
25 of the report of the Committee on Interior and

1 Insular Affairs of the House of Representatives
2 accompanying H.R. 2570 of the 101st Congress
3 (H. Rept. 101–405).

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

10 (c) POTENTIAL WILDERNESS.—

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

18 (2) INTERIM MANAGEMENT.—The potential wil-
19 derness designated by paragraph (1) shall be man-
20 aged in accordance with the Wilderness Act (16
21 U.S.C. 1131 et seq.), except that the Secretary may
22 allow nonconforming uses that are authorized and in
23 existence on the date of enactment of this Act to
24 continue in the potential wilderness.

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

7 (A) designated as wilderness and as a com-
8 ponent of the National Wilderness Preservation
9 System; and

10 (B) incorporated into the Oregon Badlands
11 Wilderness.

12 (d) MAP AND LEGAL DESCRIPTION.—

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

17 (A) the Committee on Energy and Natural
18 Resources of the Senate; and

19 (B) the Committee on Natural Resources
20 of the House of Representatives.

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

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

5 **SEC. 1703. RELEASE.**

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

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

16 (1) is no longer subject to section 603(c) of the
17 Federal Land Policy and Management Act of 1976
18 (43 U.S.C. 1782(c)); and

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

22 **SEC. 1704. LAND EXCHANGES.**

23 (a) CLARNO LAND EXCHANGE.—

24 (1) CONVEYANCE OF LAND.—Subject to sub-
25 sections (c) through (e), if the landowner offers to

1 convey to the United States all right, title, and in-
2 terest of the landowner in and to the non-Federal
3 land described in paragraph (2)(A), the Secretary
4 shall—

5 (A) accept the offer; and

6 (B) on receipt of acceptable title to the
7 non-Federal land, convey to the Landowner all
8 right, title, and interest of the United States in
9 and to the Federal land described in paragraph
10 (2)(B).

11 (2) DESCRIPTION OF LAND.—

12 (A) NON-FEDERAL LAND.—The non-Fed-
13 eral land referred to in paragraph (1) is the ap-
14 proximately 239 acres of non-Federal land iden-
15 tified on the wilderness map as “Clarno to Fed-
16 eral Government”.

17 (B) FEDERAL LAND.—The Federal land
18 referred to in paragraph (1)(B) is the approxi-
19 mately 209 acres of Federal land identified on
20 the wilderness map as “Federal Government to
21 Clarno”.

22 (3) SURVEYS.—The exact acreage and legal de-
23 scription of the Federal land and non-Federal land
24 described in paragraph (2) shall be determined by
25 surveys approved by the Secretary.

1 (b) DISTRICT EXCHANGE.—

2 (1) CONVEYANCE OF LAND.—Subject to sub-
3 sections (c) through (e), if the District offers to con-
4 vey to the United States all right, title, and interest
5 of the District in and to the non-Federal land de-
6 scribed in paragraph (2)(A), the Secretary shall—

7 (A) accept the offer; and

8 (B) on receipt of acceptable title to the
9 non-Federal land, convey to the District all
10 right, title, and interest of the United States in
11 and to the Federal land described in paragraph
12 (2)(B).

13 (2) DESCRIPTION OF LAND.—

14 (A) NON-FEDERAL LAND.—The non-Fed-
15 eral land referred to in paragraph (1) is the ap-
16 proximately 527 acres of non-Federal land iden-
17 tified on the wilderness map as “COID to Fed-
18 eral Government”.

19 (B) FEDERAL LAND.—The Federal land
20 referred to in paragraph (1)(B) is the approxi-
21 mately 697 acres of Federal land identified on
22 the wilderness map as “Federal Government to
23 COID”.

24 (3) SURVEYS.—The exact acreage and legal de-
25 scription of the Federal land and non-Federal land

1 described in paragraph (2) shall be determined by
2 surveys approved by the Secretary.

3 (c) APPLICABLE LAW.—Except as otherwise provided
4 in this section, the Secretary shall carry out the land ex-
5 changes under this section in accordance with section 206
6 of the Federal Land Policy and Management Act of 1976
7 (43 U.S.C. 1716).

8 (d) VALUATION, APPRAISALS, AND EQUALIZATION.—

9 (1) IN GENERAL.—The value of the Federal
10 land and the non-Federal land to be conveyed in a
11 land exchange under this section—

12 (A) shall be equal, as determined by ap-
13 praisals conducted in accordance with para-
14 graph (2); or

15 (B) if not equal, shall be equalized in ac-
16 cordance with paragraph (3).

17 (2) APPRAISALS.—

18 (A) IN GENERAL.—The Federal land and
19 the non-Federal land to be exchanged under
20 this section shall be appraised by an inde-
21 pendent, qualified appraiser that is agreed to by
22 the Secretary and the owner of the non-Federal
23 land to be exchanged.

1 (B) REQUIREMENTS.—An appraisal under
2 subparagraph (A) shall be conducted in accord-
3 ance with—

4 (i) the Uniform Appraisal Standards
5 for Federal Land Acquisitions; and

6 (ii) the Uniform Standards of Profes-
7 sional Appraisal Practice.

8 (3) EQUALIZATION.—

9 (A) IN GENERAL.—If the value of the Fed-
10 eral land and the non-Federal land to be con-
11 veyed in a land exchange under this section is
12 not equal, the value may be equalized by—

13 (i) making a cash equalization pay-
14 ment to the Secretary or to the owner of
15 the non-Federal land, as appropriate, in
16 accordance with section 206(b) of the Fed-
17 eral Land Policy and Management Act of
18 1976 (43 U.S.C. 1716(b)); or

19 (ii) reducing the acreage of the Fed-
20 eral land or the non-Federal land to be ex-
21 changed, as appropriate.

22 (B) CASH EQUALIZATION PAYMENTS.—
23 Any cash equalization payments received by the
24 Secretary under subparagraph (A)(i) shall be—

1 (i) deposited in the Federal Land Dis-
2 posal Account established by section
3 206(a) of the Federal Land Transaction
4 Facilitation Act (43 U.S.C. 2305(a)); and
5 (ii) used in accordance with that Act.

6 (e) CONDITIONS OF EXCHANGE.—

7 (1) IN GENERAL.—The land exchanges under
8 this section shall be subject to such terms and condi-
9 tions as the Secretary may require.

10 (2) COSTS.—As a condition of a conveyance of
11 Federal land and non-Federal land under this sec-
12 tion, the Federal Government and the owner of the
13 non-Federal land shall equally share all costs relat-
14 ing to the land exchange, including the costs of ap-
15 praisals, surveys, and any necessary environmental
16 clearances.

17 (3) VALID EXISTING RIGHTS.—The exchange of
18 Federal land and non-Federal land under this sec-
19 tion shall be subject to any easements, rights-of-way,
20 and other valid rights in existence on the date of en-
21 actment of this Act.

22 (f) COMPLETION OF LAND EXCHANGE.—It is the in-
23 tent of Congress that the land exchanges under this sec-
24 tion shall be completed not later than 2 years after the
25 date of enactment of this Act.

1 **SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.**

2 Nothing in this subtitle alters, modifies, enlarges, di-
3 minishes, or abrogates the treaty rights of any Indian
4 tribe, including the off-reservation reserved rights secured
5 by the Treaty with the Tribes and Bands of Middle Or-
6 egon of June 25, 1855 (12 Stat. 963).

7 **Subtitle J—Spring Basin**
8 **Wilderness, Oregon**

9 **SEC. 1751. DEFINITIONS.**

10 In this subtitle:

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

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

15 (3) TRIBES.—The term “Tribes” means the
16 Confederated Tribes of the Warm Springs Reserva-
17 tion of Oregon.

18 (4) WILDERNESS MAP.—The term “wilderness
19 map” means the map entitled “Spring Basin Wilder-
20 ness with Land Exchange Proposals” and dated
21 September 3, 2008.

22 **SEC. 1752. SPRING BASIN WILDERNESS.**

23 (a) DESIGNATION.—In accordance with the Wilder-
24 ness Act (16 U.S.C. 1131 et seq.), the approximately
25 6,382 acres of Bureau of Land Management land in the
26 State, as generally depicted on the wilderness map, is des-

1 ignated as wilderness and as a component of the National
2 Wilderness Preservation System, to be known as the
3 “Spring Basin Wilderness”.

4 (b) ADMINISTRATION OF WILDERNESS.—

5 (1) IN GENERAL.—Subject to valid existing
6 rights, the Spring Basin Wilderness shall be admin-
7 istered by the Secretary in accordance with the Wil-
8 derness Act (16 U.S.C. 1131 et seq.), except that—

9 (A) any reference in the Wilderness Act to
10 the effective date of that Act shall be consid-
11 ered to be a reference to the date of enactment
12 of this Act; and

13 (B) any reference in the Wilderness Act to
14 the Secretary of Agriculture shall be considered
15 to be a reference to the Secretary of the Inte-
16 rior.

17 (2) INCORPORATION OF ACQUIRED LAND AND
18 INTERESTS.—Any land or interest in land within the
19 boundary of the Spring Basin Wilderness that is ac-
20 quired by the United States shall—

21 (A) become part of the Spring Basin Wil-
22 derness; and

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

1 (3) GRAZING.—The grazing of livestock in the
2 Spring Basin Wilderness, if established before the
3 date of enactment of this Act, shall be permitted to
4 continue subject to such reasonable regulations as
5 are considered necessary by the Secretary, in accord-
6 ance with—

7 (A) section 4(d)(4) of the Wilderness Act
8 (16 U.S.C. 1133(d)(4)); and

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

14 (c) MAP AND LEGAL DESCRIPTION.—

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

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

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

23 (2) FORCE OF LAW.—The map and legal de-
24 scription filed under paragraph (1) shall have the
25 same force and effect as if included in this section,

1 except that the Secretary may correct any typo-
2 graphical errors in the map and legal description.

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

7 **SEC. 1753. RELEASE.**

8 (a) FINDING.—Congress finds that, for the purposes
9 of section 603(e) of the Federal Land Policy and Manage-
10 ment Act of 1976 (43 U.S.C. 1782(c)), the portions of
11 the Spring Basin wilderness study area that are not des-
12 ignated by section 1752(a) as the Spring Basin Wilderness
13 in the following areas have been adequately studied for
14 wilderness designation:

15 (1) T. 8 S., R. 19 E., sec. 10, NE $\frac{1}{4}$, W $\frac{1}{2}$.

16 (2) T. 8 S., R.19 E., sec. 25, SE $\frac{1}{4}$, SE $\frac{1}{4}$.

17 (3) T. 8 S., R. 20 E., sec. 19, SE $\frac{1}{4}$, S $\frac{1}{2}$ of
18 the S $\frac{1}{2}$.

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

22 (1) is no longer subject to section 603(c) of the
23 Federal Land Policy and Management Act of 1976
24 (43 U.S.C. 1782(c)); and

1 (2) shall be managed in accordance with the ap-
2 plicable land use plan adopted under section 202 of
3 that Act (43 U.S.C. 1712).

4 **SEC. 1754. LAND EXCHANGES.**

5 (a) CONFEDERATED TRIBES OF THE WARM SPRINGS
6 RESERVATION LAND EXCHANGE.—

7 (1) CONVEYANCE OF LAND.—Subject to sub-
8 sections (e) through (g), if the Tribes offer to convey
9 to the United States all right, title, and interest of
10 the Tribes in and to the non-Federal land described
11 in paragraph (2)(A), the Secretary shall—

12 (A) accept the offer; and

13 (B) on receipt of acceptable title to the
14 non-Federal land, convey to the Tribes all right,
15 title, and interest of the United States in and
16 to the Federal land described in paragraph
17 (2)(B).

18 (2) DESCRIPTION OF LAND.—

19 (A) NON-FEDERAL LAND.—The non-Fed-
20 eral land referred to in paragraph (1) is the ap-
21 proximately 4,480 acres of non-Federal land
22 identified on the wilderness map as “Lands pro-
23 posed for transfer from the CTWSIR to the
24 Federal Government”.

1 (B) FEDERAL LAND.—The Federal land
2 referred to in paragraph (1)(B) is the approxi-
3 mately 4,578 acres of Federal land identified on
4 the wilderness map as “Lands proposed for
5 transfer from the Federal Government to
6 CTWSIR”.

7 (3) SURVEYS.—The exact acreage and legal de-
8 scription of the Federal land and non-Federal land
9 described in paragraph (2) shall be determined by
10 surveys approved by the Secretary.

11 (4) WITHDRAWAL.—Subject to valid existing
12 rights, the land acquired by the Secretary under this
13 subsection is withdrawn from all forms of—

14 (A) entry, appropriation, or disposal under
15 the public land laws;

16 (B) location, entry, and patent under the
17 mining laws; and

18 (C) disposition under any law relating to
19 mineral and geothermal leasing or mineral ma-
20 terials.

21 (b) MCGREER LAND EXCHANGE.—

22 (1) CONVEYANCE OF LAND.—Subject to sub-
23 sections (e) through (g), if the landowner offers to
24 convey to the United States all right, title, and in-
25 terest of the landowner in and to the non-Federal

1 land described in paragraph (2)(A), the Secretary
2 shall—

3 (A) accept the offer; and

4 (B) on receipt of acceptable title to the
5 non-Federal land, convey to the landowner all
6 right, title, and interest of the United States in
7 and to the Federal land described in paragraph
8 (2)(B).

9 (2) DESCRIPTION OF LAND.—

10 (A) NON-FEDERAL LAND.—The non-Fed-
11 eral land referred to in paragraph (1) is the ap-
12 proximately 18 acres of non-Federal land iden-
13 tified on the wilderness map as “Lands pro-
14 posed for transfer from McGreer to the Federal
15 Government”.

16 (B) FEDERAL LAND.—The Federal land
17 referred to in paragraph (1)(B) is the approxi-
18 mately 327 acres of Federal land identified on
19 the wilderness map as “Lands proposed for
20 transfer from the Federal Government to
21 McGreer”.

22 (3) SURVEYS.—The exact acreage and legal de-
23 scription of the Federal land and non-Federal land
24 described in paragraph (2) shall be determined by
25 surveys approved by the Secretary.

1 (c) KEYS LAND EXCHANGE.—

2 (1) CONVEYANCE OF LAND.—Subject to sub-
3 sections (e) through (g), if the landowner offers to
4 convey to the United States all right, title, and in-
5 terest of the landowner in and to the non-Federal
6 land described in paragraph (2)(A), the Secretary
7 shall—

8 (A) accept the offer; and

9 (B) on receipt of acceptable title to the
10 non-Federal land, convey to the landowner all
11 right, title, and interest of the United States in
12 and to the Federal land described in paragraph
13 (2)(B).

14 (2) DESCRIPTION OF LAND.—

15 (A) NON-FEDERAL LAND.—The non-Fed-
16 eral land referred to in paragraph (1) is the ap-
17 proximately 180 acres of non-Federal land iden-
18 tified on the wilderness map as “Lands pro-
19 posed for transfer from Keys to the Federal
20 Government”.

21 (B) FEDERAL LAND.—The Federal land
22 referred to in paragraph (1)(B) is the approxi-
23 mately 187 acres of Federal land identified on
24 the wilderness map as “Lands proposed for

1 transfer from the Federal Government to
2 Keys”.

3 (3) SURVEYS.—The exact acreage and legal de-
4 scription of the Federal land and non-Federal land
5 described in paragraph (2) shall be determined by
6 surveys approved by the Secretary.

7 (d) BOWERMAN LAND EXCHANGE.—

8 (1) CONVEYANCE OF LAND.—Subject to sub-
9 sections (e) through (g), if the landowner offers to
10 convey to the United States all right, title, and in-
11 terest of the landowner in and to the non-Federal
12 land described in paragraph (2)(A), the Secretary
13 shall—

14 (A) accept the offer; and

15 (B) on receipt of acceptable title to the
16 non-Federal land, convey to the landowner all
17 right, title, and interest of the United States in
18 and to the Federal land described in paragraph
19 (2)(B).

20 (2) DESCRIPTION OF LAND.—

21 (A) NON-FEDERAL LAND.—The non-Fed-
22 eral land referred to in paragraph (1) is the ap-
23 proximately 32 acres of non-Federal land iden-
24 tified on the wilderness map as “Lands pro-

1 posed for transfer from Bowerman to the Fed-
2 eral Government”.

3 (B) FEDERAL LAND.—The Federal land
4 referred to in paragraph (1)(B) is the approxi-
5 mately 24 acres of Federal land identified on
6 the wilderness map as “Lands proposed for
7 transfer from the Federal Government to
8 Bowerman”.

9 (3) SURVEYS.—The exact acreage and legal de-
10 scription of the Federal land and non-Federal land
11 described in paragraph (2) shall be determined by
12 surveys approved by the Secretary.

13 (e) APPLICABLE LAW.—Except as otherwise provided
14 in this section, the Secretary shall carry out the land ex-
15 changes under this section in accordance with section 206
16 of the Federal Land Policy and Management Act of 1976
17 (43 U.S.C. 1716).

18 (f) VALUATION, APPRAISALS, AND EQUALIZATION.—

19 (1) IN GENERAL.—The value of the Federal
20 land and the non-Federal land to be conveyed in a
21 land exchange under this section—

22 (A) shall be equal, as determined by ap-
23 praisals conducted in accordance with para-
24 graph (2); or

1 (B) if not equal, shall be equalized in ac-
2 cordance with paragraph (3).

3 (2) APPRAISALS.—

4 (A) IN GENERAL.—The Federal land and
5 the non-Federal land to be exchanged under
6 this section shall be appraised by an inde-
7 pendent, qualified appraiser that is agreed to by
8 the Secretary and the owner of the non-Federal
9 land to be exchanged.

10 (B) REQUIREMENTS.—An appraisal under
11 subparagraph (A) shall be conducted in accord-
12 ance with—

13 (i) the Uniform Appraisal Standards
14 for Federal Land Acquisitions; and

15 (ii) the Uniform Standards of Profes-
16 sional Appraisal Practice.

17 (3) EQUALIZATION.—

18 (A) IN GENERAL.—If the value of the Fed-
19 eral land and the non-Federal land to be con-
20 veyed in a land exchange under this section is
21 not equal, the value may be equalized by—

22 (i) making a cash equalization pay-
23 ment to the Secretary or to the owner of
24 the non-Federal land, as appropriate, in
25 accordance with section 206(b) of the Fed-

1 eral Land Policy and Management Act of
2 1976 (43 U.S.C. 1716(b)); or

3 (ii) reducing the acreage of the Fed-
4 eral land or the non-Federal land to be ex-
5 changed, as appropriate.

6 (B) CASH EQUALIZATION PAYMENTS.—

7 Any cash equalization payments received by the
8 Secretary under subparagraph (A)(i) shall be—

9 (i) deposited in the Federal Land Dis-
10 posal Account established by section
11 206(a) of the Federal Land Transaction
12 Facilitation Act (43 U.S.C. 2305(a)); and

13 (ii) used in accordance with that Act.

14 (g) CONDITIONS OF EXCHANGE.—

15 (1) IN GENERAL.—The land exchanges under
16 this section shall be subject to such terms and condi-
17 tions as the Secretary may require.

18 (2) COSTS.—As a condition of a conveyance of
19 Federal land and non-Federal land under this sec-
20 tion, the Federal Government and the owner of the
21 non-Federal land shall equally share all costs relat-
22 ing to the land exchange, including the costs of ap-
23 praisals, surveys, and any necessary environmental
24 clearances.

1 (3) VALID EXISTING RIGHTS.—The exchange of
2 Federal land and non-Federal land under this sec-
3 tion shall be subject to any easements, rights-of-way,
4 and other valid rights in existence on the date of en-
5 actment of this Act.

6 (h) COMPLETION OF LAND EXCHANGE.—It is the in-
7 tent of Congress that the land exchanges under this sec-
8 tion shall be completed not later than 2 years after the
9 date of enactment of this Act.

10 **SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.**

11 Nothing in this subtitle alters, modifies, enlarges, di-
12 minishes, or abrogates the treaty rights of any Indian
13 tribe, including the off-reservation reserved rights secured
14 by the Treaty with the Tribes and Bands of Middle Or-
15 egon of June 25, 1855 (12 Stat. 963).

16 **Subtitle K—Eastern Sierra and**
17 **Northern San Gabriel Wilder-**
18 **ness, California**

19 **SEC. 1801. DEFINITIONS.**

20 In this subtitle:

21 (1) FOREST.—The term “Forest” means the
22 Ancient Bristlecone Pine Forest designated by sec-
23 tion 1808(a).

1 (2) RECREATION AREA.—The term “Recreation
2 Area” means the Bridgeport Winter Recreation Area
3 designated by section 1806(a).

4 (3) SECRETARY.—The term “Secretary”
5 means—

6 (A) with respect to land under the jurisdic-
7 tion of the Secretary of Agriculture, the Sec-
8 retary of Agriculture; and

9 (B) with respect to land under the jurisdic-
10 tion of the Secretary of the Interior, the Sec-
11 retary of the Interior.

12 (4) STATE.—The term “State” means the State
13 of California.

14 (5) TRAIL.—The term “Trail” means the Pa-
15 cific Crest National Scenic Trail.

16 **SEC. 1802. DESIGNATION OF WILDERNESS AREAS.**

17 In accordance with the Wilderness Act (16 U.S.C.
18 1131 et seq.), the following areas in the State are des-
19 igned as wilderness and as components of the National
20 Wilderness Preservation System:

21 (1) HOOVER WILDERNESS ADDITIONS.—

22 (A) IN GENERAL.—Certain land in the
23 Humboldt-Toiyabe and Inyo National Forests,
24 comprising approximately 79,820 acres and
25 identified as “Hoover East Wilderness Addi-

1 tion,” “Hoover West Wilderness Addition”, and
2 “Bighorn Proposed Wilderness Addition”, as
3 generally depicted on the maps described in
4 subparagraph (B), is incorporated in, and shall
5 be considered to be a part of, the Hoover Wil-
6 derness.

7 (B) DESCRIPTION OF MAPS.—The maps
8 referred to in subparagraph (A) are—

9 (i) the map entitled “Humboldt-
10 Toiyabe National Forest Proposed Man-
11 agement” and dated September 17, 2008;
12 and

13 (ii) the map entitled “Bighorn Pro-
14 posed Wilderness Additions” and dated
15 September 23, 2008.

16 (C) EFFECT.—The designation of the wil-
17 derness under subparagraph (A) shall not affect
18 the ongoing activities of the adjacent United
19 States Marine Corps Mountain Warfare Train-
20 ing Center on land outside the designated wil-
21 derness, in accordance with the agreement be-
22 tween the Center and the Humboldt-Toiyabe
23 National Forest.

24 (2) OWENS RIVER HEADWATERS WILDER-
25 NESS.—Certain land in the Inyo National Forest,

1 comprising approximately 14,721 acres, as generally
2 depicted on the map entitled “Owens River Head-
3 waters Proposed Wilderness” and dated September
4 16, 2008, which shall be known as the “Owens River
5 Headwaters Wilderness”.

6 (3) JOHN MUIR WILDERNESS ADDITIONS.—

7 (A) IN GENERAL.—Certain land in the
8 Inyo National Forest and certain land adminis-
9 tered by the Bureau of Land Management in
10 Inyo County, California, comprising approxi-
11 mately 70,411 acres, as generally depicted on
12 the maps described in subparagraph (B), is in-
13 corporated in, and shall be considered to be a
14 part of, the John Muir Wilderness.

15 (B) DESCRIPTION OF MAPS.—The maps
16 referred to in subparagraph (A) are—

17 (i) the map entitled “John Muir Pro-
18 posed Wilderness Addition (1 of 5)” and
19 dated September 23, 2008;

20 (ii) the map entitled “John Muir Pro-
21 posed Wilderness Addition (2 of 5)” and
22 dated September 23, 2008;

23 (iii) the map entitled “John Muir Pro-
24 posed Wilderness Addition (3 of 5)” and
25 dated October 31, 2008;

1 (iv) the map entitled “John Muir Pro-
2 posed Wilderness Addition (4 of 5)” and
3 dated September 16, 2008; and

4 (v) the map entitled “John Muir Pro-
5 posed Wilderness Addition (5 of 5)” and
6 dated September 16, 2008.

7 (C) BOUNDARY REVISION.—The boundary
8 of the John Muir Wilderness is revised as de-
9 picted on the map entitled “John Muir Wilder-
10 ness—Revised” and dated September 16, 2008.

11 (4) ANSEL ADAMS WILDERNESS ADDITION.—
12 Certain land in the Inyo National Forest, comprising
13 approximately 528 acres, as generally depicted on
14 the map entitled “Ansel Adams Proposed Wilderness
15 Addition” and dated September 16, 2008, is incor-
16 porated in, and shall be considered to be a part of,
17 the Ansel Adams Wilderness.

18 (5) WHITE MOUNTAINS WILDERNESS.—

19 (A) IN GENERAL.—Certain land in the
20 Inyo National Forest and certain land adminis-
21 tered by the Bureau of Land Management in
22 Mono County, California, comprising approxi-
23 mately 229,993 acres, as generally depicted on
24 the maps described in subparagraph (B), which

1 shall be known as the “White Mountains Wil-
2 derness”.

3 (B) DESCRIPTION OF MAPS.—The maps
4 referred to in subparagraph (A) are—

5 (i) the map entitled “White Moun-
6 tains Proposed Wilderness-Map 1 of 2
7 (North)” and dated September 16, 2008;
8 and

9 (ii) the map entitled “White Moun-
10 tains Proposed Wilderness-Map 2 of 2
11 (South)” and dated September 16, 2008.

12 (6) GRANITE MOUNTAIN WILDERNESS.—Cer-
13 tain land in the Inyo National Forest and certain
14 land administered by the Bureau of Land Manage-
15 ment in Mono County, California, comprising ap-
16 proximately 34,342 acres, as generally depicted on
17 the map entitled “Granite Mountain Wilderness”
18 and dated September 19, 2008, which shall be
19 known as the “Granite Mountain Wilderness”.

20 (7) MAGIC MOUNTAIN WILDERNESS.—Certain
21 land in the Angeles National Forest, comprising ap-
22 proximately 12,282 acres, as generally depicted on
23 the map entitled “Magic Mountain Proposed Wilder-
24 ness” and dated December 16, 2008, which shall be
25 known as the “Magic Mountain Wilderness”.

1 (8) PLEASANT VIEW RIDGE WILDERNESS.—Cer-
2 tain land in the Angeles National Forest, comprising
3 approximately 26,757 acres, as generally depicted on
4 the map entitled “Pleasant View Ridge Proposed
5 Wilderness” and dated December 16, 2008, which
6 shall be known as the “Pleasant View Ridge Wilder-
7 ness”.

8 **SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.**

9 (a) MANAGEMENT.—Subject to valid existing rights,
10 the Secretary shall administer the wilderness areas and
11 wilderness additions designated by this subtitle in accord-
12 ance with the Wilderness Act (16 U.S.C. 1131 et seq.),
13 except that—

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

17 (2) any reference in that Act to the Secretary
18 of Agriculture shall be considered to be a reference
19 to the Secretary that has jurisdiction over the land.

20 (b) MAP AND LEGAL DESCRIPTION.—

21 (1) IN GENERAL.—As soon as practicable after
22 the date of enactment of this Act, the Secretary
23 shall file a map and legal description of each wilder-
24 ness area and wilderness addition designated by this
25 subtitle with—

1 (A) the Committee on Natural Resources
2 of the House of Representatives; and

3 (B) the Committee on Energy and Natural
4 Resources of the Senate.

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

10 (3) PUBLIC AVAILABILITY.—Each map and
11 legal description filed under paragraph (1) shall be
12 on file and available for public inspection in the ap-
13 propriate offices of the Secretary.

14 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
15 ESTS.—Any land (or interest in land) within the boundary
16 of a wilderness area or wilderness addition designated by
17 this subtitle that is acquired by the Federal Government
18 shall—

19 (1) become part of the wilderness area in which
20 the land is located; and

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

24 (d) WITHDRAWAL.—Subject to valid rights in exist-
25 ence on the date of enactment of this Act, any Federal

1 land designated as a wilderness area or wilderness addi-
2 tion by this subtitle is withdrawn from—

3 (1) all forms of entry, appropriation, or disposal
4 under the public land laws;

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

7 (3) disposition under laws relating to mineral
8 and geothermal leasing or mineral materials.

9 (e) FIRE MANAGEMENT AND RELATED ACTIVI-
10 TIES.—

11 (1) IN GENERAL.—The Secretary may take
12 such measures in a wilderness area or wilderness ad-
13 dition designated by this subtitle as are necessary
14 for the control of fire, insects, and diseases in ac-
15 cordance with section 4(d)(1) of the Wilderness Act
16 (16 U.S.C. 1133(d)(1)) and House Report 98–40 of
17 the 98th Congress.

18 (2) FUNDING PRIORITIES.—Nothing in this
19 subtitle limits funding for fire and fuels manage-
20 ment in the wilderness areas and wilderness addi-
21 tions designated by this subtitle.

22 (3) REVISION AND DEVELOPMENT OF LOCAL
23 FIRE MANAGEMENT PLANS.—As soon as practicable
24 after the date of enactment of this Act, the Sec-
25 retary shall amend the local fire management plans

1 that apply to the land designated as a wilderness
2 area or wilderness addition by this subtitle.

3 (4) ADMINISTRATION.—Consistent with para-
4 graph (1) and other applicable Federal law, to en-
5 sure a timely and efficient response to fire emer-
6 gencies in the wilderness areas and wilderness addi-
7 tions designated by this subtitle, the Secretary
8 shall—

9 (A) not later than 1 year after the date of
10 enactment of this Act, establish agency ap-
11 proval procedures (including appropriate delega-
12 tions of authority to the Forest Supervisor, Dis-
13 trict Manager, or other agency officials) for re-
14 sponding to fire emergencies; and

15 (B) enter into agreements with appropriate
16 State or local firefighting agencies.

17 (f) ACCESS TO PRIVATE PROPERTY.—The Secretary
18 shall provide any owner of private property within the
19 boundary of a wilderness area or wilderness addition des-
20 ignated by this subtitle adequate access to the property
21 to ensure the reasonable use and enjoyment of the prop-
22 erty by the owner.

23 (g) MILITARY ACTIVITIES.—Nothing in this subtitle
24 precludes—

1 (1) low-level overflights of military aircraft over
2 the wilderness areas or wilderness additions des-
3 igned by this subtitle;

4 (2) the designation of new units of special air-
5 space over the wilderness areas or wilderness addi-
6 tions designated by this subtitle; or

7 (3) the use or establishment of military flight
8 training routes over wilderness areas or wilderness
9 additions designated by this subtitle.

10 (h) LIVESTOCK.—Grazing of livestock and the main-
11 tenance of existing facilities relating to grazing in wilder-
12 ness areas or wilderness additions designated by this sub-
13 title, if established before the date of enactment of this
14 Act, shall be permitted to continue in accordance with—

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

17 (2) the guidelines set forth in Appendix A of
18 the report of the Committee on Interior and Insular
19 Affairs of the House of Representatives accom-
20 panying H.R. 2570 of the 101st Congress (H. Rept.
21 101–405).

22 (i) FISH AND WILDLIFE MANAGEMENT.—

23 (1) IN GENERAL.—In furtherance of the pur-
24 poses of the Wilderness Act (16 U.S.C. 1131 et
25 seq.), the Secretary may carry out management ac-

1 activities to maintain or restore fish and wildlife popu-
2 lations and fish and wildlife habitats in wilderness
3 areas or wilderness additions designated by this sub-
4 title if the activities are—

5 (A) consistent with applicable wilderness
6 management plans; and

7 (B) carried out in accordance with applica-
8 ble guidelines and policies.

9 (2) STATE JURISDICTION.—Nothing in this
10 subtitle affects the jurisdiction of the State with re-
11 spect to fish and wildlife on public land located in
12 the State.

13 (j) HORSES.—Nothing in this subtitle precludes
14 horseback riding in, or the entry of recreational or com-
15 mercial saddle or pack stock into, an area designated as
16 wilderness or as a wilderness addition by this subtitle—

17 (1) in accordance with section 4(d)(5) of the
18 Wilderness Act (16 U.S.C. 1133(d)(5)); and

19 (2) subject to any terms and conditions deter-
20 mined to be necessary by the Secretary.

21 (k) OUTFITTER AND GUIDE USE.—Outfitter and
22 guide activities conducted under permits issued by the
23 Forest Service on the additions to the John Muir, Ansel
24 Adams, and Hoover wilderness areas designated by this
25 subtitle shall be in addition to any existing limits estab-

1 lished for the John Muir, Ansel Adams, and Hoover wil-
2 derness areas.

3 (l) TRANSFER TO THE FOREST SERVICE.—

4 (1) WHITE MOUNTAINS WILDERNESS.—Admin-
5 istrative jurisdiction over the approximately 946
6 acres of land identified as “Transfer of Administra-
7 tive Jurisdiction from BLM to FS” on the maps de-
8 scribed in section 1802(5)(B) is transferred from the
9 Bureau of Land Management to the Forest Service
10 to be managed as part of the White Mountains Wil-
11 derness.

12 (2) JOHN MUIR WILDERNESS.—Administrative
13 jurisdiction over the approximately 143 acres of land
14 identified as “Transfer of Administrative Jurisdic-
15 tion from BLM to FS” on the maps described in
16 section 1802(3)(B) is transferred from the Bureau
17 of Land Management to the Forest Service to be
18 managed as part of the John Muir Wilderness.

19 (m) TRANSFER TO THE BUREAU OF LAND MANAGE-
20 MENT.—Administrative jurisdiction over the approxi-
21 mately 3,010 acres of land identified as “Land from FS
22 to BLM” on the maps described in section 1802(6) is
23 transferred from the Forest Service to the Bureau of Land
24 Management to be managed as part of the Granite Moun-
25 tain Wilderness.

1 **SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.**

2 (a) FINDING.—Congress finds that, for purposes of
3 section 603 of the Federal Land Policy and Management
4 Act of 1976 (43 U.S.C. 1782), any portion of a wilderness
5 study area described in subsection (b) that is not des-
6 ignated as a wilderness area or wilderness addition by this
7 subtitle or any other Act enacted before the date of enact-
8 ment of this Act has been adequately studied for wilder-
9 ness.

10 (b) DESCRIPTION OF STUDY AREAS.—The study
11 areas referred to in subsection (a) are—

12 (1) the Masonic Mountain Wilderness Study
13 Area;

14 (2) the Mormon Meadow Wilderness Study
15 Area;

16 (3) the Walford Springs Wilderness Study
17 Area; and

18 (4) the Granite Mountain Wilderness Study
19 Area.

20 (c) RELEASE.—Any portion of a wilderness study
21 area described in subsection (b) that is not designated as
22 a wilderness area or wilderness addition by this subtitle
23 or any other Act enacted before the date of enactment of
24 this Act shall not be subject to section 603(c) of the Fed-
25 eral Land Policy and Management Act of 1976 (43 U.S.C.
26 1782(c)).

1 **SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.**

2 (a) IN GENERAL.—Section 3(a) of the Wild and Sce-
3 nic Rivers Act (16 U.S.C. 1274(a)) (as amended by sec-
4 tion 1504(a)) is amended by adding at the end the fol-
5 lowing:

6 “(196) AMARGOSA RIVER, CALIFORNIA.—The
7 following segments of the Amargosa River in the
8 State of California, to be administered by the Sec-
9 retary of the Interior:

10 “(A) The approximately 4.1-mile segment
11 of the Amargosa River from the northern
12 boundary of sec. 7, T. 21 N., R. 7 E., to 100
13 feet upstream of the Tecopa Hot Springs road
14 crossing, as a scenic river.

15 “(B) The approximately 8-mile segment of
16 the Amargosa River from 100 feet downstream
17 of the Tecopa Hot Springs Road crossing to
18 100 feet upstream of the Old Spanish Trail
19 Highway crossing near Tecopa, as a scenic
20 river.

21 “(C) The approximately 7.9-mile segment
22 of the Amargosa River from the northern
23 boundary of sec. 16, T. 20 N., R. 7 E., to .25
24 miles upstream of the confluence with Sperry
25 Wash in sec. 10, T. 19 N., R. 7 E., as a wild
26 river.

1 “(D) The approximately 4.9-mile segment
2 of the Amargosa River from .25 miles upstream
3 of the confluence with Sperry Wash in sec. 10,
4 T. 19 N., R. 7 E. to 100 feet upstream of the
5 Dumont Dunes access road crossing in sec. 32,
6 T. 19 N., R. 7 E., as a recreational river.

7 “(E) The approximately 1.4-mile segment
8 of the Amargosa River from 100 feet down-
9 stream of the Dumont Dunes access road cross-
10 ing in sec. 32, T. 19 N., R. 7 E., as a rec-
11 reational river.

12 “(197) OWENS RIVER HEADWATERS, CALI-
13 FORNIA.—The following segments of the Owens
14 River in the State of California, to be administered
15 by the Secretary of Agriculture:

16 “(A) The 2.3-mile segment of Deadman
17 Creek from the 2-forked source east of San
18 Joaquin Peak to the confluence with the
19 unnamed tributary flowing north into Deadman
20 Creek from sec. 12, T. 3 S., R. 26 E., as a wild
21 river.

22 “(B) The 2.3-mile segment of Deadman
23 Creek from the unnamed tributary confluence
24 in sec. 12, T. 3 S., R. 26 E., to the Road 3S22
25 crossing, as a scenic river.

1 “(C) The 4.1-mile segment of Deadman
2 Creek from the Road 3S22 crossing to .25
3 miles downstream of the Highway 395 crossing,
4 as a recreational river.

5 “(D) The 3-mile segment of Deadman
6 Creek from .25 miles downstream of the High-
7 way 395 crossing to 100 feet upstream of Big
8 Springs, as a scenic river.

9 “(E) The 1-mile segment of the Upper
10 Owens River from 100 feet upstream of Big
11 Springs to the private property boundary in sec.
12 19, T. 2 S., R. 28 E., as a recreational river.

13 “(F) The 4-mile segment of Glass Creek
14 from its 2-forked source to 100 feet upstream
15 of the Glass Creek Meadow Trailhead parking
16 area in sec. 29, T. 2 S., R.27 E., as a wild
17 river.

18 “(G) The 1.3-mile segment of Glass Creek
19 from 100 feet upstream of the trailhead park-
20 ing area in sec. 29 to the end of Glass Creek
21 Road in sec. 21, T. 2 S., R. 27 E., as a scenic
22 river.

23 “(H) The 1.1-mile segment of Glass Creek
24 from the end of Glass Creek Road in sec. 21,

1 T. 2 S., R. 27 E., to the confluence with
2 Deadman Creek, as a recreational river.

3 “(198) COTTONWOOD CREEK, CALIFORNIA.—
4 The following segments of Cottonwood Creek in the
5 State of California:

6 “(A) The 17.4-mile segment from its head-
7 waters at the spring in sec. 27, T 4 S., R. 34
8 E., to the Inyo National Forest boundary at the
9 east section line of sec 3, T. 6 S., R. 36 E., as
10 a wild river to be administered by the Secretary
11 of Agriculture.

12 “(B) The 4.1-mile segment from the Inyo
13 National Forest boundary to the northern
14 boundary of sec. 5, T.4 S., R. 34 E., as a rec-
15 reational river, to be administered by the Sec-
16 retary of the Interior.

17 “(199) PIRU CREEK, CALIFORNIA.—The fol-
18 lowing segments of Piru Creek in the State of Cali-
19 fornia, to be administered by the Secretary of Agri-
20 culture:

21 “(A) The 3-mile segment of Piru Creek
22 from 0.5 miles downstream of Pyramid Dam at
23 the first bridge crossing to the boundary of the
24 Sespe Wilderness, as a recreational river.

1 “(B) The 4.25-mile segment from the
2 boundary of the Sespe Wilderness to the bound-
3 ary between Los Angeles and Ventura Counties,
4 as a wild river.”.

5 (b) EFFECT.—The designation of Piru Creek under
6 subsection (a) shall not affect valid rights in existence on
7 the date of enactment of this Act.

8 **SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.**

9 (a) DESIGNATION.—The approximately 7,254 acres
10 of land in the Humboldt-Toiyabe National Forest identi-
11 fied as the “Bridgeport Winter Recreation Area”, as gen-
12 erally depicted on the map entitled “Humboldt-Toiyabe
13 National Forest Proposed Management” and dated Sep-
14 tember 17, 2008, is designated as the Bridgeport Winter
15 Recreation Area.

16 (b) MAP AND LEGAL DESCRIPTION.—

17 (1) IN GENERAL.—As soon as practicable after
18 the date of enactment of this Act, the Secretary
19 shall file a map and legal description of the Recre-
20 ation Area with—

21 (A) the Committee on Natural Resources
22 of the House of Representatives; and

23 (B) the Committee on Energy and Natural
24 Resources of the Senate.

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

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

10 (c) MANAGEMENT.—

11 (1) INTERIM MANAGEMENT.—Until completion
12 of the management plan required under subsection
13 (d), and except as provided in paragraph (2), the
14 Recreation Area shall be managed in accordance
15 with the Toiyabe National Forest Land and Re-
16 source Management Plan of 1986 (as in effect on
17 the day of enactment of this Act).

18 (2) USE OF SNOWMOBILES.—The winter use of
19 snowmobiles shall be allowed in the Recreation
20 Area—

21 (A) during periods of adequate snow cov-
22 erage during the winter season; and

23 (B) subject to any terms and conditions
24 determined to be necessary by the Secretary.

1 (d) MANAGEMENT PLAN.—To ensure the sound man-
2 agement and enforcement of the Recreation Area, the Sec-
3 retary shall, not later than 1 year after the date of enact-
4 ment of this Act, undergo a public process to develop a
5 winter use management plan that provides for—

6 (1) adequate signage;

7 (2) a public education program on allowable
8 usage areas;

9 (3) measures to ensure adequate sanitation;

10 (4) a monitoring and enforcement strategy; and

11 (5) measures to ensure the protection of the
12 Trail.

13 (e) ENFORCEMENT.—The Secretary shall prioritize
14 enforcement activities in the Recreation Area—

15 (1) to prohibit degradation of natural resources
16 in the Recreation Area;

17 (2) to prevent interference with nonmotorized
18 recreation on the Trail; and

19 (3) to reduce user conflicts in the Recreation
20 Area.

21 (f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The
22 Secretary shall establish an appropriate snowmobile cross-
23 ing point along the Trail in the area identified as “Pacific
24 Crest Trail Proposed Crossing Area” on the map entitled

1 “Humboldt-Toiyabe National Forest Proposed Manage-
2 ment” and dated September 17, 2008—

3 (1) in accordance with—

4 (A) the National Trails System Act (16
5 U.S.C. 1241 et seq.); and

6 (B) any applicable environmental and pub-
7 lic safety laws; and

8 (2) subject to the terms and conditions the Sec-
9 retary determines to be necessary to ensure that the
10 crossing would not—

11 (A) interfere with the nature and purposes
12 of the Trail; or

13 (B) harm the surrounding landscape.

14 **SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-**
15 **TOIYABE NATIONAL FOREST.**

16 Certain land in the Humboldt-Toiyabe National For-
17 est, comprising approximately 3,690 acres identified as
18 “Pickel Hill Management Area”, as generally depicted on
19 the map entitled “Humboldt-Toiyabe National Forest Pro-
20 posed Management” and dated September 17, 2008, shall
21 be managed in a manner consistent with the non-Wilder-
22 ness forest areas immediately surrounding the Pickel Hill
23 Management Area, including the allowance of snowmobile
24 use.

1 **SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.**

2 (a) DESIGNATION.—To conserve and protect the An-
3 cient Bristlecone Pines by maintaining near-natural condi-
4 tions and to ensure the survival of the Pines for the pur-
5 poses of public enjoyment and scientific study, the ap-
6 proximately 31,700 acres of public land in the State, as
7 generally depicted on the map entitled “Ancient
8 Bristlecone Pine Forest—Proposed” and dated July 16,
9 2008, is designated as the “Ancient Bristlecone Pine For-
10 est”.

11 (b) MAP AND LEGAL DESCRIPTION.—

12 (1) IN GENERAL.—As soon as practicable, but
13 not later than 3 years after the date of enactment
14 of this Act, the Secretary shall file a map and legal
15 description of the Forest with—

16 (A) the Committee on Natural Resources
17 of the House of Representatives; and

18 (B) the Committee on Energy and Natural
19 Resources of the Senate.

20 (2) FORCE OF LAW.—The map and legal de-
21 scription filed under paragraph (1) shall have the
22 same force and effect as if included in this subtitle,
23 except that the Secretary may correct any errors in
24 the map and legal description.

25 (3) PUBLIC AVAILABILITY.—The map and legal
26 description filed under paragraph (1) shall be on file

1 and available for public inspection in the appropriate
2 offices of the Forest Service.

3 (c) MANAGEMENT.—

4 (1) IN GENERAL.—The Secretary shall admin-
5 ister the Forest—

6 (A) in a manner that—

7 (i) protect the resources and values of
8 the area in accordance with the purposes
9 for which the Forest is established, as de-
10 scribed in subsection (a); and

11 (ii) promotes the objectives of the ap-
12 plicable management plan (as in effect on
13 the date of enactment of this Act), includ-
14 ing objectives relating to—

15 (I) the protection of bristlecone
16 pines for public enjoyment and sci-
17 entific study;

18 (II) the recognition of the botan-
19 ical, scenic, and historical values of
20 the area; and

21 (III) the maintenance of near-
22 natural conditions by ensuring that all
23 activities are subordinate to the needs
24 of protecting and preserving

1 bristlecone pines and wood remnants;
2 and

3 (B) in accordance with the National Forest
4 Management Act of 1976 (16 U.S.C. 1600 et
5 seq.), this section, and any other applicable
6 laws.

7 (2) USES.—

8 (A) IN GENERAL.—The Secretary shall
9 allow only such uses of the Forest as the Sec-
10 retary determines would further the purposes
11 for which the Forest is established, as described
12 in subsection (a).

13 (B) SCIENTIFIC RESEARCH.—Scientific re-
14 search shall be allowed in the Forest in accord-
15 ance with the Inyo National Forest Land and
16 Resource Management Plan (as in effect on the
17 date of enactment of this Act).

18 (3) WITHDRAWAL.—Subject to valid existing
19 rights, all Federal land within the Forest is with-
20 drawn from—

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

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

1 (C) disposition under all laws relating to
 2 mineral and geothermal leasing or mineral ma-
 3 terials.

4 **Subtitle L—Riverside County** 5 **Wilderness, California**

6 **SEC. 1851. WILDERNESS DESIGNATION.**

7 (a) DEFINITION OF SECRETARY.—In this section, the
 8 term “Secretary” means—

9 (1) with respect to land under the jurisdiction
 10 of the Secretary of Agriculture, the Secretary of Ag-
 11 riculture; and

12 (2) with respect to land under the jurisdiction
 13 of the Secretary of the Interior, the Secretary of the
 14 Interior.

15 (b) DESIGNATION OF WILDERNESS, CLEVELAND AND
 16 SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE
 17 NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT
 18 LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

19 (1) DESIGNATIONS.—

20 (A) AGUA TIBIA WILDERNESS ADDI-
 21 TIONS.—In accordance with the Wilderness Act
 22 (16 U.S.C. 1131 et seq.), certain land in the
 23 Cleveland National Forest and certain land ad-
 24 ministered by the Bureau of Land Management
 25 in Riverside County, California, together com-

1 prising approximately 2,053 acres, as generally
2 depicted on the map titled “Proposed Addition
3 to Agua Tibia Wilderness”, and dated May 9,
4 2008, is designated as wilderness and is incor-
5 porated in, and shall be deemed to be a part of,
6 the Agua Tibia Wilderness designated by sec-
7 tion 2(a) of Public Law 93–632 (88 Stat. 2154;
8 16 U.S.C. 1132 note).

9 (B) CAHUILLA MOUNTAIN WILDERNESS.—

10 In accordance with the Wilderness Act (16
11 U.S.C. 1131 et seq.), certain land in the San
12 Bernardino National Forest, California, com-
13 prising approximately 5,585 acres, as generally
14 depicted on the map titled “Cahuilla Mountain
15 Proposed Wilderness”, and dated May 1, 2008,
16 is designated as wilderness and, therefore, as a
17 component of the National Wilderness Preser-
18 vation System, which shall be known as the
19 “Cahuilla Mountain Wilderness”.

20 (C) SOUTH FORK SAN JACINTO WILDER-

21 NESS.—In accordance with the Wilderness Act
22 (16 U.S.C. 1131 et seq.), certain land in the
23 San Bernardino National Forest, California,
24 comprising approximately 20,217 acres, as gen-
25 erally depicted on the map titled “South Fork

1 San Jacinto Proposed Wilderness”, and dated
2 May 1, 2008, is designated as wilderness and,
3 therefore, as a component of the National Wil-
4 derness Preservation System, which shall be
5 known as the “South Fork San Jacinto Wilder-
6 ness”.

7 (D) SANTA ROSA WILDERNESS ADDI-
8 TIONS.—In accordance with the Wilderness Act
9 (16 U.S.C. 1131 et seq.), certain land in the
10 San Bernardino National Forest, California,
11 and certain land administered by the Bureau of
12 Land Management in Riverside County, Cali-
13 fornia, comprising approximately 2,149 acres,
14 as generally depicted on the map titled “Santa
15 Rosa-San Jacinto National Monument Expan-
16 sion and Santa Rosa Wilderness Addition”, and
17 dated March 12, 2008, is designated as wilder-
18 ness and is incorporated in, and shall be
19 deemed to be a part of, the Santa Rosa Wilder-
20 ness designated by section 101(a)(28) of Public
21 Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132
22 note) and expanded by paragraph (59) of sec-
23 tion 102 of Public Law 103–433 (108 Stat.
24 4472; 16 U.S.C. 1132 note).

1 (E) BEAUTY MOUNTAIN WILDERNESS.—In
2 accordance with the Wilderness Act (16 U.S.C.
3 1131 et seq.), certain land administered by the
4 Bureau of Land Management in Riverside
5 County, California, comprising approximately
6 15,621 acres, as generally depicted on the map
7 titled “Beauty Mountain Proposed Wilderness”,
8 and dated April 3, 2007, is designated as wil-
9 derness and, therefore, as a component of the
10 National Wilderness Preservation System,
11 which shall be known as the “Beauty Mountain
12 Wilderness”.

13 (F) JOSHUA TREE NATIONAL PARK WIL-
14 DERNESS ADDITIONS.—In accordance with the
15 Wilderness Act (16 U.S.C. 1131 et seq.), cer-
16 tain land in Joshua Tree National Park, com-
17 prising approximately 36,700 acres, as gen-
18 erally depicted on the map numbered 156/
19 80,055, and titled “Joshua Tree National Park
20 Proposed Wilderness Additions”, and dated
21 March 2008, is designated as wilderness and is
22 incorporated in, and shall be deemed to be a
23 part of, the Joshua Tree Wilderness designated
24 by section 1(g) of Public Law 94–567 (90 Stat.
25 2692; 16 U.S.C. 1132 note).

1 (G) OROCOPIA MOUNTAINS WILDERNESS
2 ADDITIONS.—In accordance with the Wilderness
3 Act (16 U.S.C. 1131 et seq.), certain land ad-
4 ministered by the Bureau of Land Management
5 in Riverside County, California, comprising ap-
6 proximately 4,635 acres, as generally depicted
7 on the map titled “Orocopia Mountains Pro-
8 posed Wilderness Addition”, and dated May 8,
9 2008, is designated as wilderness and is incor-
10 porated in, and shall be deemed to be a part of,
11 the Orocopia Mountains Wilderness as des-
12 ignated by paragraph (44) of section 102 of
13 Public Law 103–433 (108 Stat. 4472; 16
14 U.S.C. 1132 note), except that the wilderness
15 boundaries established by this subsection in
16 Township 7 South, Range 13 East, exclude—

17 (i) a corridor 250 feet north of the
18 centerline of the Bradshaw Trail;

19 (ii) a corridor 250 feet from both
20 sides of the centerline of the vehicle route
21 in the unnamed wash that flows between
22 the Eagle Mountain Railroad on the south
23 and the existing Orocopia Mountains Wil-
24 derness boundary; and

1 (iii) a corridor 250 feet from both
2 sides of the centerline of the vehicle route
3 in the unnamed wash that flows between
4 the Chocolate Mountain Aerial Gunnery
5 Range on the south and the existing
6 Orocopia Mountains Wilderness boundary.

7 (H) PALEN/McCOY WILDERNESS ADDI-
8 TIONS.—In accordance with the Wilderness Act
9 (16 U.S.C. 1131 et seq.), certain land adminis-
10 tered by the Bureau of Land Management in
11 Riverside County, California, comprising ap-
12 proximately 22,645 acres, as generally depicted
13 on the map titled “Palen-McCoy Proposed Wil-
14 derness Additions”, and dated May 8, 2008, is
15 designated as wilderness and is incorporated in,
16 and shall be deemed to be a part of, the Palen/
17 McCoy Wilderness as designated by paragraph
18 (47) of section 102 of Public Law 103–433
19 (108 Stat. 4472; 16 U.S.C. 1132 note).

20 (I) PINTO MOUNTAINS WILDERNESS.—In
21 accordance with the Wilderness Act (16 U.S.C.
22 1131 et seq.), certain land administered by the
23 Bureau of Land Management in Riverside
24 County, California, comprising approximately
25 24,404 acres, as generally depicted on the map

1 titled “Pinto Mountains Proposed Wilderness”,
2 and dated February 21, 2008, is designated as
3 wilderness and, therefore, as a component of
4 the National Wilderness Preservation System,
5 which shall be known as the “Pinto Mountains
6 Wilderness”.

7 (J) CHUCKWALLA MOUNTAINS WILDER-
8 NESS ADDITIONS.—In accordance with the Wil-
9 derness Act (16 U.S.C. 1131 et seq.), certain
10 land administered by the Bureau of Land Man-
11 agement in Riverside County, California, com-
12 prising approximately 12,815 acres, as gen-
13 erally depicted on the map titled “Chuckwalla
14 Mountains Proposed Wilderness Addition”, and
15 dated May 8, 2008, is designated as wilderness
16 and is incorporated in, and shall be deemed to
17 be a part of the Chuckwalla Mountains Wilder-
18 ness as designated by paragraph (12) of section
19 102 of Public Law 103–433 (108 Stat. 4472;
20 16 U.S.C. 1132 note).

21 (2) MAPS AND DESCRIPTIONS.—

22 (A) IN GENERAL.—As soon as practicable
23 after the date of the enactment of this Act, the
24 Secretary shall file a map and legal description
25 of each wilderness area and wilderness addition

1 designated by this section with the Committee
2 on Natural Resources of the House of Rep-
3 resentatives and the Committee on Energy and
4 Natural Resources of the Senate.

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

10 (C) PUBLIC AVAILABILITY.—Each map
11 and legal description filed under subparagraph
12 (A) shall be filed and made available for public
13 inspection in the appropriate office of the Sec-
14 retary.

15 (3) UTILITY FACILITIES.—Nothing in this sec-
16 tion prohibits the construction, operation, or mainte-
17 nance, using standard industry practices, of existing
18 utility facilities located outside of the wilderness
19 areas and wilderness additions designated by this
20 section.

21 (c) JOSHUA TREE NATIONAL PARK POTENTIAL WIL-
22 DERNESS.—

23 (1) DESIGNATION OF POTENTIAL WILDER-
24 NNESS.—Certain land in the Joshua Tree National
25 Park, comprising approximately 43,300 acres, as

1 generally depicted on the map numbered 156/
2 80,055, and titled “Joshua Tree National Park Pro-
3 posed Wilderness Additions”, and dated March
4 2008, is designated potential wilderness and shall be
5 managed by the Secretary of the Interior insofar as
6 practicable as wilderness until such time as the land
7 is designated as wilderness pursuant to paragraph
8 (2).

9 (2) DESIGNATION AS WILDERNESS.—The land
10 designated potential wilderness by paragraph (1)
11 shall be designated as wilderness and incorporated
12 in, and be deemed to be a part of, the Joshua Tree
13 Wilderness designated by section 1(g) of Public Law
14 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note), effec-
15 tive upon publication by the Secretary of the Interior
16 in the Federal Register of a notice that—

17 (A) all uses of the land within the potential
18 wilderness prohibited by the Wilderness Act (16
19 U.S.C. 1131 et seq.) have ceased; and

20 (B) sufficient inholdings within the bound-
21 aries of the potential wilderness have been ac-
22 quired to establish a manageable wilderness
23 unit.

24 (3) MAP AND DESCRIPTION.—

1 (A) IN GENERAL.—As soon as practicable
2 after the date on which the notice required by
3 paragraph (2) is published in the Federal Reg-
4 ister, the Secretary shall file a map and legal
5 description of the land designated as wilderness
6 and potential wilderness by this section with the
7 Committee on Natural Resources of the House
8 of Representatives and the Committee on En-
9 ergy and Natural Resources of the Senate.

10 (B) FORCE OF LAW.—The map and legal
11 description filed under subparagraph (A) shall
12 have the same force and effect as if included in
13 this section, except that the Secretary may cor-
14 rect errors in the map and legal description.

15 (C) PUBLIC AVAILABILITY.—Each map
16 and legal description filed under subparagraph
17 (A) shall be filed and made available for public
18 inspection in the appropriate office of the Sec-
19 retary.

20 (d) ADMINISTRATION OF WILDERNESS.—

21 (1) MANAGEMENT.—Subject to valid existing
22 rights, the land designated as wilderness or as a wil-
23 derness addition by this section shall be adminis-
24 tered by the Secretary in accordance with the Wil-
25 derness Act (16 U.S.C. 1131 et seq.), except that—

1 (A) any reference in that Act to the effective
2 date of that Act shall be deemed to be a
3 reference to—

4 (i) the date of the enactment of this
5 Act; or

6 (ii) in the case of the wilderness addition
7 designated by subsection (c), the date
8 on which the notice required by such subsection
9 is published in the Federal Register;
10 and

11 (B) any reference in that Act to the Secretary
12 of Agriculture shall be deemed to be a
13 reference to the Secretary that has jurisdiction
14 over the land.

15 (2) INCORPORATION OF ACQUIRED LAND AND
16 INTERESTS.—Any land within the boundaries of a
17 wilderness area or wilderness addition designated by
18 this section that is acquired by the United States
19 shall—

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

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

1 (3) WITHDRAWAL.—Subject to valid rights in
2 existence on the date of enactment of this Act, the
3 land designated as wilderness by this section is with-
4 drawn from all forms of—

5 (A) entry, appropriation, or disposal under
6 the public land laws;

7 (B) location, entry, and patent under the
8 mining laws; and

9 (C) disposition under all laws pertaining to
10 mineral and geothermal leasing or mineral ma-
11 terials.

12 (4) FIRE MANAGEMENT AND RELATED ACTIVI-
13 TIES.—

14 (A) IN GENERAL.—The Secretary may
15 take such measures in a wilderness area or wil-
16 derness addition designated by this section as
17 are necessary for the control of fire, insects,
18 and diseases in accordance with section 4(d)(1)
19 of the Wilderness Act (16 U.S.C. 1133(d)(1))
20 and House Report 98–40 of the 98th Congress.

21 (B) FUNDING PRIORITIES.—Nothing in
22 this section limits funding for fire and fuels
23 management in the wilderness areas and wilder-
24 ness additions designated by this section.

1 (C) REVISION AND DEVELOPMENT OF
2 LOCAL FIRE MANAGEMENT PLANS.—As soon as
3 practicable after the date of enactment of this
4 Act, the Secretary shall amend the local fire
5 management plans that apply to the land des-
6 ignated as a wilderness area or wilderness addi-
7 tion by this section.

8 (D) ADMINISTRATION.—Consistent with
9 subparagraph (A) and other applicable Federal
10 law, to ensure a timely and efficient response to
11 fire emergencies in the wilderness areas and
12 wilderness additions designated by this section,
13 the Secretary shall—

14 (i) not later than 1 year after the date
15 of enactment of this Act, establish agency
16 approval procedures (including appropriate
17 delegations of authority to the Forest Su-
18 pervisor, District Manager, or other agency
19 officials) for responding to fire emer-
20 gencies; and

21 (ii) enter into agreements with appro-
22 priate State or local firefighting agencies.

23 (5) GRAZING.—Grazing of livestock in a wilder-
24 ness area or wilderness addition designated by this
25 section shall be administered in accordance with the

1 provisions of section 4(d)(4) of the Wilderness Act
2 (16 U.S.C. 1133(d)(4)) and the guidelines set forth
3 in House Report 96–617 to accompany H.R. 5487
4 of the 96th Congress.

5 (6) NATIVE AMERICAN USES AND INTERESTS.—

6 (A) ACCESS AND USE.—To the extent
7 practicable, the Secretary shall ensure access to
8 the Cahuilla Mountain Wilderness by members
9 of an Indian tribe for traditional cultural pur-
10 poses. In implementing this paragraph, the Sec-
11 retary, upon the request of an Indian tribe,
12 may temporarily close to the general public use
13 of one or more specific portions of the wilder-
14 ness area in order to protect the privacy of tra-
15 ditional cultural activities in such areas by
16 members of the Indian tribe. Any such closure
17 shall be made to affect the smallest practicable
18 area for the minimum period necessary for such
19 purposes. Such access shall be consistent with
20 the purpose and intent of Public Law 95–341
21 (42 U.S.C. 1996), commonly referred to as the
22 American Indian Religious Freedom Act, and
23 the Wilderness Act (16 U.S.C. 1131 et seq.).

24 (B) INDIAN TRIBE DEFINED.—In this
25 paragraph, the term “Indian tribe” means any

1 Indian tribe, band, nation, or other organized
2 group or community of Indians which is recog-
3 nized as eligible by the Secretary of the Interior
4 for the special programs and services provided
5 by the United States to Indians because of their
6 status as Indians.

7 (7) MILITARY ACTIVITIES.—Nothing in this sec-
8 tion precludes—

9 (A) low-level overflights of military aircraft
10 over the wilderness areas or wilderness addi-
11 tions designated by this section;

12 (B) the designation of new units of special
13 airspace over the wilderness areas or wilderness
14 additions designated by this section; or

15 (C) the use or establishment of military
16 flight training routes over wilderness areas or
17 wilderness additions designated by this section.

18 **SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVER-**
19 **SIDE COUNTY, CALIFORNIA.**

20 Section 3(a) of the Wild and Scenic Rivers Act (16
21 U.S.C. 1274(a)) (as amended by section 1805) is amended
22 by adding at the end the following new paragraphs:

23 “(200) NORTH FORK SAN JACINTO RIVER, CALI-
24 FORNIA.—The following segments of the North Fork San

1 Jacinto River in the State of California, to be adminis-
2 tered by the Secretary of Agriculture:

3 “(A) The 2.12-mile segment from the source of
4 the North Fork San Jacinto River at Deer Springs
5 in Mt. San Jacinto State Park to the State Park
6 boundary, as a wild river.

7 “(B) The 1.66-mile segment from the Mt. San
8 Jacinto State Park boundary to the Lawler Park
9 boundary in section 26, township 4 south, range 2
10 east, San Bernardino meridian, as a scenic river.

11 “(C) The 0.68-mile segment from the Lawler
12 Park boundary to its confluence with Fuller Mill
13 Creek, as a recreational river.

14 “(D) The 2.15-mile segment from its confluence
15 with Fuller Mill Creek to .25 miles upstream of the
16 5S09 road crossing, as a wild river.

17 “(E) The 0.6-mile segment from .25 miles up-
18 stream of the 5S09 road crossing to its confluence
19 with Stone Creek, as a scenic river.

20 “(F) The 2.91-mile segment from the Stone
21 Creek confluence to the northern boundary of sec-
22 tion 17, township 5 south, range 2 east, San
23 Bernardino meridian, as a wild river.

24 “(201) FULLER MILL CREEK, CALIFORNIA.—The
25 following segments of Fuller Mill Creek in the State of

1 California, to be administered by the Secretary of Agri-
2 culture:

3 “(A) The 1.2-mile segment from the source of
4 Fuller Mill Creek in the San Jacinto Wilderness to
5 the Pinewood property boundary in section 13, town-
6 ship 4 south, range 2 east, San Bernardino merid-
7 ian, as a scenic river.

8 “(B) The 0.9-mile segment in the Pine Wood
9 property, as a recreational river.

10 “(C) The 1.4-mile segment from the Pinewood
11 property boundary in section 23, township 4 south,
12 range 2 east, San Bernardino meridian, to its con-
13 fluence with the North Fork San Jacinto River, as
14 a scenic river.

15 “(202) PALM CANYON CREEK, CALIFORNIA.—The
16 8.1-mile segment of Palm Canyon Creek in the State of
17 California from the southern boundary of section 6, town-
18 ship 7 south, range 5 east, San Bernardino meridian, to
19 the San Bernardino National Forest boundary in section
20 1, township 6 south, range 4 east, San Bernardino merid-
21 ian, to be administered by the Secretary of Agriculture
22 as a wild river, and the Secretary shall enter into a cooper-
23 ative management agreement with the Agua Caliente
24 Band of Cahuilla Indians to protect and enhance river val-
25 ues.

1 “(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-
2 mile segment of Bautista Creek in the State of California
3 from the San Bernardino National Forest boundary in
4 section 36, township 6 south, range 2 east, San
5 Bernardino meridian, to the San Bernardino National
6 Forest boundary in section 2, township 6 south, range 1
7 east, San Bernardino meridian, to be administered by the
8 Secretary of Agriculture as a recreational river.”.

9 **SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO**
10 **SANTA ROSA AND SAN JACINTO MOUNTAINS**
11 **NATIONAL MONUMENT.**

12 (a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN
13 JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2
14 of the Santa Rosa and San Jacinto Mountains National
15 Monument Act of 2000 (Public Law 106–351; 114 U.S.C.
16 1362; 16 U.S.C. 431 note) is amended by adding at the
17 end the following new subsection:

18 “(e) EXPANSION OF BOUNDARIES.—In addition to
19 the land described in subsection (c), the boundaries of the
20 National Monument shall include the following lands iden-
21 tified as additions to the National Monument on the map
22 titled ‘Santa Rosa-San Jacinto National Monument Ex-
23 pansion and Santa Rosa Wilderness Addition’, and dated
24 March 12, 2008:

1 “(1) The ‘Santa Rosa Peak Area Monument
2 Expansion’.

3 “(2) The ‘Snow Creek Area Monument Expan-
4 sion’.

5 “(3) The ‘Tahquitz Peak Area Monument Ex-
6 pansion’.

7 “(4) The ‘Southeast Area Monument Expan-
8 sion’, which is designated as wilderness in section
9 512(d), and is thus incorporated into, and shall be
10 deemed part of, the Santa Rosa Wilderness.”.

11 (b) TECHNICAL AMENDMENTS TO THE SANTA ROSA
12 AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT
13 ACT OF 2000.—Section 7(d) of the Santa Rosa and San
14 Jacinto Mountains National Monument Act of 2000 (Pub-
15 lic Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note)
16 is amended by striking “eight” and inserting “a majority
17 of the appointed”.

18 **Subtitle M—Sequoia and Kings**
19 **Canyon National Parks Wilder-**
20 **ness, California**

21 **SEC. 1901. DEFINITIONS.**

22 In this subtitle:

23 (1) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 (2) STATE.—The term “State” means the State
2 of California.

3 **SEC. 1902. DESIGNATION OF WILDERNESS AREAS.**

4 In accordance with the Wilderness Act (16 U.S.C.
5 1131 et seq.), the following areas in the State are des-
6 igned as wilderness areas and as components of the Na-
7 tional Wilderness Preservation System:

8 (1) JOHN KREBS WILDERNESS.—

9 (A) DESIGNATION.—Certain land in Se-
10 quoia and Kings Canyon National Parks, com-
11 prising approximately 39,740 acres of land, and
12 130 acres of potential wilderness additions as
13 generally depicted on the map numbered 102/
14 60014b, titled “John Krebs Wilderness”, and
15 dated September 16, 2008.

16 (B) EFFECT.—Nothing in this paragraph
17 affects—

18 (i) the cabins in, and adjacent to,
19 Mineral King Valley; or

20 (ii) the private inholdings known as
21 “Silver City” and “Kaweah Han”.

22 (C) POTENTIAL WILDERNESS ADDI-
23 TIONS.—The designation of the potential wil-
24 derness additions under subparagraph (A) shall
25 not prohibit the operation, maintenance, and re-

1 pair of the small check dams and water im-
2 poundments on Lower Franklin Lake, Crystal
3 Lake, Upper Monarch Lake, and Eagle Lake.
4 The Secretary is authorized to allow the use of
5 helicopters for the operation, maintenance, and
6 repair of the small check dams and water im-
7 poundments on Lower Franklin Lake, Crystal
8 Lake, Upper Monarch Lake, and Eagle Lake.
9 The potential wilderness additions shall be des-
10 ignated as wilderness and incorporated into the
11 John Krebs Wilderness established by this sec-
12 tion upon termination of the non-conforming
13 uses.

14 (2) SEQUOIA-KINGS CANYON WILDERNESS AD-
15 DITION.—Certain land in Sequoia and Kings Canyon
16 National Parks, California, comprising approxi-
17 mately 45,186 acres as generally depicted on the
18 map titled “Sequoia-Kings Canyon Wilderness Addi-
19 tion”, numbered 102/60015a, and dated March 10,
20 2008, is incorporated in, and shall be considered to
21 be a part of, the Sequoia-Kings Canyon Wilderness.

22 (3) RECOMMENDED WILDERNESS.—Land in Se-
23 quoya and Kings Canyon National Parks that was
24 managed as of the date of enactment of this Act as
25 recommended or proposed wilderness but not des-

1 ignated by this section as wilderness shall continue
2 to be managed as recommended or proposed wilder-
3 ness, as appropriate.

4 **SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.**

5 (a) IN GENERAL.—Subject to valid existing rights,
6 each area designated as wilderness by this subtitle shall
7 be administered by the Secretary in accordance with the
8 Wilderness Act (16 U.S.C. 1131 et seq.), except that any
9 reference in the Wilderness Act to the effective date of
10 the Wilderness Act shall be considered to be a reference
11 to the date of enactment of this Act.

12 (b) MAP AND LEGAL DESCRIPTION.—

13 (1) SUBMISSION OF MAP AND LEGAL DESCRIP-
14 TION.—As soon as practicable, but not later than 3
15 years, after the date of enactment of this Act, the
16 Secretary shall file a map and legal description of
17 each area designated as wilderness by this subtitle
18 with—

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

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

23 (2) FORCE AND EFFECT.—The map and legal
24 description filed under paragraph (1) shall have the
25 same force and effect as if included in this subtitle,

1 except that the Secretary may correct any clerical or
2 typographical error in the map or legal description.

3 (3) PUBLIC AVAILABILITY.—The map and legal
4 description filed under paragraph (1) shall be on file
5 and available for public inspection in the Office of
6 the Secretary.

7 (c) HYDROLOGIC, METEOROLOGIC, AND CLIMATO-
8 LOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIP-
9 MENT.—The Secretary shall continue to manage mainte-
10 nance and access to hydrologic, meteorologic, and climato-
11 logical devices, facilities and associated equipment con-
12 sistent with House Report 98–40.

13 (d) AUTHORIZED ACTIVITIES OUTSIDE WILDER-
14 NESS.—Nothing in this subtitle precludes authorized ac-
15 tivities conducted outside of an area designated as wilder-
16 ness by this subtitle by cabin owners (or designees) in the
17 Mineral King Valley area or property owners or lessees
18 (or designees) in the Silver City inholding, as identified
19 on the map described in section 1902(1)(A).

20 (e) HORSEBACK RIDING.—Nothing in this subtitle
21 precludes horseback riding in, or the entry of recreational
22 or commercial saddle or pack stock into, an area des-
23 ignated as wilderness by this subtitle—

24 (1) in accordance with section 4(d)(5) of the
25 Wilderness Act (16 U.S.C. 1133(d)(5)); and

1 (2) subject to any terms and conditions deter-
2 mined to be necessary by the Secretary.

3 **SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as are necessary to carry out this subtitle.

6 **Subtitle N—Rocky Mountain Na-**
7 **tional Park Wilderness, Colo-**
8 **rado**

9 **SEC. 1951. DEFINITIONS.**

10 In this subtitle:

11 (1) MAP.—The term “map” means the map en-
12 titled “Rocky Mountain National Park Wilderness
13 Act of 2007” and dated September 2006.

14 (2) PARK.—The term “Park” means Rocky
15 Mountain National Park located in the State of Col-
16 orado.

17 (3) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (4) TRAIL.—The term “Trail” means the East
20 Shore Trail established under section 1954(a).

21 (5) WILDERNESS.—The term “Wilderness”
22 means the wilderness designated by section 1952(a).

1 **SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDER-**
2 **NESS, COLORADO.**

3 (a) DESIGNATION.—In furtherance of the purposes of
4 the Wilderness Act (16 U.S.C. 1131 et seq.), there is des-
5 ignated as wilderness and as a component of the National
6 Wilderness Preservation System approximately 249,339
7 acres of land in the Park, as generally depicted on the
8 map.

9 (b) MAP AND BOUNDARY DESCRIPTION.—

10 (1) IN GENERAL.—As soon as practicable after
11 the date of enactment of this Act, the Secretary
12 shall—

13 (A) prepare a map and boundary descrip-
14 tion of the Wilderness; and

15 (B) submit the map and boundary descrip-
16 tion prepared under subparagraph (A) to the
17 Committee on Energy and Natural Resources of
18 the Senate and the Committee on Natural Re-
19 sources of the House of Representatives.

20 (2) AVAILABILITY; FORCE OF LAW.—The map
21 and boundary description submitted under para-
22 graph (1)(B) shall—

23 (A) be on file and available for public in-
24 spection in appropriate offices of the National
25 Park Service; and

1 (B) have the same force and effect as if in-
2 cluded in this subtitle.

3 (c) INCLUSION OF POTENTIAL WILDERNESS.—

4 (1) IN GENERAL.—On publication in the Fed-
5 eral Register of a notice by the Secretary that all
6 uses inconsistent with the Wilderness Act (16 U.S.C.
7 1131 et seq.) have ceased on the land identified on
8 the map as a “Potential Wilderness Area”, the land
9 shall be—

10 (A) included in the Wilderness; and

11 (B) administered in accordance with sub-
12 section (e).

13 (2) BOUNDARY DESCRIPTION.—On inclusion in
14 the Wilderness of the land referred to in paragraph
15 (1), the Secretary shall modify the map and bound-
16 ary description submitted under subsection (b) to re-
17 flect the inclusion of the land.

18 (d) EXCLUSION OF CERTAIN LAND.—The following
19 areas are specifically excluded from the Wilderness:

20 (1) The Grand River Ditch (including the main
21 canal of the Grand River Ditch and a branch of the
22 main canal known as the Specimen Ditch), the
23 right-of-way for the Grand River Ditch, land 200
24 feet on each side of the center line of the Grand
25 River Ditch, and any associated appurtenances,

1 structures, buildings, camps, and work sites in exist-
2 ence as of June 1, 1998.

3 (2) Land owned by the St. Vrain & Left Hand
4 Water Conservancy District, including Copeland
5 Reservoir and the Inlet Ditch to the Reservoir from
6 North St. Vrain Creek, comprising approximately
7 35.38 acres.

8 (3) Land owned by the Wincenstsen-Harms
9 Trust, comprising approximately 2.75 acres.

10 (4) Land within the area depicted on the map
11 as the “East Shore Trail Area”.

12 (e) ADMINISTRATION.—Subject to valid existing
13 rights, any land designated as wilderness under this sec-
14 tion or added to the Wilderness after the date of enact-
15 ment of this Act under subsection (c) shall be adminis-
16 tered by the Secretary in accordance with this subtitle and
17 the Wilderness Act (16 U.S.C. 1131 et seq.), except
18 that—

19 (1) any reference in the Wilderness Act (16
20 U.S.C. 1131 et seq.) to the effective date of that Act
21 shall be considered to be a reference to the date of
22 enactment of this Act, or the date on which the ad-
23 ditional land is added to the Wilderness, respec-
24 tively; and

1 (2) any reference in the Wilderness Act (16
2 U.S.C. 1131 et seq.) to the Secretary of Agriculture
3 shall be considered to be a reference to the Sec-
4 retary.

5 (f) WATER RIGHTS.—

6 (1) FINDINGS.—Congress finds that—

7 (A) the United States has existing rights
8 to water within the Park;

9 (B) the existing water rights are sufficient
10 for the purposes of the Wilderness; and

11 (C) based on the findings described in sub-
12 paragraphs (A) and (B), there is no need for
13 the United States to reserve or appropriate any
14 additional water rights to fulfill the purposes of
15 the Wilderness.

16 (2) EFFECT.—Nothing in this subtitle—

17 (A) constitutes an express or implied res-
18 ervation by the United States of water or water
19 rights for any purpose; or

20 (B) modifies or otherwise affects any exist-
21 ing water rights held by the United States for
22 the Park.

23 (g) FIRE, INSECT, AND DISEASE CONTROL.—The
24 Secretary may take such measures in the Wilderness as

1 are necessary to control fire, insects, and diseases, as are
2 provided for in accordance with—

3 (1) the laws applicable to the Park; and

4 (2) the Wilderness Act (16 U.S.C. 1131 et
5 seq.).

6 **SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG**
7 **THOMPSON PROJECTS.**

8 (a) **CONDITIONAL WAIVER OF STRICT LIABILITY.**—

9 During any period in which the Water Supply and Storage
10 Company (or any successor in interest to the company
11 with respect to the Grand River Ditch) operates and main-
12 tains the portion of the Grand River Ditch in the Park
13 in compliance with an operations and maintenance agree-
14 ment between the Water Supply and Storage Company
15 and the National Park Service, the provisions of para-
16 graph (6) of the stipulation approved June 28, 1907—

17 (1) shall be suspended; and

18 (2) shall not be enforceable against the Com-
19 pany (or any successor in interest).

20 (b) **AGREEMENT.**—The agreement referred to in sub-
21 section (a) shall—

22 (1) ensure that—

23 (A) Park resources are managed in accord-
24 ance with the laws generally applicable to the
25 Park, including—

1 (i) the Act of January 26, 1915 (16
2 U.S.C. 191 et seq.); and

3 (ii) the National Park Service Organic
4 Act (16 U.S.C. 1 et seq.);

5 (B) Park land outside the right-of-way cor-
6 ridor remains unimpaired consistent with the
7 National Park Service management policies in
8 effect as of the date of enactment of this Act;
9 and

10 (C) any use of Park land outside the right-
11 of-way corridor (as of the date of enactment of
12 this Act) shall be permitted only on a tem-
13 porary basis, subject to such terms and condi-
14 tions as the Secretary determines to be nec-
15 essary; and

16 (2) include stipulations with respect to—

17 (A) flow monitoring and early warning
18 measures;

19 (B) annual and periodic inspections;

20 (C) an annual maintenance plan;

21 (D) measures to identify on an annual
22 basis capital improvement needs; and

23 (E) the development of plans to address
24 the needs identified under subparagraph (D).

1 (c) LIMITATION.—Nothing in this section limits or
2 otherwise affects—

3 (1) the liability of any individual or entity for
4 damages to, loss of, or injury to any resource within
5 the Park resulting from any cause or event that oc-
6 curred before the date of enactment of this Act; or

7 (2) Public Law 101–337 (16 U.S.C. 19jj et
8 seq.), including the defenses available under that Act
9 for damage caused—

10 (A) solely by—

11 (i) an act of God;

12 (ii) an act of war; or

13 (iii) an act or omission of a third
14 party (other than an employee or agent);

15 or

16 (B) by an activity authorized by Federal or
17 State law.

18 (d) COLORADO-BIG THOMPSON PROJECT AND
19 WINDY GAP PROJECT.—

20 (1) IN GENERAL.—Nothing in this subtitle, in-
21 cluding the designation of the Wilderness, prohibits
22 or affects current and future operation and mainte-
23 nance activities in, under, or affecting the Wilder-
24 ness that were allowed as of the date of enactment
25 of this Act under the Act of January 26, 1915 (16

1 U.S.C. 191), relating to the Alva B. Adams Tunnel
2 or other Colorado–Big Thompson Project facilities
3 located within the Park.

4 (2) ALVA B. ADAMS TUNNEL.—Nothing in this
5 subtitle, including the designation of the Wilderness,
6 prohibits or restricts the conveyance of water
7 through the Alva B. Adams Tunnel for any purpose.

8 (e) RIGHT-OF-WAY.—Notwithstanding the Act of
9 March 3, 1891 (43 U.S.C. 946) and the Act of May 11,
10 1898 (43 U.S.C. 951), the right of way for the Grand
11 River Ditch shall not be terminated, forfeited, or otherwise
12 affected as a result of the water transported by the Grand
13 River Ditch being used primarily for domestic purposes
14 or any purpose of a public nature, unless the Secretary
15 determines that the change in the main purpose or use
16 adversely affects the Park.

17 (f) NEW RECLAMATION PROJECTS.—Nothing in the
18 first section of the Act of January 26, 1915 (16 U.S.C.
19 191), shall be construed to allow development in the Wil-
20 derness of any reclamation project not in existence as of
21 the date of enactment of this Act.

22 (g) CLARIFICATION OF MANAGEMENT AUTHORITY.—
23 Nothing in this section reduces or limits the authority of
24 the Secretary to manage land and resources within the
25 Park under applicable law.

1 **SEC. 1954. EAST SHORE TRAIL AREA.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary shall establish
4 within the East Shore Trail Area in the Park an align-
5 ment line for a trail, to be known as the “East Shore
6 Trail”, to maximize the opportunity for sustained use of
7 the Trail without causing—

8 (1) harm to affected resources; or

9 (2) conflicts among users.

10 (b) BOUNDARIES.—

11 (1) IN GENERAL.—After establishing the align-
12 ment line for the Trail under subsection (a), the
13 Secretary shall—

14 (A) identify the boundaries of the Trail,
15 which shall not extend more than 25 feet east
16 of the alignment line or be located within the
17 Wilderness; and

18 (B) modify the map of the Wilderness pre-
19 pared under section 1952(b)(1)(A) so that the
20 western boundary of the Wilderness is 50 feet
21 east of the alignment line.

22 (2) ADJUSTMENTS.—To the extent necessary to
23 protect Park resources, the Secretary may adjust the
24 boundaries of the Trail, if the adjustment does not
25 place any portion of the Trail within the boundary
26 of the Wilderness.

1 (c) INCLUSION IN WILDERNESS.—On completion of
2 the construction of the Trail, as authorized by the Sec-
3 retary—

4 (1) any portion of the East Shore Trail Area
5 that is not traversed by the Trail, that is not west
6 of the Trail, and that is not within 50 feet of the
7 centerline of the Trail shall be—

8 (A) included in the Wilderness; and

9 (B) managed as part of the Wilderness in
10 accordance with section 1952; and

11 (2) the Secretary shall modify the map and
12 boundary description of the Wilderness prepared
13 under section 1952(b)(1)(A) to reflect the inclusion
14 of the East Shore Trail Area land in the Wilderness.

15 (d) EFFECT.—Nothing in this section—

16 (1) requires the construction of the Trail along
17 the alignment line established under subsection (a);
18 or

19 (2) limits the extent to which any otherwise ap-
20 plicable law or policy applies to any decision with re-
21 spect to the construction of the Trail.

22 (e) RELATION TO LAND OUTSIDE WILDERNESS.—

23 (1) IN GENERAL.—Except as provided in this
24 subsection, nothing in this subtitle affects the man-
25 agement or use of any land not included within the

1 boundaries of the Wilderness or the potential wilder-
 2 ness land.

3 (2) **MOTORIZED VEHICLES AND MACHINERY.**—

4 No use of motorized vehicles or other motorized ma-
 5 chinery that was not permitted on March 1, 2006,
 6 shall be allowed in the East Shore Trail Area except
 7 as the Secretary determines to be necessary for use
 8 in—

9 (A) constructing the Trail, if the construc-
 10 tion is authorized by the Secretary; or

11 (B) maintaining the Trail.

12 (3) **MANAGEMENT OF LAND BEFORE INCLU-**
 13 **SION.**—Until the Secretary authorizes the construc-
 14 tion of the Trail and the use of the Trail for non-
 15 motorized bicycles, the East Shore Trail Area shall
 16 be managed—

17 (A) to protect any wilderness characteris-
 18 tics of the East Shore Trail Area; and

19 (B) to maintain the suitability of the East
 20 Shore Trail Area for inclusion in the Wilder-
 21 ness.

22 **SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUST-**
 23 **MENTS.**

24 (a) **INDIAN PEAKS WILDERNESS BOUNDARY AD-**
 25 **JUSTMENT.**—Section 3(a) of the Indian Peaks Wilderness

1 Area, the Arapaho National Recreation Area and the Or-
2 egon Islands Wilderness Area Act (16 U.S.C. 1132 note;
3 Public Law 95–450) is amended—

4 (1) by striking “seventy thousand acres” and
5 inserting “74,195 acres”; and

6 (2) by striking “, dated July 1978” and insert-
7 ing “and dated May 2007”.

8 (b) ARAPAHO NATIONAL RECREATION AREA BOUND-
9 ARY ADJUSTMENT.—Section 4(a) of the Indian Peaks
10 Wilderness Area, the Arapaho National Recreation Area
11 and the Oregon Islands Wilderness Area Act (16 U.S.C.
12 460jj(a)) is amended—

13 (1) by striking “thirty-six thousand two hun-
14 dred thirty-five acres” and inserting “35,235 acres”;
15 and

16 (2) by striking “, dated July 1978” and insert-
17 ing “and dated May 2007”.

18 **SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.**

19 (a) IN GENERAL.—Section 3(k) of Public Law 91–
20 383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land
21 described in subsection (b).

22 (b) DESCRIPTION OF THE LAND.—The parcel of land
23 referred to in subsection (a) is the parcel of land known
24 as the “Leiffer tract” that is—

1 (1) located near the eastern boundary of the
2 Park in Larimer County, Colorado; and

3 (2) administered by the National Park Service.

4 **Subtitle O—Washington County,**
5 **Utah**

6 **SEC. 1971. DEFINITIONS.**

7 In this subtitle:

8 (1) BEAVER DAM WASH NATIONAL CONSERVA-
9 TION AREA MAP.—The term “Beaver Dam Wash
10 National Conservation Area Map” means the map
11 entitled “Beaver Dam Wash National Conservation
12 Area” and dated December 18, 2008.

13 (2) CANAAN MOUNTAIN WILDERNESS MAP.—
14 The term “Canaan Mountain Wilderness Map”
15 means the map entitled “Canaan Mountain Wilder-
16 ness” and dated June 21, 2008.

17 (3) COUNTY.—The term “County” means
18 Washington County, Utah.

19 (4) NORTHEASTERN WASHINGTON COUNTY
20 WILDERNESS MAP.—The term “Northeastern Wash-
21 ington County Wilderness Map” means the map en-
22 titled “Northeastern Washington County Wilder-
23 ness” and dated November 12, 2008.

24 (5) NORTHWESTERN WASHINGTON COUNTY
25 WILDERNESS MAP.—The term “Northwestern Wash-

1 ington County Wilderness Map” means the map en-
2 titled “Northwestern Washington County Wilder-
3 ness” and dated June 21, 2008.

4 (6) RED CLIFFS NATIONAL CONSERVATION
5 AREA MAP.—The term “Red Cliffs National Con-
6 servation Area Map” means the map entitled “Red
7 Cliffs National Conservation Area” and dated No-
8 vember 12, 2008.

9 (7) SECRETARY.—The term “Secretary”
10 means—

11 (A) with respect to land under the jurisdic-
12 tion of the Secretary of Agriculture, the Sec-
13 retary of Agriculture; and

14 (B) with respect to land under the jurisdic-
15 tion of the Secretary of the Interior, the Sec-
16 retary of the Interior.

17 (8) STATE.—The term “State” means the State
18 of Utah.

19 (9) WASHINGTON COUNTY GROWTH AND CON-
20 SERVATION ACT MAP.—The term “Washington
21 County Growth and Conservation Act Map” means
22 the map entitled “Washington County Growth and
23 Conservation Act Map” and dated November 13,
24 2008.

1 **SEC. 1972. WILDERNESS AREAS.**

2 (a) ADDITIONS TO NATIONAL WILDERNESS PRESER-
3 VATION SYSTEM.—

4 (1) ADDITIONS.—Subject to valid existing
5 rights, the following land in the State is designated
6 as wilderness and as components of the National
7 Wilderness Preservation System:

8 (A) BEARTRAP CANYON.—Certain Federal
9 land managed by the Bureau of Land Manage-
10 ment, comprising approximately 40 acres, as
11 generally depicted on the Northeastern Wash-
12 ington County Wilderness Map, which shall be
13 known as the “Beartrap Canyon Wilderness”.

14 (B) BLACKRIDGE.—Certain Federal land
15 managed by the Bureau of Land Management,
16 comprising approximately 13,015 acres, as gen-
17 erally depicted on the Northeastern Washington
18 County Wilderness Map, which shall be known
19 as the “Blackridge Wilderness”.

20 (C) CANAAN MOUNTAIN.—Certain Federal
21 land in the County managed by the Bureau of
22 Land Management, comprising approximately
23 44,531 acres, as generally depicted on the
24 Canaan Mountain Wilderness Map, which shall
25 be known as the “Canaan Mountain Wilder-
26 ness”.

1 (D) COTTONWOOD CANYON.—Certain Fed-
2 eral land managed by the Bureau of Land Man-
3 agement, comprising approximately 11,712
4 acres, as generally depicted on the Red Cliffs
5 National Conservation Area Map, which shall
6 be known as the “Cottonwood Canyon Wilder-
7 ness”.

8 (E) COTTONWOOD FOREST.—Certain Fed-
9 eral land managed by the Forest Service, com-
10 prising approximately 2,643 acres, as generally
11 depicted on the Red Cliffs National Conserva-
12 tion Area Map, which shall be known as the
13 “Cottonwood Forest Wilderness”.

14 (F) COUGAR CANYON.—Certain Federal
15 land managed by the Bureau of Land Manage-
16 ment, comprising approximately 10,409 acres,
17 as generally depicted on the Northwestern
18 Washington County Wilderness Map, which
19 shall be known as the “Cougar Canyon Wilder-
20 ness”.

21 (G) DEEP CREEK.—Certain Federal land
22 managed by the Bureau of Land Management,
23 comprising approximately 3,284 acres, as gen-
24 erally depicted on the Northeastern Washington

1 County Wilderness Map, which shall be known
2 as the “Deep Creek Wilderness”.

3 (H) DEEP CREEK NORTH.—Certain Fed-
4 eral land managed by the Bureau of Land Man-
5 agement, comprising approximately 4,262 acres,
6 as generally depicted on the Northeastern
7 Washington County Wilderness Map, which
8 shall be known as the “Deep Creek North Wil-
9 derness”.

10 (I) DOC’S PASS.—Certain Federal land
11 managed by the Bureau of Land Management,
12 comprising approximately 17,294 acres, as gen-
13 erally depicted on the Northwestern Wash-
14 ington County Wilderness Map, which shall be
15 known as the “Doc’s Pass Wilderness”.

16 (J) GOOSE CREEK.—Certain Federal land
17 managed by the Bureau of Land Management,
18 comprising approximately 98 acres, as generally
19 depicted on the Northeastern Washington
20 County Wilderness Map, which shall be known
21 as the “Goose Creek Wilderness”.

22 (K) LAVERKIN CREEK.—Certain Federal
23 land managed by the Bureau of Land Manage-
24 ment, comprising approximately 445 acres, as
25 generally depicted on the Northeastern Wash-

1 ington County Wilderness Map, which shall be
2 known as the “LaVerkin Creek Wilderness”.

3 (L) RED BUTTE.—Certain Federal land
4 managed by the Bureau of Land Management,
5 comprising approximately 1,537 acres, as gen-
6 erally depicted on the Northeastern Washington
7 County Wilderness Map, which shall be known
8 as the “Red Butte Wilderness”.

9 (M) RED MOUNTAIN.—Certain Federal
10 land managed by the Bureau of Land Manage-
11 ment, comprising approximately 18,729 acres,
12 as generally depicted on the Red Cliffs National
13 Conservation Area Map, which shall be known
14 as the “Red Mountain Wilderness”.

15 (N) SLAUGHTER CREEK.—Certain Federal
16 land managed by the Bureau of Land Manage-
17 ment, comprising approximately 3,901 acres, as
18 generally depicted on the Northwestern Wash-
19 ington County Wilderness Map, which shall be
20 known as the “Slaughter Creek Wilderness”.

21 (O) TAYLOR CREEK.—Certain Federal
22 land managed by the Bureau of Land Manage-
23 ment, comprising approximately 32 acres, as
24 generally depicted on the Northeastern Wash-

1 ington County Wilderness Map, which shall be
2 known as the “Taylor Creek Wilderness”.

3 (2) MAPS AND LEGAL DESCRIPTIONS.—

4 (A) IN GENERAL.—As soon as practicable
5 after the date of enactment of this Act, the Sec-
6 retary shall submit to the Committee on Energy
7 and Natural Resources of the Senate and the
8 Committee on Natural Resources of the House
9 of Representatives a map and legal description
10 of each wilderness area designated by para-
11 graph (1).

12 (B) FORCE AND EFFECT.—Each map and
13 legal description submitted under subparagraph
14 (A) shall have the same force and effect as if
15 included in this subtitle, except that the Sec-
16 retary may correct any clerical or typographical
17 errors in the map or legal description.

18 (C) AVAILABILITY.—Each map and legal
19 description submitted under subparagraph (A)
20 shall be available in the appropriate offices of—

21 (i) the Bureau of Land Management;

22 and

23 (ii) the Forest Service.

24 (b) ADMINISTRATION OF WILDERNESS AREAS.—

1 (1) MANAGEMENT.—Subject to valid existing
2 rights, each area designated as wilderness by sub-
3 section (a)(1) shall be administered by the Secretary
4 in accordance with the Wilderness Act (16 U.S.C.
5 1131 et seq.), except that—

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

10 (B) any reference in the Wilderness Act to
11 the Secretary of Agriculture shall be considered
12 to be a reference to the Secretary that has ju-
13 risdiction over the land.

14 (2) LIVESTOCK.—The grazing of livestock in
15 each area designated as wilderness by subsection
16 (a)(1), where established before the date of enact-
17 ment of this Act, shall be permitted to continue—

18 (A) subject to such reasonable regulations,
19 policies, and practices that the Secretary con-
20 siders necessary; and

21 (B) in accordance with—

22 (i) section 4(d)(4) of the Wilderness
23 Act (16 U.S.C. 1133(d)(4)); and

24 (ii) the guidelines set forth in Appen-
25 dix A of the report of the Committee on

1 Interior and Insular Affairs of the House
2 of Representatives accompanying H.R.
3 2570 of the 101st Congress (H.Rep. 101-
4 405) and H.R. 5487 of the 96th Congress
5 (H. Rept. 96-617).

6 (3) WILDFIRE, INSECT, AND DISEASE MANAGE-
7 MENT.—In accordance with section 4(d)(1) of the
8 Wilderness Act (16 U.S.C. 1133(d)(1)), the Sec-
9 retary may take such measures in each area des-
10 ignated as wilderness by subsection (a)(1) as the
11 Secretary determines to be necessary for the control
12 of fire, insects, and diseases (including, as the Sec-
13 retary determines to be appropriate, the coordination
14 of those activities with a State or local agency).

15 (4) BUFFER ZONES.—

16 (A) IN GENERAL.—Nothing in this section
17 creates a protective perimeter or buffer zone
18 around any area designated as wilderness by
19 subsection (a)(1).

20 (B) ACTIVITIES OUTSIDE WILDERNESS.—
21 The fact that an activity or use on land outside
22 any area designated as wilderness by subsection
23 (a)(1) can be seen or heard within the wilder-
24 ness shall not preclude the activity or use out-
25 side the boundary of the wilderness.

1 (5) MILITARY OVERFLIGHTS.—Nothing in this
2 section restricts or precludes—

3 (A) low-level overflights of military aircraft
4 over any area designated as wilderness by sub-
5 section (a)(1), including military overflights
6 that can be seen or heard within any wilderness
7 area;

8 (B) flight testing and evaluation; or

9 (C) the designation or creation of new
10 units of special use airspace, or the establish-
11 ment of military flight training routes over any
12 wilderness area.

13 (6) ACQUISITION AND INCORPORATION OF LAND
14 AND INTERESTS IN LAND.—

15 (A) ACQUISITION AUTHORITY.—In accord-
16 ance with applicable laws (including regula-
17 tions), the Secretary may acquire any land or
18 interest in land within the boundaries of the
19 wilderness areas designated by subsection (a)(1)
20 by purchase from willing sellers, donation, or
21 exchange.

22 (B) INCORPORATION.—Any land or inter-
23 est in land acquired by the Secretary under
24 subparagraph (A) shall be incorporated into,
25 and administered as a part of, the wilderness

1 area in which the land or interest in land is lo-
2 cated.

3 (7) NATIVE AMERICAN CULTURAL AND RELI-
4 GIOUS USES.—Nothing in this section diminishes—

5 (A) the rights of any Indian tribe; or

6 (B) any tribal rights regarding access to
7 Federal land for tribal activities, including spir-
8 itual, cultural, and traditional food-gathering
9 activities.

10 (8) CLIMATOLOGICAL DATA COLLECTION.—In
11 accordance with the Wilderness Act (16 U.S.C. 1131
12 et seq.) and subject to such terms and conditions as
13 the Secretary may prescribe, the Secretary may au-
14 thorize the installation and maintenance of hydro-
15 logic, meteorologic, or climatological collection de-
16 vices in the wilderness areas designated by sub-
17 section (a)(1) if the Secretary determines that the
18 facilities and access to the facilities are essential to
19 flood warning, flood control, or water reservoir oper-
20 ation activities.

21 (9) WATER RIGHTS.—

22 (A) STATUTORY CONSTRUCTION.—Nothing
23 in this section—

24 (i) shall constitute or be construed to
25 constitute either an express or implied res-

1 ervation by the United States of any water
2 or water rights with respect to the land
3 designated as wilderness by subsection
4 (a)(1);

5 (ii) shall affect any water rights in the
6 State existing on the date of enactment of
7 this Act, including any water rights held
8 by the United States;

9 (iii) shall be construed as establishing
10 a precedent with regard to any future wil-
11 derness designations;

12 (iv) shall affect the interpretation of,
13 or any designation made pursuant to, any
14 other Act; or

15 (v) shall be construed as limiting, al-
16 tering, modifying, or amending any of the
17 interstate compacts or equitable apportion-
18 ment decrees that apportion water among
19 and between the State and other States.

20 (B) STATE WATER LAW.—The Secretary
21 shall follow the procedural and substantive re-
22 quirements of the law of the State in order to
23 obtain and hold any water rights not in exist-
24 ence on the date of enactment of this Act with

1 respect to the wilderness areas designated by
2 subsection (a)(1).

3 (10) FISH AND WILDLIFE.—

4 (A) JURISDICTION OF STATE.—Nothing in
5 this section affects the jurisdiction of the State
6 with respect to fish and wildlife on public land
7 located in the State.

8 (B) AUTHORITY OF SECRETARY.—In fur-
9 therance of the purposes and principles of the
10 Wilderness Act (16 U.S.C. 1131 et seq.), the
11 Secretary may carry out management activities
12 to maintain or restore fish and wildlife popu-
13 lations (including activities to maintain and re-
14 store fish and wildlife habitats to support the
15 populations) in any wilderness area designated
16 by subsection (a)(1) if the activities are—

17 (i) consistent with applicable wilder-
18 ness management plans; and

19 (ii) carried out in accordance with—

20 (I) the Wilderness Act (16
21 U.S.C. 1131 et seq.); and

22 (II) applicable guidelines and
23 policies, including applicable policies
24 described in Appendix B of House Re-
25 port 101–405.

1 (11) WILDLIFE WATER DEVELOPMENT
2 PROJECTS.—Subject to paragraph (12), the Sec-
3 retary may authorize structures and facilities, in-
4 cluding existing structures and facilities, for wildlife
5 water development projects, including guzzlers, in
6 the wilderness areas designated by subsection (a)(1)
7 if—

8 (A) the structures and facilities will, as de-
9 termined by the Secretary, enhance wilderness
10 values by promoting healthy, viable, and more
11 naturally distributed wildlife populations; and

12 (B) the visual impacts of the structures
13 and facilities on the wilderness areas can rea-
14 sonably be minimized.

15 (12) COOPERATIVE AGREEMENT.—Not later
16 than 1 year after the date of enactment of this Act,
17 the Secretary shall enter into a cooperative agree-
18 ment with the State that specifies the terms and
19 conditions under which wildlife management activi-
20 ties in the wilderness areas designated by subsection
21 (a)(1) may be carried out.

22 (c) RELEASE OF WILDERNESS STUDY AREAS.—

23 (1) FINDING.—Congress finds that, for the pur-
24 poses of section 603 of the Federal Land Policy and
25 Management Act of 1976 (43 U.S.C. 1782), the

1 public land in the County administered by the Bu-
2 reau of Land Management has been adequately
3 studied for wilderness designation.

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

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

10 (B) shall be managed in accordance with
11 applicable law and the land management plans
12 adopted under section 202 of that Act (43
13 U.S.C. 1712).

14 (d) TRANSFER OF ADMINISTRATIVE JURISDICTION
15 TO NATIONAL PARK SERVICE.—Administrative jurisdic-
16 tion over the land identified as the Watchman Wilderness
17 on the Northeastern Washington County Wilderness Map
18 is hereby transferred to the National Park Service, to be
19 included in, and administered as part of Zion National
20 Park.

21 **SEC. 1973. ZION NATIONAL PARK WILDERNESS.**

22 (a) DEFINITIONS.—In this section:

23 (1) FEDERAL LAND.—The term “Federal land”
24 means certain Federal land—

25 (A) that is—

1 (i) located in the County and Iron
2 County, Utah; and

3 (ii) managed by the National Park
4 Service;

5 (B) consisting of approximately 124,406
6 acres; and

7 (C) as generally depicted on the Zion Na-
8 tional Park Wilderness Map and the area added
9 to the park under section 1972(d).

10 (2) WILDERNESS AREA.—The term “Wilderness
11 Area” means the Zion Wilderness designated by sub-
12 section (b)(1).

13 (3) ZION NATIONAL PARK WILDERNESS MAP.—
14 The term “Zion National Park Wilderness Map”
15 means the map entitled “Zion National Park Wilder-
16 ness” and dated April 2008.

17 (b) ZION NATIONAL PARK WILDERNESS.—

18 (1) DESIGNATION.—Subject to valid existing
19 rights, the Federal land is designated as wilderness
20 and as a component of the National Wilderness
21 Preservation System, to be known as the “Zion Wil-
22 derness”.

23 (2) INCORPORATION OF ACQUIRED LAND.—Any
24 land located in the Zion National Park that is ac-
25 quired by the Secretary through a voluntary sale, ex-

1 change, or donation may, on the recommendation of
2 the Secretary, become part of the Wilderness Area,
3 in accordance with the Wilderness Act (16 U.S.C.
4 1131 et seq.).

5 (3) MAP AND LEGAL DESCRIPTION.—

6 (A) IN GENERAL.—As soon as practicable
7 after the date of enactment of this Act, the Sec-
8 retary shall submit to the Committee on Energy
9 and Natural Resources of the Senate and the
10 Committee on Natural Resources of the House
11 of Representatives a map and legal description
12 of the Wilderness Area.

13 (B) FORCE AND EFFECT.—The map and
14 legal description submitted under subparagraph
15 (A) shall have the same force and effect as if
16 included in this Act, except that the Secretary
17 may correct any clerical or typographical errors
18 in the map or legal description.

19 (C) AVAILABILITY.—The map and legal
20 description submitted under subparagraph (A)
21 shall be available in the appropriate offices of
22 the National Park Service.

23 **SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.**

24 (a) PURPOSES.—The purposes of this section are—

1 (1) to conserve, protect, and enhance for the
2 benefit and enjoyment of present and future genera-
3 tions the ecological, scenic, wildlife, recreational, cul-
4 tural, historical, natural, educational, and scientific
5 resources of the National Conservation Area; and

6 (2) to protect each species that is—

7 (A) located in the National Conservation
8 Area; and

9 (B) listed as a threatened or endangered
10 species on the list of threatened species or the
11 list of endangered species published under sec-
12 tion 4(c)(1) of the Endangered Species Act of
13 1973 (16 U.S.C. 1533(c)(1)).

14 (b) DEFINITIONS.—In this section:

15 (1) HABITAT CONSERVATION PLAN.—The term
16 “habitat conservation plan” means the conservation
17 plan entitled “Washington County Habitat Con-
18 servation Plan” and dated February 23, 1996.

19 (2) MANAGEMENT PLAN.—The term “manage-
20 ment plan” means the management plan for the Na-
21 tional Conservation Area developed by the Secretary
22 under subsection (d)(1).

23 (3) NATIONAL CONSERVATION AREA.—The
24 term “National Conservation Area” means the Red
25 Cliffs National Conservation Area that—

1 (A) consists of approximately 44,725 acres
2 of public land in the County, as generally de-
3 picted on the Red Cliffs National Conservation
4 Area Map; and

5 (B) is established by subsection (c).

6 (4) PUBLIC USE PLAN.—The term “public use
7 plan” means the use plan entitled “Red Cliffs
8 Desert Reserve Public Use Plan” and dated June
9 12, 2000, as amended.

10 (5) RESOURCE MANAGEMENT PLAN.—The term
11 “resource management plan” means the manage-
12 ment plan entitled “St. George Field Office Re-
13 source Management Plan” and dated March 15,
14 1999, as amended.

15 (c) ESTABLISHMENT.—Subject to valid existing
16 rights, there is established in the State the Red Cliffs Na-
17 tional Conservation Area.

18 (d) MANAGEMENT PLAN.—

19 (1) IN GENERAL.—Not later than 3 years after
20 the date of enactment of this Act and in accordance
21 with paragraph (2), the Secretary shall develop a
22 comprehensive plan for the long-term management
23 of the National Conservation Area.

1 (2) CONSULTATION.—In developing the man-
2 agement plan required under paragraph (1), the
3 Secretary shall consult with—

4 (A) appropriate State, tribal, and local
5 governmental entities; and

6 (B) members of the public.

7 (3) INCORPORATION OF PLANS.—In developing
8 the management plan required under paragraph (1),
9 to the extent consistent with this section, the Sec-
10 retary may incorporate any provision of—

11 (A) the habitat conservation plan;

12 (B) the resource management plan; and

13 (C) the public use plan.

14 (e) MANAGEMENT.—

15 (1) IN GENERAL.—The Secretary shall manage
16 the National Conservation Area—

17 (A) in a manner that conserves, protects,
18 and enhances the resources of the National
19 Conservation Area; and

20 (B) in accordance with—

21 (i) the Federal Land Policy and Man-
22 agement Act of 1976 (43 U.S.C. 1701 et
23 seq.);

24 (ii) this section; and

1 (iii) any other applicable law (includ-
2 ing regulations).

3 (2) USES.—The Secretary shall only allow uses
4 of the National Conservation Area that the Sec-
5 retary determines would further a purpose described
6 in subsection (a).

7 (3) MOTORIZED VEHICLES.—Except in cases in
8 which motorized vehicles are needed for administra-
9 tive purposes, or to respond to an emergency, the
10 use of motorized vehicles in the National Conserva-
11 tion Area shall be permitted only on roads des-
12 ignated by the management plan for the use of mo-
13 torized vehicles.

14 (4) GRAZING.—The grazing of livestock in the
15 National Conservation Area, where established be-
16 fore the date of enactment of this Act, shall be per-
17 mitted to continue—

18 (A) subject to—

19 (i) such reasonable regulations, poli-
20 cies, and practices as the Secretary con-
21 siders necessary; and

22 (ii) applicable law; and

23 (B) in a manner consistent with the pur-
24 poses described in subsection (a).

1 (5) WILDLAND FIRE OPERATIONS.—Nothing in
2 this section prohibits the Secretary, in cooperation
3 with other Federal, State, and local agencies, as ap-
4 propriate, from conducting wildland fire operations
5 in the National Conservation Area, consistent with
6 the purposes of this section.

7 (f) INCORPORATION OF ACQUIRED LAND AND INTER-
8 ESTS.—Any land or interest in land that is located in the
9 National Conservation Area that is acquired by the United
10 States shall—

11 (1) become part of the National Conservation
12 Area; and

13 (2) be managed in accordance with—

14 (A) the Federal Land Policy and Manage-
15 ment Act of 1976 (43 U.S.C. 1701 et seq.);

16 (B) this section; and

17 (C) any other applicable law (including
18 regulations).

19 (g) WITHDRAWAL.—

20 (1) IN GENERAL.—Subject to valid existing
21 rights, all Federal land located in the National Con-
22 servation Area are withdrawn from—

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

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

3 (C) operation of the mineral leasing, min-
4 eral materials, and geothermal leasing laws.

5 (2) **ADDITIONAL LAND.**—If the Secretary ac-
6 quires additional land that is located in the National
7 Conservation Area after the date of enactment of
8 this Act, the land is withdrawn from operation of
9 the laws referred to in paragraph (1) on the date of
10 acquisition of the land.

11 (h) **EFFECT.**—Nothing in this section prohibits the
12 authorization of the development of utilities within the Na-
13 tional Conservation Area if the development is carried out
14 in accordance with—

15 (1) each utility development protocol described
16 in the habitat conservation plan; and

17 (2) any other applicable law (including regula-
18 tions).

19 **SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION**
20 **AREA.**

21 (a) **PURPOSE.**—The purpose of this section is to con-
22 serve, protect, and enhance for the benefit and enjoyment
23 of present and future generations the ecological, scenic,
24 wildlife, recreational, cultural, historical, natural, edu-

1 cational, and scientific resources of the Beaver Dam Wash
2 National Conservation Area.

3 (b) DEFINITIONS.—In this section:

4 (1) MANAGEMENT PLAN.—The term “manage-
5 ment plan” means the management plan for the Na-
6 tional Conservation Area developed by the Secretary
7 under subsection (d)(1).

8 (2) NATIONAL CONSERVATION AREA.—The
9 term “National Conservation Area” means the Bea-
10 ver Dam Wash National Conservation Area that—

11 (A) consists of approximately 68,083 acres
12 of public land in the County, as generally de-
13 picted on the Beaver Dam Wash National Con-
14 servation Area Map; and

15 (B) is established by subsection (c).

16 (c) ESTABLISHMENT.—Subject to valid existing
17 rights, there is established in the State the Beaver Dam
18 Wash National Conservation Area.

19 (d) MANAGEMENT PLAN.—

20 (1) IN GENERAL.—Not later than 3 years after
21 the date of enactment of this Act and in accordance
22 with paragraph (2), the Secretary shall develop a
23 comprehensive plan for the long-term management
24 of the National Conservation Area.

1 (2) CONSULTATION.—In developing the man-
2 agement plan required under paragraph (1), the
3 Secretary shall consult with—

4 (A) appropriate State, tribal, and local
5 governmental entities; and

6 (B) members of the public.

7 (3) MOTORIZED VEHICLES.—In developing the
8 management plan required under paragraph (1), the
9 Secretary shall incorporate the restrictions on mo-
10 torized vehicles described in subsection (e)(3).

11 (e) MANAGEMENT.—

12 (1) IN GENERAL.—The Secretary shall manage
13 the National Conservation Area—

14 (A) in a manner that conserves, protects,
15 and enhances the resources of the National
16 Conservation Area; and

17 (B) in accordance with—

18 (i) the Federal Land Policy and Man-
19 agement Act of 1976 (43 U.S.C. 1701 et
20 seq.);

21 (ii) this section; and

22 (iii) any other applicable law (includ-
23 ing regulations).

24 (2) USES.—The Secretary shall only allow uses
25 of the National Conservation Area that the Sec-

1 retary determines would further the purpose de-
2 scribed in subsection (a).

3 (3) **MOTORIZED VEHICLES.**—

4 (A) **IN GENERAL.**—Except in cases in
5 which motorized vehicles are needed for admin-
6 istrative purposes, or to respond to an emer-
7 gency, the use of motorized vehicles in the Na-
8 tional Conservation Area shall be permitted
9 only on roads designated by the management
10 plan for the use of motorized vehicles.

11 (B) **ADDITIONAL REQUIREMENT RELATING**
12 **TO CERTAIN AREAS LOCATED IN THE NATIONAL**
13 **CONSERVATION AREA.**—In addition to the re-
14 quirement described in subparagraph (A), with
15 respect to the areas designated on the Beaver
16 Dam Wash National Conservation Area Map as
17 “Designated Road Areas”, motorized vehicles
18 shall be permitted only on the roads identified
19 on such map.

20 (4) **GRAZING.**—The grazing of livestock in the
21 National Conservation Area, where established be-
22 fore the date of enactment of this Act, shall be per-
23 mitted to continue—

24 (A) subject to—

1 (i) such reasonable regulations, poli-
2 cies, and practices as the Secretary con-
3 siders necessary; and

4 (ii) applicable law (including regula-
5 tions); and

6 (B) in a manner consistent with the pur-
7 pose described in subsection (a).

8 (5) WILDLAND FIRE OPERATIONS.—Nothing in
9 this section prohibits the Secretary, in cooperation
10 with other Federal, State, and local agencies, as ap-
11 propriate, from conducting wildland fire operations
12 in the National Conservation Area, consistent with
13 the purposes of this section.

14 (f) INCORPORATION OF ACQUIRED LAND AND INTER-
15 ESTS.—Any land or interest in land that is located in the
16 National Conservation Area that is acquired by the United
17 States shall—

18 (1) become part of the National Conservation
19 Area; and

20 (2) be managed in accordance with—

21 (A) the Federal Land Policy and Manage-
22 ment Act of 1976 (43 U.S.C. 1701 et seq.);

23 (B) this section; and

24 (C) any other applicable law (including
25 regulations).

1 (g) WITHDRAWAL.—

2 (1) IN GENERAL.—Subject to valid existing
3 rights, all Federal land located in the National Con-
4 servation Area is withdrawn from—

5 (A) all forms of entry, appropriation, and
6 disposal under the public land laws;

7 (B) location, entry, and patenting under
8 the mining laws; and

9 (C) operation of the mineral leasing, min-
10 eral materials, and geothermal leasing laws.

11 (2) ADDITIONAL LAND.—If the Secretary ac-
12 quires additional land that is located in the National
13 Conservation Area after the date of enactment of
14 this Act, the land is withdrawn from operation of
15 the laws referred to in paragraph (1) on the date of
16 acquisition of the land.

17 **SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER**
18 **DESIGNATION.**

19 (a) DESIGNATION.—Section 3(a) of the Wild and
20 Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by
21 section 1852) is amended by adding at the end the fol-
22 lowing:

23 “(204) ZION NATIONAL PARK, UTAH.—The ap-
24 proximately 165.5 miles of segments of the Virgin
25 River and tributaries of the Virgin River across Fed-

1 eral land within and adjacent to Zion National Park,
2 as generally depicted on the map entitled ‘Wild and
3 Scenic River Segments Zion National Park and Bu-
4 reau of Land Management’ and dated April 2008, to
5 be administered by the Secretary of the Interior in
6 the following classifications:

7 “(A) TAYLOR CREEK.—The 4.5-mile seg-
8 ment from the junction of the north, middle,
9 and south forks of Taylor Creek, west to the
10 park boundary and adjacent land rim-to-rim, as
11 a scenic river.

12 “(B) NORTH FORK OF TAYLOR CREEK.—
13 The segment from the head of North Fork to
14 the junction with Taylor Creek and adjacent
15 land rim-to-rim, as a wild river.

16 “(C) MIDDLE FORK OF TAYLOR CREEK.—
17 The segment from the head of Middle Fork on
18 Bureau of Land Management land to the junc-
19 tion with Taylor Creek and adjacent land rim-
20 to-rim, as a wild river.

21 “(D) SOUTH FORK OF TAYLOR CREEK.—
22 The segment from the head of South Fork to
23 the junction with Taylor Creek and adjacent
24 land rim-to-rim, as a wild river.

1 “(E) TIMBER CREEK AND TRIBUTARIES.—

2 The 3.1-mile segment from the head of Timber
3 Creek and tributaries of Timber Creek to the
4 junction with LaVerkin Creek and adjacent
5 land rim-to-rim, as a wild river.

6 “(F) LAVERKIN CREEK.—The 16.1-mile
7 segment beginning in T. 38 S., R. 11 W., sec.
8 21, on Bureau of Land Management land,
9 southwest through Zion National Park, and
10 ending at the south end of T. 40 S., R. 12 W.,
11 sec. 7, and adjacent land ½-mile wide, as a
12 wild river.

13 “(G) WILLIS CREEK.—The 1.9-mile seg-
14 ment beginning on Bureau of Land Manage-
15 ment land in the SWSW sec. 27, T. 38 S., R.
16 11 W., to the junction with LaVerkin Creek in
17 Zion National Park and adjacent land rim-to-
18 rim, as a wild river.

19 “(H) BEARTRAP CANYON.—The 2.3-mile
20 segment beginning on Bureau of Management
21 land in the SWNW sec. 3, T. 39 S., R. 11 W.,
22 to the junction with LaVerkin Creek and the
23 segment from the headwaters north of Long
24 Point to the junction with LaVerkin Creek and
25 adjacent land rim-to-rim, as a wild river.

1 “(I) HOP VALLEY CREEK.—The 3.3-mile
2 segment beginning at the southern boundary of
3 T. 39 S., R. 11 W., sec. 20, to the junction
4 with LaVerkin Creek and adjacent land ½-mile
5 wide, as a wild river.

6 “(J) CURRENT CREEK.—The 1.4-mile seg-
7 ment from the head of Current Creek to the
8 junction with LaVerkin Creek and adjacent
9 land rim-to-rim, as a wild river.

10 “(K) CANE CREEK.—The 0.6-mile segment
11 from the head of Smith Creek to the junction
12 with LaVerkin Creek and adjacent land ½-mile
13 wide, as a wild river.

14 “(L) SMITH CREEK.—The 1.3-mile seg-
15 ment from the head of Smith Creek to the junc-
16 tion with LaVerkin Creek and adjacent land ½-
17 mile wide, as a wild river.

18 “(M) NORTH CREEK LEFT AND RIGHT
19 FORKS.—The segment of the Left Fork from
20 the junction with Wildcat Canyon to the junc-
21 tion with Right Fork, from the head of Right
22 Fork to the junction with Left Fork, and from
23 the junction of the Left and Right Forks south-
24 west to Zion National Park boundary and adja-
25 cent land rim-to-rim, as a wild river.

1 “(N) WILDCAT CANYON (BLUE CREEK).—
2 The segment of Blue Creek from the Zion Na-
3 tional Park boundary to the junction with the
4 Right Fork of North Creek and adjacent land
5 rim-to-rim, as a wild river.

6 “(O) LITTLE CREEK.—The segment begin-
7 ning at the head of Little Creek to the junction
8 with the Left Fork of North Creek and adja-
9 cent land ½-mile wide, as a wild river.

10 “(P) RUSSELL GULCH.—The segment
11 from the head of Russell Gulch to the junction
12 with the Left Fork of North Creek and adja-
13 cent land rim-to-rim, as a wild river.

14 “(Q) GRAPEVINE WASH.—The 2.6-mile
15 segment from the Lower Kolob Plateau to the
16 junction with the Left Fork of North Creek and
17 adjacent land rim-to-rim, as a scenic river.

18 “(R) PINE SPRING WASH.—The 4.6-mile
19 segment to the junction with the left fork of
20 North Creek and adjacent land ½-mile, as a
21 scenic river.

22 “(S) WOLF SPRINGS WASH.—The 1.4-mile
23 segment from the head of Wolf Springs Wash
24 to the junction with Pine Spring Wash and ad-
25 jacent land ½-mile wide, as a scenic river.

1 “(T) KOLOB CREEK.—The 5.9-mile seg-
2 ment of Kolob Creek beginning in T. 39 S., R.
3 10 W., sec. 30, through Bureau of Land Man-
4 agement land and Zion National Park land to
5 the junction with the North Fork of the Virgin
6 River and adjacent land rim-to-rim, as a wild
7 river.

8 “(U) OAK CREEK.—The 1-mile stretch of
9 Oak Creek beginning in T. 39 S., R. 10 W.,
10 sec. 19, to the junction with Kolob Creek and
11 adjacent land rim-to-rim, as a wild river.

12 “(V) GOOSE CREEK.—The 4.6-mile seg-
13 ment of Goose Creek from the head of Goose
14 Creek to the junction with the North Fork of
15 the Virgin River and adjacent land rim-to-rim,
16 as a wild river.

17 “(W) DEEP CREEK.—The 5.3-mile seg-
18 ment of Deep Creek beginning on Bureau of
19 Land Management land at the northern bound-
20 ary of T. 39 S., R. 10 W., sec. 23, south to the
21 junction of the North Fork of the Virgin River
22 and adjacent land rim-to-rim, as a wild river.

23 “(X) NORTH FORK OF THE VIRGIN
24 RIVER.—The 10.8-mile segment of the North
25 Fork of the Virgin River beginning on Bureau

1 of Land Management land at the eastern bor-
2 der of T. 39 S., R. 10 W., sec. 35, to Temple
3 of Sinawava and adjacent land rim-to-rim, as a
4 wild river.

5 “(Y) NORTH FORK OF THE VIRGIN
6 RIVER.—The 8-mile segment of the North Fork
7 of the Virgin River from Temple of Sinawava
8 south to the Zion National Park boundary and
9 adjacent land ½-mile wide, as a recreational
10 river.

11 “(Z) IMLAY CANYON.—The segment from
12 the head of Imlay Creek to the junction with
13 the North Fork of the Virgin River and adja-
14 cent land rim-to-rim, as a wild river.

15 “(AA) ORDERVILLE CANYON.—The seg-
16 ment from the eastern boundary of Zion Na-
17 tional Park to the junction with the North Fork
18 of the Virgin River and adjacent land rim-to-
19 rim, as a wild river.

20 “(BB) MYSTERY CANYON.—The segment
21 from the head of Mystery Canyon to the junc-
22 tion with the North Fork of the Virgin River
23 and adjacent land rim-to-rim, as a wild river.

24 “(CC) ECHO CANYON.—The segment from
25 the eastern boundary of Zion National Park to

1 the junction with the North Fork of the Virgin
2 River and adjacent land rim-to-rim, as a wild
3 river.

4 “(DD) BEHUNIN CANYON.—The segment
5 from the head of Behunin Canyon to the junc-
6 tion with the North Fork of the Virgin River
7 and adjacent land rim-to-rim, as a wild river.

8 “(EE) HEAPS CANYON.—The segment
9 from the head of Heaps Canyon to the junction
10 with the North Fork of the Virgin River and
11 adjacent land rim-to-rim, as a wild river.

12 “(FF) BIRCH CREEK.—The segment from
13 the head of Birch Creek to the junction with
14 the North Fork of the Virgin River and adja-
15 cent land ½-mile wide, as a wild river.

16 “(GG) OAK CREEK.—The segment of Oak
17 Creek from the head of Oak Creek to where the
18 forks join and adjacent land ½-mile wide, as a
19 wild river.

20 “(HH) OAK CREEK.—The 1-mile segment
21 of Oak Creek from the point at which the 2
22 forks of Oak Creek join to the junction with the
23 North Fork of the Virgin River and adjacent
24 land ½-mile wide, as a recreational river.

1 “(II) CLEAR CREEK.—The 6.4-mile seg-
2 ment of Clear Creek from the eastern boundary
3 of Zion National Park to the junction with Pine
4 Creek and adjacent land rim-to-rim, as a rec-
5 reational river.

6 “(JJ) PINE CREEK .—The 2-mile segment
7 of Pine Creek from the head of Pine Creek to
8 the junction with Clear Creek and adjacent land
9 rim-to-rim, as a wild river.

10 “(KK) PINE CREEK.—The 3-mile segment
11 of Pine Creek from the junction with Clear
12 Creek to the junction with the North Fork of
13 the Virgin River and adjacent land rim-to-rim,
14 as a recreational river.

15 “(LL) EAST FORK OF THE VIRGIN
16 RIVER.—The 8-mile segment of the East Fork
17 of the Virgin River from the eastern boundary
18 of Zion National Park through Parunuweap
19 Canyon to the western boundary of Zion Na-
20 tional Park and adjacent land ½-mile wide, as
21 a wild river.

22 “(MM) SHUNES CREEK.—The 3-mile seg-
23 ment of Shunes Creek from the dry waterfall on
24 land administered by the Bureau of Land Man-
25 agement through Zion National Park to the

1 western boundary of Zion National Park and
2 adjacent land 1/2-mile wide as a wild river.”.

3 (b) INCORPORATION OF ACQUIRED NON-FEDERAL
4 LAND.—If the United States acquires any non-Federal
5 land within or adjacent to Zion National Park that in-
6 cludes a river segment that is contiguous to a river seg-
7 ment of the Virgin River designated as a wild, scenic, or
8 recreational river by paragraph (204) of section 3(a) of
9 the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as
10 added by subsection (a)), the acquired river segment shall
11 be incorporated in, and be administered as part of, the
12 applicable wild, scenic, or recreational river.

13 (c) SAVINGS CLAUSE.—The amendment made by
14 subsection (a) does not affect the agreement among the
15 United States, the State, the Washington County Water
16 Conservancy District, and the Kane County Water Con-
17 servancy District entitled “Zion National Park Water
18 Rights Settlement Agreement” and dated December 4,
19 1996.

20 **SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAV-**
21 **EL AND TRANSPORTATION MANAGEMENT**
22 **PLAN.**

23 (a) DEFINITIONS.—In this section:

24 (1) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (2) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means—

3 (A) with respect to land managed by the
4 Bureau of Land Management, the Secretary;
5 and

6 (B) with respect to land managed by the
7 Forest Service, the Secretary of Agriculture.

8 (3) TRAIL.—The term “trail” means the High
9 Desert Off-Highway Vehicle Trail designated under
10 subsection (c)(1)(A).

11 (4) TRAVEL MANAGEMENT PLAN.—The term
12 “travel management plan” means the comprehensive
13 travel and transportation management plan devel-
14 oped under subsection (b)(1).

15 (b) COMPREHENSIVE TRAVEL AND TRANSPORTATION
16 MANAGEMENT PLAN.—

17 (1) IN GENERAL.—Not later than 3 years after
18 the date of enactment of this Act, in accordance
19 with the Federal Land Policy and Management Act
20 of 1976 (43 U.S.C. 1701 et seq.) and other applica-
21 ble laws (including regulations), the Secretary, in
22 consultation with appropriate Federal agencies and
23 State, tribal, and local governmental entities, and
24 after an opportunity for public comment, shall de-
25 velop a comprehensive travel management plan for

1 the land managed by the Bureau of Land Manage-
2 ment in the County—

3 (A) to provide to the public a clearly
4 marked network of roads and trails with signs
5 and maps to promote—

6 (i) public safety and awareness; and

7 (ii) enhanced recreation and general
8 access opportunities;

9 (B) to help reduce in the County growing
10 conflicts arising from interactions between—

11 (i) motorized recreation; and

12 (ii) the important resource values of
13 public land;

14 (C) to promote citizen-based opportunities
15 for—

16 (i) the monitoring and stewardship of
17 the trail; and

18 (ii) trail system management; and

19 (D) to support law enforcement officials in
20 promoting—

21 (i) compliance with off-highway vehi-
22 cle laws (including regulations); and

23 (ii) effective deterrents of abuses of
24 public land.

1 (2) SCOPE; CONTENTS.—In developing the travel
2 management plan, the Secretary shall—

3 (A) in consultation with appropriate Federal
4 agencies, State, tribal, and local govern-
5 mental entities (including the County and St.
6 George City, Utah), and the public, identify 1
7 or more alternatives for a northern transpor-
8 tation route in the County;

9 (B) ensure that the travel management
10 plan contains a map that depicts the trail; and

11 (C) designate a system of areas, roads, and
12 trails for mechanical and motorized use.

13 (c) DESIGNATION OF TRAIL.—

14 (1) DESIGNATION.—

15 (A) IN GENERAL.—As a component of the
16 travel management plan, and in accordance
17 with subparagraph (B), the Secretary, in co-
18 ordination with the Secretary of Agriculture,
19 and after an opportunity for public comment,
20 shall designate a trail (which may include a sys-
21 tem of trails)—

22 (i) for use by off-highway vehicles;

23 and

24 (ii) to be known as the “High Desert
25 Off-Highway Vehicle Trail”.

1 (B) REQUIREMENTS.—In designating the
2 trail, the Secretary shall only include trails that
3 are—

4 (i) as of the date of enactment of this
5 Act, authorized for use by off-highway ve-
6 hicles; and

7 (ii) located on land that is managed
8 by the Bureau of Land Management in the
9 County.

10 (C) NATIONAL FOREST LAND.—The Sec-
11 retary of Agriculture, in coordination with the
12 Secretary and in accordance with applicable
13 law, may designate a portion of the trail on Na-
14 tional Forest System land within the County.

15 (D) MAP.—A map that depicts the trail
16 shall be on file and available for public inspec-
17 tion in the appropriate offices of—

18 (i) the Bureau of Land Management;

19 and

20 (ii) the Forest Service.

21 (2) MANAGEMENT.—

22 (A) IN GENERAL.—The Secretary con-
23 cerned shall manage the trail—

24 (i) in accordance with applicable laws
25 (including regulations);

1 (ii) to ensure the safety of citizens
2 who use the trail; and

3 (iii) in a manner by which to minimize
4 any damage to sensitive habitat or cultural
5 resources.

6 (B) MONITORING; EVALUATION.—To mini-
7 mize the impacts of the use of the trail on envi-
8 ronmental and cultural resources, the Secretary
9 concerned shall—

10 (i) annually assess the effects of the
11 use of off-highway vehicles on—

12 (I) the trail; and

13 (II) land located in proximity to
14 the trail; and

15 (ii) in consultation with the Utah De-
16 partment of Natural Resources, annually
17 assess the effects of the use of the trail on
18 wildlife and wildlife habitat.

19 (C) CLOSURE.—The Secretary concerned,
20 in consultation with the State and the County,
21 and subject to subparagraph (D), may tempo-
22 rarily close or permanently reroute a portion of
23 the trail if the Secretary concerned determines
24 that—

1 (i) the trail is having an adverse im-
2 pact on—

3 (I) wildlife habitats;

4 (II) natural resources;

5 (III) cultural resources; or

6 (IV) traditional uses;

7 (ii) the trail threatens public safety;

8 or

9 (iii) closure of the trail is necessary—

10 (I) to repair damage to the trail;

11 or

12 (II) to repair resource damage.

13 (D) REROUTING.—Any portion of the trail
14 that is temporarily closed by the Secretary con-
15 cerned under subparagraph (C) may be perma-
16 nently rerouted along any road or trail—

17 (i) that is—

18 (I) in existence as of the date of
19 the closure of the portion of the trail;

20 (II) located on public land; and

21 (III) open to motorized use; and

22 (ii) if the Secretary concerned deter-
23 mines that rerouting the portion of the
24 trail would not significantly increase or de-
25 crease the length of the trail.

1 (E) NOTICE OF AVAILABLE ROUTES.—The
2 Secretary, in coordination with the Secretary of
3 Agriculture, shall ensure that visitors to the
4 trail have access to adequate notice relating to
5 the availability of trail routes through—

6 (i) the placement of appropriate sign-
7 age along the trail; and

8 (ii) the distribution of maps, safety
9 education materials, and other information
10 that the Secretary concerned determines to
11 be appropriate.

12 (3) EFFECT.—Nothing in this section affects
13 the ownership, management, or other rights relating
14 to any non-Federal land (including any interest in
15 any non-Federal land).

16 **SEC. 1978. LAND DISPOSAL AND ACQUISITION.**

17 (a) IN GENERAL.—Consistent with applicable law,
18 the Secretary of the Interior may sell public land located
19 within Washington County, Utah, that, as of July 25,
20 2000, has been identified for disposal in appropriate re-
21 source management plans.

22 (b) USE OF PROCEEDS.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law (other than a law that specifically
25 provides for a portion of the proceeds of a land sale

1 to be distributed to any trust fund of the State),
2 proceeds from the sale of public land under sub-
3 section (a) shall be deposited in a separate account
4 in the Treasury to be known as the “Washington
5 County, Utah Land Acquisition Account”.

6 (2) AVAILABILITY.—

7 (A) IN GENERAL.—Amounts in the ac-
8 count shall be available to the Secretary, with-
9 out further appropriation, to purchase from
10 willing sellers lands or interests in land within
11 the wilderness areas and National Conservation
12 Areas established by this subtitle.

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

16 **SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.**

17 (a) IN GENERAL.—In accordance with applicable
18 Federal laws (including regulations), the Secretary of the
19 Interior shall—

20 (1) identify areas located in the County where
21 biological conservation is a priority; and

22 (2) undertake activities to conserve and restore
23 plant and animal species and natural communities
24 within such areas.

1 (b) GRANTS; COOPERATIVE AGREEMENTS.—In car-
2 rying out subsection (a), the Secretary of the Interior may
3 make grants to, or enter into cooperative agreements with,
4 State, tribal, and local governmental entities and private
5 entities to conduct research, develop scientific analyses,
6 and carry out any other initiative relating to the restora-
7 tion or conservation of the areas.

8 **SEC. 1980. PUBLIC PURPOSE CONVEYANCES.**

9 (a) IN GENERAL.—Notwithstanding the land use
10 planning requirements of sections 202 and 203 of the Fed-
11 eral Land Policy and Management Act of 1976 (43 U.S.C.
12 1712, 1713), upon the request of the appropriate local
13 governmental entity, as described below, the Secretary
14 shall convey the following parcels of public land without
15 consideration, subject to the provisions of this section:

16 (1) TEMPLE QUARRY.—The approximately 122-
17 acre parcel known as “Temple Quarry” as generally
18 depicted on the Washington County Growth and
19 Conservation Act Map as “Parcel B”, to the City of
20 St. George, Utah, for open space and public recre-
21 ation purposes.

22 (2) HURRICANE CITY SPORTS PARK.—The ap-
23 proximately 41-acre parcel as generally depicted on
24 the Washington County Growth and Conservation
25 Act Map as “Parcel C”, to the City of Hurricane,

1 Utah, for public recreation purposes and public ad-
2 ministrative offices.

3 (3) WASHINGTON COUNTY SCHOOL DISTRICT.—
4 The approximately 70-acre parcel as generally de-
5 picted on the Washington County Growth and Con-
6 servation Act Map as “Parcel D”, to the Wash-
7 ington County Public School District for use for
8 public school and related educational and adminis-
9 trative purposes.

10 (4) WASHINGTON COUNTY JAIL.—The approxi-
11 mately 80-acre parcel as generally depicted on the
12 Washington County Growth and Conservation Act
13 Map as “Parcel E”, to Washington County, Utah,
14 for expansion of the Purgatory Correctional Facility.

15 (5) HURRICANE EQUESTRIAN PARK.—The ap-
16 proximately 40-acre parcel as generally depicted on
17 the Washington County Growth and Conservation
18 Act Map as “Parcel F”, to the City of Hurricane,
19 Utah, for use as a public equestrian park.

20 (b) MAP AND LEGAL DESCRIPTIONS.—As soon as
21 practicable after the date of enactment of this Act, the
22 Secretary shall finalize legal descriptions of the parcels to
23 be conveyed under this section. The Secretary may correct
24 any minor errors in the map referenced in subsection (a)
25 or in the applicable legal descriptions. The map and legal

1 descriptions shall be on file and available for public inspec-
2 tion in the appropriate offices of the Bureau of Land Man-
3 agement.

4 (c) REVERSION.—

5 (1) IN GENERAL.—If any parcel conveyed under
6 this section ceases to be used for the public purpose
7 for which the parcel was conveyed, as described in
8 subsection (a), the land shall, at the discretion of the
9 Secretary based on his determination of the best in-
10 terests of the United States, revert to the United
11 States.

12 (2) RESPONSIBILITY OF LOCAL GOVERNMENTAL
13 ENTITY.—If the Secretary determines pursuant to
14 paragraph (1) that the land should revert to the
15 United States, and if the Secretary determines that
16 the land is contaminated with hazardous waste, the
17 local governmental entity to which the land was con-
18 veyed shall be responsible for remediation of the con-
19 tamination.

20 **SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST**
21 **LAND.**

22 (a) DEFINITIONS.—In this section:

23 (1) COVERED FEDERAL LAND.—The term “cov-
24 ered Federal land” means the approximately 66.07

1 acres of land in the Dixie National Forest in the
2 State, as depicted on the map.

3 (2) LANDOWNER.—The term “landowner”
4 means Kirk R. Harrison, who owns land in Pinto
5 Valley, Utah.

6 (3) MAP.—The term “map” means the map en-
7 titled “Conveyance of Dixie National Forest Land”
8 and dated December 18, 2008.

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of Agriculture.

11 (b) CONVEYANCE.—

12 (1) IN GENERAL.—The Secretary may convey
13 to the landowner all right, title, and interest of the
14 United States in and to any of the covered Federal
15 land (including any improvements or appurtenances
16 to the covered Federal land) by sale or exchange.

17 (2) LEGAL DESCRIPTION.—The exact acreage
18 and legal description of the covered Federal land to
19 be conveyed under paragraph (1) shall be deter-
20 mined by surveys satisfactory to the Secretary.

21 (3) CONSIDERATION.—

22 (A) IN GENERAL.—As consideration for
23 any conveyance by sale under paragraph (1),
24 the landowner shall pay to the Secretary an
25 amount equal to the fair market value of any

1 Federal land conveyed, as determined under
2 subparagraph (B).

3 (B) APPRAISAL.—The fair market value of
4 any Federal land that is conveyed under para-
5 graph (1) shall be determined by an appraisal
6 acceptable to the Secretary that is performed in
7 accordance with—

8 (i) the Uniform Appraisal Standards
9 for Federal Land Acquisitions;

10 (ii) the Uniform Standards of Profes-
11 sional Appraisal Practice; and

12 (iii) any other applicable law (includ-
13 ing regulations).

14 (4) DISPOSITION AND USE OF PROCEEDS.—

15 (A) DISPOSITION OF PROCEEDS.—The
16 Secretary shall deposit the proceeds of any sale
17 of land under paragraph (1) in the fund estab-
18 lished under Public Law 90–171 (commonly
19 known as the “Sisk Act”) (16 U.S.C. 484a).

20 (B) USE OF PROCEEDS.—Amounts depos-
21 ited under subparagraph (A) shall be available
22 to the Secretary, without further appropriation
23 and until expended, for the acquisition of real
24 property or interests in real property for inclu-
25 sion in the Dixie National Forest in the State.

1 (5) ADDITIONAL TERMS AND CONDITIONS.—

2 The Secretary may require any additional terms and
3 conditions for any conveyance under paragraph (1)
4 that the Secretary determines to be appropriate to
5 protect the interests of the United States.

6 **SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIWITS**

7 **BAND OF PAIUTE INDIANS.**

8 (a) DEFINITIONS.—In this section:

9 (1) PARCEL A.—The term “Parcel A” means
10 the parcel that consists of approximately 640 acres
11 of land that is—

12 (A) managed by the Bureau of Land Man-
13 agement;

14 (B) located in Washington County, Utah;
15 and

16 (C) depicted on the map entitled “Wash-
17 ington County Growth and Conservation Act
18 Map”.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (3) TRIBE.—The term “Tribe” means the
22 Shivwits Band of Paiute Indians of the State of
23 Utah.

24 (b) PARCEL TO BE HELD IN TRUST.—

1 (1) IN GENERAL.—At the request of the Tribe,
2 the Secretary shall take into trust for the benefit of
3 the Tribe all right, title, and interest of the United
4 States in and to Parcel A.

5 (2) SURVEY; LEGAL DESCRIPTION.—

6 (A) SURVEY.—Not later than 180 days
7 after the date of enactment of this Act, the Sec-
8 retary, acting through the Director of the Bu-
9 reau of Land Management, shall complete a
10 survey of Parcel A to establish the boundary of
11 Parcel A.

12 (B) LEGAL DESCRIPTION OF PARCEL A.—

13 (i) IN GENERAL.—Upon the comple-
14 tion of the survey under subparagraph (A),
15 the Secretary shall publish in the Federal
16 Register a legal description of—

17 (I) the boundary line of Parcel A;

18 and

19 (II) Parcel A.

20 (ii) TECHNICAL CORRECTIONS.—Be-
21 fore the date of publication of the legal de-
22 scriptions under clause (i), the Secretary
23 may make minor corrections to correct
24 technical and clerical errors in the legal de-
25 scriptions.

1 (iii) EFFECT.—Effective beginning on
2 the date of publication of the legal descrip-
3 tions under clause (i), the legal descrip-
4 tions shall be considered to be the official
5 legal descriptions of Parcel A.

6 (3) EFFECT.—Nothing in this section—

7 (A) affects any valid right in existence on
8 the date of enactment of this Act;

9 (B) enlarges, impairs, or otherwise affects
10 any right or claim of the Tribe to any land or
11 interest in land other than to Parcel A that
12 is—

13 (i) based on an aboriginal or Indian
14 title; and

15 (ii) in existence as of the date of en-
16 actment of this Act; or

17 (C) constitutes an express or implied res-
18 ervation of water or a water right with respect
19 to Parcel A.

20 (4) LAND TO BE MADE A PART OF THE RES-
21 ERVATION.—Land taken into trust pursuant to this
22 section shall be considered to be part of the reserva-
23 tion of the Tribe.

1 **SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this subtitle.

4 **TITLE II—BUREAU OF LAND**
5 **MANAGEMENT AUTHORIZA-**
6 **TIONS**

7 **Subtitle A—National Landscape**
8 **Conservation System**

9 **SEC. 2001. DEFINITIONS.**

10 In this subtitle:

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

13 (2) SYSTEM.—The term “system” means the
14 National Landscape Conservation System estab-
15 lished by section 2002(a).

16 **SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE**
17 **CONSERVATION SYSTEM.**

18 (a) ESTABLISHMENT.—In order to conserve, protect,
19 and restore nationally significant landscapes that have
20 outstanding cultural, ecological, and scientific values for
21 the benefit of current and future generations, there is es-
22 tablished in the Bureau of Land Management the Na-
23 tional Landscape Conservation System.

24 (b) COMPONENTS.—The system shall include each of
25 the following areas administered by the Bureau of Land
26 Management:

- 1 (1) Each area that is designated as—
- 2 (A) a national monument;
- 3 (B) a national conservation area;
- 4 (C) a wilderness study area;
- 5 (D) a national scenic trail or national his-
- 6 toric trail designated as a component of the Na-
- 7 tional Trails System;
- 8 (E) a component of the National Wild and
- 9 Scenic Rivers System; or
- 10 (F) a component of the National Wilder-
- 11 ness Preservation System.
- 12 (2) Any area designated by Congress to be ad-
- 13 ministered for conservation purposes, including—
- 14 (A) the Steens Mountain Cooperative Man-
- 15 agement and Protection Area;
- 16 (B) the Headwaters Forest Reserve;
- 17 (C) the Yaquina Head Outstanding Nat-
- 18 ural Area;
- 19 (D) public land within the California
- 20 Desert Conservation Area administered by the
- 21 Bureau of Land Management for conservation
- 22 purposes; and
- 23 (E) any additional area designated by Con-
- 24 gress for inclusion in the system.

1 (c) MANAGEMENT.—The Secretary shall manage the
2 system—

3 (1) in accordance with any applicable law (in-
4 cluding regulations) relating to any component of
5 the system included under subsection (b); and

6 (2) in a manner that protects the values for
7 which the components of the system were des-
8 ignated.

9 (d) EFFECT.—

10 (1) IN GENERAL.—Nothing in this subtitle en-
11 hances, diminishes, or modifies any law or proclama-
12 tion (including regulations relating to the law or
13 proclamation) under which the components of the
14 system described in subsection (b) were established
15 or are managed, including—

16 (A) the Alaska National Interest Lands
17 Conservation Act (16 U.S.C. 3101 et seq.);

18 (B) the Wilderness Act (16 U.S.C. 1131 et
19 seq.);

20 (C) the Wild and Scenic Rivers Act (16
21 U.S.C. 1271 et seq.);

22 (D) the National Trails System Act (16
23 U.S.C. 1241 et seq.); and

24 (E) the Federal Land Policy and Manage-
25 ment Act of 1976 (43 U.S.C. 1701 et seq.).

1 (2) FISH AND WILDLIFE.—Nothing in this sub-
2 title shall be construed as affecting the authority, ju-
3 risdiction, or responsibility of the several States to
4 manage, control, or regulate fish and resident wild-
5 life under State law or regulations, including the
6 regulation of hunting, fishing, trapping and rec-
7 reational shooting on public land managed by the
8 Bureau of Land Management. Nothing in this sub-
9 title shall be construed as limiting access for hunt-
10 ing, fishing, trapping, or recreational shooting.

11 **SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as are necessary to carry out this subtitle.

14 **Subtitle B—Prehistoric Trackways**
15 **National Monument**

16 **SEC. 2101. FINDINGS.**

17 Congress finds that—

18 (1) in 1987, a major deposit of Paleozoic Era
19 fossilized footprint megatrackways was discovered in
20 the Robledo Mountains in southern New Mexico;

21 (2) the trackways contain footprints of numer-
22 ous amphibians, reptiles, and insects (including pre-
23 viously unknown species), plants, and petrified wood
24 dating back approximately 280,000,000 years, which
25 collectively provide new opportunities to understand

1 animal behaviors and environments from a time pre-
2 dating the dinosaurs;

3 (3) title III of Public Law 101–578 (104 Stat.
4 2860)—

5 (A) provided interim protection for the site
6 at which the trackways were discovered; and

7 (B) directed the Secretary of the Interior
8 to—

9 (i) prepare a study assessing the sig-
10 nificance of the site; and

11 (ii) based on the study, provide rec-
12 ommendations for protection of the paleon-
13 tological resources at the site;

14 (4) the Bureau of Land Management completed
15 the Paleozoic Trackways Scientific Study Report in
16 1994, which characterized the site as containing
17 “the most scientifically significant Early Permian
18 tracksites” in the world;

19 (5) despite the conclusion of the study and the
20 recommendations for protection, the site remains un-
21 protected and many irreplaceable trackways speci-
22 mens have been lost to vandalism or theft; and

23 (6) designation of the trackways site as a Na-
24 tional Monument would protect the unique fossil re-
25 sources for present and future generations while al-

1 lowing for public education and continued scientific
2 research opportunities.

3 **SEC. 2102. DEFINITIONS.**

4 In this subtitle:

5 (1) **MONUMENT.**—The term “Monument”
6 means the Prehistoric Trackways National Monu-
7 ment established by section 2103(a).

8 (2) **PUBLIC LAND.**—The term “public land”
9 has the meaning given the term “public lands” in
10 section 103 of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1702).

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

14 **SEC. 2103. ESTABLISHMENT.**

15 (a) **IN GENERAL.**—In order to conserve, protect, and
16 enhance the unique and nationally important paleontolog-
17 ical, scientific, educational, scenic, and recreational re-
18 sources and values of the public land described in sub-
19 section (b), there is established the Prehistoric Trackways
20 National Monument in the State of New Mexico.

21 (b) **DESCRIPTION OF LAND.**—The Monument shall
22 consist of approximately 5,280 acres of public land in
23 Doña Ana County, New Mexico, as generally depicted on
24 the map entitled “Prehistoric Trackways National Monu-
25 ment” and dated December 17, 2008.

1 (c) MAP; LEGAL DESCRIPTION.—

2 (1) IN GENERAL.—As soon as practicable after
3 the date of enactment of this Act, the Secretary
4 shall prepare and submit to Congress an official map
5 and legal description of the Monument.

6 (2) CORRECTIONS.—The map and legal descrip-
7 tion submitted under paragraph (1) shall have the
8 same force and effect as if included in this subtitle,
9 except that the Secretary may correct any clerical or
10 typographical errors in the legal description and the
11 map.

12 (3) CONFLICT BETWEEN MAP AND LEGAL DE-
13SCRIPTION.—In the case of a conflict between the
14 map and the legal description, the map shall control.

15 (4) AVAILABILITY OF MAP AND LEGAL DE-
16SCRIPTION.—Copies of the map and legal description
17 shall be on file and available for public inspection in
18 the appropriate offices of the Bureau of Land Man-
19 agement.

20 (d) MINOR BOUNDARY ADJUSTMENTS.—If additional
21 paleontological resources are discovered on public land ad-
22 jacent to the Monument after the date of enactment of
23 this Act, the Secretary may make minor boundary adjust-
24 ments to the Monument to include the resources in the
25 Monument.

1 **SEC. 2104. ADMINISTRATION.**

2 (a) MANAGEMENT.—

3 (1) IN GENERAL.—The Secretary shall manage
4 the Monument—

5 (A) in a manner that conserves, protects,
6 and enhances the resources and values of the
7 Monument, including the resources and values
8 described in section 2103(a); and

9 (B) in accordance with—

10 (i) this subtitle;

11 (ii) the Federal Land Policy and Man-
12 agement Act of 1976 (43 U.S.C. 1701 et
13 seq.); and

14 (iii) other applicable laws.

15 (2) NATIONAL LANDSCAPE CONSERVATION SYS-
16 TEM.—The Monument shall be managed as a com-
17 ponent of the National Landscape Conservation Sys-
18 tem.

19 (b) MANAGEMENT PLAN.—

20 (1) IN GENERAL.—Not later than 3 years after
21 the date of enactment of this Act, the Secretary
22 shall develop a comprehensive management plan for
23 the long-term protection and management of the
24 Monument.

25 (2) COMPONENTS.—The management plan
26 under paragraph (1)—

1 (A) shall—

2 (i) describe the appropriate uses and
3 management of the Monument, consistent
4 with the provisions of this subtitle; and

5 (ii) allow for continued scientific re-
6 search at the Monument during the devel-
7 opment of the management plan; and

8 (B) may—

9 (i) incorporate any appropriate deci-
10 sions contained in any current manage-
11 ment or activity plan for the land described
12 in section 2103(b); and

13 (ii) use information developed in stud-
14 ies of any land within or adjacent to the
15 Monument that were conducted before the
16 date of enactment of this Act.

17 (c) AUTHORIZED USES.—The Secretary shall only
18 allow uses of the Monument that the Secretary determines
19 would further the purposes for which the Monument has
20 been established.

21 (d) INTERPRETATION, EDUCATION, AND SCIENTIFIC
22 RESEARCH.—

23 (1) IN GENERAL.—The Secretary shall provide
24 for public interpretation of, and education and sci-
25 entific research on, the paleontological resources of

1 the Monument, with priority given to exhibiting and
2 curating the resources in Doña Ana County, New
3 Mexico.

4 (2) COOPERATIVE AGREEMENTS.—The Sec-
5 retary may enter into cooperative agreements with
6 appropriate public entities to carry out paragraph
7 (1).

8 (e) SPECIAL MANAGEMENT AREAS.—

9 (1) IN GENERAL.—The establishment of the
10 Monument shall not change the management status
11 of any area within the boundary of the Monument
12 that is—

13 (A) designated as a wilderness study area
14 and managed in accordance with section 603(c)
15 of the Federal Land Policy and Management
16 Act of 1976 (43 U.S.C. 1782(c)); or

17 (B) managed as an area of critical environ-
18 ment concern.

19 (2) CONFLICT OF LAWS.—If there is a conflict
20 between the laws applicable to the areas described in
21 paragraph (1) and this subtitle, the more restrictive
22 provision shall control.

23 (f) MOTORIZED VEHICLES.—

24 (1) IN GENERAL.—Except as needed for admin-
25 istrative purposes or to respond to an emergency,

1 the use of motorized vehicles in the Monument shall
2 be allowed only on roads and trails designated for
3 use by motorized vehicles under the management
4 plan prepared under subsection (b).

5 (2) PERMITTED EVENTS.—The Secretary may
6 issue permits for special recreation events involving
7 motorized vehicles within the boundaries of the
8 Monument—

9 (A) to the extent the events do not harm
10 paleontological resources; and

11 (B) subject to any terms and conditions
12 that the Secretary determines to be necessary.

13 (g) WITHDRAWALS.—Subject to valid existing rights,
14 any Federal land within the Monument and any land or
15 interest in land that is acquired by the United States for
16 inclusion in the Monument after the date of enactment
17 of this Act are withdrawn from—

18 (1) entry, appropriation, or disposal under the
19 public land laws;

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

22 (3) operation of the mineral leasing laws, geo-
23 thermal leasing laws, and minerals materials laws.

24 (h) GRAZING.—The Secretary may allow grazing to
25 continue in any area of the Monument in which grazing

1 is allowed before the date of enactment of this Act, subject
2 to applicable laws (including regulations).

3 (i) WATER RIGHTS.—Nothing in this subtitle con-
4 stitutes an express or implied reservation by the United
5 States of any water or water rights with respect to the
6 Monument.

7 **SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such sums
9 as are necessary to carry out this subtitle.

10 **Subtitle C—Fort Stanton-Snowy**
11 **River Cave National Conserva-**
12 **tion Area**

13 **SEC. 2201. DEFINITIONS.**

14 In this subtitle:

15 (1) CONSERVATION AREA.—The term “Con-
16 servation Area” means the Fort Stanton-Snowy
17 River Cave National Conservation Area established
18 by section 2202(a).

19 (2) MANAGEMENT PLAN.—The term “manage-
20 ment plan” means the management plan developed
21 for the Conservation Area under section 2203(c).

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior, acting through the Di-
24 rector of the Bureau of Land Management.

1 **SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY**
2 **RIVER CAVE NATIONAL CONSERVATION**
3 **AREA.**

4 (a) **ESTABLISHMENT; PURPOSES.**—There is estab-
5 lished the Fort Stanton-Snowy River Cave National Con-
6 servation Area in Lincoln County, New Mexico, to protect,
7 conserve, and enhance the unique and nationally impor-
8 tant historic, cultural, scientific, archaeological, natural,
9 and educational subterranean cave resources of the Fort
10 Stanton-Snowy River cave system.

11 (b) **AREA INCLUDED.**—The Conservation Area shall
12 include the area within the boundaries depicted on the
13 map entitled “Fort Stanton-Snowy River Cave National
14 Conservation Area” and dated December 15, 2008.

15 (c) **MAP AND LEGAL DESCRIPTION.**—

16 (1) **IN GENERAL.**—As soon as practicable after
17 the date of enactment of this Act, the Secretary
18 shall submit to Congress a map and legal description
19 of the Conservation Area.

20 (2) **EFFECT.**—The map and legal description of
21 the Conservation Area shall have the same force and
22 effect as if included in this subtitle, except that the
23 Secretary may correct any minor errors in the map
24 and legal description.

25 (3) **PUBLIC AVAILABILITY.**—The map and legal
26 description of the Conservation Area shall be avail-

1 able for public inspection in the appropriate offices
2 of the Bureau of Land Management.

3 **SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.**

4 (a) **MANAGEMENT.**—

5 (1) **IN GENERAL.**—The Secretary shall manage
6 the Conservation Area—

7 (A) in a manner that conserves, protects,
8 and enhances the resources and values of the
9 Conservation Area, including the resources and
10 values described in section 2202(a); and

11 (B) in accordance with—

12 (i) this subtitle;

13 (ii) the Federal Land Policy and Man-
14 agement Act of 1976 (43 U.S.C. 1701 et
15 seq.); and

16 (iii) any other applicable laws.

17 (2) **USES.**—The Secretary shall only allow uses
18 of the Conservation Area that are consistent with
19 the protection of the cave resources.

20 (3) **REQUIREMENTS.**—In administering the
21 Conservation Area, the Secretary shall provide for—

22 (A) the conservation and protection of the
23 natural and unique features and environs for
24 scientific, educational, and other appropriate
25 public uses of the Conservation Area;

1 (B) public access, as appropriate, while
2 providing for the protection of the cave re-
3 sources and for public safety;

4 (C) the continuation of other existing uses
5 or other new uses of the Conservation Area that
6 do not impair the purposes for which the Con-
7 servation Area is established;

8 (D) management of the surface area of the
9 Conservation Area in accordance with the Fort
10 Stanton Area of Critical Environmental Con-
11 cern Final Activity Plan dated March, 2001, or
12 any amendments to the plan, consistent with
13 this subtitle; and

14 (E) scientific investigation and research
15 opportunities within the Conservation Area, in-
16 cluding through partnerships with colleges, uni-
17 versities, schools, scientific institutions, re-
18 searchers, and scientists to conduct research
19 and provide educational and interpretive serv-
20 ices within the Conservation Area.

21 (b) WITHDRAWALS.—Subject to valid existing rights,
22 all Federal surface and subsurface land within the Con-
23 servation Area and all land and interests in the land that
24 are acquired by the United States after the date of enact-

1 ment of this Act for inclusion in the Conservation Area,
2 are withdrawn from—

3 (1) all forms of entry, appropriation, or disposal
4 under the general land laws;

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

7 (3) operation under the mineral leasing and
8 geothermal leasing laws.

9 (c) MANAGEMENT PLAN.—

10 (1) IN GENERAL.—Not later than 2 years after
11 the date of enactment of this Act, the Secretary
12 shall develop a comprehensive plan for the long-term
13 management of the Conservation Area.

14 (2) PURPOSES.—The management plan shall—

15 (A) describe the appropriate uses and
16 management of the Conservation Area;

17 (B) incorporate, as appropriate, decisions
18 contained in any other management or activity
19 plan for the land within or adjacent to the Con-
20 servation Area;

21 (C) take into consideration any informa-
22 tion developed in studies of the land and re-
23 sources within or adjacent to the Conservation
24 Area; and

1 (D) provide for a cooperative agreement
2 with Lincoln County, New Mexico, to address
3 the historical involvement of the local commu-
4 nity in the interpretation and protection of the
5 resources of the Conservation Area.

6 (d) RESEARCH AND INTERPRETIVE FACILITIES.—

7 (1) IN GENERAL.—The Secretary may establish
8 facilities for—

9 (A) the conduct of scientific research; and

10 (B) the interpretation of the historical, cul-
11 tural, scientific, archaeological, natural, and
12 educational resources of the Conservation Area.

13 (2) COOPERATIVE AGREEMENTS.—The Sec-
14 retary may, in a manner consistent with this sub-
15 title, enter into cooperative agreements with the
16 State of New Mexico and other institutions and or-
17 ganizations to carry out the purposes of this sub-
18 title.

19 (e) WATER RIGHTS.—Nothing in this subtitle con-
20 stitutes an express or implied reservation of any water
21 right.

22 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as are necessary to carry out this subtitle.

1 **Subtitle D—Snake River Birds of**
2 **Prey National Conservation Area**

3 **SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CON-**
4 **SERVATION AREA.**

5 (a) RENAMING.—Public Law 103–64 is amended—

6 (1) in section 2(2) (16 U.S.C. 460iii–1(2)), by
7 inserting “Morley Nelson” before “Snake River
8 Birds of Prey National Conservation Area”; and

9 (2) in section 3(a)(1) (16 U.S.C. 460iii–
10 2(a)(1)), by inserting “Morley Nelson” before
11 “Snake River Birds of Prey National Conservation
12 Area”.

13 (b) REFERENCES.—Any reference in a law, map, reg-
14 ulation, document, paper, or other record of the United
15 States to the Snake River Birds of Prey National Con-
16 servation Area shall be deemed to be a reference to the
17 Morley Nelson Snake River Birds of Prey National Con-
18 servation Area.

19 (c) TECHNICAL CORRECTIONS.—Public Law 103–64
20 is further amended—

21 (1) in section 3(a)(1) (16 U.S.C. 460iii–
22 2(a)(1)), by striking “(hereafter referred to as the
23 ‘conservation area’)”; and

24 (2) in section 4 (16 U.S.C. 460iii–3)—

1 (A) in subsection (a)(2), by striking “Con-
2 servation Area” and inserting “conservation
3 area”; and

4 (B) in subsection (d), by striking “Visitors
5 Center” and inserting “visitors center”.

6 **Subtitle E—Dominguez-Escalante**
7 **National Conservation Area**

8 **SEC. 2401. DEFINITIONS.**

9 In this subtitle:

10 (1) CONSERVATION AREA.—The term “Con-
11 servation Area” means the Dominguez-Escalante
12 National Conservation Area established by section
13 2402(a)(1).

14 (2) COUNCIL.—The term “Council” means the
15 Dominguez-Escalante National Conservation Area
16 Advisory Council established under section 2407.

17 (3) MANAGEMENT PLAN.—The term “manage-
18 ment plan” means the management plan developed
19 under section 2406.

20 (4) MAP.—The term “Map” means the map en-
21 titled “Dominguez-Escalante National Conservation
22 Area” and dated September 15, 2008.

23 (5) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 (6) STATE.—The term “State” means the State
2 of Colorado.

3 (7) WILDERNESS.—The term “Wilderness”
4 means the Dominguez Canyon Wilderness Area des-
5 ignated by section 2403(a).

6 **SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA-**
7 **TION AREA.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—There is established the
10 Dominguez-Escalante National Conservation Area in
11 the State.

12 (2) AREA INCLUDED.—The Conservation Area
13 shall consist of approximately 209,610 acres of pub-
14 lic land, as generally depicted on the Map.

15 (b) PURPOSES.—The purposes of the Conservation
16 Area are to conserve and protect for the benefit and enjoy-
17 ment of present and future generations—

18 (1) the unique and important resources and val-
19 ues of the land, including the geological, cultural, ar-
20 chaeological, paleontological, natural, scientific, rec-
21 reational, wilderness, wildlife, riparian, historical,
22 educational, and scenic resources of the public land;
23 and

24 (2) the water resources of area streams, based
25 on seasonally available flows, that are necessary to

1 support aquatic, riparian, and terrestrial species and
2 communities.

3 (c) MANAGEMENT.—

4 (1) IN GENERAL.—The Secretary shall manage
5 the Conservation Area—

6 (A) as a component of the National Land-
7 scape Conservation System;

8 (B) in a manner that conserves, protects,
9 and enhances the resources and values of the
10 Conservation Area described in subsection (b);
11 and

12 (C) in accordance with—

13 (i) the Federal Land Policy and Man-
14 agement Act of 1976 (43 U.S.C. 1701 et
15 seq.);

16 (ii) this subtitle; and

17 (iii) any other applicable laws.

18 (2) USES.—

19 (A) IN GENERAL.—The Secretary shall
20 allow only such uses of the Conservation Area
21 as the Secretary determines would further the
22 purposes for which the Conservation Area is es-
23 tablished.

24 (B) USE OF MOTORIZED VEHICLES.—

1 (i) IN GENERAL.—Except as provided
2 in clauses (ii) and (iii), use of motorized
3 vehicles in the Conservation Area shall be
4 allowed—

5 (I) before the effective date of
6 the management plan, only on roads
7 and trails designated for use of motor
8 vehicles in the management plan that
9 applies on the date of the enactment
10 of this Act to the public land in the
11 Conservation Area; and

12 (II) after the effective date of the
13 management plan, only on roads and
14 trails designated in the management
15 plan for the use of motor vehicles.

16 (ii) ADMINISTRATIVE AND EMER-
17 GENCY RESPONSE USE.—Clause (i) shall
18 not limit the use of motor vehicles in the
19 Conservation Area for administrative pur-
20 poses or to respond to an emergency.

21 (iii) LIMITATION.—This subparagraph
22 shall not apply to the Wilderness.

23 **SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.**

24 (a) IN GENERAL.—In accordance with the Wilderness
25 Act (16 U.S.C. 1131 et seq.), the approximately 66,280

1 acres of public land in Mesa, Montrose, and Delta Coun-
2 ties, Colorado, as generally depicted on the Map, is des-
3 ignated as wilderness and as a component of the National
4 Wilderness Preservation System, to be known as the
5 “Dominguez Canyon Wilderness Area”.

6 (b) ADMINISTRATION OF WILDERNESS.—The Wilder-
7 ness shall be managed by the Secretary in accordance with
8 the Wilderness Act (16 U.S.C. 1131 et seq.) and this sub-
9 title, except that—

10 (1) any reference in the Wilderness Act to the
11 effective date of that Act shall be considered to be
12 a reference to the date of enactment of this Act; and

13 (2) any reference in the Wilderness Act to the
14 Secretary of Agriculture shall be considered to be a
15 reference to the Secretary of the Interior.

16 **SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.**

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

21 (1) the Committee on Energy and Natural Re-
22 sources of the Senate; and

23 (2) the Committee on Natural Resources of the
24 House of Representatives.

1 (b) FORCE AND EFFECT.—The Map and legal de-
2 scriptions filed under subsection (a) shall have the same
3 force and effect as if included in this subtitle, except that
4 the Secretary may correct clerical and typographical er-
5 rors in the Map and legal descriptions.

6 (c) PUBLIC AVAILABILITY.—The Map and legal de-
7 scriptions filed under subsection (a) shall be available for
8 public inspection in the appropriate offices of the Bureau
9 of Land Management.

10 **SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND**
11 **WILDERNESS.**

12 (a) WITHDRAWAL.—Subject to valid existing rights,
13 all Federal land within the Conservation Area and the Wil-
14 derness and all land and interests in land acquired by the
15 United States within the Conservation Area or the Wilder-
16 ness is withdrawn from—

17 (1) all forms of entry, appropriation, or disposal
18 under the public land laws;

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

21 (3) operation of the mineral leasing, mineral
22 materials, and geothermal leasing laws.

23 (b) GRAZING.—

24 (1) GRAZING IN CONSERVATION AREA.—Except
25 as provided in paragraph (2), the Secretary shall

1 issue and administer any grazing leases or permits
2 in the Conservation Area in accordance with the
3 laws (including regulations) applicable to the
4 issuance and administration of such leases and per-
5 mits on other land under the jurisdiction of the Bu-
6 reau of Land Management.

7 (2) GRAZING IN WILDERNESS.—The grazing of
8 livestock in the Wilderness, if established as of the
9 date of enactment of this Act, shall be permitted to
10 continue—

11 (A) subject to any reasonable regulations,
12 policies, and practices that the Secretary deter-
13 mines to be necessary; and

14 (B) in accordance with—

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

17 (ii) the guidelines set forth in Appen-
18 dix A of the report of the Committee on
19 Interior and Insular Affairs of the House
20 of Representatives accompanying H.R.
21 2570 of the 101st Congress (H. Rept.
22 101–405).

23 (c) NO BUFFER ZONES.—

1 (1) IN GENERAL.—Nothing in this subtitle cre-
2 ates a protective perimeter or buffer zone around the
3 Conservation Area.

4 (2) ACTIVITIES OUTSIDE CONSERVATION
5 AREA.—The fact that an activity or use on land out-
6 side the Conservation Area can be seen or heard
7 within the Conservation Area shall not preclude the
8 activity or use outside the boundary of the Conserva-
9 tion Area.

10 (d) ACQUISITION OF LAND.—

11 (1) IN GENERAL.—The Secretary may acquire
12 non-Federal land within the boundaries of the Con-
13 servation Area or the Wilderness only through ex-
14 change, donation, or purchase from a willing seller.

15 (2) MANAGEMENT.—Land acquired under para-
16 graph (1) shall—

17 (A) become part of the Conservation Area
18 and, if applicable, the Wilderness; and

19 (B) be managed in accordance with this
20 subtitle and any other applicable laws.

21 (e) FIRE, INSECTS, AND DISEASES.—Subject to such
22 terms and conditions as the Secretary determines to be
23 desirable and appropriate, the Secretary may undertake
24 such measures as are necessary to control fire, insects,
25 and diseases—

1 (1) in the Wilderness, in accordance with sec-
2 tion 4(d)(1) of the Wilderness Act (16 U.S.C.
3 1133(d)(1)); and

4 (2) except as provided in paragraph (1), in the
5 Conservation Area in accordance with this subtitle
6 and any other applicable laws.

7 (f) ACCESS.—The Secretary shall continue to provide
8 private landowners adequate access to inholdings in the
9 Conservation Area.

10 (g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In
11 accordance with any applicable laws and subject to such
12 terms and conditions as the Secretary determines to be
13 desirable and appropriate, the Secretary may prescribe
14 measures to control nonnative invasive plants and noxious
15 weeds within the Conservation Area.

16 (h) WATER RIGHTS.—

17 (1) EFFECT.—Nothing in this subtitle—

18 (A) affects the use or allocation, in exist-
19 ence on the date of enactment of this Act, of
20 any water, water right, or interest in water;

21 (B) affects any vested absolute or decreed
22 conditional water right in existence on the date
23 of enactment of this Act, including any water
24 right held by the United States;

1 (C) affects any interstate water compact in
2 existence on the date of enactment of this Act;

3 (D) authorizes or imposes any new re-
4 served Federal water rights; or

5 (E) shall be considered to be a relinquish-
6 ment or reduction of any water rights reserved
7 or appropriated by the United States in the
8 State on or before the date of enactment of this
9 Act.

10 (2) WILDERNESS WATER RIGHTS.—

11 (A) IN GENERAL.—The Secretary shall en-
12 sure that any water rights within the Wilder-
13 ness required to fulfill the purposes of the Wil-
14 derness are secured in accordance with sub-
15 paragraphs (B) through (G).

16 (B) STATE LAW.—

17 (i) PROCEDURAL REQUIREMENTS.—

18 Any water rights within the Wilderness for
19 which the Secretary pursues adjudication
20 shall be adjudicated, changed, and admin-
21 istered in accordance with the procedural
22 requirements and priority system of State
23 law.

24 (ii) ESTABLISHMENT OF WATER
25 RIGHTS.—

1 (I) IN GENERAL.—Except as pro-
2 vided in subclause (II), the purposes
3 and other substantive characteristics
4 of the water rights pursued under this
5 paragraph shall be established in ac-
6 cordance with State law.

7 (II) EXCEPTION.—Notwith-
8 standing subclause (I) and in accord-
9 ance with this subtitle, the Secretary
10 may appropriate and seek adjudica-
11 tion of water rights to maintain sur-
12 face water levels and stream flows on
13 and across the Wilderness to fulfill
14 the purposes of the Wilderness.

15 (C) DEADLINE.—The Secretary shall
16 promptly, but not earlier than January 2009,
17 appropriate the water rights required to fulfill
18 the purposes of the Wilderness.

19 (D) REQUIRED DETERMINATION.—The
20 Secretary shall not pursue adjudication for any
21 instream flow water rights unless the Secretary
22 makes a determination pursuant to subpara-
23 graph (E)(ii) or (F).

24 (E) COOPERATIVE ENFORCEMENT.—

1 (i) IN GENERAL.—The Secretary shall
2 not pursue adjudication of any Federal
3 instream flow water rights established
4 under this paragraph if—

5 (I) the Secretary determines,
6 upon adjudication of the water rights
7 by the Colorado Water Conservation
8 Board, that the Board holds water
9 rights sufficient in priority, amount,
10 and timing to fulfill the purposes of
11 the Wilderness; and

12 (II) the Secretary has entered
13 into a perpetual agreement with the
14 Colorado Water Conservation Board
15 to ensure the full exercise, protection,
16 and enforcement of the State water
17 rights within the Wilderness to reli-
18 ably fulfill the purposes of the Wilder-
19 ness.

20 (ii) ADJUDICATION.—If the Secretary
21 determines that the provisions of clause (i)
22 have not been met, the Secretary shall ad-
23 judicate and exercise any Federal water
24 rights required to fulfill the purposes of

1 the Wilderness in accordance with this
2 paragraph.

3 (F) INSUFFICIENT WATER RIGHTS.—If the
4 Colorado Water Conservation Board modifies
5 the instream flow water rights obtained under
6 subparagraph (E) to such a degree that the
7 Secretary determines that water rights held by
8 the State are insufficient to fulfill the purposes
9 of the Wilderness, the Secretary shall adju-
10 dicate and exercise Federal water rights re-
11 quired to fulfill the purposes of the Wilderness
12 in accordance with subparagraph (B).

13 (G) FAILURE TO COMPLY.—The Secretary
14 shall promptly act to exercise and enforce the
15 water rights described in subparagraph (E) if
16 the Secretary determines that—

17 (i) the State is not exercising its
18 water rights consistent with subparagraph
19 (E)(i)(I); or

20 (ii) the agreement described in sub-
21 paragraph (E)(i)(II) is not fulfilled or com-
22 plied with sufficiently to fulfill the pur-
23 poses of the Wilderness.

24 (3) WATER RESOURCE FACILITY.—

1 (A) IN GENERAL.—Notwithstanding any
2 other provision of law and subject to subpara-
3 graph (B), beginning on the date of enactment
4 of this Act, neither the President nor any other
5 officer, employee, or agent of the United States
6 shall fund, assist, authorize, or issue a license
7 or permit for the development of any new irri-
8 gation and pumping facility, reservoir, water
9 conservation work, aqueduct, canal, ditch, pipe-
10 line, well, hydropower project, transmission,
11 other ancillary facility, or other water, diver-
12 sion, storage, or carriage structure in the Wil-
13 derness.

14 (B) EXCEPTION.—Notwithstanding sub-
15 paragraph (A), the Secretary may allow con-
16 struction of new livestock watering facilities
17 within the Wilderness in accordance with—

18 (i) section 4(d)(4) of the Wilderness
19 Act (16 U.S.C. 1133(d)(4)); and

20 (ii) the guidelines set forth in Appen-
21 dix A of the report of the Committee on
22 Interior and Insular Affairs of the House
23 of Representatives accompanying H.R.
24 2570 of the 101st Congress (H. Rept.
25 101–405).

1 (4) CONSERVATION AREA WATER RIGHTS.—
2 With respect to water within the Conservation Area,
3 nothing in this subtitle—

4 (A) authorizes any Federal agency to ap-
5 propriate or otherwise acquire any water right
6 on the mainstem of the Gunnison River; or

7 (B) prevents the State from appropriating
8 or acquiring, or requires the State to appro-
9 priate or acquire, an instream flow water right
10 on the mainstem of the Gunnison River.

11 (5) WILDERNESS BOUNDARIES ALONG GUNNI-
12 SON RIVER.—

13 (A) IN GENERAL.—In areas in which the
14 Gunnison River is used as a reference for defin-
15 ing the boundary of the Wilderness, the bound-
16 ary shall—

17 (i) be located at the edge of the river;

18 and

19 (ii) change according to the river
20 level.

21 (B) EXCLUSION FROM WILDERNESS.—Re-
22 gardless of the level of the Gunnison River, no
23 portion of the Gunnison River is included in the
24 Wilderness.

25 (i) EFFECT.—Nothing in this subtitle—

1 (1) diminishes the jurisdiction of the State with
2 respect to fish and wildlife in the State; or

3 (2) imposes any Federal water quality standard
4 upstream of the Conservation Area or within the
5 mainstem of the Gunnison River that is more re-
6 strictive than would be applicable had the Conserva-
7 tion Area not been established.

8 (j) **VALID EXISTING RIGHTS.**—The designation of
9 the Conservation Area and Wilderness is subject to valid
10 rights in existence on the date of enactment of this Act.

11 **SEC. 2406. MANAGEMENT PLAN.**

12 (a) **IN GENERAL.**—Not later than 3 years after the
13 date of enactment of this Act, the Secretary shall develop
14 a comprehensive management plan for the long-term pro-
15 tection and management of the Conservation Area.

16 (b) **PURPOSES.**—The management plan shall—

17 (1) describe the appropriate uses and manage-
18 ment of the Conservation Area;

19 (2) be developed with extensive public input;

20 (3) take into consideration any information de-
21 veloped in studies of the land within the Conserva-
22 tion Area; and

23 (4) include a comprehensive travel management
24 plan.

1 **SEC. 2407. ADVISORY COUNCIL.**

2 (a) ESTABLISHMENT.—Not later than 180 days after
3 the date of enactment of this Act, the Secretary shall es-
4 tablish an advisory council, to be known as the
5 “Dominguez-Escalante National Conservation Area Advi-
6 sory Council”.

7 (b) DUTIES.—The Council shall advise the Secretary
8 with respect to the preparation and implementation of the
9 management plan.

10 (c) APPLICABLE LAW.—The Council shall be subject
11 to—

12 (1) the Federal Advisory Committee Act (5
13 U.S.C. App.); and

14 (2) the Federal Land Policy and Management
15 Act of 1976 (43 U.S.C. 1701 et seq.).

16 (d) MEMBERS.—The Council shall include 10 mem-
17 bers to be appointed by the Secretary, of whom, to the
18 extent practicable—

19 (1) 1 member shall be appointed after consid-
20 ering the recommendations of the Mesa County
21 Commission;

22 (2) 1 member shall be appointed after consid-
23 ering the recommendations of the Montrose County
24 Commission;

1 (3) 1 member shall be appointed after consid-
2 ering the recommendations of the Delta County
3 Commission;

4 (4) 1 member shall be appointed after consid-
5 ering the recommendations of the permittees holding
6 grazing allotments within the Conservation Area or
7 the Wilderness; and

8 (5) 5 members shall reside in, or within reason-
9 able proximity to, Mesa County, Delta County, or
10 Montrose County, Colorado, with backgrounds that
11 reflect—

12 (A) the purposes for which the Conserva-
13 tion Area or Wilderness was established; and

14 (B) the interests of the stakeholders that
15 are affected by the planning and management
16 of the Conservation Area and Wilderness.

17 (e) REPRESENTATION.—The Secretary shall ensure
18 that the membership of the Council is fairly balanced in
19 terms of the points of view represented and the functions
20 to be performed by the Council.

21 (f) DURATION.—The Council shall terminate on the
22 date that is 1 year from the date on which the manage-
23 ment plan is adopted by the Secretary.

1 **SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this subtitle.

4 **Subtitle F—Rio Puerco Watershed**
5 **Management Program**

6 **SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PRO-**
7 **GRAM.**

8 (a) RIO PUERCO MANAGEMENT COMMITTEE.—Sec-
9 tion 401(b) of the Omnibus Parks and Public Lands Man-
10 agement Act of 1996 (Public Law 104–333; 110 Stat.
11 4147) is amended—

12 (1) in paragraph (2)—

13 (A) by redesignating subparagraphs (I)
14 through (N) as subparagraphs (J) through (O),
15 respectively; and

16 (B) by inserting after subparagraph (H)
17 the following:

18 “(I) the Environmental Protection Agen-
19 cy;”; and

20 (2) in paragraph (4), by striking “enactment of
21 this Act” and inserting “enactment of the Omnibus
22 Public Land Management Act of 2009”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
24 401(e) of the Omnibus Parks and Public Lands Manage-
25 ment Act of 1996 (Public Law 104–333; 110 Stat. 4148)
26 is amended by striking “enactment of this Act” and in-

1 serring “enactment of the Omnibus Public Land Manage-
2 ment Act of 2009”.

3 **Subtitle G—Land Conveyances and**
4 **Exchanges**

5 **SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.**

6 (a) DEFINITIONS.—In this section:

7 (1) CITY.—The term “City” means Carson City
8 Consolidated Municipality, Nevada.

9 (2) MAP.—The term “Map” means the map en-
10 titled “Carson City, Nevada Area”, dated November
11 7, 2008, and on file and available for public inspec-
12 tion in the appropriate offices of—

13 (A) the Bureau of Land Management;

14 (B) the Forest Service; and

15 (C) the City.

16 (3) SECRETARY.—The term “Secretary”
17 means—

18 (A) with respect to land in the National
19 Forest System, the Secretary of Agriculture,
20 acting through the Chief of the Forest Service;
21 and

22 (B) with respect to other Federal land, the
23 Secretary of the Interior.

1 (4) SECRETARIES.—The term “Secretaries”
2 means the Secretary of Agriculture and the Sec-
3 retary of the Interior, acting jointly.

4 (5) TRIBE.—The term “Tribe” means the
5 Washoe Tribe of Nevada and California, which is a
6 federally recognized Indian tribe.

7 (b) CONVEYANCES OF FEDERAL LAND AND CITY
8 LAND.—

9 (1) IN GENERAL.—Notwithstanding section 202
10 of the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1712), if the City offers to convey
12 to the United States title to the non-Federal land
13 described in paragraph (2)(A) that is acceptable to
14 the Secretary of Agriculture—

15 (A) the Secretary shall accept the offer;
16 and

17 (B) not later than 180 days after the date
18 on which the Secretary receives acceptable title
19 to the non-Federal land described in paragraph
20 (2)(A), the Secretaries shall convey to the City,
21 subject to valid existing rights and for no con-
22 sideration, except as provided in paragraph
23 (3)(A), all right, title, and interest of the
24 United States in and to the Federal land (other
25 than any easement reserved under paragraph

1 (3)(B)) or interest in land described in para-
2 graph (2)(B).

3 (2) DESCRIPTION OF LAND.—

4 (A) NON-FEDERAL LAND.—The non-Fed-
5 eral land referred to in paragraph (1) is the ap-
6 proximately 2,264 acres of land administered by
7 the City and identified on the Map as “To U.S.
8 Forest Service”.

9 (B) FEDERAL LAND.—The Federal land
10 referred to in paragraph (1)(B) is—

11 (i) the approximately 935 acres of
12 Forest Service land identified on the Map
13 as “To Carson City for Natural Areas”;

14 (ii) the approximately 3,604 acres of
15 Bureau of Land Management land identi-
16 fied on the Map as “Silver Saddle Ranch
17 and Carson River Area”;

18 (iii) the approximately 1,848 acres of
19 Bureau of Land Management land identi-
20 fied on the Map as “To Carson City for
21 Parks and Public Purposes”; and

22 (iv) the approximately 75 acres of
23 City land in which the Bureau of Land
24 Management has a reversionary interest
25 that is identified on the Map as “Rever-

1 sionary Interest of the United States Re-
2 leased”.

3 (3) CONDITIONS.—

4 (A) CONSIDERATION.—Before the convey-
5 ance of the 62-acre Bernhard parcel to the
6 City, the City shall deposit in the special ac-
7 count established by subsection (e)(2)(A) an
8 amount equal to 25 percent of the difference
9 between—

10 (i) the amount for which the Bern-
11 hard parcel was purchased by the City on
12 July 18, 2001; and

13 (ii) the amount for which the Bern-
14 hard parcel was purchased by the Sec-
15 retary on March 24, 2006.

16 (B) CONSERVATION EASEMENT.—As a
17 condition of the conveyance of the land de-
18 scribed in paragraph (2)(B)(ii), the Secretary,
19 in consultation with Carson City and affected
20 local interests, shall reserve a perpetual con-
21 servation easement to the land to protect, pre-
22 serve, and enhance the conservation values of
23 the land, consistent with paragraph (4)(B).

24 (C) COSTS.—Any costs relating to the con-
25 veyance under paragraph (1), including any

1 costs for surveys and other administrative costs,
2 shall be paid by the recipient of the land being
3 conveyed.

4 (4) USE OF LAND.—

5 (A) NATURAL AREAS.—

6 (i) IN GENERAL.—Except as provided
7 in clause (ii), the land described in para-
8 graph (2)(B)(i) shall be managed by the
9 City to maintain undeveloped open space
10 and to preserve the natural characteristics
11 of the land in perpetuity.

12 (ii) EXCEPTION.—Notwithstanding
13 clause (i), the City may—

14 (I) conduct projects on the land
15 to reduce fuels;

16 (II) construct and maintain
17 trails, trailhead facilities, and any in-
18 frastructure on the land that is re-
19 quired for municipal water and flood
20 management activities; and

21 (III) maintain or reconstruct any
22 improvements on the land that are in
23 existence on the date of enactment of
24 this Act.

1 (B) SILVER SADDLE RANCH AND CARSON
2 RIVER AREA.—

3 (i) IN GENERAL.—Except as provided
4 in clause (ii), the land described in para-
5 graph (2)(B)(ii) shall—

6 (I) be managed by the City to
7 protect and enhance the Carson River,
8 the floodplain and surrounding up-
9 land, and important wildlife habitat;
10 and

11 (II) be used for undeveloped open
12 space, passive recreation, customary
13 agricultural practices, and wildlife
14 protection.

15 (ii) EXCEPTION.—Notwithstanding
16 clause (i), the City may—

17 (I) construct and maintain trails
18 and trailhead facilities on the land;

19 (II) conduct projects on the land
20 to reduce fuels;

21 (III) maintain or reconstruct any
22 improvements on the land that are in
23 existence on the date of enactment of
24 this Act; and

1 (IV) allow the use of motorized
2 vehicles on designated roads, trails,
3 and areas in the south end of Prison
4 Hill.

5 (C) PARKS AND PUBLIC PURPOSES.—The
6 land described in paragraph (2)(B)(iii) shall be
7 managed by the City for—

- 8 (i) undeveloped open space; and
9 (ii) recreation or other public pur-
10 poses consistent with the Act of June 14,
11 1926 (commonly known as the “Recreation
12 and Public Purposes Act”) (43 U.S.C. 869
13 et seq.).

14 (D) REVERSIONARY INTEREST.—

15 (i) RELEASE.—The reversionary inter-
16 est described in paragraph (2)(B)(iv) shall
17 terminate on the date of enactment of this
18 Act.

19 (ii) CONVEYANCE BY CITY.—

20 (I) IN GENERAL.—If the City
21 sells, leases, or otherwise conveys any
22 portion of the land described in para-
23 graph (2)(B)(iv), the sale, lease, or
24 conveyance of land shall be—

1 (aa) through a competitive
2 bidding process; and

3 (bb) except as provided in
4 subclause (II), for not less than
5 fair market value.

6 (II) CONVEYANCE TO GOVERN-
7 MENT OR NONPROFIT.—A sale, lease,
8 or conveyance of land described in
9 paragraph (2)(B)(iv) to the Federal
10 Government, a State government, a
11 unit of local government, or a non-
12 profit organization shall be for consid-
13 eration in an amount equal to the
14 price established by the Secretary of
15 the Interior under section 2741 of
16 title 43, Code of Federal Regulation
17 (or successor regulations).

18 (III) DISPOSITION OF PRO-
19 CEEDS.—The gross proceeds from the
20 sale, lease, or conveyance of land
21 under subclause (I) shall be distrib-
22 uted in accordance with subsection
23 (e)(1).

24 (5) REVERSION.—If land conveyed under para-
25 graph (1) is used in a manner that is inconsistent

1 with the uses described in subparagraph (A), (B),
2 (C), or (D) of paragraph (4), the land shall, at the
3 discretion of the Secretary, revert to the United
4 States.

5 (6) MISCELLANEOUS PROVISIONS.—

6 (A) IN GENERAL.—On conveyance of the
7 non-Federal land under paragraph (1) to the
8 Secretary of Agriculture, the non-Federal land
9 shall—

10 (i) become part of the Humboldt-
11 Toiyabe National Forest; and

12 (ii) be administered in accordance
13 with the laws (including the regulations)
14 and rules generally applicable to the Na-
15 tional Forest System.

16 (B) MANAGEMENT PLAN.—The Secretary
17 of Agriculture, in consultation with the City
18 and other interested parties, may develop and
19 implement a management plan for National
20 Forest System land that ensures the protection
21 and stabilization of the National Forest System
22 land to minimize the impacts of flooding on the
23 City.

24 (7) CONVEYANCE TO BUREAU OF LAND MAN-
25 AGEMENT.—

1 (A) IN GENERAL.—If the City offers to
2 convey to the United States title to the non-
3 Federal land described in subparagraph (B)
4 that is acceptable to the Secretary of the Inte-
5 rior, the land shall, at the discretion of the Sec-
6 retary, be conveyed to the United States.

7 (B) DESCRIPTION OF LAND.—The non-
8 Federal land referred to in subparagraph (A) is
9 the approximately 46 acres of land adminis-
10 tered by the City and identified on the Map as
11 “To Bureau of Land Management”.

12 (C) COSTS.—Any costs relating to the con-
13 veyance under subparagraph (A), including any
14 costs for surveys and other administrative costs,
15 shall be paid by the Secretary of the Interior.

16 (c) TRANSFER OF ADMINISTRATIVE JURISDICTION
17 FROM THE FOREST SERVICE TO THE BUREAU OF LAND
18 MANAGEMENT.—

19 (1) IN GENERAL.—Administrative jurisdiction
20 over the approximately 50 acres of Forest Service
21 land identified on the Map as “Parcel #1” is trans-
22 ferred, from the Secretary of Agriculture to the Sec-
23 retary of the Interior.

24 (2) COSTS.—Any costs relating to the transfer
25 under paragraph (1), including any costs for surveys

1 and other administrative costs, shall be paid by the
2 Secretary of the Interior.

3 (3) USE OF LAND.—

4 (A) RIGHT-OF-WAY.—Not later than 120
5 days after the date of enactment of this Act,
6 the Secretary of the Interior shall grant to the
7 City a right-of-way for the maintenance of flood
8 management facilities located on the land.

9 (B) DISPOSAL.—The land referred to in
10 paragraph (1) shall be disposed of in accord-
11 ance with subsection (d).

12 (C) DISPOSITION OF PROCEEDS.—The
13 gross proceeds from the disposal of land under
14 subparagraph (B) shall be distributed in ac-
15 cordance with subsection (e)(1).

16 (d) DISPOSAL OF CARSON CITY LAND.—

17 (1) IN GENERAL.—Notwithstanding sections
18 202 and 203 of the Federal Land Policy and Man-
19 agement Act of 1976 (43 U.S.C. 1712, 1713), the
20 Secretary of the Interior shall, in accordance with
21 that Act, this subsection, and other applicable law,
22 and subject to valid existing rights, conduct sales of
23 the Federal land described in paragraph (2) to
24 qualified bidders.

1 (2) DESCRIPTION OF LAND.—The Federal land
2 referred to in paragraph (1) is—

3 (A) the approximately 108 acres of Bureau
4 of Land Management land identified as “Lands
5 for Disposal” on the Map; and

6 (B) the approximately 50 acres of land
7 identified as “Parcel #1” on the Map.

8 (3) COMPLIANCE WITH LOCAL PLANNING AND
9 ZONING LAWS.—Before a sale of Federal land under
10 paragraph (1), the City shall submit to the Sec-
11 retary a certification that qualified bidders have
12 agreed to comply with—

13 (A) City zoning ordinances; and

14 (B) any master plan for the area approved
15 by the City.

16 (4) METHOD OF SALE; CONSIDERATION.—The
17 sale of Federal land under paragraph (1) shall be—

18 (A) consistent with subsections (d) and (f)
19 of section 203 of the Federal Land Policy and
20 Management Act of 1976 (43 U.S.C. 1713);

21 (B) unless otherwise determined by the
22 Secretary, through a competitive bidding proc-
23 ess; and

24 (C) for not less than fair market value.

25 (5) WITHDRAWAL.—

1 (A) IN GENERAL.—Subject to valid exist-
2 ing rights and except as provided in subpara-
3 graph (B), the Federal land described in para-
4 graph (2) is withdrawn from—

5 (i) all forms of entry and appropria-
6 tion under the public land laws;

7 (ii) location, entry, and patent under
8 the mining laws; and

9 (iii) operation of the mineral leasing
10 and geothermal leasing laws.

11 (B) EXCEPTION.—Subparagraph (A)(i)
12 shall not apply to sales made consistent with
13 this subsection.

14 (6) DEADLINE FOR SALE.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), not later than 1 year after
17 the date of enactment of this Act, if there is a
18 qualified bidder for the land described in sub-
19 paragraphs (A) and (B) of paragraph (2), the
20 Secretary of the Interior shall offer the land for
21 sale to the qualified bidder.

22 (B) POSTPONEMENT; EXCLUSION FROM
23 SALE.—

24 (i) REQUEST BY CARSON CITY FOR
25 POSTPONEMENT OR EXCLUSION.—At the

1 request of the City, the Secretary shall
2 postpone or exclude from the sale under
3 subparagraph (A) all or a portion of the
4 land described in subparagraphs (A) and
5 (B) of paragraph (2).

6 (ii) INDEFINITE POSTPONEMENT.—
7 Unless specifically requested by the City, a
8 postponement under clause (i) shall not be
9 indefinite.

10 (e) DISPOSITION OF PROCEEDS.—

11 (1) IN GENERAL.—Of the proceeds from the
12 sale of land under subsections (b)(4)(D)(ii) and
13 (d)(1)—

14 (A) 5 percent shall be paid directly to the
15 State for use in the general education program
16 of the State; and

17 (B) the remainder shall be deposited in a
18 special account in the Treasury of the United
19 States, to be known as the “Carson City Spe-
20 cial Account”, and shall be available without
21 further appropriation to the Secretary until ex-
22 pended to—

23 (i) reimburse costs incurred by the
24 Bureau of Land Management for pre-
25 paring for the sale of the Federal land de-

1 scribed in subsection (d)(2), including the
2 costs of—

3 (I) surveys and appraisals; and

4 (II) compliance with—

5 (aa) the National Environ-
6 mental Policy Act of 1969 (42
7 U.S.C. 4321 et seq.); and

8 (bb) sections 202 and 203 of
9 the Federal Land Policy and
10 Management Act of 1976 (43
11 U.S.C. 1712, 1713);

12 (ii) reimburse costs incurred by the
13 Bureau of Land Management and Forest
14 Service for preparing for, and carrying out,
15 the transfers of land to be held in trust by
16 the United States under subsection (h)(1);
17 and

18 (iii) acquire environmentally sensitive
19 land or an interest in environmentally sen-
20 sitive land in the City.

21 (2) SILVER SADDLE ENDOWMENT ACCOUNT.—

22 (A) ESTABLISHMENT.—There is estab-
23 lished in the Treasury of the United States a
24 special account, to be known as the “Silver
25 Saddle Endowment Account”, consisting of

1 such amounts as are deposited under subsection
2 (b)(3)(A).

3 (B) AVAILABILITY OF AMOUNTS.—
4 Amounts deposited in the account established
5 by paragraph (1) shall be available to the Sec-
6 retary, without further appropriation, for the
7 oversight and enforcement of the conservation
8 easement established under subsection
9 (b)(3)(B).

10 (f) URBAN INTERFACE.—

11 (1) IN GENERAL.—Except as otherwise pro-
12 vided in this section and subject to valid existing
13 rights, the Federal land described in paragraph (2)
14 is permanently withdrawn from—

15 (A) all forms of entry and appropriation
16 under the public land laws and mining laws;

17 (B) location and patent under the mining
18 laws; and

19 (C) operation of the mineral laws, geo-
20 thermal leasing laws, and mineral material
21 laws.

22 (2) DESCRIPTION OF LAND.—The land referred
23 to in paragraph (1) consists of approximately 19,747
24 acres, which is identified on the Map as “Urban
25 Interface Withdrawal”.

1 (3) INCORPORATION OF ACQUIRED LAND AND
2 INTERESTS.—Any land or interest in land within the
3 boundaries of the land described in paragraph (2)
4 that is acquired by the United States after the date
5 of enactment of this Act shall be withdrawn in ac-
6 cordance with this subsection.

7 (4) OFF-HIGHWAY VEHICLE MANAGEMENT.—
8 Until the date on which the Secretary, in consulta-
9 tion with the State, the City, and any other inter-
10 ested persons, completes a transportation plan for
11 Federal land in the City, the use of motorized and
12 mechanical vehicles on Federal land within the City
13 shall be limited to roads and trails in existence on
14 the date of enactment of this Act unless the use of
15 the vehicles is needed—

16 (A) for administrative purposes; or

17 (B) to respond to an emergency.

18 (g) AVAILABILITY OF FUNDS.—Section 4(e) of the
19 Southern Nevada Public Land Management Act of 1998
20 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007;
21 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is
22 amended—

23 (1) in paragraph (3)(A)(iv), by striking “Clark,
24 Lincoln, and White Pine Counties and Washoe
25 County (subject to paragraph 4))” and inserting

1 “Clark, Lincoln, and White Pine Counties and
2 Washoe County (subject to paragraph 4)) and Car-
3 son City (subject to paragraph (5))”;

4 (2) in paragraph (3)(A)(v), by striking “Clark,
5 Lincoln, and White Pine Counties” and inserting
6 “Clark, Lincoln, and White Pine Counties and Car-
7 son City (subject to paragraph (5))”;

8 (3) in paragraph (4), by striking “2011” and
9 inserting “2015”; and

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

11 “(5) LIMITATION FOR CARSON CITY.—Carson
12 City shall be eligible to nominate for expenditure
13 amounts to acquire land or an interest in land for
14 parks or natural areas and for conservation initia-
15 tives—

16 “(A) adjacent to the Carson River; or

17 “(B) within the floodplain of the Carson
18 River.”.

19 (h) TRANSFER OF LAND TO BE HELD IN TRUST FOR
20 WASHOE TRIBE.—

21 (1) IN GENERAL.—Subject to valid existing
22 rights, all right, title, and interest of the United
23 States in and to the land described in paragraph

24 (2)—

1 (A) shall be held in trust by the United
2 States for the benefit and use of the Tribe; and

3 (B) shall be part of the reservation of the
4 Tribe.

5 (2) DESCRIPTION OF LAND.—The land referred
6 to in paragraph (1) consists of approximately 293
7 acres, which is identified on the Map as “To Washoe
8 Tribe”.

9 (3) SURVEY.—Not later than 180 days after
10 the date of enactment of this Act, the Secretary of
11 Agriculture shall complete a survey of the boundary
12 lines to establish the boundaries of the land taken
13 into trust under paragraph (1).

14 (4) USE OF LAND.—

15 (A) GAMING.—Land taken into trust
16 under paragraph (1) shall not be eligible, or
17 considered to have been taken into trust, for
18 class II gaming or class III gaming (as those
19 terms are defined in section 4 of the Indian
20 Gaming Regulatory Act (25 U.S.C. 2703)).

21 (B) TRUST LAND FOR CEREMONIAL USE
22 AND CONSERVATION.—With respect to the use
23 of the land taken into trust under paragraph
24 (1) that is above the 5,200’ elevation contour,
25 the Tribe—

- 1 (i) shall limit the use of the land to—
 2 (I) traditional and customary
 3 uses; and
 4 (II) stewardship conservation for
 5 the benefit of the Tribe; and
 6 (ii) shall not permit any—
 7 (I) permanent residential or rec-
 8 reational development on the land; or
 9 (II) commercial use of the land,
 10 including commercial development or
 11 gaming.

12 (C) TRUST LAND FOR COMMERCIAL AND
 13 RESIDENTIAL USE.—With respect to the use of
 14 the land taken into trust under paragraph (1),
 15 the Tribe shall limit the use of the land below
 16 the 5,200' elevation to—

- 17 (i) traditional and customary uses;
 18 (ii) stewardship conservation for the
 19 benefit of the Tribe; and
 20 (iii)(I) residential or recreational de-
 21 velopment; or
 22 (II) commercial use.

23 (D) THINNING; LANDSCAPE RESTORA-
 24 TION.—With respect to the land taken into
 25 trust under paragraph (1), the Secretary of Ag-

1 riculture, in consultation and coordination with
2 the Tribe, may carry out any thinning and
3 other landscape restoration activities on the
4 land that is beneficial to the Tribe and the For-
5 est Service.

6 (i) CORRECTION OF SKUNK HARBOR CONVEY-
7 ANCE.—

8 (1) PURPOSE.—The purpose of this subsection
9 is to amend Public Law 108–67 (117 Stat. 880) to
10 make a technical correction relating to the land con-
11 veyance authorized under that Act.

12 (2) TECHNICAL CORRECTION.—Section 2 of
13 Public Law 108–67 (117 Stat. 880) is amended—

14 (A) by striking “Subject to” and inserting
15 the following:

16 “(a) IN GENERAL.—Subject to”;

17 (B) in subsection (a) (as designated by
18 paragraph (1)), by striking “the parcel” and all
19 that follows through the period at the end and
20 inserting the following: “and to approximately
21 23 acres of land identified as ‘Parcel A’ on the
22 map entitled ‘Skunk Harbor Conveyance Cor-
23 rection’ and dated September 12, 2008, the
24 western boundary of which is the low water line

1 of Lake Tahoe at elevation 6,223.0' (Lake
2 Tahoe Datum)."; and

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

4 "(b) SURVEY AND LEGAL DESCRIPTION.—

5 "(1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this subsection, the
7 Secretary of Agriculture shall complete a survey and
8 legal description of the boundary lines to establish
9 the boundaries of the trust land.

10 "(2) TECHNICAL CORRECTIONS.—The Sec-
11 retary may correct any technical errors in the survey
12 or legal description completed under paragraph (1).

13 "(c) PUBLIC ACCESS AND USE.—Nothing in this Act
14 prohibits any approved general public access (through ex-
15 isting easements or by boat) to, or use of, land remaining
16 within the Lake Tahoe Basin Management Unit after the
17 conveyance of the land to the Secretary of the Interior,
18 in trust for the Tribe, under subsection (a), including ac-
19 cess to, and use of, the beach and shoreline areas adjacent
20 to the portion of land conveyed under that subsection.".

21 (3) DATE OF TRUST STATUS.—The trust land
22 described in section 2(a) of Public Law 108–67 (117
23 Stat. 880) shall be considered to be taken into trust
24 as of August 1, 2003.

1 (4) TRANSFER.—The Secretary of the Interior,
2 acting on behalf of and for the benefit of the Tribe,
3 shall transfer to the Secretary of Agriculture admin-
4 istrative jurisdiction over the land identified as
5 “Parcel B” on the map entitled “Skunk Harbor
6 Conveyance Correction” and dated September 12,
7 2008.

8 (j) AGREEMENT WITH FOREST SERVICE.—The Sec-
9 retary of Agriculture, in consultation with the Tribe, shall
10 develop and implement a cooperative agreement that en-
11 sures regular access by members of the Tribe and other
12 people in the community of the Tribe across National For-
13 est System land from the City to Lake Tahoe for cultural
14 and religious purposes.

15 (k) ARTIFACT COLLECTION.—

16 (1) NOTICE.—At least 180 days before con-
17 ducting any ground disturbing activities on the land
18 identified as “Parcel #2” on the Map, the City shall
19 notify the Tribe of the proposed activities to provide
20 the Tribe with adequate time to inventory and col-
21 lect any artifacts in the affected area.

22 (2) AUTHORIZED ACTIVITIES.—On receipt of
23 notice under paragraph (1), the Tribe may collect
24 and possess any artifacts relating to the Tribe in the
25 land identified as “Parcel #2” on the Map.

1 (l) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.

4 **SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA**
5 **CONVEYANCE.**

6 (a) DEFINITIONS.—In this section:

7 (1) CITY.—The term “City” means the City of
8 Henderson, Nevada.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (3) STATE.—The term “State” means the State
12 of Nevada.

13 (4) TRANSITION AREA.—The term “Transition
14 Area” means the approximately 502 acres of Fed-
15 eral land located in Henderson, Nevada, and identi-
16 fied as “Limited Transition Area” on the map enti-
17 tled “Southern Nevada Limited Transition Area
18 Act” and dated March 20, 2006.

19 (b) SOUTHERN NEVADA LIMITED TRANSITION
20 AREA.—

21 (1) CONVEYANCE.—Notwithstanding the Fed-
22 eral Land Policy and Management Act of 1976 (43
23 U.S.C. 1701 et seq.), on request of the City, the
24 Secretary shall, without consideration and subject to
25 all valid existing rights, convey to the City all right,

1 title, and interest of the United States in and to the
2 Transition Area.

3 (2) USE OF LAND FOR NONRESIDENTIAL DE-
4 VELOPMENT.—

5 (A) IN GENERAL.—After the conveyance to
6 the City under paragraph (1), the City may sell,
7 lease, or otherwise convey any portion or por-
8 tions of the Transition Area for purposes of
9 nonresidential development.

10 (B) METHOD OF SALE.—

11 (i) IN GENERAL.—The sale, lease, or
12 conveyance of land under subparagraph
13 (A) shall be through a competitive bidding
14 process.

15 (ii) FAIR MARKET VALUE.—Any land
16 sold, leased, or otherwise conveyed under
17 subparagraph (A) shall be for not less than
18 fair market value.

19 (C) COMPLIANCE WITH CHARTER.—Except
20 as provided in subparagraphs (B) and (D), the
21 City may sell, lease, or otherwise convey parcels
22 within the Transition Area only in accordance
23 with the procedures for conveyances established
24 in the City Charter.

1 (D) DISPOSITION OF PROCEEDS.—The
2 gross proceeds from the sale of land under sub-
3 paragraph (A) shall be distributed in accord-
4 ance with section 4(e) of the Southern Nevada
5 Public Land Management Act of 1998 (112
6 Stat. 2345).

7 (3) USE OF LAND FOR RECREATION OR OTHER
8 PUBLIC PURPOSES.—The City may elect to retain
9 parcels in the Transition Area for public recreation
10 or other public purposes consistent with the Act of
11 June 14, 1926 (commonly known as the “Recreation
12 and Public Purposes Act”) (43 U.S.C. 869 et seq.)
13 by providing to the Secretary written notice of the
14 election.

15 (4) NOISE COMPATIBILITY REQUIREMENTS.—
16 The City shall—

17 (A) plan and manage the Transition Area
18 in accordance with section 47504 of title 49,
19 United States Code (relating to airport noise
20 compatibility planning), and regulations pro-
21 mulgated in accordance with that section; and

22 (B) agree that if any land in the Transi-
23 tion Area is sold, leased, or otherwise conveyed
24 by the City, the sale, lease, or conveyance shall

1 contain a limitation to require uses compatible
2 with that airport noise compatibility planning.

3 (5) REVERSION.—

4 (A) IN GENERAL.—If any parcel of land in
5 the Transition Area is not conveyed for nonresi-
6 dential development under this section or re-
7 served for recreation or other public purposes
8 under paragraph (3) by the date that is 20
9 years after the date of enactment of this Act,
10 the parcel of land shall, at the discretion of the
11 Secretary, revert to the United States.

12 (B) INCONSISTENT USE.—If the City uses
13 any parcel of land within the Transition Area
14 in a manner that is inconsistent with the uses
15 specified in this subsection—

16 (i) at the discretion of the Secretary,
17 the parcel shall revert to the United
18 States; or

19 (ii) if the Secretary does not make an
20 election under clause (i), the City shall sell
21 the parcel of land in accordance with this
22 subsection.

23 **SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEY-**
24 **ANCE.**

25 (a) DEFINITIONS.—In this section:

1 (1) ALTA-HUALAPAI SITE.—The term “Alta-
2 Hualapai Site” means the approximately 80 acres of
3 land that is—

4 (A) patented to the City under the Act of
5 June 14, 1926 (commonly known as the
6 “Recreation and Public Purposes Act”) (43
7 U.S.C. 869 et seq.); and

8 (B) identified on the map as the “Alta-
9 Hualapai Site”.

10 (2) CITY.—The term “City” means the city of
11 Las Vegas, Nevada.

12 (3) INSTITUTE.—The term “Institute” means
13 the Nevada Cancer Institute, a nonprofit organiza-
14 tion described under section 501(c)(3) of the Inter-
15 nal Revenue Code of 1986, the principal place of
16 business of which is at 10441 West Twain Avenue,
17 Las Vegas, Nevada.

18 (4) MAP.—The term “map” means the map ti-
19 tled “Nevada Cancer Institute Expansion Act” and
20 dated July 17, 2006.

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior, acting through the Di-
23 rector of the Bureau of Land Management.

24 (6) WATER DISTRICT.—The term “Water Dis-
25 trict” means the Las Vegas Valley Water District.

1 (b) LAND CONVEYANCE.—

2 (1) SURVEY AND LEGAL DESCRIPTION.—The
3 City shall prepare a survey and legal description of
4 the Alta-Hualapai Site. The survey shall conform to
5 the Bureau of Land Management cadastral survey
6 standards and be subject to approval by the Sec-
7 retary.

8 (2) ACCEPTANCE.—The Secretary may accept
9 the relinquishment by the City of all or part of the
10 Alta-Hualapai Site.

11 (3) CONVEYANCE FOR USE AS NONPROFIT CAN-
12 CER INSTITUTE.—After relinquishment of all or part
13 of the Alta-Hualapai Site to the Secretary, and not
14 later than 180 days after request of the Institute,
15 the Secretary shall convey to the Institute, subject
16 to valid existing rights, the portion of the Alta-
17 Hualapai Site that is necessary for the development
18 of a nonprofit cancer institute.

19 (4) ADDITIONAL CONVEYANCES.—Not later
20 than 180 days after a request from the City, the
21 Secretary shall convey to the City, subject to valid
22 existing rights, any remaining portion of the Alta-
23 Hualapai Site necessary for ancillary medical or
24 nonprofit use compatible with the mission of the In-
25 stitute.

1 (5) APPLICABLE LAW.—Any conveyance by the
2 City of any portion of the land received under this
3 section shall be for no less than fair market value
4 and the proceeds shall be distributed in accordance
5 with section 4(e)(1) of Public Law 105–263 (112
6 Stat. 2345).

7 (6) TRANSACTION COSTS.—All land conveyed by
8 the Secretary under this section shall be at no cost,
9 except that the Secretary may require the recipient
10 to bear any costs associated with transfer of title or
11 any necessary land surveys.

12 (7) REPORT.—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary
14 shall submit to the Committee on Natural Resources
15 of the House of Representatives and the Committee
16 on Energy and Natural Resources of the Senate a
17 report on all transactions conducted under Public
18 Law 105–263 (112 Stat. 2345).

19 (c) RIGHTS-OF-WAY.—Consistent with the Federal
20 Land Policy and Management Act of 1976 (43 U.S.C.
21 1701), the Secretary may grant rights-of-way to the Water
22 District on a portion of the Alta-Hualapai Site for a flood
23 control project and a water pumping facility.

24 (d) REVERSION.—Any property conveyed pursuant to
25 this section which ceases to be used for the purposes speci-

1 fied in this section shall, at the discretion of the Secretary,
2 revert to the United States, along with any improvements
3 thereon or thereto.

4 **SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.**

5 (a) DEFINITIONS.—In this section:

6 (1) FEDERAL LAND.—The term “Federal land”
7 means the approximately 25 acres of Bureau of
8 Land Management land identified on the map as
9 “Lands to be conveyed to Turnabout Ranch”.

10 (2) MAP.—The term “map” means the map en-
11 titled “Turnabout Ranch Conveyance” dated May
12 12, 2006, and on file in the office of the Director
13 of the Bureau of Land Management.

14 (3) MONUMENT.—The term “Monument”
15 means the Grand Staircase-Escalante National
16 Monument located in southern Utah.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (5) TURNABOUT RANCH.—The term “Turn-
20 about Ranch” means the Turnabout Ranch in
21 Escalante, Utah, owned by Aspen Education Group.

22 (b) CONVEYANCE OF FEDERAL LAND TO TURN-
23 ABOUT RANCH.—

24 (1) IN GENERAL.—Notwithstanding the land
25 use planning requirements of sections 202 and 203

1 of the Federal Land Policy and Management Act of
2 1976 (43 U.S.C. 1712, 1713), if not later than 30
3 days after completion of the appraisal required
4 under paragraph (2), Turnabout Ranch of
5 Escalante, Utah, submits to the Secretary an offer
6 to acquire the Federal land for the appraised value,
7 the Secretary shall, not later than 30 days after the
8 date of the offer, convey to Turnabout Ranch all
9 right, title, and interest to the Federal land, subject
10 to valid existing rights.

11 (2) APPRAISAL.—Not later than 90 days after
12 the date of enactment of this Act, the Secretary
13 shall complete an appraisal of the Federal land. The
14 appraisal shall be completed in accordance with the
15 “Uniform Appraisal Standards for Federal Land Ac-
16 quisitions” and the “Uniform Standards of Profes-
17 sional Appraisal Practice”. All costs associated with
18 the appraisal shall be born by Turnabout Ranch.

19 (3) PAYMENT OF CONSIDERATION.—Not later
20 than 30 days after the date on which the Federal
21 land is conveyed under paragraph (1), as a condition
22 of the conveyance, Turnabout Ranch shall pay to the
23 Secretary an amount equal to the appraised value of
24 the Federal land, as determined under paragraph
25 (2).

1 (4) COSTS OF CONVEYANCE.—As a condition of
2 the conveyance, any costs of the conveyance under
3 this section shall be paid by Turnabout Ranch.

4 (5) DISPOSITION OF PROCEEDS.—The Sec-
5 retary shall deposit the proceeds from the convey-
6 ance of the Federal land under paragraph (1) in the
7 Federal Land Deposit Account established by sec-
8 tion 206 of the Federal Land Transaction Facilita-
9 tion Act(43 U.S.C. 2305), to be expended in accord-
10 ance with that Act.

11 (c) MODIFICATION OF MONUMENT BOUNDARY.—
12 When the conveyance authorized by subsection (b) is com-
13 pleted, the boundaries of the Grand Staircase-Escalante
14 National Monument in the State of Utah are hereby modi-
15 fied to exclude the Federal land conveyed to Turnabout
16 Ranch.

17 **SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.**

18 (a) DEFINITIONS.—In this section:

19 (1) BOY SCOUTS.—The term “Boy Scouts”
20 means the Utah National Parks Council of the Boy
21 Scouts of America.

22 (2) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—

25 (1) AUTHORITY TO CONVEY.—

1 (A) IN GENERAL.—Subject to paragraph
2 (3) and notwithstanding the Act of June 14,
3 1926 (commonly known as the “Recreation and
4 Public Purposes Act”) (43 U.S.C. 869 et seq.),
5 the Boy Scouts may convey to Brian Head Re-
6 sort, subject to valid existing rights and, except
7 as provided in subparagraph (B), any rights re-
8 served by the United States, all right, title, and
9 interest granted to the Boy Scouts by the origi-
10 nal patent to the parcel described in paragraph
11 (2)(A) in exchange for the conveyance by Brian
12 Head Resort to the Boy Scouts of all right,
13 title, and interest in and to the parcels de-
14 scribed in paragraph (2)(B).

15 (B) REVERSIONARY INTEREST.—On con-
16 veyance of the parcel of land described in para-
17 graph (2)(A), the Secretary shall have discre-
18 tion with respect to whether or not the rever-
19 sionary interests of the United States are to be
20 exercised.

21 (2) DESCRIPTION OF LAND.—The parcels of
22 land referred to in paragraph (1) are—

23 (A) the 120-acre parcel that is part of a
24 tract of public land acquired by the Boy Scouts
25 under the Act of June 14, 1926 (commonly

1 known as the “Recreation and Public Purposes
2 Act”) (43 U.S.C. 869 et seq.) for the purpose
3 of operating a camp, which is more particularly
4 described as the W 1/2 SE 1/4 and SE 1/4 SE
5 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base
6 and Meridian; and

7 (B) the 2 parcels of private land owned by
8 Brian Head Resort that total 120 acres, which
9 are more particularly described as—

10 (i) NE 1/4 NW 1/4 and NE 1/4 NE
11 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake
12 Base and Meridian; and

13 (ii) SE 1/4 SE 1/4 sec. 24, T. 35. S.,
14 R. 9 W., Salt Lake Base Meridian.

15 (3) CONDITIONS.—On conveyance to the Boy
16 Scouts under paragraph (1)(A), the parcels of land
17 described in paragraph (2)(B) shall be subject to the
18 terms and conditions imposed on the entire tract of
19 land acquired by the Boy Scouts for a camp under
20 the Bureau of Land Management patent numbered
21 43–75–0010.

22 (4) MODIFICATION OF PATENT.—On completion
23 of the exchange under paragraph (1)(A), the Sec-
24 retary shall amend the original Bureau of Land
25 Management patent providing for the conveyance to

1 the Boy Scouts under the Act of June 14, 1926
2 (commonly known as the “Recreation and Public
3 Purposes Act”) (43 U.S.C. 869 et seq.) numbered
4 43–75–0010 to take into account the exchange
5 under paragraph (1)(A).

6 **SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CON-**
7 **VEYANCE.**

8 (a) DEFINITIONS.—In this section:

9 (1) PUBLIC LAND.—The term “public land”
10 means the approximately 622 acres of Federal land
11 managed by the Bureau of Land Management and
12 identified for conveyance on the map prepared by
13 the Bureau of Land Management entitled “Douglas
14 County Public Utility District Proposal” and dated
15 March 2, 2006.

16 (2) PUD.—The term “PUD” means the Public
17 Utility District No. 1 of Douglas County, Wash-
18 ington.

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (4) WELLS HYDROELECTRIC PROJECT.—The
22 term “Wells Hydroelectric Project” means Federal
23 Energy Regulatory Commission Project No. 2149.

1 (b) CONVEYANCE OF PUBLIC LAND, WELLS HYDRO-
2 ELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF
3 DOUGLAS COUNTY, WASHINGTON.—

4 (1) CONVEYANCE REQUIRED.—Notwithstanding
5 the land use planning requirements of sections 202
6 and 203 of the Federal Land Policy and Manage-
7 ment Act of 1976 (43 U.S.C. 1712, 1713), and not-
8 withstanding section 24 of the Federal Power Act
9 (16 U.S.C. 818) and Federal Power Order for
10 Project 2149, and subject to valid existing rights, if
11 not later than 45 days after the date of completion
12 of the appraisal required under paragraph (2), the
13 Public Utility District No. 1 of Douglas County,
14 Washington, submits to the Secretary an offer to ac-
15 quire the public land for the appraised value, the
16 Secretary shall convey, not later than 30 days after
17 the date of the offer, to the PUD all right, title, and
18 interest of the United States in and to the public
19 land.

20 (2) APPRAISAL.—Not later than 60 days after
21 the date of enactment of this Act, the Secretary
22 shall complete an appraisal of the public land. The
23 appraisal shall be conducted in accordance with the
24 “Uniform Appraisal Standards for Federal Land Ac-

1 quisitions” and the “Uniform Standards of Profes-
2 sional Appraisal Practice”.

3 (3) PAYMENT.—Not later than 30 days after
4 the date on which the public land is conveyed under
5 this subsection, the PUD shall pay to the Secretary
6 an amount equal to the appraised value of the public
7 land as determined under paragraph (2).

8 (4) MAP AND LEGAL DESCRIPTIONS.—As soon
9 as practicable after the date of enactment of this
10 Act, the Secretary shall finalize legal descriptions of
11 the public land to be conveyed under this subsection.
12 The Secretary may correct any minor errors in the
13 map referred to in subsection (a)(1) or in the legal
14 descriptions. The map and legal descriptions shall be
15 on file and available for public inspection in appro-
16 priate offices of the Bureau of Land Management.

17 (5) COSTS OF CONVEYANCE.—As a condition of
18 conveyance, any costs related to the conveyance
19 under this subsection shall be paid by the PUD.

20 (6) DISPOSITION OF PROCEEDS.—The Sec-
21 retary shall deposit the proceeds from the sale in the
22 Federal Land Disposal Account established by sec-
23 tion 206 of the Federal Land Transaction Facilita-
24 tion Act (43 U.S.C. 2305) to be expended to im-
25 prove access to public lands administered by the Bu-

1 reau of Land Management in the State of Wash-
2 ington.

3 (c) SEGREGATION OF LANDS.—

4 (1) WITHDRAWAL.—Except as provided in sub-
5 section (b)(1), effective immediately upon enactment
6 of this Act, and subject to valid existing rights, the
7 public land is withdrawn from—

8 (A) all forms of entry, appropriation, or
9 disposal under the public land laws, and all
10 amendments thereto;

11 (B) location, entry, and patenting under
12 the mining laws, and all amendments thereto;
13 and

14 (C) operation of the mineral leasing, min-
15 eral materials, and geothermal leasing laws, and
16 all amendments thereto.

17 (2) DURATION.—This subsection expires two
18 years after the date of enactment of this Act or on
19 the date of the completion of the conveyance under
20 subsection (b), whichever is earlier.

21 (d) RETAINED AUTHORITY.—The Secretary shall re-
22 tain the authority to place conditions on the license to in-
23 sure adequate protection and utilization of the public land
24 granted to the Secretary in section 4(e) of the Federal
25 Power Act (16 U.S.C. 797(e)) until the Federal Energy

1 Regulatory Commission has issued a new license for the
2 Wells Hydroelectric Project, to replace the original license
3 expiring May 31, 2012, consistent with section 15 of the
4 Federal Power Act (16 U.S.C. 808).

5 **SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.**

6 (a) CONVEYANCE.—As soon as practicable after the
7 date of enactment of this Act, the Secretary of the Inte-
8 rior, acting through the Director of the Bureau of Land
9 Management, shall convey to the city of Twin Falls, Idaho,
10 subject to valid existing rights, without consideration, all
11 right, title, and interest of the United States in and to
12 the 4 parcels of land described in subsection (b).

13 (b) LAND DESCRIPTION.—The 4 parcels of land to
14 be conveyed under subsection (a) are the approximately
15 165 acres of land in Twin Falls County, Idaho, that are
16 identified as “Land to be conveyed to Twin Falls” on the
17 map titled “Twin Falls Land Conveyance” and dated July
18 28, 2008.

19 (c) MAP ON FILE.—A map depicting the land de-
20 scribed in subsection (b) shall be on file and available for
21 public inspection in the appropriate offices of the Bureau
22 of Land Management.

23 (d) USE OF CONVEYED LANDS.—

24 (1) PURPOSE.—The land conveyed under this
25 section shall be used to support the public purposes

1 of the Auger Falls Project, including a limited agri-
2 cultural exemption to allow for water quality and
3 wildlife habitat improvements.

4 (2) RESTRICTION.—The land conveyed under
5 this section shall not be used for residential or com-
6 mercial purposes, except for the limited agricultural
7 exemption described in paragraph (1).

8 (3) ADDITIONAL TERMS AND CONDITIONS.—
9 The Secretary of the Interior may require such addi-
10 tional terms and conditions in connection with the
11 conveyance as the Secretary considers appropriate to
12 protect the interests of the United States.

13 (e) REVERSION.—If the land conveyed under this sec-
14 tion is no longer used in accordance with subsection (d)—

15 (1) the land shall, at the discretion of the Sec-
16 retary based on his determination of the best inter-
17 ests of the United States, revert to the United
18 States; and

19 (2) if the Secretary chooses to have the land re-
20 vert to the United States and if the Secretary deter-
21 mines that the land is environmentally contami-
22 nated, the city of Twin Falls, Idaho, or any other
23 person responsible for the contamination shall reme-
24 diate the contamination.

1 (f) ADMINISTRATIVE COSTS.—The Secretary shall re-
2 quire that the city of Twin Falls, Idaho, pay all survey
3 costs and other administrative costs necessary for the
4 preparation and completion of any patents of and transfer
5 of title to property under this section.

6 **SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RE-**
7 **LEASE, NEVADA.**

8 (a) FINDING.—Congress finds that the land de-
9 scribed in subsection (c) has been adequately studied for
10 wilderness designation under section 603 of the Federal
11 Land Policy and Management Act of 1976 (43 U.S.C.
12 1782).

13 (b) RELEASE.—The land described in subsection
14 (c)—

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

18 (2) shall be managed in accordance with—

19 (A) land management plans adopted under
20 section 202 of that Act (43 U.S.C. 1712); and

21 (B) cooperative conservation agreements in
22 existence on the date of the enactment of this
23 Act.

24 (c) DESCRIPTION OF LAND.—The land referred to in
25 subsections (a) and (b) is the approximately 70 acres of

1 land in the Sunrise Mountain Instant Study Area of Clark
2 County, Nevada, that is designated on the map entitled
3 “Sunrise Mountain ISA Release Areas” and dated Sep-
4 tember 6, 2008.

5 **SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.**

6 (a) CONVEYANCE OF LAND BY THE BUREAU OF
7 LAND MANAGEMENT TO PARK CITY, UTAH.—

8 (1) LAND TRANSFER.—Notwithstanding the
9 planning requirements of sections 202 and 203 of
10 the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1712, 1713), the Secretary of the
12 Interior shall convey, not later than 180 days after
13 the date of the enactment of this Act, to Park City,
14 Utah, all right, title, and interest of the United
15 States in and to two parcels of real property located
16 in Park City, Utah, that are currently under the
17 management jurisdiction of the Bureau of Land
18 Management and designated as parcel 8 (commonly
19 known as the White Acre parcel) and parcel 16
20 (commonly known as the Gambel Oak parcel). The
21 conveyance shall be subject to all valid existing
22 rights.

23 (2) DEED RESTRICTION.—The conveyance of
24 the lands under paragraph (1) shall be made by a
25 deed or deeds containing a restriction requiring that

1 the lands be maintained as open space and used
2 solely for public recreation purposes or other pur-
3 poses consistent with their maintenance as open
4 space. This restriction shall not be interpreted to
5 prohibit the construction or maintenance of rec-
6 reational facilities, utilities, or other structures that
7 are consistent with the maintenance of the lands as
8 open space or its use for public recreation purposes.

9 (3) CONSIDERATION.—In consideration for the
10 transfer of the land under paragraph (1), Park City
11 shall pay to the Secretary of the Interior an amount
12 consistent with conveyances to governmental entities
13 for recreational purposes under the Act of June 14,
14 1926 (commonly known as the Recreation and Pub-
15 lic Purposes Act; 43 U.S.C. 869 et seq.).

16 (b) SALE OF BUREAU OF LAND MANAGEMENT LAND
17 IN PARK CITY, UTAH, AT AUCTION.—

18 (1) SALE OF LAND.—Not later than 180 days
19 after the date of the enactment of this Act, the Sec-
20 retary of the Interior shall offer for sale any right,
21 title, or interest of the United States in and to two
22 parcels of real property located in Park City, Utah,
23 that are currently under the management jurisdic-
24 tion of the Bureau of Land Management and are
25 designated as parcels 17 and 18 in the Park City,

1 Utah, area. The sale of the land shall be carried out
2 in accordance with the Federal Land Policy and
3 Management Act of 1976 (43 U.S.C. 1701) and
4 other applicable law, other than the planning provi-
5 sions of sections 202 and 203 of such Act (43
6 U.S.C. 1712, 1713), and shall be subject to all valid
7 existing rights.

8 (2) METHOD OF SALE.—The sale of the land
9 under paragraph (1) shall be consistent with sub-
10 sections (d) and (f) of section 203 of the Federal
11 Land Policy and Management Act of 1976 (43
12 U.S.C. 1713) through a competitive bidding process
13 and for not less than fair market value.

14 (c) DISPOSITION OF LAND SALES PROCEEDS.—All
15 proceeds derived from the sale of land described in this
16 section shall be deposited in the Federal Land Disposal
17 Account established by section 206(a) of the Federal Land
18 Transaction Facilitation Act (43 U.S.C. 2305(a)).

19 **SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CER-**
20 **TAIN LANDS IN RENO, NEVADA.**

21 (a) RAILROAD LANDS DEFINED.—For the purposes
22 of this section, the term “railroad lands” means those
23 lands within the City of Reno, Nevada, located within por-
24 tions of sections 10, 11, and 12 of T.19 N., R. 19 E.,
25 and portions of section 7 of T.19 N., R. 20 E., Mount

1 Diablo Meridian, Nevada, that were originally granted to
2 the Union Pacific Railroad under the provisions of the Act
3 of July 1, 1862, commonly known as the Union Pacific
4 Railroad Act.

5 (b) RELEASE OF REVERSIONARY INTEREST.—Any
6 reversionary interests of the United States (including in-
7 terests under the Act of July 1, 1862, commonly known
8 as the Union Pacific Railroad Act) in and to the railroad
9 lands as defined in subsection (a) of this section are here-
10 by released.

11 **SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE**
12 **TUOLUMNE RANCHERIA.**

13 (a) IN GENERAL.—

14 (1) FEDERAL LANDS.—Subject to valid existing
15 rights, all right, title, and interest (including im-
16 provements and appurtenances) of the United States
17 in and to the Federal lands described in subsection
18 (b), the Federal lands shall be declared to be held
19 in trust by the United States for the benefit of the
20 Tribe for nongaming purposes, and shall be subject
21 to the same terms and conditions as those lands de-
22 scribed in the California Indian Land Transfer Act
23 (Public Law 106–568; 114 Stat. 2921).

24 (2) TRUST LANDS.—Lands described in sub-
25 section (c) of this section that are taken or to be

1 taken in trust by the United States for the benefit
2 of the Tribe shall be subject to subsection (c) of sec-
3 tion 903 of the California Indian Land Transfer Act
4 (Public Law 106–568; 114 Stat. 2921).

5 (b) FEDERAL LANDS DESCRIBED.—The Federal
6 lands described in this subsection, comprising approxi-
7 mately 66 acres, are as follows:

8 (1) Township 1 North, Range 16 East, Section
9 6, Lots 10 and 12, MDM, containing 50.24 acres
10 more or less.

11 (2) Township 1 North, Range 16 East, Section
12 5, Lot 16, MDM, containing 15.35 acres more or
13 less.

14 (3) Township 2 North, Range 16 East, Section
15 32, Indian Cemetery Reservation within Lot 22,
16 MDM, containing 0.4 acres more or less.

17 (c) TRUST LANDS DESCRIBED.—The trust lands de-
18 scribed in this subsection, comprising approximately 357
19 acres, are commonly referred to as follows:

20 (1) Thomas property, pending trust acquisition,
21 104.50 acres.

22 (2) Coenenburg property, pending trust acquisi-
23 tion, 192.70 acres, subject to existing easements of
24 record, including but not limited to a non-exclusive
25 easement for ingress and egress for the benefit of

1 adjoining property as conveyed by Easement Deed
2 recorded July 13, 1984, in Volume 755, Pages 189
3 to 192, and as further defined by Stipulation and
4 Judgment entered by Tuolumne County Superior
5 Court on September 2, 1983, and recorded June 4,
6 1984, in Volume 751, Pages 61 to 67.

7 (3) Assessor Parcel No. 620505300, 1.5 acres,
8 trust land.

9 (4) Assessor Parcel No. 620505400, 19.23
10 acres, trust land.

11 (5) Assessor Parcel No. 620505600, 3.46 acres,
12 trust land.

13 (6) Assessor Parcel No. 620505700, 7.44 acres,
14 trust land.

15 (7) Assessor Parcel No. 620401700, 0.8 acres,
16 trust land.

17 (8) A portion of Assessor Parcel No.
18 620500200, 2.5 acres, trust land.

19 (9) Assessor Parcel No. 620506200, 24.87
20 acres, trust land.

21 (d) SURVEY.—As soon as practicable after the date
22 of the enactment of this Act, the Office of Cadastral Sur-
23 vey of the Bureau of Land Management shall complete
24 fieldwork required for a survey of the lands described in
25 subsections (b) and (c) for the purpose of incorporating

1 those lands within the boundaries of the Tuolumne
2 Rancheria. Not later than 90 days after that fieldwork is
3 completed, that office shall complete the survey.

4 (e) LEGAL DESCRIPTIONS.—

5 (1) PUBLICATION.—On approval by the Com-
6 munity Council of the Tribe of the survey completed
7 under subsection (d), the Secretary of the Interior
8 shall publish in the Federal Register—

9 (A) a legal description of the new bound-
10 ary lines of the Tuolumne Rancheria; and

11 (B) a legal description of the land surveyed
12 under subsection (d).

13 (2) EFFECT.—Beginning on the date on which
14 the legal descriptions are published under paragraph
15 (1), such legal descriptions shall be the official legal
16 descriptions of those boundary lines of the Tuolumne
17 Rancheria and the lands surveyed.

1 **TITLE III—FOREST SERVICE**
2 **AUTHORIZATIONS**
3 **Subtitle A—Watershed Restoration**
4 **and Enhancement**

5 **SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT**
6 **AGREEMENTS.**

7 Section 323 of the Department of the Interior and
8 Related Agencies Appropriations Act, 1999 (16 U.S.C.
9 1011 note; Public Law 105–277), is amended—

10 (1) in subsection (a), by striking “each of fiscal
11 years 2006 through 2011” and inserting “fiscal year
12 2006 and each fiscal year thereafter”;

13 (2) by redesignating subsection (d) as sub-
14 section (e); and

15 (3) by inserting after subsection (c) the fol-
16 lowing:

17 “(d) **APPLICABLE LAW.**—Chapter 63 of title 31,
18 United States Code, shall not apply to—

19 “(1) a watershed restoration and enhancement
20 agreement entered into under this section; or

21 “(2) an agreement entered into under the first
22 section of Public Law 94–148 (16 U.S.C. 565a–1).”.

1 **Subtitle B—Wildland Firefighter**
2 **Safety**

3 **SEC. 3101. WILDLAND FIREFIGHTER SAFETY.**

4 (a) DEFINITIONS.—In this section:

5 (1) SECRETARIES.—The term “Secretaries”
6 means—

7 (A) the Secretary of the Interior, acting
8 through the Directors of the Bureau of Land
9 Management, the United States Fish and Wild-
10 life Service, the National Park Service, and the
11 Bureau of Indian Affairs; and

12 (B) the Secretary of Agriculture, acting
13 through the Chief of the Forest Service.

14 (2) WILDLAND FIREFIGHTER.—The term
15 “wildland firefighter” means any person who partici-
16 pates in wildland firefighting activities—

17 (A) under the direction of either of the
18 Secretaries; or

19 (B) under a contract or compact with a
20 federally recognized Indian tribe.

21 (b) ANNUAL REPORT TO CONGRESS.—

22 (1) IN GENERAL.—The Secretaries shall jointly
23 submit to Congress an annual report on the wildland
24 firefighter safety practices of the Secretaries, includ-
25 ing training programs and activities for wildland fire

1 suppression, prescribed burning, and wildland fire
2 use, during the preceding calendar year.

3 (2) TIMELINE.—Each report under paragraph
4 (1) shall—

5 (A) be submitted by not later than March
6 of the year following the calendar year covered
7 by the report; and

8 (B) include—

9 (i) a description of, and any changes
10 to, wildland firefighter safety practices, in-
11 cluding training programs and activities
12 for wildland fire suppression, prescribed
13 burning, and wildland fire use;

14 (ii) statistics and trend analyses;

15 (iii) an estimate of the amount of
16 Federal funds expended by the Secretaries
17 on wildland firefighter safety practices, in-
18 cluding training programs and activities
19 for wildland fire suppression, prescribed
20 burning, and wildland fire use;

21 (iv) progress made in implementing
22 recommendations from the Inspector Gen-
23 eral, the Government Accountability Office,
24 the Occupational Safety and Health Ad-
25 ministration, or an agency report relating

1 to a wildland firefighting fatality issued
 2 during the preceding 10 years; and

3 (v) a description of—

4 (I) the provisions relating to
 5 wildland firefighter safety practices in
 6 any Federal contract or other agree-
 7 ment governing the provision of
 8 wildland firefighters by a non-Federal
 9 entity;

10 (II) a summary of any actions
 11 taken by the Secretaries to ensure
 12 that the provisions relating to safety
 13 practices, including training, are com-
 14 plied with by the non-Federal entity;
 15 and

16 (III) the results of those actions.

17 **Subtitle C—Wyoming Range**

18 **SEC. 3201. DEFINITIONS.**

19 In this subtitle:

20 (1) SECRETARY.—The term “Secretary” means
 21 the Secretary of the Interior.

22 (2) WYOMING RANGE WITHDRAWAL AREA.—
 23 The term “Wyoming Range Withdrawal Area”
 24 means all National Forest System land and federally
 25 owned minerals located within the boundaries of the

1 Bridger-Teton National Forest identified on the map
2 entitled “Wyoming Range Withdrawal Area” and
3 dated October 17, 2007, on file with the Office of
4 the Chief of the Forest Service and the Office of the
5 Supervisor of the Bridger-Teton National Forest.

6 **SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYO-**
7 **MING RANGE.**

8 (a) WITHDRAWAL.—Except as provided in subsection
9 (f), subject to valid existing rights as of the date of enact-
10 ment of this Act and the provisions of this subtitle, land
11 in the Wyoming Range Withdrawal Area is withdrawn
12 from—

13 (1) all forms of appropriation or disposal under
14 the public land laws;

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

17 (3) disposition under laws relating to mineral
18 and geothermal leasing.

19 (b) EXISTING RIGHTS.—If any right referred to in
20 subsection (a) is relinquished or otherwise acquired by the
21 United States (including through donation under section
22 3203) after the date of enactment of this Act, the land
23 subject to that right shall be withdrawn in accordance with
24 this section.

25 (c) BUFFERS.—Nothing in this section requires—

1 (1) the creation of a protective perimeter or
2 buffer area outside the boundaries of the Wyoming
3 Range Withdrawal Area; or

4 (2) any prohibition on activities outside of the
5 boundaries of the Wyoming Range Withdrawal Area
6 that can be seen or heard from within the bound-
7 aries of the Wyoming Range Withdrawal Area.

8 (d) LAND AND RESOURCE MANAGEMENT PLAN.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the Bridger-Teton National Land and Resource
11 Management Plan (including any revisions to the
12 Plan) shall apply to any land within the Wyoming
13 Range Withdrawal Area.

14 (2) CONFLICTS.—If there is a conflict between
15 this subtitle and the Bridger-Teton National Land
16 and Resource Management Plan, this subtitle shall
17 apply.

18 (e) PRIOR LEASE SALES.—Nothing in this section
19 prohibits the Secretary from taking any action necessary
20 to issue, deny, remove the suspension of, or cancel a lease,
21 or any sold lease parcel that has not been issued, pursuant
22 to any lease sale conducted prior to the date of enactment
23 of this Act, including the completion of any requirements
24 under the National Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.).

1 (f) EXCEPTION.—Notwithstanding the withdrawal in
2 subsection (a), the Secretary may lease oil and gas re-
3 sources in the Wyoming Range Withdrawal Area that are
4 within 1 mile of the boundary of the Wyoming Range
5 Withdrawal Area in accordance with the Mineral Leasing
6 Act (30 U.S.C. 181 et seq.) and subject to the following
7 conditions:

8 (1) The lease may only be accessed by direc-
9 tional drilling from a lease held by production on the
10 date of enactment of this Act on National Forest
11 System land that is adjacent to, and outside of, the
12 Wyoming Range Withdrawal Area.

13 (2) The lease shall prohibit, without exception
14 or waiver, surface occupancy and surface disturb-
15 ance for any activities, including activities related to
16 exploration, development, or production.

17 (3) The directional drilling may extend no fur-
18 ther than 1 mile inside the boundary of the Wyo-
19 ming Range Withdrawal Area.

20 **SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EX-**
21 **ISTING MINING OR LEASING RIGHTS IN THE**
22 **WYOMING RANGE.**

23 (a) NOTIFICATION OF LEASEHOLDERS.—Not later
24 than 120 days after the date of enactment of this Act,
25 the Secretary shall provide notice to holders of valid exist-

1 ing mining or leasing rights within the Wyoming Range
2 Withdrawal Area of the potential opportunity for repur-
3 chase of those rights and retirement under this section.

4 (b) REQUEST FOR LEASE RETIREMENT.—

5 (1) IN GENERAL.—A holder of a valid existing
6 mining or leasing right within the Wyoming Range
7 Withdrawal Area may submit a written notice to the
8 Secretary of the interest of the holder in the retire-
9 ment and repurchase of that right.

10 (2) LIST OF INTERESTED HOLDERS.—The Sec-
11 retary shall prepare a list of interested holders and
12 make the list available to any non-Federal entity or
13 person interested in acquiring that right for retire-
14 ment by the Secretary.

15 (c) PROHIBITION.—The Secretary may not use any
16 Federal funds to purchase any right referred to in sub-
17 section (a).

18 (d) DONATION AUTHORITY.—The Secretary shall—

19 (1) accept the donation of any valid existing
20 mining or leasing right in the Wyoming Range With-
21 drawal Area from the holder of that right or from
22 any non-Federal entity or person that acquires that
23 right; and

24 (2) on acceptance, cancel that right.

1 (e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing
2 in this subtitle affects any authority the Secretary may
3 otherwise have to modify, suspend, or terminate a lease
4 without compensation, or to recognize the transfer of a
5 valid existing mining or leasing right, if otherwise author-
6 ized by law.

7 **Subtitle D—Land Conveyances and** 8 **Exchanges**

9 **SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE,** 10 **ALASKA.**

11 (a) DEFINITIONS.—In this section:

12 (1) CITY.—The term “City” means the city of
13 Coffman Cove, Alaska.

14 (2) SECRETARY.—The term “Secretary” means
15 the Secretary of Agriculture.

16 (b) CONVEYANCE.—

17 (1) IN GENERAL.—Subject to valid existing
18 rights, the Secretary shall convey to the City, with-
19 out consideration and by quitclaim deed all right,
20 title, and interest of the United States, except as
21 provided in paragraphs (3) and (4), in and to the
22 parcel of National Forest System land described in
23 paragraph (2).

24 (2) DESCRIPTION OF LAND.—

1 (A) IN GENERAL.—The parcel of National
2 Forest System land referred to in paragraph
3 (1) is the approximately 12 acres of land identi-
4 fied in U.S. Survey 10099, as depicted on the
5 plat entitled “Subdivision of U.S. Survey No.
6 10099” and recorded as Plat 2003–1 on Janu-
7 ary 21, 2003, Petersburg Recording District,
8 Alaska.

9 (B) EXCLUDED LAND.—The parcel of Na-
10 tional Forest System land conveyed under para-
11 graph (1) does not include the portion of U.S.
12 Survey 10099 that is north of the right-of-way
13 for Forest Development Road 3030–295 and
14 southeast of Tract CC–8.

15 (3) RIGHT-OF-WAY.—The United States may
16 reserve a right-of-way to provide access to the Na-
17 tional Forest System land excluded from the convey-
18 ance to the City under paragraph (2)(B).

19 (4) REVERSION.—If any portion of the land
20 conveyed under paragraph (1) (other than a portion
21 of land sold under paragraph (5)) ceases to be used
22 for public purposes, the land shall, at the option of
23 the Secretary, revert to the United States.

1 (5) CONDITIONS ON SUBSEQUENT CONVEY-
 2 ANCES.—If the City sells any portion of the land
 3 conveyed to the City under paragraph (1)—

4 (A) the amount of consideration for the
 5 sale shall reflect fair market value, as deter-
 6 mined by an appraisal; and

7 (B) the City shall pay to the Secretary an
 8 amount equal to the gross proceeds of the sale,
 9 which shall be available, without further appro-
 10 priation, for the Tongass National Forest.

11 **SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST**

12 **LAND CONVEYANCE, MONTANA.**

13 (a) DEFINITIONS.—In this section:

14 (1) COUNTY.—The term “County” means Jef-
 15 ferson County, Montana.

16 (2) MAP.—The term “map” means the map
 17 that is—

18 (A) entitled “Elkhorn Cemetery”;

19 (B) dated May 9, 2005; and

20 (C) on file in the office of the Beaverhead-
 21 Deerlodge National Forest Supervisor.

22 (3) SECRETARY.—The term “Secretary” means
 23 the Secretary of Agriculture.

24 (b) CONVEYANCE TO JEFFERSON COUNTY, MON-
 25 TANA.—

1 (1) CONVEYANCE.—Not later than 180 days
2 after the date of enactment of this Act and subject
3 to valid existing rights, the Secretary (acting
4 through the Regional Forester, Northern Region,
5 Missoula, Montana) shall convey by quitclaim deed
6 to the County for no consideration, all right, title,
7 and interest of the United States, except as provided
8 in paragraph (5), in and to the parcel of land de-
9 scribed in paragraph (2).

10 (2) DESCRIPTION OF LAND.—The parcel of
11 land referred to in paragraph (1) is the parcel of ap-
12 proximately 9.67 acres of National Forest System
13 land (including any improvements to the land) in the
14 County that is known as the “Elkhorn Cemetery”,
15 as generally depicted on the map.

16 (3) USE OF LAND.—As a condition of the con-
17 veyance under paragraph (1), the County shall—

18 (A) use the land described in paragraph
19 (2) as a County cemetery; and

20 (B) agree to manage the cemetery with
21 due consideration and protection for the historic
22 and cultural values of the cemetery, under such
23 terms and conditions as are agreed to by the
24 Secretary and the County.

1 (4) EASEMENT.—In conveying the land to the
2 County under paragraph (1), the Secretary, in ac-
3 cordance with applicable law, shall grant to the
4 County an easement across certain National Forest
5 System land, as generally depicted on the map, to
6 provide access to the land conveyed under that para-
7 graph.

8 (5) REVERSION.—In the quitclaim deed to the
9 County, the Secretary shall provide that the land
10 conveyed to the County under paragraph (1) shall
11 revert to the Secretary, at the election of the Sec-
12 retary, if the land is—

13 (A) used for a purpose other than the pur-
14 poses described in paragraph (3)(A); or

15 (B) managed by the County in a manner
16 that is inconsistent with paragraph (3)(B).

17 **SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL**
18 **HISTORICAL PARK LAND EXCHANGE.**

19 (a) DEFINITIONS.—In this section:

20 (1) FEDERAL LAND.—The term “Federal land”
21 means the approximately 160 acres of Federal land
22 within the Santa Fe National Forest in the State,
23 as depicted on the map.

1 (2) LANDOWNER.—The term “landowner”
2 means the 1 or more owners of the non-Federal
3 land.

4 (3) MAP.—The term “map” means the map en-
5 titled “Proposed Land Exchange for Pecos National
6 Historical Park”, numbered 430/80,054, dated No-
7 vember 19, 1999, and revised September 18, 2000.

8 (4) NON-FEDERAL LAND.—The term “non-Fed-
9 eral land” means the approximately 154 acres of
10 non-Federal land in the Park, as depicted on the
11 map.

12 (5) PARK.—The term “Park” means the Pecos
13 National Historical Park in the State.

14 (6) SECRETARIES.—The term “Secretaries”
15 means the Secretary of the Interior and the Sec-
16 retary of Agriculture, acting jointly.

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

19 (b) LAND EXCHANGE.—

20 (1) IN GENERAL.—If the Secretary of the Inte-
21 rior accepts the non-Federal land, title to which is
22 acceptable to the Secretary of the Interior, the Sec-
23 retary of Agriculture shall, subject to the conditions
24 of this section and the National Environmental Pol-

1 icy Act of 1969 (42 U.S.C. 4321 et seq.), convey to
2 the landowner the Federal land.

3 (2) EASEMENT.—

4 (A) IN GENERAL.—As a condition of the
5 conveyance of the non-Federal land, the land-
6 owner may reserve an easement (including an
7 easement for service access) for water pipelines
8 to 2 well sites located in the Park, as generally
9 depicted on the map.

10 (B) ROUTE.—The Secretary of the Interior
11 and the landowner shall determine the appro-
12 priate route of the easement through the non-
13 Federal land.

14 (C) TERMS AND CONDITIONS.—The ease-
15 ment shall include such terms and conditions
16 relating to the use of, and access to, the well
17 sites and pipeline, as the Secretary of the Inte-
18 rior and the landowner determine to be appro-
19 priate.

20 (D) APPLICABLE LAW.—The easement
21 shall be established, operated, and maintained
22 in compliance with applicable Federal, State,
23 and local laws.

24 (3) VALUATION, APPRAISALS, AND EQUALI-
25 ZATION.—

1 (A) IN GENERAL.—The value of the Fed-
2 eral land and non-Federal land—

3 (i) shall be equal, as determined by
4 appraisals conducted in accordance with
5 subparagraph (B); or

6 (ii) if the value is not equal, shall be
7 equalized in accordance with subparagraph
8 (C).

9 (B) APPRAISALS.—

10 (i) IN GENERAL.—The Federal land
11 and non-Federal land shall be appraised by
12 an independent appraiser selected by the
13 Secretaries.

14 (ii) REQUIREMENTS.—An appraisal
15 conducted under clause (i) shall be con-
16 ducted in accordance with—

17 (I) the Uniform Appraisal Stand-
18 ards for Federal Land Acquisitions;
19 and

20 (II) the Uniform Standards of
21 Professional Appraisal Practice.

22 (iii) APPROVAL.—The appraisals con-
23 ducted under this subparagraph shall be
24 submitted to the Secretaries for approval.

25 (C) EQUALIZATION OF VALUES.—

1 (i) IN GENERAL.—If the values of the
2 non-Federal land and the Federal land are
3 not equal, the values may be equalized in
4 accordance with section 206 of the Federal
5 Land Policy and Management Act of 1976
6 (43 U.S.C. 1716).

7 (ii) CASH EQUALIZATION PAY-
8 MENTS.—Any amounts received by the
9 Secretary of Agriculture as a cash equali-
10 zation payment under section 206(b) of the
11 Federal Land Policy and Management Act
12 of 1976 (43 U.S.C. 1716(b)) shall—

13 (I) be deposited in the fund es-
14 tablished by Public Law 90–171
15 (commonly known as the “Sisk Act”)
16 (16 U.S.C. 484a); and

17 (II) be available for expenditure,
18 without further appropriation, for the
19 acquisition of land and interests in
20 land in the State.

21 (4) COSTS.—Before the completion of the ex-
22 change under this subsection, the Secretaries and
23 the landowner shall enter into an agreement that al-
24 locates the costs of the exchange among the Secre-
25 taries and the landowner.

1 (5) APPLICABLE LAW.—Except as otherwise
2 provided in this section, the exchange of land and in-
3 terests in land under this section shall be in accord-
4 ance with—

5 (A) section 206 of the Federal Land Policy
6 and Management Act of 1976 (43 U.S.C.
7 1716); and

8 (B) other applicable Federal, State, and
9 local laws.

10 (6) ADDITIONAL TERMS AND CONDITIONS.—
11 The Secretaries may require, in addition to any re-
12 quirements under this section, such terms and condi-
13 tions relating to the exchange of Federal land and
14 non-Federal land and the granting of easements
15 under this section as the Secretaries determine to be
16 appropriate to protect the interests of the United
17 States.

18 (7) COMPLETION OF THE EXCHANGE.—

19 (A) IN GENERAL.—The exchange of Fed-
20 eral land and non-Federal land shall be com-
21 pleted not later than 180 days after the later
22 of—

23 (i) the date on which the requirements
24 of the National Environmental Policy Act

1 of 1969 (42 U.S.C. 4321 et seq.) have
2 been met;

3 (ii) the date on which the Secretary of
4 the Interior approves the appraisals under
5 paragraph (3)(B)(iii); or

6 (iii) the date on which the Secretaries
7 and the landowner agree on the costs of
8 the exchange and any other terms and con-
9 ditions of the exchange under this sub-
10 section.

11 (B) NOTICE.—The Secretaries shall sub-
12 mit to the Committee on Energy and Natural
13 Resources of the Senate and the Committee on
14 Resources of the House of Representatives no-
15 tice of the completion of the exchange of Fed-
16 eral land and non-Federal land under this sub-
17 section.

18 (c) ADMINISTRATION.—

19 (1) IN GENERAL.—The Secretary of the Inte-
20 rior shall administer the non-Federal land acquired
21 under this section in accordance with the laws gen-
22 erally applicable to units of the National Park Sys-
23 tem, including the Act of August 25, 1916 (com-
24 monly known as the “National Park Service Organic
25 Act”) (16 U.S.C. 1 et seq.).

1 (2) MAPS.—

2 (A) IN GENERAL.—The map shall be on
3 file and available for public inspection in the
4 appropriate offices of the Secretaries.

5 (B) TRANSMITTAL OF REVISED MAP TO
6 CONGRESS.—Not later than 180 days after
7 completion of the exchange, the Secretaries
8 shall transmit to the Committee on Energy and
9 Natural Resources of the Senate and the Com-
10 mittee on Resources of the House of Represent-
11 atives a revised map that depicts—

12 (i) the Federal land and non-Federal
13 land exchanged under this section; and

14 (ii) the easement described in sub-
15 section (b)(2).

16 **SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEY-**
17 **ANCE, NEW MEXICO.**

18 (a) DEFINITIONS.—In this section:

19 (1) CLAIM.—The term “Claim” means a claim
20 of the Claimants to any right, title, or interest in
21 any land located in lot 10, sec. 22, T. 18 N., R. 12
22 E., New Mexico Principal Meridian, San Miguel
23 County, New Mexico, except as provided in sub-
24 section (b)(1).

1 (2) CLAIMANTS.—The term “Claimants” means
2 Ramona Lawson and Boyd Lawson.

3 (3) FEDERAL LAND.—The term “Federal land”
4 means a parcel of National Forest System land in
5 the Santa Fe National Forest, New Mexico, that
6 is—

7 (A) comprised of approximately 6.20 acres
8 of land; and

9 (B) described and delineated in the survey.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Agriculture, acting through the
12 Forest Service Regional Forester, Southwestern Re-
13 gion.

14 (5) SURVEY.—The term “survey” means the
15 survey plat entitled “Boundary Survey and Con-
16 servation Easement Plat”, prepared by Chris A.
17 Chavez, Land Surveyor, Forest Service,
18 NMPLS#12793, and recorded on February 27,
19 2007, at book 55, page 93, of the land records of
20 San Miguel County, New Mexico.

21 (b) SANTA FE NATIONAL FOREST LAND CONVEY-
22 ANCE.—

23 (1) IN GENERAL.—The Secretary shall, except
24 as provided in subparagraph (A) and subject to valid
25 existing rights, convey and quitclaim to the Claim-

1 ants all right, title, and interest of the United States
2 in and to the Federal land in exchange for—

3 (A) the grant by the Claimants to the
4 United States of a scenic easement to the Fed-
5 eral land that—

6 (i) protects the purposes for which the
7 Federal land was designated under the
8 Wild and Scenic Rivers Act (16 U.S.C.
9 1271 et seq.); and

10 (ii) is determined to be acceptable by
11 the Secretary; and

12 (B) a release of the United States by the
13 Claimants of—

14 (i) the Claim; and

15 (ii) any additional related claims of
16 the Claimants against the United States.

17 (2) SURVEY.—The Secretary, with the approval
18 of the Claimants, may make minor corrections to the
19 survey and legal description of the Federal land to
20 correct clerical, typographical, and surveying errors.

21 (3) SATISFACTION OF CLAIM.—The conveyance
22 of Federal land under paragraph (1) shall constitute
23 a full satisfaction of the Claim.

1 **SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEY-**
2 **ANCE.**

3 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
4 riculture shall convey, without consideration, to the King
5 and Kittitas Counties Fire District #51 of King and
6 Kittitas Counties, Washington (in this section referred to
7 as the “District”), all right, title, and interest of the
8 United States in and to a parcel of National Forest Sys-
9 tem land in Kittitas County, Washington, consisting of ap-
10 proximately 1.5 acres within the SW¹/₄ of the SE¹/₄ of
11 section 4, township 22 north, range 11 east, Willamette
12 meridian, for the purpose of permitting the District to use
13 the parcel as a site for a new Snoqualmie Pass fire and
14 rescue station.

15 (b) REVERSIONARY INTEREST.—If the Secretary de-
16 termines at any time that the real property conveyed
17 under subsection (a) is not being used in accordance with
18 the purpose of the conveyance specified in such subsection,
19 all right, title, and interest in and to the property shall
20 revert, at the option of the Secretary, to the United States,
21 and the United States shall have the right of immediate
22 entry onto the property. Any determination of the Sec-
23 retary under this subsection shall be made on the record
24 after an opportunity for a hearing.

25 (c) SURVEY.—If necessary, the exact acreage and
26 legal description of the lands to be conveyed under sub-

1 section (a) shall be determined by a survey satisfactory
 2 to the Secretary. The cost of a survey shall be borne by
 3 the District.

4 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
 5 Secretary may require such additional terms and condi-
 6 tions in connection with the conveyance under subsection
 7 (a) as the Secretary considers appropriate to protect the
 8 interests of the United States.

9 **SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE**
 10 **RESTRICTIONS.**

11 Notwithstanding Public Law 90–171 (commonly
 12 known as the “Sisk Act”) (16 U.S.C. 484a), the approxi-
 13 mately 36.25 acres patented to the Mammoth County
 14 Water District (now known as the “Mammoth Community
 15 Water District”) by Patent No. 04–87–0038, on June 26,
 16 1987, and recorded in volume 482, at page 516, of the
 17 official records of the Recorder’s Office, Mono County,
 18 California, may be used for any public purpose.

19 **SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL**
 20 **FOREST, UTAH.**

21 (a) **DEFINITIONS.**—In this section:

22 (1) **CITY.**—The term “City” means the City of
 23 Bountiful, Utah.

24 (2) **FEDERAL LAND.**—The term “Federal land”
 25 means the land under the jurisdiction of the Sec-

1 retary identified on the map as “Shooting Range
2 Special Use Permit Area”.

3 (3) MAP.—The term “map” means the map en-
4 titled “Bountiful City Land Consolidation Act” and
5 dated October 15, 2007.

6 (4) NON-FEDERAL LAND.—The term “non-Fed-
7 eral land” means the 3 parcels of City land com-
8 prising a total of approximately 1,680 acres, as gen-
9 erally depicted on the map.

10 (5) SECRETARY.—The term “Secretary” means
11 the Secretary of Agriculture.

12 (b) EXCHANGE.—Subject to subsections (d) through
13 (h), if the City conveys to the Secretary all right, title,
14 and interest of the City in and to the non-Federal land,
15 the Secretary shall convey to the City all right, title, and
16 interest of the United States in and to the Federal land.

17 (c) AVAILABILITY OF MAP.—The map shall be on file
18 and available for public inspection in the appropriate of-
19 fices of the Forest Service.

20 (d) VALUATION AND EQUALIZATION.—

21 (1) VALUATION.—The value of the Federal land
22 and the non-Federal land to be conveyed under sub-
23 section (b)—

24 (A) shall be equal, as determined by ap-
25 praisals carried out in accordance with section

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

3 (B) if not equal, shall be equalized in ac-
4 cordance with paragraph (2).

5 (2) EQUALIZATION.—If the value of the Federal
6 land and the non-Federal land to be conveyed in a
7 land exchange under this section is not equal, the
8 value may be equalized by—

9 (A) making a cash equalization payment to
10 the Secretary or to the City, as appropriate; or

11 (B) reducing the acreage of the Federal
12 land or the non-Federal land to be exchanged,
13 as appropriate.

14 (e) APPLICABLE LAW.—Section 206 of the Federal
15 Land Policy and Management Act of 1976 (43 U.S.C.
16 1716) shall apply to the land exchange authorized under
17 subsection (b), except that the Secretary may accept a
18 cash equalization payment in excess of 25 percent of the
19 value of the Federal land.

20 (f) CONDITIONS.—

21 (1) LIABILITY.—

22 (A) IN GENERAL.—As a condition of the
23 exchange under subsection (b), the Secretary
24 shall—

25 (i) require that the City—

1 (I) assume all liability for the
2 shooting range located on the Federal
3 land, including the past, present, and
4 future condition of the Federal land;
5 and

6 (II) hold the United States harm-
7 less for any liability for the condition
8 of the Federal land; and

9 (ii) comply with the hazardous sub-
10 stances disclosure requirements of section
11 120(h) of the Comprehensive Environ-
12 mental Response, Compensation, and Li-
13 ability Act of 1980 (42 U.S.C. 9620(h)).

14 (B) LIMITATION.—Clauses (ii) and (iii) of
15 section 120(h)(3)(A) of the Comprehensive En-
16 vironmental Response, Compensation, and Li-
17 ability Act (42 U.S.C. 9620(h)(3)(A)) shall not
18 apply to the conveyance of Federal land under
19 subsection (b).

20 (2) ADDITIONAL TERMS AND CONDITIONS.—
21 The land exchange under subsection (b) shall be
22 subject to—

23 (A) valid existing rights; and

24 (B) such additional terms and conditions
25 as the Secretary may require.

1 (g) MANAGEMENT OF ACQUIRED LAND.—The non-
2 Federal land acquired by the Secretary under subsection
3 (b) shall be—

4 (1) added to, and administered as part of, the
5 Wasatch-Cache National Forest; and

6 (2) managed by the Secretary in accordance
7 with—

8 (A) the Act of March 1, 1911 (commonly
9 known as the “Weeks Law”) (16 U.S.C. 480 et
10 seq.); and

11 (B) any laws (including regulations) appli-
12 cable to the National Forest System.

13 (h) EASEMENTS; RIGHTS-OF-WAY.—

14 (1) BONNEVILLE SHORELINE TRAIL EASE-
15 MENT.—In carrying out the land exchange under
16 subsection (b), the Secretary shall ensure that an
17 easement not less than 60 feet in width is reserved
18 for the Bonneville Shoreline Trail.

19 (2) OTHER RIGHTS-OF-WAY.—The Secretary
20 and the City may reserve any other rights-of-way for
21 utilities, roads, and trails that—

22 (A) are mutually agreed to by the Sec-
23 retary and the City; and

24 (B) the Secretary and the City consider to
25 be in the public interest.

1 (i) DISPOSAL OF REMAINING FEDERAL LAND.—

2 (1) IN GENERAL.—The Secretary may, by sale
3 or exchange, dispose of all, or a portion of, the par-
4 cel of National Forest System land comprising ap-
5 proximately 220 acres, as generally depicted on the
6 map that remains after the conveyance of the Fed-
7 eral land authorized under subsection (b), if the Sec-
8 retary determines, in accordance with paragraph (2),
9 that the land or portion of the land is in excess of
10 the needs of the National Forest System.

11 (2) REQUIREMENTS.—A determination under
12 paragraph (1) shall be made—

13 (A) pursuant to an amendment of the land
14 and resource management plan for the
15 Wasatch-Cache National Forest; and

16 (B) after carrying out a public process
17 consistent with the National Environmental
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

19 (3) CONSIDERATION.—As consideration for any
20 conveyance of Federal land under paragraph (1), the
21 Secretary shall require payment of an amount equal
22 to not less than the fair market value of the con-
23 veyed National Forest System land.

24 (4) RELATION TO OTHER LAWS.—Any convey-
25 ance of Federal land under paragraph (1) by ex-

1 change shall be subject to section 206 of the Federal
 2 Land Policy and Management Act of 1976 (43
 3 U.S.C. 1716).

4 (5) DISPOSITION OF PROCEEDS.—Any amounts
 5 received by the Secretary as consideration under
 6 subsection (d) or paragraph (3) shall be—

7 (A) deposited in the fund established under
 8 Public Law 90–171 (commonly known as the
 9 “Sisk Act”) (16 U.S.C. 484a); and

10 (B) available to the Secretary, without fur-
 11 ther appropriation and until expended, for the
 12 acquisition of land or interests in land to be in-
 13 cluded in the Wasatch-Cache National Forest.

14 (6) ADDITIONAL TERMS AND CONDITIONS.—
 15 Any conveyance of Federal land under paragraph
 16 (1) shall be subject to—

17 (A) valid existing rights; and

18 (B) such additional terms and conditions
 19 as the Secretary may require.

20 **SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH**
 21 **RIVER OF NO RETURN WILDERNESS.**

22 (a) PURPOSES.—The purposes of this section are—

23 (1) to adjust the boundaries of the wilderness
 24 area; and

1 (2) to authorize the Secretary to sell the land
2 designated for removal from the wilderness area due
3 to encroachment.

4 (b) DEFINITIONS.—In this section:

5 (1) LAND DESIGNATED FOR EXCLUSION.—The
6 term “land designated for exclusion” means the par-
7 cel of land that is—

8 (A) comprised of approximately 10.2 acres
9 of land;

10 (B) generally depicted on the survey plat
11 entitled “Proposed Boundary Change
12 FCRONRW Sections 15 (unsurveyed) Town-
13 ship 14 North, Range 13 East, B.M., Custer
14 County, Idaho” and dated November 14, 2001;
15 and

16 (C) more particularly described in the sur-
17 vey plat and legal description on file in—

18 (i) the office of the Chief of the For-
19 est Service, Washington, DC; and

20 (ii) the office of the Intermountain
21 Regional Forester, Ogden, Utah.

22 (2) LAND DESIGNATED FOR INCLUSION.—The
23 term “land designated for inclusion” means the par-
24 cel of National Forest System land that is—

1 (A) comprised of approximately 10.2 acres
2 of land;

3 (B) located in unsurveyed section 22, T.
4 14 N., R. 13 E., Boise Meridian, Custer Coun-
5 ty, Idaho;

6 (C) generally depicted on the map entitled
7 “Challis National Forest, T.14 N., R. 13 E.,
8 B.M., Custer County, Idaho, Proposed Bound-
9 ary Change FCRONRW” and dated September
10 19, 2007; and

11 (D) more particularly described on the
12 map and legal description on file in—

13 (i) the office of the Chief of the For-
14 est Service, Washington, DC; and

15 (ii) the Intermountain Regional For-
16 ester, Ogden, Utah.

17 (3) SECRETARY.—The term “Secretary” means
18 the Secretary of Agriculture.

19 (4) WILDERNESS AREA.—The term “wilderness
20 area” means the Frank Church River of No Return
21 Wilderness designated by section 3 of the Central
22 Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note;
23 94 Stat. 948).

24 (c) BOUNDARY ADJUSTMENT.—

25 (1) ADJUSTMENT TO WILDERNESS AREA.—

1 (A) INCLUSION.—The wilderness area shall
2 include the land designated for inclusion.

3 (B) EXCLUSION.—The wilderness area
4 shall not include the land designated for exclu-
5 sion.

6 (2) CORRECTIONS TO LEGAL DESCRIPTIONS.—
7 The Secretary may make corrections to the legal de-
8 scriptions.

9 (d) CONVEYANCE OF LAND DESIGNATED FOR EX-
10 CLUSION.—

11 (1) IN GENERAL.—Subject to paragraph (2), to
12 resolve the encroachment on the land designated for
13 exclusion, the Secretary may sell for consideration in
14 an amount equal to fair market value—

15 (A) the land designated for exclusion; and

16 (B) as the Secretary determines to be nec-
17 essary, not more than 10 acres of land adjacent
18 to the land designated for exclusion.

19 (2) CONDITIONS.—The sale of land under para-
20 graph (1) shall be subject to the conditions that—

21 (A) the land to be conveyed be appraised
22 in accordance with the Uniform Appraisal
23 Standards for Federal Land Acquisitions;

24 (B) the person buying the land shall pay—

1 (i) the costs associated with apprais-
2 ing and, if the land needs to be resurveyed,
3 resurveying the land; and

4 (ii) any analyses and closing costs as-
5 sociated with the conveyance;

6 (C) for management purposes, the Sec-
7 retary may reconfigure the description of the
8 land for sale; and

9 (D) the owner of the adjacent private land
10 shall have the first opportunity to buy the land.

11 (3) DISPOSITION OF PROCEEDS.—

12 (A) IN GENERAL.—The Secretary shall de-
13 posit the cash proceeds from a sale of land
14 under paragraph (1) in the fund established
15 under Public Law 90–171 (commonly known as
16 the “Sisk Act”) (16 U.S.C. 484a).

17 (B) AVAILABILITY AND USE.—Amounts
18 deposited under subparagraph (A)—

19 (i) shall remain available until ex-
20 pended for the acquisition of land for Na-
21 tional Forest purposes in the State of
22 Idaho; and

23 (ii) shall not be subject to transfer or
24 reprogramming for—

25 (I) wildland fire management; or

1 (II) any other emergency pur-
2 poses.

3 **SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL**
4 **AMENDMENT.**

5 Section 413(b) of the T'uf Shur Bien Preservation
6 Trust Area Act (16 U.S.C. 539m-11) is amended—

7 (1) in paragraph (1), by inserting “3,” after
8 “sections”; and

9 (2) in the first sentence of paragraph (4), by
10 inserting “, as a condition of the conveyance,” be-
11 fore “remain”.

12 **Subtitle E—Colorado Northern**
13 **Front Range Study**

14 **SEC. 3401. PURPOSE.**

15 The purpose of this subtitle is to identify options that
16 may be available to assist in maintaining the open space
17 characteristics of land that is part of the mountain back-
18 drop of communities in the northern section of the Front
19 Range area of Colorado.

20 **SEC. 3402. DEFINITIONS.**

21 In this subtitle:

22 (1) **SECRETARY.**—The term “Secretary” means
23 the Secretary of Agriculture, acting through the
24 Chief of the Forest Service.

1 (2) STATE.—The term “State” means the State
2 of Colorado.

3 (3) STUDY AREA.—

4 (A) IN GENERAL.—The term “study area”
5 means the land in southern Boulder, northern
6 Jefferson, and northern Gilpin Counties, Colo-
7 rado, that is located west of Colorado State
8 Highway 93, south and east of Colorado State
9 Highway 119, and north of Colorado State
10 Highway 46, as generally depicted on the map
11 entitled “Colorado Northern Front Range
12 Mountain Backdrop Protection Study Act:
13 Study Area” and dated August 27, 2008.

14 (B) EXCLUSIONS.—The term “study area”
15 does not include land within the city limits of
16 the cities of Arvada, Boulder, or Golden, Colo-
17 rado.

18 (4) UNDEVELOPED LAND.—The term “undevel-
19 oped land” means land—

20 (A) that is located within the study area;

21 (B) that is free or primarily free of struc-
22 tures; and

23 (C) the development of which is likely to
24 affect adversely the scenic, wildlife, or rec-
25 reational value of the study area.

1 **SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUN-**
2 **TAIN BACKDROP STUDY.**

3 (a) **STUDY; REPORT.**—Not later than 1 year after the
4 date of enactment of this Act and except as provided in
5 subsection (c), the Secretary shall—

6 (1) conduct a study of the land within the study
7 area; and

8 (2) complete a report that—

9 (A) identifies the present ownership of the
10 land within the study area;

11 (B) identifies any undeveloped land that
12 may be at risk of development; and

13 (C) describes any actions that could be
14 taken by the United States, the State, a polit-
15 ical subdivision of the State, or any other par-
16 ties to preserve the open and undeveloped char-
17 acter of the land within the study area.

18 (b) **REQUIREMENTS.**—The Secretary shall conduct
19 the study and develop the report under subsection (a) with
20 the support and participation of 1 or more of the following
21 State and local entities:

22 (1) The Colorado Department of Natural Re-
23 sources.

24 (2) Colorado State Forest Service.

25 (3) Colorado State Conservation Board.

26 (4) Great Outdoors Colorado.

1 (5) Boulder, Jefferson, and Gilpin Counties,
2 Colorado.

3 (c) LIMITATION.—If the State and local entities spec-
4 ified in subsection (b) do not support and participate in
5 the conduct of the study and the development of the report
6 under this section, the Secretary may—

7 (1) decrease the area covered by the study area,
8 as appropriate; or

9 (2)(A) opt not to conduct the study or develop
10 the report; and

11 (B) submit to the Committee on Energy and
12 Natural Resources of the Senate and the Committee
13 on Natural Resources of the House of Representa-
14 tives notice of the decision not to conduct the study
15 or develop the report.

16 (d) EFFECT.—Nothing in this subtitle authorizes the
17 Secretary to take any action that would affect the use of
18 any land not owned by the United States.

19 **TITLE IV—FOREST LANDSCAPE** 20 **RESTORATION**

21 **SEC. 4001. PURPOSE.**

22 The purpose of this title is to encourage the collabo-
23 rative, science-based ecosystem restoration of priority for-
24 est landscapes through a process that—

1 (1) encourages ecological, economic, and social
2 sustainability;

3 (2) leverages local resources with national and
4 private resources;

5 (3) facilitates the reduction of wildfire manage-
6 ment costs, including through reestablishing natural
7 fire regimes and reducing the risk of
8 uncharacteristic wildfire; and

9 (4) demonstrates the degree to which—

10 (A) various ecological restoration tech-
11 niques—

12 (i) achieve ecological and watershed
13 health objectives; and

14 (ii) affect wildfire activity and man-
15 agement costs; and

16 (B) the use of forest restoration byprod-
17 ucts can offset treatment costs while benefitting
18 local rural economies and improving forest
19 health.

20 **SEC. 4002. DEFINITIONS.**

21 In this title:

22 (1) **FUND.**—The term “Fund” means the Col-
23 laborative Forest Landscape Restoration Fund es-
24 tablished by section 4003(f).

1 (2) PROGRAM.—The term “program” means
2 the Collaborative Forest Landscape Restoration Pro-
3 gram established under section 4003(a).

4 (3) PROPOSAL.—The term “proposal” means a
5 collaborative forest landscape restoration proposal
6 described in section 4003(b).

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture, acting through the
9 Chief of the Forest Service.

10 (5) STRATEGY.—The term “strategy” means a
11 landscape restoration strategy described in section
12 4003(b)(1).

13 **SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORA-**
14 **TION PROGRAM.**

15 (a) IN GENERAL.—The Secretary, in consultation
16 with the Secretary of the Interior, shall establish a Col-
17 laborative Forest Landscape Restoration Program to se-
18 lect and fund ecological restoration treatments for priority
19 forest landscapes in accordance with—

20 (1) the Endangered Species Act of 1973 (16
21 U.S.C. 1531 et seq.);

22 (2) the National Environmental Policy Act of
23 1969 (42 U.S.C. 4321 et seq.); and

24 (3) any other applicable law.

1 (b) ELIGIBILITY CRITERIA.—To be eligible for nomi-
2 nation under subsection (c), a collaborative forest land-
3 scape restoration proposal shall—

4 (1) be based on a landscape restoration strategy
5 that—

6 (A) is complete or substantially complete;

7 (B) identifies and prioritizes ecological res-
8 toration treatments for a 10-year period within
9 a landscape that is—

10 (i) at least 50,000 acres;

11 (ii) comprised primarily of forested
12 National Forest System land, but may also
13 include land under the jurisdiction of the
14 Bureau of Land Management, land under
15 the jurisdiction of the Bureau of Indian
16 Affairs, or other Federal, State, tribal, or
17 private land;

18 (iii) in need of active ecosystem res-
19 toration; and

20 (iv) accessible by existing or proposed
21 wood-processing infrastructure at an ap-
22 propriate scale to use woody biomass and
23 small-diameter wood removed in ecological
24 restoration treatments;

1 (C) incorporates the best available science
2 and scientific application tools in ecological res-
3 toration strategies;

4 (D) fully maintains, or contributes toward
5 the restoration of, the structure and composi-
6 tion of old growth stands according to the pre-
7 fire suppression old growth conditions char-
8 acteristic of the forest type, taking into account
9 the contribution of the stand to landscape fire
10 adaptation and watershed health and retaining
11 the large trees contributing to old growth struc-
12 ture;

13 (E) would carry out any forest restoration
14 treatments that reduce hazardous fuels by—

15 (i) focusing on small diameter trees,
16 thinning, strategic fuel breaks, and fire use
17 to modify fire behavior, as measured by
18 the projected reduction of
19 uncharacteristically severe wildfire effects
20 for the forest type (such as adverse soil
21 impacts, tree mortality or other impacts);
22 and

23 (ii) maximizing the retention of large
24 trees, as appropriate for the forest type, to

1 the extent that the trees promote fire-resil-
2 ient stands; and

3 (F)(i) does not include the establishment
4 of permanent roads; and

5 (ii) would commit funding to decommission
6 all temporary roads constructed to carry out
7 the strategy;

8 (2) be developed and implemented through a
9 collaborative process that—

10 (A) includes multiple interested persons
11 representing diverse interests; and

12 (B)(i) is transparent and nonexclusive; or

13 (ii) meets the requirements for a resource
14 advisory committee under subsections (c)
15 through (f) of section 205 of Public Law 106–
16 393 (16 U.S.C. 500 note);

17 (3) describe plans to—

18 (A) reduce the risk of uncharacteristic
19 wildfire, including through the use of fire for
20 ecological restoration and maintenance and re-
21 establishing natural fire regimes, where appro-
22 priate;

23 (B) improve fish and wildlife habitat, in-
24 cluding for endangered, threatened, and sen-
25 sitive species;

1 (C) maintain or improve water quality and
2 watershed function;

3 (D) prevent, remediate, or control inva-
4 sions of exotic species;

5 (E) maintain, decommission, and rehabili-
6 tate roads and trails;

7 (F) use woody biomass and small-diameter
8 trees produced from projects implementing the
9 strategy;

10 (G) report annually on performance, in-
11 cluding through performance measures from the
12 plan entitled the “10 Year Comprehensive
13 Strategy Implementation Plan” and dated De-
14 cember 2006; and

15 (H) take into account any applicable com-
16 munity wildfire protection plan;

17 (4) analyze any anticipated cost savings, includ-
18 ing those resulting from—

19 (A) reduced wildfire management costs;
20 and

21 (B) a decrease in the unit costs of imple-
22 menting ecological restoration treatments over
23 time;

24 (5) estimate—

1 (A) the annual Federal funding necessary
2 to implement the proposal; and

3 (B) the amount of new non-Federal invest-
4 ment for carrying out the proposal that would
5 be leveraged;

6 (6) describe the collaborative process through
7 which the proposal was developed, including a de-
8 scription of—

9 (A) participation by or consultation with
10 State, local, and Tribal governments; and

11 (B) any established record of successful
12 collaborative planning and implementation of
13 ecological restoration projects on National For-
14 est System land and other land included in the
15 proposal by the collaborators; and

16 (7) benefit local economies by providing local
17 employment or training opportunities through con-
18 tracts, grants, or agreements for restoration plan-
19 ning, design, implementation, or monitoring with—

20 (A) local private, nonprofit, or cooperative
21 entities;

22 (B) Youth Conservation Corps crews or re-
23 lated partnerships, with State, local, and non-
24 profit youth groups;

1 (C) existing or proposed small or micro-
2 businesses, clusters, or incubators; or

3 (D) other entities that will hire or train
4 local people to complete such contracts, grants,
5 or agreements; and

6 (8) be subject to any other requirements that
7 the Secretary, in consultation with the Secretary of
8 the Interior, determines to be necessary for the effi-
9 cient and effective administration of the program.

10 (c) NOMINATION PROCESS.—

11 (1) SUBMISSION.—A proposal shall be sub-
12 mitted to—

13 (A) the appropriate Regional Forester; and

14 (B) if actions under the jurisdiction of the
15 Secretary of the Interior are proposed, the ap-
16 propriate—

17 (i) State Director of the Bureau of
18 Land Management;

19 (ii) Regional Director of the Bureau
20 of Indian Affairs; or

21 (iii) other official of the Department
22 of the Interior.

23 (2) NOMINATION.—

24 (A) IN GENERAL.—A Regional Forester
25 may nominate for selection by the Secretary

1 any proposals that meet the eligibility criteria
2 established by subsection (b).

3 (B) CONCURRENCE.—Any proposal nomi-
4 nated by the Regional Forester that proposes
5 actions under the jurisdiction of the Secretary
6 of the Interior shall include the concurrence of
7 the appropriate—

8 (i) State Director of the Bureau of
9 Land Management;

10 (ii) Regional Director of the Bureau
11 of Indian Affairs; or

12 (iii) other official of the Department
13 of the Interior.

14 (3) DOCUMENTATION.—With respect to each
15 proposal that is nominated under paragraph (2)—

16 (A) the appropriate Regional Forester
17 shall—

18 (i) include a plan to use Federal funds
19 allocated to the region to fund those costs
20 of planning and carrying out ecological res-
21 toration treatments on National Forest
22 System land, consistent with the strategy,
23 that would not be covered by amounts
24 transferred to the Secretary from the
25 Fund; and

1 (ii) provide evidence that amounts
2 proposed to be transferred to the Secretary
3 from the Fund during the first 2 fiscal
4 years following selection would be used to
5 carry out ecological restoration treatments
6 consistent with the strategy during the
7 same fiscal year in which the funds are
8 transferred to the Secretary;

9 (B) if actions under the jurisdiction of the
10 Secretary of the Interior are proposed, the nom-
11 ination shall include a plan to fund such ac-
12 tions, consistent with the strategy, by the ap-
13 propriate—

14 (i) State Director of the Bureau of
15 Land Management;

16 (ii) Regional Director of the Bureau
17 of Indian Affairs; or

18 (iii) other official of the Department
19 of the Interior; and

20 (C) if actions on land not under the juris-
21 diction of the Secretary or the Secretary of the
22 Interior are proposed, the appropriate Regional
23 Forester shall provide evidence that the land-
24 owner intends to participate in, and provide ap-
25 propriate funding to carry out, the actions.

1 (d) SELECTION PROCESS.—

2 (1) IN GENERAL.—After consulting with the ad-
3 visory panel established under subsection (e), the
4 Secretary, in consultation with the Secretary of the
5 Interior, shall, subject to paragraph (2), select the
6 best proposals that—

7 (A) have been nominated under subsection
8 (c)(2); and

9 (B) meet the eligibility criteria established
10 by subsection (b).

11 (2) CRITERIA.—In selecting proposals under
12 paragraph (1), the Secretary shall give special con-
13 sideration to—

14 (A) the strength of the proposal and strat-
15 egy;

16 (B) the strength of the ecological case of
17 the proposal and the proposed ecological res-
18 toration strategies;

19 (C) the strength of the collaborative proc-
20 ess and the likelihood of successful collaboration
21 throughout implementation;

22 (D) whether the proposal is likely to
23 achieve reductions in long-term wildfire man-
24 agement costs;

1 (E) whether the proposal would reduce the
2 relative costs of carrying out ecological restora-
3 tion treatments as a result of the use of woody
4 biomass and small-diameter trees; and

5 (F) whether an appropriate level of non-
6 Federal investment would be leveraged in car-
7 rying out the proposal.

8 (3) LIMITATION.—The Secretary may select not
9 more than—

10 (A) 10 proposals to be funded during any
11 fiscal year;

12 (B) 2 proposals in any 1 region of the Na-
13 tional Forest System to be funded during any
14 fiscal year; and

15 (C) the number of proposals that the Sec-
16 retary determines are likely to receive adequate
17 funding.

18 (e) ADVISORY PANEL.—

19 (1) IN GENERAL.—The Secretary shall establish
20 and maintain an advisory panel comprised of not
21 more than 15 members to evaluate, and provide rec-
22 ommendations on, each proposal that has been nomi-
23 nated under subsection (c)(2).

24 (2) REPRESENTATION.—The Secretary shall en-
25 sure that the membership of the advisory panel is

1 fairly balanced in terms of the points of view rep-
2 resented and the functions to be performed by the
3 advisory panel.

4 (3) INCLUSION.—The advisory panel shall in-
5 clude experts in ecological restoration, fire ecology,
6 fire management, rural economic development, strat-
7 egies for ecological adaptation to climate change,
8 fish and wildlife ecology, and woody biomass and
9 small-diameter tree utilization.

10 (f) COLLABORATIVE FOREST LANDSCAPE RESTORA-
11 TION FUND.—

12 (1) ESTABLISHMENT.—There is established in
13 the Treasury of the United States a fund, to be
14 known as the “Collaborative Forest Landscape Res-
15 toration Fund”, to be used to pay up to 50 percent
16 of the cost of carrying out and monitoring ecological
17 restoration treatments on National Forest System
18 land for each proposal selected to be carried out
19 under subsection (d).

20 (2) INCLUSION.—The cost of carrying out eco-
21 logical restoration treatments as provided in para-
22 graph (1) may, as the Secretary determines to be
23 appropriate, include cancellation and termination
24 costs required to be obligated for contracts to carry
25 out ecological restoration treatments on National

1 Forest System land for each proposal selected to be
2 carried out under subsection (d).

3 (3) CONTENTS.—The Fund shall consist of
4 such amounts as are appropriated to the Fund
5 under paragraph (6).

6 (4) EXPENDITURES FROM FUND.—

7 (A) IN GENERAL.—On request by the Sec-
8 retary, the Secretary of the Treasury shall
9 transfer from the Fund to the Secretary such
10 amounts as the Secretary determines are appro-
11 priate, in accordance with paragraph (1).

12 (B) LIMITATION.—The Secretary shall not
13 expend money from the Fund on any 1 pro-
14 posal—

15 (i) during a period of more than 10
16 fiscal years; or

17 (ii) in excess of \$4,000,000 in any 1
18 fiscal year.

19 (5) ACCOUNTING AND REPORTING SYSTEM.—
20 The Secretary shall establish an accounting and re-
21 porting system for the Fund.

22 (6) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to the Fund
24 \$40,000,000 for each of fiscal years 2009 through
25 2019, to remain available until expended.

1 (g) PROGRAM IMPLEMENTATION AND MONI-
2 TORING.—

3 (1) WORK PLAN.—Not later than 180 days
4 after the date on which a proposal is selected to be
5 carried out, the Secretary shall create, in collabora-
6 tion with the interested persons, an implementation
7 work plan and budget to implement the proposal
8 that includes—

9 (A) a description of the manner in which
10 the proposal would be implemented to achieve
11 ecological and community economic benefit, in-
12 cluding capacity building to accomplish restora-
13 tion;

14 (B) a business plan that addresses—

15 (i) the anticipated unit treatment cost
16 reductions over 10 years;

17 (ii) the anticipated costs for infra-
18 structure needed for the proposal;

19 (iii) the projected sustainability of the
20 supply of woody biomass and small-diame-
21 ter trees removed in ecological restoration
22 treatments; and

23 (iv) the projected local economic bene-
24 fits of the proposal;

1 (C) documentation of the non-Federal in-
2 vestment in the priority landscape, including
3 the sources and uses of the investments; and

4 (D) a plan to decommission any temporary
5 roads established to carry out the proposal.

6 (2) PROJECT IMPLEMENTATION.—Amounts
7 transferred to the Secretary from the Fund shall be
8 used to carry out ecological restoration treatments
9 that are—

10 (A) consistent with the proposal and strat-
11 egy; and

12 (B) identified through the collaborative
13 process described in subsection (b)(2).

14 (3) ANNUAL REPORT.—The Secretary, in col-
15 laboration with the Secretary of the Interior and in-
16 terested persons, shall prepare an annual report on
17 the accomplishments of each selected proposal that
18 includes—

19 (A) a description of all acres (or other ap-
20 propriate unit) treated and restored through
21 projects implementing the strategy;

22 (B) an evaluation of progress, including
23 performance measures and how prior year eval-
24 uations have contributed to improved project
25 performance;

1 (C) a description of community benefits
2 achieved, including any local economic benefits;

3 (D) the results of the multiparty moni-
4 toring, evaluation, and accountability process
5 under paragraph (4); and

6 (E) a summary of the costs of—

7 (i) treatments; and

8 (ii) relevant fire management activi-
9 ties.

10 (4) MULTIPARTY MONITORING.—The Secretary
11 shall, in collaboration with the Secretary of the Inte-
12 rior and interested persons, use a multiparty moni-
13 toring, evaluation, and accountability process to as-
14 sess the positive or negative ecological, social, and
15 economic effects of projects implementing a selected
16 proposal for not less than 15 years after project im-
17 plementation commences.

18 (h) REPORT.—Not later than 5 years after the first
19 fiscal year in which funding is made available to carry out
20 ecological restoration projects under the program, and
21 every 5 years thereafter, the Secretary, in consultation
22 with the Secretary of the Interior, shall submit a report
23 on the program, including an assessment of whether, and
24 to what extent, the program is fulfilling the purposes of
25 this title, to—

1 (1) the Committee on Energy and Natural Re-
2 sources of the Senate;

3 (2) the Committee on Appropriations of the
4 Senate;

5 (3) the Committee on Natural Resources of the
6 House of Representatives; and

7 (4) the Committee on Appropriations of the
8 House of Representatives.

9 **SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to the Sec-
11 retary and the Secretary of the Interior such sums as are
12 necessary to carry out this title.

13 **TITLE V—RIVERS AND TRAILS**
14 **Subtitle A—Additions to the Na-**
15 **tional Wild and Scenic Rivers**
16 **System**

17 **SEC. 5001. FOSSIL CREEK, ARIZONA.**

18 Section 3(a) of the Wild and Scenic Rivers Act (16
19 U.S.C. 1274(a)) (as amended by section 1852) is amended
20 by adding at the end the following:

21 “(205) FOSSIL CREEK, ARIZONA.—Approx-
22 imately 16.8 miles of Fossil Creek from the con-
23 fluence of Sand Rock and Calf Pen Canyons to the
24 confluence with the Verde River, to be administered

1 by the Secretary of Agriculture in the following
2 classes:

3 “(A) The approximately 2.7-mile segment
4 from the confluence of Sand Rock and Calf Pen
5 Canyons to the point where the segment exits
6 the Fossil Spring Wilderness, as a wild river.

7 “(B) The approximately 7.5-mile segment
8 from where the segment exits the Fossil Creek
9 Wilderness to the boundary of the Mazatzal
10 Wilderness, as a recreational river.

11 “(C) The 6.6-mile segment from the
12 boundary of the Mazatzal Wilderness down-
13 stream to the confluence with the Verde River,
14 as a wild river.”.

15 **SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.**

16 (a) **SHORT TITLE.**—This section may be cited as the
17 “Craig Thomas Snake Headwaters Legacy Act of 2008”.

18 (b) **FINDINGS; PURPOSES.**—

19 (1) **FINDINGS.**—Congress finds that—

20 (A) the headwaters of the Snake River
21 System in northwest Wyoming feature some of
22 the cleanest sources of freshwater, healthiest
23 native trout fisheries, and most intact rivers
24 and streams in the lower 48 States;

1 (B) the rivers and streams of the head-
2 waters of the Snake River System—

3 (i) provide unparalleled fishing, hunt-
4 ing, boating, and other recreational activi-
5 ties for—

6 (I) local residents; and

7 (II) millions of visitors from
8 around the world; and

9 (ii) are national treasures;

10 (C) each year, recreational activities on the
11 rivers and streams of the headwaters of the
12 Snake River System generate millions of dollars
13 for the economies of—

14 (i) Teton County, Wyoming; and

15 (ii) Lincoln County, Wyoming;

16 (D) to ensure that future generations of
17 citizens of the United States enjoy the benefits
18 of the rivers and streams of the headwaters of
19 the Snake River System, Congress should apply
20 the protections provided by the Wild and Scenic
21 Rivers Act (16 U.S.C. 1271 et seq.) to those
22 rivers and streams; and

23 (E) the designation of the rivers and
24 streams of the headwaters of the Snake River
25 System under the Wild and Scenic Rivers Act

1 (16 U.S.C. 1271 et seq.) will signify to the citi-
2 zens of the United States the importance of
3 maintaining the outstanding and remarkable
4 qualities of the Snake River System while—

5 (i) preserving public access to those
6 rivers and streams;

7 (ii) respecting private property rights
8 (including existing water rights); and

9 (iii) continuing to allow historic uses
10 of the rivers and streams.

11 (2) PURPOSES.—The purposes of this section
12 are—

13 (A) to protect for current and future gen-
14 erations of citizens of the United States the
15 outstandingly remarkable scenic, natural, wild-
16 life, fishery, recreational, scientific, historic, and
17 ecological values of the rivers and streams of
18 the headwaters of the Snake River System,
19 while continuing to deliver water and operate
20 and maintain valuable irrigation water infra-
21 structure; and

22 (B) to designate approximately 387.7 miles
23 of the rivers and streams of the headwaters of
24 the Snake River System as additions to the Na-
25 tional Wild and Scenic Rivers System.

1 (c) DEFINITIONS.—In this section:

2 (1) SECRETARY CONCERNED.—The term “Sec-
3 retary concerned” means—

4 (A) the Secretary of Agriculture (acting
5 through the Chief of the Forest Service), with
6 respect to each river segment described in para-
7 graph (205) of section 3(a) of the Wild and
8 Scenic Rivers Act (16 U.S.C. 1274(a)) (as
9 added by subsection (d)) that is not located
10 in—

11 (i) Grand Teton National Park;

12 (ii) Yellowstone National Park;

13 (iii) the John D. Rockefeller, Jr. Me-
14 morial Parkway; or

15 (iv) the National Elk Refuge; and

16 (B) the Secretary of the Interior, with re-
17 spect to each river segment described in para-
18 graph (205) of section 3(a) of the Wild and
19 Scenic Rivers Act (16 U.S.C. 1274(a)) (as
20 added by subsection (d)) that is located in—

21 (i) Grand Teton National Park;

22 (ii) Yellowstone National Park;

23 (iii) the John D. Rockefeller, Jr. Me-
24 morial Parkway; or

25 (iv) the National Elk Refuge.

1 (2) STATE.—The term “State” means the State
2 of Wyoming.

3 (d) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE
4 RIVER HEADWATERS, WYOMING.—Section 3(a) of the
5 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as
6 amended by section 5001) is amended by adding at the
7 end the following:

8 “(206) SNAKE RIVER HEADWATERS, WYO-
9 MING.—The following segments of the Snake River
10 System, in the State of Wyoming:

11 “(A) BAILEY CREEK.—The 7-mile segment
12 of Bailey Creek, from the divide with the Little
13 Greys River north to its confluence with the
14 Snake River, as a wild river.

15 “(B) BLACKROCK CREEK.—The 22-mile
16 segment from its source to the Bridger-Teton
17 National Forest boundary, as a scenic river.

18 “(C) BUFFALO FORK OF THE SNAKE
19 RIVER.—The portions of the Buffalo Fork of
20 the Snake River, consisting of—

21 “(i) the 55-mile segment consisting of
22 the North Fork, the Soda Fork, and the
23 South Fork, upstream from Turpin Mead-
24 ows, as a wild river;

1 “(ii) the 14-mile segment from Turpin
2 Meadows to the upstream boundary of
3 Grand Teton National Park, as a scenic
4 river; and

5 “(iii) the 7.7-mile segment from the
6 upstream boundary of Grand Teton Na-
7 tional Park to its confluence with the
8 Snake River, as a scenic river.

9 “(D) CRYSTAL CREEK.—The portions of
10 Crystal Creek, consisting of—

11 “(i) the 14-mile segment from its
12 source to the Gros Ventre Wilderness
13 boundary, as a wild river; and

14 “(ii) the 5-mile segment from the
15 Gros Ventre Wilderness boundary to its
16 confluence with the Gros Ventre River, as
17 a scenic river.

18 “(E) GRANITE CREEK.—The portions of
19 Granite Creek, consisting of—

20 “(i) the 12-mile segment from its
21 source to the end of Granite Creek Road,
22 as a wild river; and

23 “(ii) the 9.5-mile segment from Gran-
24 ite Hot Springs to the point 1 mile up-

1 stream from its confluence with the
2 Hoback River, as a scenic river.

3 “(F) GROS VENTRE RIVER.—The portions
4 of the Gros Ventre River, consisting of—

5 “(i) the 16.5-mile segment from its
6 source to Darwin Ranch, as a wild river;

7 “(ii) the 39-mile segment from Dar-
8 win Ranch to the upstream boundary of
9 Grand Teton National Park, excluding the
10 section along Lower Slide Lake, as a sce-
11 nic river; and

12 “(iii) the 3.3-mile segment flowing
13 across the southern boundary of Grand
14 Teton National Park to the Highlands
15 Drive Loop Bridge, as a scenic river.

16 “(G) HOBACK RIVER.—The 10-mile seg-
17 ment from the point 10 miles upstream from its
18 confluence with the Snake River to its con-
19 fluence with the Snake River, as a recreational
20 river.

21 “(H) LEWIS RIVER.—The portions of the
22 Lewis River, consisting of—

23 “(i) the 5-mile segment from Sho-
24 shone Lake to Lewis Lake, as a wild river;
25 and

1 “(ii) the 12-mile segment from the
2 outlet of Lewis Lake to its confluence with
3 the Snake River, as a scenic river.

4 “(I) PACIFIC CREEK.—The portions of Pa-
5 cific Creek, consisting of—

6 “(i) the 22.5-mile segment from its
7 source to the Teton Wilderness boundary,
8 as a wild river; and

9 “(ii) the 11-mile segment from the
10 Wilderness boundary to its confluence with
11 the Snake River, as a scenic river.

12 “(J) SHOAL CREEK.—The 8-mile segment
13 from its source to the point 8 miles downstream
14 from its source, as a wild river.

15 “(K) SNAKE RIVER.—The portions of the
16 Snake River, consisting of—

17 “(i) the 47-mile segment from its
18 source to Jackson Lake, as a wild river;

19 “(ii) the 24.8-mile segment from 1
20 mile downstream of Jackson Lake Dam to
21 1 mile downstream of the Teton Park
22 Road bridge at Moose, Wyoming, as a sce-
23 nic river; and

24 “(iii) the 19-mile segment from the
25 mouth of the Hoback River to the point 1

1 mile upstream from the Highway 89 bridge
2 at Alpine Junction, as a recreational river,
3 the boundary of the western edge of the
4 corridor for the portion of the segment ex-
5 tending from the point 3.3 miles down-
6 stream of the mouth of the Hoback River
7 to the point 4 miles downstream of the
8 mouth of the Hoback River being the ordi-
9 nary high water mark.

10 “(L) WILLOW CREEK.—The 16.2-mile seg-
11 ment from the point 16.2 miles upstream from
12 its confluence with the Hoback River to its con-
13 fluence with the Hoback River, as a wild river.

14 “(M) WOLF CREEK.—The 7-mile segment
15 from its source to its confluence with the Snake
16 River, as a wild river.”.

17 (e) MANAGEMENT.—

18 (1) IN GENERAL.—Each river segment de-
19 scribed in paragraph (205) of section 3(a) of the
20 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as
21 added by subsection (d)) shall be managed by the
22 Secretary concerned.

23 (2) MANAGEMENT PLAN.—

24 (A) IN GENERAL.—In accordance with
25 subparagraph (A), not later than 3 years after

1 the date of enactment of this Act, the Secretary
2 concerned shall develop a management plan for
3 each river segment described in paragraph
4 (205) of section 3(a) of the Wild and Scenic
5 Rivers Act (16 U.S.C. 1274(a)) (as added by
6 subsection (d)) that is located in an area under
7 the jurisdiction of the Secretary concerned.

8 (B) REQUIRED COMPONENT.—Each man-
9 agement plan developed by the Secretary con-
10 cerned under subparagraph (A) shall contain,
11 with respect to the river segment that is the
12 subject of the plan, a section that contains an
13 analysis and description of the availability and
14 compatibility of future development with the
15 wild and scenic character of the river segment
16 (with particular emphasis on each river segment
17 that contains 1 or more parcels of private land).

18 (3) QUANTIFICATION OF WATER RIGHTS RE-
19 SERVED BY RIVER SEGMENTS.—

20 (A) The Secretary concerned shall apply
21 for the quantification of the water rights re-
22 served by each river segment designated by this
23 section in accordance with the procedural re-
24 quirements of the laws of the State of Wyo-
25 ming.

1 (B) For the purpose of the quantification
2 of water rights under this subsection, with re-
3 spect to each Wild and Scenic River segment
4 designated by this section—

5 (i) the purposes for which the seg-
6 ments are designated, as set forth in this
7 section, are declared to be beneficial uses;
8 and

9 (ii) the priority date of such right
10 shall be the date of enactment of this Act.

11 (4) STREAM GAUGES.—Consistent with the
12 Wild and Scenic Rivers Act (16 U.S.C. 1271 et
13 seq.), the Secretary may carry out activities at
14 United States Geological Survey stream gauges that
15 are located on the Snake River (including tributaries
16 of the Snake River), including flow measurements
17 and operation, maintenance, and replacement.

18 (5) CONSENT OF PROPERTY OWNER.—No prop-
19 erty or interest in property located within the bound-
20 aries of any river segment described in paragraph
21 (205) of section 3(a) of the Wild and Scenic Rivers
22 Act (16 U.S.C. 1274(a)) (as added by subsection
23 (d)) may be acquired by the Secretary without the
24 consent of the owner of the property or interest in
25 property.

1 (6) EFFECT OF DESIGNATIONS.—

2 (A) IN GENERAL.—Nothing in this section
3 affects valid existing rights, including—

4 (i) all interstate water compacts in ex-
5 istence on the date of enactment of this
6 Act (including full development of any ap-
7 portionment made in accordance with the
8 compacts);

9 (ii) water rights in the States of Idaho
10 and Wyoming; and

11 (iii) water rights held by the United
12 States.

13 (B) JACKSON LAKE; JACKSON LAKE
14 DAM.—Nothing in this section shall affect the
15 management and operation of Jackson Lake or
16 Jackson Lake Dam, including the storage, man-
17 agement, and release of water.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such sums as are nec-
20 essary to carry out this section.

21 **SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.**

22 (a) DESIGNATION.—Section 3(a) of the Wild and
23 Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by
24 section 5002(d)) is amended by adding at the end the fol-
25 lowing:

1 “(206) TAUNTON RIVER, MASSACHUSETTS.—

2 The main stem of the Taunton River from its head-
3 waters at the confluence of the Town and Matfield
4 Rivers in the Town of Bridgewater downstream 40
5 miles to the confluence with the Quequechan River
6 at the Route 195 Bridge in the City of Fall River,
7 to be administered by the Secretary of the Interior
8 in cooperation with the Taunton River Stewardship
9 Council as follows:

10 “(A) The 18-mile segment from the con-
11 fluence of the Town and Matfield Rivers to
12 Route 24 in the Town of Raynham, as a scenic
13 river.

14 “(B) The 5-mile segment from Route 24 to
15 0.5 miles below Weir Bridge in the City of
16 Taunton, as a recreational river.

17 “(C) The 8-mile segment from 0.5 miles
18 below Weir Bridge to Muddy Cove in the Town
19 of Dighton, as a scenic river.

20 “(D) The 9-mile segment from Muddy
21 Cove to the confluence with the Quequechan
22 River at the Route 195 Bridge in the City of
23 Fall River, as a recreational river.”.

24 (b) MANAGEMENT OF TAUNTON RIVER, MASSACHU-
25 SETTS.—

1 (1) TAUNTON RIVER STEWARDSHIP PLAN.—

2 (A) IN GENERAL.—Each river segment
3 designated by section 3(a)(206) of the Wild and
4 Scenic Rivers Act (as added by subsection (a))
5 shall be managed in accordance with the Taun-
6 ton River Stewardship Plan, dated July 2005
7 (including any amendment to the Taunton
8 River Stewardship Plan that the Secretary of
9 the Interior (referred to in this subsection as
10 the “Secretary”) determines to be consistent
11 with this section).

12 (B) EFFECT.—The Taunton River Stew-
13 ardship Plan described in subparagraph (A)
14 shall be considered to satisfy each requirement
15 relating to the comprehensive management plan
16 required under section 3(d) of the Wild and
17 Scenic Rivers Act (16 U.S.C. 1274(d)).

18 (2) COOPERATIVE AGREEMENTS.—To provide
19 for the long-term protection, preservation, and en-
20 hancement of each river segment designated by sec-
21 tion 3(a)(206) of the Wild and Scenic Rivers Act (as
22 added by subsection (a)), pursuant to sections 10(e)
23 and 11(b)(1) of the Wild and Scenic Rivers Act (16
24 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may
25 enter into cooperative agreements (which may in-

1 include provisions for financial and other assistance)
2 with—

3 (A) the Commonwealth of Massachusetts
4 (including political subdivisions of the Common-
5 wealth of Massachusetts);

6 (B) the Taunton River Stewardship Coun-
7 cil; and

8 (C) any appropriate nonprofit organiza-
9 tion, as determined by the Secretary.

10 (3) RELATION TO NATIONAL PARK SYSTEM.—

11 Notwithstanding section 10(c) of the Wild and Sce-
12 nic Rivers Act (16 U.S.C. 1281(c)), each river seg-
13 ment designated by section 3(a)(206) of the Wild
14 and Scenic Rivers Act (as added by subsection (a))
15 shall not be—

16 (A) administered as a unit of the National
17 Park System; or

18 (B) subject to the laws (including regula-
19 tions) that govern the administration of the Na-
20 tional Park System.

21 (4) LAND MANAGEMENT.—

22 (A) ZONING ORDINANCES.—The zoning or-
23 dinances adopted by the Towns of Bridgewater,
24 Halifax, Middleborough, Raynham, Berkley,
25 Dighton, Freetown, and Somerset, and the Cit-

1 ies of Taunton and Fall River, Massachusetts
2 (including any provision of the zoning ordi-
3 nances relating to the conservation of
4 floodplains, wetlands, and watercourses associ-
5 ated with any river segment designated by sec-
6 tion 3(a)(206) of the Wild and Scenic Rivers
7 Act (as added by subsection (a))), shall be con-
8 sidered to satisfy each standard and require-
9 ment described in section 6(c) of the Wild and
10 Scenic Rivers Act (16 U.S.C. 1277(c)).

11 (B) VILLAGES.—For the purpose of sec-
12 tion 6(c) of the Wild and Scenic Rivers Act (16
13 U.S.C. 1277(c)), each town described in sub-
14 paragraph (A) shall be considered to be a vil-
15 lage.

16 (C) ACQUISITION OF LAND.—

17 (i) LIMITATION OF AUTHORITY OF
18 SECRETARY.—With respect to each river
19 segment designated by section 3(a)(206) of
20 the Wild and Scenic Rivers Act (as added
21 by subsection (a)), the Secretary may only
22 acquire parcels of land—

23 (I) by donation; or

24 (II) with the consent of the
25 owner of the parcel of land.

1 (ii) PROHIBITION RELATING TO AC-
 2 QUISSION OF LAND BY CONDEMNATION.—
 3 In accordance with section 6(c) of the Wild
 4 and Scenic Rivers Act (16 U.S.C.
 5 1277(c)), with respect to each river seg-
 6 ment designated by section 3(a)(206) of
 7 the Wild and Scenic Rivers Act (as added
 8 by subsection (a)), the Secretary may not
 9 acquire any parcel of land by condemna-
 10 tion.

11 **Subtitle B—Wild and Scenic Rivers** 12 **Studies**

13 **SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.**

14 (a) DESIGNATION FOR STUDY.—Section 5(a) of the
 15 Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amend-
 16 ed by adding at the end the following:

17 “(140) MISSISQUOI AND TROUT RIVERS,
 18 VERMONT.—The approximately 25-mile segment of
 19 the upper Missisquoi from its headwaters in Lowell
 20 to the Canadian border in North Troy, the approxi-
 21 mately 25-mile segment from the Canadian border
 22 in East Richford to Enosburg Falls, and the ap-
 23 proximately 20-mile segment of the Trout River
 24 from its headwaters to its confluence with the
 25 Missisquoi River.”.

1 (b) STUDY AND REPORT.—Section 5(b) of the Wild
2 and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended
3 by adding at the end the following:

4 “(19) MISSISQUOI AND TROUT RIVERS,
5 VERMONT.—Not later than 3 years after the date on
6 which funds are made available to carry out this
7 paragraph, the Secretary of the Interior shall—

8 “(A) complete the study of the Missisquoi
9 and Trout Rivers, Vermont, described in sub-
10 section (a)(140); and

11 “(B) submit a report describing the results
12 of that study to the appropriate committees of
13 Congress.”.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as are nec-
16 essary to carry out this section.

17 **Subtitle C—Additions to the** 18 **National Trails System**

19 **SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.**

20 Section 5(a) of the National Trails System Act (16
21 U.S.C. 1244(a)) is amended by adding at the end the fol-
22 lowing:

23 “(27) ARIZONA NATIONAL SCENIC TRAIL.—

24 “(A) IN GENERAL.—The Arizona National
25 Scenic Trail, extending approximately 807 miles

1 across the State of Arizona from the U.S.–Mex-
2 ico international border to the Arizona–Utah
3 border, as generally depicted on the map enti-
4 tled ‘Arizona National Scenic Trail’ and dated
5 December 5, 2007, to be administered by the
6 Secretary of Agriculture, in consultation with
7 the Secretary of the Interior and appropriate
8 State, tribal, and local governmental agencies.

9 “(B) AVAILABILITY OF MAP.—The map
10 shall be on file and available for public inspec-
11 tion in appropriate offices of the Forest Serv-
12 ice.”.

13 **SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.**

14 (a) AUTHORIZATION AND ADMINISTRATION.—Sec-
15 tion 5(a) of the National Trails System Act (16 U.S.C.
16 1244(a)) (as amended by section 5201) is amended by
17 adding at the end the following:

18 “(28) NEW ENGLAND NATIONAL SCENIC
19 TRAIL.—The New England National Scenic Trail, a
20 continuous trail extending approximately 220 miles
21 from the border of New Hampshire in the town of
22 Royalston, Massachusetts to Long Island Sound in
23 the town of Guilford, Connecticut, as generally de-
24 picted on the map titled ‘New England National
25 Scenic Trail Proposed Route’, numbered T06/

1 80,000, and dated October 2007. The map shall be
2 on file and available for public inspection in the ap-
3 propriate offices of the National Park Service. The
4 Secretary of the Interior, in consultation with appro-
5 priate Federal, State, tribal, regional, and local
6 agencies, and other organizations, shall administer
7 the trail after considering the recommendations of
8 the report titled the ‘Metacomet Monadnock
9 Mattabesett Trail System National Scenic Trail
10 Feasibility Study and Environmental Assessment’,
11 prepared by the National Park Service, and dated
12 Spring 2006. The United States shall not acquire
13 for the trail any land or interest in land without the
14 consent of the owner.”.

15 (b) MANAGEMENT.—The Secretary of the Interior
16 (referred to in this section as the “Secretary”) shall con-
17 sider the actions outlined in the Trail Management Blue-
18 print described in the report titled the “Metacomet Mo-
19 nadnock Mattabesett Trail System National Scenic Trail
20 Feasibility Study and Environmental Assessment”, pre-
21 pared by the National Park Service, and dated Spring
22 2006, as the framework for management and administra-
23 tion of the New England National Scenic Trail. Additional
24 or more detailed plans for administration, management,
25 protection, access, maintenance, or development of the

1 trail may be developed consistent with the Trail Manage-
2 ment Blueprint, and as approved by the Secretary.

3 (c) COOPERATIVE AGREEMENTS.—The Secretary is
4 authorized to enter into cooperative agreements with the
5 Commonwealth of Massachusetts (and its political subdivi-
6 sions), the State of Connecticut (and its political subdivi-
7 sions), and other regional, local, and private organizations
8 deemed necessary and desirable to accomplish cooperative
9 trail administrative, management, and protection objec-
10 tives consistent with the Trail Management Blueprint. An
11 agreement under this subsection may include provisions
12 for limited financial assistance to encourage participation
13 in the planning, acquisition, protection, operation, develop-
14 ment, or maintenance of the trail.

15 (d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to
16 section 6 of the National Trails System Act (16 U.S.C.
17 1245), the Secretary is encouraged to work with the State
18 of New Hampshire and appropriate local and private orga-
19 nizations to include that portion of the Metacomet-Monad-
20 nock Trail in New Hampshire (which lies between
21 Royalston, Massachusetts and Jaffrey, New Hampshire)
22 as a component of the New England National Scenic
23 Trail. Inclusion of this segment, as well as other potential
24 side or connecting trails, is contingent upon written appli-
25 cation to the Secretary by appropriate State and local ju-

1 jurisdictions and a finding by the Secretary that trail man-
2 agement and administration is consistent with the Trail
3 Management Blueprint.

4 **SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.**

5 (a) FINDINGS; PURPOSE.—

6 (1) FINDINGS.—Congress finds that—

7 (A) at the end of the last Ice Age, some
8 12,000 to 17,000 years ago, a series of cata-
9 clysmic floods occurred in what is now the
10 northwest region of the United States, leaving
11 a lasting mark of dramatic and distinguishing
12 features on the landscape of parts of the States
13 of Montana, Idaho, Washington and Oregon;

14 (B) geological features that have excep-
15 tional value and quality to illustrate and inter-
16 pret this extraordinary natural phenomenon are
17 present on Federal, State, tribal, county, mu-
18 nicipal, and private land in the region; and

19 (C) in 2001, a joint study team headed by
20 the National Park Service that included about
21 70 members from public and private entities
22 completed a study endorsing the establishment
23 of an Ice Age Floods National Geologic Trail—

24 (i) to recognize the national signifi-
25 cance of this phenomenon; and

1 (ii) to coordinate public and private
2 sector entities in the presentation of the
3 story of the Ice Age floods.

4 (2) PURPOSE.—The purpose of this section is
5 to designate the Ice Age Floods National Geologic
6 Trail in the States of Montana, Idaho, Washington,
7 and Oregon, enabling the public to view, experience,
8 and learn about the features and story of the Ice
9 Age floods through the collaborative efforts of public
10 and private entities.

11 (b) DEFINITIONS.—In this section:

12 (1) ICE AGE FLOODS; FLOODS.—The term “Ice
13 Age floods” or “floods” means the cataclysmic floods
14 that occurred in what is now the northwestern
15 United States during the last Ice Age from massive,
16 rapid and recurring drainage of Glacial Lake Mis-
17 soula.

18 (2) PLAN.—The term “plan” means the cooper-
19 ative management and interpretation plan author-
20 ized under subsection (f)(5).

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (4) TRAIL.—The term “Trail” means the Ice
24 Age Floods National Geologic Trail designated by
25 subsection (c).

1 (c) DESIGNATION.—In order to provide for public ap-
2 preciation, understanding, and enjoyment of the nationally
3 significant natural and cultural features of the Ice Age
4 floods and to promote collaborative efforts for interpreta-
5 tion and education among public and private entities lo-
6 cated along the pathways of the floods, there is designated
7 the Ice Age Floods National Geologic Trail.

8 (d) LOCATION.—

9 (1) MAP.—The route of the Trail shall be as
10 generally depicted on the map entitled “Ice Age
11 Floods National Geologic Trail,” numbered P43/
12 80,000 and dated June 2004.

13 (2) ROUTE.—The route shall generally follow
14 public roads and highways.

15 (3) REVISION.—The Secretary may revise the
16 map by publication in the Federal Register of a no-
17 tice of availability of a new map as part of the plan.

18 (e) MAP AVAILABILITY.—The map referred to in sub-
19 section (d)(1) shall be on file and available for public in-
20 spection in the appropriate offices of the National Park
21 Service.

22 (f) ADMINISTRATION.—

23 (1) IN GENERAL.—The Secretary, acting
24 through the Director of the National Park Service,

1 shall administer the Trail in accordance with this
2 section.

3 (2) LIMITATION.—Except as provided in para-
4 graph (6)(B), the Trail shall not be considered to be
5 a unit of the National Park System.

6 (3) TRAIL MANAGEMENT OFFICE.—To improve
7 management of the Trail and coordinate Trail activi-
8 ties with other public agencies and private entities,
9 the Secretary may establish and operate a trail man-
10 agement office at a central location within the vicin-
11 ity of the Trail.

12 (4) INTERPRETIVE FACILITIES.—The Secretary
13 may plan, design, and construct interpretive facili-
14 ties for sites associated with the Trail if the facilities
15 are constructed in partnership with State, local, trib-
16 al, or non-profit entities and are consistent with the
17 plan.

18 (5) MANAGEMENT PLAN.—

19 (A) IN GENERAL.—Not later than 3 years
20 after funds are made available to carry out this
21 section, the Secretary shall prepare a coopera-
22 tive management and interpretation plan for
23 the Trail.

24 (B) CONSULTATION.—The Secretary shall
25 prepare the plan in consultation with—

- 1 (i) State, local, and tribal govern-
2 ments;
3 (ii) the Ice Age Floods Institute;
4 (iii) private property owners; and
5 (iv) other interested parties.

6 (C) CONTENTS.—The plan shall—

- 7 (i) confirm and, if appropriate, ex-
8 pand on the inventory of features of the
9 floods contained in the National Park
10 Service study entitled “Ice Age Floods,
11 Study of Alternatives and Environmental
12 Assessment” (February 2001) by—

13 (I) locating features more accu-
14 rately;

15 (II) improving the description of
16 features; and

17 (III) reevaluating the features in
18 terms of their interpretive potential;

19 (ii) review and, if appropriate, modify
20 the map of the Trail referred to in sub-
21 section (d)(1);

22 (iii) describe strategies for the coordi-
23 nated development of the Trail, including
24 an interpretive plan for facilities, waysides,
25 roadside pullouts, exhibits, media, and pro-

1 grams that present the story of the floods
2 to the public effectively; and

3 (iv) identify potential partnering op-
4 portunities in the development of interpre-
5 tive facilities and educational programs to
6 educate the public about the story of the
7 floods.

8 (6) COOPERATIVE MANAGEMENT.—

9 (A) IN GENERAL.—In order to facilitate
10 the development of coordinated interpretation,
11 education, resource stewardship, visitor facility
12 development and operation, and scientific re-
13 search associated with the Trail and to promote
14 more efficient administration of the sites associ-
15 ated with the Trail, the Secretary may enter
16 into cooperative management agreements with
17 appropriate officials in the States of Montana,
18 Idaho, Washington, and Oregon in accordance
19 with the authority provided for units of the Na-
20 tional Park System under section 3(l) of Public
21 Law 91–383 (16 U.S.C. 1a–2(l)).

22 (B) AUTHORITY.—For purposes of this
23 paragraph only, the Trail shall be considered a
24 unit of the National Park System.

1 (7) COOPERATIVE AGREEMENTS.—The Sec-
 2 retary may enter into cooperative agreements with
 3 public or private entities to carry out this section.

4 (8) EFFECT ON PRIVATE PROPERTY RIGHTS.—
 5 Nothing in this section—

6 (A) requires any private property owner to
 7 allow public access (including Federal, State, or
 8 local government access) to private property; or

9 (B) modifies any provision of Federal,
 10 State, or local law with respect to public access
 11 to or use of private land.

12 (9) LIABILITY.—Designation of the Trail by
 13 subsection (c) does not create any liability for, or af-
 14 fect any liability under any law of, any private prop-
 15 erty owner with respect to any person injured on the
 16 private property.

17 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 18 are authorized to be appropriated such sums as are nec-
 19 essary to carry out this section, of which not more than
 20 \$12,000,000 may be used for development of the Trail.

21 **SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY**
 22 **ROUTE NATIONAL HISTORIC TRAIL.**

23 Section 5(a) of the National Trails System Act (16
 24 U.S.C. 1244(a)) (as amended by section 5202(a)) is
 25 amended by adding at the end the following:

1 “(29) WASHINGTON-ROCHAMBEAU REVOLU-
2 TIONARY ROUTE NATIONAL HISTORIC TRAIL.—

3 “(A) IN GENERAL.—The Washington-Ro-
4 chambeau Revolutionary Route National His-
5 toric Trail, a corridor of approximately 600
6 miles following the route taken by the armies of
7 General George Washington and Count Ro-
8 chambeau between Newport, Rhode Island, and
9 Yorktown, Virginia, in 1781 and 1782, as gen-
10 erally depicted on the map entitled ‘WASH-
11 NGTON-ROCHAMBEAU REVOLU-
12 TIONARY ROUTE NATIONAL HISTORIC
13 TRAIL’, numbered T01/80,001, and dated
14 June 2007.

15 “(B) MAP.—The map referred to in sub-
16 paragraph (A) shall be on file and available for
17 public inspection in the appropriate offices of
18 the National Park Service.

19 “(C) ADMINISTRATION.—The trail shall be
20 administered by the Secretary of the Interior,
21 in consultation with—

22 “(i) other Federal, State, tribal, re-
23 gional, and local agencies; and

24 “(ii) the private sector.

1 “(D) LAND ACQUISITION.—The United
2 States shall not acquire for the trail any land
3 or interest in land outside the exterior boundary
4 of any federally-managed area without the con-
5 sent of the owner of the land or interest in
6 land.”.

7 **SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.**

8 Section 5(a) of the National Trails System Act (16
9 U.S.C. 1244(a)) (as amended by section 5204) is amended
10 by adding at the end the following:

11 “(30) PACIFIC NORTHWEST NATIONAL SCENIC
12 TRAIL.—

13 “(A) IN GENERAL.—The Pacific Northwest
14 National Scenic Trail, a trail of approximately
15 1,200 miles, extending from the Continental Di-
16 vide in Glacier National Park, Montana, to the
17 Pacific Ocean Coast in Olympic National Park,
18 Washington, following the route depicted on the
19 map entitled ‘Pacific Northwest National Scenic
20 Trail: Proposed Trail’, numbered T12/80,000,
21 and dated February 2008 (referred to in this
22 paragraph as the ‘map’).

23 “(B) AVAILABILITY OF MAP.—The map
24 shall be on file and available for public inspec-

1 tion in the appropriate offices of the Forest
2 Service.

3 “(C) ADMINISTRATION.—The Pacific
4 Northwest National Scenic Trail shall be ad-
5 ministered by the Secretary of Agriculture.

6 “(D) LAND ACQUISITION.—The United
7 States shall not acquire for the Pacific North-
8 west National Scenic Trail any land or interest
9 in land outside the exterior boundary of any
10 federally-managed area without the consent of
11 the owner of the land or interest in land.”.

12 **SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.**

13 Section 5(a)(16) of the National Trails System Act
14 (16 U.S.C. 1244(a)(16)) is amended as follows:

15 (1) By amending subparagraph (C) to read as
16 follows:

17 “(C) In addition to the areas otherwise
18 designated under this paragraph, the following
19 routes and land components by which the Cher-
20 okee Nation was removed to Oklahoma are
21 components of the Trail of Tears National His-
22 toric Trail, as generally described in the envi-
23 ronmentally preferred alternative of the Novem-
24 ber 2007 Feasibility Study Amendment and

1 Environmental Assessment for Trail of Tears
2 National Historic Trail:

3 “(i) The Benge and Bell routes.

4 “(ii) The land components of the des-
5 igned water routes in Alabama, Arkan-
6 sas, Oklahoma, and Tennessee.

7 “(iii) The routes from the collection
8 forts in Alabama, Georgia, North Carolina,
9 and Tennessee to the emigration depots.

10 “(iv) The related campgrounds located
11 along the routes and land components de-
12 scribed in clauses (i) through (iii).”.

13 (2) In subparagraph (D)—

14 (A) by striking the first sentence; and

15 (B) by adding at the end the following:

16 “No lands or interests in lands outside the exte-
17 rior boundaries of any federally administered
18 area may be acquired by the Federal Govern-
19 ment for the Trail of Tears National Historic
20 Trail except with the consent of the owner
21 thereof.”.

1 **Subtitle D—National Trail System**
2 **Amendments**

3 **SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AU-**
4 **THORITY.**

5 (a) AUTHORITY TO ACQUIRE LAND FROM WILLING
6 SELLERS FOR CERTAIN TRAILS.—

7 (1) OREGON NATIONAL HISTORIC TRAIL.—Sec-
8 tion 5(a)(3) of the National Trails System Act (16
9 U.S.C. 1244(a)(3)) is amended by adding at the end
10 the following: “No land or interest in land outside
11 the exterior boundaries of any federally administered
12 area may be acquired by the Federal Government
13 for the trail except with the consent of the owner of
14 the land or interest in land. The authority of the
15 Federal Government to acquire fee title under this
16 paragraph shall be limited to an average of not more
17 than ¼ mile on either side of the trail.”.

18 (2) MORMON PIONEER NATIONAL HISTORIC
19 TRAIL.—Section 5(a)(4) of the National Trails Sys-
20 tem Act (16 U.S.C. 1244(a)(4)) is amended by add-
21 ing at the end the following: “No land or interest in
22 land outside the exterior boundaries of any federally
23 administered area may be acquired by the Federal
24 Government for the trail except with the consent of
25 the owner of the land or interest in land. The au-

1 thority of the Federal Government to acquire fee
2 title under this paragraph shall be limited to an av-
3 erage of not more than $\frac{1}{4}$ mile on either side of the
4 trail.”.

5 (3) CONTINENTAL DIVIDE NATIONAL SCENIC
6 TRAIL.—Section 5(a)(5) of the National Trails Sys-
7 tem Act (16 U.S.C. 1244(a)(5)) is amended by add-
8 ing at the end the following: “No land or interest in
9 land outside the exterior boundaries of any federally
10 administered area may be acquired by the Federal
11 Government for the trail except with the consent of
12 the owner of the land or interest in land. The au-
13 thority of the Federal Government to acquire fee
14 title under this paragraph shall be limited to an av-
15 erage of not more than $\frac{1}{4}$ mile on either side of the
16 trail.”.

17 (4) LEWIS AND CLARK NATIONAL HISTORIC
18 TRAIL.—Section 5(a)(6) of the National Trails Sys-
19 tem Act (16 U.S.C. 1244(a)(6)) is amended by add-
20 ing at the end the following: “No land or interest in
21 land outside the exterior boundaries of any federally
22 administered area may be acquired by the Federal
23 Government for the trail except with the consent of
24 the owner of the land or interest in land. The au-
25 thority of the Federal Government to acquire fee

1 title under this paragraph shall be limited to an av-
2 erage of not more than $\frac{1}{4}$ mile on either side of the
3 trail.”.

4 (5) IDITAROD NATIONAL HISTORIC TRAIL.—
5 Section 5(a)(7) of the National Trails System Act
6 (16 U.S.C. 1244(a)(7)) is amended by adding at the
7 end the following: “No land or interest in land out-
8 side the exterior boundaries of any federally admin-
9 istered area may be acquired by the Federal Govern-
10 ment for the trail except with the consent of the
11 owner of the land or interest in land. The authority
12 of the Federal Government to acquire fee title under
13 this paragraph shall be limited to an average of not
14 more than $\frac{1}{4}$ mile on either side of the trail.”.

15 (6) NORTH COUNTRY NATIONAL SCENIC
16 TRAIL.—Section 5(a)(8) of the National Trails Sys-
17 tem Act (16 U.S.C. 1244(a)(8)) is amended by add-
18 ing at the end the following: “No land or interest in
19 land outside the exterior boundaries of any federally
20 administered area may be acquired by the Federal
21 Government for the trail except with the consent of
22 the owner of the land or interest in land.”.

23 (7) ICE AGE NATIONAL SCENIC TRAIL.—Section
24 5(a)(10) of the National Trails System Act (16
25 U.S.C. 1244(a)(10)) is amended by adding at the

1 end the following: “No land or interest in land out-
2 side the exterior boundaries of any federally admin-
3 istered area may be acquired by the Federal Govern-
4 ment for the trail except with the consent of the
5 owner of the land or interest in land.”.

6 (8) POTOMAC HERITAGE NATIONAL SCENIC
7 TRAIL.—Section 5(a)(11) of the National Trails Sys-
8 tem Act (16 U.S.C. 1244(a)(11)) is amended—

9 (A) by striking the fourth and fifth sen-
10 tences; and

11 (B) by adding at the end the following:
12 “No land or interest in land outside the exterior
13 boundaries of any federally administered area
14 may be acquired by the Federal Government for
15 the trail except with the consent of the owner
16 of the land or interest in land.”.

17 (9) NEZ PERCE NATIONAL HISTORIC TRAIL.—
18 Section 5(a)(14) of the National Trails System Act
19 (16 U.S.C. 1244(a)(14)) is amended—

20 (A) by striking the fourth and fifth sen-
21 tences; and

22 (B) by adding at the end the following:
23 “No land or interest in land outside the exterior
24 boundaries of any federally administered area
25 may be acquired by the Federal Government for

1 the trail except with the consent of the owner
2 of the land or interest in land. The authority of
3 the Federal Government to acquire fee title
4 under this paragraph shall be limited to an av-
5 erage of not more than $\frac{1}{4}$ mile on either side
6 of the trail.”.

7 (b) CONFORMING AMENDMENT.—Section 10 of the
8 National Trails System Act (16 U.S.C. 1249) is amended
9 by striking subsection (c) and inserting the following:

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—Except as otherwise pro-
12 vided in this Act, there are authorized to be appro-
13 priated such sums as are necessary to implement the
14 provisions of this Act relating to the trails des-
15 ignated by section 5(a).

16 “(2) NATCHEZ TRACE NATIONAL SCENIC
17 TRAIL.—

18 “(A) IN GENERAL.—With respect to the
19 Natchez Trace National Scenic Trail (referred
20 to in this paragraph as the ‘trail’) designated
21 by section 5(a)(12)—

22 “(i) not more than \$500,000 shall be
23 appropriated for the acquisition of land or
24 interests in land for the trail; and

1 “(ii) not more than \$2,000,000 shall
2 be appropriated for the development of the
3 trail.

4 “(B) PARTICIPATION BY VOLUNTEER
5 TRAIL GROUPS.—The administering agency for
6 the trail shall encourage volunteer trail groups
7 to participate in the development of the trail.”.

8 **SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY**
9 **STUDIES OF EXISTING NATIONAL HISTORIC**
10 **TRAILS.**

11 Section 5 of the National Trails System Act (16
12 U.S.C. 1244) is amended by adding at the end the fol-
13 lowing:

14 “(g) REVISION OF FEASIBILITY AND SUITABILITY
15 STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

16 “(1) DEFINITIONS.—In this subsection:

17 “(A) ROUTE.—The term ‘route’ includes a
18 trail segment commonly known as a cutoff.

19 “(B) SHARED ROUTE.—The term ‘shared
20 route’ means a route that was a segment of
21 more than 1 historic trail, including a route
22 shared with an existing national historic trail.

23 “(2) REQUIREMENTS FOR REVISION.—

24 “(A) IN GENERAL.—The Secretary of the
25 Interior shall revise the feasibility and suit-

1 ability studies for certain national trails for
2 consideration of possible additions to the trails.

3 “(B) STUDY REQUIREMENTS AND OBJEC-
4 TIVES.—The study requirements and objectives
5 specified in subsection (b) shall apply to a study
6 required by this subsection.

7 “(C) COMPLETION AND SUBMISSION OF
8 STUDY.—A study listed in this subsection shall
9 be completed and submitted to Congress not
10 later than 3 complete fiscal years from the date
11 funds are made available for the study.

12 “(3) OREGON NATIONAL HISTORIC TRAIL.—

13 “(A) STUDY REQUIRED.—The Secretary of
14 the Interior shall undertake a study of the
15 routes of the Oregon Trail listed in subpara-
16 graph (B) and generally depicted on the map
17 entitled ‘Western Emigrant Trails 1830/1870’
18 and dated 1991/1993, and of such other routes
19 of the Oregon Trail that the Secretary con-
20 siders appropriate, to determine the feasibility
21 and suitability of designation of 1 or more of
22 the routes as components of the Oregon Na-
23 tional Historic Trail.

1 “(B) COVERED ROUTES.—The routes to be
2 studied under subparagraph (A) shall include
3 the following:

4 “(i) Whitman Mission route.

5 “(ii) Upper Columbia River.

6 “(iii) Cowlitz River route.

7 “(iv) Meek cutoff.

8 “(v) Free Emigrant Road.

9 “(vi) North Alternate Oregon Trail.

10 “(vii) Goodale’s cutoff.

11 “(viii) North Side alternate route.

12 “(ix) Cutoff to Barlow road.

13 “(x) Naches Pass Trail.

14 “(4) PONY EXPRESS NATIONAL HISTORIC
15 TRAIL.—The Secretary of the Interior shall under-
16 take a study of the approximately 20-mile southern
17 alternative route of the Pony Express Trail from
18 Wathena, Kansas, to Troy, Kansas, and such other
19 routes of the Pony Express Trail that the Secretary
20 considers appropriate, to determine the feasibility
21 and suitability of designation of 1 or more of the
22 routes as components of the Pony Express National
23 Historic Trail.

24 “(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

1 “(A) STUDY REQUIRED.—The Secretary of
2 the Interior shall undertake a study of the Mis-
3 souri Valley, central, and western routes of the
4 California Trail listed in subparagraph (B) and
5 generally depicted on the map entitled ‘Western
6 Emigrant Trails 1830/1870’ and dated 1991/
7 1993, and of such other and shared Missouri
8 Valley, central, and western routes that the
9 Secretary considers appropriate, to determine
10 the feasibility and suitability of designation of
11 1 or more of the routes as components of the
12 California National Historic Trail.

13 “(B) COVERED ROUTES.—The routes to be
14 studied under subparagraph (A) shall include
15 the following:

16 “(i) MISSOURI VALLEY ROUTES.—

17 “(I) Blue Mills-Independence
18 Road.

19 “(II) Westport Landing Road.

20 “(III) Westport-Lawrence Road.

21 “(IV) Fort Leavenworth-Blue
22 River route.

23 “(V) Road to Amazonia.

24 “(VI) Union Ferry Route.

1 “(VII) Old Wyoming-Nebraska
2 City cutoff.

3 “(VIII) Lower Plattsmouth
4 Route.

5 “(IX) Lower Bellevue Route.

6 “(X) Woodbury cutoff.

7 “(XI) Blue Ridge cutoff.

8 “(XII) Westport Road.

9 “(XIII) Gum Springs-Fort Leav-
10 enworth route.

11 “(XIV) Atchison/Independence
12 Creek routes.

13 “(XV) Fort Leavenworth-Kansas
14 River route.

15 “(XVI) Nebraska City cutoff
16 routes.

17 “(XVII) Minersville-Nebraska
18 City Road.

19 “(XVIII) Upper Plattsmouth
20 route.

21 “(XIX) Upper Bellevue route.

22 “(ii) CENTRAL ROUTES.—

23 “(I) Cherokee Trail, including
24 splits.

- 1 “(II) Weber Canyon route of
2 Hastings cutoff.
- 3 “(III) Bishop Creek cutoff.
- 4 “(IV) McAuley cutoff.
- 5 “(V) Diamond Springs cutoff.
- 6 “(VI) Secret Pass.
- 7 “(VII) Greenhorn cutoff.
- 8 “(VIII) Central Overland Trail.
- 9 “(iii) WESTERN ROUTES.—
- 10 “(I) Bidwell-Bartleson route.
- 11 “(II) Georgetown/Dagget Pass
12 Trail.
- 13 “(III) Big Trees Road.
- 14 “(IV) Grizzly Flat cutoff.
- 15 “(V) Nevada City Road.
- 16 “(VI) Yreka Trail.
- 17 “(VII) Henness Pass route.
- 18 “(VIII) Johnson cutoff.
- 19 “(IX) Luther Pass Trail.
- 20 “(X) Volcano Road.
- 21 “(XI) Sacramento-Coloma
22 Wagon Road.
- 23 “(XII) Burnett cutoff.
- 24 “(XIII) Placer County Road to
25 Auburn.

1 “(6) MORMON PIONEER NATIONAL HISTORIC
2 TRAIL.—

3 “(A) STUDY REQUIRED.—The Secretary of
4 the Interior shall undertake a study of the
5 routes of the Mormon Pioneer Trail listed in
6 subparagraph (B) and generally depicted in the
7 map entitled ‘Western Emigrant Trails 1830/
8 1870’ and dated 1991/1993, and of such other
9 routes of the Mormon Pioneer Trail that the
10 Secretary considers appropriate, to determine
11 the feasibility and suitability of designation of
12 1 or more of the routes as components of the
13 Mormon Pioneer National Historic Trail.

14 “(B) COVERED ROUTES.—The routes to be
15 studied under subparagraph (A) shall include
16 the following:

17 “(i) 1846 Subsequent routes A and B
18 (Lucas and Clarke Counties, Iowa).

19 “(ii) 1856–57 Handcart route (Iowa
20 City to Council Bluffs).

21 “(iii) Keokuk route (Iowa).

22 “(iv) 1847 Alternative Elkhorn and
23 Loup River Crossings in Nebraska.

24 “(v) Fort Leavenworth Road; Ox Bow
25 route and alternates in Kansas and Mis-

1 souri (Oregon and California Trail routes
2 used by Mormon emigrants).

3 “(vi) 1850 Golden Pass Road in
4 Utah.

5 “(7) SHARED CALIFORNIA AND OREGON TRAIL
6 ROUTES.—

7 “(A) STUDY REQUIRED.—The Secretary of
8 the Interior shall undertake a study of the
9 shared routes of the California Trail and Or-
10 regon Trail listed in subparagraph (B) and gen-
11 erally depicted on the map entitled ‘Western
12 Emigrant Trails 1830/1870’ and dated 1991/
13 1993, and of such other shared routes that the
14 Secretary considers appropriate, to determine
15 the feasibility and suitability of designation of
16 1 or more of the routes as shared components
17 of the California National Historic Trail and
18 the Oregon National Historic Trail.

19 “(B) COVERED ROUTES.—The routes to be
20 studied under subparagraph (A) shall include
21 the following:

22 “(i) St. Joe Road.

23 “(ii) Council Bluffs Road.

24 “(iii) Sublette cutoff.

25 “(iv) Applegate route.

1 “(v) Old Fort Kearny Road (Oxbow
2 Trail).

3 “(vi) Childs cutoff.

4 “(vii) Raft River to Applegate.”.

5 **SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS**
6 **STUDIES.**

7 Section 5(c) of the National Trails System Act (16
8 U.S.C. 1244(c)) is amended by adding at the end the fol-
9 lowing:

10 “(44) CHISHOLM TRAIL.—

11 “(A) IN GENERAL.—The Chisholm Trail
12 (also known as the ‘Abilene Trail’), from the vi-
13 cinity of San Antonio, Texas, segments from
14 the vicinity of Cuero, Texas, to Ft. Worth,
15 Texas, Duncan, Oklahoma, alternate segments
16 used through Oklahoma, to Enid, Oklahoma,
17 Caldwell, Kansas, Wichita, Kansas, Abilene,
18 Kansas, and commonly used segments running
19 to alternative Kansas destinations.

20 “(B) REQUIREMENT.—In conducting the
21 study required under this paragraph, the Sec-
22 retary of the Interior shall identify the point at
23 which the trail originated south of San Antonio,
24 Texas.

25 “(45) GREAT WESTERN TRAIL.—

1 “(A) IN GENERAL.—The Great Western
2 Trail (also known as the ‘Dodge City Trail’),
3 from the vicinity of San Antonio, Texas, north-
4 by-northwest through the vicinities of Kerrville
5 and Menard, Texas, north-by-northeast through
6 the vicinities of Coleman and Albany, Texas,
7 north through the vicinity of Vernon, Texas, to
8 Doan’s Crossing, Texas, northward through or
9 near the vicinities of Altus, Lone Wolf, Canute,
10 Vici, and May, Oklahoma, north through Kan-
11 sas to Dodge City, and north through Nebraska
12 to Ogallala.

13 “(B) REQUIREMENT.—In conducting the
14 study required under this paragraph, the Sec-
15 retary of the Interior shall identify the point at
16 which the trail originated south of San Antonio,
17 Texas.”.

18 **TITLE VI—DEPARTMENT OF THE**
19 **INTERIOR AUTHORIZATIONS**
20 **Subtitle A—Cooperative Watershed**
21 **Management Program**

22 **SEC. 6001. DEFINITIONS.**

23 In this subtitle:

24 (1) **AFFECTED STAKEHOLDER.**—The term “af-
25 fected stakeholder” means an entity that signifi-

1 cantly affects, or is significantly affected by, the
2 quality or quantity of water in a watershed, as de-
3 termined by the Secretary.

4 (2) GRANT RECIPIENT.—The term “grant re-
5 cipient” means a watershed group that the Secretary
6 has selected to receive a grant under section
7 6002(c)(2).

8 (3) PROGRAM.—The term “program” means
9 the Cooperative Watershed Management Program
10 established by the Secretary under section 6002(a).

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

13 (5) WATERSHED GROUP.—The term “water-
14 shed group” means a self-sustaining, cooperative wa-
15 tershed-wide group that—

16 (A) is comprised of representatives of the
17 affected stakeholders of the relevant watershed;

18 (B) incorporates the perspectives of a di-
19 verse array of stakeholders, including, to the
20 maximum extent practicable—

21 (i) representatives of—

22 (I) hydroelectric production;

23 (II) livestock grazing;

24 (III) timber production;

25 (IV) land development;

- 1 (V) recreation or tourism;
- 2 (VI) irrigated agricultural pro-
- 3 duction;
- 4 (VII) the environment;
- 5 (VIII) potable water purveyors
- 6 and industrial water users; and
- 7 (IX) private property owners
- 8 within the watershed;
- 9 (ii) any Federal agency that has au-
- 10 thority with respect to the watershed;
- 11 (iii) any State agency that has author-
- 12 ity with respect to the watershed;
- 13 (iv) any local agency that has author-
- 14 ity with respect to the watershed; and
- 15 (v) any Indian tribe that—
- 16 (I) owns land within the water-
- 17 shed; or
- 18 (II) has land in the watershed
- 19 that is held in trust;
- 20 (C) is a grassroots, nonregulatory entity
- 21 that addresses water availability and quality
- 22 issues within the relevant watershed;
- 23 (D) is capable of promoting the sustainable
- 24 use of the water resources of the relevant wa-

1 watershed and improving the functioning condition
2 of rivers and streams through—

- 3 (i) water conservation;
4 (ii) improved water quality;
5 (iii) ecological resiliency; and
6 (iv) the reduction of water conflicts;

7 and

8 (E) makes decisions on a consensus basis,
9 as defined in the bylaws of the watershed
10 group.

11 (6) WATERSHED MANAGEMENT PROJECT.—The
12 term “watershed management project” means any
13 project (including a demonstration project) that—

14 (A) enhances water conservation, including
15 alternative water uses;

16 (B) improves water quality;

17 (C) improves ecological resiliency of a river
18 or stream;

19 (D) reduces the potential for water con-
20 flicts; or

21 (E) advances any other goals associated
22 with water quality or quantity that the Sec-
23 retary determines to be appropriate.

1 **SEC. 6002. PROGRAM.**

2 (a) ESTABLISHMENT.—Not later than 180 days after
3 the date of enactment of this Act, the Secretary shall es-
4 tablish a program, to be known as the “Cooperative Wa-
5 tershed Management Program”, under which the Sec-
6 retary shall provide grants—

7 (1)(A) to form a watershed group; or

8 (B) to enlarge a watershed group; and

9 (2) to conduct 1 or more projects in accordance
10 with the goals of a watershed group.

11 (b) APPLICATION.—

12 (1) ESTABLISHMENT OF APPLICATION PROC-
13 ESS; CRITERIA.—Not later than 1 year after the
14 date of enactment of this Act, the Secretary shall es-
15 tablish—

16 (A) an application process for the pro-
17 gram; and

18 (B) in consultation with the States,
19 prioritization and eligibility criteria for consid-
20 ering applications submitted in accordance with
21 the application process.

22 (c) DISTRIBUTION OF GRANT FUNDS.—

23 (1) IN GENERAL.—In distributing grant funds
24 under this section, the Secretary—

25 (A) shall comply with paragraph (2); and

1 (B) may give priority to watershed groups
2 that—

3 (i) represent maximum diversity of in-
4 terests; or

5 (ii) serve subbasin-sized watersheds
6 with an 8-digit hydrologic unit code, as de-
7 fined by the United States Geological Sur-
8 vey.

9 (2) FUNDING PROCEDURE.—

10 (A) FIRST PHASE.—

11 (i) IN GENERAL.—The Secretary may
12 provide to a grant recipient a first-phase
13 grant in an amount not greater than
14 \$100,000 each year for a period of not
15 more than 3 years.

16 (ii) MANDATORY USE OF FUNDS.—A
17 grant recipient that receives a first-phase
18 grant shall use the funds—

19 (I) to establish or enlarge a wa-
20 tershed group;

21 (II) to develop a mission state-
22 ment for the watershed group;

23 (III) to develop project concepts;
24 and

1 (IV) to develop a restoration
2 plan.

3 (iii) ANNUAL DETERMINATION OF
4 ELIGIBILITY.—

5 (I) DETERMINATION.—For each
6 year of a first-phase grant, not later
7 than 270 days after the date on which
8 a grant recipient first receives grant
9 funds for the year, the Secretary shall
10 determine whether the grant recipient
11 has made sufficient progress during
12 the year to justify additional funding.

13 (II) EFFECT OF DETERMINA-
14 TION.—If the Secretary determines
15 under subclause (I) that the progress
16 of a grant recipient during the year
17 covered by the determination justifies
18 additional funding, the Secretary shall
19 provide to the grant recipient grant
20 funds for the following year.

21 (iv) ADVANCEMENT CONDITIONS.—A
22 grant recipient shall not be eligible to re-
23 ceive a second-phase grant under subpara-
24 graph (B) until the date on which the Sec-

1 retary determines that the watershed
2 group—

3 (I) has approved articles of incor-
4 poration and bylaws governing the or-
5 ganization; and

6 (II)(aa) holds regular meetings;
7 (bb) has completed a mission
8 statement; and

9 (cc) has developed a restoration
10 plan and project concepts for the wa-
11 tershed.

12 (v) EXCEPTION.—A watershed group
13 that has not applied for or received first-
14 phase grants may apply for and receive
15 second-phase grants under subparagraph
16 (B) if the Secretary determines that the
17 group has satisfied the requirements of
18 first-phase grants.

19 (B) SECOND PHASE.—

20 (i) IN GENERAL.—A watershed group
21 may apply for and receive second-phase
22 grants of \$1,000,000 each year for a pe-
23 riod of not more than 4 years if—

1 (I) the watershed group has ap-
2 plied for and received watershed
3 grants under subparagraph (A); or

4 (II) the Secretary determines
5 that the watershed group has satisfied
6 the requirements of first-phase grants.

7 (ii) MANDATORY USE OF FUNDS.—A
8 grant recipient that receives a second-
9 phase grant shall use the funds to plan
10 and carry out watershed management
11 projects.

12 (iii) ANNUAL DETERMINATION OF
13 ELIGIBILITY.—

14 (I) DETERMINATION.—For each
15 year of the second-phase grant, not
16 later than 270 days after the date on
17 which a grant recipient first receives
18 grant funds for the year, the Sec-
19 retary shall determine whether the
20 grant recipient has made sufficient
21 progress during the year to justify ad-
22 ditional funding.

23 (II) EFFECT OF DETERMINA-
24 TION.—If the Secretary determines
25 under subclause (I) that the progress

1 of a grant recipient during the year
2 justifies additional funding, the Sec-
3 retary shall provide to the grant re-
4 cipient grant funds for the following
5 year.

6 (iv) ADVANCEMENT CONDITION.—A
7 grant recipient shall not be eligible to re-
8 ceive a third-phase grant under subpara-
9 graph (C) until the date on which the Sec-
10 retary determines that the grant recipient
11 has—

12 (I) completed each requirement
13 of the second-phase grant; and

14 (II) demonstrated that 1 or more
15 pilot projects of the grant recipient
16 have resulted in demonstrable im-
17 provements, as determined by the Sec-
18 retary, in the functioning condition of
19 at least 1 river or stream in the wa-
20 tershed.

21 (C) THIRD PHASE.—

22 (i) FUNDING LIMITATION.—

23 (I) IN GENERAL.—Except as pro-
24 vided in subclause (II), the Secretary
25 may provide to a grant recipient a

1 third-phase grant in an amount not
2 greater than \$5,000,000 for a period
3 of not more than 5 years.

4 (II) EXCEPTION.—The Secretary
5 may provide to a grant recipient a
6 third-phase grant in an amount that
7 is greater than the amount described
8 in subclause (I) if the Secretary deter-
9 mines that the grant recipient is capa-
10 ble of using the additional amount to
11 further the purposes of the program
12 in a way that could not otherwise be
13 achieved by the grant recipient using
14 the amount described in subclause (I).

15 (ii) MANDATORY USE OF FUNDS.—A
16 grant recipient that receives a third-phase
17 grant shall use the funds to plan and carry
18 out at least 1 watershed management
19 project.

20 (3) AUTHORIZING USE OF FUNDS FOR ADMINIS-
21 TRATIVE AND OTHER COSTS.—A grant recipient that
22 receives a grant under this section may use the
23 funds—

24 (A) to pay for—

1 (i) administrative and coordination
2 costs, if the costs are not greater than the
3 lesser of—

4 (I) 20 percent of the total
5 amount of the grant; or

6 (II) \$100,000;

7 (ii) the salary of not more than 1 full-
8 time employee of the watershed group; and

9 (iii) any legal fees arising from the es-
10 tablishment of the relevant watershed
11 group; and

12 (B) to fund—

13 (i) water quality and quantity studies
14 of the relevant watershed; and

15 (ii) the planning, design, and imple-
16 mentation of any projects relating to water
17 quality or quantity.

18 (d) COST SHARE.—

19 (1) PLANNING.—The Federal share of the cost
20 of an activity provided assistance through a first-
21 phase grant shall be 100 percent.

22 (2) PROJECTS CARRIED OUT UNDER SECOND
23 PHASE.—

24 (A) IN GENERAL.—The Federal share of
25 the cost of any activity of a watershed manage-

1 ment project provided assistance through a sec-
2 ond-phase grant shall not exceed 50 percent of
3 the total cost of the activity.

4 (B) FORM OF NON-FEDERAL SHARE.—The
5 non-Federal share under subparagraph (A) may
6 be in the form of in-kind contributions.

7 (3) PROJECTS CARRIED OUT UNDER THIRD
8 PHASE.—

9 (A) IN GENERAL.—The Federal share of
10 the costs of any activity of a watershed group
11 of a grant recipient relating to a watershed
12 management project provided assistance
13 through a third-phase grant shall not exceed 50
14 percent of the total costs of the watershed man-
15 agement project.

16 (B) FORM OF NON-FEDERAL SHARE.—The
17 non-Federal share under subparagraph (A) may
18 be in the form of in-kind contributions.

19 (e) ANNUAL REPORTS.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date on which a grant recipient first receives
22 funds under this section, and annually thereafter, in
23 accordance with paragraph (2), the watershed group
24 shall submit to the Secretary a report that describes
25 the progress of the watershed group.

1 (2) REQUIRED DEGREE OF DETAIL.—The con-
2 tents of an annual report required under paragraph
3 (1) shall contain sufficient information to enable the
4 Secretary to complete each report required under
5 subsection (f), as determined by the Secretary.

6 (f) REPORT.—Not later than 5 years after the date
7 of enactment of this Act, and every 5 years thereafter,
8 the Secretary shall submit to the Committee on Energy
9 and Natural Resources of the Senate and the Committee
10 on Natural Resources of the House of Representatives a
11 report that describes—

12 (1) the ways in which the program assists the
13 Secretary—

14 (A) in addressing water conflicts;

15 (B) in conserving water;

16 (C) in improving water quality; and

17 (D) in improving the ecological resiliency
18 of a river or stream; and

19 (2) benefits that the program provides, includ-
20 ing, to the maximum extent practicable, a quan-
21 titative analysis of economic, social, and environ-
22 mental benefits.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this sec-
25 tion—

- 1 (1) \$2,000,000 for each of fiscal years 2008
2 and 2009;
- 3 (2) \$5,000,000 for fiscal year 2010;
- 4 (3) \$10,000,000 for fiscal year 2011; and
- 5 (4) \$20,000,000 for each of fiscal years 2012
6 through 2020.

7 **SEC. 6003. EFFECT OF SUBTITLE.**

8 Nothing in this subtitle affects the applicability of
9 any Federal, State, or local law with respect to any water-
10 shed group.

11 **Subtitle B—Competitive Status for**
12 **Federal Employees in Alaska**

13 **SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL**
14 **EMPLOYEES IN THE STATE OF ALASKA.**

15 Section 1308 of the Alaska National Interest Lands
16 Conservation Act (16 U.S.C. 3198) is amended by adding
17 at the end the following:

18 “(e) COMPETITIVE STATUS.—

19 “(1) IN GENERAL.—Nothing in subsection (a)
20 provides that any person hired pursuant to the pro-
21 gram established under that subsection is not eligi-
22 ble for competitive status in the same manner as
23 any other employee hired as part of the competitive
24 service.

1 “(2) REDESIGNATION OF CERTAIN POSI-
2 TIONS.—

3 “(A) PERSONS SERVING IN ORIGINAL POSI-
4 TIONS.—Not later than 60 days after the date
5 of enactment of this subsection, with respect to
6 any person hired into a permanent position pur-
7 suant to the program established under sub-
8 section (a) who is serving in that position as of
9 the date of enactment of this subsection, the
10 Secretary shall redesignate that position and
11 the person serving in that position as having
12 been part of the competitive service as of the
13 date that the person was hired into that posi-
14 tion.

15 “(B) PERSONS NO LONGER SERVING IN
16 ORIGINAL POSITIONS.—With respect to any per-
17 son who was hired pursuant to the program es-
18 tablished under subsection (a) that is no longer
19 serving in that position as of the date of enact-
20 ment of this subsection—

21 “(i) the person may provide to the
22 Secretary a request for redesignation of
23 the service as part of the competitive serv-
24 ice that includes evidence of the employ-
25 ment; and

1 “(ii) not later than 90 days of the
 2 submission of a request under clause (i),
 3 the Secretary shall redesignate the service
 4 of the person as being part of the competi-
 5 tive service.”.

6 **Subtitle C—Management of the**
 7 **Baca National Wildlife Refuge**

8 **SEC. 6201. BACA NATIONAL WILDLIFE REFUGE.**

9 Section 6 of the Great Sand Dunes National Park
 10 and Preserve Act of 2000 (16 U.S.C. 410hhh-4) is
 11 amended—

12 (1) in subsection (a)—

13 (A) by striking “(a) ESTABLISHMENT.—

14 (1) When” and inserting the following:

15 “(a) ESTABLISHMENT AND PURPOSE.—

16 “(1) ESTABLISHMENT.—

17 “(A) IN GENERAL.—When”;

18 (B) in paragraph (2), by striking “(2)

19 Such establishment” and inserting the fol-
 20 lowing:

21 “(B) EFFECTIVE DATE.—The establish-
 22 ment of the refuge under subparagraph (A)”;

23 and

24 (C) by adding at the end the following:

1 “(2) PURPOSE.—The purpose of the Baca Na-
2 tional Wildlife Refuge shall be to restore, enhance,
3 and maintain wetland, upland, riparian, and other
4 habitats for native wildlife, plant, and fish species in
5 the San Luis Valley.”;

6 (2) in subsection (c)—

7 (A) by striking “The Secretary” and in-
8 serting the following:

9 “(1) IN GENERAL.—The Secretary”; and

10 (B) by adding at the end the following:

11 “(2) REQUIREMENTS.—In administering the
12 Baca National Wildlife Refuge, the Secretary shall,
13 to the maximum extent practicable—

14 “(A) emphasize migratory bird conserva-
15 tion; and

16 “(B) take into consideration the role of the
17 Refuge in broader landscape conservation ef-
18 forts.”; and

19 (3) in subsection (d)—

20 (A) in paragraph (1), by striking “and” at
21 the end;

22 (B) in paragraph (2), by striking the pe-
23 riod at the end and inserting “; and”; and

24 (C) by adding at the end the following:

1 “(3) subject to any agreement in existence as of
2 the date of enactment of this paragraph, and to the
3 extent consistent with the purposes of the Refuge,
4 use decreed water rights on the Refuge in approxi-
5 mately the same manner that the water rights have
6 been used historically.”.

7 **Subtitle D—Paleontological** 8 **Resources Preservation**

9 **SEC. 6301. DEFINITIONS.**

10 In this subtitle:

11 (1) CASUAL COLLECTING.—The term “casual
12 collecting” means the collecting of a reasonable
13 amount of common invertebrate and plant paleon-
14 tological resources for non-commercial personal use,
15 either by surface collection or the use of non-pow-
16 ered hand tools resulting in only negligible disturb-
17 ance to the Earth’s surface and other resources. As
18 used in this paragraph, the terms “reasonable
19 amount”, “common invertebrate and plant paleon-
20 tological resources” and “negligible disturbance”
21 shall be determined by the Secretary.

22 (2) FEDERAL LAND.—The term “Federal land”
23 means—

24 (A) land controlled or administered by the
25 Secretary of the Interior, except Indian land; or

1 (B) National Forest System land con-
2 trolled or administered by the Secretary of Ag-
3 riculture.

4 (3) INDIAN LAND.—The term “Indian Land”
5 means land of Indian tribes, or Indian individuals,
6 which are either held in trust by the United States
7 or subject to a restriction against alienation imposed
8 by the United States.

9 (4) PALEONTOLOGICAL RESOURCE.—The term
10 “paleontological resource” means any fossilized re-
11 mains, traces, or imprints of organisms, preserved in
12 or on the earth’s crust, that are of paleontological
13 interest and that provide information about the his-
14 tory of life on earth, except that the term does not
15 include—

16 (A) any materials associated with an ar-
17 chaeological resource (as defined in section 3(1)
18 of the Archaeological Resources Protection Act
19 of 1979 (16 U.S.C. 470bb(1)); or

20 (B) any cultural item (as defined in section
21 2 of the Native American Graves Protection
22 and Repatriation Act (25 U.S.C. 3001)).

23 (5) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior with respect to land
25 controlled or administered by the Secretary of the

1 Interior or the Secretary of Agriculture with respect
2 to National Forest System land controlled or admin-
3 istered by the Secretary of Agriculture.

4 (6) STATE.—The term “State” means the 50
5 States, the District of Columbia, the Commonwealth
6 of Puerto Rico, and any other territory or possession
7 of the United States.

8 **SEC. 6302. MANAGEMENT.**

9 (a) IN GENERAL.—The Secretary shall manage and
10 protect paleontological resources on Federal land using
11 scientific principles and expertise. The Secretary shall de-
12 velop appropriate plans for inventory, monitoring, and the
13 scientific and educational use of paleontological resources,
14 in accordance with applicable agency laws, regulations,
15 and policies. These plans shall emphasize interagency co-
16 ordination and collaborative efforts where possible with
17 non-Federal partners, the scientific community, and the
18 general public.

19 (b) COORDINATION.—To the extent possible, the Sec-
20 retary of the Interior and the Secretary of Agriculture
21 shall coordinate in the implementation of this subtitle.

1 **SEC. 6303. PUBLIC AWARENESS AND EDUCATION PRO-**
2 **GRAM.**

3 The Secretary shall establish a program to increase
4 public awareness about the significance of paleontological
5 resources.

6 **SEC. 6304. COLLECTION OF PALEONTOLOGICAL RE-**
7 **SOURCES.**

8 (a) PERMIT REQUIREMENT.—

9 (1) IN GENERAL.—Except as provided in this
10 subtitle, a paleontological resource may not be col-
11 lected from Federal land without a permit issued
12 under this subtitle by the Secretary.

13 (2) CASUAL COLLECTING EXCEPTION.—The
14 Secretary may allow casual collecting without a per-
15 mit on Federal land controlled or administered by
16 the Bureau of Land Management, the Bureau of
17 Reclamation, and the Forest Service, where such col-
18 lection is consistent with the laws governing the
19 management of those Federal land and this subtitle.

20 (3) PREVIOUS PERMIT EXCEPTION.—Nothing in
21 this section shall affect a valid permit issued prior
22 to the date of enactment of this Act.

23 (b) CRITERIA FOR ISSUANCE OF A PERMIT.—The
24 Secretary may issue a permit for the collection of a paleon-
25 tological resource pursuant to an application if the Sec-
26 retary determines that—

1 (1) the applicant is qualified to carry out the
2 permitted activity;

3 (2) the permitted activity is undertaken for the
4 purpose of furthering paleontological knowledge or
5 for public education;

6 (3) the permitted activity is consistent with any
7 management plan applicable to the Federal land
8 concerned; and

9 (4) the proposed methods of collecting will not
10 threaten significant natural or cultural resources.

11 (c) PERMIT SPECIFICATIONS.—A permit for the col-
12 lection of a paleontological resource issued under this sec-
13 tion shall contain such terms and conditions as the Sec-
14 retary deems necessary to carry out the purposes of this
15 subtitle. Every permit shall include requirements that—

16 (1) the paleontological resource that is collected
17 from Federal land under the permit will remain the
18 property of the United States;

19 (2) the paleontological resource and copies of
20 associated records will be preserved for the public in
21 an approved repository, to be made available for sci-
22 entific research and public education; and

23 (3) specific locality data will not be released by
24 the permittee or repository without the written per-
25 mission of the Secretary.

1 (d) MODIFICATION, SUSPENSION, AND REVOCATION
2 OF PERMITS.—

3 (1) The Secretary may modify, suspend, or re-
4 voke a permit issued under this section—

5 (A) for resource, safety, or other manage-
6 ment considerations; or

7 (B) when there is a violation of term or
8 condition of a permit issued pursuant to this
9 section.

10 (2) The permit shall be revoked if any person
11 working under the authority of the permit is con-
12 victed under section 6306 or is assessed a civil pen-
13 alty under section 6307.

14 (e) AREA CLOSURES.—In order to protect paleon-
15 tological or other resources or to provide for public safety,
16 the Secretary may restrict access to or close areas under
17 the Secretary's jurisdiction to the collection of paleontolog-
18 ical resources.

19 **SEC. 6305. CURATION OF RESOURCES.**

20 Any paleontological resource, and any data and
21 records associated with the resource, collected under a per-
22 mit, shall be deposited in an approved repository. The Sec-
23 retary may enter into agreements with non-Federal reposi-
24 tories regarding the curation of these resources, data, and
25 records.

1 **SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.**

2 (a) IN GENERAL.—A person may not—

3 (1) excavate, remove, damage, or otherwise
4 alter or deface or attempt to excavate, remove, dam-
5 age, or otherwise alter or deface any paleontological
6 resources located on Federal land unless such activ-
7 ity is conducted in accordance with this subtitle;

8 (2) exchange, transport, export, receive, or offer
9 to exchange, transport, export, or receive any pale-
10 ontological resource if the person knew or should
11 have known such resource to have been excavated or
12 removed from Federal land in violation of any provi-
13 sions, rule, regulation, law, ordinance, or permit in
14 effect under Federal law, including this subtitle; or

15 (3) sell or purchase or offer to sell or purchase
16 any paleontological resource if the person knew or
17 should have known such resource to have been exca-
18 vated, removed, sold, purchased, exchanged, trans-
19 ported, or received from Federal land.

20 (b) FALSE LABELING OFFENSES.—A person may not
21 make or submit any false record, account, or label for,
22 or any false identification of, any paleontological resource
23 excavated or removed from Federal land.

24 (c) PENALTIES.—A person who knowingly violates or
25 counsels, procures, solicits, or employs another person to
26 violate subsection (a) or (b) shall, upon conviction, be

1 fined in accordance with title 18, United States Code, or
2 imprisoned not more than 5 years, or both; but if the sum
3 of the commercial and paleontological value of the paleon-
4 tological resources involved and the cost of restoration and
5 repair of such resources does not exceed \$500, such person
6 shall be fined in accordance with title 18, United States
7 Code, or imprisoned not more than 2 years, or both.

8 (d) MULTIPLE OFFENSES.—In the case of a second
9 or subsequent violation by the same person, the amount
10 of the penalty assessed under subsection (c) may be dou-
11 bled.

12 (e) GENERAL EXCEPTION.—Nothing in subsection
13 (a) shall apply to any person with respect to any paleon-
14 tological resource which was in the lawful possession of
15 such person prior to the date of enactment of this Act.

16 **SEC. 6307. CIVIL PENALTIES.**

17 (a) IN GENERAL.—

18 (1) HEARING.—A person who violates any pro-
19 hibition contained in an applicable regulation or per-
20 mit issued under this subtitle may be assessed a
21 penalty by the Secretary after the person is given
22 notice and opportunity for a hearing with respect to
23 the violation. Each violation shall be considered a
24 separate offense for purposes of this section.

1 (2) AMOUNT OF PENALTY.—The amount of
2 such penalty assessed under paragraph (1) shall be
3 determined under regulations promulgated pursuant
4 to this subtitle, taking into account the following
5 factors:

6 (A) The scientific or fair market value,
7 whichever is greater, of the paleontological re-
8 source involved, as determined by the Secretary.

9 (B) The cost of response, restoration, and
10 repair of the resource and the paleontological
11 site involved.

12 (C) Any other factors considered relevant
13 by the Secretary assessing the penalty.

14 (3) MULTIPLE OFFENSES.—In the case of a
15 second or subsequent violation by the same person,
16 the amount of a penalty assessed under paragraph
17 (2) may be doubled.

18 (4) LIMITATION.—The amount of any penalty
19 assessed under this subsection for any 1 violation
20 shall not exceed an amount equal to double the cost
21 of response, restoration, and repair of resources and
22 paleontological site damage plus double the scientific
23 or fair market value of resources destroyed or not
24 recovered.

1 (b) PETITION FOR JUDICIAL REVIEW; COLLECTION
2 OF UNPAID ASSESSMENTS.—

3 (1) JUDICIAL REVIEW.—Any person against
4 whom an order is issued assessing a penalty under
5 subsection (a) may file a petition for judicial review
6 of the order in the United States District Court for
7 the District of Columbia or in the district in which
8 the violation is alleged to have occurred within the
9 30-day period beginning on the date the order mak-
10 ing the assessment was issued. Upon notice of such
11 filing, the Secretary shall promptly file such a cer-
12 tified copy of the record on which the order was
13 issued. The court shall hear the action on the record
14 made before the Secretary and shall sustain the ac-
15 tion if it is supported by substantial evidence on the
16 record considered as a whole.

17 (2) FAILURE TO PAY.—If any person fails to
18 pay a penalty under this section within 30 days—

19 (A) after the order making assessment has
20 become final and the person has not filed a pe-
21 tition for judicial review of the order in accord-
22 ance with paragraph (1); or

23 (B) after a court in an action brought in
24 paragraph (1) has entered a final judgment up-
25 holding the assessment of the penalty, the Sec-

1 retary may request the Attorney General to in-
2 stitute a civil action in a district court of the
3 United States for any district in which the per-
4 son if found, resides, or transacts business, to
5 collect the penalty (plus interest at currently
6 prevailing rates from the date of the final order
7 or the date of the final judgment, as the case
8 may be). The district court shall have jurisdic-
9 tion to hear and decide any such action. In
10 such action, the validity, amount, and appro-
11 priateness of such penalty shall not be subject
12 to review. Any person who fails to pay on a
13 timely basis the amount of an assessment of a
14 civil penalty as described in the first sentence of
15 this paragraph shall be required to pay, in addi-
16 tion to such amount and interest, attorneys fees
17 and costs for collection proceedings.

18 (c) HEARINGS.—Hearings held during proceedings
19 instituted under subsection (a) shall be conducted in ac-
20 cordance with section 554 of title 5, United States Code.

21 (d) USE OF RECOVERED AMOUNTS.—Penalties col-
22 lected under this section shall be available to the Secretary
23 and without further appropriation may be used only as
24 follows:

1 (1) To protect, restore, or repair the paleon-
2 tological resources and sites which were the subject
3 of the action, or to acquire sites with equivalent re-
4 sources, and to protect, monitor, and study the re-
5 sources and sites. Any acquisition shall be subject to
6 any limitations contained in the organic legislation
7 for such Federal land.

8 (2) To provide educational materials to the
9 public about paleontological resources and sites.

10 (3) To provide for the payment of rewards as
11 provided in section 6308.

12 **SEC. 6308. REWARDS AND FORFEITURE.**

13 (a) REWARDS.—The Secretary may pay from pen-
14 alties collected under section 6306 or 6307 or from appro-
15 priated funds—

16 (1) consistent with amounts established in regu-
17 lations by the Secretary; or

18 (2) if no such regulation exists, an amount up
19 to ½ of the penalties, to any person who furnishes
20 information which leads to the finding of a civil vio-
21 lation, or the conviction of criminal violation, with
22 respect to which the penalty was paid. If several per-
23 sons provided the information, the amount shall be
24 divided among the persons. No officer or employee
25 of the United States or of any State or local govern-

1 ment who furnishes information or renders service in
2 the performance of his official duties shall be eligible
3 for payment under this subsection.

4 (b) FORFEITURE.—All paleontological resources with
5 respect to which a violation under section 6306 or 6307
6 occurred and which are in the possession of any person,
7 and all vehicles and equipment of any person that were
8 used in connection with the violation, shall be subject to
9 civil forfeiture, or upon conviction, to criminal forfeiture.
10 All provisions of law relating to the seizure, forfeiture, and
11 condemnation of property for a violation of this subtitle,
12 the disposition of such property or the proceeds from the
13 sale thereof, and remission or mitigation of such for-
14 feiture, as well as the procedural provisions of chapter 46
15 of title 18, United States Code, shall apply to the seizures
16 and forfeitures incurred or alleged to have incurred under
17 the provisions of this subtitle.

18 (c) TRANSFER OF SEIZED RESOURCES.—The Sec-
19 retary may transfer administration of seized paleontolog-
20 ical resources to Federal or non-Federal educational insti-
21 tutions to be used for scientific or educational purposes.

22 **SEC. 6309. CONFIDENTIALITY.**

23 Information concerning the nature and specific loca-
24 tion of a paleontological resource shall be exempt from dis-
25 closure under section 552 of title 5, United States Code,

1 and any other law unless the Secretary determines that
2 disclosure would—

3 (1) further the purposes of this subtitle;

4 (2) not create risk of harm to or theft or de-
5 struction of the resource or the site containing the
6 resource; and

7 (3) be in accordance with other applicable laws.

8 **SEC. 6310. REGULATIONS.**

9 As soon as practical after the date of enactment of
10 this Act, the Secretary shall issue such regulations as are
11 appropriate to carry out this subtitle, providing opportuni-
12 ties for public notice and comment.

13 **SEC. 6311. SAVINGS PROVISIONS.**

14 Nothing in this subtitle shall be construed to—

15 (1) invalidate, modify, or impose any additional
16 restrictions or permitting requirements on any ac-
17 tivities permitted at any time under the general min-
18 ing laws, the mineral or geothermal leasing laws,
19 laws providing for minerals materials disposal, or
20 laws providing for the management or regulation of
21 the activities authorized by the aforementioned laws
22 including but not limited to the Federal Land Policy
23 Management Act (43 U.S.C. 1701–1784), Public
24 Law 94–429 (commonly known as the “Mining in
25 the Parks Act”) (16 U.S.C. 1901 et seq.), the Sur-

1 face Mining Control and Reclamation Act of 1977
2 (30 U.S.C. 1201–1358), and the Organic Adminis-
3 tration Act (16 U.S.C. 478, 482, 551);

4 (2) invalidate, modify, or impose any additional
5 restrictions or permitting requirements on any ac-
6 tivities permitted at any time under existing laws
7 and authorities relating to reclamation and multiple
8 uses of Federal land;

9 (3) apply to, or require a permit for, casual col-
10 lecting of a rock, mineral, or invertebrate or plant
11 fossil that is not protected under this subtitle;

12 (4) affect any land other than Federal land or
13 affect the lawful recovery, collection, or sale of pale-
14 ontological resources from land other than Federal
15 land;

16 (5) alter or diminish the authority of a Federal
17 agency under any other law to provide protection for
18 paleontological resources on Federal land in addition
19 to the protection provided under this subtitle; or

20 (6) create any right, privilege, benefit, or enti-
21 tlement for any person who is not an officer or em-
22 ployee of the United States acting in that capacity.
23 No person who is not an officer or employee of the
24 United States acting in that capacity shall have
25 standing to file any civil action in a court of the

1 United States to enforce any provision or amend-
2 ment made by this subtitle.

3 **SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out this subtitle.

6 **Subtitle E—Izembek National**
7 **Wildlife Refuge Land Exchange**

8 **SEC. 6401. DEFINITIONS.**

9 In this subtitle:

10 (1) CORPORATION.—The term “Corporation”
11 means the King Cove Corporation.

12 (2) FEDERAL LAND.—The term “Federal land”
13 means—

14 (A) the approximately 206 acres of Federal
15 land located within the Refuge, as generally de-
16 picted on the map; and

17 (B) the approximately 1,600 acres of Fed-
18 eral land located on Sitkinak Island, as gen-
19 erally depicted on the map.

20 (3) MAP.—The term “map” means each of—

21 (A) the map entitled “Izembek and Alaska
22 Peninsula National Wildlife Refuges” and dated
23 September 2, 2008; and

1 (B) the map entitled “Sitkinak Island–
2 Alaska Maritime National Wildlife Refuge” and
3 dated September 2, 2008.

4 (4) NON-FEDERAL LAND.—The term “non-Fed-
5 eral land” means—

6 (A) the approximately 43,093 acres of land
7 owned by the State, as generally depicted on
8 the map; and

9 (B) the approximately 13,300 acres of land
10 owned by the Corporation (including approxi-
11 mately 5,430 acres of land for which the Cor-
12 poration shall relinquish the selection rights of
13 the Corporation under the Alaska Native
14 Claims Settlement Act (43 U.S.C. 1601 et seq.)
15 as part of the land exchange under section
16 6402(a)), as generally depicted on the map.

17 (5) REFUGE.—The term “Refuge” means the
18 Izembek National Wildlife Refuge.

19 (6) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (7) STATE.—The term “State” means the State
22 of Alaska.

23 (8) TRIBE.—The term “Tribe” means the
24 Agdaagux Tribe of King Cove, Alaska.

1 **SEC. 6402. LAND EXCHANGE.**

2 (a) IN GENERAL.—Upon receipt of notification by
3 the State and the Corporation of the intention of the State
4 and the Corporation to exchange the non-Federal land for
5 the Federal land, subject to the conditions and require-
6 ments described in this subtitle, the Secretary may convey
7 to the State all right, title, and interest of the United
8 States in and to the Federal land. The Federal land within
9 the Refuge shall be transferred for the purpose of con-
10 structing a single-lane gravel road between the commu-
11 nities of King Cove and Cold Bay, Alaska.

12 (b) COMPLIANCE WITH NATIONAL ENVIRONMENTAL
13 POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.—

14 (1) IN GENERAL.—In determining whether to
15 carry out the land exchange under subsection (a),
16 the Secretary shall—

17 (A) comply with the National Environ-
18 mental Policy Act of 1969 (42 U.S.C. 4321 et
19 seq.); and

20 (B) except as provided in subsection (c),
21 comply with any other applicable law (including
22 regulations).

23 (2) ENVIRONMENTAL IMPACT STATEMENT.—

24 (A) IN GENERAL.—Not later than 60 days
25 after the date on which the Secretary receives
26 notification under subsection (a), the Secretary

1 shall initiate the preparation of an environ-
2 mental impact statement required under the
3 National Environmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.).

5 (B) REQUIREMENTS.—The environmental
6 impact statement prepared under subparagraph
7 (A) shall contain—

8 (i) an analysis of—

9 (I) the proposed land exchange;

10 and

11 (II) the potential construction

12 and operation of a road between the

13 communities of King Cove and Cold

14 Bay, Alaska; and

15 (ii) an evaluation of a specific road

16 corridor through the Refuge that is identi-

17 fied in consultation with the State, the

18 City of King Cove, Alaska, and the Tribe.

19 (3) COOPERATING AGENCIES.—

20 (A) IN GENERAL.—During the preparation
21 of the environmental impact statement under
22 paragraph (2), each entity described in sub-
23 paragraph (B) may participate as a cooperating
24 agency.

1 (B) AUTHORIZED ENTITIES.—An author-
2 ized entity may include—

3 (i) any Federal agency that has per-
4 mitting jurisdiction over the road described
5 in paragraph (2)(B)(i)(II);

6 (ii) the State;

7 (iii) the Aleutians East Borough of
8 the State;

9 (iv) the City of King Cove, Alaska;

10 (v) the Tribe; and

11 (vi) the Alaska Migratory Bird Co-
12 Management Council.

13 (c) VALUATION.—The conveyance of the Federal land
14 and non-Federal land under this section shall not be sub-
15 ject to any requirement under any Federal law (including
16 regulations) relating to the valuation, appraisal, or equali-
17 zation of land.

18 (d) PUBLIC INTEREST DETERMINATION.—

19 (1) CONDITIONS FOR LAND EXCHANGE.—Sub-
20 ject to paragraph (2), to carry out the land exchange
21 under subsection (a), the Secretary shall determine
22 that the land exchange (including the construction of
23 a road between the City of King Cove, Alaska, and
24 the Cold Bay Airport) is in the public interest.

1 (2) LIMITATION OF AUTHORITY OF SEC-
2 RETARY.—The Secretary may not, as a condition for
3 a finding that the land exchange is in the public in-
4 terest—

5 (A) require the State or the Corporation to
6 convey additional land to the United States; or

7 (B) impose any restriction on the subsist-
8 ence uses (as defined in section 803 of the
9 Alaska National Interest Lands Conservation
10 Act (16 U.S.C. 3113)) of waterfowl by rural
11 residents of the State.

12 (e) KINZAROFF LAGOON.—The land exchange under
13 subsection (a) shall not be carried out before the date on
14 which the parcel of land owned by the State that is located
15 in the Kinzaroff Lagoon has been designated by the State
16 as a State refuge, in accordance with the applicable laws
17 (including regulations) of the State.

18 (f) DESIGNATION OF ROAD CORRIDOR.—In desig-
19 nating the road corridor described in subsection
20 (b)(2)(B)(ii), the Secretary shall—

21 (1) minimize the adverse impact of the road
22 corridor on the Refuge;

23 (2) transfer the minimum acreage of Federal
24 land that is required for the construction of the road
25 corridor; and

1 (3) to the maximum extent practicable, incor-
2 porate into the road corridor roads that are in exist-
3 ence as of the date of enactment of this Act.

4 (g) **ADDITIONAL TERMS AND CONDITIONS.**—The
5 land exchange under subsection (a) shall be subject to any
6 other term or condition that the Secretary determines to
7 be necessary.

8 **SEC. 6403. KING COVE ROAD.**

9 (a) **REQUIREMENTS RELATING TO USE, BARRIER**
10 **CABLES, AND DIMENSIONS.**—

11 (1) **LIMITATIONS ON USE.**—

12 (A) **IN GENERAL.**—Except as provided in
13 subparagraph (B), any portion of the road con-
14 structed on the Federal land conveyed pursuant
15 to this subtitle shall be used primarily for
16 health and safety purposes (including access to
17 and from the Cold Bay Airport) and only for
18 noncommercial purposes.

19 (B) **EXCEPTIONS.**—Notwithstanding sub-
20 paragraph (A), the use of taxis, commercial
21 vans for public transportation, and shared rides
22 (other than organized transportation of employ-
23 ees to a business or other commercial facility)
24 shall be allowed on the road described in sub-
25 paragraph (A).

1 (C) REQUIREMENT OF AGREEMENT.—The
2 limitations of the use of the road described in
3 this paragraph shall be enforced in accordance
4 with an agreement entered into between the
5 Secretary and the State.

6 (2) REQUIREMENT OF BARRIER CABLE.—The
7 road described in paragraph (1)(A) shall be con-
8 structed to include a cable barrier on each side of
9 the road, as described in the record of decision enti-
10 tled “Mitigation Measure MM–11, King Cove Access
11 Project Final Environmental Impact Statement
12 Record of Decision” and dated January 22, 2004,
13 unless a different type barrier is required as a miti-
14 gation measure in the Record of Decision for Final
15 Environmental Impact Statement required in section
16 6402(b)(2).

17 (3) REQUIRED DIMENSIONS AND DESIGN FEA-
18 TURES.—The road described in paragraph (1)(A)
19 shall—

20 (A) have a width of not greater than a sin-
21 gle lane, in accordance with the applicable road
22 standards of the State;

23 (B) be constructed with gravel;

24 (C) be constructed to comply with any spe-
25 cific design features identified in the Record of

1 Decision for Final Environmental Impact State-
2 ment required in section 6402(b)(2) as Mitiga-
3 tion Measures relative to the passage and mi-
4 gration of wildlife, and also the exchange of
5 tidal flows, where applicable, in accordance with
6 applicable Federal and State design standards;
7 and

8 (D) if determined to be necessary, be con-
9 structed to include appropriate safety pullouts.

10 (b) SUPPORT FACILITIES.—Support facilities for the
11 road described in subsection (a)(1)(A) shall not be located
12 within the Refuge.

13 (c) FEDERAL PERMITS.—It is the intent of Congress
14 that any Federal permit required for construction of the
15 road be issued or denied not later than 1 year after the
16 date of application for the permit.

17 (d) APPLICABLE LAW.—Nothing in this section
18 amends, or modifies the application of, section 1110 of
19 the Alaska National Interest Lands Conservation Act (16
20 U.S.C. 3170).

21 (e) MITIGATION PLAN.—

22 (1) IN GENERAL.—Based on the evaluation of
23 impacts determined through the completion of the
24 environmental impact statement under section
25 6402(b)(2), the Secretary, in consultation with the

1 entities described in section 6402(b)(3)(B), shall de-
2 velop an enforceable mitigation plan.

3 (2) CORRECTIVE MODIFICATIONS.—The Sec-
4 retary may make corrective modifications to the
5 mitigation plan developed under paragraph (1) if—

6 (A) the mitigation standards required
7 under the mitigation plan are maintained; and

8 (B) the Secretary provides an opportunity
9 for public comment with respect to any pro-
10 posed corrective modification.

11 (3) AVOIDANCE OF WILDLIFE IMPACTS.—Road
12 construction shall adhere to any specific mitigation
13 measures included in the Record of Decision for
14 Final Environmental Impact Statement required in
15 section 6402(b)(2) that—

16 (A) identify critical periods during the cal-
17 endar year when the refuge is utilized by wild-
18 life, especially migratory birds; and

19 (B) include specific mandatory strategies
20 to alter, limit or halt construction activities dur-
21 ing identified high risk periods in order to mini-
22 mize impacts to wildlife, and

23 (C) allow for the timely construction of the
24 road.

1 (4) MITIGATION OF WETLAND LOSS.—The plan
2 developed under this subsection shall comply with
3 section 404 of the Federal Water Pollution Control
4 Act (33 U.S.C. 1344) with regard to minimizing, to
5 the greatest extent practicable, the filling, frag-
6 mentation or loss of wetlands, especially intertidal
7 wetlands, and shall evaluate mitigating effect of
8 those wetlands transferred in Federal ownership
9 under the provisions of this subtitle.

10 **SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.**

11 (1) FEDERAL LAND.—Upon completion of the
12 land exchange under section 6402(a)—

13 (A) the boundary of the land designated as
14 wilderness within the Refuge shall be modified
15 to exclude the Federal land conveyed to the
16 State under the land exchange; and

17 (B) the Federal land located on Sitkinak
18 Island that is withdrawn for use by the Coast
19 Guard shall, at the request of the State, be
20 transferred by the Secretary to the State upon
21 the relinquishment or termination of the with-
22 drawal.

23 (2) NON-FEDERAL LAND.—Upon completion of
24 the land exchange under section 6402(a), the non-

1 Federal land conveyed to the United States under
2 this subtitle shall be—

3 (A) added to the Refuge or the Alaska Pe-
4 ninsula National Wildlife Refuge, as appro-
5 priate, as generally depicted on the map; and

6 (B) administered in accordance with the
7 laws generally applicable to units of the Na-
8 tional Wildlife Refuge System.

9 (3) WILDERNESS ADDITIONS.—

10 (A) IN GENERAL.—Upon completion of the
11 land exchange under section 6402(a), approxi-
12 mately 43,093 acres of land as generally de-
13 picted on the map shall be added to—

14 (i) the Izembek National Wildlife Ref-
15 uge Wilderness; or

16 (ii) the Alaska Peninsula National
17 Wildlife Refuge Wilderness.

18 (B) ADMINISTRATION.—The land added as
19 wilderness under subparagraph (A) shall be ad-
20 ministered by the Secretary in accordance with
21 the Wilderness Act (16 U.S.C. 1131 et seq.)
22 and other applicable laws (including regula-
23 tions).

1 **SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.**

2 (a) NOTIFICATION TO VOID LAND EXCHANGE.—If
3 the Secretary, the State, and the Corporation enter into
4 the land exchange authorized under section 6402(a), the
5 State or the Corporation may notify the Secretary in writ-
6 ing of the intention of the State or Corporation to void
7 the exchange if construction of the road through the Ref-
8 uge has not begun.

9 (b) DISPOSITION OF LAND EXCHANGE.—Upon the
10 latter of the date on which the Secretary receives a request
11 under subsection (a), and the date on which the Secretary
12 determines that the Federal land conveyed under the land
13 exchange under section 6402(a) has not been adversely
14 impacted (other than any nominal impact associated with
15 the preparation of an environmental impact statement
16 under section 6402(b)(2)), the land exchange shall be null
17 and void.

18 (c) RETURN OF PRIOR OWNERSHIP STATUS OF FED-
19 ERAL AND NON-FEDERAL LAND.—If the land exchange
20 is voided under subsection (b)—

21 (1) the Federal land and non-Federal land shall
22 be returned to the respective ownership status of
23 each land prior to the land exchange;

24 (2) the parcel of the Federal land that is lo-
25 cated in the Refuge shall be managed as part of the
26 Izembek National Wildlife Refuge Wilderness; and

1 (3) each selection of the Corporation under the
2 Alaska Native Claims Settlement Act (43 U.S.C.
3 1601 et seq.) that was relinquished under this sub-
4 title shall be reinstated.

5 **SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.**

6 (a) **IN GENERAL.**—Any legislative authority for con-
7 struction of a road shall expire at the end of the 7-year
8 period beginning on the date of the enactment of this sub-
9 title unless a construction permit has been issued during
10 that period.

11 (b) **EXTENSION OF AUTHORITY.**—If a construction
12 permit is issued within the allotted period, the 7-year au-
13 thority shall be extended for a period of 5 additional years
14 beginning on the date of issuance of the construction per-
15 mit.

16 (c) **EXTENSION OF AUTHORITY AS RESULT OF**
17 **LEGAL CHALLENGES.**—

18 (1) **IN GENERAL.**—Prior to the issuance of a
19 construction permit, if a lawsuit or administrative
20 appeal is filed challenging the land exchange or con-
21 struction of the road (including a challenge to the
22 NEPA process, decisions, or any required permit
23 process required to complete construction of the
24 road), the 7-year deadline or the five-year extension
25 period, as appropriate, shall be extended for a time

1 period equivalent to the time consumed by the full
2 adjudication of the legal challenge or related admin-
3 istrative process.

4 (2) INJUNCTION.—After a construction permit
5 has been issued, if a court issues an injunction
6 against construction of the road, the 7-year deadline
7 or 5-year extension, as appropriate, shall be ex-
8 tended for a time period equivalent to time period
9 that the injunction is in effect.

10 (d) APPLICABILITY OF SECTION 6405.—Upon the ex-
11 piration of the legislative authority under this section, if
12 a road has not been constructed, the land exchange shall
13 be null and void and the land ownership shall revert to
14 the respective ownership status prior to the land exchange
15 as provided in section 6405.

16 **Subtitle F—Wolf Livestock Loss** 17 **Demonstration Project**

18 **SEC. 6501. DEFINITIONS.**

19 In this subtitle:

20 (1) INDIAN TRIBE.—The term “Indian tribe”
21 has the meaning given the term in section 4 of the
22 Indian Self-Determination and Education Assistance
23 Act (25 U.S.C. 450b).

24 (2) LIVESTOCK.—The term “livestock” means
25 cattle, swine, horses, mules, sheep, goats, livestock

1 guard animals, and other domestic animals, as de-
2 termined by the Secretary.

3 (3) PROGRAM.—The term “program” means
4 the demonstration program established under section
5 6502(a).

6 (4) SECRETARIES.—The term “Secretaries”
7 means the Secretary of the Interior and the Sec-
8 retary of Agriculture, acting jointly.

9 **SEC. 6502. WOLF COMPENSATION AND PREVENTION PRO-**
10 **GRAM.**

11 (a) IN GENERAL.—The Secretaries shall establish a
12 5-year demonstration program to provide grants to States
13 and Indian tribes—

14 (1) to assist livestock producers in undertaking
15 proactive, non-lethal activities to reduce the risk of
16 livestock loss due to predation by wolves; and

17 (2) to compensate livestock producers for live-
18 stock losses due to such predation.

19 (b) CRITERIA AND REQUIREMENTS.—The Secretaries
20 shall—

21 (1) establish criteria and requirements to imple-
22 ment the program; and

23 (2) when promulgating regulations to imple-
24 ment the program under paragraph (1), consult with

1 States that have implemented State programs that
2 provide assistance to—

3 (A) livestock producers to undertake
4 proactive activities to reduce the risk of live-
5 stock loss due to predation by wolves; or

6 (B) provide compensation to livestock pro-
7 ducers for livestock losses due to such preda-
8 tion.

9 (c) ELIGIBILITY.—To be eligible to receive a grant
10 under subsection (a), a State or Indian tribe shall—

11 (1) designate an appropriate agency of the
12 State or Indian tribe to administer the 1 or more
13 programs funded by the grant;

14 (2) establish 1 or more accounts to receive
15 grant funds;

16 (3) maintain files of all claims received under
17 programs funded by the grant, including supporting
18 documentation;

19 (4) submit to the Secretary—

20 (A) annual reports that include—

21 (i) a summary of claims and expendi-
22 tures under the program during the year;
23 and

24 (ii) a description of any action taken
25 on the claims; and

1 (B) such other reports as the Secretary
2 may require to assist the Secretary in deter-
3 mining the effectiveness of activities provided
4 assistance under this section; and

5 (5) promulgate rules for reimbursing livestock
6 producers under the program.

7 (d) ALLOCATION OF FUNDING.—The Secretaries
8 shall allocate funding made available to carry out this sub-
9 title—

10 (1) equally between the uses identified in para-
11 graphs (1) and (2) of subsection (a); and

12 (2) among States and Indian tribes based on—

13 (A) the level of livestock predation in the
14 State or on the land owned by, or held in trust
15 for the benefit of, the Indian tribe;

16 (B) whether the State or Indian tribe is lo-
17 cated in a geographical area that is at high risk
18 for livestock predation; or

19 (C) any other factors that the Secretaries
20 determine are appropriate.

21 (e) ELIGIBLE LAND.—Activities and losses described
22 in subsection (a) may occur on Federal, State, or private
23 land, or land owned by, or held in trust for the benefit
24 of, an Indian tribe.

1 (f) FEDERAL COST SHARE.—The Federal share of
 2 the cost of any activity provided assistance made available
 3 under this subtitle shall not exceed 50 percent of the total
 4 cost of the activity.

5 **SEC. 6503. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to carry out
 7 this subtitle \$1,000,000 for fiscal year 2009 and each fis-
 8 cal year thereafter.

9 **TITLE VII—NATIONAL PARK**
 10 **SERVICE AUTHORIZATIONS**
 11 **Subtitle A—Additions to the**
 12 **National Park System**

13 **SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTOR-**
 14 **ICAL PARK, NEW JERSEY.**

15 (a) DEFINITIONS.—In this section:

16 (1) CITY.—The term “City” means the City of
 17 Paterson, New Jersey.

18 (2) COMMISSION.—The term “Commission”
 19 means the Paterson Great Falls National Historical
 20 Park Advisory Commission established by subsection
 21 (e)(1).

22 (3) HISTORIC DISTRICT.—The term “Historic
 23 District” means the Great Falls Historic District in
 24 the State.

1 (4) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan for the
3 Park developed under subsection (d).

4 (5) MAP.—The term “Map” means the map en-
5 titled “Paterson Great Falls National Historical
6 Park–Proposed Boundary”, numbered T03/80,001,
7 and dated May 2008.

8 (6) PARK.—The term “Park” means the
9 Paterson Great Falls National Historical Park es-
10 tablished by subsection (b)(1)(A).

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

13 (8) STATE.—The term “State” means the State
14 of New Jersey.

15 (b) PATERSON GREAT FALLS NATIONAL HISTORICAL
16 PARK.—

17 (1) ESTABLISHMENT.—

18 (A) IN GENERAL.—Subject to subpara-
19 graph (B), there is established in the State a
20 unit of the National Park System to be known
21 as the “Paterson Great Falls National Histor-
22 ical Park”.

23 (B) CONDITIONS FOR ESTABLISHMENT.—

24 The Park shall not be established until the date
25 on which the Secretary determines that—

1 (i)(I) the Secretary has acquired suffi-
2 cient land or an interest in land within the
3 boundary of the Park to constitute a man-
4 ageable unit; or

5 (II) the State or City, as appropriate,
6 has entered into a written agreement with
7 the Secretary to donate—

8 (aa) the Great Falls State Park,
9 including facilities for Park adminis-
10 tration and visitor services; or

11 (bb) any portion of the Great
12 Falls State Park agreed to between
13 the Secretary and the State or City;
14 and

15 (ii) the Secretary has entered into a
16 written agreement with the State, City, or
17 other public entity, as appropriate, pro-
18 viding that—

19 (I) land owned by the State,
20 City, or other public entity within the
21 Historic District will be managed con-
22 sistent with this section; and

23 (II) future uses of land within
24 the Historic District will be compat-
25 ible with the designation of the Park.

1 (2) PURPOSE.—The purpose of the Park is to
2 preserve and interpret for the benefit of present and
3 future generations certain historical, cultural, and
4 natural resources associated with the Historic Dis-
5 trict.

6 (3) BOUNDARIES.—The Park shall include the
7 following sites, as generally depicted on the Map:

8 (A) The upper, middle, and lower race-
9 ways.

10 (B) Mary Ellen Kramer (Great Falls)
11 Park and adjacent land owned by the City.

12 (C) A portion of Upper Raceway Park, in-
13 cluding the Ivanhoe Wheelhouse and the Society
14 for Establishing Useful Manufactures Gate-
15 house.

16 (D) Overlook Park and adjacent land, in-
17 cluding the Society for Establishing Useful
18 Manufactures Hydroelectric Plant and Adminis-
19 tration Building.

20 (E) The Allied Textile Printing site, in-
21 cluding the Colt Gun Mill ruins, Mallory Mill
22 ruins, Waverly Mill ruins, and Todd Mill ruins.

23 (F) The Rogers Locomotive Company
24 Erecting Shop, including the Paterson Museum.

25 (G) The Great Falls Visitor Center.

1 (4) AVAILABILITY OF MAP.—The Map shall be
2 on file and available for public inspection in the ap-
3 propriate offices of the National Park Service.

4 (5) PUBLICATION OF NOTICE.—Not later than
5 60 days after the date on which the conditions in
6 clauses (i) and (ii) of paragraph (1)(B) are satisfied,
7 the Secretary shall publish in the Federal Register
8 notice of the establishment of the Park, including an
9 official boundary map for the Park.

10 (c) ADMINISTRATION.—

11 (1) IN GENERAL.—The Secretary shall admin-
12 ister the Park in accordance with—

13 (A) this section; and

14 (B) the laws generally applicable to units
15 of the National Park System, including—

16 (i) the National Park Service Organic
17 Act (16 U.S.C. 1 et seq.); and

18 (ii) the Act of August 21, 1935 (16
19 U.S.C. 461 et seq.).

20 (2) STATE AND LOCAL JURISDICTION.—Noth-
21 ing in this section enlarges, diminishes, or modifies
22 any authority of the State, or any political subdivi-
23 sion of the State (including the City)—

24 (A) to exercise civil and criminal jurisdic-
25 tion; or

1 (B) to carry out State laws (including reg-
2 ulations) and rules on non-Federal land located
3 within the boundary of the Park.

4 (3) COOPERATIVE AGREEMENTS.—

5 (A) IN GENERAL.—As the Secretary deter-
6 mines to be appropriate to carry out this sec-
7 tion, the Secretary may enter into cooperative
8 agreements with the owner of the Great Falls
9 Visitor Center or any nationally significant
10 properties within the boundary of the Park
11 under which the Secretary may identify, inter-
12 pret, restore, and provide technical assistance
13 for the preservation of the properties.

14 (B) RIGHT OF ACCESS.—A cooperative
15 agreement entered into under subparagraph (A)
16 shall provide that the Secretary, acting through
17 the Director of the National Park Service, shall
18 have the right of access at all reasonable times
19 to all public portions of the property covered by
20 the agreement for the purposes of—

21 (i) conducting visitors through the
22 properties; and

23 (ii) interpreting the properties for the
24 public.

1 (C) CHANGES OR ALTERATIONS.—No
2 changes or alterations shall be made to any
3 properties covered by a cooperative agreement
4 entered into under subparagraph (A) unless the
5 Secretary and the other party to the agreement
6 agree to the changes or alterations.

7 (D) CONVERSION, USE, OR DISPOSAL.—
8 Any payment made by the Secretary under this
9 paragraph shall be subject to an agreement that
10 the conversion, use, or disposal of a project for
11 purposes contrary to the purposes of this sec-
12 tion, as determined by the Secretary, shall enti-
13 tle the United States to reimbursement in
14 amount equal to the greater of—

15 (i) the amounts made available to the
16 project by the United States; or

17 (ii) the portion of the increased value
18 of the project attributable to the amounts
19 made available under this paragraph, as
20 determined at the time of the conversion,
21 use, or, disposal.

22 (E) MATCHING FUNDS.—

23 (i) IN GENERAL.—As a condition of
24 the receipt of funds under this paragraph,
25 the Secretary shall require that any Fed-

1 eral funds made available under a coopera-
2 tive agreement shall be matched on a 1-to-
3 1 basis by non-Federal funds.

4 (ii) FORM.—With the approval of the
5 Secretary, the non-Federal share required
6 under clause (i) may be in the form of do-
7 nated property, goods, or services from a
8 non-Federal source.

9 (4) ACQUISITION OF LAND.—

10 (A) IN GENERAL.—The Secretary may ac-
11 quire land or interests in land within the
12 boundary of the Park by donation, purchase
13 from a willing seller with donated or appro-
14 priated funds, or exchange.

15 (B) DONATION OF STATE OWNED LAND.—
16 Land or interests in land owned by the State or
17 any political subdivision of the State may only
18 be acquired by donation.

19 (5) TECHNICAL ASSISTANCE AND PUBLIC IN-
20 TERPRETATION.—The Secretary may provide tech-
21 nical assistance and public interpretation of related
22 historic and cultural resources within the boundary
23 of the Historic District.

24 (d) MANAGEMENT PLAN.—

1 (1) IN GENERAL.—Not later than 3 fiscal years
2 after the date on which funds are made available to
3 carry out this subsection, the Secretary, in consulta-
4 tion with the Commission, shall complete a manage-
5 ment plan for the Park in accordance with—

6 (A) section 12(b) of Public Law 91–383
7 (commonly known as the “National Park Serv-
8 ice General Authorities Act”) (16 U.S.C. 1a–
9 7(b)); and

10 (B) other applicable laws.

11 (2) COST SHARE.—The management plan shall
12 include provisions that identify costs to be shared by
13 the Federal Government, the State, and the City,
14 and other public or private entities or individuals for
15 necessary capital improvements to, and maintenance
16 and operations of, the Park.

17 (3) SUBMISSION TO CONGRESS.—On completion
18 of the management plan, the Secretary shall submit
19 the management plan to—

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

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

24 (e) PATERSON GREAT FALLS NATIONAL HISTORICAL
25 PARK ADVISORY COMMISSION.—

1 (1) ESTABLISHMENT.—There is established a
2 commission to be known as the “Paterson Great
3 Falls National Historical Park Advisory Commis-
4 sion”.

5 (2) DUTIES.—The duties of the Commission
6 shall be to advise the Secretary in the development
7 and implementation of the management plan.

8 (3) MEMBERSHIP.—

9 (A) COMPOSITION.—The Commission shall
10 be composed of 9 members, to be appointed by
11 the Secretary, of whom—

12 (i) 4 members shall be appointed after
13 consideration of recommendations sub-
14 mitted by the Governor of the State;

15 (ii) 2 members shall be appointed
16 after consideration of recommendations
17 submitted by the City Council of Paterson,
18 New Jersey;

19 (iii) 1 member shall be appointed
20 after consideration of recommendations
21 submitted by the Board of Chosen
22 Freeholders of Passaic County, New Jer-
23 sey; and

1 (iv) 2 members shall have experience
2 with national parks and historic preserva-
3 tion.

4 (B) INITIAL APPOINTMENTS.—The Sec-
5 retary shall appoint the initial members of the
6 Commission not later than the earlier of—

7 (i) the date that is 30 days after the
8 date on which the Secretary has received
9 all of the recommendations for appoint-
10 ments under subparagraph (A); or

11 (ii) the date that is 30 days after the
12 Park is established in accordance with sub-
13 section (b).

14 (4) TERM; VACANCIES.—

15 (A) TERM.—

16 (i) IN GENERAL.—A member shall be
17 appointed for a term of 3 years.

18 (ii) REAPPOINTMENT.—A member
19 may be reappointed for not more than 1
20 additional term.

21 (B) VACANCIES.—A vacancy on the Com-
22 mission shall be filled in the same manner as
23 the original appointment was made.

24 (5) MEETINGS.—The Commission shall meet at
25 the call of—

1 (A) the Chairperson; or

2 (B) a majority of the members of the Com-
3 mission.

4 (6) QUORUM.—A majority of the Commission
5 shall constitute a quorum.

6 (7) CHAIRPERSON AND VICE CHAIRPERSON.—

7 (A) IN GENERAL.—The Commission shall
8 select a Chairperson and Vice Chairperson from
9 among the members of the Commission.

10 (B) VICE CHAIRPERSON.—The Vice Chair-
11 person shall serve as Chairperson in the ab-
12 sence of the Chairperson.

13 (C) TERM.—A member may serve as
14 Chairperson or Vice Chairman for not more
15 than 1 year in each office.

16 (8) COMMISSION PERSONNEL MATTERS.—

17 (A) COMPENSATION OF MEMBERS.—

18 (i) IN GENERAL.—Members of the
19 Commission shall serve without compensa-
20 tion.

21 (ii) TRAVEL EXPENSES.—Members of
22 the Commission shall be allowed travel ex-
23 penses, including per diem in lieu of sub-
24 sistence, at rates authorized for an em-
25 ployee of an agency under subchapter I of

1 chapter 57 of title 5, United States Code,
2 while away from the home or regular place
3 of business of the member in the perform-
4 ance of the duties of the Commission.

5 (B) STAFF.—

6 (i) IN GENERAL.—The Secretary shall
7 provide the Commission with any staff
8 members and technical assistance that the
9 Secretary, after consultation with the Com-
10 mission, determines to be appropriate to
11 enable the Commission to carry out the du-
12 ties of the Commission.

13 (ii) DETAIL OF EMPLOYEES.—The
14 Secretary may accept the services of per-
15 sonnel detailed from—

16 (I) the State;

17 (II) any political subdivision of
18 the State; or

19 (III) any entity represented on
20 the Commission.

21 (9) FACA NONAPPLICABILITY.—Section 14(b)
22 of the Federal Advisory Committee Act (5 U.S.C.
23 App.) shall not apply to the Commission.

1 (10) TERMINATION.—The Commission shall
2 terminate 10 years after the date of enactment of
3 this Act.

4 (f) STUDY OF HINCHLIFFE STADIUM.—

5 (1) IN GENERAL.—Not later than 3 fiscal years
6 after the date on which funds are made available to
7 carry out this section, the Secretary shall complete
8 a study regarding the preservation and interpreta-
9 tion of Hinchliffe Stadium, which is listed on the
10 National Register of Historic Places.

11 (2) INCLUSIONS.—The study shall include an
12 assessment of—

13 (A) the potential for listing the stadium as
14 a National Historic Landmark; and

15 (B) options for maintaining the historic in-
16 tegrity of Hinchliffe Stadium.

17 (g) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out this section.

20 **SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE**
21 **HOME NATIONAL HISTORIC SITE.**

22 (a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF
23 HISTORIC SITE.—Should the Secretary of the Interior ac-
24 quire, by donation only from the Clinton Birthplace Foun-
25 dation, Inc., fee simple, unencumbered title to the William

1 Jefferson Clinton Birthplace Home site located at 117
2 South Hervey Street, Hope, Arkansas, 71801, and to any
3 personal property related to that site, the Secretary shall
4 designate the William Jefferson Clinton Birthplace Home
5 site as a National Historic Site and unit of the National
6 Park System, to be known as the “President William Jef-
7 ferson Clinton Birthplace Home National Historic Site”.

8 (b) APPLICABILITY OF OTHER LAWS.—The Sec-
9 retary shall administer the President William Jefferson
10 Clinton Birthplace Home National Historic Site in accord-
11 ance with the laws generally applicable to national historic
12 sites, including the Act entitled “An Act to establish a Na-
13 tional Park Service, and for other purposes”, approved
14 August 25, 1916 (16 U.S.C. 1–4), and the Act entitled
15 “An Act to provide for the preservation of historic Amer-
16 ican sites, buildings, objects and antiquities of national
17 significance, and for other purposes”, approved August
18 21, 1935 (16 U.S.C. 461 et seq.).

19 **SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—If Monroe County or Wayne
22 County, Michigan, or other willing landowners in ei-
23 ther County offer to donate to the United States
24 land relating to the Battles of the River Raisin on
25 January 18 and 22, 1813, or the aftermath of the

1 battles, the Secretary of the Interior (referred to in
2 this section as the “Secretary”) shall accept the do-
3 nated land.

4 (2) DESIGNATION OF PARK.—On the acquisi-
5 tion of land under paragraph (1) that is of sufficient
6 acreage to permit efficient administration, the Sec-
7 retary shall designate the acquired land as a unit of
8 the National Park System, to be known as the
9 “River Raisin National Battlefield Park” (referred
10 to in this section as the “Park”).

11 (3) LEGAL DESCRIPTION.—

12 (A) IN GENERAL.—The Secretary shall
13 prepare a legal description of the land and in-
14 terests in land designated as the Park by para-
15 graph (2).

16 (B) AVAILABILITY OF MAP AND LEGAL DE-
17 SCRPTION.—A map with the legal description
18 shall be on file and available for public inspec-
19 tion in the appropriate offices of the National
20 Park Service.

21 (b) ADMINISTRATION.—

22 (1) IN GENERAL.—The Secretary shall manage
23 the Park for the purpose of preserving and inter-
24 preting the Battles of the River Raisin in accordance
25 with the National Park Service Organic Act (16

1 U.S.C. 1 et seq.) and the Act of August 21, 1935
2 (16 U.S.C. 461 et seq.).

3 (2) GENERAL MANAGEMENT PLAN.—

4 (A) IN GENERAL.—Not later than 3 years
5 after the date on which funds are made avail-
6 able, the Secretary shall complete a general
7 management plan for the Park that, among
8 other things, defines the role and responsibility
9 of the Secretary with regard to the interpreta-
10 tion and the preservation of the site.

11 (B) CONSULTATION.—The Secretary shall
12 consult with and solicit advice and rec-
13 ommendations from State, county, local, and
14 civic organizations and leaders, and other inter-
15 ested parties in the preparation of the manage-
16 ment plan.

17 (C) INCLUSIONS.—The plan shall in-
18 clude—

19 (i) consideration of opportunities for
20 involvement by and support for the Park
21 by State, county, and local governmental
22 entities and nonprofit organizations and
23 other interested parties; and

1 (ii) steps for the preservation of the
2 resources of the site and the costs associ-
3 ated with these efforts.

4 (D) SUBMISSION TO CONGRESS.—On the
5 completion of the general management plan, the
6 Secretary shall submit a copy of the plan to the
7 Committee on Natural Resources of the House
8 of Representatives and the Committee on En-
9 ergy and Natural Resources of the Senate.

10 (3) COOPERATIVE AGREEMENTS.—The Sec-
11 retary may enter into cooperative agreements with
12 State, county, local, and civic organizations to carry
13 out this section.

14 (c) REPORT.—Not later than 3 years after the date
15 of enactment of this Act, the Secretary shall submit to
16 the Committee on Energy and Natural Resources of the
17 Senate and the Committee on Natural Resources of the
18 House a report describing the progress made with respect
19 to acquiring real property under this section and desig-
20 nating the River Raisin National Battlefield Park.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as are nec-
23 essary to carry out this section.

1 **Subtitle B—Amendments to Exist-**
2 **ing Units of the National Park**
3 **System**

4 **SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTOR-**
5 **ICAL PARK.**

6 (a) ACQUISITION OF PROPERTY.—Section 4 of Public
7 Law 102–543 (16 U.S.C. 410yy–3) is amended by striking
8 subsection (d).

9 (b) MATCHING FUNDS.—Section 8(b) of Public Law
10 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking
11 “\$4” and inserting “\$1”.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
13 10 of Public Law 102–543 (16 U.S.C. 410yy–9) is amend-
14 ed—

15 (1) in subsection (a)—

16 (A) by striking “\$25,000,000” and insert-
17 ing “\$50,000,000”; and

18 (B) by striking “\$3,000,000” and insert-
19 ing “\$25,000,000”; and

20 (2) in subsection (b), by striking “\$100,000”
21 and all that follows through “those duties” and in-
22 sserting “\$250,000”.

1 **SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE**
2 **FACILITIES FOR WEIR FARM NATIONAL HIS-**
3 **TORIC SITE.**

4 Section 4(d) of the Weir Farm National Historic Site
5 Establishment Act of 1990 (16 U.S.C. 461 note) is
6 amended—

7 (1) in paragraph (1)(B), by striking “contig-
8 uous to” and all that follows and inserting “within
9 Fairfield County.”;

10 (2) by amending paragraph (2) to read as fol-
11 lows:

12 “(2) DEVELOPMENT.—

13 “(A) MAINTAINING NATURAL CHAR-
14 ACTER.—The Secretary shall keep development
15 of the property acquired under paragraph (1) to
16 a minimum so that the character of the ac-
17 quired property will be similar to the natural
18 and undeveloped landscape of the property de-
19 scribed in subsection (b).

20 “(B) TREATMENT OF PREVIOUSLY DEVEL-
21 OPED PROPERTY.—Nothing in subparagraph
22 (A) shall either prevent the Secretary from ac-
23 quiring property under paragraph (1) that,
24 prior to the Secretary’s acquisition, was devel-
25 oped in a manner inconsistent with subpara-
26 graph (A), or require the Secretary to reme-

1 diate such previously developed property to re-
2 flect the natural character described in sub-
3 paragraph (A).”; and

4 (3) in paragraph (3), in the matter preceding
5 subparagraph (A), by striking “the appropriate zon-
6 ing authority” and all that follows through “Wilton,
7 Connecticut,” and inserting “the local governmental
8 entity that, in accordance with applicable State law,
9 has jurisdiction over any property acquired under
10 paragraph (1)(A)”.

11 **SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE**

12 **BOUNDARY EXPANSION.**

13 Section 2 of the Little River Canyon National Pre-
14 serve Act of 1992 (16 U.S.C. 698q) is amended—

15 (1) in subsection (b)—

16 (A) by striking “The Preserve” and insert-
17 ing the following:

18 “(1) IN GENERAL.—The Preserve”; and

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

20 “(2) BOUNDARY EXPANSION.—The boundary of
21 the Preserve is modified to include the land depicted
22 on the map entitled ‘Little River Canyon National
23 Preserve Proposed Boundary’, numbered 152/
24 80,004, and dated December 2007.”; and

1 (2) in subsection (c), by striking “map” and in-
2 serting “maps”.

3 **SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL**
4 **PARK BOUNDARY EXPANSION.**

5 Section 2 of the Act entitled “An Act to rename and
6 expand the boundaries of the Mound City Group National
7 Monument in Ohio”, approved May 27, 1992 (106 Stat.
8 185), is amended—

9 (1) by striking “and” at the end of subsection
10 (a)(3);

11 (2) by striking the period at the end of sub-
12 section (a)(4) and inserting “; and”;

13 (3) by adding after subsection (a)(4) the fol-
14 lowing new paragraph:

15 “(5) the map entitled ‘Hopewell Culture Na-
16 tional Historical Park, Ohio Proposed Boundary Ad-
17 justment’ numbered 353/80,049 and dated June,
18 2006.”; and

19 (4) by adding after subsection (d)(2) the fol-
20 lowing new paragraph:

21 “(3) The Secretary may acquire lands added by
22 subsection (a)(5) only from willing sellers.”.

1 **SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK**
2 **AND PRESERVE BOUNDARY ADJUSTMENT.**

3 (a) IN GENERAL.—Section 901 of the National Parks
4 and Recreation Act of 1978 (16 U.S.C. 230) is amended
5 in the second sentence by striking “of approximately twen-
6 ty thousand acres generally depicted on the map entitled
7 ‘Barataria Marsh Unit-Jean Lafitte National Historical
8 Park and Preserve’ numbered 90,000B and dated April
9 1978,” and inserting “generally depicted on the map enti-
10 tled ‘Boundary Map, Barataria Preserve Unit, Jean La-
11 fitte National Historical Park and Preserve’, numbered
12 467/80100A, and dated December 2007,”.

13 (b) ACQUISITION OF LAND.—Section 902 of the Na-
14 tional Parks and Recreation Act of 1978 (16 U.S.C. 230a)
15 is amended—

16 (1) in subsection (a)—

17 (A) by striking “(a) Within the” and all
18 that follows through the first sentence and in-
19 serting the following:

20 “(a) IN GENERAL.—

21 “(1) BARATARIA PRESERVE UNIT.—

22 “(A) IN GENERAL.—The Secretary may
23 acquire any land, water, and interests in land
24 and water within the Barataria Preserve Unit
25 by donation, purchase with donated or appro-

1 priated funds, transfer from any other Federal
2 agency, or exchange.

3 “(B) LIMITATIONS.—

4 “(i) IN GENERAL.—Any non-Federal
5 land depicted on the map described in sec-
6 tion 901 as ‘Lands Proposed for Addition’
7 may be acquired by the Secretary only with
8 the consent of the owner of the land.

9 “(ii) BOUNDARY ADJUSTMENT.—On
10 the date on which the Secretary acquires a
11 parcel of land described in clause (i), the
12 boundary of the Barataria Preserve Unit
13 shall be adjusted to reflect the acquisition.

14 “(iii) EASEMENTS.—To ensure ade-
15 quate hurricane protection of the commu-
16 nities located in the area, any land identi-
17 fied on the map described in section 901
18 that is acquired or transferred shall be
19 subject to any easements that have been
20 agreed to by the Secretary and the Sec-
21 retary of the Army.

22 “(C) TRANSFER OF ADMINISTRATION JU-
23 RISDICTION.—Effective on the date of enact-
24 ment of the Omnibus Public Land Management
25 Act of 2009, administrative jurisdiction over

1 any Federal land within the areas depicted on
2 the map described in section 901 as ‘Lands
3 Proposed for Addition’ is transferred, without
4 consideration, to the administrative jurisdiction
5 of the National Park Service, to be adminis-
6 tered as part of the Barataria Preserve Unit.”;

7 (B) in the second sentence, by striking
8 “The Secretary may also acquire by any of the
9 foregoing methods” and inserting the following:

10 “(2) FRENCH QUARTER.—The Secretary may
11 acquire by any of the methods referred to in para-
12 graph (1)(A)”;

13 (C) in the third sentence, by striking
14 “Lands, waters, and interests therein” and in-
15 serting the following:

16 “(3) ACQUISITION OF STATE LAND.—Land,
17 water, and interests in land and water”; and

18 (D) in the fourth sentence, by striking “In
19 acquiring” and inserting the following:

20 “(4) ACQUISITION OF OIL AND GAS RIGHTS.—
21 In acquiring”;

22 (2) by striking subsections (b) through (f) and
23 inserting the following:

24 “(b) RESOURCE PROTECTION.—With respect to the
25 land, water, and interests in land and water of the

1 Barataria Preserve Unit, the Secretary shall preserve and
2 protect—

3 “(1) fresh water drainage patterns;

4 “(2) vegetative cover;

5 “(3) the integrity of ecological and biological
6 systems; and

7 “(4) water and air quality.

8 “(c) ADJACENT LAND.—With the consent of the
9 owner and the parish governing authority, the Secretary
10 may—

11 “(1) acquire land, water, and interests in land
12 and water, by any of the methods referred to in sub-
13 section (a)(1)(A) (including use of appropriations
14 from the Land and Water Conservation Fund); and

15 “(2) revise the boundaries of the Barataria Pre-
16 serve Unit to include adjacent land and water.”; and

17 (3) by redesignating subsection (g) as sub-
18 section (d).

19 (c) DEFINITION OF IMPROVED PROPERTY.—Section
20 903 of the National Parks and Recreation Act of 1978
21 (16 U.S.C. 230b) is amended in the fifth sentence by in-
22 serting “(or January 1, 2007, for areas added to the park
23 after that date)” after “January 1, 1977”.

24 (d) HUNTING, FISHING, AND TRAPPING.—Section
25 905 of the National Parks and Recreation Act of 1978

1 (16 U.S.C. 230d) is amended in the first sentence by
2 striking “, except that within the core area and on those
3 lands acquired by the Secretary pursuant to section 902(c)
4 of this title, he” and inserting “on land, and interests in
5 land and water managed by the Secretary, except that the
6 Secretary”.

7 (e) ADMINISTRATION.—Section 906 of the National
8 Parks and Recreation Act of 1978 (16 U.S.C. 230e) is
9 amended—

10 (1) by striking the first sentence; and

11 (2) in the second sentence, by striking “Pend-
12 ing such establishment and thereafter the” and in-
13 serting “The”.

14 (f) REFERENCES IN LAW.—

15 (1) IN GENERAL.—Any reference in a law (in-
16 cluding regulations), map, document, paper, or other
17 record of the United States—

18 (A) to the Barataria Marsh Unit shall be
19 considered to be a reference to the Barataria
20 Preserve Unit; or

21 (B) to the Jean Lafitte National Historical
22 Park shall be considered to be a reference to
23 the Jean Lafitte National Historical Park and
24 Preserve.

1 (2) CONFORMING AMENDMENTS.—Title IX of
2 the National Parks and Recreation Act of 1978 (16
3 U.S.C. 230 et seq.) is amended—

4 (A) by striking “Barataria Marsh Unit”
5 each place it appears and inserting “Barataria
6 Preserve Unit”; and

7 (B) by striking “Jean Lafitte National
8 Historical Park” each place it appears and in-
9 serting “Jean Lafitte National Historical Park
10 and Preserve”.

11 **SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.**

12 (a) DEFINITIONS.—In this section:

13 (1) MAP.—The term “map” means the map en-
14 titled “Minute Man National Historical Park Pro-
15 posed Boundary”, numbered 406/81001, and dated
16 July 2007.

17 (2) PARK.—The term “Park” means the
18 Minute Man National Historical Park in the State
19 of Massachusetts.

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (b) MINUTE MAN NATIONAL HISTORICAL PARK.—

23 (1) BOUNDARY ADJUSTMENT.—

1 (A) IN GENERAL.—The boundary of the
2 Park is modified to include the area generally
3 depicted on the map.

4 (B) AVAILABILITY OF MAP.—The map
5 shall be on file and available for inspection in
6 the appropriate offices of the National Park
7 Service.

8 (2) ACQUISITION OF LAND.—The Secretary
9 may acquire the land or an interest in the land de-
10 scribed in paragraph (1)(A) by—

11 (A) purchase from willing sellers with do-
12 nated or appropriated funds;

13 (B) donation; or

14 (C) exchange.

15 (3) ADMINISTRATION OF LAND.—The Secretary
16 shall administer the land added to the Park under
17 paragraph (1)(A) in accordance with applicable laws
18 (including regulations).

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as are nec-
21 essary to carry out this section.

22 **SEC. 7107. EVERGLADES NATIONAL PARK.**

23 (a) INCLUSION OF TARPON BASIN PROPERTY.—

24 (1) DEFINITIONS.—In this subsection:

1 (A) HURRICANE HOLE.—The term “Hurri-
2 cane Hole” means the natural salt-water body
3 of water within the Duesenbury Tracts of the
4 eastern parcel of the Tarpon Basin boundary
5 adjustment and accessed by Duesenbury Creek.

6 (B) MAP.—The term “map” means the
7 map entitled “Proposed Tarpon Basin Bound-
8 ary Revision”, numbered 160/80,012, and dated
9 May 2008.

10 (C) SECRETARY.—The term “Secretary”
11 means the Secretary of the Interior.

12 (D) TARPON BASIN PROPERTY.—The term
13 “Tarpon Basin property” means land that—

14 (i) is comprised of approximately 600
15 acres of land and water surrounding Hur-
16 ricane Hole, as generally depicted on the
17 map; and

18 (ii) is located in South Key Largo.

19 (2) BOUNDARY REVISION.—

20 (A) IN GENERAL.—The boundary of the
21 Everglades National Park is adjusted to include
22 the Tarpon Basin property.

23 (B) ACQUISITION AUTHORITY.—The Sec-
24 retary may acquire from willing sellers by dona-
25 tion, purchase with donated or appropriated

1 funds, or exchange, land, water, or interests in
2 land and water, within the area depicted on the
3 map, to be added to Everglades National Park.

4 (C) AVAILABILITY OF MAP.—The map
5 shall be on file and available for public inspec-
6 tion in the appropriate offices of the National
7 Park Service.

8 (D) ADMINISTRATION.—Land added to
9 Everglades National Park by this section shall
10 be administered as part of Everglades National
11 Park in accordance with applicable laws (in-
12 cluding regulations).

13 (3) HURRICANE HOLE.—The Secretary may
14 allow use of Hurricane Hole by sailing vessels during
15 emergencies, subject to such terms and conditions as
16 the Secretary determines to be necessary.

17 (4) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated such sums
19 as are necessary to carry out this subsection.

20 (b) LAND EXCHANGES.—

21 (1) DEFINITIONS.—In this subsection:

22 (A) COMPANY.—The term “Company”
23 means Florida Power & Light Company.

24 (B) FEDERAL LAND.—The term “Federal
25 Land” means the parcels of land that are—

- 1 (i) owned by the United States;
2 (ii) administered by the Secretary;
3 (iii) located within the National Park;
4 and
5 (iv) generally depicted on the map
6 as—

- 7 (I) Tract A, which is adjacent to
8 the Tamiami Trail, U.S. Rt. 41; and
9 (II) Tract B, which is located on
10 the eastern boundary of the National
11 Park.

12 (C) MAP.—The term “map” means the
13 map prepared by the National Park Service, en-
14 titled “Proposed Land Exchanges, Everglades
15 National Park”, numbered 160/60411A, and
16 dated September 2008.

17 (D) NATIONAL PARK.—The term “Na-
18 tional Park” means the Everglades National
19 Park located in the State.

20 (E) NON-FEDERAL LAND.—The term
21 “non-Federal land” means the land in the State
22 that—

- 23 (i) is owned by the State, the specific
24 area and location of which shall be deter-
25 mined by the State; or

1 (ii)(I) is owned by the Company;

2 (II) comprises approximately 320
3 acres; and

4 (III) is located within the East Ever-
5 glades Acquisition Area, as generally de-
6 picted on the map as “Tract D”.

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

9 (G) STATE.—The term “State” means the
10 State of Florida and political subdivisions of the
11 State, including the South Florida Water Man-
12 agement District.

13 (2) LAND EXCHANGE WITH STATE.—

14 (A) IN GENERAL.—Subject to the provi-
15 sions of this paragraph, if the State offers to
16 convey to the Secretary all right, title, and in-
17 terest of the State in and to specific parcels of
18 non-Federal land, and the offer is acceptable to
19 the Secretary, the Secretary may, subject to
20 valid existing rights, accept the offer and con-
21 vey to the State all right, title, and interest of
22 the United States in and to the Federal land
23 generally depicted on the map as “Tract A”.

24 (B) CONDITIONS.—The land exchange
25 under subparagraph (A) shall be subject to

1 such terms and conditions as the Secretary may
2 require.

3 (C) VALUATION.—

4 (i) IN GENERAL.—The values of the
5 land involved in the land exchange under
6 subparagraph (A) shall be equal.

7 (ii) EQUALIZATION.—If the values of
8 the land are not equal, the values may be
9 equalized by donation, payment using do-
10 nated or appropriated funds, or the con-
11 veyance of additional parcels of land.

12 (D) APPRAISALS.—Before the exchange of
13 land under subparagraph (A), appraisals for the
14 Federal and non-Federal land shall be con-
15 ducted in accordance with the Uniform Ap-
16 praisal Standards for Federal Land Acquisi-
17 tions and the Uniform Standards of Profes-
18 sional Appraisal Practice.

19 (E) TECHNICAL CORRECTIONS.—Subject
20 to the agreement of the State, the Secretary
21 may make minor corrections to correct technical
22 and clerical errors in the legal descriptions of
23 the Federal and non-Federal land and minor
24 adjustments to the boundaries of the Federal
25 and non-Federal land.

1 (F) ADMINISTRATION OF LAND ACQUIRED
2 BY SECRETARY.—Land acquired by the Sec-
3 retary under subparagraph (A) shall—

4 (i) become part of the National Park;

5 and

6 (ii) be administered in accordance
7 with the laws applicable to the National
8 Park System.

9 (3) LAND EXCHANGE WITH COMPANY.—

10 (A) IN GENERAL.—Subject to the provi-
11 sions of this paragraph, if the Company offers
12 to convey to the Secretary all right, title, and
13 interest of the Company in and to the non-Fed-
14 eral land generally depicted on the map as
15 “Tract D”, and the offer is acceptable to the
16 Secretary, the Secretary may, subject to valid
17 existing rights, accept the offer and convey to
18 the Company all right, title, and interest of the
19 United States in and to the Federal land gen-
20 erally depicted on the map as “Tract B”, along
21 with a perpetual easement on a corridor of land
22 contiguous to Tract B for the purpose of vege-
23 tation management.

24 (B) CONDITIONS.—The land exchange
25 under subparagraph (A) shall be subject to

1 such terms and conditions as the Secretary may
2 require.

3 (C) VALUATION.—

4 (i) IN GENERAL.—The values of the
5 land involved in the land exchange under
6 subparagraph (A) shall be equal unless the
7 non-Federal land is of higher value than
8 the Federal land.

9 (ii) EQUALIZATION.—If the values of
10 the land are not equal, the values may be
11 equalized by donation, payment using do-
12 nated or appropriated funds, or the con-
13 veyance of additional parcels of land.

14 (D) APPRAISAL.—Before the exchange of
15 land under subparagraph (A), appraisals for the
16 Federal and non-Federal land shall be con-
17 ducted in accordance with the Uniform Ap-
18 praisal Standards for Federal Land Acquisi-
19 tions and the Uniform Standards of Profes-
20 sional Appraisal Practice.

21 (E) TECHNICAL CORRECTIONS.—Subject
22 to the agreement of the Company, the Secretary
23 may make minor corrections to correct technical
24 and clerical errors in the legal descriptions of
25 the Federal and non-Federal land and minor

1 adjustments to the boundaries of the Federal
2 and non-Federal land.

3 (F) ADMINISTRATION OF LAND ACQUIRED
4 BY SECRETARY.—Land acquired by the Sec-
5 retary under subparagraph (A) shall—

6 (i) become part of the National Park;

7 and

8 (ii) be administered in accordance
9 with the laws applicable to the National
10 Park System.

11 (4) MAP.—The map shall be on file and avail-
12 able for public inspection in the appropriate offices
13 of the National Park Service.

14 (5) BOUNDARY REVISION.—On completion of
15 the land exchanges authorized by this subsection,
16 the Secretary shall adjust the boundary of the Na-
17 tional Park accordingly, including removing the land
18 conveyed out of Federal ownership.

19 **SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.**

20 (a) IN GENERAL.—The Secretary of the Interior shall
21 authorize Ka ‘Ohana O Kalaupapa, a non-profit organiza-
22 tion consisting of patient residents at Kalaupapa National
23 Historical Park, and their family members and friends,
24 to establish a memorial at a suitable location or locations
25 approved by the Secretary at Kalawao or Kalaupapa with-

1 in the boundaries of Kalaupapa National Historical Park
2 located on the island of Molokai, in the State of Hawaii,
3 to honor and perpetuate the memory of those individuals
4 who were forcibly relocated to Kalaupapa Peninsula from
5 1866 to 1969.

6 (b) DESIGN.—

7 (1) IN GENERAL.—The memorial authorized by
8 subsection (a) shall—

9 (A) display in an appropriate manner the
10 names of the first 5,000 individuals sent to the
11 Kalaupapa Peninsula between 1866 and 1896,
12 most of whom lived at Kalawao; and

13 (B) display in an appropriate manner the
14 names of the approximately 3,000 individuals
15 who arrived at Kalaupapa in the second part of
16 its history, when most of the community was
17 concentrated on the Kalaupapa side of the pe-
18 ninsula.

19 (2) APPROVAL.—The location, size, design, and
20 inscriptions of the memorial authorized by sub-
21 section (a) shall be subject to the approval of the
22 Secretary of the Interior.

23 (c) FUNDING.—Ka ‘Ohana O Kalaupapa, a nonprofit
24 organization, shall be solely responsible for acceptance of

1 contributions for and payment of the expenses associated
 2 with the establishment of the memorial.

3 **SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECRE-**
 4 **ATION AREA.**

5 (a) COOPERATIVE AGREEMENTS.—Section 1029(d)
 6 of the Omnibus Parks and Public Lands Management Act
 7 of 1996 (16 U.S.C. 460kk(d)) is amended by striking
 8 paragraph (3) and inserting the following:

9 “(3) AGREEMENTS.—

10 “(A) DEFINITION OF ELIGIBLE ENTITY.—

11 In this paragraph, the term ‘eligible entity’
 12 means—

13 “(i) the Commonwealth of Massachu-
 14 setts;

15 “(ii) a political subdivision of the
 16 Commonwealth of Massachusetts; or

17 “(iii) any other entity that is a mem-
 18 ber of the Boston Harbor Islands Partner-
 19 ship described in subsection (e)(2).

20 “(B) AUTHORITY OF SECRETARY.—Subject
 21 to subparagraph (C), the Secretary may consult
 22 with an eligible entity on, and enter into with
 23 the eligible entity—

24 “(i) a cooperative management agree-
 25 ment to acquire from, and provide to, the

1 eligible entity goods and services for the
2 cooperative management of land within the
3 recreation area; and

4 “(ii) notwithstanding section 6305 of
5 title 31, United States Code, a cooperative
6 agreement for the construction of recre-
7 ation area facilities on land owned by an
8 eligible entity for purposes consistent with
9 the management plan under subsection (f).

10 “(C) CONDITIONS.—The Secretary may
11 enter into an agreement with an eligible entity
12 under subparagraph (B) only if the Secretary
13 determines that—

14 “(i) appropriations for carrying out
15 the purposes of the agreement are avail-
16 able; and

17 “(ii) the agreement is in the best in-
18 terests of the United States.”.

19 (b) TECHNICAL AMENDMENTS.—

20 (1) MEMBERSHIP.—Section 1029(e)(2)(B) of
21 the Omnibus Parks and Public Lands Management
22 Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amend-
23 ed by striking “Coast Guard” and inserting “Coast
24 Guard.”.

1 (2) DONATIONS.—Section 1029(e)(11) of the
2 Omnibus Parks and Public Lands Management Act
3 of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by
4 striking “Notwithstanding” and inserting “Not-
5 withstanding”.

6 **SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK,**
7 **NEW JERSEY.**

8 (a) PURPOSES.—The purposes of this section are—

9 (1) to recognize and pay tribute to Thomas
10 Alva Edison and his innovations; and

11 (2) to preserve, protect, restore, and enhance
12 the Edison National Historic Site to ensure public
13 use and enjoyment of the Site as an educational, sci-
14 entific, and cultural center.

15 (b) ESTABLISHMENT.—

16 (1) IN GENERAL.—There is established the
17 Thomas Edison National Historical Park as a unit
18 of the National Park System (referred to in this sec-
19 tion as the “Historical Park”).

20 (2) BOUNDARIES.—The Historical Park shall
21 be comprised of all property owned by the United
22 States in the Edison National Historic Site as well
23 as all property authorized to be acquired by the Sec-
24 retary of the Interior (referred to in this section as
25 the “Secretary”) for inclusion in the Edison Na-

1 tional Historic Site before the date of the enactment
2 of this Act, as generally depicted on the map entitled
3 the “Thomas Edison National Historical Park”,
4 numbered 403/80,000, and dated April 2008.

5 (3) MAP.—The map of the Historical Park
6 shall be on file and available for public inspection in
7 the appropriate offices of the National Park Service.

8 (c) ADMINISTRATION.—

9 (1) IN GENERAL.—The Secretary shall admin-
10 ister the Historical Park in accordance with this sec-
11 tion and with the provisions of law generally applica-
12 ble to units of the National Park System, including
13 the Acts entitled “An Act to establish a National
14 Park Service, and for other purposes,” approved Au-
15 gust 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.)
16 and “An Act to provide for the preservation of his-
17 toric American sites, buildings, objects, and antiq-
18 uities of national significance, and for other pur-
19 poses,” approved August 21, 1935 (16 U.S.C. 461
20 et seq.).

21 (2) ACQUISITION OF PROPERTY.—

22 (A) REAL PROPERTY.—The Secretary may
23 acquire land or interests in land within the
24 boundaries of the Historical Park, from willing

1 sellers only, by donation, purchase with donated
2 or appropriated funds, or exchange.

3 (B) PERSONAL PROPERTY.—The Secretary
4 may acquire personal property associated with,
5 and appropriate for, interpretation of the His-
6 torical Park.

7 (3) COOPERATIVE AGREEMENTS.—The Sec-
8 retary may consult and enter into cooperative agree-
9 ments with interested entities and individuals to pro-
10 vide for the preservation, development, interpreta-
11 tion, and use of the Historical Park.

12 (4) REPEAL OF SUPERSEDED LAW.—Public
13 Law 87–628 (76 Stat. 428), regarding the establish-
14 ment and administration of the Edison National
15 Historic Site, is repealed.

16 (5) REFERENCES.—Any reference in a law,
17 map, regulation, document, paper, or other record of
18 the United States to the “Edison National Historic
19 Site” shall be deemed to be a reference to the
20 “Thomas Edison National Historical Park”.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated such sums as may be nec-
23 essary to carry out this section.

1 **SEC. 7111. WOMEN’S RIGHTS NATIONAL HISTORICAL PARK.**

2 (a) VOTES FOR WOMEN TRAIL.—Title XVI of Public
3 Law 96–607 (16 U.S.C. 4101) is amended by adding at
4 the end the following:

5 **“SEC. 1602. VOTES FOR WOMEN TRAIL.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) PARK.—The term ‘Park’ means the Wom-
8 en’s Rights National Historical Park established by
9 section 1601.

10 “(2) SECRETARY.—The term ‘Secretary’ means
11 the Secretary of the Interior, acting through the Di-
12 rector of the National Park Service.

13 “(3) STATE.—The term ‘State’ means the State
14 of New York.

15 “(4) TRAIL.—The term ‘Trail’ means the Votes
16 for Women History Trail Route designated under
17 subsection (b).

18 “(b) ESTABLISHMENT OF TRAIL ROUTE.—The Sec-
19 retary, with concurrence of the agency having jurisdiction
20 over the relevant roads, may designate a vehicular tour
21 route, to be known as the ‘Votes for Women History Trail
22 Route’, to link properties in the State that are historically
23 and thematically associated with the struggle for women’s
24 suffrage in the United States.

25 “(c) ADMINISTRATION.—The Trail shall be adminis-
26 tered by the National Park Service through the Park.

1 “(d) ACTIVITIES.—To facilitate the establishment of
2 the Trail and the dissemination of information regarding
3 the Trail, the Secretary shall—

4 “(1) produce and disseminate appropriate edu-
5 cational materials regarding the Trail, such as hand-
6 books, maps, exhibits, signs, interpretive guides, and
7 electronic information;

8 “(2) coordinate the management, planning, and
9 standards of the Trail in partnership with partici-
10 pating properties, other Federal agencies, and State
11 and local governments;

12 “(3) create and adopt an official, uniform sym-
13 bol or device to mark the Trail; and

14 “(4) issue guidelines for the use of the symbol
15 or device adopted under paragraph (3).

16 “(e) ELEMENTS OF TRAIL ROUTE.—Subject to the
17 consent of the owner of the property, the Secretary may
18 designate as an official stop on the Trail—

19 “(1) all units and programs of the Park relat-
20 ing to the struggle for women’s suffrage;

21 “(2) other Federal, State, local, and privately
22 owned properties that the Secretary determines have
23 a verifiable connection to the struggle for women’s
24 suffrage; and

1 “(3) other governmental and nongovernmental
2 facilities and programs of an educational, commemo-
3 rative, research, or interpretive nature that the Sec-
4 retary determines to be directly related to the strug-
5 gle for women’s suffrage.

6 “(f) COOPERATIVE AGREEMENTS AND MEMORANDA
7 OF UNDERSTANDING.—

8 “(1) IN GENERAL.—To facilitate the establish-
9 ment of the Trail and to ensure effective coordina-
10 tion of the Federal and non-Federal properties des-
11 ignated as stops along the Trail, the Secretary may
12 enter into cooperative agreements and memoranda of
13 understanding with, and provide technical and finan-
14 cial assistance to, other Federal agencies, the State,
15 localities, regional governmental bodies, and private
16 entities.

17 “(2) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated to the Sec-
19 retary such sums as are necessary for the period of
20 fiscal years 2009 through 2013 to provide financial
21 assistance to cooperating entities pursuant to agree-
22 ments or memoranda entered into under paragraph
23 (1).”.

24 (b) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT
25 NATIONAL REGISTRY.—

1 (1) IN GENERAL.—The Secretary of the Inte-
2 rior (referred to in this section as the “Secretary”)
3 may make annual grants to State historic preserva-
4 tion offices for not more than 5 years to assist the
5 State historic preservation offices in surveying, eval-
6 uating, and nominating to the National Register of
7 Historic Places women’s rights history properties.

8 (2) ELIGIBILITY.—In making grants under
9 paragraph (1), the Secretary shall give priority to
10 grants relating to properties associated with the
11 multiple facets of the women’s rights movement,
12 such as politics, economics, education, religion, and
13 social and family rights.

14 (3) UPDATES.—The Secretary shall ensure that
15 the National Register travel itinerary website enti-
16 tled “Places Where Women Made History” is up-
17 dated to contain—

18 (A) the results of the inventory conducted
19 under paragraph (1); and

20 (B) any links to websites related to places
21 on the inventory.

22 (4) COST-SHARING REQUIREMENT.—The Fed-
23 eral share of the cost of any activity carried out
24 using any assistance made available under this sub-
25 section shall be 50 percent.

1 (5) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-
3 retary to carry out this subsection \$1,000,000 for
4 each of fiscal years 2009 through 2013.

5 (c) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT
6 PARTNERSHIPS NETWORK.—

7 (1) GRANTS.—The Secretary may make match-
8 ing grants and give technical assistance for develop-
9 ment of a network of governmental and nongovern-
10 mental entities (referred to in this subsection as the
11 “network”), the purpose of which is to provide inter-
12 pretive and educational program development of na-
13 tional women’s rights history, including historic
14 preservation.

15 (2) MANAGEMENT OF NETWORK.—

16 (A) IN GENERAL.—The Secretary shall,
17 through a competitive process, designate a non-
18 governmental managing network to manage the
19 network.

20 (B) COORDINATION.—The nongovern-
21 mental managing entity designated under sub-
22 paragraph (A) shall work in partnership with
23 the Director of the National Park Service and
24 State historic preservation offices to coordinate
25 operation of the network.

1 (3) COST-SHARING REQUIREMENT.—

2 (A) IN GENERAL.—The Federal share of
3 the cost of any activity carried out using any
4 assistance made available under this subsection
5 shall be 50 percent.

6 (B) STATE HISTORIC PRESERVATION OF-
7 FICES.—Matching grants for historic preserva-
8 tion specific to the network may be made avail-
9 able through State historic preservation offices.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to the Sec-
12 retary to carry out this subsection \$1,000,000 for
13 each of fiscal years 2009 through 2013.

14 **SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.**

15 (a) DEFINITIONS.—In this section:

16 (1) HISTORIC SITE.—The term “historic site”
17 means the Martin Van Buren National Historic Site
18 in the State of New York established by Public Law
19 93–486 (16 U.S.C. 461 note) on October 26, 1974.

20 (2) MAP.—The term “map” means the map en-
21 titled “Boundary Map, Martin Van Buren National
22 Historic Site”, numbered “460/80801”, and dated
23 January 2005.

24 (3) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (b) BOUNDARY ADJUSTMENTS TO THE HISTORIC
2 SITE.—

3 (1) BOUNDARY ADJUSTMENT.—The boundary
4 of the historic site is adjusted to include approxi-
5 mately 261 acres of land identified as the “PRO-
6 POSED PARK BOUNDARY”, as generally de-
7 picted on the map.

8 (2) ACQUISITION AUTHORITY.—The Secretary
9 may acquire the land and any interests in the land
10 described in paragraph (1) from willing sellers by
11 donation, purchase with donated or appropriated
12 funds, or exchange.

13 (3) AVAILABILITY OF MAP.—The map shall be
14 on file and available for public inspection in the ap-
15 propriate offices of the National Park Service.

16 (4) ADMINISTRATION.—Land acquired for the
17 historic site under this section shall be administered
18 as part of the historic site in accordance with appli-
19 cable law (including regulations).

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as are nec-
22 essary to carry out this section.

1 **SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTOR-**
2 **ICAL PARK.**

3 (a) DESIGNATION OF PALO ALTO BATTLEFIELD NA-
4 TIONAL HISTORICAL PARK.—

5 (1) IN GENERAL.—The Palo Alto Battlefield
6 National Historic Site shall be known and des-
7 ignated as the “Palo Alto Battlefield National His-
8 torical Park”.

9 (2) REFERENCES.—Any reference in a law,
10 map, regulation, document, paper, or other record of
11 the United States to the historic site referred to in
12 subsection (a) shall be deemed to be a reference to
13 the Palo Alto Battlefield National Historical Park.

14 (3) CONFORMING AMENDMENTS.—The Palo
15 Alto Battlefield National Historic Site Act of 1991
16 (16 U.S.C. 461 note; Public Law 102–304) is
17 amended—

18 (A) by striking “National Historic Site”
19 each place it appears and inserting “National
20 Historical Park”;

21 (B) in the heading for section 3, by strik-
22 ing “**NATIONAL HISTORIC SITE**” and insert-
23 ing “**NATIONAL HISTORICAL PARK**”; and

24 (C) by striking “historic site” each place it
25 appears and inserting “historical park”.

1 (b) BOUNDARY EXPANSION, PALO ALTO BATTLE-
2 FIELD NATIONAL HISTORICAL PARK, TEXAS.—Section
3 3(b) of the Palo Alto Battlefield National Historic Site
4 Act of 1991 (16 U.S.C. 461 note; Public Law 102–304)
5 (as amended by subsection (a)) is amended—

6 (1) in paragraph (1), by striking “(1) The his-
7 torical park” and inserting the following:

8 “(1) IN GENERAL.—The historical park”;

9 (2) by redesignating paragraph (2) as para-
10 graph (3);

11 (3) by inserting after paragraph (1) the fol-
12 lowing:

13 “(2) ADDITIONAL LAND.—

14 “(A) IN GENERAL.—In addition to the
15 land described in paragraph (1), the historical
16 park shall consist of approximately 34 acres of
17 land, as generally depicted on the map entitled
18 ‘Palo Alto Battlefield NHS Proposed Boundary
19 Expansion’, numbered 469/80,012, and dated
20 May 21, 2008.

21 “(B) AVAILABILITY OF MAP.—The map
22 described in subparagraph (A) shall be on file
23 and available for public inspection in the appro-
24 priate offices of the National Park Service.”;
25 and

1 (4) in paragraph (3) (as redesignated by para-
2 graph (2))—

3 (A) by striking “(3) Within” and inserting
4 the following:

5 “(3) LEGAL DESCRIPTION.—Not later than”;
6 and

7 (B) in the second sentence, by striking
8 “map referred to in paragraph (1)” and insert-
9 ing “maps referred to in paragraphs (1) and
10 (2)”.

11 **SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HIS-**
12 **TORICAL PARK.**

13 (a) DESIGNATION.—The Abraham Lincoln Birth-
14 place National Historic Site in the State of Kentucky shall
15 be known and designated as the “Abraham Lincoln Birth-
16 place National Historical Park”.

17 (b) REFERENCES.—Any reference in a law, map, reg-
18 ulation, document, paper, or other record of the United
19 States to the Abraham Lincoln Birthplace National His-
20 toric Site shall be deemed to be a reference to the “Abra-
21 ham Lincoln Birthplace National Historical Park”.

22 **SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.**

23 Section 1106 of the National Parks and Recreation
24 Act of 1978 (16 U.S.C. 460m–20) is amended in the first
25 sentence by striking “may” and inserting “shall”.

1 **SEC. 7116. TECHNICAL CORRECTIONS.**

2 (a) GAYLORD NELSON WILDERNESS.—

3 (1) REDESIGNATION.—Section 140 of division
4 E of the Consolidated Appropriations Act, 2005 (16
5 U.S.C. 1132 note; Public Law 108–447), is amend-
6 ed—

7 (A) in subsection (a), by striking “Gaylord
8 A. Nelson” and inserting “Gaylord Nelson”;
9 and

10 (B) in subsection (c)(4), by striking “Gay-
11 lord A. Nelson Wilderness” and inserting “Gay-
12 lord Nelson Wilderness”.

13 (2) REFERENCES.—Any reference in a law,
14 map, regulation, document, paper, or other record of
15 the United States to the “Gaylord A. Nelson Wilder-
16 ness” shall be deemed to be a reference to the “Gay-
17 lord Nelson Wilderness”.

18 (b) ARLINGTON HOUSE LAND TRANSFER.—Section
19 2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is
20 amended by striking “the George Washington Memorial
21 Parkway” and inserting “Arlington House, The Robert E.
22 Lee Memorial,”.

23 (c) CUMBERLAND ISLAND WILDERNESS.—Section
24 2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96
25 Stat. 709) is amended by striking “numbered 640/

1 20,038I, and dated September 2004” and inserting “num-
2 bered 640/20,038K, and dated September 2005”.

3 (d) PETRIFIED FOREST BOUNDARY.—Section 2(1) of
4 the Petrified Forest National Park Expansion Act of 2004
5 (16 U.S.C. 119 note; Public Law 108–430) is amended
6 by striking “numbered 110/80,044, and dated July 2004”
7 and inserting “numbered 110/80,045, and dated January
8 2005”.

9 (e) COMMEMORATIVE WORKS ACT.—Chapter 89 of
10 title 40, United States Code, is amended—

11 (1) in section 8903(d), by inserting “Natural”
12 before “Resources”;

13 (2) in section 8904(b), by inserting “Advisory”
14 before “Commission”; and

15 (3) in section 8908(b)(1)—

16 (A) in the first sentence, by inserting “Ad-
17 visory” before “Commission”; and

18 (B) in the second sentence, by striking
19 “House Administration” and inserting “Natural
20 Resources”.

21 (f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL
22 HISTORIC TRAIL.—Section 5(a)(25)(A) of the National
23 Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended
24 by striking “The John Smith” and inserting “The Captain
25 John Smith”.

1 (g) DELAWARE NATIONAL COASTAL SPECIAL RE-
2 SOURCE STUDY.—Section 604 of the Delaware National
3 Coastal Special Resources Study Act (Public Law 109–
4 338; 120 Stat. 1856) is amended by striking “under sec-
5 tion 605”.

6 (h) USE OF RECREATION FEES.—Section
7 808(a)(1)(F) of the Federal Lands Recreation Enhance-
8 ment Act (16 U.S.C. 6807(a)(1)(F)) is amended by strik-
9 ing “section 6(a)” and inserting “section 806(a)”.

10 (i) CROSSROADS OF THE AMERICAN REVOLUTION
11 NATIONAL HERITAGE AREA.—Section 297F(b)(2)(A) of
12 the Crossroads of the American Revolution National Her-
13 itage Area Act of 2006 (Public Law 109–338; 120 Stat.
14 1844) is amended by inserting “duties” before “of the”.

15 (j) CUYAHOGA VALLEY NATIONAL PARK.—Section
16 474(12) of the Consolidated Natural Resources Act of
17 2008 (Public Law 1110–229; 122 Stat. 827) is amended
18 by striking “Cayohoga” each place it appears and insert-
19 ing “Cuyahoga”.

20 (k) PENNSYLVANIA AVENUE NATIONAL HISTORIC
21 SITE.—

22 (1) NAME ON MAP.—Section 313(d)(1)(B) of
23 the Department of the Interior and Related Agencies
24 Appropriations Act, 1996 (Public Law 104–134;
25 110 Stat. 1321–199; 40 U.S.C. 872 note) is amend-

1 ed by striking “map entitled ‘Pennsylvania Avenue
2 National Historic Park’, dated June 1, 1995, and
3 numbered 840–82441” and inserting “map entitled
4 ‘Pennsylvania Avenue National Historic Site’, dated
5 August 25, 2008, and numbered 840–82441B”.

6 (2) REFERENCES.—Any reference in a law,
7 map, regulation, document, paper, or other record of
8 the United States to the Pennsylvania Avenue Na-
9 tional Historic Park shall be deemed to be a ref-
10 erence to the “Pennsylvania Avenue National His-
11 toric Site”.

12 **SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HIS-**
13 **TORICAL PARK, OHIO.**

14 (a) ADDITIONAL AREAS INCLUDED IN PARK.—Sec-
15 tion 101 of the Dayton Aviation Heritage Preservation
16 Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by
17 adding at the end the following:

18 “(c) ADDITIONAL SITES.—In addition to the sites de-
19 scribed in subsection (b), the park shall consist of the fol-
20 lowing sites, as generally depicted on a map titled ‘Dayton
21 Aviation Heritage National Historical Park’, numbered
22 362/80,013 and dated May 2008:

23 “(1) Hawthorn Hill, Oakwood, Ohio.

24 “(2) The Wright Company factory and associ-
25 ated land and buildings, Dayton, Ohio.”.

1 (b) PROTECTION OF HISTORIC PROPERTIES.—Sec-
2 tion 102 of the Dayton Aviation Heritage Preservation
3 Act of 1992 (16 U.S.C. 410ww–1) is amended—

4 (1) in subsection (a), by inserting “Hawthorn
5 Hill, the Wright Company factory,” after “, ac-
6 quire”;

7 (2) in subsection (b), by striking “Such agree-
8 ments” and inserting:

9 “(d) CONDITIONS.—Cooperative agreements under
10 this section”;

11 (3) by inserting before subsection (d) (as added
12 by paragraph 2) the following:

13 “(c) COOPERATIVE AGREEMENTS.—The Secretary is
14 authorized to enter into a cooperative agreement with a
15 partner or partners, including the Wright Family Founda-
16 tion, to operate and provide programming for Hawthorn
17 Hill and charge reasonable fees notwithstanding any other
18 provision of law, which may be used to defray the costs
19 of park operation and programming.”; and

20 (4) by striking “Commission” and inserting
21 “Aviation Heritage Foundation”.

22 (c) GRANT ASSISTANCE.—The Dayton Aviation Her-
23 itage Preservation Act of 1992, is amended—

24 (1) by redesignating subsection (b) of section
25 108 as subsection (c); and

1 (2) by inserting after subsection (a) of section
2 108 the following new subsection:

3 “(b) GRANT ASSISTANCE.—The Secretary is author-
4 ized to make grants to the parks’ partners, including the
5 Aviation Trail, Inc., the Ohio Historical Society, and Day-
6 ton History, for projects not requiring Federal involve-
7 ment other than providing financial assistance, subject to
8 the availability of appropriations in advance identifying
9 the specific partner grantee and the specific project.
10 Projects funded through these grants shall be limited to
11 construction and development on non-Federal property
12 within the boundaries of the park. Any project funded by
13 such a grant shall support the purposes of the park, shall
14 be consistent with the park’s general management plan,
15 and shall enhance public use and enjoyment of the park.”.

16 (d) NATIONAL AVIATION HERITAGE AREA.—Title V
17 of division J of the Consolidated Appropriations Act, 2005
18 (16 U.S.C. 461 note; Public Law 108–447), is amended—

19 (1) in section 503(3), by striking “104” and in-
20 serting “504”;

21 (2) in section 503(4), by striking “106” and in-
22 serting “506”;

23 (3) in section 504, by striking subsection (b)(2)
24 and by redesignating subsection (b)(3) as subsection
25 (b)(2); and

1 (4) in section 505(b)(1), by striking “106” and
2 inserting “506”.

3 **SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.**

4 Public Law 87–213 (16 U.S.C. 461 note) is amended
5 as follows:

6 (1) In the first section—

7 (A) by striking “the Secretary of the Inte-
8 rior” and inserting “(a) The Secretary of the
9 Interior”;

10 (B) by striking “476 acres” and inserting
11 “646 acres”; and

12 (C) by adding at the end the following:

13 “(b) The Secretary may acquire from willing sellers
14 land comprising approximately 55 acres, as depicted on
15 the map titled ‘Fort Davis Proposed Boundary Expan-
16 sion’, numbered 418/80,045, and dated April 2008. The
17 map shall be on file and available for public inspection
18 in the appropriate offices of the National Park Service.
19 Upon acquisition of the land, the land shall be incor-
20 porated into the Fort Davis National Historic Site.”.

21 (2) By repealing section 3.

22 **Subtitle C—Special Resource**
23 **Studies**

24 **SEC. 7201. WALNUT CANYON STUDY.**

25 (a) DEFINITIONS.—In this section:

1 (1) MAP.—The term “map” means the map en-
2 titled “Walnut Canyon Proposed Study Area” and
3 dated July 17, 2007.

4 (2) SECRETARIES.—The term “Secretaries”
5 means the Secretary of the Interior and the Sec-
6 retary of Agriculture, acting jointly.

7 (3) STUDY AREA.—The term “study area”
8 means the area identified on the map as the “Wal-
9 nut Canyon Proposed Study Area”.

10 (b) STUDY.—

11 (1) IN GENERAL.—The Secretaries shall con-
12 duct a study of the study area to assess—

13 (A) the suitability and feasibility of desig-
14 nating all or part of the study area as an addi-
15 tion to Walnut Canyon National Monument, in
16 accordance with section 8(c) of Public Law 91–
17 383 (16 U.S.C. 1a–5(c));

18 (B) continued management of the study
19 area by the Forest Service; or

20 (C) any other designation or management
21 option that would provide for—

22 (i) protection of resources within the
23 study area; and

24 (ii) continued access to, and use of,
25 the study area by the public.

1 (2) CONSULTATION.—The Secretaries shall pro-
2 vide for public comment in the preparation of the
3 study, including consultation with appropriate Fed-
4 eral, State, and local governmental entities.

5 (3) REPORT.—Not later than 18 months after
6 the date on which funds are made available to carry
7 out this section, the Secretaries shall submit to the
8 Committee on Energy and Natural Resources of the
9 Senate and the Committee on Natural Resources of
10 the House of Representatives a report that de-
11 scribes—

12 (A) the results of the study; and

13 (B) any recommendations of the Secre-
14 taries.

15 (4) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated such sums
17 as are necessary to carry out this section.

18 **SEC. 7202. TULE LAKE SEGREGATION CENTER, CALI-**
19 **FORNIA.**

20 (a) STUDY.—

21 (1) IN GENERAL.—The Secretary of the Inte-
22 rior (referred to in this section as the “Secretary”)
23 shall conduct a special resource study of the Tule
24 Lake Segregation Center to determine the national
25 significance of the site and the suitability and feasi-

1 bility of including the site in the National Park Sys-
2 tem.

3 (2) STUDY GUIDELINES.—The study shall be
4 conducted in accordance with the criteria for the
5 study of areas for potential inclusion in the National
6 Park System under section 8 of Public Law 91–383
7 (16 U.S.C. 1a–5).

8 (3) CONSULTATION.—In conducting the study,
9 the Secretary shall consult with—

- 10 (A) Modoc County;
- 11 (B) the State of California;
- 12 (C) appropriate Federal agencies;
- 13 (D) tribal and local government entities;
- 14 (E) private and nonprofit organizations;
- 15 and
- 16 (F) private landowners.

17 (4) SCOPE OF STUDY.—The study shall include
18 an evaluation of—

- 19 (A) the significance of the site as a part of
20 the history of World War II;
- 21 (B) the significance of the site as the site
22 relates to other war relocation centers;
- 23 (C) the historical resources of the site, in-
24 cluding the stockade, that are intact and in
25 place;

1 (D) the contributions made by the local ag-
2 gricultural community to the World War II ef-
3 fort; and

4 (E) the potential impact of designation of
5 the site as a unit of the National Park System
6 on private landowners.

7 (b) REPORT.—Not later than 3 years after the date
8 on which funds are made available to conduct the study
9 required under this section, the Secretary shall submit to
10 the Committee on Natural Resources of the House of Rep-
11 resentatives and the Committee on Energy and Natural
12 Resources of the Senate a report describing the findings,
13 conclusions, and recommendations of the study.

14 **SEC. 7203. ESTATE GRANGE, ST. CROIX.**

15 (a) STUDY.—

16 (1) IN GENERAL.—The Secretary of the Inte-
17 rior (referred to in this section as the “Secretary”),
18 in consultation with the Governor of the Virgin Is-
19 lands, shall conduct a special resource study of Es-
20 tate Grange and other sites and resources associated
21 with Alexander Hamilton’s life on St. Croix in the
22 United States Virgin Islands.

23 (2) CONTENTS.—In conducting the study under
24 paragraph (1), the Secretary shall evaluate—

1 (A) the national significance of the sites
2 and resources; and

3 (B) the suitability and feasibility of designating the sites and resources as a unit of the
4 National Park System.

6 (3) CRITERIA.—The criteria for the study of
7 areas for potential inclusion in the National Park
8 System contained in section 8 of Public Law 91–383
9 (16 U.S.C. 1a–5) shall apply to the study under
10 paragraph (1).

11 (4) REPORT.—Not later than 3 years after the
12 date on which funds are first made available for the
13 study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the
14 House of Representatives and the Committee on Energy and Natural Resources of the Senate a report
15 containing—
16 containing—
17 containing—

18 (A) the results of the study; and

19 (B) any findings, conclusions, and recommendations of the Secretary.
20

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as are necessary to carry out this section.
23

24 **SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.**

25 (a) STUDY.—

1 (1) IN GENERAL.—Not later than 3 years after
2 the date on which funds are made available to carry
3 out this section, the Secretary of the Interior (re-
4 ferred to in this section as the “Secretary”) shall
5 complete a special resource study of the Harriet
6 Beecher Stowe House in Brunswick, Maine, to
7 evaluate—

8 (A) the national significance of the Harriet
9 Beecher Stowe House and surrounding land;
10 and

11 (B) the suitability and feasibility of desig-
12 nating the Harriet Beecher Stowe House and
13 surrounding land as a unit of the National
14 Park System.

15 (2) STUDY GUIDELINES.—In conducting the
16 study authorized under paragraph (1), the Secretary
17 shall use the criteria for the study of areas for po-
18 tential inclusion in the National Park System con-
19 tained in section 8(c) of Public Law 91–383 (16
20 U.S.C. 1a–5(e)).

21 (b) REPORT.—On completion of the study required
22 under subsection (a), the Secretary shall submit to the
23 Committee on Energy and Natural Resources of the Sen-
24 ate and the Committee on Natural Resources of the House

1 of Representatives a report containing the findings, con-
2 clusions, and recommendations of the study.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as are nec-
5 essary to carry out this section.

6 **SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIR-**
7 **GINIA.**

8 (a) SPECIAL RESOURCES STUDY.—The Secretary of
9 the Interior (referred to in this section as the “Secretary”)
10 shall conduct a special resource study relating to the Bat-
11 tle of Shepherdstown in Shepherdstown, West Virginia, to
12 evaluate—

13 (1) the national significance of the
14 Shepherdstown battlefield and sites relating to the
15 Shepherdstown battlefield; and

16 (2) the suitability and feasibility of adding the
17 Shepherdstown battlefield and sites relating to the
18 Shepherdstown battlefield as part of—

19 (A) Harpers Ferry National Historical
20 Park; or

21 (B) Antietam National Battlefield.

22 (b) CRITERIA.—In conducting the study authorized
23 under subsection (a), the Secretary shall use the criteria
24 for the study of areas for potential inclusion in the Na-

1 tional Park System contained in section 8(c) of Public
2 Law 91-383 (16 U.S.C. 1a-5(c)).

3 (c) REPORT.—Not later than 3 years after the date
4 on which funds are made available to carry out this sec-
5 tion, the Secretary shall submit to the Committee on En-
6 ergy and Natural Resources of the Senate and the Com-
7 mittee on Natural Resources of the House of Representa-
8 tives a report containing the findings, conclusions, and
9 recommendations of the study conducted under subsection
10 (a).

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated such sums as are nec-
13 essary to carry out this section.

14 **SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.**

15 (a) IN GENERAL.—The Secretary of the Interior (re-
16 ferred to in this section as the “Secretary”) shall conduct
17 a special resource study of the site of Green McAdoo
18 School in Clinton, Tennessee, (referred to in this section
19 as the “site”) to evaluate—

- 20 (1) the national significance of the site; and
21 (2) the suitability and feasibility of designating
22 the site as a unit of the National Park System.

23 (b) CRITERIA.—In conducting the study under sub-
24 section (a), the Secretary shall use the criteria for the
25 study of areas for potential inclusion in the National Park

1 System under section 8(c) of Public Law 91–383 (16
2 U.S.C. 1a–5(c)).

3 (c) CONTENTS.—The study authorized by this section
4 shall—

5 (1) determine the suitability and feasibility of
6 designating the site as a unit of the National Park
7 System;

8 (2) include cost estimates for any necessary ac-
9 quisition, development, operation, and maintenance
10 of the site; and

11 (3) identify alternatives for the management,
12 administration, and protection of the site.

13 (d) REPORT.—Not later than 3 years after the date
14 on which funds are made available to carry out this sec-
15 tion, the Secretary shall submit to the Committee on Nat-
16 ural Resources of the House of Representatives and the
17 Committee on Energy and Natural Resources of the Sen-
18 ate a report that describes—

19 (1) the findings and conclusions of the study;
20 and

21 (2) any recommendations of the Secretary.

22 **SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.**

23 (a) IN GENERAL.—The Secretary of the Interior (re-
24 ferred to in this section as the “Secretary”) shall conduct
25 a special resource study of the Harry S Truman Birth-

1 place State Historic Site (referred to in this section as
2 the “birthplace site”) in Lamar, Missouri, to determine—

3 (1) the suitability and feasibility of—

4 (A) adding the birthplace site to the Harry
5 S Truman National Historic Site; or

6 (B) designating the birthplace site as a
7 separate unit of the National Park System; and

8 (2) the methods and means for the protection
9 and interpretation of the birthplace site by the Na-
10 tional Park Service, other Federal, State, or local
11 government entities, or private or nonprofit organi-
12 zations.

13 (b) STUDY REQUIREMENTS.—The Secretary shall
14 conduct the study required under subsection (a) in accord-
15 ance with section 8(c) of Public Law 91–383 (16 U.S.C.
16 1a–5(c)).

17 (c) REPORT.—Not later than 3 years after the date
18 on which funds are made available to carry out this sec-
19 tion, the Secretary shall submit to the Committee on Nat-
20 ural Resources of the House of Representatives and the
21 Committee on Energy and Natural Resources of the Sen-
22 ate a report containing—

23 (1) the results of the study conducted under
24 subsection (a); and

1 (2) any recommendations of the Secretary with
2 respect to the birthplace site.

3 **SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE**
4 **STUDY.**

5 (a) **IN GENERAL.**—The Secretary of the Interior (re-
6 ferred to in this section as the “Secretary”) shall conduct
7 a special resource study of the sites and resources at
8 Matewan, West Virginia, associated with the Battle of
9 Matewan (also known as the “Matewan Massacre”) of
10 May 19, 1920, to determine—

11 (1) the suitability and feasibility of designating
12 certain historic areas of Matewan, West Virginia, as
13 a unit of the National Park System; and

14 (2) the methods and means for the protection
15 and interpretation of the historic areas by the Na-
16 tional Park Service, other Federal, State, or local
17 government entities, or private or nonprofit organi-
18 zations.

19 (b) **STUDY REQUIREMENTS.**—The Secretary shall
20 conduct the study required under subsection (a) in accord-
21 ance with section 8(c) of Public Law 91–383 (16 U.S.C.
22 1a–5(c)).

23 (c) **REPORT.**—Not later than 3 years after the date
24 on which funds are made available to carry out this sec-
25 tion, the Secretary shall submit to the Committee on Nat-

1 ural Resources of the House of Representatives and the
2 Committee on Energy and Natural Resources of the Sen-
3 ate a report containing—

4 (1) the results of the study conducted under
5 subsection (a); and

6 (2) any recommendations of the Secretary with
7 respect to the historic areas.

8 **SEC. 7209. BUTTERFIELD OVERLAND TRAIL.**

9 (a) IN GENERAL.—The Secretary of the Interior (re-
10 ferred to in this section as the “Secretary”) shall conduct
11 a special resource study along the route known as the “Ox-
12 Bow Route” of the Butterfield Overland Trail (referred
13 to in this section as the “route”) in the States of Missouri,
14 Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Ari-
15 zona, and California to evaluate—

16 (1) a range of alternatives for protecting and
17 interpreting the resources of the route, including al-
18 ternatives for potential addition of the Trail to the
19 National Trails System; and

20 (2) the methods and means for the protection
21 and interpretation of the route by the National Park
22 Service, other Federal, State, or local government
23 entities, or private or nonprofit organizations.

24 (b) STUDY REQUIREMENTS.—The Secretary shall
25 conduct the study required under subsection (a) in accord-

1 ance with section 8(c) of Public Law 91–383 (16 U.S.C.
2 1a–5(c)) or section 5(b) of the National Trails System Act
3 (16 U.S.C. 1244(b)), as appropriate.

4 (c) REPORT.—Not later than 3 years after the date
5 on which funds are made available to carry out this sec-
6 tion, the Secretary shall submit to the Committee on Nat-
7 ural Resources of the House of Representatives and the
8 Committee on Energy and Natural Resources of the Sen-
9 ate a report containing—

10 (1) the results of the study conducted under
11 subsection (a); and

12 (2) any recommendations of the Secretary with
13 respect to the route.

14 **SEC. 7210. COLD WAR SITES THEME STUDY.**

15 (a) DEFINITIONS.—

16 (1) ADVISORY COMMITTEE.—The term “Advi-
17 sory Committee” means the Cold War Advisory
18 Committee established under subsection (c).

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (3) THEME STUDY.—The term “theme study”
22 means the national historic landmark theme study
23 conducted under subsection (b)(1).

24 (b) COLD WAR THEME STUDY.—

1 (1) IN GENERAL.—The Secretary shall conduct
2 a national historic landmark theme study to identify
3 sites and resources in the United States that are sig-
4 nificant to the Cold War.

5 (2) RESOURCES.—In conducting the theme
6 study, the Secretary shall consider—

7 (A) the inventory of sites and resources as-
8 sociated with the Cold War completed by the
9 Secretary of Defense under section 8120(b)(9)
10 of the Department of Defense Appropriations
11 Act, 1991 (Public Law 101–511; 104 Stat.
12 1906); and

13 (B) historical studies and research of Cold
14 War sites and resources, including—

15 (i) intercontinental ballistic missiles;

16 (ii) flight training centers;

17 (iii) manufacturing facilities;

18 (iv) communications and command
19 centers (such as Cheyenne Mountain, Colo-
20 rado);

21 (v) defensive radar networks (such as
22 the Distant Early Warning Line);

23 (vi) nuclear weapons test sites (such
24 as the Nevada test site); and

25 (vii) strategic and tactical aircraft.

1 (3) CONTENTS.—The theme study shall in-
2 clude—

3 (A) recommendations for commemorating
4 and interpreting sites and resources identified
5 by the theme study, including—

6 (i) sites for which studies for potential
7 inclusion in the National Park System
8 should be authorized;

9 (ii) sites for which new national his-
10 toric landmarks should be nominated; and

11 (iii) other appropriate designations;

12 (B) recommendations for cooperative
13 agreements with—

14 (i) State and local governments;

15 (ii) local historical organizations; and

16 (iii) other appropriate entities; and

17 (C) an estimate of the amount required to
18 carry out the recommendations under subpara-
19 graphs (A) and (B).

20 (4) CONSULTATION.—In conducting the theme
21 study, the Secretary shall consult with—

22 (A) the Secretary of the Air Force;

23 (B) State and local officials;

24 (C) State historic preservation offices; and

1 (D) other interested organizations and in-
2 dividuals.

3 (5) REPORT.—Not later than 3 years after the
4 date on which funds are made available to carry out
5 this section, the Secretary shall submit to the Com-
6 mittee on Natural Resources of the House of Rep-
7 resentatives and the Committee on Energy and Nat-
8 ural Resources of the Senate a report that describes
9 the findings, conclusions, and recommendations of
10 the theme study.

11 (c) COLD WAR ADVISORY COMMITTEE.—

12 (1) ESTABLISHMENT.—As soon as practicable
13 after funds are made available to carry out this sec-
14 tion, the Secretary shall establish an advisory com-
15 mittee, to be known as the “Cold War Advisory
16 Committee”, to assist the Secretary in carrying out
17 this section.

18 (2) COMPOSITION.—The Advisory Committee
19 shall be composed of 9 members, to be appointed by
20 the Secretary, of whom—

21 (A) 3 shall have expertise in Cold War his-
22 tory;

23 (B) 2 shall have expertise in historic pres-
24 ervation;

1 (C) 1 shall have expertise in the history of
2 the United States; and

3 (D) 3 shall represent the general public.

4 (3) CHAIRPERSON.—The Advisory Committee
5 shall select a chairperson from among the members
6 of the Advisory Committee.

7 (4) COMPENSATION.—A member of the Advi-
8 sory Committee shall serve without compensation
9 but may be reimbursed by the Secretary for ex-
10 penses reasonably incurred in the performance of the
11 duties of the Advisory Committee.

12 (5) MEETINGS.—On at least 3 occasions, the
13 Secretary (or a designee) shall meet and consult
14 with the Advisory Committee on matters relating to
15 the theme study.

16 (d) INTERPRETIVE HANDBOOK ON THE COLD
17 WAR.—Not later than 4 years after the date on which
18 funds are made available to carry out this section, the Sec-
19 retary shall—

20 (1) prepare and publish an interpretive hand-
21 book on the Cold War; and

22 (2) disseminate information in the theme study
23 by other appropriate means.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$500,000.

4 **SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.**

5 (a) IN GENERAL.—The Secretary shall complete a
6 special resource study of the site of the Battle of Camden
7 fought in South Carolina on August 16, 1780, and the
8 site of Historic Camden, which is a National Park System
9 Affiliated Area, to determine—

10 (1) the suitability and feasibility of designating
11 the sites as a unit or units of the National Park
12 System; and

13 (2) the methods and means for the protection
14 and interpretation of these sites by the National
15 Park Service, other Federal, State, or local govern-
16 ment entities or private or non-profit organizations.

17 (b) STUDY REQUIREMENTS.—The Secretary shall
18 conduct the study in accordance with section 8(c) of Pub-
19 lic Law 91–383 (16 U.S.C. 1a–5(c)).

20 (c) REPORT.—Not later than 3 years after the date
21 on which funds are made available to carry out this sec-
22 tion, the Secretary shall submit to the Committee on Nat-
23 ural Resources of the House of Representatives and the
24 Committee on Energy and Natural Resources of the Sen-
25 ate a report containing—

- 1 (1) the results of the study; and
- 2 (2) any recommendations of the Secretary.

3 **SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.**

4 (a) DEFINITIONS.—In this section:

5 (1) FORT SAN GERÓNIMO.—The term “Fort
6 San Gerónimo” (also known as “Fortín de San
7 Gerónimo del Boquerón”) means the fort and
8 grounds listed on the National Register of Historic
9 Places and located near Old San Juan, Puerto Rico.

10 (2) RELATED RESOURCES.—The term “related
11 resources” means other parts of the fortification sys-
12 tem of old San Juan that are not included within
13 the boundary of San Juan National Historic Site,
14 such as sections of the City Wall or other fortifica-
15 tions.

16 (b) STUDY.—

17 (1) IN GENERAL.—The Secretary shall complete
18 a special resource study of Fort San Gerónimo and
19 other related resources, to determine—

20 (A) the suitability and feasibility of includ-
21 ing Fort San Gerónimo and other related re-
22 sources in the Commonwealth of Puerto Rico as
23 part of San Juan National Historic Site; and

24 (B) the methods and means for the protec-
25 tion and interpretation of Fort San Gerónimo

1 and other related resources by the National
2 Park Service, other Federal, State, or local gov-
3 ernment entities or private or non-profit organi-
4 zations.

5 (2) STUDY REQUIREMENTS.—The Secretary
6 shall conduct the study in accordance with section
7 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

8 (c) REPORT.—Not later than 3 years after the date
9 on which funds are made available to carry out this sec-
10 tion, the Secretary shall submit to the Committee on Nat-
11 ural Resources of the House of Representatives and the
12 Committee on Energy and Natural Resources of the Sen-
13 ate a report containing—

14 (1) the results of the study; and

15 (2) any recommendations of the Secretary.

16 **Subtitle D—Program**
17 **Authorizations**

18 **SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PRO-**
19 **GRAM.**

20 (a) PURPOSE.—The purpose of this section is to as-
21 sist citizens, public and private institutions, and govern-
22 ments at all levels in planning, interpreting, and pro-
23 tecting sites where historic battles were fought on Amer-
24 ican soil during the armed conflicts that shaped the
25 growth and development of the United States, in order

1 that present and future generations may learn and gain
2 inspiration from the ground where Americans made their
3 ultimate sacrifice.

4 (b) PRESERVATION ASSISTANCE.—

5 (1) IN GENERAL.—Using the established na-
6 tional historic preservation program to the extent
7 practicable, the Secretary of the Interior, acting
8 through the American Battlefield Protection Pro-
9 gram, shall encourage, support, assist, recognize,
10 and work in partnership with citizens, Federal,
11 State, local, and tribal governments, other public en-
12 tities, educational institutions, and private nonprofit
13 organizations in identifying, researching, evaluating,
14 interpreting, and protecting historic battlefields and
15 associated sites on a National, State, and local level.

16 (2) FINANCIAL ASSISTANCE.—To carry out
17 paragraph (1), the Secretary may use a cooperative
18 agreement, grant, contract, or other generally adopt-
19 ed means of providing financial assistance.

20 (3) AUTHORIZATION OF APPROPRIATIONS.—
21 There are authorized to be appropriated \$3,000,000
22 annually to carry out this subsection, to remain
23 available until expended.

24 (c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

25 (1) DEFINITIONS.—In this subsection:

1 (A) BATTLEFIELD REPORT.—The term
2 “Battlefield Report” means the document enti-
3 tled “Report on the Nation’s Civil War Battle-
4 fields”, prepared by the Civil War Sites Advi-
5 sory Commission, and dated July 1993.

6 (B) ELIGIBLE ENTITY.—The term “eligible
7 entity” means a State or local government.

8 (C) ELIGIBLE SITE.—The term “eligible
9 site” means a site—

10 (i) that is not within the exterior
11 boundaries of a unit of the National Park
12 System; and

13 (ii) that is identified in the Battlefield
14 Report.

15 (D) SECRETARY.—The term “Secretary”
16 means the Secretary of the Interior, acting
17 through the American Battlefield Protection
18 Program.

19 (2) ESTABLISHMENT.—The Secretary shall es-
20 tablish a battlefield acquisition grant program under
21 which the Secretary may provide grants to eligible
22 entities to pay the Federal share of the cost of ac-
23 quiring interests in eligible sites for the preservation
24 and protection of those eligible sites.

1 (3) NONPROFIT PARTNERS.—An eligible entity
2 may acquire an interest in an eligible site using a
3 grant under this subsection in partnership with a
4 nonprofit organization.

5 (4) NON-FEDERAL SHARE.—The non-Federal
6 share of the total cost of acquiring an interest in an
7 eligible site under this subsection shall be not less
8 than 50 percent.

9 (5) LIMITATION ON LAND USE.—An interest in
10 an eligible site acquired under this subsection shall
11 be subject to section 6(f)(3) of the Land and Water
12 Conservation Fund Act of 1965 (16 U.S.C. 460l–
13 8(f)(3)).

14 (6) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to the Sec-
16 retary to provide grants under this subsection
17 \$10,000,000 for each of fiscal years 2009 through
18 2013.

19 **SEC. 7302. PRESERVE AMERICA PROGRAM.**

20 (a) PURPOSE.—The purpose of this section is to au-
21 thorize the Preserve America Program, including—

22 (1) the Preserve America grant program within
23 the Department of the Interior;

24 (2) the recognition programs administered by
25 the Advisory Council on Historic Preservation; and

1 (3) the related efforts of Federal agencies,
2 working in partnership with State, tribal, and local
3 governments and the private sector, to support and
4 promote the preservation of historic resources.

5 (b) DEFINITIONS.—In this section:

6 (1) COUNCIL.—The term “Council” means the
7 Advisory Council on Historic Preservation.

8 (2) HERITAGE TOURISM.—The term “heritage
9 tourism” means the conduct of activities to attract
10 and accommodate visitors to a site or area based on
11 the unique or special aspects of the history, land-
12 scape (including trail systems), and culture of the
13 site or area.

14 (3) PROGRAM.—The term “program” means
15 the Preserve America Program established under
16 subsection (c)(1).

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (c) ESTABLISHMENT.—

20 (1) IN GENERAL.—There is established in the
21 Department of the Interior the Preserve America
22 Program, under which the Secretary, in partnership
23 with the Council, may provide competitive grants to
24 States, local governments (including local govern-
25 ments in the process of applying for designation as

1 Preserve America Communities under subsection
2 (d), Indian tribes, communities designated as Pre-
3 serve America Communities under subsection (d),
4 State historic preservation offices, and tribal historic
5 preservation offices to support preservation efforts
6 through heritage tourism, education, and historic
7 preservation planning activities.

8 (2) ELIGIBLE PROJECTS.—

9 (A) IN GENERAL.—The following projects
10 shall be eligible for a grant under this section:

11 (i) A project for the conduct of—

12 (I) research on, and documenta-
13 tion of, the history of a community;
14 and

15 (II) surveys of the historic re-
16 sources of a community.

17 (ii) An education and interpretation
18 project that conveys the history of a com-
19 munity or site.

20 (iii) A planning project (other than
21 building rehabilitation) that advances eco-
22 nomic development using heritage tourism
23 and historic preservation.

24 (iv) A training project that provides
25 opportunities for professional development

1 in areas that would aid a community in
2 using and promoting its historic resources.

3 (v) A project to support heritage tour-
4 ism in a Preserve America Community des-
5 ignated under subsection (d).

6 (vi) Other nonconstruction projects
7 that identify or promote historic properties
8 or provide for the education of the public
9 about historic properties that are con-
10 sistent with the purposes of this section.

11 (B) LIMITATION.—In providing grants
12 under this section, the Secretary shall only pro-
13 vide 1 grant to each eligible project selected for
14 a grant.

15 (3) PREFERENCE.—In providing grants under
16 this section, the Secretary may give preference to
17 projects that carry out the purposes of both the pro-
18 gram and the Save America’s Treasures Program.

19 (4) CONSULTATION AND NOTIFICATION.—

20 (A) CONSULTATION.—The Secretary shall
21 consult with the Council in preparing the list of
22 projects to be provided grants for a fiscal year
23 under the program.

24 (B) NOTIFICATION.—Not later than 30
25 days before the date on which the Secretary

1 provides grants for a fiscal year under the pro-
2 gram, the Secretary shall submit to the Com-
3 mittee on Energy and Natural Resources of the
4 Senate, the Committee on Appropriations of the
5 Senate, the Committee on Natural Resources of
6 the House of Representatives, and the Com-
7 mittee on Appropriations of the House of Rep-
8 resentatives a list of any eligible projects that
9 are to be provided grants under the program
10 for the fiscal year.

11 (5) COST-SHARING REQUIREMENT.—

12 (A) IN GENERAL.—The non-Federal share
13 of the cost of carrying out a project provided a
14 grant under this section shall be not less than
15 50 percent of the total cost of the project.

16 (B) FORM OF NON-FEDERAL SHARE.—The
17 non-Federal share required under subparagraph
18 (A) shall be in the form of—

19 (i) cash; or

20 (ii) donated supplies and related serv-
21 ices, the value of which shall be determined
22 by the Secretary.

23 (C) REQUIREMENT.—The Secretary shall
24 ensure that each applicant for a grant has the
25 capacity to secure, and a feasible plan for se-

1 curing, the non-Federal share for an eligible
2 project required under subparagraph (A) before
3 a grant is provided to the eligible project under
4 the program.

5 (d) DESIGNATION OF PRESERVE AMERICA COMMU-
6 NITIES.—

7 (1) APPLICATION.—To be considered for des-
8 ignation as a Preserve America Community, a com-
9 munity, tribal area, or neighborhood shall submit to
10 the Council an application containing such informa-
11 tion as the Council may require.

12 (2) CRITERIA.—To be designated as a Preserve
13 America Community under the program, a commu-
14 nity, tribal area, or neighborhood that submits an
15 application under paragraph (1) shall, as determined
16 by the Council, in consultation with the Secretary,
17 meet criteria required by the Council and, in addi-
18 tion, consider—

19 (A) protection and celebration of the herit-
20 age of the community, tribal area, or neighbor-
21 hood;

22 (B) use of the historic assets of the com-
23 munity, tribal area, or neighborhood for eco-
24 nomic development and community revitaliza-
25 tion; and

1 (C) encouragement of people to experience
2 and appreciate local historic resources through
3 education and heritage tourism programs.

4 (3) LOCAL GOVERNMENTS PREVIOUSLY CER-
5 TIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—
6 The Council shall establish an expedited process for
7 Preserve America Community designation for local
8 governments previously certified for historic preser-
9 vation activities under section 101(c)(1) of the Na-
10 tional Historic Preservation Act (16 U.S.C.
11 470a(c)(1)).

12 (4) GUIDELINES.—The Council, in consultation
13 with the Secretary, shall establish any guidelines
14 that are necessary to carry out this subsection.

15 (e) REGULATIONS.—The Secretary shall develop any
16 guidelines and issue any regulations that the Secretary de-
17 termines to be necessary to carry out this section.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$25,000,000 for each fiscal year, to remain available until
21 expended.

22 **SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.**

23 (a) PURPOSE.—The purpose of this section is to au-
24 thorize within the Department of the Interior the Save
25 America's Treasures Program, to be carried out by the

1 Director of the National Park Service, in partnership
2 with—

3 (1) the National Endowment for the Arts;

4 (2) the National Endowment for the Human-
5 ities;

6 (3) the Institute of Museum and Library Serv-
7 ices;

8 (4) the National Trust for Historic Preserva-
9 tion;

10 (5) the National Conference of State Historic
11 Preservation Officers;

12 (6) the National Association of Tribal Historic
13 Preservation Officers; and

14 (7) the President’s Committee on the Arts and
15 the Humanities.

16 (b) DEFINITIONS.—In this section:

17 (1) COLLECTION.—The term “collection”
18 means a collection of intellectual and cultural arti-
19 facts, including documents, sculpture, and works of
20 art.

21 (2) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty” means a Federal entity, State, local, or tribal
23 government, educational institution, or nonprofit or-
24 ganization.

1 (3) HISTORIC PROPERTY.—The term “historic
2 property” has the meaning given the term in section
3 301 of the National Historic Preservation Act (16
4 U.S.C. 470w).

5 (4) NATIONALLY SIGNIFICANT.—The term “na-
6 tionally significant” means a collection or historic
7 property that meets the applicable criteria for na-
8 tional significance, in accordance with regulations
9 promulgated by the Secretary pursuant to section
10 101(a)(2) of the National Historic Preservation Act
11 (16 U.S.C. 470a(a)(2)).

12 (5) PROGRAM.—The term “program” means
13 the Save America’s Treasures Program established
14 under subsection (c)(1).

15 (6) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior, acting through the Di-
17 rector of the National Park Service.

18 (c) ESTABLISHMENT.—

19 (1) IN GENERAL.—There is established in the
20 Department of the Interior the Save America’s
21 Treasures program, under which the amounts made
22 available to the Secretary under subsection (e) shall
23 be used by the Secretary, in consultation with the
24 organizations described in subsection (a), subject to
25 paragraph (6)(A)(ii), to provide grants to eligible en-

1 titles for projects to preserve nationally significant
2 collections and historic properties.

3 (2) DETERMINATION OF GRANTS.—Of the
4 amounts made available for grants under subsection
5 (e), not less than 50 percent shall be made available
6 for grants for projects to preserve collections and
7 historic properties, to be distributed through a com-
8 petitive grant process administered by the Secretary,
9 subject to the eligibility criteria established under
10 paragraph (5).

11 (3) APPLICATIONS FOR GRANTS.—To be consid-
12 ered for a competitive grant under the program an
13 eligible entity shall submit to the Secretary an appli-
14 cation containing such information as the Secretary
15 may require.

16 (4) COLLECTIONS AND HISTORIC PROPERTIES
17 ELIGIBLE FOR COMPETITIVE GRANTS.—

18 (A) IN GENERAL.—A collection or historic
19 property shall be provided a competitive grant
20 under the program only if the Secretary deter-
21 mines that the collection or historic property
22 is—

- 23 (i) nationally significant; and
24 (ii) threatened or endangered.

1 (B) ELIGIBLE COLLECTIONS.—A deter-
2 mination by the Secretary regarding the na-
3 tional significance of collections under subpara-
4 graph (A)(i) shall be made in consultation with
5 the organizations described in subsection (a), as
6 appropriate.

7 (C) ELIGIBLE HISTORIC PROPERTIES.—To
8 be eligible for a competitive grant under the
9 program, a historic property shall, as of the
10 date of the grant application—

11 (i) be listed in the National Register
12 of Historic Places at the national level of
13 significance; or

14 (ii) be designated as a National His-
15 toric Landmark.

16 (5) SELECTION CRITERIA FOR GRANTS.—

17 (A) IN GENERAL.—The Secretary shall not
18 provide a grant under this section to a project
19 for an eligible collection or historic property un-
20 less the project—

21 (i) eliminates or substantially miti-
22 gates the threat of destruction or deterio-
23 ration of the eligible collection or historic
24 property;

25 (ii) has a clear public benefit; and

1 (iii) is able to be completed on sched-
2 ule and within the budget described in the
3 grant application.

4 (B) PREFERENCE.—In providing grants
5 under this section, the Secretary may give pref-
6 erence to projects that carry out the purposes
7 of both the program and the Preserve America
8 Program.

9 (C) LIMITATION.—In providing grants
10 under this section, the Secretary shall only pro-
11 vide 1 grant to each eligible project selected for
12 a grant.

13 (6) CONSULTATION AND NOTIFICATION BY SEC-
14 RETARY.—

15 (A) CONSULTATION.—

16 (i) IN GENERAL.—Subject to clause
17 (ii), the Secretary shall consult with the or-
18 ganizations described in subsection (a) in
19 preparing the list of projects to be pro-
20 vided grants for a fiscal year by the Sec-
21 retary under the program.

22 (ii) LIMITATION.—If an entity de-
23 scribed in clause (i) has submitted an ap-
24 plication for a grant under the program,
25 the entity shall be recused by the Secretary

1 from the consultation requirements under
2 that clause and paragraph (1).

3 (B) NOTIFICATION.—Not later than 30
4 days before the date on which the Secretary
5 provides grants for a fiscal year under the pro-
6 gram, the Secretary shall submit to the Com-
7 mittee on Energy and Natural Resources of the
8 Senate, the Committee on Appropriations of the
9 Senate, the Committee on Natural Resources of
10 the House of Representatives, and the Com-
11 mittee on Appropriations of the House of Rep-
12 resentatives a list of any eligible projects that
13 are to be provided grants under the program
14 for the fiscal year.

15 (7) COST-SHARING REQUIREMENT.—

16 (A) IN GENERAL.—The non-Federal share
17 of the cost of carrying out a project provided a
18 grant under this section shall be not less than
19 50 percent of the total cost of the project.

20 (B) FORM OF NON-FEDERAL SHARE.—The
21 non-Federal share required under subparagraph
22 (A) shall be in the form of—

23 (i) cash; or

1 (ii) donated supplies or related serv-
2 ices, the value of which shall be determined
3 by the Secretary.

4 (C) REQUIREMENT.—The Secretary shall
5 ensure that each applicant for a grant has the
6 capacity and a feasible plan for securing the
7 non-Federal share for an eligible project re-
8 quired under subparagraph (A) before a grant
9 is provided to the eligible project under the pro-
10 gram.

11 (d) REGULATIONS.—The Secretary shall develop any
12 guidelines and issue any regulations that the Secretary de-
13 termines to be necessary to carry out this section.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$50,000,000 for each fiscal year, to remain available until
17 expended.

18 **SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.**

19 Section 4 of Public Law 106–45 (16 U.S.C. 461 note;
20 113 Stat. 226) is amended by striking “2009” and insert-
21 ing “2019”.

1 **SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTI-**
 2 **TUTE.**

3 The National Cave and Karst Research Institute Act
 4 of 1998 (16 U.S.C. 4310 note; Public Law 105–325) is
 5 amended by striking section 5 and inserting the following:

6 **“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated such sums
 8 as are necessary to carry out this Act.”.

9 **Subtitle E—Advisory Commissions**

10 **SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY**
 11 **COMMISSION.**

12 Section 505(f)(7) of the National Parks and Recre-
 13 ation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by
 14 striking “ten years after the date of enactment of the Na
 15 Hoa Pili O Kaloko-Honokohau Re-establishment Act of
 16 1996” and inserting “on December 31, 2018”.

17 **SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY**
 18 **COMMISSION.**

19 Effective September 26, 2008, section 8(a) of Public
 20 Law 87–126 (16 U.S.C. 459b–7(a)) is amended in the sec-
 21 ond sentence by striking “2008” and inserting “2018”.

22 **SEC. 7403. NATIONAL PARK SYSTEM ADVISORY BOARD.**

23 Section 3(f) of the Act of August 21, 1935 (16.
 24 U.S.C. 463(f)), is amended in the first sentence by strik-
 25 ing “2009” and inserting “2010”.

1 **SEC. 7404. CONCESSIONS MANAGEMENT ADVISORY BOARD.**

2 Section 409(d) of the National Park Service Conces-
 3 sions Management Improvement Act of 1998 (16 U.S.C.
 4 5958(d)) is amended in the first sentence by striking
 5 “2008” and inserting “2009”.

6 **SEC. 7405. ST. AUGUSTINE 450TH COMMEMORATION COM-**
 7 **MISSION.**

8 (a) DEFINITIONS.—In this section:

9 (1) COMMEMORATION.—The term “commemo-
 10 ration” means the commemoration of the 450th an-
 11 niversary of the founding of the settlement of St.
 12 Augustine, Florida.

13 (2) COMMISSION.—The term “Commission”
 14 means the St. Augustine 450th Commemoration
 15 Commission established by subsection (b)(1).

16 (3) GOVERNOR.—The term “Governor” means
 17 the Governor of the State.

18 (4) SECRETARY.—The term “Secretary” means
 19 the Secretary of the Interior.

20 (5) STATE.—

21 (A) IN GENERAL.—The term “State”
 22 means the State of Florida.

23 (B) INCLUSION.—The term “State” in-
 24 cludes agencies and entities of the State of
 25 Florida.

26 (b) ESTABLISHMENT.—

1 (1) IN GENERAL.—There is established a com-
2 mission, to be known as the “St. Augustine 450th
3 Commemoration Commission”.

4 (2) MEMBERSHIP.—

5 (A) COMPOSITION.—The Commission shall
6 be composed of 14 members, of whom—

7 (i) 3 members shall be appointed by
8 the Secretary, after considering the rec-
9 ommendations of the St. Augustine City
10 Commission;

11 (ii) 3 members shall be appointed by
12 the Secretary, after considering the rec-
13 ommendations of the Governor;

14 (iii) 1 member shall be an employee of
15 the National Park Service having experi-
16 ence relevant to the historical resources re-
17 lating to the city of St. Augustine and the
18 commemoration, to be appointed by the
19 Secretary;

20 (iv) 1 member shall be appointed by
21 the Secretary, taking into consideration the
22 recommendations of the Mayor of the city
23 of St. Augustine;

24 (v) 1 member shall be appointed by
25 the Secretary, after considering the rec-

1 ommendations of the Chancellor of the
2 University System of Florida; and

3 (vi) 5 members shall be individuals
4 who are residents of the State who have an
5 interest in, support for, and expertise ap-
6 propriate to the commemoration, to be ap-
7 pointed by the Secretary, taking into con-
8 sideration the recommendations of Mem-
9 bers of Congress.

10 (B) TIME OF APPOINTMENT.—Each ap-
11 pointment of an initial member of the Commis-
12 sion shall be made before the expiration of the
13 120-day period beginning on the date of enact-
14 ment of this Act.

15 (C) TERM; VACANCIES.—

16 (i) TERM.—A member of the Commis-
17 sion shall be appointed for the life of the
18 Commission.

19 (ii) VACANCIES.—

20 (I) IN GENERAL.—A vacancy on
21 the Commission shall be filled in the
22 same manner in which the original ap-
23 pointment was made.

24 (II) PARTIAL TERM.—A member
25 appointed to fill a vacancy on the

1 Commission shall serve for the re-
2 mainder of the term for which the
3 predecessor of the member was ap-
4 pointed.

5 (iii) CONTINUATION OF MEMBER-
6 SHIP.—If a member of the Commission
7 was appointed to the Commission as
8 Mayor of the city of St. Augustine or as an
9 employee of the National Park Service or
10 the State University System of Florida,
11 and ceases to hold such position, that
12 member may continue to serve on the
13 Commission for not longer than the 30-day
14 period beginning on the date on which that
15 member ceases to hold the position.

16 (3) DUTIES.—The Commission shall—

17 (A) plan, develop, and carry out programs
18 and activities appropriate for the commemora-
19 tion;

20 (B) facilitate activities relating to the com-
21 memoration throughout the United States;

22 (C) encourage civic, patriotic, historical,
23 educational, artistic, religious, economic, and
24 other organizations throughout the United
25 States to organize and participate in anniver-

1 sary activities to expand understanding and ap-
2 preciation of the significance of the founding
3 and continuing history of St. Augustine;

4 (D) provide technical assistance to States,
5 localities, and nonprofit organizations to further
6 the commemoration;

7 (E) coordinate and facilitate for the public
8 scholarly research on, publication about, and in-
9 terpretation of, St. Augustine;

10 (F) ensure that the commemoration pro-
11 vides a lasting legacy and long-term public ben-
12 efit by assisting in the development of appro-
13 priate programs; and

14 (G) help ensure that the observances of the
15 foundation of St. Augustine are inclusive and
16 appropriately recognize the experiences and her-
17 itage of all individuals present when St. Augus-
18 tine was founded.

19 (c) COMMISSION MEETINGS.—

20 (1) INITIAL MEETING.—Not later than 30 days
21 after the date on which all members of the Commis-
22 sion have been appointed, the Commission shall hold
23 the initial meeting of the Commission.

24 (2) MEETINGS.—The Commission shall meet—

25 (A) at least 3 times each year; or

1 (B) at the call of the Chairperson or the
2 majority of the members of the Commission.

3 (3) QUORUM.—A majority of the voting mem-
4 bers shall constitute a quorum, but a lesser number
5 may hold meetings.

6 (4) CHAIRPERSON AND VICE CHAIRPERSON.—

7 (A) ELECTION.—The Commission shall
8 elect the Chairperson and the Vice Chairperson
9 of the Commission on an annual basis.

10 (B) ABSENCE OF THE CHAIRPERSON.—

11 The Vice Chairperson shall serve as the Chair-
12 person in the absence of the Chairperson.

13 (5) VOTING.—The Commission shall act only
14 on an affirmative vote of a majority of the members
15 of the Commission.

16 (d) COMMISSION POWERS.—

17 (1) GIFTS.—The Commission may solicit, ac-
18 cept, use, and dispose of gifts, bequests, or devises
19 of money or other property for aiding or facilitating
20 the work of the Commission.

21 (2) APPOINTMENT OF ADVISORY COMMIT-
22 TEES.—The Commission may appoint such advisory
23 committees as the Commission determines to be nec-
24 essary to carry out this section.

1 (3) AUTHORIZATION OF ACTION.—The Commis-
2 sion may authorize any member or employee of the
3 Commission to take any action that the Commission
4 is authorized to take under this section.

5 (4) PROCUREMENT.—

6 (A) IN GENERAL.—The Commission may
7 procure supplies, services, and property, and
8 make or enter into contracts, leases, or other
9 legal agreements, to carry out this section (ex-
10 cept that a contract, lease, or other legal agree-
11 ment made or entered into by the Commission
12 shall not extend beyond the date of termination
13 of the Commission).

14 (B) LIMITATION.—The Commission may
15 not purchase real property.

16 (5) POSTAL SERVICES.—The Commission may
17 use the United States mails in the same manner and
18 under the same conditions as other agencies of the
19 Federal Government.

20 (6) GRANTS AND TECHNICAL ASSISTANCE.—
21 The Commission may—

22 (A) provide grants in amounts not to ex-
23 ceed \$20,000 per grant to communities and
24 nonprofit organizations for use in developing
25 programs to assist in the commemoration;

1 (B) provide grants to research and schol-
2 arly organizations to research, publish, or dis-
3 tribute information relating to the early history
4 of St. Augustine; and

5 (C) provide technical assistance to States,
6 localities, and nonprofit organizations to further
7 the commemoration.

8 (e) COMMISSION PERSONNEL MATTERS.—

9 (1) COMPENSATION OF MEMBERS.—

10 (A) IN GENERAL.—Except as provided in
11 paragraph (2), a member of the Commission
12 shall serve without compensation.

13 (B) FEDERAL EMPLOYEES.—A member of
14 the Commission who is an officer or employee
15 of the Federal Government shall serve without
16 compensation other than the compensation re-
17 ceived for the services of the member as an offi-
18 cer or employee of the Federal Government.

19 (2) TRAVEL EXPENSES.—A member of the
20 Commission shall be allowed travel expenses, includ-
21 ing per diem in lieu of subsistence, at rates author-
22 ized for an employee of an agency under subchapter
23 I of chapter 57 of title 5, United States Code, while
24 away from the home or regular place of business of

1 the member in the performance of the duties of the
2 Commission.

3 (3) DIRECTOR AND STAFF.—

4 (A) IN GENERAL.—The Chairperson of the
5 Commission may, without regard to the civil
6 service laws (including regulations), nominate
7 an executive director to enable the Commission
8 to perform the duties of the Commission.

9 (B) CONFIRMATION OF EXECUTIVE DIREC-
10 TOR.—The employment of an executive director
11 shall be subject to confirmation by the Commis-
12 sion.

13 (4) COMPENSATION.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), the Commission may fix the
16 compensation of the executive director and
17 other personnel without regard to the provisions
18 of chapter 51 and subchapter III of chapter 53
19 of title 5, United States Code, relating to classi-
20 fication of positions and General Schedule pay
21 rates.

22 (B) MAXIMUM RATE OF PAY.—The rate of
23 pay for the executive director and other per-
24 sonnel shall not exceed the rate payable for

1 level V of the Executive Schedule under section
2 5316 of title 5, United States Code.

3 (5) DETAIL OF GOVERNMENT EMPLOYEES.—

4 (A) FEDERAL EMPLOYEES.—

5 (i) DETAIL.—At the request of the
6 Commission, the head of any Federal agen-
7 cy may detail, on a reimbursable or nonre-
8 imburseable basis, any of the personnel of
9 the agency to the Commission to assist the
10 Commission in carrying out the duties of
11 the Commission under this section.

12 (ii) CIVIL SERVICE STATUS.—The de-
13 tail of an employee under clause (i) shall
14 be without interruption or loss of civil serv-
15 ice status or privilege.

16 (B) STATE EMPLOYEES.—The Commission
17 may—

18 (i) accept the services of personnel de-
19 tailed from the State; and

20 (ii) reimburse the State for services of
21 detailed personnel.

22 (6) PROCUREMENT OF TEMPORARY AND INTER-
23 MITTENT SERVICES.—The Chairperson of the Com-
24 mission may procure temporary and intermittent
25 services in accordance with section 3109(b) of title

1 5, United States Code, at rates for individuals that
2 do not exceed the daily equivalent of the annual rate
3 of basic pay prescribed for level V of the Executive
4 Schedule under section 5316 of such title.

5 (7) VOLUNTEER AND UNCOMPENSATED SERV-
6 ICES.—Notwithstanding section 1342 of title 31,
7 United States Code, the Commission may accept and
8 use such voluntary and uncompensated services as
9 the Commission determines to be necessary.

10 (8) SUPPORT SERVICES.—

11 (A) IN GENERAL.—The Secretary shall
12 provide to the Commission, on a reimbursable
13 basis, such administrative support services as
14 the Commission may request.

15 (B) REIMBURSEMENT.—Any reimburse-
16 ment under this paragraph shall be credited to
17 the appropriation, fund, or account used for
18 paying the amounts reimbursed.

19 (9) FACA NONAPPLICABILITY.—Section 14(b)
20 of the Federal Advisory Committee Act (5 U.S.C.
21 App.) shall not apply to the Commission.

22 (10) NO EFFECT ON AUTHORITY.—Nothing in
23 this subsection supersedes the authority of the State,
24 the National Park Service, the city of St. Augustine,

1 or any designee of those entities, with respect to the
2 commemoration.

3 (f) PLANS; REPORTS.—

4 (1) STRATEGIC PLAN.—The Commission shall
5 prepare a strategic plan for the activities of the
6 Commission carried out under this section.

7 (2) FINAL REPORT.—Not later than September
8 30, 2015, the Commission shall complete and submit
9 to Congress a final report that contains—

10 (A) a summary of the activities of the
11 Commission;

12 (B) a final accounting of funds received
13 and expended by the Commission; and

14 (C) the findings and recommendations of
15 the Commission.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be
18 appropriated to the Commission to carry out this
19 section \$500,000 for each of fiscal years 2009
20 through 2015.

21 (2) AVAILABILITY.—Amounts made available
22 under paragraph (1) shall remain available until De-
23 cember 31, 2015.

24 (h) TERMINATION OF COMMISSION.—

1 (1) DATE OF TERMINATION.—The Commission
2 shall terminate on December 31, 2015.

3 (2) TRANSFER OF DOCUMENTS AND MATE-
4 RIALS.—Before the date of termination specified in
5 paragraph (1), the Commission shall transfer all
6 documents and materials of the Commission to the
7 National Archives or another appropriate Federal
8 entity.

9 **TITLE VIII—NATIONAL**
10 **HERITAGE AREAS**
11 **Subtitle A—Designation of**
12 **National Heritage Areas**

13 **SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA,**
14 **COLORADO.**

15 (a) DEFINITIONS.—In this section:

16 (1) HERITAGE AREA.—The term “Heritage
17 Area” means the Sangre de Cristo National Herit-
18 age Area established by subsection (b)(1).

19 (2) MANAGEMENT ENTITY.—The term “man-
20 agement entity” means the management entity for
21 the Heritage Area designated by subsection (b)(4).

22 (3) MANAGEMENT PLAN.—The term “manage-
23 ment plan” means the management plan for the
24 Heritage Area required under subsection (d).

1 (4) MAP.—The term “map” means the map en-
2 titled “Proposed Sangre De Cristo National Herit-
3 age Area” and dated November 2005.

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

6 (6) STATE.—The term “State” means the State
7 of Colorado.

8 (b) SANGRE DE CRISTO NATIONAL HERITAGE
9 AREA.—

10 (1) ESTABLISHMENT.—There is established in
11 the State the Sangre de Cristo National Heritage
12 Area.

13 (2) BOUNDARIES.—The Heritage Area shall
14 consist of—

15 (A) the counties of Alamosa, Conejos, and
16 Costilla; and

17 (B) the Monte Vista National Wildlife Ref-
18 uge, the Baca National Wildlife Refuge, the
19 Great Sand Dunes National Park and Preserve,
20 and other areas included in the map.

21 (3) MAP.—A map of the Heritage Area shall
22 be—

23 (A) included in the management plan; and

1 (B) on file and available for public inspec-
2 tion in the appropriate offices of the National
3 Park Service.

4 (4) MANAGEMENT ENTITY.—

5 (A) IN GENERAL.—The management entity
6 for the Heritage Area shall be the Sangre de
7 Cristo National Heritage Area Board of Direc-
8 tors.

9 (B) MEMBERSHIP REQUIREMENTS.—Mem-
10 bers of the Board shall include representatives
11 from a broad cross-section of the individuals,
12 agencies, organizations, and governments that
13 were involved in the planning and development
14 of the Heritage Area before the date of enact-
15 ment of this Act.

16 (c) ADMINISTRATION.—

17 (1) AUTHORITIES.—For purposes of carrying
18 out the management plan, the Secretary, acting
19 through the management entity, may use amounts
20 made available under this section to—

21 (A) make grants to the State or a political
22 subdivision of the State, nonprofit organiza-
23 tions, and other persons;

24 (B) enter into cooperative agreements
25 with, or provide technical assistance to, the

1 State or a political subdivision of the State,
2 nonprofit organizations, and other interested
3 parties;

4 (C) hire and compensate staff, which shall
5 include individuals with expertise in natural,
6 cultural, and historical resources protection,
7 and heritage programming;

8 (D) obtain money or services from any
9 source including any that are provided under
10 any other Federal law or program;

11 (E) contract for goods or services; and

12 (F) undertake to be a catalyst for any
13 other activity that furthers the Heritage Area
14 and is consistent with the approved manage-
15 ment plan.

16 (2) DUTIES.—The management entity shall—

17 (A) in accordance with subsection (d), pre-
18 pare and submit a management plan for the
19 Heritage Area to the Secretary;

20 (B) assist units of local government, re-
21 gional planning organizations, and nonprofit or-
22 ganizations in carrying out the approved man-
23 agement plan by—

24 (i) carrying out programs and projects
25 that recognize, protect, and enhance im-

1 portant resource values in the Heritage
2 Area;

3 (ii) establishing and maintaining in-
4 terpretive exhibits and programs in the
5 Heritage Area;

6 (iii) developing recreational and edu-
7 cational opportunities in the Heritage
8 Area;

9 (iv) increasing public awareness of,
10 and appreciation for, natural, historical,
11 scenic, and cultural resources of the Herit-
12 age Area;

13 (v) protecting and restoring historic
14 sites and buildings in the Heritage Area
15 that are consistent with Heritage Area
16 themes;

17 (vi) ensuring that clear, consistent,
18 and appropriate signs identifying points of
19 public access, and sites of interest are
20 posted throughout the Heritage Area; and

21 (vii) promoting a wide range of part-
22 nerships among governments, organiza-
23 tions, and individuals to further the Herit-
24 age Area;

1 (C) consider the interests of diverse units
2 of government, businesses, organizations, and
3 individuals in the Heritage Area in the prepara-
4 tion and implementation of the management
5 plan;

6 (D) conduct meetings open to the public at
7 least semiannually regarding the development
8 and implementation of the management plan;

9 (E) for any year that Federal funds have
10 been received under this section—

11 (i) submit an annual report to the
12 Secretary that describes the activities, ex-
13 penses, and income of the management en-
14 tity (including grants to any other entities
15 during the year that the report is made);

16 (ii) make available to the Secretary
17 for audit all records relating to the expend-
18 iture of the funds and any matching funds;

19 (iii) require, with respect to all agree-
20 ments authorizing expenditure of Federal
21 funds by other organizations, that the or-
22 ganizations receiving the funds make avail-
23 able to the Secretary for audit all records
24 concerning the expenditure of the funds;
25 and

1 (F) encourage by appropriate means eco-
2 nomic viability that is consistent with the Herit-
3 age Area.

4 (3) PROHIBITION ON THE ACQUISITION OF
5 REAL PROPERTY.—The management entity shall not
6 use Federal funds made available under this section
7 to acquire real property or any interest in real prop-
8 erty.

9 (4) COST-SHARING REQUIREMENT.—The Fed-
10 eral share of the cost of any activity carried out
11 using any assistance made available under this sec-
12 tion shall be 50 percent.

13 (d) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date of enactment of this Act, the management
16 entity shall submit to the Secretary for approval a
17 proposed management plan for the Heritage Area.

18 (2) REQUIREMENTS.—The management plan
19 shall—

20 (A) incorporate an integrated and coopera-
21 tive approach for the protection, enhancement,
22 and interpretation of the natural, cultural, his-
23 toric, scenic, and recreational resources of the
24 Heritage Area;

1 (B) take into consideration State and local
2 plans;

3 (C) include—

4 (i) an inventory of—

5 (I) the resources located in the
6 core area described in subsection
7 (b)(2); and

8 (II) any other property in the
9 core area that—

10 (aa) is related to the themes
11 of the Heritage Area; and

12 (bb) should be preserved, re-
13 stored, managed, or maintained
14 because of the significance of the
15 property;

16 (ii) comprehensive policies, strategies
17 and recommendations for conservation,
18 funding, management, and development of
19 the Heritage Area;

20 (iii) a description of actions that gov-
21 ernments, private organizations, and indi-
22 viduals have agreed to take to protect the
23 natural, historical and cultural resources of
24 the Heritage Area;

1 (iv) a program of implementation for
2 the management plan by the management
3 entity that includes a description of—

4 (I) actions to facilitate ongoing
5 collaboration among partners to pro-
6 mote plans for resource protection,
7 restoration, and construction; and

8 (II) specific commitments for im-
9 plementation that have been made by
10 the management entity or any govern-
11 ment, organization, or individual for
12 the first 5 years of operation;

13 (v) the identification of sources of
14 funding for carrying out the management
15 plan;

16 (vi) analysis and recommendations for
17 means by which local, State, and Federal
18 programs, including the role of the Na-
19 tional Park Service in the Heritage Area,
20 may best be coordinated to carry out this
21 section; and

22 (vii) an interpretive plan for the Her-
23 itage Area; and

24 (D) recommend policies and strategies for
25 resource management that consider and detail

1 the application of appropriate land and water
2 management techniques, including the develop-
3 ment of intergovernmental and interagency co-
4 operative agreements to protect the natural,
5 historical, cultural, educational, scenic, and rec-
6 reational resources of the Heritage Area.

7 (3) DEADLINE.—If a proposed management
8 plan is not submitted to the Secretary by the date
9 that is 3 years after the date of enactment of this
10 Act, the management entity shall be ineligible to re-
11 ceive additional funding under this section until the
12 date that the Secretary receives and approves the
13 management plan.

14 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
15 MENT PLAN.—

16 (A) IN GENERAL.—Not later than 180
17 days after the date of receipt of the manage-
18 ment plan under paragraph (1), the Secretary,
19 in consultation with the State, shall approve or
20 disapprove the management plan.

21 (B) CRITERIA FOR APPROVAL.—In deter-
22 mining whether to approve the management
23 plan, the Secretary shall consider whether—

24 (i) the management entity is rep-
25 resentative of the diverse interests of the

1 Heritage Area, including governments, nat-
2 ural and historic resource protection orga-
3 nizations, educational institutions, busi-
4 nesses, and recreational organizations;

5 (ii) the management entity has af-
6 farded adequate opportunity, including
7 public hearings, for public and govern-
8 mental involvement in the preparation of
9 the management plan; and

10 (iii) the resource protection and inter-
11 pretation strategies contained in the man-
12 agement plan, if implemented, would ade-
13 quately protect the natural, historical, and
14 cultural resources of the Heritage Area.

15 (C) ACTION FOLLOWING DISAPPROVAL.—If
16 the Secretary disapproves the management plan
17 under subparagraph (A), the Secretary shall—

18 (i) advise the management entity in
19 writing of the reasons for the disapproval;

20 (ii) make recommendations for revi-
21 sions to the management plan; and

22 (iii) not later than 180 days after the
23 receipt of any proposed revision of the
24 management plan from the management

1 entity, approve or disapprove the proposed
2 revision.

3 (D) AMENDMENTS.—

4 (i) IN GENERAL.—The Secretary shall
5 approve or disapprove each amendment to
6 the management plan that the Secretary
7 determines make a substantial change to
8 the management plan.

9 (ii) USE OF FUNDS.—The manage-
10 ment entity shall not use Federal funds
11 authorized by this section to carry out any
12 amendments to the management plan until
13 the Secretary has approved the amend-
14 ments.

15 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
16 CIES.—

17 (1) IN GENERAL.—Nothing in this section af-
18 fects the authority of a Federal agency to provide
19 technical or financial assistance under any other law.

20 (2) CONSULTATION AND COORDINATION.—The
21 head of any Federal agency planning to conduct ac-
22 tivities that may have an impact on the Heritage
23 Area is encouraged to consult and coordinate the ac-
24 tivities with the Secretary and the management enti-
25 ty to the maximum extent practicable.

1 (3) OTHER FEDERAL AGENCIES.—Nothing in
2 this section—

3 (A) modifies, alters, or amends any law or
4 regulation authorizing a Federal agency to
5 manage Federal land under the jurisdiction of
6 the Federal agency;

7 (B) limits the discretion of a Federal land
8 manager to implement an approved land use
9 plan within the boundaries of the Heritage
10 Area; or

11 (C) modifies, alters, or amends any author-
12 ized use of Federal land under the jurisdiction
13 of a Federal agency.

14 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
15 TIONS.—Nothing in this section—

16 (1) abridges the rights of any property owner
17 (whether public or private), including the right to re-
18 frain from participating in any plan, project, pro-
19 gram, or activity conducted within the Heritage
20 Area;

21 (2) requires any property owner to permit pub-
22 lic access (including access by Federal, State, or
23 local agencies) to the property of the property
24 owner, or to modify public access or use of property

1 of the property owner under any other Federal,
2 State, or local law;

3 (3) alters any duly adopted land use regulation,
4 approved land use plan, or other regulatory author-
5 ity of any Federal, State or local agency, or conveys
6 any land use or other regulatory authority to the
7 management entity;

8 (4) authorizes or implies the reservation or ap-
9 propriation of water or water rights;

10 (5) diminishes the authority of the State to
11 manage fish and wildlife, including the regulation of
12 fishing and hunting within the Heritage Area; or

13 (6) creates any liability, or affects any liability
14 under any other law, of any private property owner
15 with respect to any person injured on the private
16 property.

17 (g) EVALUATION; REPORT.—

18 (1) IN GENERAL.—Not later than 3 years be-
19 fore the date on which authority for Federal funding
20 terminates for the Heritage Area, the Secretary
21 shall—

22 (A) conduct an evaluation of the accom-
23 plishments of the Heritage Area; and

24 (B) prepare a report in accordance with
25 paragraph (3).

1 (2) EVALUATION.—An evaluation conducted
2 under paragraph (1)(A) shall—

3 (A) assess the progress of the management
4 entity with respect to—

5 (i) accomplishing the purposes of this
6 section for the Heritage Area; and

7 (ii) achieving the goals and objectives
8 of the approved management plan for the
9 Heritage Area;

10 (B) analyze the Federal, State, local, and
11 private investments in the Heritage Area to de-
12 termine the leverage and impact of the invest-
13 ments; and

14 (C) review the management structure,
15 partnership relationships, and funding of the
16 Heritage Area for purposes of identifying the
17 critical components for sustainability of the
18 Heritage Area.

19 (3) REPORT.—

20 (A) IN GENERAL.—Based on the evalua-
21 tion conducted under paragraph (1)(A), the
22 Secretary shall prepare a report that includes
23 recommendations for the future role of the Na-
24 tional Park Service, if any, with respect to the
25 Heritage Area.

1 (B) REQUIRED ANALYSIS.—If the report
2 prepared under subparagraph (A) recommends
3 that Federal funding for the Heritage Area be
4 reauthorized, the report shall include an anal-
5 ysis of—

6 (i) ways in which Federal funding for
7 the Heritage Area may be reduced or
8 eliminated; and

9 (ii) the appropriate time period nec-
10 essary to achieve the recommended reduc-
11 tion or elimination.

12 (C) SUBMISSION TO CONGRESS.—On com-
13 pletion of the report, the Secretary shall submit
14 the report to—

15 (i) the Committee on Energy and
16 Natural Resources of the Senate; and

17 (ii) the Committee on Natural Re-
18 sources of the House of Representatives.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$10,000,000, of which not more than \$1,000,000 may be
22 made available for any fiscal year.

23 (i) TERMINATION OF AUTHORITY.—The authority of
24 the Secretary to provide assistance under this section ter-

1 minates on the date that is 15 years after the date of en-
2 actment of this Act.

3 **SEC. 8002. CACHE LA POUFRE RIVER NATIONAL HERITAGE**
4 **AREA, COLORADO.**

5 (a) DEFINITIONS.—In this section:

6 (1) HERITAGE AREA.—The term “Heritage
7 Area” means the Cache La Poudre River National
8 Heritage Area established by subsection (b)(1).

9 (2) LOCAL COORDINATING ENTITY.—The term
10 “local coordinating entity” means the Poudre Herit-
11 age Alliance, the local coordinating entity for the
12 Heritage Area designated by subsection (b)(4).

13 (3) MANAGEMENT PLAN.—The term “manage-
14 ment plan” means the management plan for the
15 Heritage Area required under subsection (d)(1).

16 (4) MAP.—The term “map” means the map en-
17 titled “Cache La Poudre River National Heritage
18 Area”, numbered 960/80,003, and dated April,
19 2004.

20 (5) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (6) STATE.—The term “State” means the State
23 of Colorado.

24 (b) CACHE LA POUFRE RIVER NATIONAL HERITAGE
25 AREA.—

1 (1) ESTABLISHMENT.—There is established in
2 the State the Cache La Poudre River National Her-
3 itage Area.

4 (2) BOUNDARIES.—The Heritage Area shall
5 consist of the area depicted on the map.

6 (3) MAP.—The map shall be on file and avail-
7 able for public inspection in the appropriate offices
8 of—

9 (A) the National Park Service; and

10 (B) the local coordinating entity.

11 (4) LOCAL COORDINATING ENTITY.—The local
12 coordinating entity for the Heritage Area shall be
13 the Poudre Heritage Alliance, a nonprofit organiza-
14 tion incorporated in the State.

15 (c) ADMINISTRATION.—

16 (1) AUTHORITIES.—To carry out the manage-
17 ment plan, the Secretary, acting through the local
18 coordinating entity, may use amounts made available
19 under this section—

20 (A) to make grants to the State (including
21 any political subdivision of the State), nonprofit
22 organizations, and other individuals;

23 (B) to enter into cooperative agreements
24 with, or provide technical assistance to, the
25 State (including any political subdivision of the

1 State), nonprofit organizations, and other inter-
2 ested parties;

3 (C) to hire and compensate staff, which
4 shall include individuals with expertise in nat-
5 ural, cultural, and historical resource protec-
6 tion, and heritage programming;

7 (D) to obtain funds or services from any
8 source, including funds or services that are pro-
9 vided under any other Federal law or program;

10 (E) to enter into contracts for goods or
11 services; and

12 (F) to serve as a catalyst for any other ac-
13 tivity that—

14 (i) furthers the purposes and goals of
15 the Heritage Area; and

16 (ii) is consistent with the approved
17 management plan.

18 (2) DUTIES.—The local coordinating entity
19 shall—

20 (A) in accordance with subsection (d), pre-
21 pare and submit to the Secretary a manage-
22 ment plan for the Heritage Area;

23 (B) assist units of local government, re-
24 gional planning organizations, and nonprofit or-

1 organizations in carrying out the approved man-
2 agement plan by—

3 (i) carrying out programs and projects
4 that recognize, protect, and enhance im-
5 portant resource values located in the Her-
6 itage Area;

7 (ii) establishing and maintaining in-
8 terpretive exhibits and programs in the
9 Heritage Area;

10 (iii) developing recreational and edu-
11 cational opportunities in the Heritage
12 Area;

13 (iv) increasing public awareness of,
14 and appreciation for, the natural, histor-
15 ical, scenic, and cultural resources of the
16 Heritage Area;

17 (v) protecting and restoring historic
18 sites and buildings in the Heritage Area
19 that are consistent with Heritage Area
20 themes;

21 (vi) ensuring that clear, consistent,
22 and appropriate signs identifying points of
23 public access, and sites of interest, are
24 posted throughout the Heritage Area; and

1 (vii) promoting a wide range of part-
2 nerships among governments, organiza-
3 tions, and individuals to further the Herit-
4 age Area;

5 (C) consider the interests of diverse units
6 of government, businesses, organizations, and
7 individuals in the Heritage Area in the prepara-
8 tion and implementation of the management
9 plan;

10 (D) conduct meetings open to the public at
11 least semiannually regarding the development
12 and implementation of the management plan;

13 (E) for any year for which Federal funds
14 have been received under this section—

15 (i) submit an annual report to the
16 Secretary that describes the activities, ex-
17 penses, and income of the local coordi-
18 nating entity (including grants to any
19 other entities during the year that the re-
20 port is made);

21 (ii) make available to the Secretary
22 for audit all records relating to the expend-
23 iture of the funds and any matching funds;
24 and

1 (iii) require, with respect to all agree-
2 ments authorizing expenditure of Federal
3 funds by other organizations, that the or-
4 ganizations receiving the funds make avail-
5 able to the Secretary for audit all records
6 concerning the expenditure of the funds;
7 and

8 (F) encourage by appropriate means eco-
9 nomic viability that is consistent with the Herit-
10 age Area.

11 (3) PROHIBITION ON THE ACQUISITION OF
12 REAL PROPERTY.—The local coordinating entity
13 shall not use Federal funds made available under
14 this section to acquire real property or any interest
15 in real property.

16 (d) MANAGEMENT PLAN.—

17 (1) IN GENERAL.—Not later than 3 years after
18 the date of enactment of this Act, the local coordi-
19 nating entity shall submit to the Secretary for ap-
20 proval a proposed management plan for the Heritage
21 Area.

22 (2) REQUIREMENTS.—The management plan
23 shall—

24 (A) incorporate an integrated and coopera-
25 tive approach for the protection, enhancement,

1 and interpretation of the natural, cultural, his-
2 toric, scenic, educational, and recreational re-
3 sources of the Heritage Area;

4 (B) take into consideration State and local
5 plans;

6 (C) include—

7 (i) an inventory of the resources lo-
8 cated in the Heritage Area;

9 (ii) comprehensive policies, strategies,
10 and recommendations for conservation,
11 funding, management, and development of
12 the Heritage Area;

13 (iii) a description of actions that gov-
14 ernments, private organizations, and indi-
15 viduals have agreed to take to protect the
16 natural, cultural, historic, scenic, edu-
17 cational, and recreational resources of the
18 Heritage Area;

19 (iv) a program of implementation for
20 the management plan by the local coordi-
21 nating entity that includes a description
22 of—

23 (I) actions to facilitate ongoing
24 collaboration among partners to pro-

1 mote plans for resource protection,
2 restoration, and construction; and

3 (II) specific commitments for im-
4 plementation that have been made by
5 the local coordinating entity or any
6 government, organization, or indi-
7 vidual for the first 5 years of oper-
8 ation;

9 (v) the identification of sources of
10 funding for carrying out the management
11 plan;

12 (vi) analysis and recommendations for
13 means by which local, State, and Federal
14 programs, including the role of the Na-
15 tional Park Service in the Heritage Area,
16 may best be coordinated to carry out this
17 section; and

18 (vii) an interpretive plan for the Her-
19 itage Area; and

20 (D) recommend policies and strategies for
21 resource management that consider and detail
22 the application of appropriate land and water
23 management techniques, including the develop-
24 ment of intergovernmental and interagency co-
25 operative agreements to protect the natural,

1 cultural, historic, scenic, educational, and rec-
2 reational resources of the Heritage Area.

3 (3) DEADLINE.—If a proposed management
4 plan is not submitted to the Secretary by the date
5 that is 3 years after the date of enactment of this
6 Act, the local coordinating entity shall be ineligible
7 to receive additional funding under this section until
8 the date on which the Secretary approves a manage-
9 ment plan.

10 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
11 MENT PLAN.—

12 (A) IN GENERAL.—Not later than 180
13 days after the date of receipt of the manage-
14 ment plan under paragraph (1), the Secretary,
15 in consultation with the State, shall approve or
16 disapprove the management plan.

17 (B) CRITERIA FOR APPROVAL.—In deter-
18 mining whether to approve the management
19 plan, the Secretary shall consider whether—

20 (i) the local coordinating entity is rep-
21 resentative of the diverse interests of the
22 Heritage Area, including governments, nat-
23 ural and historic resource protection orga-
24 nizations, educational institutions, busi-
25 nesses, and recreational organizations;

1 (ii) the local coordinating entity has
2 afforded adequate opportunity, including
3 public hearings, for public and govern-
4 mental involvement in the preparation of
5 the management plan; and

6 (iii) the resource protection and inter-
7 pretation strategies contained in the man-
8 agement plan, if implemented, would ade-
9 quately protect the natural, cultural, his-
10 toric, scenic, educational, and recreational
11 resources of the Heritage Area.

12 (C) ACTION FOLLOWING DISAPPROVAL.—If
13 the Secretary disapproves the management plan
14 under subparagraph (A), the Secretary shall—

15 (i) advise the local coordinating entity
16 in writing of the reasons for the dis-
17 approval;

18 (ii) make recommendations for revi-
19 sions to the management plan; and

20 (iii) not later than 180 days after the
21 date of receipt of any proposed revision of
22 the management plan from the local co-
23 ordinating entity, approve or disapprove
24 the proposed revision.

25 (5) AMENDMENTS.—

1 (A) IN GENERAL.—The Secretary shall ap-
2 prove or disapprove each amendment to the
3 management plan that the Secretary determines
4 would make a substantial change to the man-
5 agement plan.

6 (B) USE OF FUNDS.—The local coordi-
7 nating entity shall not use Federal funds au-
8 thorized to be appropriated by this section to
9 carry out any amendments to the management
10 plan until the Secretary has approved the
11 amendments.

12 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
13 CIES.—

14 (1) IN GENERAL.—Nothing in this section af-
15 fects the authority of a Federal agency to provide
16 technical or financial assistance under any other law
17 (including regulations).

18 (2) CONSULTATION AND COORDINATION.—To
19 the maximum extent practicable, the head of any
20 Federal agency planning to conduct activities that
21 may have an impact on the Heritage Area is encour-
22 aged to consult and coordinate the activities with the
23 Secretary and the local coordinating entity.

24 (3) OTHER FEDERAL AGENCIES.—Nothing in
25 this section—

1 (A) modifies, alters, or amends any law
2 (including any regulation) authorizing a Fed-
3 eral agency to manage Federal land under the
4 jurisdiction of the Federal agency;

5 (B) limits the discretion of a Federal land
6 manager to implement an approved land use
7 plan within the boundaries of the Heritage
8 Area; or

9 (C) modifies, alters, or amends any author-
10 ized use of Federal land under the jurisdiction
11 of a Federal agency.

12 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
13 TIONS.—Nothing in this section—

14 (1) abridges the rights of any public or private
15 property owner, including the right to refrain from
16 participating in any plan, project, program, or activ-
17 ity conducted within the Heritage Area;

18 (2) requires any property owner—

19 (A) to permit public access (including ac-
20 cess by Federal, State, or local agencies) to the
21 property of the property owner; or

22 (B) to modify public access or use of prop-
23 erty of the property owner under any other
24 Federal, State, or local law;

1 (3) alters any duly adopted land use regulation,
2 approved land use plan, or other regulatory author-
3 ity of any Federal, State, or local agency;

4 (4) conveys any land use or other regulatory
5 authority to the local coordinating entity;

6 (5) authorizes or implies the reservation or ap-
7 propriation of water or water rights;

8 (6) diminishes the authority of the State to
9 manage fish and wildlife, including the regulation of
10 fishing and hunting within the Heritage Area; or

11 (7) creates any liability, or affects any liability
12 under any other law (including regulations), of any
13 private property owner with respect to any individual
14 injured on the private property.

15 (g) EVALUATION; REPORT.—

16 (1) IN GENERAL.—Not later than 3 years be-
17 fore the date on which authority for Federal funding
18 terminates for the Heritage Area, the Secretary
19 shall—

20 (A) conduct an evaluation of the accom-
21 pishments of the Heritage Area; and

22 (B) prepare a report in accordance with
23 paragraph (3).

24 (2) EVALUATION.—An evaluation conducted
25 under paragraph (1)(A) shall—

1 (A) assess the progress of the local coordi-
2 nating entity with respect to—

3 (i) accomplishing the purposes of this
4 section for the Heritage Area; and

5 (ii) achieving the goals and objectives
6 of the approved management plan for the
7 Heritage Area;

8 (B) analyze the Federal, State, local, and
9 private investments in the Heritage Area to de-
10 termine the leverage and impact of the invest-
11 ments; and

12 (C) review the management structure,
13 partnership relationships, and funding of the
14 Heritage Area to identify the critical compo-
15 nents for sustainability of the Heritage Area.

16 (3) REPORT.—

17 (A) IN GENERAL.—Based on the evalua-
18 tion conducted under paragraph (1)(A), the
19 Secretary shall prepare a report that includes
20 recommendations for the future role of the Na-
21 tional Park Service, if any, with respect to the
22 Heritage Area.

23 (B) REQUIRED ANALYSIS.—If the report
24 prepared under subparagraph (A) recommends
25 that Federal funding for the Heritage Area be

1 reauthorized, the report shall include an anal-
2 ysis of—

3 (i) ways in which Federal funding for
4 the Heritage Area may be reduced or
5 eliminated; and

6 (ii) the appropriate time period nec-
7 essary to achieve the recommended reduc-
8 tion or elimination.

9 (C) SUBMISSION TO CONGRESS.—On com-
10 pletion of the report, the Secretary shall submit
11 the report to—

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

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

16 (h) FUNDING.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated to carry out
19 this section \$10,000,000, of which not more than
20 \$1,000,000 may be made available for any fiscal
21 year.

22 (2) COST-SHARING REQUIREMENT.—The Fed-
23 eral share of the cost of any activity carried out
24 using any assistance made available under this sec-
25 tion shall be 50 percent.

1 (i) TERMINATION OF AUTHORITY.—The authority of
2 the Secretary to provide assistance under this section ter-
3 minates on the date that is 15 years after the date of en-
4 actment of this Act.

5 (j) CONFORMING AMENDMENT.—The Cache La
6 Poudre River Corridor Act (16 U.S.C. 461 note; Public
7 Law 104–323) is repealed.

8 **SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLO-**
9 **RADO.**

10 (a) DEFINITIONS.—In this section:

11 (1) BOARD.—The term “Board” means the
12 Board of Directors of the South Park National Her-
13 itage Area, comprised initially of the individuals,
14 agencies, organizations, and governments that were
15 involved in the planning and development of the
16 Heritage Area before the date of enactment of this
17 Act.

18 (2) HERITAGE AREA.—The term “Heritage
19 Area” means the South Park National Heritage
20 Area established by subsection (b)(1).

21 (3) MANAGEMENT ENTITY.—The term “man-
22 agement entity” means the management entity for
23 the Heritage Area designated by subsection
24 (b)(4)(A).

1 (4) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan for the
3 Heritage Area required by subsection (d).

4 (5) MAP.—The term “map” means the map en-
5 titled “South Park National Heritage Area Map
6 (Proposed)”, dated January 30, 2006.

7 (6) PARTNER.—The term “partner” means a
8 Federal, State, or local governmental entity, organi-
9 zation, private industry, educational institution, or
10 individual involved in the conservation, preservation,
11 interpretation, development or promotion of heritage
12 sites or resources of the Heritage Area.

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

15 (8) STATE.—The term “State” means the State
16 of Colorado.

17 (9) TECHNICAL ASSISTANCE.—The term “tech-
18 nical assistance” means any guidance, advice, help,
19 or aid, other than financial assistance, provided by
20 the Secretary.

21 (b) SOUTH PARK NATIONAL HERITAGE AREA.—

22 (1) ESTABLISHMENT.—There is established in
23 the State the South Park National Heritage Area.

24 (2) BOUNDARIES.—The Heritage Area shall
25 consist of the areas included in the map.

1 (3) MAP.—A map of the Heritage Area shall
2 be—

3 (A) included in the management plan; and

4 (B) on file and available for public inspec-
5 tion in the appropriate offices of the National
6 Park Service.

7 (4) MANAGEMENT ENTITY.—

8 (A) IN GENERAL.—The management entity
9 for the Heritage Area shall be the Park County
10 Tourism & Community Development Office, in
11 conjunction with the South Park National Her-
12 itage Area Board of Directors.

13 (B) MEMBERSHIP REQUIREMENTS.—Mem-
14 bers of the Board shall include representatives
15 from a broad cross-section of individuals, agen-
16 cies, organizations, and governments that were
17 involved in the planning and development of the
18 Heritage Area before the date of enactment of
19 this Act.

20 (c) ADMINISTRATION.—

21 (1) PROHIBITION ON THE ACQUISITION OF
22 REAL PROPERTY.—The management entity shall not
23 use Federal funds made available under this section
24 to acquire real property or any interest in real prop-
25 erty.

1 (2) AUTHORITIES.—For purposes of carrying
2 out the management plan, the Secretary, acting
3 through the management entity, may use amounts
4 made available under this section to—

5 (A) make grants to the State or a political
6 subdivision of the State, nonprofit organiza-
7 tions, and other persons;

8 (B) enter into cooperative agreements
9 with, or provide technical assistance to, the
10 State or a political subdivision of the State,
11 nonprofit organizations, and other interested
12 parties;

13 (C) hire and compensate staff, which shall
14 include individuals with expertise in natural,
15 cultural, and historical resources protection,
16 fundraising, heritage facility planning and de-
17 velopment, and heritage tourism programming;

18 (D) obtain funds or services from any
19 source, including funds or services that are pro-
20 vided under any other Federal law or program;

21 (E) enter into contracts for goods or serv-
22 ices; and

23 (F) to facilitate the conduct of other
24 projects and activities that further the Heritage

1 Area and are consistent with the approved man-
2 agement plan.

3 (3) DUTIES.—The management entity shall—

4 (A) in accordance with subsection (d), pre-
5 pare and submit a management plan for the
6 Heritage Area to the Secretary;

7 (B) assist units of local government, local
8 property owners and businesses, and nonprofit
9 organizations in carrying out the approved
10 management plan by—

11 (i) carrying out programs and projects
12 that recognize, protect, enhance, and pro-
13 mote important resource values in the Her-
14 itage Area;

15 (ii) establishing and maintaining in-
16 terpretive exhibits and programs in the
17 Heritage Area;

18 (iii) developing economic, recreational
19 and educational opportunities in the Herit-
20 age Area;

21 (iv) increasing public awareness of,
22 and appreciation for, historical, cultural,
23 scenic, recreational, agricultural, and nat-
24 ural resources of the Heritage Area;

1 (v) protecting and restoring historic
2 sites and buildings in the Heritage Area
3 that are consistent with Heritage Area
4 themes;

5 (vi) ensuring that clear, consistent,
6 and appropriate signs identifying points of
7 public access, and sites of interest are
8 posted throughout the Heritage Area;

9 (vii) promoting a wide range of part-
10 nerships among governments, organiza-
11 tions, and individuals to further the Herit-
12 age Area; and

13 (viii) planning and developing new
14 heritage attractions, products and services;

15 (C) consider the interests of diverse units
16 of government, businesses, organizations, and
17 individuals in the Heritage Area in the prepara-
18 tion and implementation of the management
19 plan;

20 (D) conduct meetings open to the public at
21 least semiannually regarding the development
22 and implementation of the management plan;

23 (E) for any year for which Federal funds
24 have been received under this section—

1 (i) submit to the Secretary an annual
2 report that describes the activities, ex-
3 penses, and income of the management en-
4 tity (including grants to any other entities
5 during the year that the report is made);

6 (ii) make available to the Secretary
7 for audit all records relating to the expend-
8 iture of the Federal funds and any match-
9 ing funds; and

10 (iii) require, with respect to all agree-
11 ments authorizing expenditure of Federal
12 funds by other organizations, that the or-
13 ganizations receiving the funds make avail-
14 able to the Secretary for audit all records
15 concerning the expenditure of the funds;
16 and

17 (F) encourage by appropriate means eco-
18 nomic viability that is consistent with the Herit-
19 age Area.

20 (4) COST-SHARING REQUIREMENT.—The Fed-
21 eral share of the cost of any activity carried out
22 using any assistance made available under this sec-
23 tion shall be 50 percent.

24 (d) MANAGEMENT PLAN.—

1 (1) IN GENERAL.—Not later than 3 years after
2 the date of enactment of this Act, the management
3 entity, with public participation, shall submit to the
4 Secretary for approval a proposed management plan
5 for the Heritage Area.

6 (2) REQUIREMENTS.—The management plan
7 shall—

8 (A) incorporate an integrated and coopera-
9 tive approach for the protection, enhancement,
10 interpretation, development, and promotion of
11 the historical, cultural, scenic, recreational, ag-
12 ricultural, and natural resources of the Herit-
13 age Area;

14 (B) take into consideration State and local
15 plans;

16 (C) include—

17 (i) an inventory of—

18 (I) the resources located within
19 the areas included in the map; and

20 (II) any other eligible and par-
21 ticipating property within the areas
22 included in the map that—

23 (aa) is related to the themes
24 of the Heritage Area; and

1 (bb) should be preserved, re-
2 stored, managed, maintained, de-
3 veloped, or promoted because of
4 the significance of the property;

5 (ii) comprehensive policies, strategies,
6 and recommendations for conservation,
7 funding, management, development, and
8 promotion of the Heritage Area;

9 (iii) a description of actions that gov-
10 ernments, private organizations, and indi-
11 viduals have agreed to take to manage pro-
12 tect the historical, cultural, scenic, rec-
13 reational, agricultural, and natural re-
14 sources of the Heritage Area;

15 (iv) a program of implementation for
16 the management plan by the management
17 entity that includes a description of—

18 (I) actions to facilitate ongoing
19 and effective collaboration among
20 partners to promote plans for resource
21 protection, enhancement, interpreta-
22 tion, restoration, and construction;
23 and

24 (II) specific commitments for im-
25 plementation that have been made by

1 the management entity or any govern-
2 ment, organization, or individual for
3 the first 5 years of operation;

4 (v) the identification of sources of
5 funding for carrying out the management
6 plan;

7 (vi) an analysis of and recommenda-
8 tions for means by which Federal, State,
9 and local programs, including the role of
10 the National Park Service in the Heritage
11 Area, may best be coordinated to carry out
12 this section; and

13 (vii) an interpretive plan for the Her-
14 itage Area; and

15 (D) recommend policies and strategies for
16 resource management that consider and detail
17 the application of appropriate land and water
18 management techniques, including the develop-
19 ment of intergovernmental and interagency co-
20 operative agreements to protect the historical,
21 cultural, scenic, recreational, agricultural, and
22 natural resources of the Heritage Area.

23 (3) DEADLINE.—If a proposed management
24 plan is not submitted to the Secretary by the date
25 that is 3 years after the date of enactment of this

1 Act, the management entity shall be ineligible to re-
2 ceive additional funding under this section until the
3 date on which the Secretary receives and approves
4 the management plan.

5 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
6 MENT PLAN.—

7 (A) IN GENERAL.—Not later than 180
8 days after the date of receipt of the manage-
9 ment plan under paragraph (1), the Secretary,
10 in consultation with the State, shall approve or
11 disapprove the management plan.

12 (B) CRITERIA FOR APPROVAL.—In deter-
13 mining whether to approve the management
14 plan, the Secretary shall consider whether—

15 (i) the management entity is rep-
16 resentative of the diverse interests of the
17 Heritage Area, including governments, nat-
18 ural and historical resource protection or-
19 ganizations, educational institutions, local
20 businesses and industries, community or-
21 ganizations, recreational organizations, and
22 tourism organizations;

23 (ii) the management entity has af-
24 farded adequate opportunity, including
25 public hearings, for public and govern-

1 mental involvement in the preparation of
2 the management plan; and

3 (iii) strategies contained in the man-
4 agement plan, if implemented, would ade-
5 quately balance the voluntary protection,
6 development, and interpretation of the nat-
7 ural, historical, cultural, scenic, rec-
8 reational, and agricultural resources of the
9 Heritage Area.

10 (C) ACTION FOLLOWING DISAPPROVAL.—If
11 the Secretary disapproves the management plan
12 under subparagraph (A), the Secretary shall—

13 (i) advise the management entity in
14 writing of the reasons for the disapproval;

15 (ii) make recommendations for revi-
16 sions to the management plan; and

17 (iii) not later than 180 days after the
18 receipt of any proposed revision of the
19 management plan from the management
20 entity, approve or disapprove the proposed
21 revision.

22 (D) AMENDMENTS.—

23 (i) IN GENERAL.—The Secretary shall
24 approve or disapprove each amendment to
25 the management plan that the Secretary

1 determines makes a substantial change to
2 the management plan.

3 (ii) USE OF FUNDS.—The manage-
4 ment entity shall not use Federal funds
5 authorized by this section to carry out any
6 amendments to the management plan until
7 the Secretary has approved the amend-
8 ments.

9 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
10 CIES.—

11 (1) IN GENERAL.—Nothing in this section af-
12 fects the authority of a Federal agency to provide
13 technical or financial assistance under any other law.

14 (2) CONSULTATION AND COORDINATION.—The
15 head of any Federal agency planning to conduct ac-
16 tivities that may have an impact on the Heritage
17 Area is encouraged to consult and coordinate the ac-
18 tivities with the Secretary and the management enti-
19 ty to the maximum extent practicable.

20 (3) OTHER FEDERAL AGENCIES.—Nothing in
21 this section—

22 (A) modifies, alters, or amends any law or
23 regulation authorizing a Federal agency to
24 manage Federal land under the jurisdiction of
25 the Federal agency;

1 (B) limits the discretion of a Federal land
2 manager to implement an approved land use
3 plan within the boundaries of the Heritage
4 Area; or

5 (C) modifies, alters, or amends any author-
6 ized use of Federal land under the jurisdiction
7 of a Federal agency.

8 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
9 TIONS.—Nothing in this section—

10 (1) abridges the rights of any property owner
11 (whether public or private), including the right to re-
12 frain from participating in any plan, project, pro-
13 gram, or activity conducted within the Heritage
14 Area;

15 (2) requires any property owner to permit pub-
16 lic access (including access by Federal, State, or
17 local agencies) to the property of the property
18 owner, or to modify public access or use of property
19 of the property owner under any other Federal,
20 State, or local law;

21 (3) alters any duly adopted land use regulation,
22 approved land use plan, or other regulatory author-
23 ity of any Federal, State or local agency, or conveys
24 any land use or other regulatory authority to the
25 management entity;

1 (4) authorizes or implies the reservation or ap-
2 propriation of water or water rights;

3 (5) diminishes the authority of the State to
4 manage fish and wildlife, including the regulation of
5 fishing and hunting within the Heritage Area; or

6 (6) creates any liability, or affects any liability
7 under any other law, of any private property owner
8 with respect to any person injured on the private
9 property.

10 (g) EVALUATION; REPORT.—

11 (1) IN GENERAL.—Not later than 3 years be-
12 fore the date on which authority for Federal funding
13 terminates for the Heritage Area, the Secretary
14 shall—

15 (A) conduct an evaluation of the accom-
16 plishments of the Heritage Area; and

17 (B) prepare a report in accordance with
18 paragraph (3).

19 (2) EVALUATION.—An evaluation conducted
20 under paragraph (1)(A) shall—

21 (A) assess the progress of the management
22 entity with respect to—

23 (i) accomplishing the purposes of this
24 section for the Heritage Area; and

1 (ii) achieving the goals and objectives
2 of the approved management plan for the
3 Heritage Area;

4 (B) analyze the Federal, State, local, and
5 private investments in the Heritage Area to de-
6 termine the leverage and impact of the invest-
7 ments; and

8 (C) review the management structure,
9 partnership relationships, and funding of the
10 Heritage Area for purposes of identifying the
11 critical components for sustainability of the
12 Heritage Area.

13 (3) REPORT.—

14 (A) IN GENERAL.—Based on the evalua-
15 tion conducted under paragraph (1)(A), the
16 Secretary shall prepare a report that includes
17 recommendations for the future role of the Na-
18 tional Park Service, if any, with respect to the
19 Heritage Area.

20 (B) REQUIRED ANALYSIS.—If the report
21 prepared under subparagraph (A) recommends
22 that Federal funding for the Heritage Area be
23 reauthorized, the report shall include an anal-
24 ysis of—

1 (i) ways in which Federal funding for
2 the Heritage Area may be reduced or
3 eliminated; and

4 (ii) the appropriate time period nec-
5 essary to achieve the recommended reduc-
6 tion or elimination.

7 (C) SUBMISSION TO CONGRESS.—On com-
8 pletion of the report, the Secretary shall submit
9 the report to—

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

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

14 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$10,000,000, of which not more than \$1,000,000 may be
17 made available for any fiscal year.

18 (i) TERMINATION OF AUTHORITY.—The authority of
19 the Secretary to provide assistance under this section ter-
20 minates on the date that is 15 years after the date of en-
21 actment of this Act.

22 **SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA,**
23 **NORTH DAKOTA.**

24 (a) DEFINITIONS.—In this section:

1 (1) HERITAGE AREA.—The term “Heritage
2 Area” means the Northern Plains National Heritage
3 Area established by subsection (b)(1).

4 (2) LOCAL COORDINATING ENTITY.—The term
5 “local coordinating entity” means the Northern
6 Plains Heritage Foundation, the local coordinating
7 entity for the Heritage Area designated by sub-
8 section (c)(1).

9 (3) MANAGEMENT PLAN.—The term “manage-
10 ment plan” means the management plan for the
11 Heritage Area required under subsection (d).

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

14 (5) STATE.—The term “State” means the State
15 of North Dakota.

16 (b) ESTABLISHMENT.—

17 (1) IN GENERAL.—There is established the
18 Northern Plains National Heritage Area in the State
19 of North Dakota.

20 (2) BOUNDARIES.—The Heritage Area shall
21 consist of—

22 (A) a core area of resources in Burleigh,
23 McLean, Mercer, Morton, and Oliver Counties
24 in the State; and

1 (B) any sites, buildings, and districts with-
2 in the core area recommended by the manage-
3 ment plan for inclusion in the Heritage Area.

4 (3) MAP.—A map of the Heritage Area shall
5 be—

6 (A) included in the management plan; and

7 (B) on file and available for public inspec-
8 tion in the appropriate offices of the local co-
9 ordinating entity and the National Park Serv-
10 ice.

11 (c) LOCAL COORDINATING ENTITY.—

12 (1) IN GENERAL.—The local coordinating entity
13 for the Heritage Area shall be the Northern Plains
14 Heritage Foundation, a nonprofit corporation estab-
15 lished under the laws of the State.

16 (2) DUTIES.—To further the purposes of the
17 Heritage Area, the Northern Plains Heritage Foun-
18 dation, as the local coordinating entity, shall—

19 (A) prepare a management plan for the
20 Heritage Area, and submit the management
21 plan to the Secretary, in accordance with this
22 section;

23 (B) submit an annual report to the Sec-
24 retary for each fiscal year for which the local

1 coordinating entity receives Federal funds
2 under this section, specifying—

3 (i) the specific performance goals and
4 accomplishments of the local coordinating
5 entity;

6 (ii) the expenses and income of the
7 local coordinating entity;

8 (iii) the amounts and sources of
9 matching funds;

10 (iv) the amounts leveraged with Fed-
11 eral funds and sources of the leveraged
12 funds; and

13 (v) grants made to any other entities
14 during the fiscal year;

15 (C) make available for audit for each fiscal
16 year for which the local coordinating entity re-
17 ceives Federal funds under this section, all in-
18 formation pertaining to the expenditure of the
19 funds and any matching funds; and

20 (D) encourage economic viability and sus-
21 tainability that is consistent with the purposes
22 of the Heritage Area.

23 (3) AUTHORITIES.—For the purposes of pre-
24 paring and implementing the approved management
25 plan for the Heritage Area, the local coordinating

1 entity may use Federal funds made available under
2 this section to—

3 (A) make grants to political jurisdictions,
4 nonprofit organizations, and other parties with-
5 in the Heritage Area;

6 (B) enter into cooperative agreements with
7 or provide technical assistance to political juris-
8 dictions, nonprofit organizations, Federal agen-
9 cies, and other interested parties;

10 (C) hire and compensate staff, including
11 individuals with expertise in—

12 (i) natural, historical, cultural, edu-
13 cational, scenic, and recreational resource
14 conservation;

15 (ii) economic and community develop-
16 ment; and

17 (iii) heritage planning;

18 (D) obtain funds or services from any
19 source, including other Federal programs;

20 (E) contract for goods or services; and

21 (F) support activities of partners and any
22 other activities that further the purposes of the
23 Heritage Area and are consistent with the ap-
24 proved management plan.

1 (4) PROHIBITION ON ACQUISITION OF REAL
2 PROPERTY.—The local coordinating entity may not
3 use Federal funds authorized to be appropriated
4 under this section to acquire any interest in real
5 property.

6 (5) OTHER SOURCES.—Nothing in this section
7 precludes the local coordinating entity from using
8 Federal funds from other sources for authorized
9 purposes.

10 (d) MANAGEMENT PLAN.—

11 (1) IN GENERAL.—Not later than 3 years after
12 the date of enactment of this Act, the local coordi-
13 nating entity shall submit to the Secretary for ap-
14 proval a proposed management plan for the Heritage
15 Area.

16 (2) REQUIREMENTS.—The management plan
17 for the Heritage Area shall—

18 (A) describe comprehensive policies, goals,
19 strategies, and recommendations for telling the
20 story of the heritage of the area covered by the
21 Heritage Area and encouraging long-term re-
22 source protection, enhancement, interpretation,
23 funding, management, and development of the
24 Heritage Area;

1 (B) include a description of actions and
2 commitments that Federal, State, tribal, and
3 local governments, private organizations, and
4 citizens will take to protect, enhance, interpret,
5 fund, manage, and develop the natural, histor-
6 ical, cultural, educational, scenic, and rec-
7 reational resources of the Heritage Area;

8 (C) specify existing and potential sources
9 of funding or economic development strategies
10 to protect, enhance, interpret, fund, manage,
11 and develop the Heritage Area;

12 (D) include an inventory of the natural,
13 historical, cultural, educational, scenic, and rec-
14 reational resources of the Heritage Area relat-
15 ing to the national importance and themes of
16 the Heritage Area that should be protected, en-
17 hanced, interpreted, managed, funded, and de-
18 veloped;

19 (E) recommend policies and strategies for
20 resource management, including the develop-
21 ment of intergovernmental and interagency
22 agreements to protect, enhance, interpret, fund,
23 manage, and develop the natural, historical, cul-
24 tural, educational, scenic, and recreational re-
25 sources of the Heritage Area;

1 (F) describe a program for implementation
2 for the management plan, including—

3 (i) performance goals;

4 (ii) plans for resource protection, en-
5 hancement, interpretation, funding, man-
6 agement, and development; and

7 (iii) specific commitments for imple-
8 mentation that have been made by the
9 local coordinating entity or any Federal,
10 State, tribal, or local government agency,
11 organization, business, or individual;

12 (G) include an analysis of, and rec-
13 ommendations for, means by which Federal,
14 State, tribal, and local programs may best be
15 coordinated (including the role of the National
16 Park Service and other Federal agencies associ-
17 ated with the Heritage Area) to further the
18 purposes of this section; and

19 (H) include a business plan that—

20 (i) describes the role, operation, fi-
21 nancing, and functions of the local coordi-
22 nating entity and of each of the major ac-
23 tivities described in the management plan;
24 and

1 (ii) provides adequate assurances that
2 the local coordinating entity has the part-
3 nerships and financial and other resources
4 necessary to implement the management
5 plan for the Heritage Area.

6 (3) DEADLINE.—

7 (A) IN GENERAL.—Not later than 3 years
8 after the date on which funds are first made
9 available to develop the management plan after
10 designation of the Heritage Area, the local co-
11 ordinating entity shall submit the management
12 plan to the Secretary for approval.

13 (B) TERMINATION OF FUNDING.—If the
14 management plan is not submitted to the Sec-
15 retary in accordance with subparagraph (A),
16 the local coordinating entity shall not qualify
17 for any additional financial assistance under
18 this section until such time as the management
19 plan is submitted to and approved by the Sec-
20 retary.

21 (4) APPROVAL OF MANAGEMENT PLAN.—

22 (A) REVIEW.—Not later than 180 days
23 after receiving the plan, the Secretary shall re-
24 view and approve or disapprove the manage-
25 ment plan for the Heritage Area on the basis

1 of the criteria established under subparagraph
2 (B).

3 (B) CRITERIA FOR APPROVAL.—In deter-
4 mining whether to approve a management plan
5 for the Heritage Area, the Secretary shall con-
6 sider whether—

7 (i) the local coordinating entity rep-
8 represents the diverse interests of the Herit-
9 age Area, including Federal, State, tribal,
10 and local governments, natural, and his-
11 toric resource protection organizations,
12 educational institutions, businesses, rec-
13 reational organizations, community resi-
14 dents, and private property owners;

15 (ii) the local coordinating entity—

16 (I) has afforded adequate oppor-
17 tunity for public and Federal, State,
18 tribal, and local governmental involve-
19 ment (including through workshops
20 and hearings) in the preparation of
21 the management plan; and

22 (II) provides for at least semi-
23 annual public meetings to ensure ade-
24 quate implementation of the manage-
25 ment plan;

1 (iii) the resource protection, enhance-
2 ment, interpretation, funding, manage-
3 ment, and development strategies described
4 in the management plan, if implemented,
5 would adequately protect, enhance, inter-
6 pret, fund, manage, and develop the nat-
7 ural, historic, cultural, educational, scenic,
8 and recreational resources of the Heritage
9 Area;

10 (iv) the management plan would not
11 adversely affect any activities authorized
12 on Federal land under public land laws or
13 land use plans;

14 (v) the local coordinating entity has
15 demonstrated the financial capability, in
16 partnership with others, to carry out the
17 plan;

18 (vi) the Secretary has received ade-
19 quate assurances from the appropriate
20 State, tribal, and local officials whose sup-
21 port is needed to ensure the effective im-
22 plementation of the State, tribal, and local
23 elements of the management plan; and

24 (vii) the management plan dem-
25 onstrates partnerships among the local co-

1 ordinating entity, Federal, State, tribal,
2 and local governments, regional planning
3 organizations, nonprofit organizations, or
4 private sector parties for implementation of
5 the management plan.

6 (C) DISAPPROVAL.—

7 (i) IN GENERAL.—If the Secretary
8 disapproves the management plan, the Sec-
9 retary—

10 (I) shall advise the local coordi-
11 nating entity in writing of the reasons
12 for the disapproval; and

13 (II) may make recommendations
14 to the local coordinating entity for re-
15 visions to the management plan.

16 (ii) DEADLINE.—Not later than 180
17 days after receiving a revised management
18 plan, the Secretary shall approve or dis-
19 approve the revised management plan.

20 (D) AMENDMENTS.—

21 (i) IN GENERAL.—An amendment to
22 the management plan that substantially al-
23 ters the purposes of the Heritage Area
24 shall be reviewed by the Secretary and ap-

1 proved or disapproved in the same manner
2 as the original management plan.

3 (ii) IMPLEMENTATION.—The local co-
4 ordinating entity shall not use Federal
5 funds authorized to be appropriated by this
6 section to implement an amendment to the
7 management plan until the Secretary ap-
8 proves the amendment.

9 (E) AUTHORITIES.—The Secretary may—

10 (i) provide technical assistance under
11 this section for the development and imple-
12 mentation of the management plan; and

13 (ii) enter into cooperative agreements
14 with interested parties to carry out this
15 section.

16 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
17 CIES.—

18 (1) IN GENERAL.—Nothing in this section af-
19 fects the authority of a Federal agency to provide
20 technical or financial assistance under any other law.

21 (2) TECHNICAL AND FINANCIAL ASSISTANCE.—

22 (A) IN GENERAL.—On the request of the
23 local coordinating entity, the Secretary may
24 provide financial assistance and, on a reimburs-
25 able or nonreimbursable basis, technical assist-

1 ance to the local coordinating entity to develop
2 and implement the management plan.

3 (B) COOPERATIVE AGREEMENTS.—The
4 Secretary may enter into cooperative agree-
5 ments with the local coordinating entity and
6 other public or private entities to provide tech-
7 nical or financial assistance under subpara-
8 graph (A).

9 (C) PRIORITY.—In assisting the Heritage
10 Area, the Secretary shall give priority to actions
11 that assist in—

12 (i) conserving the significant natural,
13 historic, cultural, and scenic resources of
14 the Heritage Area; and

15 (ii) providing educational, interpretive,
16 and recreational opportunities consistent
17 with the purposes of the Heritage Area.

18 (3) CONSULTATION AND COORDINATION.—To
19 the maximum extent practicable, the head of any
20 Federal agency planning to conduct activities that
21 may have an impact on the Heritage Area is encour-
22 aged to consult and coordinate the activities with the
23 Secretary and the local coordinating entity.

24 (4) OTHER FEDERAL AGENCIES.—Nothing in
25 this section—

1 (A) modifies or alters any laws (including
2 regulations) authorizing a Federal agency to
3 manage Federal land under the jurisdiction of
4 the Federal agency;

5 (B) limits the discretion of a Federal land
6 manager to implement an approved land use
7 plan within the boundaries of the Heritage
8 Area; or

9 (C) modifies, alters, or amends any author-
10 ized use of Federal land under the jurisdiction
11 of a Federal agency.

12 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
13 TIONS.—Nothing in this section—

14 (1) abridges the rights of any owner of public
15 or private property, including the right to refrain
16 from participating in any plan, project, program, or
17 activity conducted within the Heritage Area;

18 (2) requires any property owner to—

19 (A) permit public access (including access
20 by Federal, State, or local agencies) to the
21 property of the property owner; or

22 (B) modify public access to, or use of, the
23 property of the property owner under any other
24 Federal, State, or local law;

1 (3) alters any duly adopted land use regulation,
2 approved land use plan, or other regulatory author-
3 ity of any Federal, State, tribal, or local agency;

4 (4) conveys any land use or other regulatory
5 authority to the local coordinating entity;

6 (5) authorizes or implies the reservation or ap-
7 propriation of water or water rights;

8 (6) diminishes the authority of the State to
9 manage fish and wildlife, including the regulation of
10 fishing and hunting within the Heritage Area; or

11 (7) creates any liability, or affects any liability
12 under any other law, of any private property owner
13 with respect to any person injured on the private
14 property.

15 (g) EVALUATION; REPORT.—

16 (1) IN GENERAL.—Not later than 3 years be-
17 fore the date on which authority for Federal funding
18 terminates for the Heritage Area under subsection
19 (i), the Secretary shall—

20 (A) conduct an evaluation of the accom-
21 pishments of the Heritage Area; and

22 (B) prepare a report in accordance with
23 paragraph (3).

24 (2) EVALUATION.—An evaluation conducted
25 under paragraph (1)(A) shall—

1 (A) assess the progress of the local coordi-
2 nating entity with respect to—

3 (i) accomplishing the purposes of this
4 section for the Heritage Area; and

5 (ii) achieving the goals and objectives
6 of the approved management plan for the
7 Heritage Area;

8 (B) analyze the Federal, State, local, and
9 private investments in the Heritage Area to de-
10 termine the leverage and impact of the invest-
11 ments; and

12 (C) review the management structure,
13 partnership relationships, and funding of the
14 Heritage Area for purposes of identifying the
15 critical components for sustainability of the
16 Heritage Area.

17 (3) REPORT.—

18 (A) IN GENERAL.—Based on the evalua-
19 tion conducted under paragraph (1)(A), the
20 Secretary shall prepare a report that includes
21 recommendations for the future role of the Na-
22 tional Park Service, if any, with respect to the
23 Heritage Area.

24 (B) REQUIRED ANALYSIS.—If the report
25 prepared under subparagraph (A) recommends

1 that Federal funding for the Heritage Area be
2 reauthorized, the report shall include an anal-
3 ysis of—

4 (i) ways in which Federal funding for
5 the Heritage Area may be reduced or
6 eliminated; and

7 (ii) the appropriate time period nec-
8 essary to achieve the recommended reduc-
9 tion or elimination.

10 (C) SUBMISSION TO CONGRESS.—On com-
11 pletion of the report, the Secretary shall submit
12 the report to—

13 (i) the Committee on Energy and
14 Natural Resources of the Senate; and

15 (ii) the Committee on Natural Re-
16 sources of the House of Representatives.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There is authorized to be
19 appropriated to carry out this section \$10,000,000,
20 of which not more than \$1,000,000 may be made
21 available for any fiscal year.

22 (2) COST-SHARING REQUIREMENT.—

23 (A) IN GENERAL.—The Federal share of
24 the total cost of any activity under this section
25 shall be not more than 50 percent.

1 (B) FORM.—The non-Federal contribution
2 may be in the form of in-kind contributions of
3 goods or services fairly valued.

4 (i) TERMINATION OF AUTHORITY.—The authority of
5 the Secretary to provide assistance under this section ter-
6 minates on the date that is 15 years after the date of en-
7 actment of this Act.

8 **SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARY-**
9 **LAND.**

10 (a) DEFINITIONS.—In this section:

11 (1) HERITAGE AREA.—The term “Heritage
12 Area” means the Baltimore National Heritage Area,
13 established by subsection (b)(1).

14 (2) LOCAL COORDINATING ENTITY.—The term
15 “local coordinating entity” means the local coordi-
16 nating entity for the Heritage Area designated by
17 subsection (b)(4).

18 (3) MANAGEMENT PLAN.—The term “manage-
19 ment plan” means the management plan for the
20 Heritage Area required under subsection (c)(1)(A).

21 (4) MAP.—The term “map” means the map en-
22 titled “Baltimore National Heritage Area”, num-
23 bered T10/80,000, and dated October 2007.

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (6) STATE.—The term “State” means the State
2 of Maryland.

3 (b) BALTIMORE NATIONAL HERITAGE AREA.—

4 (1) ESTABLISHMENT.—There is established the
5 Baltimore National Heritage Area in the State.

6 (2) BOUNDARIES.—The Heritage Area shall be
7 comprised of the following areas, as described on the
8 map:

9 (A) The area encompassing the Baltimore
10 City Heritage Area certified by the Maryland
11 Heritage Areas Authority in October 2001 as
12 part of the Baltimore City Heritage Area Man-
13 agement Action Plan.

14 (B) The Mount Auburn Cemetery.

15 (C) The Cylburn Arboretum.

16 (D) The Middle Branch of the Patapsco
17 River and surrounding shoreline, including—

18 (i) the Cruise Maryland Terminal;

19 (ii) new marina construction;

20 (iii) the National Aquarium Aquatic
21 Life Center;

22 (iv) the Westport Redevelopment;

23 (v) the Gwynns Falls Trail;

24 (vi) the Baltimore Rowing Club; and

1 (vii) the Masonville Cove Environ-
2 mental Center.

3 (3) AVAILABILITY OF MAP.—The map shall be
4 on file and available for public inspection in the ap-
5 propriate offices of the National Park Service and
6 the Baltimore Heritage Area Association.

7 (4) LOCAL COORDINATING ENTITY.—The Balti-
8 more Heritage Area Association shall be the local co-
9 ordinating entity for the Heritage Area.

10 (c) DUTIES AND AUTHORITIES OF LOCAL COORDI-
11 NATING ENTITY.—

12 (1) DUTIES OF THE LOCAL COORDINATING EN-
13 TITY.—To further the purposes of the Heritage
14 Area, the local coordinating entity shall—

15 (A) prepare, and submit to the Secretary,
16 in accordance with subsection (d), a manage-
17 ment plan for the Heritage Area;

18 (B) assist units of local government, re-
19 gional planning organizations, and nonprofit or-
20 ganizations in implementing the approved man-
21 agement plan by—

22 (i) carrying out programs and projects
23 that recognize, protect, and enhance im-
24 portant resource values within the Herit-
25 age Area;

1 (ii) establishing and maintaining in-
2 terpretive exhibits and programs within the
3 Heritage Area;

4 (iii) developing recreational and edu-
5 cational opportunities in the Heritage
6 Area;

7 (iv) increasing public awareness of,
8 and appreciation for, natural, historic, sce-
9 nic, and cultural resources of the Heritage
10 Area;

11 (v) protecting and restoring historic
12 sites and buildings in the Heritage Area
13 that are consistent with the themes of the
14 Heritage Area;

15 (vi) ensuring that signs identifying
16 points of public access and sites of interest
17 are posted throughout the Heritage Area;
18 and

19 (vii) promoting a wide range of part-
20 nerships among governments, organiza-
21 tions, and individuals to further the pur-
22 poses of the Heritage Area;

23 (C) consider the interests of diverse units
24 of government, businesses, organizations, and
25 individuals in the Heritage Area in the prepara-

1 tion and implementation of the management
2 plan;

3 (D) conduct meetings open to the public at
4 least semiannually regarding the development
5 and implementation of the management plan;

6 (E) submit an annual report to the Sec-
7 retary for each fiscal year for which the local
8 coordinating entity receives Federal funds
9 under this section specifying—

10 (i) the accomplishments of the local
11 coordinating entity;

12 (ii) the expenses and income of the
13 local coordinating entity;

14 (iii) the amounts and sources of
15 matching funds;

16 (iv) the amounts leveraged with Fed-
17 eral funds and sources of the leveraged
18 funds; and

19 (v) grants made to any other entities
20 during the fiscal year;

21 (F) make available for audit for each fiscal
22 year for which the local coordinating entity re-
23 ceives Federal funds under this section, all in-
24 formation pertaining to the expenditure of the
25 funds and any matching funds;

1 (G) require in all agreements authorizing
2 expenditures of Federal funds by other organi-
3 zations, that the receiving organizations make
4 available for audit all records and other infor-
5 mation pertaining to the expenditure of the
6 funds; and

7 (H) encourage, by appropriate means, eco-
8 nomic development that is consistent with the
9 purposes of the Heritage Area.

10 (2) AUTHORITIES.—The local coordinating enti-
11 ty may, subject to the prior approval of the Sec-
12 retary, for the purposes of preparing and imple-
13 menting the management plan, use Federal funds
14 made available under this section to—

15 (A) make grants to the State, political sub-
16 divisions of the State, nonprofit organizations,
17 and other persons;

18 (B) enter into cooperative agreements
19 with, or provide technical assistance to, the
20 State, political subdivisions of the State, non-
21 profit organizations, Federal agencies, and
22 other interested parties;

23 (C) hire and compensate staff;

1 (D) obtain funds or services from any
2 source, including funds and services provided
3 under any other Federal law or program;

4 (E) contract for goods or services; and

5 (F) support activities of partners and any
6 other activities that further the purposes of the
7 Heritage Area and are consistent with the ap-
8 proved management plan.

9 (3) PROHIBITION ON ACQUISITION OF REAL
10 PROPERTY.—The local coordinating entity may not
11 use Federal funds received under this section to ac-
12 quire any interest in real property.

13 (d) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date on which funds are made available to de-
16 velop the management plan, the local coordinating
17 entity shall submit to the Secretary for approval a
18 proposed management plan for the Heritage Area.

19 (2) REQUIREMENTS.—The management plan
20 for the Heritage Area shall—

21 (A) describe comprehensive policies, goals,
22 strategies, and recommendations for telling the
23 story of the heritage of the region and encour-
24 aging long-term resource protection, enhance-

1 ment, interpretation, funding, management, and
2 development of the Heritage Area;

3 (B) take into consideration existing State,
4 county, and local plans in the development and
5 implementation of the management plan;

6 (C) include a description of actions and
7 commitments that governments, private organi-
8 zations, and citizens plan to take to protect, en-
9 hance, and interpret the natural, historic, sce-
10 nic, and cultural resources of the Heritage
11 Area;

12 (D) specify existing and potential sources
13 of funding or economic development strategies
14 to protect, enhance, interpret, fund, manage,
15 and develop the Heritage Area;

16 (E) include an inventory of the natural,
17 historic, cultural, educational, scenic, and rec-
18 reational resources of the Heritage Area relat-
19 ing to the stories and themes of the region that
20 should be protected, enhanced, managed, or de-
21 veloped;

22 (F) recommend policies and strategies for
23 resource management including, the develop-
24 ment of intergovernmental and interagency
25 agreements to protect the natural, historic, cul-

1 tural, educational, scenic, and recreational re-
2 sources of the Heritage Area;

3 (G) describe a program for implementation
4 of the management plan, including—

5 (i) performance goals;

6 (ii) plans for resource protection, en-
7 hancement, and interpretation; and

8 (iii) specific commitments for imple-
9 mentation that have been made by the
10 local coordinating entity or any govern-
11 ment, organization, business, or individual;

12 (H) include an analysis of, and rec-
13 ommendations for, ways in which Federal,
14 State, tribal, and local programs may best be
15 coordinated (including the role of the National
16 Park Service and other Federal agencies associ-
17 ated with the Heritage Area) to further the
18 purposes of this section;

19 (I) include an interpretive plan for the
20 Heritage Area; and

21 (J) include a business plan that—

22 (i) describes the role, operation, fi-
23 nancing, and functions of the local coordi-
24 nating entity and of each of the major ac-

1 tivities described in the management plan;
2 and

3 (ii) provides adequate assurances that
4 the local coordinating entity has the part-
5 nerships and financial and other resources
6 necessary to implement the management
7 plan for the Heritage Area.

8 (3) TERMINATION OF FUNDING.—If the man-
9 agement plan is not submitted to the Secretary in
10 accordance with this section, the local coordinating
11 entity shall not qualify for additional financial as-
12 sistance under this section until the management
13 plan is submitted to, and approved by, the Sec-
14 retary.

15 (4) APPROVAL OF MANAGEMENT PLAN.—

16 (A) REVIEW.—Not later than 180 days
17 after the date on which the Secretary receives
18 the management plan, the Secretary shall ap-
19 prove or disapprove the management plan.

20 (B) CONSULTATION REQUIRED.—The Sec-
21 retary shall consult with the Governor of the
22 State and any tribal government in which the
23 Heritage Area is located before approving the
24 management plan.

1 (C) CRITERIA FOR APPROVAL.—In deter-
2 mining whether to approve the management
3 plan, the Secretary shall consider whether—

4 (i) the local coordinating entity rep-
5 resents the diverse interests of the Herit-
6 age Area, including governments, natural
7 and historic resource protection organiza-
8 tions, educational institutions, businesses,
9 community residents, and recreational or-
10 ganizations;

11 (ii) the local coordinating entity has
12 afforded adequate opportunity for public
13 and governmental involvement (including
14 through workshops and public meetings) in
15 the preparation of the management plan;

16 (iii) the resource protection and inter-
17 pretation strategies described in the man-
18 agement plan, if implemented, would ade-
19 quately protect the natural, historic, and
20 cultural resources of the Heritage Area;

21 (iv) the management plan would not
22 adversely affect any activities authorized
23 on Federal or tribal land under applicable
24 laws or land use plans;

1 (v) the Secretary has received ade-
2 quate assurances from the appropriate
3 State, tribal, and local officials whose sup-
4 port is needed to ensure the effective im-
5 plementation of the State, tribal, and local
6 aspects of the management plan; and

7 (vi) the local coordinating entity has
8 demonstrated the financial capability, in
9 partnership with others, to carry out the
10 management plan.

11 (D) ACTION FOLLOWING DISAPPROVAL.—

12 (i) IN GENERAL.—If the Secretary
13 disapproves the management plan, the Sec-
14 retary—

15 (I) shall advise the local coordi-
16 nating entity in writing of the reasons
17 for the disapproval; and

18 (II) may make recommendations
19 to the local coordinating entity for re-
20 visions to the management plan.

21 (ii) DEADLINE.—Not later than 180
22 days after receiving a revised management
23 plan, the Secretary shall approve or dis-
24 approve the revised management plan.

25 (E) AMENDMENTS.—

1 (i) IN GENERAL.—An amendment to
2 the management plan that substantially al-
3 ters the purposes of the Heritage Area
4 shall be reviewed by the Secretary and ap-
5 proved or disapproved in the same manner
6 as the original management plan.

7 (ii) IMPLEMENTATION.—The local co-
8 ordinating entity shall not use Federal
9 funds authorized to be appropriated by this
10 section to implement an amendment to the
11 management plan until the Secretary ap-
12 proves the amendment.

13 (e) DUTIES AND AUTHORITIES OF THE SEC-
14 RETARY.—

15 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

16 (A) IN GENERAL.—On the request of the
17 local coordinating entity, the Secretary may
18 provide technical and financial assistance, on a
19 reimbursable or nonreimbursable basis (as de-
20 termined by the Secretary), to the local coordi-
21 nating entity to develop and implement the
22 management plan.

23 (B) COOPERATIVE AGREEMENTS.—The
24 Secretary may enter into cooperative agree-
25 ments with the local coordinating entity and

1 other public or private entities to provide tech-
2 nical or financial assistance under subpara-
3 graph (A).

4 (C) PRIORITY.—In assisting the Heritage
5 Area, the Secretary shall give priority to actions
6 that assist in—

7 (i) conserving the significant natural,
8 historic, cultural, and scenic resources of
9 the Heritage Area; and

10 (ii) providing educational, interpretive,
11 and recreational opportunities consistent
12 with the purposes of the Heritage Area.

13 (2) EVALUATION; REPORT.—

14 (A) IN GENERAL.—Not later than 3 years
15 before the date on which authority for Federal
16 funding terminates for the Heritage Area under
17 subsection (i), the Secretary shall—

18 (i) conduct an evaluation of the ac-
19 complishments of the Heritage Area; and

20 (ii) prepare a report with rec-
21 ommendations for the future role of the
22 National Park Service, if any, with respect
23 to the Heritage Area, in accordance with
24 subparagraph (C).

1 (B) EVALUATION.—An evaluation con-
2 ducted under subparagraph (A)(i) shall—

3 (i) assess the progress of the local co-
4 ordinating entity with respect to—

5 (I) accomplishing the purposes of
6 this section for the Heritage Area;
7 and

8 (II) achieving the goals and ob-
9 jectives of the approved management
10 plan for the Heritage Area;

11 (ii) analyze the Federal, State, local,
12 and private investments in the Heritage
13 Area to determine the leverage and impact
14 of the investments; and

15 (iii) review the management structure,
16 partnership relationships, and funding of
17 the Heritage Area for purposes of identi-
18 fying the critical components for sustain-
19 ability of the Heritage Area.

20 (C) REPORT.—

21 (i) IN GENERAL.—Based on the eval-
22 uation conducted under subparagraph
23 (A)(i), the Secretary shall prepare a report
24 that includes recommendations for the fu-

1 ture role of the National Park Service, if
2 any, with respect to the Heritage Area.

3 (ii) REQUIRED ANALYSIS.—If the re-
4 port prepared under this subparagraph
5 recommends that Federal funding for the
6 Heritage Area be reauthorized, the report
7 shall include an analysis of—

8 (I) ways in which Federal fund-
9 ing for the Heritage Area may be re-
10 duced or eliminated; and

11 (II) the appropriate time period
12 necessary to achieve the recommended
13 reduction or elimination.

14 (iii) SUBMISSION TO CONGRESS.—On
15 completion of a report under this subpara-
16 graph, the Secretary shall submit the re-
17 port to—

18 (I) the Committee on Energy and
19 Natural Resources of the Senate; and

20 (II) the Committee on Natural
21 Resources of the House of Represent-
22 atives.

23 (f) RELATIONSHIP TO OTHER FEDERAL AGEN-
24 CIES.—

1 (1) IN GENERAL.—Nothing in this section af-
2 fects the authority of a Federal agency to provide
3 technical or financial assistance under any other law.

4 (2) CONSULTATION AND COORDINATION.—To
5 the maximum extent practicable, the head of any
6 Federal agency planning to conduct activities that
7 may have an impact on the Heritage Area is encour-
8 aged to consult and coordinate the activities with the
9 Secretary and the local coordinating entity.

10 (3) OTHER FEDERAL AGENCIES.—Nothing in
11 this section—

12 (A) modifies, alters, or amends any laws
13 (including regulations) authorizing a Federal
14 agency to manage Federal land under the juris-
15 diction of the Federal agency;

16 (B) limits the discretion of a Federal land
17 manager to implement an approved land use
18 plan within the boundaries of the Heritage
19 Area; or

20 (C) modifies, alters, or amends any author-
21 ized use of Federal land under the jurisdiction
22 of a Federal agency.

23 (g) PROPERTY OWNERS AND REGULATORY PROTEC-
24 TIONS.—Nothing in this section—

1 (1) abridges the rights of any owner of public
2 or private property, including the right to refrain
3 from participating in any plan, project, program, or
4 activity conducted within the Heritage Area;

5 (2) requires any property owner to—

6 (A) permit public access (including Fed-
7 eral, tribal, State, or local government access)
8 to the property; or

9 (B) modify any provisions of Federal, trib-
10 al, State, or local law with regard to public ac-
11 cess or use of private land;

12 (3) alters any duly adopted land use regula-
13 tions, approved land use plan, or any other regu-
14 latory authority of any Federal, State, or local agen-
15 cy, or tribal government;

16 (4) conveys any land use or other regulatory
17 authority to the local coordinating entity;

18 (5) authorizes or implies the reservation or ap-
19 propriation of water or water rights;

20 (6) diminishes the authority of the State to
21 manage fish and wildlife, including the regulation of
22 fishing and hunting within the Heritage Area; or

23 (7) creates any liability, or affects any liability
24 under any other law, of any private property owner

1 with respect to any person injured on the private
2 property.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out this section \$10,000,000,
6 of which not more than \$1,000,000 may be made
7 available for any fiscal year.

8 (2) COST-SHARING REQUIREMENT.—

9 (A) IN GENERAL.—The Federal share of
10 the total cost of any activity under this section
11 shall be not more than 50 percent.

12 (B) FORM.—The non-Federal contribu-
13 tion—

14 (i) shall be from non-Federal sources;

15 and

16 (ii) may be in the form of in-kind con-
17 tributions of goods or services fairly val-
18 ued.

19 (i) TERMINATION OF EFFECTIVENESS.—The author-
20 ity of the Secretary to provide assistance under this sec-
21 tion terminates on the date that is 15 years after the date
22 of enactment of this Act.

23 **SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA,**
24 **MASSACHUSETTS AND NEW HAMPSHIRE.**

25 (a) PURPOSES.—The purposes of this section are—

1 (1) to foster a close working relationship be-
2 tween the Secretary and all levels of government, the
3 private sector, and local communities in the States
4 of Massachusetts and New Hampshire;

5 (2) to assist the entities described in paragraph
6 (1) to preserve the special historic identity of the
7 Heritage Area; and

8 (3) to manage, preserve, protect, and interpret
9 the cultural, historic, and natural resources of the
10 Heritage Area for the educational and inspirational
11 benefit of future generations.

12 (b) DEFINITIONS.—In this section:

13 (1) HERITAGE AREA.—The term “Heritage
14 Area” means the Freedom’s Way National Heritage
15 Area established by subsection (c)(1).

16 (2) LOCAL COORDINATING ENTITY.—The term
17 “local coordinating entity” means the local coordi-
18 nating entity for the Heritage Area designated by
19 subsection (c)(4).

20 (3) MANAGEMENT PLAN.—The term “manage-
21 ment plan” means the management plan for the
22 Heritage Area required under subsection (d)(1)(A).

23 (4) MAP.—The term “map” means the map en-
24 titled “Freedom’s Way National Heritage Area”,
25 numbered T04/80,000, and dated July 2007.

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

3 (c) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is established the
5 Freedom’s Way National Heritage Area in the
6 States of Massachusetts and New Hampshire.

7 (2) BOUNDARIES.—

8 (A) IN GENERAL.—The boundaries of the
9 Heritage Area shall be as generally depicted on
10 the map.

11 (B) REVISION.—The boundaries of the
12 Heritage Area may be revised if the revision
13 is—

14 (i) proposed in the management plan;

15 (ii) approved by the Secretary in ac-
16 cordance with subsection (e)(4); and

17 (iii) placed on file in accordance with
18 paragraph (3).

19 (3) AVAILABILITY OF MAP.—The map shall be
20 on file and available for public inspection in the ap-
21 propriate offices of the National Park Service and
22 the local coordinating entity.

23 (4) LOCAL COORDINATING ENTITY.—The Free-
24 dom’s Way Heritage Association, Inc., shall be the
25 local coordinating entity for the Heritage Area.

1 (d) DUTIES AND AUTHORITIES OF LOCAL COORDI-
2 NATING ENTITY.—

3 (1) DUTIES OF THE LOCAL COORDINATING EN-
4 TITY.—To further the purposes of the Heritage
5 Area, the local coordinating entity shall—

6 (A) prepare, and submit to the Secretary,
7 in accordance with subsection (e), a manage-
8 ment plan for the Heritage Area;

9 (B) assist units of local government, re-
10 gional planning organizations, and nonprofit or-
11 ganizations in implementing the approved man-
12 agement plan by—

13 (i) carrying out programs and projects
14 that recognize and protect important re-
15 source values within the Heritage Area;

16 (ii) establishing and maintaining in-
17 terpretive exhibits and programs within the
18 Heritage Area;

19 (iii) developing recreational and edu-
20 cational opportunities in the Heritage
21 Area;

22 (iv) increasing public awareness of,
23 and appreciation for, natural, historic, and
24 cultural resources of the Heritage Area;

1 (v) protecting and restoring historic
2 buildings in the Heritage Area that are
3 consistent with the themes of the Heritage
4 Area; and

5 (vi) ensuring that signs identifying
6 points of public access and sites of interest
7 are posted throughout the Heritage Area;

8 (C) consider the interests of diverse units
9 of government, businesses, organizations, and
10 individuals in the Heritage Area in the prepara-
11 tion and implementation of the management
12 plan;

13 (D) conduct meetings open to the public at
14 least quarterly regarding the development and
15 implementation of the management plan;

16 (E) submit an annual report to the Sec-
17 retary for each fiscal year for which the local
18 coordinating entity receives Federal funds
19 under this section specifying—

20 (i) the accomplishments of the local
21 coordinating entity;

22 (ii) the expenses and income of the
23 local coordinating entity;

24 (iii) the amounts and sources of
25 matching funds;

1 (iv) the amounts leveraged with Fed-
2 eral funds and sources of the leveraged
3 funds; and

4 (v) grants made to any other entities
5 during the fiscal year;

6 (F) make available for audit for each fiscal
7 year for which the local coordinating entity re-
8 ceives Federal funds under this section, all in-
9 formation pertaining to the expenditure of the
10 funds and any matching funds;

11 (G) require in all agreements authorizing
12 expenditures of Federal funds by other organi-
13 zations, that the receiving organizations make
14 available for audit all records and other infor-
15 mation pertaining to the expenditure of the
16 funds; and

17 (H) encourage, by appropriate means, eco-
18 nomic development that is consistent with the
19 purposes of the Heritage Area.

20 (2) AUTHORITIES.—The local coordinating enti-
21 ty may, subject to the prior approval of the Sec-
22 retary, for the purposes of preparing and imple-
23 menting the management plan, use Federal funds
24 made available under this section to—

1 (A) make grants to the States of Massa-
2 chusetts and New Hampshire, political subdivi-
3 sions of the States, nonprofit organizations, and
4 other persons;

5 (B) enter into cooperative agreements
6 with, or provide technical assistance to, the
7 States of Massachusetts and New Hampshire,
8 political subdivisions of the States, nonprofit or-
9 ganizations, Federal agencies, and other inter-
10 ested parties;

11 (C) hire and compensate staff;

12 (D) obtain funds or services from any
13 source, including funds and services provided
14 under any other Federal law or program;

15 (E) contract for goods or services; and

16 (F) support activities of partners and any
17 other activities that further the purposes of the
18 Heritage Area and are consistent with the ap-
19 proved management plan.

20 (3) PROHIBITION ON ACQUISITION OF REAL
21 PROPERTY.—The local coordinating entity may not
22 use Federal funds received under this section to ac-
23 quire any interest in real property.

24 (4) USE OF FUNDS FOR NON-FEDERAL PROP-
25 erty.—The local coordinating entity may use Fed-

1 eral funds made available under this section to assist
2 non-Federal property that is—

3 (A) described in the management plan; or

4 (B) listed, or eligible for listing, on the Na-
5 tional Register of Historic Places.

6 (e) MANAGEMENT PLAN.—

7 (1) IN GENERAL.—Not later than 3 years after
8 the date on which funds are made available to de-
9 velop the management plan, the local coordinating
10 entity shall submit to the Secretary for approval a
11 proposed management plan for the Heritage Area.

12 (2) REQUIREMENTS.—The management plan
13 for the Heritage Area shall—

14 (A) describe comprehensive policies, goals,
15 strategies, and recommendations for the con-
16 servation, funding, management, and develop-
17 ment of the Heritage Area;

18 (B) take into consideration existing State,
19 county, and local plans in the development and
20 implementation of the management plan;

21 (C) provide a framework for coordination
22 of the plans considered under subparagraph (B)
23 to present a unified historic preservation and
24 interpretation plan;

1 (D) contain the contributions of residents,
2 public agencies, and private organizations with-
3 in the Heritage Area;

4 (E) include a description of actions and
5 commitments that governments, private organi-
6 zations, and citizens plan to take to protect, en-
7 hance, and interpret the natural, historic, sce-
8 nic, and cultural resources of the Heritage
9 Area;

10 (F) specify existing and potential sources
11 of funding or economic development strategies
12 to conserve, manage, and develop the Heritage
13 Area;

14 (G) include an inventory of the natural,
15 historic, and recreational resources of the Her-
16 itage Area, including a list of properties that—

17 (i) are related to the themes of the
18 Heritage Area; and

19 (ii) should be conserved, restored,
20 managed, developed, or maintained;

21 (H) recommend policies and strategies for
22 resource management that—

23 (i) apply appropriate land and water
24 management techniques;

1 (ii) include the development of inter-
2 governmental and interagency agreements
3 to protect the natural, historic, and cul-
4 tural resources of the Heritage Area; and

5 (iii) support economic revitalization
6 efforts;

7 (I) describe a program for implementation
8 of the management plan, including—

9 (i) restoration and construction plans
10 or goals;

11 (ii) a program of public involvement;

12 (iii) annual work plans; and

13 (iv) annual reports;

14 (J) include an analysis of, and rec-
15 ommendations for, ways in which Federal,
16 State, tribal, and local programs may best be
17 coordinated (including the role of the National
18 Park Service and other Federal agencies associ-
19 ated with the Heritage Area) to further the
20 purposes of this section;

21 (K) include an interpretive plan for the
22 Heritage Area; and

23 (L) include a business plan that—

24 (i) describes the role, operation, fi-
25 nancing, and functions of the local coordi-

1 nating entity and of each of the major ac-
2 tivities described in the management plan;
3 and

4 (ii) provides adequate assurances that
5 the local coordinating entity has the part-
6 nerships and financial and other resources
7 necessary to implement the management
8 plan for the Heritage Area.

9 (3) TERMINATION OF FUNDING.—If the man-
10 agement plan is not submitted to the Secretary in
11 accordance with this section, the local coordinating
12 entity shall not qualify for additional financial as-
13 sistance under this section until the management
14 plan is submitted to, and approved by, the Sec-
15 retary.

16 (4) APPROVAL OF MANAGEMENT PLAN.—

17 (A) REVIEW.—Not later than 180 days
18 after the date on which the Secretary receives
19 the management plan, the Secretary shall ap-
20 prove or disapprove the management plan.

21 (B) CRITERIA FOR APPROVAL.—In deter-
22 mining whether to approve the management
23 plan, the Secretary shall consider whether—

24 (i) the local coordinating entity rep-
25 resents the diverse interests of the Herit-

1 age Area, including governments, natural
2 and historic resource protection organiza-
3 tions, educational institutions, businesses,
4 community residents, and recreational or-
5 ganizations;

6 (ii) the local coordinating entity has
7 afforded adequate opportunity for public
8 and governmental involvement (including
9 through workshops and public meetings) in
10 the preparation of the management plan;

11 (iii) the resource protection and inter-
12 pretation strategies described in the man-
13 agement plan, if implemented, would ade-
14 quately protect the natural, historic, and
15 cultural resources of the Heritage Area;

16 (iv) the management plan would not
17 adversely affect any activities authorized
18 on Federal or tribal land under applicable
19 laws or land use plans;

20 (v) the Secretary has received ade-
21 quate assurances from the appropriate
22 State, tribal, and local officials whose sup-
23 port is needed to ensure the effective im-
24 plementation of the State, tribal, and local
25 aspects of the management plan; and

1 (vi) the local coordinating entity has
2 demonstrated the financial capability, in
3 partnership with others, to carry out the
4 management plan.

5 (C) ACTION FOLLOWING DISAPPROVAL.—

6 (i) IN GENERAL.—If the Secretary
7 disapproves the management plan, the Sec-
8 retary—

9 (I) shall advise the local coordi-
10 nating entity in writing of the reasons
11 for the disapproval; and

12 (II) may make recommendations
13 to the local coordinating entity for re-
14 visions to the management plan.

15 (ii) DEADLINE.—Not later than 180
16 days after receiving a revised management
17 plan, the Secretary shall approve or dis-
18 approve the revised management plan.

19 (D) AMENDMENTS.—

20 (i) IN GENERAL.—An amendment to
21 the management plan that substantially al-
22 ters the purposes of the Heritage Area
23 shall be reviewed by the Secretary and ap-
24 proved or disapproved in the same manner
25 as the original management plan.

1 (ii) IMPLEMENTATION.—The local co-
2 ordinating entity shall not use Federal
3 funds authorized to be appropriated by this
4 section to implement an amendment to the
5 management plan until the Secretary ap-
6 proves the amendment.

7 (f) DUTIES AND AUTHORITIES OF THE SEC-
8 RETARY.—

9 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

10 (A) IN GENERAL.—On the request of the
11 local coordinating entity, the Secretary may
12 provide technical and financial assistance, on a
13 reimbursable or nonreimbursable basis (as de-
14 termined by the Secretary), to the local coordi-
15 nating entity to develop and implement the
16 management plan.

17 (B) COOPERATIVE AGREEMENTS.—The
18 Secretary may enter into cooperative agree-
19 ments with the local coordinating entity and
20 other public or private entities to provide tech-
21 nical or financial assistance under subpara-
22 graph (A).

23 (C) PRIORITY.—In assisting the Heritage
24 Area, the Secretary shall give priority to actions
25 that assist in—

1 (i) conserving the significant natural,
2 historic, and cultural resources of the Her-
3 itage Area; and

4 (ii) providing educational, interpretive,
5 and recreational opportunities consistent
6 with the purposes of the Heritage Area.

7 (2) EVALUATION; REPORT.—

8 (A) IN GENERAL.—Not later than 3 years
9 before the date on which authority for Federal
10 funding terminates for the Heritage Area under
11 subsection (j), the Secretary shall—

12 (i) conduct an evaluation of the ac-
13 complishments of the Heritage Area; and

14 (ii) prepare a report with rec-
15 ommendations for the future role of the
16 National Park Service, if any, with respect
17 to the Heritage Area, in accordance with
18 subparagraph (C).

19 (B) EVALUATION.—An evaluation con-
20 ducted under subparagraph (A)(i) shall—

21 (i) assess the progress of the local co-
22 ordinating entity with respect to—

23 (I) accomplishing the purposes of
24 this section for the Heritage Area;
25 and

1 (II) achieving the goals and ob-
2 jectives of the approved management
3 plan for the Heritage Area;

4 (ii) analyze the Federal, State, local,
5 and private investments in the Heritage
6 Area to determine the leverage and impact
7 of the investments; and

8 (iii) review the management structure,
9 partnership relationships, and funding of
10 the Heritage Area for purposes of identi-
11 fying the critical components for sustain-
12 ability of the Heritage Area.

13 (C) REPORT.—

14 (i) IN GENERAL.—Based on the eval-
15 uation conducted under subparagraph
16 (A)(i), the Secretary shall prepare a report
17 that includes recommendations for the fu-
18 ture role of the National Park Service, if
19 any, with respect to the Heritage Area.

20 (ii) REQUIRED ANALYSIS.—If the re-
21 port prepared under this subparagraph
22 recommends that Federal funding for the
23 Heritage Area be reauthorized, the report
24 shall include an analysis of—

1 (I) ways in which Federal fund-
2 ing for the Heritage Area may be re-
3 duced or eliminated; and

4 (II) the appropriate time period
5 necessary to achieve the recommended
6 reduction or elimination.

7 (iii) SUBMISSION TO CONGRESS.—On
8 completion of a report under this subpara-
9 graph, the Secretary shall submit the re-
10 port to—

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

13 (II) the Committee on Natural
14 Resources of the House of Represent-
15 atives.

16 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-
17 CIES.—

18 (1) IN GENERAL.—Nothing in this section af-
19 fects the authority of a Federal agency to provide
20 technical or financial assistance under any other law.

21 (2) CONSULTATION AND COORDINATION.—To
22 the maximum extent practicable, the head of any
23 Federal agency planning to conduct activities that
24 may have an impact on the Heritage Area is encour-

1 aged to consult and coordinate the activities with the
2 Secretary and the local coordinating entity.

3 (3) OTHER FEDERAL AGENCIES.—Nothing in
4 this section—

5 (A) modifies, alters, or amends any laws
6 (including regulations) authorizing a Federal
7 agency to manage Federal land under the juris-
8 diction of the Federal agency;

9 (B) limits the discretion of a Federal land
10 manager to implement an approved land use
11 plan within the boundaries of the Heritage
12 Area; or

13 (C) modifies, alters, or amends any author-
14 ized use of Federal land under the jurisdiction
15 of a Federal agency.

16 (h) PROPERTY OWNERS AND REGULATORY PROTEC-
17 TIONS.—Nothing in this section—

18 (1) abridges the rights of any owner of public
19 or private property, including the right to refrain
20 from participating in any plan, project, program, or
21 activity conducted within the Heritage Area;

22 (2) requires any property owner to—

23 (A) permit public access (including Fed-
24 eral, tribal, State, or local government access)
25 to the property; or

1 (B) modify any provisions of Federal, trib-
2 al, State, or local law with regard to public ac-
3 cess or use of private land;

4 (3) alters any duly adopted land use regula-
5 tions, approved land use plan, or any other regu-
6 latory authority of any Federal, State, or local agen-
7 cy, or tribal government;

8 (4) conveys any land use or other regulatory
9 authority to the local coordinating entity;

10 (5) authorizes or implies the reservation or ap-
11 propriation of water or water rights;

12 (6) diminishes the authority of the States of
13 Massachusetts and New Hampshire to manage fish
14 and wildlife, including the regulation of fishing and
15 hunting within the Heritage Area; or

16 (7) creates any liability, or affects any liability
17 under any other law, of any private property owner
18 with respect to any person injured on the private
19 property.

20 (i) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated to carry out this section \$10,000,000,
23 of which not more than \$1,000,000 may be made
24 available for any fiscal year.

1 (2) AVAILABILITY.—Funds made available
2 under paragraph (1) shall remain available until ex-
3 pended.

4 (3) COST-SHARING REQUIREMENT.—

5 (A) IN GENERAL.—The Federal share of
6 the total cost of any activity under this section
7 shall be not more than 50 percent.

8 (B) FORM.—The non-Federal contribution
9 may be in the form of in-kind contributions of
10 goods or services fairly valued.

11 (j) TERMINATION OF FINANCIAL ASSISTANCE.—The
12 authority of the Secretary to provide financial assistance
13 under this section terminates on the date that is 15 years
14 after the date of enactment of this Act.

15 **SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.**

16 (a) DEFINITIONS.—In this section:

17 (1) HERITAGE AREA.—The term “Heritage
18 Area” means the Mississippi Hills National Heritage
19 Area established by subsection (b)(1).

20 (2) LOCAL COORDINATING ENTITY.—The term
21 “local coordinating entity” means the local coordi-
22 nating entity for Heritage Area designated by sub-
23 section (b)(3)(A).

1 (3) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan for the
3 Heritage Area required under subsection (c)(1)(A).

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

6 (5) STATE.—The term “State” means the State
7 of Mississippi.

8 (b) MISSISSIPPI HILLS NATIONAL HERITAGE
9 AREA.—

10 (1) ESTABLISHMENT.—There is established the
11 Mississippi Hills National Heritage Area in the
12 State.

13 (2) BOUNDARIES.—

14 (A) AFFECTED COUNTIES.—The Heritage
15 Area shall consist of all, or portions of, as spec-
16 ified by the boundary description in subpara-
17 graph (B), Alcorn, Attala, Benton, Calhoun,
18 Carroll, Chickasaw, Choctaw, Clay, DeSoto,
19 Grenada, Holmes, Itawamba, Lafayette, Lee,
20 Lowndes, Marshall, Monroe, Montgomery,
21 Noxubee, Oktibbeha, Panola, Pontotoc,
22 Prentiss, Tate, Tippah, Tishomingo, Union,
23 Webster, Winston, and Yalobusha Counties in
24 the State.

1 (B) BOUNDARY DESCRIPTION.—The Herit-
2 age Area shall have the following boundary de-
3 scription:

4 (i) traveling counterclockwise, the
5 Heritage Area shall be bounded to the west
6 by U.S. Highway 51 from the Tennessee
7 State line until it intersects Interstate 55
8 (at Geeslin Corner approximately $\frac{1}{2}$ mile
9 due north of Highway Interchange 208);

10 (ii) from this point, Interstate 55
11 shall be the western boundary until it
12 intersects with Mississippi Highway 12 at
13 Highway Interchange 156, the intersection
14 of which shall be the southwest terminus of
15 the Heritage Area;

16 (iii) from the southwest terminus, the
17 boundary shall—

18 (I) extend east along Mississippi
19 Highway 12 until it intersects U.S.
20 Highway 51;

21 (II) follow Highway 51 south
22 until it is intersected again by High-
23 way 12;

1 (III) extend along Highway 12
2 into downtown Kosciusko where it
3 intersects Mississippi Highway 35;

4 (IV) follow Highway 35 south
5 until it is intersected by Mississippi
6 Highway 14; and

7 (V) extend along Highway 14
8 until it reaches the Alabama State
9 line, the intersection of which shall be
10 the southeast terminus of the Herit-
11 age Area;

12 (iv) from the southeast terminus, the
13 boundary of the Heritage Area shall follow
14 the Mississippi-Alabama State line until it
15 reaches the Mississippi-Tennessee State
16 line, the intersection of which shall be the
17 northeast terminus of the Heritage Area;
18 and

19 (v) the boundary shall extend due
20 west until it reaches U.S. Highway 51, the
21 intersection of which shall be the northwest
22 terminus of the Heritage Area.

23 (3) LOCAL COORDINATING ENTITY.—

24 (A) IN GENERAL.—The local coordinating
25 entity for the Heritage Area shall be the Mis-

1 Mississippi Hills Heritage Area Alliance, a non-
2 profit organization registered by the State, with
3 the cooperation and support of the University
4 of Mississippi.

5 (B) BOARD OF DIRECTORS.—

6 (i) IN GENERAL.—The local coordi-
7 nating entity shall be governed by a Board
8 of Directors comprised of not more than
9 30 members.

10 (ii) COMPOSITION.—Members of the
11 Board of Directors shall consist of—

12 (I) not more than 1 representa-
13 tive from each of the counties de-
14 scribed in paragraph (2)(A); and

15 (II) any ex-officio members that
16 may be appointed by the Board of Di-
17 rectors, as the Board of Directors de-
18 termines to be necessary.

19 (c) DUTIES AND AUTHORITIES OF LOCAL COORDI-
20 NATING ENTITY.—

21 (1) DUTIES OF THE LOCAL COORDINATING EN-
22 TITY.—To further the purposes of the Heritage
23 Area, the local coordinating entity shall—

1 (A) prepare, and submit to the Secretary,
2 in accordance with subsection (d), a manage-
3 ment plan for the Heritage Area;

4 (B) assist units of local government, re-
5 gional planning organizations, and nonprofit or-
6 ganizations in implementing the approved man-
7 agement plan by—

8 (i) establishing and maintaining inter-
9 pretive exhibits and programs within the
10 Heritage Area;

11 (ii) developing recreational opportuni-
12 ties in the Heritage Area;

13 (iii) increasing public awareness of,
14 and appreciation for, natural, historical,
15 cultural, archaeological, and recreational
16 resources of the Heritage Area;

17 (iv) restoring historic sites and build-
18 ings in the Heritage Area that are con-
19 sistent with the themes of the Heritage
20 Area; and

21 (v) carrying out any other activity
22 that the local coordinating entity deter-
23 mines to be consistent with this section;

1 (C) conduct meetings open to the public at
2 least annually regarding the development and
3 implementation of the management plan;

4 (D) submit an annual report to the Sec-
5 retary for each fiscal year for which the local
6 coordinating entity receives Federal funds
7 under this section specifying—

8 (i) the accomplishments of the local
9 coordinating entity;

10 (ii) the expenses and income of the
11 local coordinating entity;

12 (iii) the amounts and sources of
13 matching funds;

14 (iv) the amounts leveraged with Fed-
15 eral funds and sources of the leveraged
16 funds; and

17 (v) grants made to any other entities
18 during the fiscal year;

19 (E) make available for audit for each fiscal
20 year for which the local coordinating entity re-
21 ceives Federal funds under this section, all in-
22 formation pertaining to the expenditure of the
23 funds and any matching funds;

24 (F) require in all agreements authorizing
25 expenditures of Federal funds by other organi-

1 zations, that the receiving organizations make
2 available for audit all records and other infor-
3 mation pertaining to the expenditure of the
4 funds; and

5 (G) ensure that each county included in
6 the Heritage Area is appropriately represented
7 on any oversight advisory committee established
8 under this section to coordinate the Heritage
9 Area.

10 (2) AUTHORITIES.—The local coordinating enti-
11 ty may, subject to the prior approval of the Sec-
12 retary, for the purposes of preparing and imple-
13 menting the management plan, use Federal funds
14 made available under this section to—

15 (A) make grants and loans to the State,
16 political subdivisions of the State, nonprofit or-
17 ganizations, and other persons;

18 (B) enter into cooperative agreements
19 with, or provide technical assistance to, the
20 State, political subdivisions of the State, non-
21 profit organizations, and other organizations;

22 (C) hire and compensate staff;

23 (D) obtain funds or services from any
24 source, including funds and services provided
25 under any other Federal law or program; and

1 (E) contract for goods or services.

2 (3) PROHIBITION ON ACQUISITION OF REAL
3 PROPERTY.—The local coordinating entity may not
4 use Federal funds received under this section to ac-
5 quire any interest in real property.

6 (d) MANAGEMENT PLAN.—

7 (1) IN GENERAL.—Not later than 3 years after
8 the date on which funds are made available to de-
9 velop the management plan, the local coordinating
10 entity shall submit to the Secretary for approval a
11 proposed management plan for the Heritage Area.

12 (2) REQUIREMENTS.—The management plan
13 for the Heritage Area shall—

14 (A) provide recommendations for the pres-
15 ervation, conservation, enhancement, funding,
16 management, interpretation, development, and
17 promotion of the cultural, historical, archae-
18 ological, natural, and recreational resources of
19 the Heritage Area;

20 (B) specify existing and potential sources
21 of funding or economic development strategies
22 to protect, enhance, interpret, fund, manage,
23 and develop the Heritage Area;

24 (C) include—

1 (i) an inventory of the natural, histor-
2 ical, cultural, archaeological, and rec-
3 reational resources of the Heritage Area;
4 and

5 (ii) an analysis of how Federal, State,
6 tribal, and local programs may best be co-
7 ordinated to promote and carry out this
8 section;

9 (D) provide recommendations for edu-
10 cational and interpretive programs to provide
11 information to the public on the resources of
12 the Heritage Area; and

13 (E) involve residents of affected commu-
14 nities and tribal and local governments.

15 (3) TERMINATION OF FUNDING.—If the man-
16 agement plan is not submitted to the Secretary in
17 accordance with this subsection, the local coordi-
18 nating entity shall not qualify for additional finan-
19 cial assistance under this section until the manage-
20 ment plan is submitted to, and approved by, the Sec-
21 retary.

22 (4) APPROVAL OF MANAGEMENT PLAN.—

23 (A) REVIEW.—Not later than 180 days
24 after the date on which the Secretary receives

1 the management plan, the Secretary shall ap-
2 prove or disapprove the management plan.

3 (B) CONSULTATION REQUIRED.—The Sec-
4 retary shall consult with the Governor of the
5 State and any tribal government in which the
6 Heritage Area is located before approving the
7 management plan.

8 (C) CRITERIA FOR APPROVAL.—In deter-
9 mining whether to approve the management
10 plan, the Secretary shall consider whether—

11 (i) the local coordinating entity rep-
12 resents the diverse interests of the Herit-
13 age Area, including governments, natural
14 and historical resource protection organiza-
15 tions, educational institutions, businesses,
16 community residents, and recreational or-
17 ganizations;

18 (ii) the local coordinating entity has
19 afforded adequate opportunity for public
20 and governmental involvement (including
21 through workshops and public meetings) in
22 the preparation of the management plan;

23 (iii) the resource protection and inter-
24 pretation strategies described in the man-
25 agement plan, if implemented, would ade-

1 quately protect the natural, historical, cul-
2 tural, archaeological, and recreational re-
3 sources of the Heritage Area;

4 (iv) the management plan would not
5 adversely affect any activities authorized
6 on Federal or tribal land under applicable
7 laws or land use plans;

8 (v) the Secretary has received ade-
9 quate assurances from the appropriate
10 State, tribal, and local officials whose sup-
11 port is needed to ensure the effective im-
12 plementation of the State, tribal, and local
13 aspects of the management plan; and

14 (vi) the local coordinating entity has
15 demonstrated the financial capability, in
16 partnership with others, to carry out the
17 management plan.

18 (D) ACTION FOLLOWING DISAPPROVAL.—

19 (i) IN GENERAL.—If the Secretary
20 disapproves the management plan, the Sec-
21 retary—

22 (I) shall advise the local coordi-
23 nating entity in writing of the reasons
24 for the disapproval; and

1 (II) may make recommendations
2 to the local coordinating entity for re-
3 visions to the management plan.

4 (ii) DEADLINE.—Not later than 180
5 days after receiving a revised management
6 plan, the Secretary shall approve or dis-
7 approve the revised management plan.

8 (E) REVIEW; AMENDMENTS.—

9 (i) IN GENERAL.—After approval by
10 the Secretary of the management plan, the
11 Alliance shall periodically—

12 (I) review the management plan;
13 and

14 (II) submit to the Secretary, for
15 review and approval by the Secretary,
16 any recommendations for revisions to
17 the management plan.

18 (ii) IN GENERAL.—An amendment to
19 the management plan that substantially al-
20 ters the purposes of the Heritage Area
21 shall be reviewed by the Secretary and ap-
22 proved or disapproved in the same manner
23 as the original management plan.

24 (iii) IMPLEMENTATION.—The local co-
25 ordinating entity shall not use Federal

1 funds authorized to be appropriated by this
2 section to implement an amendment to the
3 management plan until the Secretary ap-
4 proves the amendment.

5 (e) DUTIES AND AUTHORITIES OF THE SEC-
6 RETARY.—

7 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

8 (A) IN GENERAL.—On the request of the
9 local coordinating entity, the Secretary may
10 provide technical and financial assistance, on a
11 reimbursable or nonreimbursable basis (as de-
12 termined by the Secretary), to the local coordi-
13 nating entity to develop and implement the
14 management plan.

15 (B) COOPERATIVE AGREEMENTS.—The
16 Secretary may enter into cooperative agree-
17 ments with the local coordinating entity and
18 other public or private entities to provide tech-
19 nical or financial assistance under subpara-
20 graph (A).

21 (C) PRIORITY.—In assisting the Heritage
22 Area, the Secretary shall give priority to actions
23 that assist in—

24 (i) conserving the significant natural,
25 historical, cultural, archaeological, and rec-

1 recreational resources of the Heritage Area;
2 and

3 (ii) providing educational, interpretive,
4 and recreational opportunities consistent
5 with the purposes of the Heritage Area.

6 (2) EVALUATION; REPORT.—

7 (A) IN GENERAL.—Not later than 3 years
8 before the date on which authority for Federal
9 funding terminates for the Heritage Area under
10 subsection (i), the Secretary shall—

11 (i) conduct an evaluation of the ac-
12 complishments of the Heritage Area; and

13 (ii) prepare a report with rec-
14 ommendations for the future role of the
15 National Park Service, if any, with respect
16 to the Heritage Area, in accordance with
17 subparagraph (C).

18 (B) EVALUATION.—An evaluation con-
19 ducted under subparagraph (A)(i) shall—

20 (i) assess the progress of the local co-
21 ordinating entity with respect to—

22 (I) accomplishing the purposes of
23 this section for the Heritage Area;
24 and

1 (II) achieving the goals and ob-
2 jectives of the approved management
3 plan for the Heritage Area;

4 (ii) analyze the Federal, State, local,
5 and private investments in the Heritage
6 Area to determine the leverage and impact
7 of the investments; and

8 (iii) review the management structure,
9 partnership relationships, and funding of
10 the Heritage Area for purposes of identi-
11 fying the critical components for sustain-
12 ability of the Heritage Area.

13 (C) REPORT.—

14 (i) IN GENERAL.—Based on the eval-
15 uation conducted under subparagraph
16 (A)(i), the Secretary shall prepare a report
17 that includes recommendations for the fu-
18 ture role of the National Park Service, if
19 any, with respect to the Heritage Area.

20 (ii) REQUIRED ANALYSIS.—If the re-
21 port prepared under this subparagraph
22 recommends that Federal funding for the
23 Heritage Area be reauthorized, the report
24 shall include an analysis of—

1 (I) ways in which Federal fund-
2 ing for the Heritage Area may be re-
3 duced or eliminated; and

4 (II) the appropriate time period
5 necessary to achieve the recommended
6 reduction or elimination.

7 (iii) SUBMISSION TO CONGRESS.—On
8 completion of a report under this subpara-
9 graph, the Secretary shall submit the re-
10 port to—

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

13 (II) the Committee on Natural
14 Resources of the House of Represent-
15 atives.

16 (f) RELATIONSHIP TO OTHER FEDERAL AGEN-
17 CIES.—

18 (1) IN GENERAL.—Nothing in this section af-
19 fects the authority of a Federal agency to provide
20 technical or financial assistance under any other law.

21 (2) CONSULTATION AND COORDINATION.—To
22 the maximum extent practicable, the head of any
23 Federal agency planning to conduct activities that
24 may have an impact on the Heritage Area is encour-

1 aged to consult and coordinate the activities with the
2 Secretary and the local coordinating entity.

3 (3) OTHER FEDERAL AGENCIES.—Nothing in
4 this section—

5 (A) modifies, alters, or amends any laws
6 (including regulations) authorizing a Federal
7 agency to manage Federal land under the juris-
8 diction of the Federal agency;

9 (B) limits the discretion of a Federal land
10 manager to implement an approved land use
11 plan within the boundaries of the Heritage
12 Area; or

13 (C) modifies, alters, or amends any author-
14 ized use of Federal land under the jurisdiction
15 of a Federal agency.

16 (g) EFFECT.—

17 (1) PROPERTY OWNERS AND REGULATORY PRO-
18 TECTIONS.—Nothing in this section—

19 (A) abridges the rights of any owner of
20 public or private property, including the right
21 to refrain from participating in any plan,
22 project, program, or activity conducted within
23 the Heritage Area;

24 (B) requires any property owner to—

1 (i) permit public access (including
2 Federal, tribal, State, or local government
3 access) to the property; or

4 (ii) modify any provisions of Federal,
5 tribal, State, or local law with regard to
6 public access or use of private land;

7 (C) alters any duly adopted land use regu-
8 lations, approved land use plan, or any other
9 regulatory authority of any Federal, State, or
10 local agency, or tribal government;

11 (D) conveys any land use or other regu-
12 latory authority to the local coordinating entity;

13 (E) authorizes or implies the reservation or
14 appropriation of water or water rights;

15 (F) diminishes the authority of the State
16 to manage fish and wildlife, including the regu-
17 lation of fishing and hunting within the Herit-
18 age Area; or

19 (G) creates any liability, or affects any li-
20 ability under any other law, of any private
21 property owner with respect to any person in-
22 jured on the private property.

23 (2) NO EFFECT ON INDIAN TRIBES.—Nothing
24 in this section—

1 (A) restricts an Indian tribe from pro-
2 tecting cultural or religious sites on tribal land;
3 or

4 (B) diminishes the trust responsibilities or
5 government-to-government obligations of the
6 United States to any Indian tribe recognized by
7 the Federal Government.

8 (h) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated to carry out this section \$10,000,000,
11 of which not more than \$1,000,000 may be made
12 available for any fiscal year.

13 (2) AVAILABILITY.—Amounts made available
14 under paragraph (1) shall remain available until ex-
15 pended.

16 (3) COST-SHARING REQUIREMENT.—

17 (A) IN GENERAL.—The Federal share of
18 the total cost of any activity under this section
19 shall be not more than 50 percent.

20 (B) FORM.—The non-Federal contribu-
21 tion—

22 (i) shall be from non-Federal sources;

23 and

1 (ii) may be in the form of in-kind con-
2 tributions of goods or services fairly val-
3 ued.

4 (i) **TERMINATION OF FINANCIAL ASSISTANCE.**—The
5 authority of the Secretary to provide financial assistance
6 under this section terminates on the date that is 15 years
7 after the date of enactment of this Act.

8 **SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.**

9 (a) **DEFINITIONS.**—In this section:

10 (1) **BOARD.**—The term “Board” means the
11 Board of Directors of the local coordinating entity.

12 (2) **HERITAGE AREA.**—The term “Heritage
13 Area” means the Mississippi Delta National Herit-
14 age Area established by subsection (b)(1).

15 (3) **LOCAL COORDINATING ENTITY.**—The term
16 “local coordinating entity” means the local coordi-
17 nating entity for the Heritage Area designated by
18 subsection (b)(4)(A).

19 (4) **MANAGEMENT PLAN.**—The term “manage-
20 ment plan” means the management plan for the
21 Heritage Area developed under subsection (d).

22 (5) **MAP.**—The term “map” means the map en-
23 titled “Mississippi Delta National Heritage Area”,
24 numbered T13/80,000, and dated April 2008.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (7) STATE.—The term “State” means the State
4 of Mississippi.

5 (b) ESTABLISHMENT.—

6 (1) ESTABLISHMENT.—There is established in
7 the State the Mississippi Delta National Heritage
8 Area.

9 (2) BOUNDARIES.—The Heritage Area shall in-
10 clude all counties in the State that contain land lo-
11 cated in the alluvial floodplain of the Mississippi
12 Delta, including Bolivar, Carroll, Coahoma, Desoto,
13 Holmes, Humphreys, Issaquena, Leflore, Panola,
14 Quitman, Sharkey, Sunflower, Tallahatchie, Tate,
15 Tunica, Warren, Washington, and Yazoo Counties in
16 the State, as depicted on the map.

17 (3) AVAILABILITY OF MAP.—The map shall be
18 on file and available for public inspection in the of-
19 fice of the Director of the National Park Service.

20 (4) LOCAL COORDINATING ENTITY.—

21 (A) DESIGNATION.—The Mississippi Delta
22 National Heritage Area Partnership shall be
23 the local coordinating entity for the Heritage
24 Area.

25 (B) BOARD OF DIRECTORS.—

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(i) COMPOSITION.—

(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

1 (hh) 1 member shall be ap-
2 pointed from the Mississippi Arts
3 Commission;

4 (ii) 1 member shall be ap-
5 pointed from the Mississippi De-
6 partment of Archives and His-
7 tory;

8 (jj) 1 member shall be ap-
9 pointed from the Mississippi Hu-
10 manities Council; and

11 (kk) up to 5 additional
12 members shall be appointed for
13 staggered 1- and 2-year terms by
14 County boards in the Heritage
15 Area.

16 (II) RESIDENCY REQUIRE-
17 MENTS.—At least 7 members of the
18 Board shall reside in the Heritage
19 Area.

20 (ii) OFFICERS.—

21 (I) IN GENERAL.—At the initial
22 meeting of the Board, the members of
23 the Board shall appoint a Chair-
24 person, Vice Chairperson, and Sec-
25 retary/Treasurer.

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(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and nongovernmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

1 (bb) manage the activities
2 and affairs of the local coordi-
3 nating entity; and

4 (cc) subject to any limita-
5 tions in the articles and bylaws of
6 the local coordinating entity, this
7 section, and any other applicable
8 Federal or State law, establish
9 the policies of the local coordi-
10 nating entity.

11 (II) STAFF.—The Board shall
12 have the authority to employ any serv-
13 ices and staff that are determined to
14 be necessary by a majority vote of the
15 Board.

16 (iv) BYLAWS.—

17 (I) IN GENERAL.—The Board
18 may amend or repeal the bylaws of
19 the local coordinating entity at any
20 meeting of the Board by a majority
21 vote of the Board.

22 (II) NOTICE.—The Board shall
23 provide notice of any meeting of the
24 Board at which an amendment to the
25 bylaws is to be considered that in-

1 cludes the text or a summary of the
2 proposed amendment.

3 (v) MINUTES.—Not later than 60
4 days after a meeting of the Board, the
5 Board shall distribute the minutes of the
6 meeting among all Board members and the
7 county supervisors in each county within
8 the Heritage Area.

9 (c) DUTIES AND AUTHORITIES OF LOCAL COORDI-
10 NATING ENTITY.—

11 (1) DUTIES OF THE LOCAL COORDINATING EN-
12 TITY.—To further the purposes of the Heritage
13 Area, the local coordinating entity shall—

14 (A) prepare, and submit to the Secretary,
15 in accordance with subsection (d), a manage-
16 ment plan for the Heritage Area;

17 (B) assist units of local government, re-
18 gional planning organizations, and nonprofit or-
19 ganizations in implementing the approved man-
20 agement plan by—

21 (i) carrying out programs and projects
22 that recognize, protect, and enhance im-
23 portant resource values within the Herit-
24 age Area;

1 (ii) establishing and maintaining in-
2 terpretive exhibits and programs within the
3 Heritage Area;

4 (iii) developing recreational and edu-
5 cational opportunities in the Heritage
6 Area;

7 (iv) increasing public awareness of,
8 and appreciation for, natural, historic, sce-
9 nic, and cultural resources of the Heritage
10 Area;

11 (v) protecting and restoring historic
12 sites and buildings in the Heritage Area
13 that are consistent with the themes of the
14 Heritage Area;

15 (vi) ensuring that signs identifying
16 points of public access and sites of interest
17 are posted throughout the Heritage Area;
18 and

19 (vii) promoting a wide range of part-
20 nerships among governments, organiza-
21 tions, and individuals to further the pur-
22 poses of the Heritage Area;

23 (C) consider the interests of diverse units
24 of government, businesses, organizations, and
25 individuals in the Heritage Area in the prepara-

1 tion and implementation of the management
2 plan;

3 (D) conduct meetings open to the public at
4 least semiannually regarding the development
5 and implementation of the management plan;

6 (E) submit an annual report to the Sec-
7 retary for each fiscal year for which the local
8 coordinating entity receives Federal funds
9 under this section specifying—

10 (i) the accomplishments of the local
11 coordinating entity;

12 (ii) the expenses and income of the
13 local coordinating entity;

14 (iii) the amounts and sources of
15 matching funds;

16 (iv) the amounts leveraged with Fed-
17 eral funds and sources of the leveraged
18 funds; and

19 (v) grants made to any other entities
20 during the fiscal year;

21 (F) make available for audit for each fiscal
22 year for which the local coordinating entity re-
23 ceives Federal funds under this section, all in-
24 formation pertaining to the expenditure of the
25 funds and any matching funds;

1 (G) require in all agreements authorizing
2 expenditures of Federal funds by other organi-
3 zations, that the receiving organizations make
4 available for audit all records and other infor-
5 mation pertaining to the expenditure of the
6 funds; and

7 (H) encourage, by appropriate means, eco-
8 nomic development that is consistent with the
9 purposes of the Heritage Area.

10 (2) AUTHORITIES.—The local coordinating enti-
11 ty may, subject to the prior approval of the Sec-
12 retary, for the purposes of preparing and imple-
13 menting the management plan, use Federal funds
14 made available under this section to—

15 (A) make grants to the State, political sub-
16 divisions of the State, nonprofit organizations,
17 and other persons;

18 (B) enter into cooperative agreements
19 with, or provide technical assistance to, the
20 State, political subdivisions of the State, non-
21 profit organizations, Federal agencies, and
22 other interested parties;

23 (C) hire and compensate staff;

1 (D) obtain funds or services from any
2 source, including funds and services provided
3 under any other Federal law or program;

4 (E) contract for goods or services; and

5 (F) support activities of partners and any
6 other activities that further the purposes of the
7 Heritage Area and are consistent with the ap-
8 proved management plan.

9 (3) PROHIBITION ON ACQUISITION OF REAL
10 PROPERTY.—The local coordinating entity may not
11 use Federal funds received under this section to ac-
12 quire any interest in real property.

13 (d) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date on which funds are made available to de-
16 velop the management plan, the local coordinating
17 entity shall submit to the Secretary for approval a
18 proposed management plan for the Heritage Area.

19 (2) REQUIREMENTS.—The management plan
20 for the Heritage Area shall—

21 (A) describe comprehensive policies, goals,
22 strategies, and recommendations for telling the
23 story of the heritage of the region and encour-
24 aging long-term resource protection, enhance-

1 ment, interpretation, funding, management, and
2 development of the Heritage Area;

3 (B) take into consideration existing State,
4 county, and local plans in the development and
5 implementation of the management plan;

6 (C) include a description of actions and
7 commitments that governments, private organi-
8 zations, and citizens plan to take to protect, en-
9 hance, and interpret the cultural, historical, ar-
10 chaeological, natural, and recreational resources
11 of the Heritage Area;

12 (D) specify existing and potential sources
13 of funding or economic development strategies
14 to protect, enhance, interpret, fund, manage,
15 and develop the Heritage Area;

16 (E) include an inventory of the cultural,
17 historical, archaeological, natural, and rec-
18 reational resources of the Heritage Area relat-
19 ing to the stories and themes of the region that
20 should be protected, enhanced, managed, or de-
21 veloped;

22 (F) recommend policies and strategies for
23 resource management including, the develop-
24 ment of intergovernmental and interagency
25 agreements to protect the natural, historic, cul-

1 tural, educational, scenic, and recreational re-
2 sources of the Heritage Area;

3 (G) describe a program for implementation
4 of the management plan, including—

5 (i) performance goals;

6 (ii) plans for resource protection, en-
7 hancement, and interpretation; and

8 (iii) specific commitments for imple-
9 mentation that have been made by the
10 local coordinating entity or any govern-
11 ment, organization, business, or individual;

12 (H) include an analysis of, and rec-
13 ommendations for, ways in which Federal,
14 State, tribal, and local programs may best be
15 coordinated (including the role of the National
16 Park Service and other Federal agencies associ-
17 ated with the Heritage Area) to further the
18 purposes of this section;

19 (I) include an interpretive plan for the
20 Heritage Area; and

21 (J) include a business plan that—

22 (i) describes the role, operation, fi-
23 nancing, and functions of the local coordi-
24 nating entity and of each of the major ac-

1 activities described in the management plan;
2 and

3 (ii) provides adequate assurances that
4 the local coordinating entity has the part-
5 nerships and financial and other resources
6 necessary to implement the management
7 plan for the Heritage Area.

8 (3) TERMINATION OF FUNDING.—If the man-
9 agement plan is not submitted to the Secretary in
10 accordance with this subsection, the local coordi-
11 nating entity shall not qualify for additional finan-
12 cial assistance under this section until the manage-
13 ment plan is submitted to, and approved by, the Sec-
14 retary.

15 (4) APPROVAL OF MANAGEMENT PLAN.—

16 (A) REVIEW.—Not later than 180 days
17 after the date on which the Secretary receives
18 the management plan, the Secretary shall ap-
19 prove or disapprove the management plan.

20 (B) CONSULTATION REQUIRED.—The Sec-
21 retary shall consult with the Governor of the
22 State and any tribal government in which the
23 Heritage Area is located before approving the
24 management plan.

1 (C) CRITERIA FOR APPROVAL.—In deter-
2 mining whether to approve the management
3 plan, the Secretary shall consider whether—

4 (i) the local coordinating entity rep-
5 resents the diverse interests of the Herit-
6 age Area, including governments, natural
7 and historic resource protection organiza-
8 tions, educational institutions, businesses,
9 community residents, and recreational or-
10 ganizations;

11 (ii) the local coordinating entity has
12 afforded adequate opportunity for public
13 and governmental involvement (including
14 through workshops and public meetings) in
15 the preparation of the management plan;

16 (iii) the resource protection and inter-
17 pretation strategies described in the man-
18 agement plan, if implemented, would ade-
19 quately protect the cultural, historical, ar-
20 chaeological, natural, and recreational re-
21 sources of the Heritage Area;

22 (iv) the management plan would not
23 adversely affect any activities authorized
24 on Federal or tribal land under applicable
25 laws or land use plans;

1 (v) the Secretary has received ade-
2 quate assurances from the appropriate
3 State, tribal, and local officials whose sup-
4 port is needed to ensure the effective im-
5 plementation of the State, tribal, and local
6 aspects of the management plan; and

7 (vi) the local coordinating entity has
8 demonstrated the financial capability, in
9 partnership with others, to carry out the
10 management plan.

11 (D) ACTION FOLLOWING DISAPPROVAL.—

12 (i) IN GENERAL.—If the Secretary
13 disapproves the management plan, the Sec-
14 retary—

15 (I) shall advise the local coordi-
16 nating entity in writing of the reasons
17 for the disapproval; and

18 (II) may make recommendations
19 to the local coordinating entity for re-
20 visions to the management plan.

21 (ii) DEADLINE.—Not later than 180
22 days after receiving a revised management
23 plan, the Secretary shall approve or dis-
24 approve the revised management plan.

25 (E) AMENDMENTS.—

1 (i) IN GENERAL.—An amendment to
2 the management plan that substantially al-
3 ters the purposes of the Heritage Area
4 shall be reviewed by the Secretary and ap-
5 proved or disapproved in the same manner
6 as the original management plan.

7 (ii) IMPLEMENTATION.—The local co-
8 ordinating entity shall not use Federal
9 funds authorized to be appropriated by this
10 section to implement an amendment to the
11 management plan until the Secretary ap-
12 proves the amendment.

13 (e) DUTIES AND AUTHORITIES OF THE SEC-
14 RETARY.—

15 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

16 (A) IN GENERAL.—On the request of the
17 local coordinating entity, the Secretary may
18 provide technical and financial assistance, on a
19 reimbursable or nonreimbursable basis (as de-
20 termined by the Secretary), to the local coordi-
21 nating entity to develop and implement the
22 management plan.

23 (B) COOPERATIVE AGREEMENTS.—The
24 Secretary may enter into cooperative agree-
25 ments with the local coordinating entity and

1 other public or private entities to provide tech-
2 nical or financial assistance under subpara-
3 graph (A).

4 (C) PRIORITY.—In assisting the Heritage
5 Area, the Secretary shall give priority to actions
6 that assist in—

7 (i) conserving the significant cultural,
8 historical, archaeological, natural, and rec-
9 reational resources of the Heritage Area;
10 and

11 (ii) providing educational, interpretive,
12 and recreational opportunities consistent
13 with the purposes of the Heritage Area.

14 (D) PROHIBITION OF CERTAIN REQUIRE-
15 MENTS.—The Secretary may not, as a condition
16 of the provision of technical or financial assist-
17 ance under this subsection, require any recipi-
18 ent of the assistance to impose or modify any
19 land use restriction or zoning ordinance.

20 (2) EVALUATION; REPORT.—

21 (A) IN GENERAL.—Not later than 3 years
22 before the date on which authority for Federal
23 funding terminates for the Heritage Area under
24 subsection (i), the Secretary shall—

1 (i) conduct an evaluation of the ac-
2 complishments of the Heritage Area; and

3 (ii) prepare a report with rec-
4 ommendations for the future role of the
5 National Park Service, if any, with respect
6 to the Heritage Area, in accordance with
7 subparagraph (C).

8 (B) EVALUATION.—An evaluation con-
9 ducted under subparagraph (A)(i) shall—

10 (i) assess the progress of the local co-
11 ordinating entity with respect to—

12 (I) accomplishing the purposes of
13 this section for the Heritage Area;
14 and

15 (II) achieving the goals and ob-
16 jectives of the approved management
17 plan for the Heritage Area;

18 (ii) analyze the Federal, State, local,
19 and private investments in the Heritage
20 Area to determine the leverage and impact
21 of the investments; and

22 (iii) review the management structure,
23 partnership relationships, and funding of
24 the Heritage Area for purposes of identi-

1 fying the critical components for sustain-
2 ability of the Heritage Area.

3 (C) REPORT.—

4 (i) IN GENERAL.—Based on the eval-
5 uation conducted under subparagraph
6 (A)(i), the Secretary shall prepare a report
7 that includes recommendations for the fu-
8 ture role of the National Park Service, if
9 any, with respect to the Heritage Area.

10 (ii) REQUIRED ANALYSIS.—If the re-
11 port prepared under this subparagraph
12 recommends that Federal funding for the
13 Heritage Area be reauthorized, the report
14 shall include an analysis of—

15 (I) ways in which Federal fund-
16 ing for the Heritage Area may be re-
17 duced or eliminated; and

18 (II) the appropriate time period
19 necessary to achieve the recommended
20 reduction or elimination.

21 (iii) SUBMISSION TO CONGRESS.—On
22 completion of a report under this subpara-
23 graph, the Secretary shall submit the re-
24 port to—

1 (I) the Committee on Energy and
2 Natural Resources of the Senate; and
3 (II) the Committee on Natural
4 Resources of the House of Represent-
5 atives.

6 (f) RELATIONSHIP TO OTHER FEDERAL AGEN-
7 CIES.—

8 (1) IN GENERAL.—Nothing in this section af-
9 fects the authority of a Federal agency to provide
10 technical or financial assistance under any other law.

11 (2) CONSULTATION AND COORDINATION.—To
12 the maximum extent practicable, the head of any
13 Federal agency planning to conduct activities that
14 may have an impact on the Heritage Area is encour-
15 aged to consult and coordinate the activities with the
16 Secretary and the local coordinating entity.

17 (3) OTHER FEDERAL AGENCIES.—Nothing in
18 this section—

19 (A) modifies, alters, or amends any laws
20 (including regulations) authorizing a Federal
21 agency to manage Federal land under the juris-
22 diction of the Federal agency;

23 (B) limits the discretion of a Federal land
24 manager to implement an approved land use

1 plan within the boundaries of the Heritage
2 Area; or

3 (C) modifies, alters, or amends any author-
4 ized use of Federal land under the jurisdiction
5 of a Federal agency.

6 (g) PROPERTY OWNERS AND REGULATORY PROTEC-
7 TIONS.—Nothing in this section—

8 (1) abridges the rights of any owner of public
9 or private property, including the right to refrain
10 from participating in any plan, project, program, or
11 activity conducted within the Heritage Area;

12 (2) requires any property owner to—

13 (A) permit public access (including Fed-
14 eral, tribal, State, or local government access)
15 to the property; or

16 (B) modify any provisions of Federal, trib-
17 al, State, or local law with regard to public ac-
18 cess or use of private land;

19 (3) alters any duly adopted land use regula-
20 tions, approved land use plan, or any other regu-
21 latory authority of any Federal, State, or local agen-
22 cy, or tribal government;

23 (4) conveys any land use or other regulatory
24 authority to the local coordinating entity;

1 (5) authorizes or implies the reservation or ap-
2 propriation of water or water rights;

3 (6) diminishes the authority of the State to
4 manage fish and wildlife, including the regulation of
5 fishing and hunting within the Heritage Area;

6 (7) creates any liability, or affects any liability
7 under any other law, of any private property owner
8 with respect to any person injured on the private
9 property;

10 (8) restricts an Indian tribe from protecting
11 cultural or religious sites on tribal land; or

12 (9) diminishes the trust responsibilities of gov-
13 ernment-to-government obligations of the United
14 States of any federally recognized Indian tribe.

15 (h) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to carry out this section \$10,000,000,
18 of which not more than \$1,000,000 may be made
19 available for any fiscal year.

20 (2) COST-SHARING REQUIREMENT.—

21 (A) IN GENERAL.—The Federal share of
22 the total cost of any activity under this section
23 shall be not more than 50 percent.

24 (B) FORM.—The non-Federal contribu-
25 tion—

- 1 (i) shall be from non-Federal sources;
2 and
3 (ii) may be in the form of in-kind con-
4 tributions of goods or services fairly val-
5 ued.

6 (i) **TERMINATION OF FINANCIAL ASSISTANCE.**—The
7 authority of the Secretary to provide financial assistance
8 under this section terminates on the date that is 15 years
9 after the date of enactment of this Act.

10 **SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA,**
11 **ALABAMA.**

12 (a) **PURPOSES.**—The purposes of this section are—

13 (1) to preserve, support, conserve, and interpret
14 the legacy of the region represented by the Heritage
15 Area as described in the feasibility study prepared
16 by the National Park Service;

17 (2) to promote heritage, cultural, and rec-
18 reational tourism, and to develop educational and
19 cultural programs for visitors and the general public;

20 (3) to recognize and interpret important events
21 and geographic locations representing key develop-
22 ments in the growth of the United States, including
23 the Native American, Colonial American, European
24 American, and African American heritage;

1 (4) to recognize and interpret the manner by
2 which the distinctive geography of the region has
3 shaped the development of the settlement, defense,
4 transportation, commerce, and culture of the region;

5 (5) to provide a cooperative management frame-
6 work to foster a close working relationship with all
7 levels of government, the private sector, and the
8 local communities in the region to identify, preserve,
9 interpret, and develop the historical, cultural, scenic,
10 and natural resources of the region for the edu-
11 cational and inspirational benefit of current and fu-
12 ture generations; and

13 (6) to provide appropriate linkages between
14 units of the National Park System and communities,
15 governments, and organizations within the Heritage
16 Area.

17 (b) DEFINITIONS.—In this section:

18 (1) HERITAGE AREA.—The term “Heritage
19 Area” means the Muscle Shoals National Heritage
20 Area established by subsection (c)(1).

21 (2) LOCAL COORDINATING ENTITY.—The term
22 “local coordinating entity” means the Muscle Shoals
23 Regional Center, the local coordinating entity for the
24 Heritage Area designated by subsection (c)(4).

1 (3) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the plan for the Heritage Area
3 required under subsection (d)(1)(A).

4 (4) MAP.—The term “map” means the map en-
5 titled “Muscle Shoals National Heritage Area”,
6 numbered T08/80,000, and dated October 2007.

7 (5) STATE.—The term “State” means the State
8 of Alabama.

9 (c) ESTABLISHMENT.—

10 (1) IN GENERAL.—There is established the
11 Muscle Shoals National Heritage Area in the State.

12 (2) BOUNDARIES.—The Heritage Area shall be
13 comprised of the following areas, as depicted on the
14 map:

15 (A) The Counties of Colbert, Franklin,
16 Lauderdale, Lawrence, Limestone, and Morgan,
17 Alabama.

18 (B) The Wilson Dam.

19 (C) The Handy Home.

20 (D) The birthplace of Helen Keller.

21 (3) AVAILABILITY MAP.—The map shall be on
22 file and available for public inspection in the appro-
23 priate offices of the National Park Service and the
24 local coordinating entity.

1 (4) LOCAL COORDINATING ENTITY.—The Mus-
2 cle Shoals Regional Center shall be the local coordi-
3 nating entity for the Heritage Area.

4 (d) DUTIES AND AUTHORITIES OF LOCAL COORDI-
5 NATING ENTITY.—

6 (1) DUTIES OF THE LOCAL COORDINATING EN-
7 TITY.—To further the purposes of the Heritage
8 Area, the local coordinating entity shall—

9 (A) prepare, and submit to the Secretary,
10 in accordance with subsection (e), a manage-
11 ment plan for the Heritage Area;

12 (B) submit an annual report to the Sec-
13 retary for each fiscal year for which the local
14 coordinating entity receives Federal funds
15 under this section specifying—

16 (i) the accomplishments of the local
17 coordinating entity;

18 (ii) the expenses and income of the
19 local coordinating entity;

20 (iii) the amounts and sources of
21 matching funds;

22 (iv) the amounts leveraged with Fed-
23 eral funds and sources of the leveraged
24 funds; and

1 (v) grants made to any other entities
2 during the fiscal year;

3 (C) make available for audit for each fiscal
4 year for which the local coordinating entity re-
5 ceives Federal funds under this section, all in-
6 formation pertaining to the expenditure of the
7 funds and any matching funds;

8 (D) encourage, by appropriate means, eco-
9 nomic development that is consistent with the
10 purposes of the Heritage Area; and

11 (E) serve as a catalyst for the implementa-
12 tion of projects and programs among diverse
13 partners in the Heritage Area.

14 (2) AUTHORITIES.—The local coordinating enti-
15 ty may, subject to the prior approval of the Sec-
16 retary, for the purposes of preparing and imple-
17 menting the management plan, use Federal funds
18 made available under this section to—

19 (A) make grants to the State, political sub-
20 divisions of the State, nonprofit organizations,
21 and other persons;

22 (B) enter into cooperative agreements
23 with, or provide technical assistance to, the
24 State, political subdivisions of the State, non-

1 profit organizations, Federal agencies, and
2 other interested parties;

3 (C) hire and compensate staff, including
4 individuals with expertise in—

5 (i) natural, historical, cultural, edu-
6 cational, scenic, and recreational resource
7 conservation;

8 (ii) economic and community develop-
9 ment; and

10 (iii) heritage planning;

11 (D) obtain funds or services from any
12 source, including funds and services provided
13 under any other Federal law or program;

14 (E) contract for goods or services; and

15 (F) support activities of partners and any
16 other activities that further the purposes of the
17 Heritage Area and are consistent with the ap-
18 proved management plan.

19 (3) PROHIBITION ON ACQUISITION OF REAL
20 PROPERTY.—The local coordinating entity may not
21 use Federal funds received under this section to ac-
22 quire any interest in real property.

23 (e) MANAGEMENT PLAN.—

24 (1) IN GENERAL.—Not later than 3 years after
25 the date on which funds are made available to de-

1 velop the management plan, the local coordinating
2 entity shall submit to the Secretary for approval a
3 proposed management plan for the Heritage Area.

4 (2) REQUIREMENTS.—The management plan
5 for the Heritage Area shall—

6 (A) describe comprehensive policies, goals,
7 strategies, and recommendations for telling the
8 story of the heritage of the area covered by the
9 Heritage Area and encouraging long-term re-
10 source protection, enhancement, interpretation,
11 funding, management, and development of the
12 Heritage Area;

13 (B) include a description of actions and
14 commitments that Federal, State, tribal, and
15 local governments, private organizations, and
16 citizens plan to take to protect, enhance, inter-
17 pret, fund, manage, and develop the natural,
18 historic, cultural, educational, scenic, and rec-
19 reational resources of the Heritage Area;

20 (C) specify existing and potential sources
21 of funding or economic development strategies
22 to protect, enhance, interpret, fund, manage,
23 and develop the Heritage Area;

24 (D) include an inventory of the natural,
25 historic, cultural, educational, scenic, and rec-

1 recreational resources of the Heritage Area relat-
2 ing to the stories and themes of the Heritage
3 Area that should be protected, enhanced, inter-
4 preted, managed, funded, or developed;

5 (E) recommend policies and strategies for
6 resource management, including the develop-
7 ment of intergovernmental and interagency
8 agreements to protect, enhance, interpret, fund,
9 manage, and develop the natural, historic, cul-
10 tural, educational, scenic, and recreational re-
11 sources of the Heritage Area;

12 (F) describe a program for implementation
13 of the management plan, including—

14 (i) performance goals;

15 (ii) plans for resource protection, en-
16 hancement, interpretation, funding, man-
17 agement, and development; and

18 (iii) specific commitments for imple-
19 mentation that have been made by the
20 local coordinating entity or any Federal,
21 State, tribal, or local government agency,
22 organization, business, or individual;

23 (G) include an analysis of, and rec-
24 ommendations for, ways in which Federal,
25 State, tribal, and local programs may best be

1 coordinated (including the role of the National
2 Park Service and other Federal agencies associ-
3 ated with the Heritage Area) to further the
4 purposes of this section; and

5 (H) include a business plan that—

6 (i) describes the role, operation, fi-
7 nancing, and functions of the local coordi-
8 nating entity and of each of the major ac-
9 tivities described in the management plan;
10 and

11 (ii) provides adequate assurances that
12 the local coordinating entity has the part-
13 nerships and financial and other resources
14 necessary to implement the management
15 plan for the Heritage Area.

16 (3) TERMINATION OF FUNDING.—If the man-
17 agement plan is not submitted to the Secretary by
18 the date that is 3 years after the date on which
19 funds are first made available to develop the man-
20 agement plan, the local coordinating entity shall not
21 qualify for additional financial assistance under this
22 section until the management plan is submitted to,
23 and approved by, the Secretary.

24 (4) APPROVAL OF MANAGEMENT PLAN.—

1 (A) REVIEW.—Not later than 180 days
2 after the date on which the Secretary receives
3 the management plan, the Secretary shall ap-
4 prove or disapprove the management plan.

5 (B) CONSULTATION REQUIRED.—The Sec-
6 retary shall consult with the Governor of the
7 State in which the Heritage Area is located be-
8 fore approving the management plan.

9 (C) CRITERIA FOR APPROVAL.—In deter-
10 mining whether to approve the management
11 plan, the Secretary shall consider whether—

12 (i) the local coordinating entity rep-
13 resents the diverse interests of the Herit-
14 age Area, including Federal, State, tribal,
15 and local governments, natural and historic
16 resource protection organizations, edu-
17 cational institutions, businesses, commu-
18 nity residents, recreational organizations,
19 and private property owners;

20 (ii) the local coordinating entity—

21 (I) has afforded adequate oppor-
22 tunity for public and Federal, State,
23 tribal, and local governmental involve-
24 ment (including through workshops

1 and public meetings) in the prepara-
2 tion of the management plan; and

3 (II) provides for at least semi-
4 annual public meetings to ensure ade-
5 quate implementation of the manage-
6 ment plan;

7 (iii) the resource protection, enhance-
8 ment, interpretation, funding, manage-
9 ment, and development strategies described
10 in the management plan, if implemented,
11 would adequately protect, enhance, inter-
12 pret, fund, manage, and develop the nat-
13 ural, historic, cultural, scenic, and rec-
14 reational resources of the Heritage Area;

15 (iv) the management plan would not
16 adversely affect any activities authorized
17 on Federal land under applicable laws or
18 land use plans;

19 (v) the Secretary has received ade-
20 quate assurances from the appropriate
21 State, tribal, and local officials whose sup-
22 port is needed to ensure the effective im-
23 plementation of the State, tribal, and local
24 aspects of the management plan;

1 (vi) the local coordinating entity has
2 demonstrated the financial capability, in
3 partnership with others, to carry out the
4 management plan; and

5 (vii) the management plan dem-
6 onstrates partnerships among the local co-
7 ordinating entity, Federal, State, tribal,
8 and local governments, regional planning
9 organizations, nonprofit organizations, and
10 private sector parties for implementation of
11 the management plan.

12 (D) DISAPPROVAL.—

13 (i) IN GENERAL.—If the Secretary
14 disapproves the management plan, the Sec-
15 retary—

16 (I) shall advise the local coordi-
17 nating entity in writing of the reasons
18 for the disapproval; and

19 (II) may make recommendations
20 to the local coordinating entity for re-
21 visions to the management plan.

22 (ii) DEADLINE.—Not later than 180
23 days after receiving a revised management
24 plan, the Secretary shall approve or dis-
25 approve the revised management plan.

1 (E) AMENDMENTS.—

2 (i) IN GENERAL.—An amendment to
3 the management plan that substantially al-
4 ters the purposes of the Heritage Area
5 shall be reviewed by the Secretary and ap-
6 proved or disapproved in the same manner
7 as the original management plan.

8 (ii) IMPLEMENTATION.—The local co-
9 ordinating entity shall not use Federal
10 funds authorized by this section to imple-
11 ment an amendment to the management
12 plan until the Secretary approves the
13 amendment.

14 (F) AUTHORITIES.—The Secretary may—

15 (i) provide technical assistance under
16 the authority of this section for the devel-
17 opment and implementation of the man-
18 agement plan; and

19 (ii) enter into cooperative agreements
20 with interested parties to carry out this
21 section.

22 (f) DUTIES AND AUTHORITIES OF THE SEC-
23 RETARY.—

24 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

1 (A) IN GENERAL.—On the request of the
2 local coordinating entity, the Secretary may
3 provide technical and financial assistance, on a
4 reimbursable or nonreimbursable basis (as de-
5 termined by the Secretary), to the local coordi-
6 nating entity to develop and implement the
7 management plan.

8 (B) COOPERATIVE AGREEMENTS.—The
9 Secretary may enter into cooperative agree-
10 ments with the local coordinating entity and
11 other public or private entities to provide tech-
12 nical or financial assistance under subpara-
13 graph (A).

14 (2) EVALUATION; REPORT.—

15 (A) IN GENERAL.—Not later than 3 years
16 before the date on which authority for Federal
17 funding terminates for the Heritage Area under
18 subsection (j), the Secretary shall—

19 (i) conduct an evaluation of the ac-
20 complishments of the Heritage Area; and

21 (ii) prepare a report with rec-
22 ommendations for the future role of the
23 National Park Service, if any, with respect
24 to the Heritage Area, in accordance with
25 subparagraph (C).

1 (B) EVALUATION.—An evaluation con-
2 ducted under subparagraph (A)(i) shall—

3 (i) assess the progress of the local co-
4 ordinating entity with respect to—

5 (I) accomplishing the purposes of
6 this section for the Heritage Area;
7 and

8 (II) achieving the goals and ob-
9 jectives of the approved management
10 plan for the Heritage Area;

11 (ii) analyze the Federal, State, tribal,
12 local, and private investments in the Herit-
13 age Area to determine the leverage and im-
14 pact of the investments; and

15 (iii) review the management structure,
16 partnership relationships, and funding of
17 the Heritage Area for purposes of identi-
18 fying the critical components for sustain-
19 ability of the Heritage Area.

20 (C) REPORT.—

21 (i) IN GENERAL.—Based on the eval-
22 uation conducted under subparagraph
23 (A)(i), the Secretary shall prepare a report
24 that includes recommendations for the fu-

1 ture role of the National Park Service, if
2 any, with respect to the Heritage Area.

3 (ii) REQUIRED ANALYSIS.—If the re-
4 port prepared under this subparagraph
5 recommends that Federal funding for the
6 Heritage Area be reauthorized, the report
7 shall include an analysis of—

8 (I) ways in which Federal fund-
9 ing for the Heritage Area may be re-
10 duced or eliminated; and

11 (II) the appropriate time period
12 necessary to achieve the recommended
13 reduction or elimination.

14 (iii) SUBMISSION TO CONGRESS.—On
15 completion of a report under this subpara-
16 graph, the Secretary shall submit the re-
17 port to—

18 (I) the Committee on Energy and
19 Natural Resources of the Senate; and

20 (II) the Committee on Natural
21 Resources of the House of Represent-
22 atives.

23 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-
24 CIES.—

1 (1) IN GENERAL.—Nothing in this section af-
2 fects the authority of a Federal agency to provide
3 technical or financial assistance under any other law.

4 (2) CONSULTATION AND COORDINATION.—To
5 the maximum extent practicable, the head of any
6 Federal agency planning to conduct activities that
7 may have an impact on the Heritage Area is encour-
8 aged to consult and coordinate the activities with the
9 Secretary and the local coordinating entity to the
10 maximum extent practicable.

11 (3) OTHER FEDERAL AGENCIES.—Nothing in
12 this section—

13 (A) modifies, alters, or amends any laws
14 (including regulations) authorizing a Federal
15 agency to manage Federal land under the juris-
16 diction of the Federal agency;

17 (B) limits the discretion of a Federal land
18 manager to implement an approved land use
19 plan within the boundaries of the Heritage
20 Area; or

21 (C) modifies, alters, or amends any author-
22 ized use of Federal land under the jurisdiction
23 of a Federal agency.

24 (h) PROPERTY OWNERS AND REGULATORY PROTEC-
25 TIONS.—Nothing in this section—

1 (1) abridges the rights of any owner of public
2 or private property, including the right to refrain
3 from participating in any plan, project, program, or
4 activity conducted within the Heritage Area;

5 (2) requires any property owner to—

6 (A) permit public access (including Fed-
7 eral, tribal, State, or local government access)
8 to the property; or

9 (B) modify any provisions of Federal, trib-
10 al, State, or local law with regard to public ac-
11 cess or use of private land;

12 (3) alters any duly adopted land use regula-
13 tions, approved land use plan, or any other regu-
14 latory authority of any Federal, State, or local agen-
15 cy, or tribal government;

16 (4) conveys any land use or other regulatory
17 authority to the local coordinating entity;

18 (5) authorizes or implies the reservation or ap-
19 propriation of water or water rights;

20 (6) diminishes the authority of the State to
21 manage fish and wildlife, including the regulation of
22 fishing and hunting within the Heritage Area; or

23 (7) creates any liability, or affects any liability
24 under any other law, of any private property owner

1 with respect to any person injured on the private
2 property.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out this section \$10,000,000,
6 of which not more than \$1,000,000 may be made
7 available for any fiscal year.

8 (2) AVAILABILITY.—Funds made available
9 under paragraph (1) shall remain available until ex-
10 pended.

11 (3) COST-SHARING REQUIREMENT.—

12 (A) IN GENERAL.—The Federal share of
13 the total cost of any activity under this section
14 shall be not more than 50 percent.

15 (B) FORM.—The non-Federal contribution
16 may be in the form of in-kind contributions of
17 goods or services fairly valued.

18 (4) USE OF FEDERAL FUNDS FROM OTHER
19 SOURCES.—Nothing in this section precludes the
20 local coordinating entity from using Federal funds
21 available under provisions of law other than this sec-
22 tion for the purposes for which those funds were au-
23 thorized.

24 (j) TERMINATION OF EFFECTIVENESS.—The author-
25 ity of the Secretary to provide financial assistance under

1 this section terminates on the date that is 15 years after
2 the date of enactment of this Act.

3 **SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL**
4 **HERITAGE AREA, ALASKA.**

5 (a) DEFINITIONS.—In this section:

6 (1) HERITAGE AREA.—The term “Heritage
7 Area” means the Kenai Mountains-Turnagain Arm
8 National Heritage Area established by subsection
9 (b)(1).

10 (2) LOCAL COORDINATING ENTITY.—The term
11 “local coordinating entity” means the Kenai Moun-
12 tains-Turnagain Arm Corridor Communities Asso-
13 ciation.

14 (3) MANAGEMENT PLAN.—The term “manage-
15 ment plan” means the plan prepared by the local co-
16 ordinating entity for the Heritage Area that specifies
17 actions, policies, strategies, performance goals, and
18 recommendations to meet the goals of the Heritage
19 Area, in accordance with this section.

20 (4) MAP.—The term “map” means the map en-
21 titled “Proposed Kenai Mountains-Turnagain Arm
22 NHA” and dated August 7, 2007.

23 (5) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 (b) DESIGNATION OF THE KENAI MOUNTAINS-
2 TURNAGAIN ARM NATIONAL HERITAGE AREA.—

3 (1) ESTABLISHMENT.—There is established the
4 Kenai Mountains-Turnagain Arm National Heritage
5 Area.

6 (2) BOUNDARIES.—The Heritage Area shall be
7 comprised of the land in the Kenai Mountains and
8 upper Turnagain Arm region, as generally depicted
9 on the map.

10 (3) AVAILABILITY OF MAP.—The map shall be
11 on file and available for public inspection in—

12 (A) the appropriate offices of the Forest
13 Service, Chugach National Forest;

14 (B) the Alaska Regional Office of the Na-
15 tional Park Service; and

16 (C) the office of the Alaska State Historic
17 Preservation Officer.

18 (c) MANAGEMENT PLAN.—

19 (1) LOCAL COORDINATING ENTITY.—The local
20 coordinating entity, in partnership with other inter-
21 ested parties, shall develop a management plan for
22 the Heritage Area in accordance with this section.

23 (2) REQUIREMENTS.—The management plan
24 for the Heritage Area shall—

1 (A) describe comprehensive policies, goals,
2 strategies, and recommendations for use in—

3 (i) telling the story of the heritage of
4 the area covered by the Heritage Area; and

5 (ii) encouraging long-term resource
6 protection, enhancement, interpretation,
7 funding, management, and development of
8 the Heritage Area;

9 (B) include a description of actions and
10 commitments that the Federal Government,
11 State, tribal, and local governments, private or-
12 ganizations, and citizens will take to protect,
13 enhance, interpret, fund, manage, and develop
14 the natural, historical, cultural, educational,
15 scenic, and recreational resources of the Herit-
16 age Area;

17 (C) specify existing and potential sources
18 of funding or economic development strategies
19 to protect, enhance, interpret, fund, manage,
20 and develop the Heritage Area;

21 (D) include an inventory of the natural,
22 historical, cultural, educational, scenic, and rec-
23 reational resources of the Heritage Area relat-
24 ing to the national importance and themes of
25 the Heritage Area that should be protected, en-

1 hanced, interpreted, managed, funded, and de-
2 veloped;

3 (E) recommend policies and strategies for
4 resource management, including the develop-
5 ment of intergovernmental and interagency
6 agreements to protect, enhance, interpret, fund,
7 manage, and develop the natural, historical, cul-
8 tural, educational, scenic, and recreational re-
9 sources of the Heritage Area;

10 (F) describe a program for implementation
11 for the management plan, including—

12 (i) performance goals;

13 (ii) plans for resource protection, en-
14 hancement, interpretation, funding, man-
15 agement, and development; and

16 (iii) specific commitments for imple-
17 mentation that have been made by the
18 local coordinating entity or any Federal,
19 State, tribal, or local government agency,
20 organization, business, or individual;

21 (G) include an analysis of, and rec-
22 ommendations for, means by which Federal,
23 State, tribal, and local programs may best be
24 coordinated (including the role of the National
25 Park Service, the Forest Service, and other

1 Federal agencies associated with the Heritage
2 Area) to further the purposes of this section;
3 and

4 (H) include a business plan that—

5 (i) describes the role, operation, fi-
6 nancing, and functions of the local coordi-
7 nating entity and each of the major activi-
8 ties contained in the management plan;
9 and

10 (ii) provides adequate assurances that
11 the local coordinating entity has the part-
12 nerships and financial and other resources
13 necessary to implement the management
14 plan for the Heritage Area.

15 (3) DEADLINE.—

16 (A) IN GENERAL.—Not later than 3 years
17 after the date on which funds are first made
18 available to develop the management plan after
19 the date of enactment of this Act, the local co-
20 ordinating entity shall submit the management
21 plan to the Secretary for approval.

22 (B) TERMINATION OF FUNDING.—If the
23 management plan is not submitted to the Sec-
24 retary in accordance with subparagraph (A),
25 the local coordinating entity shall not qualify

1 for any additional financial assistance under
2 this section until such time as the management
3 plan is submitted to and approved by the Sec-
4 retary.

5 (4) APPROVAL OF MANAGEMENT PLAN.—

6 (A) REVIEW.—Not later than 180 days
7 after receiving the management plan under
8 paragraph (3), the Secretary shall review and
9 approve or disapprove the management plan for
10 a Heritage Area on the basis of the criteria es-
11 tablished under subparagraph (C).

12 (B) CONSULTATION.—The Secretary shall
13 consult with the Governor of the State in which
14 the Heritage Area is located before approving a
15 management plan for the Heritage Area.

16 (C) CRITERIA FOR APPROVAL.—In deter-
17 mining whether to approve a management plan
18 for the Heritage Area, the Secretary shall con-
19 sider whether—

20 (i) the local coordinating entity rep-
21 resents the diverse interests of the Herit-
22 age Area, including the Federal Govern-
23 ment, State, tribal, and local governments,
24 natural and historical resource protection
25 organizations, educational institutions,

1 businesses, recreational organizations,
2 community residents, and private property
3 owners;

4 (ii) the local coordinating entity—

5 (I) has afforded adequate oppor-
6 tunity for public and Federal, State,
7 tribal, and local governmental involve-
8 ment (including through workshops
9 and hearings) in the preparation of
10 the management plan; and

11 (II) provides for at least semi-
12 annual public meetings to ensure ade-
13 quate implementation of the manage-
14 ment plan;

15 (iii) the resource protection, enhance-
16 ment, interpretation, funding, manage-
17 ment, and development strategies described
18 in the management plan, if implemented,
19 would adequately protect, enhance, inter-
20 pret, fund, manage, and develop the nat-
21 ural, historical, cultural, educational, sce-
22 nic, and recreational resources of the Her-
23 itage Area;

24 (iv) the management plan would not
25 adversely affect any activities authorized

1 on Federal land under public land laws or
2 land use plans;

3 (v) the local coordinating entity has
4 demonstrated the financial capability, in
5 partnership with other interested parties,
6 to carry out the plan;

7 (vi) the Secretary has received ade-
8 quate assurances from the appropriate
9 State, tribal, and local officials whose sup-
10 port is needed to ensure the effective im-
11 plementation of the State, tribal, and local
12 elements of the management plan; and

13 (vii) the management plan dem-
14 onstrates partnerships among the local co-
15 ordinating entity, Federal Government,
16 State, tribal, and local governments, re-
17 gional planning organizations, nonprofit
18 organizations, or private sector parties for
19 implementation of the management plan.

20 (D) DISAPPROVAL.—

21 (i) IN GENERAL.—If the Secretary
22 disapproves the management plan, the Sec-
23 retary—

1 (I) shall advise the local coordi-
2 nating entity in writing of the reasons
3 for the disapproval; and

4 (II) may make recommendations
5 to the local coordinating entity for re-
6 visions to the management plan.

7 (ii) DEADLINE.—Not later than 180
8 days after receiving a revised management
9 plan, the Secretary shall approve or dis-
10 approve the revised management plan.

11 (E) AMENDMENTS.—

12 (i) IN GENERAL.—An amendment to
13 the management plan that substantially al-
14 ters the purposes of the Heritage Area
15 shall be reviewed by the Secretary and ap-
16 proved or disapproved in the same manner
17 as the original management plan.

18 (ii) IMPLEMENTATION.—The local co-
19 ordinating entity shall not use Federal
20 funds authorized by this section to imple-
21 ment an amendment to the management
22 plan until the Secretary approves the
23 amendment.

24 (F) AUTHORITIES.—The Secretary may—

1 (i) provide technical assistance under
2 the authority of this section for the devel-
3 opment and implementation of the man-
4 agement plan; and

5 (ii) enter into cooperative agreements
6 with interested parties to carry out this
7 section.

8 (d) EVALUATION; REPORT.—

9 (1) IN GENERAL.—Not later than 3 years be-
10 fore the date on which authority for Federal funding
11 terminates for the Heritage Area under this section,
12 the Secretary shall—

13 (A) conduct an evaluation of the accom-
14 plishments of the Heritage Area; and

15 (B) prepare a report in accordance with
16 paragraph (3).

17 (2) EVALUATION.—An evaluation conducted
18 under paragraph (1)(A) shall—

19 (A) assess the progress of the local coordi-
20 nating entity with respect to—

21 (i) accomplishing the purposes of the
22 authorizing legislation for the Heritage
23 Area; and

1 (ii) achieving the goals and objectives
2 of the approved management plan for the
3 Heritage Area;

4 (B) analyze the Federal, State, tribal,
5 local, and private investments in the Heritage
6 Area to determine the impact of the invest-
7 ments; and

8 (C) review the management structure,
9 partnership relationships, and funding of the
10 Heritage Area for purposes of identifying the
11 critical components for sustainability of the
12 Heritage Area.

13 (3) REPORT.—Based on the evaluation con-
14 ducted under paragraph (1)(A), the Secretary shall
15 submit to the Committee on Energy and Natural
16 Resources of the Senate and the Committee on Nat-
17 ural Resources of the House of Representatives a re-
18 port that includes recommendations for the future
19 role of the National Park Service, if any, with re-
20 spect to the Heritage Area.

21 (e) LOCAL COORDINATING ENTITY.—

22 (1) DUTIES.—To further the purposes of the
23 Heritage Area, in addition to developing the man-
24 agement plan for the Heritage Area under sub-
25 section (c), the local coordinating entity shall—

1 (A) serve to facilitate and expedite the im-
2 plementation of projects and programs among
3 diverse partners in the Heritage Area;

4 (B) submit an annual report to the Sec-
5 retary for each fiscal year for which the local
6 coordinating entity receives Federal funds
7 under this section, specifying—

8 (i) the specific performance goals and
9 accomplishments of the local coordinating
10 entity;

11 (ii) the expenses and income of the
12 local coordinating entity;

13 (iii) the amounts and sources of
14 matching funds;

15 (iv) the amounts leveraged with Fed-
16 eral funds and sources of the leveraging;
17 and

18 (v) grants made to any other entities
19 during the fiscal year;

20 (C) make available for audit for each fiscal
21 year for which the local coordinating entity re-
22 ceives Federal funds under this section, all in-
23 formation pertaining to the expenditure of the
24 funds and any matching funds; and

1 (D) encourage economic viability and sus-
2 tainability that is consistent with the purposes
3 of the Heritage Area.

4 (2) AUTHORITIES.—For the purpose of pre-
5 paring and implementing the approved management
6 plan for the Heritage Area under subsection (c), the
7 local coordinating entity may use Federal funds
8 made available under this section—

9 (A) to make grants to political jurisdic-
10 tions, nonprofit organizations, and other parties
11 within the Heritage Area;

12 (B) to enter into cooperative agreements
13 with or provide technical assistance to political
14 jurisdictions, nonprofit organizations, Federal
15 agencies, and other interested parties;

16 (C) to hire and compensate staff, including
17 individuals with expertise in—

18 (i) natural, historical, cultural, edu-
19 cational, scenic, and recreational resource
20 conservation;

21 (ii) economic and community develop-
22 ment; and

23 (iii) heritage planning;

24 (D) to obtain funds or services from any
25 source, including other Federal programs;

1 (E) to enter into contracts for goods or
2 services; and

3 (F) to support activities of partners and
4 any other activities that further the purposes of
5 the Heritage Area and are consistent with the
6 approved management plan.

7 (3) PROHIBITION ON ACQUISITION OF REAL
8 PROPERTY.—The local coordinating entity may not
9 use Federal funds authorized under this section to
10 acquire any interest in real property.

11 (f) RELATIONSHIP TO OTHER FEDERAL AGEN-
12 CIES.—

13 (1) IN GENERAL.—Nothing in this section af-
14 fects the authority of a Federal agency to provide
15 technical or financial assistance under any other
16 provision of law.

17 (2) CONSULTATION AND COORDINATION.—The
18 head of any Federal agency planning to conduct ac-
19 tivities that may have an impact on a Heritage Area
20 is encouraged to consult and coordinate the activities
21 with the Secretary and the local coordinating entity,
22 to the maximum extent practicable.

23 (3) OTHER FEDERAL AGENCIES.—Nothing in
24 this section—

1 (A) modifies, alters, or amends any law
2 (including a regulation) authorizing a Federal
3 agency to manage Federal land under the juris-
4 diction of the Federal agency;

5 (B) limits the discretion of a Federal land
6 manager to implement an approved land use
7 plan within the boundaries of a Heritage Area;
8 or

9 (C) modifies, alters, or amends any author-
10 ized use of Federal land under the jurisdiction
11 of a Federal agency.

12 (g) PRIVATE PROPERTY AND REGULATORY PROTEC-
13 TIONS.—Nothing in this section—

14 (1) abridges the rights of any property owner
15 (whether public or private), including the right to re-
16 frain from participating in any plan, project, pro-
17 gram, or activity conducted within the Heritage
18 Area;

19 (2) requires any property owner to permit pub-
20 lic access (including access by Federal, State, tribal,
21 or local agencies) to the property of the property
22 owner, or to modify public access or use of property
23 of the property owner under any other Federal,
24 State, tribal, or local law;

1 (3) alters any duly adopted land use regulation,
2 approved land use plan, or other regulatory author-
3 ity (such as the authority to make safety improve-
4 ments or increase the capacity of existing roads or
5 to construct new roads) of any Federal, State, tribal,
6 or local agency, or conveys any land use or other
7 regulatory authority to any local coordinating entity,
8 including development and management of energy or
9 water or water-related infrastructure;

10 (4) authorizes or implies the reservation or ap-
11 propriation of water or water rights;

12 (5) diminishes the authority of any State to
13 manage fish and wildlife, including the regulation of
14 fishing and hunting within the Heritage Area; or

15 (6) creates any liability, or affects any liability
16 under any other law, of any private property owner
17 with respect to any person injured on the private
18 property.

19 (h) FUNDING.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—
21 Subject to paragraph (2), there is authorized to be
22 appropriated to carry out this section \$1,000,000 for
23 each fiscal year, to remain available until expended.

1 (2) LIMITATION ON TOTAL AMOUNTS APPRO-
2 PRIATED.—Not more than a total of \$10,000,000
3 may be made available to carry out this section.

4 (3) COST-SHARING.—

5 (A) IN GENERAL.—The Federal share of
6 the total cost of any activity carried out under
7 this section shall not exceed 50 percent.

8 (B) FORM OF NON-FEDERAL SHARE.—The
9 non-Federal share of the cost of any activity
10 carried out under this section may be provided
11 in the form of in-kind contributions of goods or
12 services fairly valued.

13 (i) TERMINATION OF AUTHORITY.—The authority of
14 the Secretary to provide financial assistance under this
15 section terminates on the date that is 15 years after the
16 date of enactment of this Act.

17 **Subtitle B—Studies**

18 **SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEOR-**
19 **GIA.**

20 (a) DEFINITIONS.—In this section:

21 (1) CORRIDOR.—The term “Corridor” means
22 the Chattahoochee Trace National Heritage Cor-
23 ridor.

24 (2) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (3) STUDY AREA.—The term “study area”
2 means the study area described in subsection (b)(2).

3 (b) STUDY.—

4 (1) IN GENERAL.—The Secretary, in consulta-
5 tion with State historic preservation officers, State
6 historical societies, State tourism offices, and other
7 appropriate organizations or agencies, shall conduct
8 a study to assess the suitability and feasibility of
9 designating the study area as the Chattahoochee
10 Trace National Heritage Corridor.

11 (2) STUDY AREA.—The study area includes—

12 (A) the portion of the Apalachicola-Chat-
13 tahoochee-Flint River Basin and surrounding
14 areas, as generally depicted on the map entitled
15 “Chattahoochee Trace National Heritage Cor-
16 ridor, Alabama/Georgia”, numbered T05/80000,
17 and dated July 2007; and

18 (B) any other areas in the State of Ala-
19 bama or Georgia that—

20 (i) have heritage aspects that are
21 similar to the areas depicted on the map
22 described in subparagraph (A); and

23 (ii) are adjacent to, or in the vicinity
24 of, those areas.

1 (3) REQUIREMENTS.—The study shall include
2 analysis, documentation, and determinations on
3 whether the study area—

4 (A) has an assemblage of natural, historic,
5 and cultural resources that—

6 (i) represent distinctive aspects of the
7 heritage of the United States;

8 (ii) are worthy of recognition, con-
9 servation, interpretation, and continuing
10 use; and

11 (iii) would be best managed—

12 (I) through partnerships among
13 public and private entities; and

14 (II) by linking diverse and some-
15 times noncontiguous resources and ac-
16 tive communities;

17 (B) reflects traditions, customs, beliefs,
18 and folklife that are a valuable part of the story
19 of the United States;

20 (C) provides—

21 (i) outstanding opportunities to con-
22 serve natural, historic, cultural, or scenic
23 features; and

24 (ii) outstanding recreational and edu-
25 cational opportunities;

- 1 (D) contains resources that—
- 2 (i) are important to any identified
- 3 themes of the study area; and
- 4 (ii) retain a degree of integrity capa-
- 5 ble of supporting interpretation;
- 6 (E) includes residents, business interests,
- 7 nonprofit organizations, and State and local
- 8 governments that—
- 9 (i) are involved in the planning of the
- 10 Corridor;
- 11 (ii) have developed a conceptual finan-
- 12 cial plan that outlines the roles of all par-
- 13 ticipants in the Corridor, including the
- 14 Federal Government; and
- 15 (iii) have demonstrated support for
- 16 the designation of the Corridor;
- 17 (F) has a potential management entity to
- 18 work in partnership with the individuals and
- 19 entities described in subparagraph (E) to de-
- 20 velop the Corridor while encouraging State and
- 21 local economic activity; and
- 22 (G) has a conceptual boundary map that is
- 23 supported by the public.

24 (c) REPORT.—Not later than the 3rd fiscal year after

25 the date on which funds are first made available to carry

1 out this section, the Secretary shall submit to the Com-
2 mittee on Natural Resources of the House of Representa-
3 tives and the Committee on Energy and Natural Re-
4 sources of the Senate a report that describes—

- 5 (1) the findings of the study; and
- 6 (2) any conclusions and recommendations of the
7 Secretary.

8 **SEC. 8102. NORTHERN NECK, VIRGINIA.**

9 (a) DEFINITIONS.—In this section:

10 (1) PROPOSED HERITAGE AREA.—The term
11 “proposed Heritage Area” means the proposed
12 Northern Neck National Heritage Area.

13 (2) STATE.—The term “State” means the State
14 of Virginia.

15 (3) STUDY AREA.—The term “study area”
16 means the area that is comprised of—

17 (A) the area of land located between the
18 Potomac and Rappahannock rivers of the east-
19 ern coastal region of the State;

20 (B) Westmoreland, Northumberland, Rich-
21 mond, King George, and Lancaster Counties of
22 the State; and

23 (C) any other area that—

- 1 (i) has heritage aspects that are simi-
2 lar to the heritage aspects of the areas de-
3 scribed in subparagraph (A) or (B); and
4 (ii) is located adjacent to, or in the vi-
5 cinity of, those areas.

6 (b) STUDY.—

7 (1) IN GENERAL.—In accordance with para-
8 graphs (2) and (3), the Secretary, in consultation
9 with appropriate State historic preservation officers,
10 State historical societies, and other appropriate or-
11 ganizations, shall conduct a study to determine the
12 suitability and feasibility of designating the study
13 area as the Northern Neck National Heritage Area.

14 (2) REQUIREMENTS.—The study shall include
15 analysis, documentation, and determinations on
16 whether the study area—

17 (A) has an assemblage of natural, histor-
18 ical, cultural, educational, scenic, or rec-
19 reational resources that together are nationally
20 important to the heritage of the United States;

21 (B) represents distinctive aspects of the
22 heritage of the United States worthy of recogni-
23 tion, conservation, interpretation, and con-
24 tinuing use;

1 (C) is best managed as such an assemblage
2 through partnerships among public and private
3 entities at the local or regional level;

4 (D) reflects traditions, customs, beliefs,
5 and folklife that are a valuable part of the her-
6 itage of the United States;

7 (E) provides outstanding opportunities to
8 conserve natural, historical, cultural, or scenic
9 features;

10 (F) provides outstanding recreational or
11 educational opportunities;

12 (G) contains resources and has traditional
13 uses that have national importance;

14 (H) includes residents, business interests,
15 nonprofit organizations, and appropriate Fed-
16 eral agencies and State and local governments
17 that are involved in the planning of, and have
18 demonstrated significant support for, the des-
19 ignation and management of the proposed Her-
20 itage Area;

21 (I) has a proposed local coordinating entity
22 that is responsible for preparing and imple-
23 menting the management plan developed for the
24 proposed Heritage Area;

1 (J) with respect to the designation of the
2 study area, has the support of the proposed
3 local coordinating entity and appropriate Fed-
4 eral agencies and State and local governments,
5 each of which has documented the commitment
6 of the entity to work in partnership with each
7 other entity to protect, enhance, interpret, fund,
8 manage, and develop the resources located in
9 the study area;

10 (K) through the proposed local coordi-
11 nating entity, has developed a conceptual finan-
12 cial plan that outlines the roles of all partici-
13 pants (including the Federal Government) in
14 the management of the proposed Heritage Area;

15 (L) has a proposal that is consistent with
16 continued economic activity within the area;
17 and

18 (M) has a conceptual boundary map that is
19 supported by the public and appropriate Fed-
20 eral agencies.

21 (3) **ADDITIONAL CONSULTATION REQUIRE-**
22 **MENT.**—In conducting the study under paragraph
23 (1), the Secretary shall—

24 (A) consult with the managers of any Fed-
25 eral land located within the study area; and

1 (B) before making any determination with
2 respect to the designation of the study area, se-
3 cure the concurrence of each manager with re-
4 spect to each finding of the study.

5 (c) DETERMINATION.—

6 (1) IN GENERAL.—The Secretary, in consulta-
7 tion with the Governor of the State, shall review,
8 comment on, and determine if the study area meets
9 each requirement described in subsection (b)(2) for
10 designation as a national heritage area.

11 (2) REPORT.—

12 (A) IN GENERAL.—Not later than 3 fiscal
13 years after the date on which funds are first
14 made available to carry out the study, the Sec-
15 retary shall submit a report describing the find-
16 ings, conclusions, and recommendations of the
17 study to—

18 (i) the Committee on Energy and
19 Natural Resources of the Senate; and

20 (ii) the Committee on Natural Re-
21 sources of the House of Representatives.

22 (B) REQUIREMENTS.—

23 (i) IN GENERAL.—The report shall
24 contain—

1 (I) any comments that the Sec-
2 retary has received from the Governor
3 of the State relating to the designa-
4 tion of the study area as a national
5 heritage area; and

6 (II) a finding as to whether the
7 study area meets each requirement
8 described in subsection (b)(2) for des-
9 ignation as a national heritage area.

10 (ii) DISAPPROVAL.—If the Secretary
11 determines that the study area does not
12 meet any requirement described in sub-
13 section (b)(2) for designation as a national
14 heritage area, the Secretary shall include
15 in the report a description of each reason
16 for the determination.

17 **Subtitle C—Amendments Relating**
18 **to National Heritage Corridors**

19 **SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY**
20 **NATIONAL HERITAGE CORRIDOR.**

21 (a) TERMINATION OF AUTHORITY.—Section 106(b)
22 of the Quinebaug and Shetucket Rivers Valley National
23 Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Pub-
24 lic Law 103–449) is amended by striking “September 30,
25 2009” and inserting “September 30, 2015”.

1 (b) EVALUATION; REPORT.—Section 106 of the
2 Quinebaug and Shetucket Rivers Valley National Heritage
3 Corridor Act of 1994 (16 U.S.C. 461 note; Public Law
4 103–449) is amended by adding at the end the following:

5 “(c) EVALUATION; REPORT.—

6 “(1) IN GENERAL.—Not later than 3 years be-
7 fore the date on which authority for Federal funding
8 terminates for the Corridor, the Secretary shall—

9 “(A) conduct an evaluation of the accom-
10 plishments of the Corridor; and

11 “(B) prepare a report in accordance with
12 paragraph (3).

13 “(2) EVALUATION.—An evaluation conducted
14 under paragraph (1)(A) shall—

15 “(A) assess the progress of the manage-
16 ment entity with respect to—

17 “(i) accomplishing the purposes of
18 this title for the Corridor; and

19 “(ii) achieving the goals and objectives
20 of the management plan for the Corridor;

21 “(B) analyze the Federal, State, local, and
22 private investments in the Corridor to deter-
23 mine the leverage and impact of the invest-
24 ments; and

1 “(C) review the management structure,
2 partnership relationships, and funding of the
3 Corridor for purposes of identifying the critical
4 components for sustainability of the Corridor.

5 “(3) REPORT.—

6 “(A) IN GENERAL.—Based on the evalua-
7 tion conducted under paragraph (1)(A), the
8 Secretary shall prepare a report that includes
9 recommendations for the future role of the Na-
10 tional Park Service, if any, with respect to the
11 Corridor.

12 “(B) REQUIRED ANALYSIS.—If the report
13 prepared under subparagraph (A) recommends
14 that Federal funding for the Corridor be reau-
15 thorized, the report shall include an analysis
16 of—

17 “(i) ways in which Federal funding
18 for the Corridor may be reduced or elimi-
19 nated; and

20 “(ii) the appropriate time period nec-
21 essary to achieve the recommended reduc-
22 tion or elimination.

23 “(C) SUBMISSION TO CONGRESS.—On
24 completion of the report, the Secretary shall
25 submit the report to—

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

3 “(ii) the Committee on Natural Re-
4 sources of the House of Representatives.”.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
6 109(a) of the Quinebaug and Shetucket Rivers Valley Na-
7 tional Heritage Corridor Act of 1994 (16 U.S.C. 461 note;
8 Public Law 103–449) is amended by striking
9 “\$10,000,000” and inserting “\$15,000,000”.

10 **SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE**
11 **CORRIDOR.**

12 The Delaware and Lehigh National Heritage Cor-
13 ridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–
14 692) is amended—

15 (1) in section 9—

16 (A) by striking “The Commission” and in-
17 serting the following:

18 “(a) IN GENERAL.—The Commission”; and

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

20 “(b) CORPORATION AS LOCAL COORDINATING ENTI-
21 TY.—Beginning on the date of enactment of the Omnibus
22 Public Land Management Act of 2009, the Corporation
23 shall be the local coordinating entity for the Corridor.

1 “(c) IMPLEMENTATION OF MANAGEMENT PLAN.—
2 The Corporation shall assume the duties of the Commis-
3 sion for the implementation of the Plan.

4 “(d) USE OF FUNDS.—The Corporation may use
5 Federal funds made available under this Act—

6 “(1) to make grants to, and enter into coopera-
7 tive agreements with, the Federal Government, the
8 Commonwealth, political subdivisions of the Com-
9 monwealth, nonprofit organizations, and individuals;

10 “(2) to hire, train, and compensate staff; and

11 “(3) to enter into contracts for goods and serv-
12 ices.

13 “(e) RESTRICTION ON USE OF FUNDS.—The Cor-
14 poration may not use Federal funds made available under
15 this Act to acquire land or an interest in land.”;

16 (2) in section 10—

17 (A) in the first sentence of subsection (c),
18 by striking “shall assist the Commission” and
19 inserting “shall, on the request of the Corpora-
20 tion, assist”;

21 (B) in subsection (d)—

22 (i) by striking “Commission” each
23 place it appears and inserting “Corpora-
24 tion”;

1 (ii) by striking “The Secretary” and
2 inserting the following:

3 “(1) IN GENERAL.—The Secretary”; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(2) COOPERATIVE AGREEMENTS.—The Sec-
7 retary may enter into cooperative agreements with
8 the Corporation and other public or private entities
9 for the purpose of providing technical assistance and
10 grants under paragraph (1).

11 “(3) PRIORITY.—In providing assistance to the
12 Corporation under paragraph (1), the Secretary
13 shall give priority to activities that assist in—

14 “(A) conserving the significant natural,
15 historic, cultural, and scenic resources of the
16 Corridor; and

17 “(B) providing educational, interpretive,
18 and recreational opportunities consistent with
19 the purposes of the Corridor.”; and

20 (C) by adding at the end the following:

21 “(e) TRANSITION MEMORANDUM OF UNDER-
22 STANDING.—The Secretary shall enter into a memo-
23 randum of understanding with the Corporation to en-
24 sure—

1 “(1) appropriate transition of management of
2 the Corridor from the Commission to the Corpora-
3 tion; and

4 “(2) coordination regarding the implementation
5 of the Plan.”;

6 (3) in section 11, in the matter preceding para-
7 graph (1), by striking “directly affecting”;

8 (4) in section 12—

9 (A) in subsection (a), by striking “Com-
10 mission” each place it appears and inserting
11 “Corporation”;

12 (B) in subsection (c)(1), by striking
13 “2007” and inserting “2012”; and

14 (C) by adding at the end the following:

15 “(d) TERMINATION OF ASSISTANCE.—The authority
16 of the Secretary to provide financial assistance under this
17 Act terminates on the date that is 5 years after the date
18 of enactment of this subsection.”; and

19 (5) in section 14—

20 (A) by redesignating paragraphs (4), (5),
21 and (6) as paragraphs (5), (6), and (7), respec-
22 tively; and

23 (B) by inserting after paragraph (3) the
24 following:

1 “(4) the term ‘Corporation’ means the Dela-
2 ware & Lehigh National Heritage Corridor, Incor-
3 porated, an organization described in section
4 501(c)(3), and exempt from Federal tax under sec-
5 tion 501(a), of the Internal Revenue Code of 1986;”.

6 **SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE COR-**
7 **RIDOR.**

8 The Erie Canalway National Heritage Corridor Act
9 (16 U.S.C. 461 note; Public Law 106–554) is amended—

10 (1) in section 804—

11 (A) in subsection (b)—

12 (i) in the matter preceding paragraph
13 (1), by striking “27” and inserting “at
14 least 21 members, but not more than 27”;

15 (ii) in paragraph (2), by striking “En-
16 vironment” and inserting “Environ-
17 mental”; and

18 (iii) in paragraph (3)—

19 (I) in the matter preceding sub-
20 paragraph (A), by striking “19”;

21 (II) by striking subparagraph
22 (A);

23 (III) by redesignating subpara-
24 graphs (B) and (C) as subparagraphs
25 (A) and (B), respectively;

1 (IV) in subparagraph (B) (as re-
2 designated by subclause (III)), by
3 striking the second sentence; and

4 (V) by inserting after subpara-
5 graph (B) (as redesignated by sub-
6 clause (III)) the following:

7 “(C) The remaining members shall be—

8 “(i) appointed by the Secretary, based
9 on recommendations from each member of
10 the House of Representatives, the district
11 of which encompasses the Corridor; and

12 “(ii) persons that are residents of, or
13 employed within, the applicable congress-
14 sional districts.”;

15 (B) in subsection (f), by striking “Four-
16 teen members of the Commission” and inserting
17 “A majority of the serving Commissioners”;

18 (C) in subsection (g), by striking “14 of its
19 members” and inserting “a majority of the
20 serving Commissioners”;

21 (D) in subsection (h), by striking para-
22 graph (4) and inserting the following:

23 “(4)(A) to appoint any staff that may be nec-
24 essary to carry out the duties of the Commission,
25 subject to the provisions of title 5, United States

1 Code, relating to appointments in the competitive
2 service; and

3 “(B) to fix the compensation of the staff, in ac-
4 cordance with the provisions of chapter 51 and sub-
5 chapter III of chapter 53 of title 5, United States
6 Code, relating to the classification of positions and
7 General Schedule pay rates;” and

8 (E) in subsection (j), by striking “10
9 years” and inserting “15 years”;

10 (2) in section 807—

11 (A) in subsection (e), by striking “with re-
12 gard to the preparation and approval of the
13 Canalway Plan”; and

14 (B) by adding at the end the following:

15 “(f) OPERATIONAL ASSISTANCE.—Subject to the
16 availability of appropriations, the Superintendent of Sara-
17 toga National Historical Park may, on request, provide
18 to public and private organizations in the Corridor (includ-
19 ing the Commission) any operational assistance that is ap-
20 propriate to assist with the implementation of the
21 Canalway Plan.”; and

22 (3) in section 810(a)(1), in the first sentence,
23 by striking “any fiscal year” and inserting “any fis-
24 cal year, to remain available until expended”.

1 **SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY**
2 **NATIONAL HERITAGE CORRIDOR.**

3 Section 3(b)(2) of Public Law 99–647 (16 U.S.C.
4 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

5 (1) by striking “shall be the the” and inserting
6 “shall be the”; and

7 (2) by striking “Directors from Massachusetts
8 and Rhode Island;” and inserting “Directors from
9 Massachusetts and Rhode Island, ex officio, or their
10 delegates;”.

11 **TITLE IX—BUREAU OF REC-**
12 **LAMATION AUTHORIZATIONS**
13 **Subtitle A—Feasibility Studies**

14 **SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS,**
15 **IDAHO.**

16 (a) IN GENERAL.—The Secretary of the Interior, act-
17 ing through the Bureau of Reclamation, may conduct fea-
18 sibility studies on projects that address water shortages
19 within the Snake, Boise, and Payette River systems in the
20 State of Idaho, and are considered appropriate for further
21 study by the Bureau of Reclamation Boise Payette water
22 storage assessment report issued during 2006.

23 (b) BUREAU OF RECLAMATION.—A study conducted
24 under this section shall comply with Bureau of Reclama-
25 tion policy standards and guidelines for studies.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary of the Inte-
3 rior to carry out this section \$3,000,000.

4 (d) TERMINATION OF EFFECTIVENESS.—The au-
5 thority provided by this section terminates on the date
6 that is 10 years after the date of enactment of this Act.

7 **SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.**

8 (a) DEFINITIONS.—In this section:

9 (1) APPRAISAL REPORT.—The term “appraisal
10 report” means the appraisal report concerning the
11 augmentation alternatives for the Sierra Vista Sub-
12 watershed in the State of Arizona, dated June 2007
13 and prepared by the Bureau of Reclamation.

14 (2) PRINCIPLES AND GUIDELINES.—The term
15 “principles and guidelines” means the report entitled
16 “Economic and Environmental Principles and
17 Guidelines for Water and Related Land Resources
18 Implementation Studies” issued on March 10, 1983,
19 by the Water Resources Council established under
20 title I of the Water Resources Planning Act (42
21 U.S.C. 1962a et seq.).

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (b) SIERRA VISTA SUBWATERSHED FEASIBILITY
25 STUDY.—

1 (1) STUDY.—

2 (A) IN GENERAL.—In accordance with the
3 reclamation laws and the principles and guide-
4 lines, the Secretary, acting through the Com-
5 missioner of Reclamation, may complete a feasi-
6 bility study of alternatives to augment the
7 water supplies within the Sierra Vista Sub-
8 watershed in the State of Arizona that are iden-
9 tified as appropriate for further study in the
10 appraisal report.

11 (B) INCLUSIONS.—In evaluating the feasi-
12 bility of alternatives under subparagraph (A),
13 the Secretary shall—

14 (i) include—

15 (I) any required environmental
16 reviews;

17 (II) the construction costs and
18 projected operations, maintenance,
19 and replacement costs for each alter-
20 native; and

21 (III) the economic feasibility of
22 each alternative;

23 (ii) take into consideration the ability
24 of Federal, tribal, State, and local govern-
25 ment sources and private sources to fund

1 capital construction costs and annual oper-
2 ation, maintenance, energy, and replace-
3 ment costs;

4 (iii) establish the basis for—

5 (I) any cost-sharing allocations;

6 and

7 (II) anticipated repayment, if
8 any, of Federal contributions; and

9 (iv) perform a cost-benefit analysis.

10 (2) COST SHARING REQUIREMENT.—

11 (A) IN GENERAL.—The Federal share of
12 the total costs of the study under paragraph (1)
13 shall not exceed 45 percent.

14 (B) FORM OF NON-FEDERAL SHARE.—The
15 non-Federal share required under subparagraph
16 (A) may be in the form of any in-kind service
17 that the Secretary determines would contribute
18 substantially toward the conduct and comple-
19 tion of the study under paragraph (1).

20 (3) STATEMENT OF CONGRESSIONAL INTENT
21 RELATING TO COMPLETION OF STUDY.—It is the in-
22 tent of Congress that the Secretary complete the
23 study under paragraph (1) by a date that is not
24 later than 30 months after the date of enactment of
25 this Act.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-
3 retary to carry out this subsection \$1,260,000.

4 (c) WATER RIGHTS.—Nothing in this section af-
5 fects—

6 (1) any valid or vested water right in existence
7 on the date of enactment of this Act; or

8 (2) any application for water rights pending be-
9 fore the date of enactment of this Act.

10 **SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.**

11 (a) FEASIBILITY STUDY, PROJECT DEVELOPMENT,
12 COST SHARE.—

13 (1) IN GENERAL.—The Secretary of the Inte-
14 rior (hereinafter referred to as “Secretary”), in con-
15 sultation and cooperation with the City of San Diego
16 and the Sweetwater Authority, is authorized to un-
17 dertake a study to determine the feasibility of con-
18 structing a four reservoir intertie system to improve
19 water storage opportunities, water supply reliability,
20 and water yield of the existing non-Federal water
21 storage system. The feasibility study shall document
22 the Secretary’s engineering, environmental, and eco-
23 nomic investigation of the proposed reservoir and
24 intertie project taking into consideration the range
25 of potential solutions and the circumstances and

1 needs of the area to be served by the proposed res-
2 ervoir and intertie project, the potential benefits to
3 the people of that service area, and improved oper-
4 ations of the proposed reservoir and intertie system.
5 The Secretary shall indicate in the feasibility report
6 required under paragraph (4) whether the proposed
7 reservoir and intertie project is recommended for
8 construction.

9 (2) FEDERAL COST SHARE.—The Federal share
10 of the costs of the feasibility study shall not exceed
11 50 percent of the total study costs. The Secretary
12 may accept as part of the non-Federal cost share,
13 any contribution of such in-kind services by the City
14 of San Diego and the Sweetwater Authority that the
15 Secretary determines will contribute toward the con-
16 duct and completion of the study.

17 (3) COOPERATION.—The Secretary shall con-
18 sult and cooperate with appropriate State, regional,
19 and local authorities in implementing this sub-
20 section.

21 (4) FEASIBILITY REPORT.—The Secretary shall
22 submit to Congress a feasibility report for the
23 project the Secretary recommends, and to seek, as
24 the Secretary deems appropriate, specific authority

1 to develop and construct any recommended project.

2 This report shall include—

3 (A) good faith letters of intent by the City
4 of San Diego and the Sweetwater Authority and
5 its non-Federal partners to indicate that they
6 have committed to share the allocated costs as
7 determined by the Secretary; and

8 (B) a schedule identifying the annual oper-
9 ation, maintenance, and replacement costs that
10 should be allocated to the City of San Diego
11 and the Sweetwater Authority, as well as the
12 current and expected financial capability to pay
13 operation, maintenance, and replacement costs.

14 (b) FEDERAL RECLAMATION PROJECTS.—Nothing in
15 this section shall supersede or amend the provisions of
16 Federal Reclamation laws or laws associated with any
17 project or any portion of any project constructed under
18 any authority of Federal Reclamation laws.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary \$3,000,000
21 for the Federal cost share of the study authorized in sub-
22 section (a).

23 (d) SUNSET.—The authority of the Secretary to carry
24 out any provisions of this section shall terminate 10 years
25 after the date of the enactment of this Act.

1 **Subtitle B—Project Authorizations**

2 **SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CON-**
 3 **SERVATION PROJECT, OREGON.**

4 (a) DEFINITIONS.—In this section:

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

7 (2) PROJECT.—The term “Project” means the
 8 Tumalo Irrigation District Water Conservation
 9 Project authorized under subsection (b)(1).

10 (3) SECRETARY.—The term “Secretary” means
 11 the Secretary of the Interior.

12 (b) AUTHORIZATION TO PLAN, DESIGN AND CON-
 13 STRUCT THE TUMALO WATER CONSERVATION
 14 PROJECT.—

15 (1) AUTHORIZATION.—The Secretary, in co-
 16 operation with the District—

17 (A) may participate in the planning, de-
 18 sign, and construction of the Tumalo Irrigation
 19 District Water Conservation Project in
 20 Deschutes County, Oregon; and

21 (B) for purposes of planning and designing
 22 the Project, shall take into account any appro-
 23 priate studies and reports prepared by the Dis-
 24 trict.

25 (2) COST-SHARING REQUIREMENT.—

1 (A) FEDERAL SHARE.—The Federal share
2 of the total cost of the Project shall be 25 per-
3 cent, which shall be nonreimbursable to the
4 United States.

5 (B) CREDIT TOWARD NON-FEDERAL
6 SHARE.—The Secretary shall credit toward the
7 non-Federal share of the Project any amounts
8 that the District provides toward the design,
9 planning, and construction before the date of
10 enactment of this Act.

11 (3) TITLE.—The District shall hold title to any
12 facilities constructed under this section.

13 (4) OPERATION AND MAINTENANCE COSTS.—
14 The District shall pay the operation and mainte-
15 nance costs of the Project.

16 (5) EFFECT.—Any assistance provided under
17 this section shall not be considered to be a supple-
18 mental or additional benefit under Federal reclama-
19 tion law (the Act of June 17, 1902 (32 Stat. 388,
20 chapter 1093), and Acts supplemental to and
21 amendatory of that Act (43 U.S.C. 371 et seq.).

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary for the
24 Federal share of the cost of the Project \$4,000,000.

1 (d) TERMINATION OF AUTHORITY.—The authority of
2 the Secretary to carry out this section shall expire on the
3 date that is 10 years after the date of enactment of this
4 Act.

5 **SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT**
6 **PROJECT, CALIFORNIA.**

7 (a) DEFINITIONS.—In this section:

8 (1) DISTRICT.—The term “District” means the
9 Madera Irrigation District, Madera, California.

10 (2) PROJECT.—The term “Project” means the
11 Madera Water Supply Enhancement Project, a
12 groundwater bank on the 13,646-acre Madera Ranch
13 in Madera, California, owned, operated, maintained,
14 and managed by the District that will plan, design,
15 and construct recharge, recovery, and delivery sys-
16 tems able to store up to 250,000 acre-feet of water
17 and recover up to 55,000 acre-feet of water per year,
18 as substantially described in the California Environ-
19 mental Quality Act, Final Environmental Impact
20 Report for the Madera Irrigation District Water
21 Supply Enhancement Project, September 2005.

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (4) TOTAL COST.—The term “total cost” means
25 all reasonable costs, such as the planning, design,

1 permitting, and construction of the Project and the
2 acquisition costs of lands used or acquired by the
3 District for the Project.

4 (b) PROJECT FEASIBILITY.—

5 (1) PROJECT FEASIBLE.—Pursuant to the Rec-
6 lamation Act of 1902 (32 Stat. 388) and Acts
7 amendatory thereof and supplemental thereto, the
8 Project is feasible and no further studies or actions
9 regarding feasibility are necessary.

10 (2) APPLICABILITY OF OTHER LAWS.—The Sec-
11 retary shall implement the authority provided in this
12 section in accordance with all applicable Federal
13 laws, including the National Environmental Policy
14 Act of 1969 (42 U.S.C. 4321 et seq.) and the En-
15 dangered Species Act of 1973 (7 U.S.C. 136; 16
16 U.S.C. 460 et seq.).

17 (c) COOPERATIVE AGREEMENT.—All final planning
18 and design and the construction of the Project authorized
19 by this section shall be undertaken in accordance with a
20 cooperative agreement between the Secretary and the Dis-
21 trict for the Project. Such cooperative agreement shall set
22 forth in a manner acceptable to the Secretary and the Dis-
23 trict the responsibilities of the District for participating,
24 which shall include—

25 (1) engineering and design;

1 (2) construction; and

2 (3) the administration of contracts pertaining
3 to any of the foregoing.

4 (d) AUTHORIZATION FOR THE MADERA WATER SUP-
5 PLY AND ENHANCEMENT PROJECT.—

6 (1) AUTHORIZATION OF CONSTRUCTION.—The
7 Secretary, acting pursuant to the Federal reclama-
8 tion laws (Act of June 17, 1902; 32 Stat. 388), and
9 Acts amendatory thereof or supplementary thereto,
10 is authorized to enter into a cooperative agreement
11 through the Bureau of Reclamation with the District
12 for the support of the final design and construction
13 of the Project.

14 (2) TOTAL COST.—The total cost of the Project
15 for the purposes of determining the Federal cost
16 share shall not exceed \$90,000,000.

17 (3) COST SHARE.—The Federal share of the
18 capital costs of the Project shall be provided on a
19 nonreimbursable basis and shall not exceed 25 per-
20 cent of the total cost. Capital, planning, design, per-
21 mitting, construction, and land acquisition costs in-
22 curred by the District prior to the date of the enact-
23 ment of this Act shall be considered a portion of the
24 non-Federal cost share.

1 (4) CREDIT FOR NON-FEDERAL WORK.—The
2 District shall receive credit toward the non-Federal
3 share of the cost of the Project for—

4 (A) in-kind services that the Secretary de-
5 termines would contribute substantially toward
6 the completion of the project;

7 (B) reasonable costs incurred by the Dis-
8 trict as a result of participation in the planning,
9 design, permitting, and construction of the
10 Project; and

11 (C) the acquisition costs of lands used or
12 acquired by the District for the Project.

13 (5) LIMITATION.—The Secretary shall not pro-
14 vide funds for the operation or maintenance of the
15 Project authorized by this subsection. The operation,
16 ownership, and maintenance of the Project shall be
17 the sole responsibility of the District.

18 (6) PLANS AND ANALYSES CONSISTENT WITH
19 FEDERAL LAW.—Before obligating funds for design
20 or construction under this subsection, the Secretary
21 shall work cooperatively with the District to use, to
22 the extent possible, plans, designs, and engineering
23 and environmental analyses that have already been
24 prepared by the District for the Project. The Sec-
25 retary shall ensure that such information as is used

1 is consistent with applicable Federal laws and regu-
2 lations.

3 (7) TITLE; RESPONSIBILITY; LIABILITY.—Noth-
4 ing in this subsection or the assistance provided
5 under this subsection shall be construed to transfer
6 title, responsibility, or liability related to the Project
7 to the United States.

8 (8) AUTHORIZATION OF APPROPRIATION.—
9 There is authorized to be appropriated to the Sec-
10 retary to carry out this subsection \$22,500,000 or
11 25 percent of the total cost of the Project, whichever
12 is less.

13 (e) SUNSET.—The authority of the Secretary to carry
14 out any provisions of this section shall terminate 10 years
15 after the date of the enactment of this Act.

16 **SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM**
17 **PROJECT, NEW MEXICO.**

18 (a) DEFINITIONS.—In this section:

19 (1) AUTHORITY.—The term “Authority” means
20 the Eastern New Mexico Rural Water Authority, an
21 entity formed under State law for the purposes of
22 planning, financing, developing, and operating the
23 System.

24 (2) ENGINEERING REPORT.—The term “engi-
25 neering report” means the report entitled “Eastern

1 New Mexico Rural Water System Preliminary Engi-
2 neering Report” and dated October 2006.

3 (3) PLAN.—The term “plan” means the oper-
4 ation, maintenance, and replacement plan required
5 by subsection (c)(2).

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

8 (5) STATE.—The term “State” means the State
9 of New Mexico.

10 (6) SYSTEM.—

11 (A) IN GENERAL.—The term “System”
12 means the Eastern New Mexico Rural Water
13 System, a water delivery project designed to de-
14 liver approximately 16,500 acre-feet of water
15 per year from the Ute Reservoir to the cities of
16 Clovis, Elida, Grady, Melrose, Portales, and
17 Texico and other locations in Curry, Roosevelt,
18 and Quay Counties in the State.

19 (B) INCLUSIONS.—The term “System” in-
20 cludes the major components and associated in-
21 frastructure identified as the “Best Technical
22 Alternative” in the engineering report.

23 (7) UTE RESERVOIR.—The term “Ute Res-
24 ervoir” means the impoundment of water created in
25 1962 by the construction of the Ute Dam on the Ca-

1 nadian River, located approximately 32 miles up-
2 stream of the border between New Mexico and
3 Texas.

4 (b) EASTERN NEW MEXICO RURAL WATER SYS-
5 TEM.—

6 (1) FINANCIAL ASSISTANCE.—

7 (A) IN GENERAL.—The Secretary may
8 provide financial and technical assistance to the
9 Authority to assist in planning, designing, con-
10 ducting related preconstruction activities for,
11 and constructing the System.

12 (B) USE.—

13 (i) IN GENERAL.—Any financial as-
14 sistance provided under subparagraph (A)
15 shall be obligated and expended only in ac-
16 cordance with a cooperative agreement en-
17 tered into under subsection (d)(1)(B).

18 (ii) LIMITATIONS.—Financial assist-
19 ance provided under clause (i) shall not be
20 used—

21 (I) for any activity that is incon-
22 sistent with constructing the System;
23 or

1 (II) to plan or construct facilities
2 used to supply irrigation water for ir-
3 rigated agricultural purposes.

4 (2) COST-SHARING REQUIREMENT.—

5 (A) IN GENERAL.—The Federal share of
6 the total cost of any activity or construction
7 carried out using amounts made available under
8 this section shall be not more than 75 percent
9 of the total cost of the System.

10 (B) SYSTEM DEVELOPMENT COSTS.—For
11 purposes of subparagraph (A), the total cost of
12 the System shall include any costs incurred by
13 the Authority or the State on or after October
14 1, 2003, for the development of the System.

15 (3) LIMITATION.—No amounts made available
16 under this section may be used for the construction
17 of the System until—

18 (A) a plan is developed under subsection
19 (c)(2); and

20 (B) the Secretary and the Authority have
21 complied with any requirements of the National
22 Environmental Policy Act of 1969 (42 U.S.C.
23 4321 et seq.) applicable to the System.

24 (4) TITLE TO PROJECT WORKS.—Title to the
25 infrastructure of the System shall be held by the Au-

1 thority or as may otherwise be specified under State
2 law.

3 (c) OPERATION, MAINTENANCE, AND REPLACEMENT
4 COSTS.—

5 (1) IN GENERAL.—The Authority shall be re-
6 sponsible for the annual operation, maintenance, and
7 replacement costs associated with the System.

8 (2) OPERATION, MAINTENANCE, AND REPLACE-
9 MENT PLAN.—The Authority, in consultation with
10 the Secretary, shall develop an operation, mainte-
11 nance, and replacement plan that establishes the
12 rates and fees for beneficiaries of the System in the
13 amount necessary to ensure that the System is prop-
14 erly maintained and capable of delivering approxi-
15 mately 16,500 acre-feet of water per year.

16 (d) ADMINISTRATIVE PROVISIONS.—

17 (1) COOPERATIVE AGREEMENTS.—

18 (A) IN GENERAL.—The Secretary may
19 enter into any contract, grant, cooperative
20 agreement, or other agreement that is necessary
21 to carry out this section.

22 (B) COOPERATIVE AGREEMENT FOR PRO-
23 VISION OF FINANCIAL ASSISTANCE.—

24 (i) IN GENERAL.—The Secretary shall
25 enter into a cooperative agreement with

1 the Authority to provide financial assist-
2 ance and any other assistance requested by
3 the Authority for planning, design, related
4 preconstruction activities, and construction
5 of the System.

6 (ii) REQUIREMENTS.—The cooperative
7 agreement entered into under clause (i)
8 shall, at a minimum, specify the respon-
9 sibilities of the Secretary and the Author-
10 ity with respect to—

11 (I) ensuring that the cost-share
12 requirements established by sub-
13 section (b)(2) are met;

14 (II) completing the planning and
15 final design of the System;

16 (III) any environmental and cul-
17 tural resource compliance activities re-
18 quired for the System; and

19 (IV) the construction of the Sys-
20 tem.

21 (2) TECHNICAL ASSISTANCE.—At the request of
22 the Authority, the Secretary may provide to the Au-
23 thority any technical assistance that is necessary to
24 assist the Authority in planning, designing, con-
25 structing, and operating the System.

1 (3) BIOLOGICAL ASSESSMENT.—The Secretary
2 shall consult with the New Mexico Interstate Stream
3 Commission and the Authority in preparing any bio-
4 logical assessment under the Endangered Species
5 Act of 1973 (16 U.S.C. 1531 et seq.) that may be
6 required for planning and constructing the System.

7 (4) EFFECT.—Nothing in this section—

8 (A) affects or preempts—

9 (i) State water law; or

10 (ii) an interstate compact relating to
11 the allocation of water; or

12 (B) confers on any non-Federal entity the
13 ability to exercise any Federal rights to—

14 (i) the water of a stream; or

15 (ii) any groundwater resource.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—In accordance with the ad-
18 justment carried out under paragraph (2), there is
19 authorized to be appropriated to the Secretary to
20 carry out this section an amount not greater than
21 \$327,000,000.

22 (2) ADJUSTMENT.—The amount made available
23 under paragraph (1) shall be adjusted to reflect
24 changes in construction costs occurring after Janu-
25 ary 1, 2007, as indicated by engineering cost indices

1 applicable to the types of construction necessary to
2 carry out this section.

3 (3) NONREIMBURSABLE AMOUNTS.—Amounts
4 made available to the Authority in accordance with
5 the cost-sharing requirement under subsection (b)(2)
6 shall be nonreimbursable and nonreturnable to the
7 United States.

8 (4) AVAILABILITY OF FUNDS.—At the end of
9 each fiscal year, any unexpended funds appropriated
10 pursuant to this section shall be retained for use in
11 future fiscal years consistent with this section.

12 **SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT**
13 **PROJECT, CALIFORNIA.**

14 (a) IN GENERAL.—The Reclamation Wastewater and
15 Groundwater Study and Facilities Act (Public Law 102–
16 575, title XVI; 43 U.S.C. 390h et seq.) is amended by
17 adding at the end the following:

18 **“SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT**
19 **PROJECT, CALIFORNIA.**

20 “(a) AUTHORIZATION.—The Secretary, in coopera-
21 tion with the Rancho California Water District, California,
22 may participate in the design, planning, and construction
23 of permanent facilities for water recycling,
24 demineralization, and desalination, and distribution of

1 non-potable water supplies in Southern Riverside County,
2 California.

3 “(b) COST SHARING.—The Federal share of the cost
4 of the project described in subsection (a) shall not exceed
5 25 percent of the total cost of the project or \$20,000,000,
6 whichever is less.

7 “(c) LIMITATION.—Funds provided by the Secretary
8 under this section shall not be used for operation or main-
9 tenance of the project described in subsection (a).”.

10 (b) CLERICAL AMENDMENT.—The table of items in
11 section 2 of Public Law 102–575 is amended by inserting
12 after the last item the following:

“Sec. 1649. Rancho California Water District Project, California.”.

13 **SEC. 9105. JACKSON GULCH REHABILITATION PROJECT,**
14 **COLORADO.**

15 (a) DEFINITIONS.—In this section:

16 (1) ASSESSMENT.—The term “assessment”
17 means the engineering document that is—

18 (A) entitled “Jackson Gulch Inlet Canal
19 Project, Jackson Gulch Outlet Canal Project,
20 Jackson Gulch Operations Facilities Project:
21 Condition Assessment and Recommendations
22 for Rehabilitation”;

23 (B) dated February 2004; and

24 (C) on file with the Bureau of Reclama-
25 tion.

1 (2) DISTRICT.—The term “District” means the
2 Mancos Water Conservancy District established
3 under the Water Conservancy Act (Colo. Rev. Stat.
4 37–45–101 et seq.).

5 (3) PROJECT.—The term “Project” means the
6 Jackson Gulch rehabilitation project, a program for
7 the rehabilitation of the Jackson Gulch Canal sys-
8 tem and other infrastructure in the State, as de-
9 scribed in the assessment.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior, acting through the
12 Commissioner of Reclamation.

13 (5) STATE.—The term “State” means the State
14 of Colorado.

15 (b) AUTHORIZATION OF JACKSON GULCH REHABIL-
16 TATION PROJECT.—

17 (1) IN GENERAL.—Subject to the reimburse-
18 ment requirement described in paragraph (3), the
19 Secretary shall pay the Federal share of the total
20 cost of carrying out the Project.

21 (2) USE OF EXISTING INFORMATION.—In pre-
22 paring any studies relating to the Project, the Sec-
23 retary shall, to the maximum extent practicable, use
24 existing studies, including engineering and resource
25 information provided by, or at the direction of—

- 1 (A) Federal, State, or local agencies; and
2 (B) the District.

3 (3) REIMBURSEMENT REQUIREMENT.—

4 (A) AMOUNT.—The Secretary shall recover
5 from the District as reimbursable expenses the
6 lesser of—

- 7 (i) the amount equal to 35 percent of
8 the cost of the Project; or
9 (ii) \$2,900,000.

10 (B) MANNER.—The Secretary shall recover
11 reimbursable expenses under subparagraph
12 (A)—

- 13 (i) in a manner agreed to by the Sec-
14 retary and the District;
15 (ii) over a period of 15 years; and
16 (iii) with no interest.

17 (C) CREDIT.—In determining the exact
18 amount of reimbursable expenses to be recov-
19 ered from the District, the Secretary shall cred-
20 it the District for any amounts it paid before
21 the date of enactment of this Act for engineer-
22 ing work and improvements directly associated
23 with the Project.

24 (4) PROHIBITION ON OPERATION AND MAINTEN-
25 NANCE COSTS.—The District shall be responsible for

1 the operation and maintenance of any facility con-
2 structed or rehabilitated under this section.

3 (5) LIABILITY.—The United States shall not be
4 liable for damages of any kind arising out of any
5 act, omission, or occurrence relating to a facility re-
6 habilitated or constructed under this section.

7 (6) EFFECT.—An activity provided Federal
8 funding under this section shall not be considered a
9 supplemental or additional benefit under—

10 (A) the reclamation laws; or

11 (B) the Act of August 11, 1939 (16 U.S.C.
12 590y et seq.).

13 (7) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to the Sec-
15 retary to pay the Federal share of the total cost of
16 carrying out the Project \$8,250,000.

17 **SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.**

18 (a) FINDINGS AND PURPOSE.—

19 (1) FINDINGS.—Congress finds that—

20 (A) drought, population increases, and en-
21 vironmental needs are exacerbating water sup-
22 ply issues across the western United States, in-
23 cluding the Rio Grande Basin in New Mexico;

24 (B) a report developed by the Bureau of
25 Reclamation and the Bureau of Indian Affairs

1 in 2000 identified a serious need for the reha-
2 bilitation and repair of irrigation infrastructure
3 of the Rio Grande Pueblos;

4 (C) inspection of existing irrigation infra-
5 structure of the Rio Grande Pueblos shows that
6 many key facilities, such as diversion structures
7 and main conveyance ditches, are unsafe and
8 barely, if at all, operable;

9 (D) the benefits of rehabilitating and re-
10 pairing irrigation infrastructure of the Rio
11 Grande Pueblos include—

12 (i) water conservation;

13 (ii) extending available water supplies;

14 (iii) increased agricultural produc-
15 tivity;

16 (iv) economic benefits;

17 (v) safer facilities; and

18 (vi) the preservation of the culture of

19 Indian Pueblos in the State;

20 (E) certain Indian Pueblos in the Rio
21 Grande Basin receive water from facilities oper-
22 ated or owned by the Bureau of Reclamation;
23 and

1 (F) rehabilitation and repair of irrigation
2 infrastructure of the Rio Grande Pueblos would
3 improve—

4 (i) overall water management by the
5 Bureau of Reclamation; and

6 (ii) the ability of the Bureau of Rec-
7 lamation to help address potential water
8 supply conflicts in the Rio Grande Basin.

9 (2) PURPOSE.—The purpose of this section is
10 to direct the Secretary—

11 (A) to assess the condition of the irrigation
12 infrastructure of the Rio Grande Pueblos;

13 (B) to establish priorities for the rehabili-
14 tation of irrigation infrastructure of the Rio
15 Grande Pueblos in accordance with specified
16 criteria; and

17 (C) to implement projects to rehabilitate
18 and improve the irrigation infrastructure of the
19 Rio Grande Pueblos.

20 (b) DEFINITIONS.—In this section:

21 (1) 2004 AGREEMENT.—The term “2004
22 Agreement” means the agreement entitled “Agree-
23 ment By and Between the United States of America
24 and the Middle Rio Grande Conservancy District,
25 Providing for the Payment of Operation and Mainte-

1 nance Charges on Newly Reclaimed Pueblo Indian
2 Lands in the Middle Rio Grande Valley, New Mex-
3 ico” and executed in September 2004 (including any
4 successor agreements and amendments to the agree-
5 ment).

6 (2) DESIGNATED ENGINEER.—The term “des-
7 igned engineer” means a Federal employee des-
8 igned under the Act of February 14, 1927 (69
9 Stat. 1098, chapter 138) to represent the United
10 States in any action involving the maintenance, re-
11 habilitation, or preservation of the condition of any
12 irrigation structure or facility on land located in the
13 Six Middle Rio Grande Pueblos.

14 (3) DISTRICT.—The term “District” means the
15 Middle Rio Grande Conservancy District, a political
16 subdivision of the State established in 1925.

17 (4) PUEBLO IRRIGATION INFRASTRUCTURE.—
18 The term “Pueblo irrigation infrastructure” means
19 any diversion structure, conveyance facility, or
20 drainage facility that is—

21 (A) in existence as of the date of enact-
22 ment of this Act; and

23 (B) located on land of a Rio Grande Pueb-
24 lo that is associated with—

1 (i) the delivery of water for the irriga-
2 tion of agricultural land; or

3 (ii) the carriage of irrigation return
4 flows and excess water from the land that
5 is served.

6 (5) RIO GRANDE BASIN.—The term “Rio
7 Grande Basin” means the headwaters of the Rio
8 Chama and the Rio Grande Rivers (including any
9 tributaries) from the State line between Colorado
10 and New Mexico downstream to the elevation cor-
11 responding with the spillway crest of Elephant Butte
12 Dam at 4,457.3 feet mean sea level.

13 (6) RIO GRANDE PUEBLO.—The term “Rio
14 Grande Pueblo” means any of the 18 Pueblos that—

15 (A) occupy land in the Rio Grande Basin;
16 and

17 (B) are included on the list of federally
18 recognized Indian tribes published by the Sec-
19 retary in accordance with section 104 of the
20 Federally Recognized Indian Tribe List Act of
21 1994 (25 U.S.C. 479a–1).

22 (7) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior, acting through the
24 Commissioner of Reclamation.

1 (8) SIX MIDDLE RIO GRANDE PUEBLOS.—The
2 term “Six Middle Rio Grande Pueblos” means each
3 of the Pueblos of Cochiti, Santo Domingo, San
4 Felipe, Santa Ana, Sandia, and Isleta.

5 (9) SPECIAL PROJECT.—The term “special
6 project” has the meaning given the term in the 2004
7 Agreement.

8 (10) STATE.—The term “State” means the
9 State of New Mexico.

10 (c) IRRIGATION INFRASTRUCTURE STUDY.—

11 (1) STUDY.—

12 (A) IN GENERAL.—On the date of enact-
13 ment of this Act, the Secretary, in accordance
14 with subparagraph (B), and in consultation
15 with the Rio Grande Pueblos, shall—

16 (i) conduct a study of Pueblo irriga-
17 tion infrastructure; and

18 (ii) based on the results of the study,
19 develop a list of projects (including a cost
20 estimate for each project), that are rec-
21 ommended to be implemented over a 10-
22 year period to repair, rehabilitate, or re-
23 construct Pueblo irrigation infrastructure.

24 (B) REQUIRED CONSENT.—In carrying out
25 subparagraph (A), the Secretary shall only in-

1 clude each individual Rio Grande Pueblo that
2 notifies the Secretary that the Pueblo consents
3 to participate in—

4 (i) the conduct of the study under
5 subparagraph (A)(i); and

6 (ii) the development of the list of
7 projects under subparagraph (A)(ii) with
8 respect to the Pueblo.

9 (2) PRIORITY.—

10 (A) CONSIDERATION OF FACTORS.—

11 (i) IN GENERAL.—In developing the
12 list of projects under paragraph (1)(A)(ii),
13 the Secretary shall—

14 (I) consider each of the factors
15 described in subparagraph (B); and

16 (II) prioritize the projects rec-
17 ommended for implementation based
18 on—

19 (aa) a review of each of the
20 factors; and

21 (bb) a consideration of the
22 projected benefits of the project
23 on completion of the project.

24 (ii) ELIGIBILITY OF PROJECTS.—A
25 project is eligible to be considered and

1 prioritized by the Secretary if the project
2 addresses at least 1 factor described in
3 subparagraph (B).

4 (B) FACTORS.—The factors referred to in
5 subparagraph (A) are—

6 (i)(I) the extent of disrepair of the
7 Pueblo irrigation infrastructure; and

8 (II) the effect of the disrepair on the
9 ability of the applicable Rio Grande Pueblo
10 to irrigate agricultural land using Pueblo
11 irrigation infrastructure;

12 (ii) whether, and the extent that, the
13 repair, rehabilitation, or reconstruction of
14 the Pueblo irrigation infrastructure would
15 provide an opportunity to conserve water;

16 (iii)(I) the economic and cultural im-
17 pacts that the Pueblo irrigation infrastruc-
18 ture that is in disrepair has on the applica-
19 ble Rio Grande Pueblo; and

20 (II) the economic and cultural bene-
21 fits that the repair, rehabilitation, or re-
22 construction of the Pueblo irrigation infra-
23 structure would have on the applicable Rio
24 Grande Pueblo;

1 (iv) the opportunity to address water
2 supply or environmental conflicts in the
3 applicable river basin if the Pueblo irriga-
4 tion infrastructure is repaired, rehabili-
5 tated, or reconstructed; and

6 (v) the overall benefits of the project
7 to efficient water operations on the land of
8 the applicable Rio Grande Pueblo.

9 (3) CONSULTATION.—In developing the list of
10 projects under paragraph (1)(A)(ii), the Secretary
11 shall consult with the Director of the Bureau of In-
12 dian Affairs (including the designated engineer with
13 respect to each proposed project that affects the Six
14 Middle Rio Grande Pueblos), the Chief of the Nat-
15 ural Resources Conservation Service, and the Chief
16 of Engineers to evaluate the extent to which pro-
17 grams under the jurisdiction of the respective agen-
18 cies may be used—

19 (A) to assist in evaluating projects to re-
20 pair, rehabilitate, or reconstruct Pueblo irriga-
21 tion infrastructure; and

22 (B) to implement—

23 (i) a project recommended for imple-
24 mentation under paragraph (1)(A)(ii); or

1 (ii) any other related project (includ-
2 ing on-farm improvements) that may be
3 appropriately coordinated with the repair,
4 rehabilitation, or reconstruction of Pueblo
5 irrigation infrastructure to improve the ef-
6 ficient use of water in the Rio Grande
7 Basin.

8 (4) REPORT.—Not later than 2 years after the
9 date of enactment of this Act, the Secretary shall
10 submit to the Committee on Energy and Natural
11 Resources of the Senate and the Committee on Re-
12 sources of the House of Representatives a report
13 that includes—

14 (A) the list of projects recommended for
15 implementation under paragraph (1)(A)(ii); and

16 (B) any findings of the Secretary with re-
17 spect to—

18 (i) the study conducted under para-
19 graph (1)(A)(i);

20 (ii) the consideration of the factors
21 under paragraph (2)(B); and

22 (iii) the consultations under para-
23 graph (3).

24 (5) PERIODIC REVIEW.—Not later than 4 years
25 after the date on which the Secretary submits the

1 report under paragraph (4) and every 4 years there-
2 after, the Secretary, in consultation with each Rio
3 Grande Pueblo, shall—

4 (A) review the report submitted under
5 paragraph (4); and

6 (B) update the list of projects described in
7 paragraph (4)(A) in accordance with each fac-
8 tor described in paragraph (2)(B), as the Sec-
9 retary determines to be appropriate.

10 (d) IRRIGATION INFRASTRUCTURE GRANTS.—

11 (1) IN GENERAL.—The Secretary may provide
12 grants to, and enter into contracts or other agree-
13 ments with, the Rio Grande Pueblos to plan, design,
14 construct, or otherwise implement projects to repair,
15 rehabilitate, reconstruct, or replace Pueblo irrigation
16 infrastructure that are recommended for implemen-
17 tation under subsection (c)(1)(A)(ii)—

18 (A) to increase water use efficiency and
19 agricultural productivity for the benefit of a Rio
20 Grande Pueblo;

21 (B) to conserve water; or

22 (C) to otherwise enhance water manage-
23 ment or help avert water supply conflicts in the
24 Rio Grande Basin.

1 (2) LIMITATION.—Assistance provided under
2 paragraph (1) shall not be used for—

3 (A) the repair, rehabilitation, or recon-
4 struction of any major impoundment structure;
5 or

6 (B) any on-farm improvements.

7 (3) CONSULTATION.—In carrying out a project
8 under paragraph (1), the Secretary shall—

9 (A) consult with, and obtain the approval
10 of, the applicable Rio Grande Pueblo;

11 (B) consult with the Director of the Bu-
12 reau of Indian Affairs; and

13 (C) as appropriate, coordinate the project
14 with any work being conducted under the irri-
15 gation operations and maintenance program of
16 the Bureau of Indian Affairs.

17 (4) COST-SHARING REQUIREMENT.—

18 (A) FEDERAL SHARE.—

19 (i) IN GENERAL.—Except as provided
20 in clause (ii), the Federal share of the total
21 cost of carrying out a project under para-
22 graph (1) shall be not more than 75 per-
23 cent.

24 (ii) EXCEPTION.—The Secretary may
25 waive or limit the non-Federal share re-

1 required under clause (i) if the Secretary de-
2 termines, based on a demonstration of fi-
3 nancial hardship by the Rio Grande Pueb-
4 lo, that the Rio Grande Pueblo is unable to
5 contribute the required non-Federal share.

6 (B) DISTRICT CONTRIBUTIONS.—

7 (i) IN GENERAL.—The Secretary may
8 accept from the District a partial or total
9 contribution toward the non-Federal share
10 required for a project carried out under
11 paragraph (1) on land located in any of
12 the Six Middle Rio Grande Pueblos if the
13 Secretary determines that the project is a
14 special project.

15 (ii) LIMITATION.—Nothing in clause
16 (i) requires the District to contribute to
17 the non-Federal share of the cost of a
18 project carried out under paragraph (1).

19 (C) STATE CONTRIBUTIONS.—

20 (i) IN GENERAL.—The Secretary may
21 accept from the State a partial or total
22 contribution toward the non-Federal share
23 for a project carried out under paragraph
24 (1).

1 (ii) LIMITATION.—Nothing in clause
2 (i) requires the State to contribute to the
3 non-Federal share of the cost of a project
4 carried out under paragraph (1).

5 (D) FORM OF NON-FEDERAL SHARE.—The
6 non-Federal share under subparagraph (A)(i)
7 may be in the form of in-kind contributions, in-
8 cluding the contribution of any valuable asset
9 or service that the Secretary determines would
10 substantially contribute to a project carried out
11 under paragraph (1).

12 (5) OPERATION AND MAINTENANCE.—The Sec-
13 retary may not use any amount made available
14 under subsection (g)(2) to carry out the operation or
15 maintenance of any project carried out under para-
16 graph (1).

17 (e) EFFECT ON EXISTING AUTHORITY AND RESPON-
18 SIBILITIES.—Nothing in this section—

19 (1) affects any existing project-specific funding
20 authority; or

21 (2) limits or absolves the United States from
22 any responsibility to any Rio Grande Pueblo (includ-
23 ing any responsibility arising from a trust relation-
24 ship or from any Federal law (including regula-

1 tions), Executive order, or agreement between the
 2 Federal Government and any Rio Grande Pueblo).

3 (f) EFFECT ON PUEBLO WATER RIGHTS OR STATE
 4 WATER LAW.—

5 (1) PUEBLO WATER RIGHTS.—Nothing in this
 6 section (including the implementation of any project
 7 carried out in accordance with this section) affects
 8 the right of any Pueblo to receive, divert, store, or
 9 claim a right to water, including the priority of right
 10 and the quantity of water associated with the water
 11 right under Federal or State law.

12 (2) STATE WATER LAW.—Nothing in this sec-
 13 tion preempts or affects—

14 (A) State water law; or

15 (B) an interstate compact governing water.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) STUDY.—There is authorized to be appro-
 18 priated to carry out subsection (c) \$4,000,000.

19 (2) PROJECTS.—There is authorized to be ap-
 20 propriated to carry out subsection (d) \$6,000,000
 21 for each of fiscal years 2010 through 2019.

22 **SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH**
 23 **PROGRAMS.**

24 (a) DEFINITIONS.—Section 2 of Public Law 106–392
 25 (114 Stat. 1602) is amended—

1 (1) in paragraph (5), by inserting “, rehabilita-
2 tion, and repair” after “and replacement”; and

3 (2) in paragraph (6), by inserting “those for
4 protection of critical habitat, those for preventing
5 entrapment of fish in water diversions,” after
6 “instream flows.”

7 (b) AUTHORIZATION TO FUND RECOVERY PRO-
8 GRAMS.—Section 3 of Public Law 106–392 (114 Stat.
9 1603; 120 Stat. 290) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by striking
12 “\$61,000,000” and inserting “\$88,000,000”;

13 (B) in paragraph (2), by striking “2010”
14 and inserting “2023”; and

15 (C) in paragraph (3), by striking “2010”
16 and inserting “2023”;

17 (2) in subsection (b)—

18 (A) in the matter preceding paragraph (1),
19 by striking “\$126,000,000” and inserting
20 “\$209,000,000”;

21 (B) in paragraph (1)—

22 (i) by striking “\$108,000,000” and
23 inserting “\$179,000,000”; and

24 (ii) by striking “2010” and inserting
25 “2023”; and

1 (C) in paragraph (2)—

2 (i) by striking “\$18,000,000” and in-
3 serting “\$30,000,000”; and

4 (ii) by striking “2010” and inserting
5 “2023”; and

6 (3) in subsection (c)(4), by striking
7 “\$31,000,000” and inserting “\$87,000,000”.

8 **SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.**

9 (a) DEFINITIONS.—In this section:

10 (1) DISTRICT.—The term “District” means the
11 Fallbrook Public Utility District, San Diego County,
12 California.

13 (2) PROJECT.—The term “Project” means the
14 impoundment, recharge, treatment, and other facili-
15 ties the construction, operation, watershed manage-
16 ment, and maintenance of which is authorized under
17 subsection (b).

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (b) AUTHORIZATION FOR CONSTRUCTION OF SANTA
21 MARGARITA RIVER PROJECT.—

22 (1) AUTHORIZATION.—The Secretary, acting
23 pursuant to Federal reclamation law (the Act of
24 June 17, 1902 (32 Stat. 388, chapter 1093), and
25 Acts supplemental to and amendatory of that Act

1 (43 U.S.C. 371 et seq.), to the extent that law is not
2 inconsistent with this section, may construct, oper-
3 ate, and maintain the Project substantially in ac-
4 cordance with the final feasibility report and envi-
5 ronmental reviews for the Project and this section.

6 (2) CONDITIONS.—The Secretary may construct
7 the Project only after the Secretary determines that
8 the following conditions have occurred:

9 (A)(i) The District and the Secretary of
10 the Navy have entered into contracts under
11 subsections (c)(2) and (e) of section 9 of the
12 Reclamation Project Act of 1939 (43 U.S.C.
13 485h) to repay to the United States equitable
14 and appropriate portions, as determined by the
15 Secretary, of the actual costs of constructing,
16 operating, and maintaining the Project.

17 (ii) As an alternative to a repayment con-
18 tract with the Secretary of the Navy described
19 in clause (i), the Secretary may allow the Sec-
20 retary of the Navy to satisfy all or a portion of
21 the repayment obligation for construction of the
22 Project on the payment of the share of the Sec-
23 retary of the Navy prior to the initiation of con-
24 struction, subject to a final cost allocation as
25 described in subsection (c).

1 (B) The officer or agency of the State of
2 California authorized by law to grant permits
3 for the appropriation of water has granted the
4 permits to the Bureau of Reclamation for the
5 benefit of the Secretary of the Navy and the
6 District as permittees for rights to the use of
7 water for storage and diversion as provided in
8 this section, including approval of all requisite
9 changes in points of diversion and storage, and
10 purposes and places of use.

11 (C)(i) The District has agreed—

12 (I) to not assert against the United
13 States any prior appropriative right the
14 District may have to water in excess of the
15 quantity deliverable to the District under
16 this section; and

17 (II) to share in the use of the waters
18 impounded by the Project on the basis of
19 equal priority and in accordance with the
20 ratio prescribed in subsection (d)(2).

21 (ii) The agreement and waiver under
22 clause (i) and the changes in points of diversion
23 and storage under subparagraph (B)—

1 (I) shall become effective and binding
2 only when the Project has been completed
3 and put into operation; and

4 (II) may be varied by agreement be-
5 tween the District and the Secretary of the
6 Navy.

7 (D) The Secretary has determined that the
8 Project has completed applicable economic, en-
9 vironmental, and engineering feasibility studies.

10 (c) COSTS.—

11 (1) IN GENERAL.—As determined by a final
12 cost allocation after completion of the construction
13 of the Project, the Secretary of the Navy shall be re-
14 sponsible to pay upfront or repay to the Secretary
15 only that portion of the construction, operation, and
16 maintenance costs of the Project that the Secretary
17 and the Secretary of the Navy determine reflects the
18 extent to which the Department of the Navy benefits
19 from the Project.

20 (2) OTHER CONTRACTS.—Notwithstanding
21 paragraph (1), the Secretary may enter into a con-
22 tract with the Secretary of the Navy for the im-
23 poundment, storage, treatment, and carriage of prior
24 rights water for domestic, municipal, fish and wild-

1 life, industrial, and other beneficial purposes using
2 Project facilities.

3 (d) OPERATION; YIELD ALLOTMENT; DELIVERY.—

4 (1) OPERATION.—The Secretary, the District,
5 or a third party (consistent with subsection (f)) may
6 operate the Project, subject to a memorandum of
7 agreement between the Secretary, the Secretary of
8 the Navy, and the District and under regulations
9 satisfactory to the Secretary of the Navy with re-
10 spect to the share of the Project of the Department
11 of the Navy.

12 (2) YIELD ALLOTMENT.—Except as otherwise
13 agreed between the parties, the Secretary of the
14 Navy and the District shall participate in the
15 Project yield on the basis of equal priority and in ac-
16 cordance with the following ratio:

17 (A) 60 percent of the yield of the Project
18 is allotted to the Secretary of the Navy.

19 (B) 40 percent of the yield of the Project
20 is allotted to the District.

21 (3) CONTRACTS FOR DELIVERY OF EXCESS
22 WATER.—

23 (A) EXCESS WATER AVAILABLE TO OTHER
24 PERSONS.—If the Secretary of the Navy cer-
25 tifies to the official agreed on to administer the

1 Project that the Department of the Navy does
2 not have immediate need for any portion of the
3 60 percent of the yield of the Project allotted
4 to the Secretary of the Navy under paragraph
5 (2), the official may enter into temporary con-
6 tracts for the sale and delivery of the excess
7 water.

8 (B) FIRST RIGHT FOR EXCESS WATER.—

9 The first right to excess water made available
10 under subparagraph (A) shall be given the Dis-
11 trict, if otherwise consistent with the laws of
12 the State of California.

13 (C) CONDITION OF CONTRACTS.—Each

14 contract entered into under subparagraph (A)
15 for the sale and delivery of excess water shall
16 include a condition that the Secretary of the
17 Navy has the right to demand the water, with-
18 out charge and without obligation on the part
19 of the United States, after 30 days notice.

20 (D) MODIFICATION OF RIGHTS AND OBLI-

21 GATIONS.—The rights and obligations of the
22 United States and the District regarding the
23 ratio, amounts, definition of Project yield, and
24 payment for excess water may be modified by
25 an agreement between the parties.

1 (4) CONSIDERATION.—

2 (A) DEPOSIT OF FUNDS.—

3 (i) IN GENERAL.—Amounts paid to
4 the United States under a contract entered
5 into under paragraph (3) shall be—

6 (I) deposited in the special ac-
7 count established for the Department
8 of the Navy under section 2667(e)(1)
9 of title 10, United States Code; and

10 (II) shall be available for the
11 purposes specified in section
12 2667(e)(1)(C) of that title.

13 (ii) EXCEPTION.—Section
14 2667(e)(1)(D) of title 10, United States
15 Code, shall not apply to amounts deposited
16 in the special account pursuant to this
17 paragraph.

18 (B) IN-KIND CONSIDERATION.—In lieu of
19 monetary consideration under subparagraph
20 (A), or in addition to monetary consideration,
21 the Secretary of the Navy may accept in-kind
22 consideration in a form and quantity that is ac-
23 ceptable to the Secretary of the Navy, includ-
24 ing—

1 (i) maintenance, protection, alteration,
2 repair, improvement, or restoration (in-
3 cluding environmental restoration) of prop-
4 erty or facilities of the Department of the
5 Navy;

6 (ii) construction of new facilities for
7 the Department of the Navy;

8 (iii) provision of facilities for use by
9 the Department of the Navy;

10 (iv) facilities operation support for the
11 Department of the Navy; and

12 (v) provision of such other services as
13 the Secretary of the Navy considers appro-
14 priate.

15 (C) RELATION TO OTHER LAWS.—Sections
16 2662 and 2802 of title 10, United States Code,
17 shall not apply to any new facilities the con-
18 struction of which is accepted as in-kind consid-
19 eration under this paragraph.

20 (D) CONGRESSIONAL NOTIFICATION.—If
21 the in-kind consideration proposed to be pro-
22 vided under a contract to be entered into under
23 paragraph (3) has a value in excess of
24 \$500,000, the contract may not be entered into
25 until the earlier of—

1 (i) the end of the 30-day period begin-
2 ning on the date on which the Secretary of
3 the Navy submits to the Committee on
4 Armed Services of the Senate and the
5 Committee on Armed Services of the
6 House of Representatives a report describ-
7 ing the contract and the form and quantity
8 of the in-kind consideration; or

9 (ii) the end of the 14-day period be-
10 ginning on the date on which a copy of the
11 report referred to in clause (i) is provided
12 in an electronic medium pursuant to sec-
13 tion 480 of title 10, United States Code.

14 (e) REPAYMENT OBLIGATION OF THE DISTRICT.—

15 (1) DETERMINATION.—

16 (A) IN GENERAL.—Except as otherwise
17 provided in this paragraph, the general repay-
18 ment obligation of the District shall be deter-
19 mined by the Secretary consistent with sub-
20 sections (c)(2) and (e) of section 9 of the Rec-
21 lamation Project Act of 1939 (43 U.S.C. 485h)
22 to repay to the United States equitable and ap-
23 propriate portions, as determined by the Sec-
24 retary, of the actual costs of constructing, oper-
25 ating, and maintaining the Project.

1 (B) GROUNDWATER.—For purposes of cal-
2 culating interest and determining the time when
3 the repayment obligation of the District to the
4 United States commences, the pumping and
5 treatment of groundwater from the Project
6 shall be deemed equivalent to the first use of
7 water from a water storage project.

8 (C) CONTRACTS FOR DELIVERY OF EXCESS
9 WATER.—There shall be no repayment obliga-
10 tion under this subsection for water delivered to
11 the District under a contract described in sub-
12 section (d)(3).

13 (2) MODIFICATION OF RIGHTS AND OBLIGATION
14 BY AGREEMENT.—The rights and obligations of the
15 United States and the District regarding the repay-
16 ment obligation of the District may be modified by
17 an agreement between the parties.

18 (f) TRANSFER OF CARE, OPERATION, AND MAINTENANCE.—
19

20 (1) IN GENERAL.—The Secretary may transfer
21 to the District, or a mutually agreed upon third
22 party, the care, operation, and maintenance of the
23 Project under conditions that are—

24 (A) satisfactory to the Secretary and the
25 District; and

1 (B) with respect to the portion of the
2 Project that is located within the boundaries of
3 Camp Pendleton, satisfactory to the Secretary,
4 the District, and the Secretary of the Navy.

5 (2) **EQUITABLE CREDIT.**—

6 (A) **IN GENERAL.**—In the event of a trans-
7 fer under paragraph (1), the District shall be
8 entitled to an equitable credit for the costs as-
9 sociated with the proportionate share of the
10 Secretary of the operation and maintenance of
11 the Project.

12 (B) **APPLICATION.**—The amount of costs
13 described in subparagraph (A) shall be applied
14 against the indebtedness of the District to the
15 United States.

16 (g) **SCOPE OF SECTION.**—

17 (1) **IN GENERAL.**—Except as otherwise pro-
18 vided in this section, for the purpose of this section,
19 the laws of the State of California shall apply to the
20 rights of the United States pertaining to the use of
21 water under this section.

22 (2) **LIMITATIONS.**—Nothing in this section—

23 (A) provides a grant or a relinquishment
24 by the United States of any rights to the use
25 of water that the United States acquired ac-

1 cording to the laws of the State of California,
2 either as a result of the acquisition of the land
3 comprising Camp Joseph H. Pendleton and ad-
4 joining naval installations, and the rights to the
5 use of water as a part of that acquisition, or
6 through actual use or prescription or both since
7 the date of that acquisition, if any;

8 (B) creates any legal obligation to store
9 any water in the Project, to the use of which
10 the United States has those rights;

11 (C) requires the division under this section
12 of water to which the United States has those
13 rights; or

14 (D) constitutes a recognition of, or an ad-
15 mission by the United States that, the District
16 has any rights to the use of water in the Santa
17 Margarita River, which rights, if any, exist only
18 by virtue of the laws of the State of California.

19 (h) LIMITATIONS ON OPERATION AND ADMINISTRA-
20 TION.—Unless otherwise agreed by the Secretary of the
21 Navy, the Project—

22 (1) shall be operated in a manner which allows
23 the free passage of all of the water to the use of
24 which the United States is entitled according to the
25 laws of the State of California either as a result of

1 the acquisition of the land comprising Camp Joseph
2 H. Pendleton and adjoining naval installations, and
3 the rights to the use of water as a part of those ac-
4 quisitions, or through actual use or prescription, or
5 both, since the date of that acquisition, if any; and

6 (2) shall not be administered or operated in any
7 way that will impair or deplete the quantities of
8 water the use of which the United States would be
9 entitled under the laws of the State of California
10 had the Project not been built.

11 (i) REPORTS TO CONGRESS.—Not later than 2 years
12 after the date of the enactment of this Act and periodically
13 thereafter, the Secretary and the Secretary of the Navy
14 shall each submit to the appropriate committees of Con-
15 gress reports that describe whether the conditions speci-
16 fied in subsection (b)(2) have been met and if so, the man-
17 ner in which the conditions were met.

18 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section—

20 (1) \$60,000,000, as adjusted to reflect the engi-
21 neering costs indices for the construction cost of the
22 Project; and

23 (2) such sums as are necessary to operate and
24 maintain the Project.

1 (k) SUNSET.—The authority of the Secretary to com-
2 plete construction of the Project shall terminate on the
3 date that is 10 years after the date of enactment of this
4 Act.

5 **SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.**

6 (a) IN GENERAL.—The Reclamation Wastewater and
7 Groundwater Study and Facilities Act (Public Law 102–
8 575, title XVI; 43 U.S.C. 390h et seq.) (as amended by
9 section 9104(a)) is amended by adding at the end the fol-
10 lowing:

11 **“SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DIS-**
12 **TRICT PROJECTS, CALIFORNIA.**

13 “(a) AUTHORIZATION.—The Secretary, in coopera-
14 tion with the Elsinore Valley Municipal Water District,
15 California, may participate in the design, planning, and
16 construction of permanent facilities needed to establish re-
17 cycled water distribution and wastewater treatment and
18 reclamation facilities that will be used to treat wastewater
19 and provide recycled water in the Elsinore Valley Munic-
20 ipal Water District, California.

21 “(b) COST SHARING.—The Federal share of the cost
22 of each project described in subsection (a) shall not exceed
23 25 percent of the total cost of the project.

1 “(c) LIMITATION.—Funds provided by the Secretary
2 under this section shall not be used for operation or main-
3 tenance of the projects described in subsection (a).

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 \$12,500,000.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 in section 2 of Public Law 102–575 (as amended by sec-
9 tion 9104(b)) is amended by inserting after the item relat-
10 ing to section 1649 the following:

“Sec. 1650. Elsinore Valley Municipal Water District Projects, California.”.

11 **SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.**

12 (a) PROJECT AUTHORIZATION.—The Reclamation
13 Wastewater and Groundwater Study and Facilities Act
14 (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.)
15 (as amended by section 9109(a)) is amended by adding
16 at the end the following:

17 **“SEC. 1651. NORTH BAY WATER REUSE PROGRAM.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means a member agency of the North Bay
21 Water Reuse Authority of the State located in the
22 North San Pablo Bay watershed in—

23 “(A) Marin County;

24 “(B) Napa County;

25 “(C) Solano County; or

1 “(D) Sonoma County.

2 “(2) WATER RECLAMATION AND REUSE
3 PROJECT.—The term ‘water reclamation and reuse
4 project’ means a project carried out by the Secretary
5 and an eligible entity in the North San Pablo Bay
6 watershed relating to—

7 “(A) water quality improvement;

8 “(B) wastewater treatment;

9 “(C) water reclamation and reuse;

10 “(D) groundwater recharge and protection;

11 “(E) surface water augmentation; or

12 “(F) other related improvements.

13 “(3) STATE.—The term ‘State’ means the State
14 of California.

15 “(b) NORTH BAY WATER REUSE PROGRAM.—

16 “(1) IN GENERAL.—Contingent upon a finding
17 of feasibility, the Secretary, acting through a cooper-
18 ative agreement with the State or a subdivision of
19 the State, is authorized to enter into cooperative
20 agreements with eligible entities for the planning,
21 design, and construction of water reclamation and
22 reuse facilities and recycled water conveyance and
23 distribution systems.

24 “(2) COORDINATION WITH OTHER FEDERAL
25 AGENCIES.—In carrying out this section, the Sec-

1 retary and the eligible entity shall, to the maximum
2 extent practicable, use the design work and environ-
3 mental evaluations initiated by—

4 “(A) non-Federal entities; and

5 “(B) the Corps of Engineers in the San
6 Pablo Bay Watershed of the State.

7 “(3) PHASED PROJECT.—A cooperative agree-
8 ment described in paragraph (1) shall require that
9 the North Bay Water Reuse Program carried out
10 under this section shall consist of 2 phases as fol-
11 lows:

12 “(A) FIRST PHASE.—During the first
13 phase, the Secretary and an eligible entity shall
14 complete the planning, design, and construction
15 of the main treatment and main conveyance
16 systems.

17 “(B) SECOND PHASE.—During the second
18 phase, the Secretary and an eligible entity shall
19 complete the planning, design, and construction
20 of the sub-regional distribution systems.

21 “(4) COST SHARING.—

22 “(A) FEDERAL SHARE.—The Federal
23 share of the cost of the first phase of the
24 project authorized by this section shall not ex-

1 ceed 25 percent of the total cost of the first
2 phase of the project.

3 “(B) FORM OF NON-FEDERAL SHARE.—
4 The non-Federal share may be in the form of
5 any in-kind services that the Secretary deter-
6 mines would contribute substantially toward the
7 completion of the water reclamation and reuse
8 project, including—

9 “(i) reasonable costs incurred by the
10 eligible entity relating to the planning, de-
11 sign, and construction of the water rec-
12 lamation and reuse project; and

13 “(ii) the acquisition costs of land ac-
14 quired for the project that is—

15 “(I) used for planning, design,
16 and construction of the water rec-
17 lamation and reuse project facilities;
18 and

19 “(II) owned by an eligible entity
20 and directly related to the project.

21 “(C) LIMITATION.—The Secretary shall
22 not provide funds for the operation and mainte-
23 nance of the project authorized by this section.

24 “(5) EFFECT.—Nothing in this section—

25 “(A) affects or preempts—

- 1 “(i) State water law; or
 2 “(ii) an interstate compact relating to
 3 the allocation of water; or
 4 “(B) confers on any non-Federal entity the
 5 ability to exercise any Federal right to—
 6 “(i) the water of a stream; or
 7 “(ii) any groundwater resource.

8 “(6) AUTHORIZATION OF APPROPRIATIONS.—
 9 There is authorized to be appropriated for the Fed-
 10 eral share of the total cost of the first phase of the
 11 project authorized by this section \$25,000,000, to
 12 remain available until expended.”.

13 (b) CONFORMING AMENDMENT.—The table of sec-
 14 tions in section 2 of Public Law 102–575 (as amended
 15 by section 9109(b)) is amended by inserting after the item
 16 relating to section 1650 the following:

“Sec. 1651. North Bay water reuse program.”.

17 **SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM**
 18 **PROJECT, CALIFORNIA.**

19 (a) PRADO BASIN NATURAL TREATMENT SYSTEM
 20 PROJECT.—

21 (1) IN GENERAL.—The Reclamation Waste-
 22 water and Groundwater Study and Facilities Act
 23 (Public Law 102–575, title XVI; 43 U.S.C. 390h et
 24 seq.) (as amended by section 9110(a)) is amended
 25 by adding at the end the following:

1 **“SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM**
2 **PROJECT.**

3 “(a) IN GENERAL.—The Secretary, in cooperation
4 with the Orange County Water District, shall participate
5 in the planning, design, and construction of natural treat-
6 ment systems and wetlands for the flows of the Santa Ana
7 River, California, and its tributaries into the Prado Basin.

8 “(b) COST SHARING.—The Federal share of the cost
9 of the project described in subsection (a) shall not exceed
10 25 percent of the total cost of the project.

11 “(c) LIMITATION.—Funds provided by the Secretary
12 shall not be used for the operation and maintenance of
13 the project described in subsection (a).

14 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to carry out this section
16 \$10,000,000.

17 “(e) SUNSET OF AUTHORITY.—This section shall
18 have no effect after the date that is 10 years after the
19 date of the enactment of this section.”.

20 (2) CONFORMING AMENDMENT.—The table of
21 sections in section 2 of Public Law 102–575 (43
22 U.S.C. prec. 371) (as amended by section 9110(b))
23 is amended by inserting after the last item the fol-
24 lowing:

“1652. Prado Basin Natural Treatment System Project.”.

1 (b) LOWER CHINO DAIRY AREA DESALINATION
2 DEMONSTRATION AND RECLAMATION PROJECT.—

3 (1) IN GENERAL.—The Reclamation Waste-
4 water and Groundwater Study and Facilities Act
5 (Public Law 102–575, title XVI; 43 U.S.C. 390h et
6 seq.) (as amended by subsection (a)(1)) is amended
7 by adding at the end the following:

8 **“SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION**
9 **DEMONSTRATION AND RECLAMATION**
10 **PROJECT.**

11 “(a) IN GENERAL.—The Secretary, in cooperation
12 with the Chino Basin Watermaster, the Inland Empire
13 Utilities Agency, and the Santa Ana Watershed Project
14 Authority and acting under the Federal reclamation laws,
15 shall participate in the design, planning, and construction
16 of the Lower Chino Dairy Area desalination demonstra-
17 tion and reclamation project.

18 “(b) COST SHARING.—The Federal share of the cost
19 of the project described in subsection (a) shall not ex-
20 ceed—

21 “(1) 25 percent of the total cost of the project;

22 or

23 “(2) \$26,000,000.

1 “(c) LIMITATION.—Funds provided by the Secretary
2 shall not be used for operation or maintenance of the
3 project described in subsection (a).

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as are nec-
6 essary to carry out this section.

7 “(e) SUNSET OF AUTHORITY.—This section shall
8 have no effect after the date that is 10 years after the
9 date of the enactment of this section.”.

10 (2) CONFORMING AMENDMENT.—The table of
11 sections in section 2 of Public Law 102–575 (43
12 U.S.C. prec. 371) (as amended by subsection (a)(2))
13 is amended by inserting after the last item the fol-
14 lowing:

“1653. Lower Chino dairy area desalination demonstration and reclamation
project.”.

15 (c) ORANGE COUNTY REGIONAL WATER RECLAMA-
16 TION PROJECT.—Section 1624 of the Reclamation Waste-
17 water and Groundwater Study and Facilities Act (Public
18 Law 102–575, title XVI; 43 U.S.C. 390h–12j) is amend-
19 ed—

20 (1) in the section heading, by striking the
21 words “**PHASE 1 OF THE**”; and

22 (2) in subsection (a), by striking “phase 1 of”.

1 **SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALI-**
2 **FORNIA.**

3 (a) DEFINITIONS.—In this section:

4 (1) DISTRICT.—The term “District” means the
5 Western Municipal Water District, Riverside Coun-
6 ty, California.

7 (2) PROJECT.—

8 (A) IN GENERAL.—The term “Project”
9 means the Riverside-Corona Feeder Project.

10 (B) INCLUSIONS.—The term “Project” in-
11 cludes—

12 (i) 20 groundwater wells;

13 (ii) groundwater treatment facilities;

14 (iii) water storage and pumping facili-
15 ties; and

16 (iv) 28 miles of pipeline in San
17 Bernardino and Riverside Counties in the
18 State of California.

19 (C) SECRETARY.—The term “Secretary”
20 means the Secretary of the Interior.

21 (b) PLANNING, DESIGN, AND CONSTRUCTION OF
22 RIVERSIDE-CORONA FEEDER.—

23 (1) IN GENERAL.—The Secretary, in coopera-
24 tion with the District, may participate in the plan-
25 ning, design, and construction of the Project.

1 (2) AGREEMENTS AND REGULATIONS.—The
2 Secretary may enter into such agreements and pro-
3 mulgate such regulations as are necessary to carry
4 out this subsection.

5 (3) FEDERAL SHARE.—

6 (A) PLANNING, DESIGN, CONSTRUCTION.—
7 The Federal share of the cost to plan, design,
8 and construct the Project shall not exceed the
9 lesser of—

10 (i) an amount equal to 25 percent of
11 the total cost of the Project; and

12 (ii) \$26,000,000.

13 (B) STUDIES.—The Federal share of the
14 cost to complete the necessary planning studies
15 associated with the Project—

16 (i) shall not exceed an amount equal
17 to 50 percent of the total cost of the stud-
18 ies; and

19 (ii) shall be included as part of the
20 limitation described in subparagraph (A).

21 (4) IN-KIND SERVICES.—The non-Federal share
22 of the cost of the Project may be provided in cash
23 or in kind.

1 (5) LIMITATION.—Funds provided by the Sec-
2 retary under this subsection shall not be used for op-
3 eration or maintenance of the Project.

4 (6) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to the Sec-
6 retary to carry out this subsection the lesser of—

7 (A) an amount equal to 25 percent of the
8 total cost of the Project; and

9 (B) \$26,000,000.

10 **SEC. 9113. GREAT PROJECT, CALIFORNIA.**

11 (a) IN GENERAL.—The Reclamation Wastewater and
12 Groundwater Study and Facilities Act (title XVI of Public
13 Law 102–575; 43 U.S.C. 390h et seq.) (as amended by
14 section 9111(b)(1)) is amended by adding at the end the
15 following:

16 **“SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION,**
17 **REUSE, AND TREATMENT PROJECT.**

18 “(a) AUTHORIZATION.—The Secretary, in coopera-
19 tion with the City of Oxnard, California, may participate
20 in the design, planning, and construction of Phase I per-
21 manent facilities for the GREAT project to reclaim, reuse,
22 and treat impaired water in the area of Oxnard, Cali-
23 fornia.

1 “(b) COST SHARE.—The Federal share of the costs
2 of the project described in subsection (a) shall not exceed
3 25 percent of the total cost.

4 “(c) LIMITATION.—The Secretary shall not provide
5 funds for the following:

6 “(1) The operations and maintenance of the
7 project described in subsection (a).

8 “(2) The construction, operations, and mainte-
9 nance of the visitor’s center related to the project
10 described in subsection (a).

11 “(d) SUNSET OF AUTHORITY.—The authority of the
12 Secretary to carry out any provisions of this section shall
13 terminate 10 years after the date of the enactment of this
14 section.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 in section 2 of the Reclamation Projects Authorization and
17 Adjustment Act of 1992 (as amended by section
18 9111(b)(2)) is amended by inserting after the last item
19 the following:

“Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment
project.”.

20 **SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALI-**
21 **FORNIA.**

22 (a) IN GENERAL.—The Reclamation Wastewater and
23 Groundwater Study and Facilities Act (Public Law 102–
24 575, title XVI; 43 U.S.C. 390h et seq.) (as amended by

1 section 9113(a)) is amended by adding at the end the fol-
2 lowing:

3 **“SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY**
4 **RENEWAL PROJECT.**

5 “(a) AUTHORIZATION.—The Secretary, in coopera-
6 tion with the Yucaipa Valley Water District, may partici-
7 pate in the design, planning, and construction of projects
8 to treat impaired surface water, reclaim and reuse im-
9 paired groundwater, and provide brine disposal within the
10 Santa Ana Watershed as described in the report submitted
11 under section 1606.

12 “(b) COST SHARING.—The Federal share of the cost
13 of the project described in subsection (a) shall not exceed
14 25 percent of the total cost of the project.

15 “(c) LIMITATION.—Funds provided by the Secretary
16 shall not be used for operation or maintenance of the
17 project described in subsection (a).

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 \$20,000,000.

21 **“SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA,**
22 **WATER RECYCLING AND REUSE PROJECT.**

23 “(a) AUTHORIZATION.—The Secretary, in coopera-
24 tion with the City of Corona Water Utility, California, is
25 authorized to participate in the design, planning, and con-

1 struction of, and land acquisition for, a project to reclaim
 2 and reuse wastewater, including degraded groundwaters,
 3 within and outside of the service area of the City of Co-
 4 rona Water Utility, California.

5 “(b) COST SHARE.—The Federal share of the cost
 6 of the project authorized by this section shall not exceed
 7 25 percent of the total cost of the project.

8 “(c) LIMITATION.—The Secretary shall not provide
 9 funds for the operation and maintenance of the project
 10 authorized by this section.”.

11 (b) CONFORMING AMENDMENTS.—The table of sec-
 12 tions in section 2 of Public Law 102–575 (as amended
 13 by section 9114(b)) is amended by inserting after the last
 14 item the following:

“Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

“Sec. 1656. City of Corona Water Utility, California, water recycling and reuse
 project.”.

15 **SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.**

16 (a) COST SHARE.—The first section of Public Law
 17 87–590 (76 Stat. 389) is amended in the second sentence
 18 of subsection (c) by inserting after “cost thereof,” the fol-
 19 lowing: “or in the case of the Arkansas Valley Conduit,
 20 payment in an amount equal to 35 percent of the cost
 21 of the conduit that is comprised of revenue generated by
 22 payments pursuant to a repayment contract and revenue
 23 that may be derived from contracts for the use of

1 Fryingpan-Arkansas project excess capacity or exchange
2 contracts using Fryingpan-Arkansas project facilities,”.

3 (b) RATES.—Section 2(b) of Public Law 87–590 (76
4 Stat. 390) is amended—

5 (1) by striking “(b) Rates” and inserting the
6 following:

7 “(b) RATES.—

8 “(1) IN GENERAL.—Rates”; and

9 (2) by adding at the end the following:

10 “(2) RUEDI DAM AND RESERVOIR, FOUNTAIN
11 VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT
12 PUEBLO DAM AND RESERVOIR.—

13 “(A) IN GENERAL.—Notwithstanding the
14 reclamation laws, until the date on which the
15 payments for the Arkansas Valley Conduit
16 under paragraph (3) begin, any revenue that
17 may be derived from contracts for the use of
18 Fryingpan-Arkansas project excess capacity or
19 exchange contracts using Fryingpan-Arkansas
20 project facilities shall be credited towards pay-
21 ment of the actual cost of Ruedi Dam and Res-
22 ervoir, the Fountain Valley Pipeline, and the
23 South Outlet Works at Pueblo Dam and Res-
24 ervoir plus interest in an amount determined in
25 accordance with this section.

1 “(B) EFFECT.—Nothing in the Federal
2 reclamation law (the Act of June 17, 1902 (32
3 Stat. 388, chapter 1093), and Acts supple-
4 mental to and amendatory of that Act (43
5 U.S.C. 371 et seq.)) prohibits the concurrent
6 crediting of revenue (with interest as provided
7 under this section) towards payment of the Ar-
8 kansas Valley Conduit as provided under this
9 paragraph.

10 “(3) ARKANSAS VALLEY CONDUIT.—

11 “(A) USE OF REVENUE.—Notwithstanding
12 the reclamation laws, any revenue derived from
13 contracts for the use of Fryingpan-Arkansas
14 project excess capacity or exchange contracts
15 using Fryingpan-Arkansas project facilities
16 shall be credited towards payment of the actual
17 cost of the Arkansas Valley Conduit plus inter-
18 est in an amount determined in accordance with
19 this section.

20 “(B) ADJUSTMENT OF RATES.—Any rates
21 charged under this section for water for munic-
22 ipal, domestic, or industrial use or for the use
23 of facilities for the storage or delivery of water
24 shall be adjusted to reflect the estimated rev-
25 enue derived from contracts for the use of

1 Fryingpan-Arkansas project excess capacity or
2 exchange contracts using Fryingpan-Arkansas
3 project facilities.”.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
5 7 of Public Law 87–590 (76 Stat. 393) is amended—

6 (1) by striking “SEC. 7. There is hereby” and
7 inserting the following:

8 **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

9 “(a) IN GENERAL.—There is”; and

10 (2) by adding at the end the following:

11 “(b) ARKANSAS VALLEY CONDUIT.—

12 “(1) IN GENERAL.—Subject to annual appro-
13 priations and paragraph (2), there are authorized to
14 be appropriated such sums as are necessary for the
15 construction of the Arkansas Valley Conduit.

16 “(2) LIMITATION.—Amounts made available
17 under paragraph (1) shall not be used for the oper-
18 ation or maintenance of the Arkansas Valley Con-
19 duit.”.

20 **Subtitle C—Title Transfers and**
21 **Clarifications**

22 **SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FA-**
23 **CILITIES.**

24 (a) DEFINITIONS.—In this section:

1 (1) AGREEMENT.—The term “Agreement”
2 means the agreement numbered 06–AG–60–2115
3 and entitled “Agreement Between the United States
4 of America and McGee Creek Authority for the Pur-
5 pose of Defining Responsibilities Related to and Im-
6 plementing the Title Transfer of Certain Facilities
7 at the McGee Creek Project, Oklahoma”.

8 (2) AUTHORITY.—The term “Authority” means
9 the McGee Creek Authority located in Oklahoma
10 City, Oklahoma.

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

13 (b) CONVEYANCE OF MCGEE CREEK PROJECT PIPE-
14 LINE AND ASSOCIATED FACILITIES.—

15 (1) AUTHORITY TO CONVEY.—

16 (A) IN GENERAL.—In accordance with all
17 applicable laws and consistent with any terms
18 and conditions provided in the Agreement, the
19 Secretary may convey to the Authority all right,
20 title, and interest of the United States in and
21 to the pipeline and any associated facilities de-
22 scribed in the Agreement, including—

23 (i) the pumping plant;

1 (ii) the raw water pipeline from the
2 McGee Creek pumping plant to the rate of
3 flow control station at Lake Atoka;

4 (iii) the surge tank;

5 (iv) the regulating tank;

6 (v) the McGee Creek operation and
7 maintenance complex, maintenance shop,
8 and pole barn; and

9 (vi) any other appurtenances, ease-
10 ments, and fee title land associated with
11 the facilities described in clauses (i)
12 through (v), in accordance with the Agree-
13 ment.

14 (B) EXCLUSION OF MINERAL ESTATE
15 FROM CONVEYANCE.—

16 (i) IN GENERAL.—The mineral estate
17 shall be excluded from the conveyance of
18 any land or facilities under subparagraph
19 (A).

20 (ii) MANAGEMENT.—Any mineral in-
21 terests retained by the United States
22 under this section shall be managed—

23 (I) consistent with Federal law;

24 and

1 (II) in a manner that would not
2 interfere with the purposes for which
3 the McGee Creek Project was author-
4 ized.

5 (C) COMPLIANCE WITH AGREEMENT; AP-
6 PLICABLE LAW.—

7 (i) AGREEMENT.—All parties to the
8 conveyance under subparagraph (A) shall
9 comply with the terms and conditions of
10 the Agreement, to the extent consistent
11 with this section.

12 (ii) APPLICABLE LAW.—Before any
13 conveyance under subparagraph (A), the
14 Secretary shall complete any actions re-
15 quired under—

16 (I) the National Environmental
17 Policy Act of 1969 (42 U.S.C. 4321
18 et seq.);

19 (II) the Endangered Species Act
20 of 1973 (16 U.S.C. 1531 et seq.);

21 (III) the National Historic Pres-
22 ervation Act (16 U.S.C. 470 et seq.);
23 and

24 (IV) any other applicable laws.

1 (2) OPERATION OF TRANSFERRED FACILI-
2 TIES.—

3 (A) IN GENERAL.—On the conveyance of
4 the land and facilities under paragraph (1)(A),
5 the Authority shall comply with all applicable
6 Federal, State, and local laws (including regula-
7 tions) in the operation of any transferred facili-
8 ties.

9 (B) OPERATION AND MAINTENANCE
10 COSTS.—

11 (i) IN GENERAL.—After the convey-
12 ance of the land and facilities under para-
13 graph (1)(A) and consistent with the
14 Agreement, the Authority shall be respon-
15 sible for all duties and costs associated
16 with the operation, replacement, mainte-
17 nance, enhancement, and betterment of the
18 transferred land and facilities.

19 (ii) LIMITATION ON FUNDING.—The
20 Authority shall not be eligible to receive
21 any Federal funding to assist in the oper-
22 ation, replacement, maintenance, enhance-
23 ment, and betterment of the transferred
24 land and facilities, except for funding that

1 would be available to any comparable enti-
2 ty that is not subject to reclamation laws.

3 (3) RELEASE FROM LIABILITY.—

4 (A) IN GENERAL.—Effective beginning on
5 the date of the conveyance of the land and fa-
6 cilities under paragraph (1)(A), the United
7 States shall not be liable for damages of any
8 kind arising out of any act, omission, or occur-
9 rence relating to any land or facilities conveyed,
10 except for damages caused by acts of negligence
11 committed by the United States (including any
12 employee or agent of the United States) before
13 the date of the conveyance.

14 (B) NO ADDITIONAL LIABILITY.—Nothing
15 in this paragraph adds to any liability that the
16 United States may have under chapter 171 of
17 title 28, United States Code.

18 (4) CONTRACTUAL OBLIGATIONS.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), any rights and obligations
21 under the contract numbered 0-07-50-X0822
22 and dated October 11, 1979, between the Au-
23 thority and the United States for the construc-
24 tion, operation, and maintenance of the McGee

1 Creek Project, shall remain in full force and ef-
2 fect.

3 (B) AMENDMENTS.—With the consent of
4 the Authority, the Secretary may amend the
5 contract described in subparagraph (A) to re-
6 flect the conveyance of the land and facilities
7 under paragraph (1)(A).

8 (5) APPLICABILITY OF THE RECLAMATION
9 LAWS.—Notwithstanding the conveyance of the land
10 and facilities under paragraph (1)(A), the reclama-
11 tion laws shall continue to apply to any project
12 water provided to the Authority.

13 **SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEX-**
14 **ICO, TITLE CLARIFICATION.**

15 (a) PURPOSE.—The purpose of this section is to di-
16 rect the Secretary of the Interior to issue a quitclaim deed
17 conveying any right, title, and interest the United States
18 may have in and to Tingley Beach, San Gabriel Park, or
19 the BioPark Parcels to the City, thereby removing a po-
20 tential cloud on the City’s title to these lands.

21 (b) DEFINITIONS.—In this section:

22 (1) CITY.—The term “City” means the City of
23 Albuquerque, New Mexico.

24 (2) BIOPARK PARCELS.—The term “BioPark
25 Parcels” means a certain area of land containing

1 19.16 acres, more or less, situated within the Town
2 of Albuquerque Grant, in Projected Section 13,
3 Township 10 North, Range 2 East, N.M.P.M., City
4 of Albuquerque, Bernalillo County, New Mexico,
5 comprised of the following platted tracts and lot,
6 and MRGCD tracts:

7 (A) Tracts A and B, Albuquerque Biologi-
8 cal Park, as the same are shown and designated
9 on the Plat of Tracts A & B, Albuquerque Bio-
10 logical Park, recorded in the Office of the
11 County Clerk of Bernalillo County, New Mexico
12 on February 11, 1994 in Book 94C, Page 44;
13 containing 17.9051 acres, more or less.

14 (B) Lot B-1, Roger Cox Addition, as the
15 same is shown and designated on the Plat of
16 Lots B-1 and B-2 Roger Cox Addition, re-
17 corded in the Office of the County Clerk of
18 Bernalillo County, New Mexico on October 3,
19 1985 in Book C28, Page 99; containing 0.6289
20 acres, more or less.

21 (C) Tract 361 of MRGCD Map 38, bound-
22 ed on the north by Tract A, Albuquerque Bio-
23 logical Park, on the east by the westerly right-
24 of-way of Central Avenue, on the south by
25 Tract 332B MRGCD Map 38, and on the west

1 by Tract B, Albuquerque Biological Park; con-
2 taining 0.30 acres, more or less.

3 (D) Tract 332B of MRGCD Map 38;
4 bounded on the north by Tract 361, MRGCD
5 Map 38, on the west by Tract 32A-1-A,
6 MRGCD Map 38, and on the south and east by
7 the westerly right-of-way of Central Avenue;
8 containing 0.25 acres, more or less.

9 (E) Tract 331A-1A of MRGCD Map 38,
10 bounded on the west by Tract B, Albuquerque
11 Biological Park, on the east by Tract 332B,
12 MRGCD Map 38, and on the south by the
13 westerly right-of-way of Central Avenue and
14 Tract A, Albuquerque Biological Park; con-
15 taining 0.08 acres, more or less.

16 (3) MIDDLE RIO GRANDE CONSERVANCY DIS-
17 TRICT.—The terms “Middle Rio Grande Conser-
18 vancy District” and “MRGCD” mean a political
19 subdivision of the State of New Mexico, created in
20 1925 to provide and maintain flood protection and
21 drainage, and maintenance of ditches, canals, and
22 distribution systems for irrigation and water delivery
23 and operations in the Middle Rio Grande Valley.

24 (4) MIDDLE RIO GRANDE PROJECT.—The term
25 “Middle Rio Grande Project” means the works asso-

1 ciated with water deliveries and operations in the
2 Rio Grande basin as authorized by the Flood Con-
3 trol Act of 1948 (Public Law 80-858; 62 Stat.
4 1175) and the Flood Control Act of 1950 (Public
5 Law 81-516; 64 Stat. 170).

6 (5) SAN GABRIEL PARK.—The term “San Ga-
7 briel Park” means the tract of land containing
8 40.2236 acres, more or less, situated within Section
9 12 and Section 13, T10N, R2E, N.M.P.M., City of
10 Albuquerque, Bernalillo County, New Mexico, and
11 described by New Mexico State Plane Grid Bearings
12 (Central Zone) and ground distances in a Special
13 Warranty Deed conveying the property from
14 MRGCD to the City, dated November 25, 1997.

15 (6) TINGLEY BEACH.—The term “Tingley
16 Beach” means the tract of land containing 25.2005
17 acres, more or less, situated within Section 13 and
18 Section 24, T10N, R2E, and secs. 18 and 19,
19 T10N, R3E, N.M.P.M., City of Albuquerque,
20 Bernalillo County, New Mexico, and described by
21 New Mexico State Plane Grid Bearings (Central
22 Zone) and ground distances in a Special Warranty
23 Deed conveying the property from MRGCD to the
24 City, dated November 25, 1997.

25 (c) CLARIFICATION OF PROPERTY INTEREST.—

1 (1) REQUIRED ACTION.—The Secretary of the
2 Interior shall issue a quitclaim deed conveying any
3 right, title, and interest the United States may have
4 in and to Tingley Beach, San Gabriel Park, and the
5 BioPark Parcels to the City.

6 (2) TIMING.—The Secretary shall carry out the
7 action in paragraph (1) as soon as practicable after
8 the date of enactment of this Act and in accordance
9 with all applicable law.

10 (3) NO ADDITIONAL PAYMENT.—The City shall
11 not be required to pay any additional costs to the
12 United States for the value of San Gabriel Park,
13 Tingley Beach, and the BioPark Parcels.

14 (d) OTHER RIGHTS, TITLE, AND INTERESTS UNAF-
15 FECTED.—

16 (1) IN GENERAL.—Except as expressly provided
17 in subsection (c), nothing in this section shall be
18 construed to affect any right, title, or interest in and
19 to any land associated with the Middle Rio Grande
20 Project.

21 (2) ONGOING LITIGATION.—Nothing contained
22 in this section shall be construed or utilized to affect
23 or otherwise interfere with any position set forth by
24 any party in the lawsuit pending before the United
25 States District Court for the District of New Mex-

1 ico, 99–CV–01320–JAP–RHS, entitled Rio Grande
2 Silvery Minnow v. John W. Keys, III, concerning the
3 right, title, or interest in and to any property associ-
4 ated with the Middle Rio Grande Project.

5 **SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION**
6 **SYSTEM, CALIFORNIA.**

7 (a) DEFINITIONS.—In this section:

8 (1) AGREEMENT.—The term “Agreement”
9 means Agreement No. 07–LC–20–9387 between the
10 United States and the District, entitled “Agreement
11 Between the United States and the Goleta Water
12 District to Transfer Title of the Federally Owned
13 Distribution System to the Goleta Water District”.

14 (2) DISTRICT.—The term “District” means the
15 Goleta Water District, located in Santa Barbara
16 County, California.

17 (3) GOLETA WATER DISTRIBUTION SYSTEM.—
18 The term “Goleta Water Distribution System”
19 means the facilities constructed by the United States
20 to enable the District to convey water to its water
21 users, and associated lands, as described in Appen-
22 dix A of the Agreement.

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 (b) CONVEYANCE OF THE GOLETA WATER DIS-
2 TRIBUTION SYSTEM.—The Secretary is authorized to con-
3 vey to the District all right, title, and interest of the
4 United States in and to the Goleta Water Distribution
5 System of the Cachuma Project, California, subject to
6 valid existing rights and consistent with the terms and
7 conditions set forth in the Agreement.

8 (c) LIABILITY.—Effective upon the date of the con-
9 veyance authorized by subsection (b), the United States
10 shall not be held liable by any court for damages of any
11 kind arising out of any act, omission, or occurrence relat-
12 ing to the lands, buildings, or facilities conveyed under this
13 section, except for damages caused by acts of negligence
14 committed by the United States or by its employees or
15 agents prior to the date of conveyance. Nothing in this
16 section increases the liability of the United States beyond
17 that provided in chapter 171 of title 28, United States
18 Code (popularly known as the Federal Tort Claims Act).

19 (d) BENEFITS.—After conveyance of the Goleta
20 Water Distribution System under this section—

21 (1) such distribution system shall not be consid-
22 ered to be a part of a Federal reclamation project;
23 and

24 (2) the District shall not be eligible to receive
25 any benefits with respect to any facility comprising

1 the Goleta Water Distribution System, except bene-
2 fits that would be available to a similarly situated
3 entity with respect to property that is not part of a
4 Federal reclamation project.

5 (e) COMPLIANCE WITH OTHER LAWS.—

6 (1) COMPLIANCE WITH ENVIRONMENTAL AND
7 HISTORIC PRESERVATION LAWS.—Prior to any con-
8 veyance under this section, the Secretary shall com-
9 plete all actions required under the National Envi-
10 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
11 seq.), the Endangered Species Act of 1973 (16
12 U.S.C. 1531 et seq.), the National Historic Preser-
13 vation Act (16 U.S.C. 470 et seq.), and all other ap-
14 plicable laws.

15 (2) COMPLIANCE BY THE DISTRICT.—Upon the
16 conveyance of the Goleta Water Distribution System
17 under this section, the District shall comply with all
18 applicable Federal, State, and local laws and regula-
19 tions in its operation of the facilities that are trans-
20 ferred.

21 (3) APPLICABLE AUTHORITY.—All provisions of
22 Federal reclamation law (the Act of June 17, 1902
23 (43 U.S.C. 371 et seq.) and Acts supplemental to
24 and amendatory of that Act) shall continue to be ap-
25 plicable to project water provided to the District.

1 (f) REPORT.—If, 12 months after the date of the en-
2 actment of this Act, the Secretary has not completed the
3 conveyance required under subsection (b), the Secretary
4 shall complete a report that states the reason the convey-
5 ance has not been completed and the date by which the
6 conveyance shall be completed. The Secretary shall submit
7 a report required under this subsection to Congress not
8 later than 14 months after the date of the enactment of
9 this Act.

10 **Subtitle D—San Gabriel Basin** 11 **Restoration Fund**

12 **SEC. 9301. RESTORATION FUND.**

13 Section 110 of division B of the Miscellaneous Appro-
14 priations Act, 2001 (114 Stat. 2763A–222), as enacted
15 into law by section 1(a)(4) of the Consolidated Appropria-
16 tions Act, 2001 (Public Law 106–554, as amended by
17 Public Law 107–66), is further amended—

18 (1) in subsection (a)(3)(B), by inserting after
19 clause (iii) the following:

20 “(iv) NON-FEDERAL MATCH.—After
21 \$85,000,000 has cumulatively been appro-
22 priated under subsection (d)(1), the re-
23 mainder of Federal funds appropriated
24 under subsection (d) shall be subject to the
25 following matching requirement:

1 “(I) SAN GABRIEL BASIN WATER
2 QUALITY AUTHORITY.—The San Ga-
3 briel Basin Water Quality Authority
4 shall be responsible for providing a 35
5 percent non-Federal match for Fed-
6 eral funds made available to the Au-
7 thority under this Act.

8 “(II) CENTRAL BASIN MUNICIPAL
9 WATER DISTRICT.—The Central Basin
10 Municipal Water District shall be re-
11 sponsible for providing a 35 percent
12 non-Federal match for Federal funds
13 made available to the District under
14 this Act.”;

15 (2) in subsection (a), by adding at the end the
16 following:

17 “(4) INTEREST ON FUNDS IN RESTORATION
18 FUND.—No amounts appropriated above the cumu-
19 lative amount of \$85,000,000 to the Restoration
20 Fund under subsection (d)(1) shall be invested by
21 the Secretary of the Treasury in interest-bearing se-
22 curities of the United States.”; and

23 (3) by amending subsection (d) to read as fol-
24 lows:

25 “(d) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—There is authorized to be
2 appropriated to the Restoration Fund established
3 under subsection (a) \$146,200,000. Such funds shall
4 remain available until expended.

5 “(2) SET-ASIDE.—Of the amounts appropriated
6 under paragraph (1), no more than \$21,200,000
7 shall be made available to carry out the Central
8 Basin Water Quality Project.”.

9 **Subtitle E—Lower Colorado River**
10 **Multi-Species Conservation Pro-**
11 **gram**

12 **SEC. 9401. DEFINITIONS.**

13 In this subtitle:

14 (1) LOWER COLORADO RIVER MULTI-SPECIES
15 CONSERVATION PROGRAM.—The term “Lower Colo-
16 rado River Multi-Species Conservation Program” or
17 “LCR MSCP” means the cooperative effort on the
18 Lower Colorado River between Federal and non-
19 Federal entities in Arizona, California, and Nevada
20 approved by the Secretary of the Interior on April
21 2, 2005.

22 (2) LOWER COLORADO RIVER.—The term
23 “Lower Colorado River” means the segment of the
24 Colorado River within the planning area as provided

1 in section 2(B) of the Implementing Agreement, a
2 Program Document.

3 (3) PROGRAM DOCUMENTS.—The term “Pro-
4 gram Documents” means the Habitat Conservation
5 Plan, Biological Assessment and Biological and Con-
6 ference Opinion, Environmental Impact Statement/
7 Environmental Impact Report, Funding and Man-
8 agement Agreement, Implementing Agreement, and
9 Section 10(a)(1)(B) Permit issued and, as applica-
10 ble, executed in connection with the LCR MSCP,
11 and any amendments or successor documents that
12 are developed consistent with existing agreements
13 and applicable law.

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

16 (5) STATE.—The term “State” means each of
17 the States of Arizona, California, and Nevada.

18 **SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.**

19 (a) IMPLEMENTATION.—The Secretary is authorized
20 to manage and implement the LCR MSCP in accordance
21 with the Program Documents.

22 (b) WATER ACCOUNTING.—The Secretary is author-
23 ized to enter into an agreement with the States providing
24 for the use of water from the Lower Colorado River for

1 habitat creation and maintenance in accordance with the
2 Program Documents.

3 **SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.**

4 (a) IN GENERAL.—Due to the unique conditions of
5 the Colorado River, any party to the Funding and Man-
6 agement Agreement or the Implementing Agreement, and
7 any permittee under the Section 10(a)(1)(B) Permit, may
8 commence a civil action in United States district court to
9 adjudicate, confirm, validate or decree the rights and obli-
10 gations of the parties under those Program Documents.

11 (b) JURISDICTION.—The district court shall have ju-
12 risdiction over such actions and may issue such orders,
13 judgments, and decrees as are consistent with the court’s
14 exercise of jurisdiction under this section.

15 (c) UNITED STATES AS DEFENDANT.—

16 (1) IN GENERAL.—The United States or any
17 agency of the United States may be named as a de-
18 fendant in such actions.

19 (2) SOVEREIGN IMMUNITY.—Subject to para-
20 graph (3), the sovereign immunity of the United
21 States is waived for purposes of actions commenced
22 pursuant to this section.

23 (3) NONWAIVER FOR CERTAIN CLAIMS.—Noth-
24 ing in this section waives the sovereign immunity of
25 the United States to claims for money damages,

1 monetary compensation, the provision of indemnity,
2 or any claim seeking money from the United States.

3 (d) RIGHTS UNDER FEDERAL AND STATE LAW.—

4 (1) IN GENERAL.—Except as specifically pro-
5 vided in this section, nothing in this section limits
6 any rights or obligations of any party under Federal
7 or State law.

8 (2) APPLICABILITY TO LOWER COLORADO
9 RIVER MULTI-SPECIES CONSERVATION PROGRAM.—
10 This section—

11 (A) shall apply only to the Lower Colorado
12 River Multi-Species Conservation Program; and

13 (B) shall not affect the terms of, or rights
14 or obligations under, any other conservation
15 plan created pursuant to any Federal or State
16 law.

17 (e) VENUE.—Any suit pursuant to this section may
18 be brought in any United States district court in the State
19 in which any non-Federal party to the suit is situated.

20 **SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There is authorized to be appro-
22 priated to the Secretary such sums as may be necessary
23 to meet the obligations of the Secretary under the Pro-
24 gram Documents, to remain available until expended.

1 (b) NON-REIMBURSABLE AND NON-RETURNABLE.—
2 All amounts appropriated to and expended by the Sec-
3 retary for the LCR MSCP shall be non-reimbursable and
4 non-returnable.

5 **Subtitle F—Secure Water**

6 **SEC. 9501. FINDINGS.**

7 Congress finds that—

8 (1) adequate and safe supplies of water are fun-
9 damental to the health, economy, security, and ecol-
10 ogy of the United States;

11 (2) systematic data-gathering with respect to,
12 and research and development of, the water re-
13 sources of the United States will help ensure the
14 continued existence of sufficient quantities of water
15 to support—

16 (A) increasing populations;

17 (B) economic growth;

18 (C) irrigated agriculture;

19 (D) energy production; and

20 (E) the protection of aquatic ecosystems;

21 (3) global climate change poses a significant
22 challenge to the protection and use of the water re-
23 sources of the United States due to an increased un-
24 certainty with respect to the timing, form, and geo-
25 graphical distribution of precipitation, which may

1 have a substantial effect on the supplies of water for
2 agricultural, hydroelectric power, industrial, domes-
3 tic supply, and environmental needs;

4 (4) although States bear the primary responsi-
5 bility and authority for managing the water re-
6 sources of the United States, the Federal Govern-
7 ment should support the States, as well as regional,
8 local, and tribal governments, by carrying out—

9 (A) nationwide data collection and moni-
10 toring activities;

11 (B) relevant research; and

12 (C) activities to increase the efficiency of
13 the use of water in the United States;

14 (5) Federal agencies that conduct water man-
15 agement and related activities have a responsi-
16 bility—

17 (A) to take a lead role in assessing risks
18 to the water resources of the United States (in-
19 cluding risks posed by global climate change);
20 and

21 (B) to develop strategies—

22 (i) to mitigate the potential impacts of
23 each risk described in subparagraph (A);
24 and

1 (ii) to help ensure that the long-term
2 water resources management of the United
3 States is sustainable and will ensure sus-
4 tainable quantities of water;

5 (6) it is critical to continue and expand re-
6 search and monitoring efforts—

7 (A) to improve the understanding of the
8 variability of the water cycle; and

9 (B) to provide basic information nec-
10 essary—

11 (i) to manage and efficiently use the
12 water resources of the United States; and

13 (ii) to identify new supplies of water
14 that are capable of being reclaimed; and

15 (7) the study of water use is vital—

16 (A) to the understanding of the impacts of
17 human activity on water and ecological re-
18 sources; and

19 (B) to the assessment of whether available
20 surface and groundwater supplies will be avail-
21 able to meet the future needs of the United
22 States.

23 **SEC. 9502. DEFINITIONS.**

24 In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the National
3 Oceanic and Atmospheric Administration.

4 (2) ADVISORY COMMITTEE.—The term “Advi-
5 sory Committee” means the National Advisory Com-
6 mittee on Water Information established—

7 (A) under the Office of Management and
8 Budget Circular 92–01; and

9 (B) to coordinate water data collection ac-
10 tivities.

11 (3) ASSESSMENT PROGRAM.—The term “assess-
12 ment program” means the water availability and use
13 assessment program established by the Secretary
14 under section 9508(a).

15 (4) CLIMATE DIVISION.—The term “climate di-
16 vision” means 1 of the 359 divisions in the United
17 States that represents 2 or more regions located
18 within a State that are as climatically homogeneous
19 as possible, as determined by the Administrator.

20 (5) COMMISSIONER.—The term “Commis-
21 sioner” means the Commissioner of Reclamation.

22 (6) DIRECTOR.—The term “Director” means
23 the Director of the United States Geological Survey.

24 (7) ELIGIBLE APPLICANT.—The term “eligible
25 applicant” means any State, Indian tribe, irrigation

1 district, water district, or other organization with
2 water or power delivery authority.

3 (8) FEDERAL POWER MARKETING ADMINISTRA-
4 TION.—The term “Federal Power Marketing Admin-
5 istration” means—

6 (A) the Bonneville Power Administration;

7 (B) the Southeastern Power Administra-
8 tion;

9 (C) the Southwestern Power Administra-
10 tion; and

11 (D) the Western Area Power Administra-
12 tion.

13 (9) HYDROLOGIC ACCOUNTING UNIT.—The
14 term “hydrologic accounting unit” means 1 of the
15 352 river basin hydrologic accounting units used by
16 the United States Geological Survey.

17 (10) INDIAN TRIBE.—The term “Indian tribe”
18 has the meaning given the term in section 4 of the
19 Indian Self-Determination and Education Assistance
20 Act (25 U.S.C. 450b).

21 (11) MAJOR AQUIFER SYSTEM.—The term
22 “major aquifer system” means a groundwater sys-
23 tem that is—

24 (A) identified as a significant groundwater
25 system by the Director; and

1 (B) included in the Groundwater Atlas of
2 the United States, published by the United
3 States Geological Survey.

4 (12) MAJOR RECLAMATION RIVER BASIN.—

5 (A) IN GENERAL.—The term “major rec-
6 lamation river basin” means each major river
7 system (including tributaries)—

8 (i) that is located in a service area of
9 the Bureau of Reclamation; and

10 (ii) at which is located a federally au-
11 thorized project of the Bureau of Reclama-
12 tion.

13 (B) INCLUSIONS.—The term “major rec-
14 lamation river basin” includes—

15 (i) the Colorado River;

16 (ii) the Columbia River;

17 (iii) the Klamath River;

18 (iv) the Missouri River;

19 (v) the Rio Grande;

20 (vi) the Sacramento River;

21 (vii) the San Joaquin River; and

22 (viii) the Truckee River.

23 (13) NON-FEDERAL PARTICIPANT.—The term
24 “non-Federal participant” means—

25 (A) a State, regional, or local authority;

1 (B) an Indian tribe or tribal organization;

2 or

3 (C) any other qualifying entity, such as a
4 water conservation district, water conservancy
5 district, or rural water district or association, or
6 a nongovernmental organization.

7 (14) PANEL.—The term “panel” means the cli-
8 mate change and water intragovernmental panel es-
9 tablished by the Secretary under section 9506(a).

10 (15) PROGRAM.—The term “program” means
11 the regional integrated sciences and assessments
12 program—

13 (A) established by the Administrator; and

14 (B) that is comprised of 8 regional pro-
15 grams that use advances in integrated climate
16 sciences to assist decisionmaking processes.

17 (16) SECRETARY.—

18 (A) IN GENERAL.—Except as provided in
19 subparagraph (B), the term “Secretary” means
20 the Secretary of the Interior.

21 (B) EXCEPTIONS.—The term “Secretary”
22 means—

23 (i) in the case of sections 9503, 9504,
24 and 9509, the Secretary of the Interior
25 (acting through the Commissioner); and

1 (ii) in the case of sections 9507 and
2 9508, the Secretary of the Interior (acting
3 through the Director).

4 (17) SERVICE AREA.—The term “service area”
5 means any area that encompasses a watershed that
6 contains a federally authorized reclamation project
7 that is located in any State or area described in the
8 first section of the Act of June 17, 1902 (43 U.S.C.
9 391).

10 **SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER**
11 **PROGRAM.**

12 (a) IN GENERAL.—The Secretary shall establish a
13 climate change adaptation program—

14 (1) to coordinate with the Administrator and
15 other appropriate agencies to assess each effect of,
16 and risk resulting from, global climate change with
17 respect to the quantity of water resources located in
18 a service area; and

19 (2) to ensure, to the maximum extent possible,
20 that strategies are developed at watershed and aqui-
21 fer system scales to address potential water short-
22 ages, conflicts, and other impacts to water users lo-
23 cated at, and the environment of, each service area.

24 (b) REQUIRED ELEMENTS.—In carrying out the pro-
25 gram described in subsection (a), the Secretary shall—

1 (1) coordinate with the United States Geologi-
2 cal Survey, the National Oceanic and Atmospheric
3 Administration, the program, and each appropriate
4 State water resource agency, to ensure that the Sec-
5 retary has access to the best available scientific in-
6 formation with respect to presently observed and
7 projected future impacts of global climate change on
8 water resources;

9 (2) assess specific risks to the water supply of
10 each major reclamation river basin, including any
11 risk relating to—

12 (A) a change in snowpack;

13 (B) changes in the timing and quantity of
14 runoff;

15 (C) changes in groundwater recharge and
16 discharge; and

17 (D) any increase in—

18 (i) the demand for water as a result
19 of increasing temperatures; and

20 (ii) the rate of reservoir evaporation;

21 (3) with respect to each major reclamation river
22 basin, analyze the extent to which changes in the
23 water supply of the United States will impact—

24 (A) the ability of the Secretary to deliver
25 water to the contractors of the Secretary;

1 (B) hydroelectric power generation facili-
2 ties;

3 (C) recreation at reclamation facilities;

4 (D) fish and wildlife habitat;

5 (E) applicable species listed as an endan-
6 gered, threatened, or candidate species under
7 the Endangered Species Act of 1973 (16 U.S.C.
8 1531 et seq.);

9 (F) water quality issues (including salinity
10 levels of each major reclamation river basin);

11 (G) flow and water dependent ecological
12 resiliency; and

13 (H) flood control management;

14 (4) in consultation with appropriate non-Fed-
15 eral participants, consider and develop appropriate
16 strategies to mitigate each impact of water supply
17 changes analyzed by the Secretary under paragraph
18 (3), including strategies relating to—

19 (A) the modification of any reservoir stor-
20 age or operating guideline in existence as of the
21 date of enactment of this Act;

22 (B) the development of new water manage-
23 ment, operating, or habitat restoration plans;

24 (C) water conservation;

1 (D) improved hydrologic models and other
2 decision support systems; and

3 (E) groundwater and surface water storage
4 needs; and

5 (5) in consultation with the Director, the Ad-
6 ministrators, the Secretary of Agriculture (acting
7 through the Chief of the Natural Resources Con-
8 servations Service), and applicable State water re-
9 source agencies, develop a monitoring plan to ac-
10 quire and maintain water resources data—

11 (A) to strengthen the understanding of
12 water supply trends; and

13 (B) to assist in each assessment and anal-
14 ysis conducted by the Secretary under para-
15 graphs (2) and (3).

16 (c) REPORTING.—Not later than 2 years after the
17 date of enactment of this Act, and every 5 years there-
18 after, the Secretary shall submit to the appropriate com-
19 mittees of Congress a report that describes—

20 (1) each effect of, and risk resulting from, glob-
21 al climate change with respect to the quantity of
22 water resources located in each major reclamation
23 river basin;

1 (2) the impact of global climate change with re-
2 spect to the operations of the Secretary in each
3 major reclamation river basin;

4 (3) each mitigation and adaptation strategy
5 considered and implemented by the Secretary to ad-
6 dress each effect of global climate change described
7 in paragraph (1);

8 (4) each coordination activity conducted by the
9 Secretary with—

10 (A) the Director;

11 (B) the Administrator;

12 (C) the Secretary of Agriculture (acting
13 through the Chief of the Natural Resources
14 Conservation Service); or

15 (D) any appropriate State water resource
16 agency; and

17 (5) the implementation by the Secretary of the
18 monitoring plan developed under subsection (b)(5).

19 (d) FEASIBILITY STUDIES.—

20 (1) AUTHORITY OF SECRETARY.—The Sec-
21 retary, in cooperation with any non-Federal partici-
22 pant, may conduct 1 or more studies to determine
23 the feasibility and impact on ecological resiliency of
24 implementing each mitigation and adaptation strat-
25 egy described in subsection (c)(3), including the con-

1 construction of any water supply, water management,
2 environmental, or habitat enhancement water infra-
3 structure that the Secretary determines to be nec-
4 essary to address the effects of global climate change
5 on water resources located in each major reclama-
6 tion river basin.

7 (2) COST SHARING.—

8 (A) FEDERAL SHARE.—

9 (i) IN GENERAL.—Except as provided
10 in clause (ii), the Federal share of the cost
11 of a study described in paragraph (1) shall
12 not exceed 50 percent of the cost of the
13 study.

14 (ii) EXCEPTION RELATING TO FINAN-
15 CIAL HARDSHIP.—The Secretary may in-
16 crease the Federal share of the cost of a
17 study described in paragraph (1) to exceed
18 50 percent of the cost of the study if the
19 Secretary determines that, due to a finan-
20 cial hardship, the non-Federal participant
21 of the study is unable to contribute an
22 amount equal to 50 percent of the cost of
23 the study.

24 (B) NON-FEDERAL SHARE.—The non-Fed-
25 eral share of the cost of a study described in

1 paragraph (1) may be provided in the form of
2 any in-kind services that substantially con-
3 tribute toward the completion of the study, as
4 determined by the Secretary.

5 (e) NO EFFECT ON EXISTING AUTHORITY.—Nothing
6 in this section amends or otherwise affects any existing
7 authority under reclamation laws that govern the oper-
8 ation of any Federal reclamation project.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as are nec-
11 essary to carry out this section for each of fiscal years
12 2009 through 2023, to remain available until expended.

13 **SEC. 9504. WATER MANAGEMENT IMPROVEMENT.**

14 (a) AUTHORIZATION OF GRANTS AND COOPERATIVE
15 AGREEMENTS.—

16 (1) AUTHORITY OF SECRETARY.—The Sec-
17 retary may provide any grant to, or enter into an
18 agreement with, any eligible applicant to assist the
19 eligible applicant in planning, designing, or con-
20 structing any improvement—

21 (A) to conserve water;

22 (B) to increase water use efficiency;

23 (C) to facilitate water markets;

1 (D) to enhance water management, includ-
2 ing increasing the use of renewable energy in
3 the management and delivery of water;

4 (E) to accelerate the adoption and use of
5 advanced water treatment technologies to in-
6 crease water supply;

7 (F) to prevent the decline of species that
8 the United States Fish and Wildlife Service and
9 National Marine Fisheries Service have pro-
10 posed for listing under the Endangered Species
11 Act of 1973 (16 U.S.C. 1531 et seq.) (or can-
12 didate species that are being considered by
13 those agencies for such listing but are not yet
14 the subject of a proposed rule);

15 (G) to accelerate the recovery of threat-
16 ened species, endangered species, and des-
17 ignated critical habitats that are adversely af-
18 fected by Federal reclamation projects or are
19 subject to a recovery plan or conservation plan
20 under the Endangered Species Act of 1973 (16
21 U.S.C. 1531 et seq.) under which the Commis-
22 sioner of Reclamation has implementation re-
23 sponsibilities; or

24 (H) to carry out any other activity—

1 (i) to address any climate-related im-
2 pact to the water supply of the United
3 States that increases ecological resiliency
4 to the impacts of climate change; or

5 (ii) to prevent any water-related crisis
6 or conflict at any watershed that has a
7 nexus to a Federal reclamation project lo-
8 cated in a service area.

9 (2) APPLICATION.—To be eligible to receive a
10 grant, or enter into an agreement with the Secretary
11 under paragraph (1), an eligible applicant shall—

12 (A) be located within the States and areas
13 referred to in the first section of the Act of
14 June 17, 1902 (43 U.S.C. 391); and

15 (B) submit to the Secretary an application
16 that includes a proposal of the improvement or
17 activity to be planned, designed, constructed, or
18 implemented by the eligible applicant.

19 (3) REQUIREMENTS OF GRANTS AND COOPERA-
20 TIVE AGREEMENTS.—

21 (A) COMPLIANCE WITH REQUIREMENTS.—
22 Each grant and agreement entered into by the
23 Secretary with any eligible applicant under
24 paragraph (1) shall be in compliance with each

1 requirement described in subparagraphs (B)
2 through (F).

3 (B) AGRICULTURAL OPERATIONS.—In car-
4 rying out paragraph (1), the Secretary shall not
5 provide a grant, or enter into an agreement, for
6 an improvement to conserve irrigation water
7 unless the eligible applicant agrees not—

8 (i) to use any associated water savings
9 to increase the total irrigated acreage of
10 the eligible applicant; or

11 (ii) to otherwise increase the con-
12 sumptive use of water in the operation of
13 the eligible applicant, as determined pursu-
14 ant to the law of the State in which the
15 operation of the eligible applicant is lo-
16 cated.

17 (C) NONREIMBURSABLE FUNDS.—Any
18 funds provided by the Secretary to an eligible
19 applicant through a grant or agreement under
20 paragraph (1) shall be nonreimbursable.

21 (D) TITLE TO IMPROVEMENTS.—If an in-
22 frastructure improvement to a federally owned
23 facility is the subject of a grant or other agree-
24 ment entered into between the Secretary and an
25 eligible applicant under paragraph (1), the Fed-

1 eral Government shall continue to hold title to
2 the facility and improvements to the facility.

3 (E) COST SHARING.—

4 (i) FEDERAL SHARE.—The Federal
5 share of the cost of any infrastructure im-
6 provement or activity that is the subject of
7 a grant or other agreement entered into
8 between the Secretary and an eligible ap-
9 plicant under paragraph (1) shall not ex-
10 ceed 50 percent of the cost of the infra-
11 structure improvement or activity.

12 (ii) CALCULATION OF NON-FEDERAL
13 SHARE.—In calculating the non-Federal
14 share of the cost of an infrastructure im-
15 provement or activity proposed by an eligi-
16 ble applicant through an application sub-
17 mitted by the eligible applicant under
18 paragraph (2), the Secretary shall—

19 (I) consider the value of any in-
20 kind services that substantially con-
21 tributes toward the completion of the
22 improvement or activity, as deter-
23 mined by the Secretary; and

1 (II) not consider any other
2 amount that the eligible applicant re-
3 ceives from a Federal agency.

4 (iii) MAXIMUM AMOUNT.—The
5 amount provided to an eligible applicant
6 through a grant or other agreement under
7 paragraph (1) shall be not more than
8 \$5,000,000.

9 (iv) OPERATION AND MAINTENANCE
10 COSTS.—The non-Federal share of the cost
11 of operating and maintaining any infra-
12 structure improvement that is the subject
13 of a grant or other agreement entered into
14 between the Secretary and an eligible ap-
15 plicant under paragraph (1) shall be 100
16 percent.

17 (F) LIABILITY.—

18 (i) IN GENERAL.—Except as provided
19 under chapter 171 of title 28, United
20 States Code (commonly known as the
21 “Federal Tort Claims Act”), the United
22 States shall not be liable for monetary
23 damages of any kind for any injury arising
24 out of an act, omission, or occurrence that
25 arises in relation to any facility created or

1 improved under this section, the title of
2 which is not held by the United States.

3 (ii) TORT CLAIMS ACT.—Nothing in
4 this section increases the liability of the
5 United States beyond that provided in
6 chapter 171 of title 28, United States
7 Code (commonly known as the “Federal
8 Tort Claims Act”).

9 (b) RESEARCH AGREEMENTS.—

10 (1) AUTHORITY OF SECRETARY.—The Sec-
11 retary may enter into 1 or more agreements with
12 any university, nonprofit research institution, or or-
13 ganization with water or power delivery authority to
14 fund any research activity that is designed—

15 (A) to conserve water resources;

16 (B) to increase the efficiency of the use of
17 water resources; or

18 (C) to enhance the management of water
19 resources, including increasing the use of re-
20 newable energy in the management and delivery
21 of water.

22 (2) TERMS AND CONDITIONS OF SECRETARY.—

23 (A) IN GENERAL.—An agreement entered
24 into between the Secretary and any university,
25 institution, or organization described in para-

1 graph (1) shall be subject to such terms and
2 conditions as the Secretary determines to be ap-
3 propriate.

4 (B) AVAILABILITY.—The agreements
5 under this subsection shall be available to all
6 Reclamation projects and programs that may
7 benefit from project-specific or programmatic
8 cooperative research and development.

9 (c) MUTUAL BENEFIT.—Grants or other agreements
10 made under this section may be for the mutual benefit
11 of the United States and the entity that is provided the
12 grant or enters into the cooperative agreement.

13 (d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHOR-
14 ITY.—This section shall not supersede any existing
15 project-specific funding authority.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$200,000,000, to remain available until expended.

19 **SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.**

20 (a) DUTY OF SECRETARY OF ENERGY.—The Sec-
21 retary of Energy, in consultation with the Administrator
22 of each Federal Power Marketing Administration, shall as-
23 sess each effect of, and risk resulting from, global climate
24 change with respect to water supplies that are required
25 for the generation of hydroelectric power at each Federal

1 water project that is applicable to a Federal Power Mar-
2 keting Administration.

3 (b) ACCESS TO APPROPRIATE DATA.—

4 (1) IN GENERAL.—In carrying out each assess-
5 ment under subsection (a), the Secretary of Energy
6 shall consult with the United States Geological Sur-
7 vey, the National Oceanic and Atmospheric Adminis-
8 tration, the program, and each appropriate State
9 water resource agency, to ensure that the Secretary
10 of Energy has access to the best available scientific
11 information with respect to presently observed im-
12 pacts and projected future impacts of global climate
13 change on water supplies that are used to produce
14 hydroelectric power.

15 (2) ACCESS TO DATA FOR CERTAIN ASSESS-
16 MENTS.—In carrying out each assessment under
17 subsection (a), with respect to the Bonneville Power
18 Administration and the Western Area Power Admin-
19 istration, the Secretary of Energy shall consult with
20 the Commissioner to access data and other informa-
21 tion that—

22 (A) is collected by the Commissioner; and

23 (B) the Secretary of Energy determines to
24 be necessary for the conduct of the assessment.

1 (c) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, and every 5 years thereafter,
3 the Secretary of Energy shall submit to the appropriate
4 committees of Congress a report that describes—

5 (1) each effect of, and risk resulting from, glob-
6 al climate change with respect to—

7 (A) water supplies used for hydroelectric
8 power generation; and

9 (B) power supplies marketed by each Fed-
10 eral Power Marketing Administration, pursuant
11 to—

12 (i) long-term power contracts;

13 (ii) contingent capacity contracts; and

14 (iii) short-term sales; and

15 (2) each recommendation of the Administrator
16 of each Federal Power Marketing Administration re-
17 lating to any change in any operation or contracting
18 practice of each Federal Power Marketing Adminis-
19 tration to address each effect and risk described in
20 paragraph (1), including the use of purchased power
21 to meet long-term commitments of each Federal
22 Power Marketing Administration.

23 (d) AUTHORITY.—The Secretary of Energy may
24 enter into contracts, grants, or other agreements with ap-
25 propriate entities to carry out this section.

1 (e) COSTS.—

2 (1) NONREIMBURSABLE.—Any costs incurred
3 by the Secretary of Energy in carrying out this sec-
4 tion shall be nonreimbursable.

5 (2) PMA COSTS.—Each Federal Power Mar-
6 keting Administration shall incur costs in carrying
7 out this section only to the extent that appropriated
8 funds are provided by the Secretary of Energy for
9 that purpose.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as are nec-
12 essary to carry out this section for each of fiscal years
13 2009 through 2023, to remain available until expended.

14 **SEC. 9506. CLIMATE CHANGE AND WATER**
15 **INTRAGOVERNMENTAL PANEL.**

16 (a) ESTABLISHMENT.—The Secretary and the Ad-
17 ministrator shall establish and lead a climate change and
18 water intragovernmental panel—

19 (1) to review the current scientific under-
20 standing of each impact of global climate change on
21 the quantity and quality of freshwater resources of
22 the United States; and

23 (2) to develop any strategy that the panel deter-
24 mines to be necessary to improve observational capa-

1 bilities, expand data acquisition, or take other ac-
2 tions—

3 (A) to increase the reliability and accuracy
4 of modeling and prediction systems to benefit
5 water managers at the Federal, State, and local
6 levels; and

7 (B) to increase the understanding of the
8 impacts of climate change on aquatic eco-
9 systems.

10 (b) MEMBERSHIP.—The panel shall be comprised
11 of—

12 (1) the Secretary;

13 (2) the Director;

14 (3) the Administrator;

15 (4) the Secretary of Agriculture (acting through
16 the Under Secretary for Natural Resources and En-
17 vironment);

18 (5) the Commissioner;

19 (6) the Secretary of the Army, acting through
20 the Chief of Engineers;

21 (7) the Administrator of the Environmental
22 Protection Agency; and

23 (8) the Secretary of Energy.

24 (c) REVIEW ELEMENTS.—In conducting the review
25 and developing the strategy under subsection (a), the

1 panel shall consult with State water resource agencies, the
2 Advisory Committee, drinking water utilities, water re-
3 search organizations, and relevant water user, environ-
4 mental, and other nongovernmental organizations—

5 (1) to assess the extent to which the conduct of
6 measures of streamflow, groundwater levels, soil
7 moisture, evapotranspiration rates, evaporation
8 rates, snowpack levels, precipitation amounts, flood
9 risk, and glacier mass is necessary to improve the
10 understanding of the Federal Government and the
11 States with respect to each impact of global climate
12 change on water resources;

13 (2) to identify data gaps in current water moni-
14 toring networks that must be addressed to improve
15 the capability of the Federal Government and the
16 States to measure, analyze, and predict changes to
17 the quality and quantity of water resources, includ-
18 ing flood risks, that are directly or indirectly af-
19 fected by global climate change;

20 (3) to establish data management and commu-
21 nication protocols and standards to increase the
22 quality and efficiency by which each Federal agency
23 acquires and reports relevant data;

1 (4) to consider options for the establishment of
2 a data portal to enhance access to water resource
3 data—

4 (A) relating to each nationally significant
5 freshwater watershed and aquifer located in the
6 United States; and

7 (B) that is collected by each Federal agen-
8 cy and any other public or private entity for
9 each nationally significant freshwater watershed
10 and aquifer located in the United States;

11 (5) to facilitate the development of hydrologic
12 and other models to integrate data that reflects
13 groundwater and surface water interactions; and

14 (6) to apply the hydrologic and other models
15 developed under paragraph (5) to water resource
16 management problems identified by the panel, in-
17 cluding the need to maintain or improve ecological
18 resiliency at watershed and aquifer system scales.

19 (d) REPORT.—Not later than 2 years after the date
20 of enactment of this Act, the Secretary shall submit to
21 the appropriate committees of Congress a report that de-
22 scribes the review conducted, and the strategy developed,
23 by the panel under subsection (a).

24 (e) DEMONSTRATION, RESEARCH, AND METHOD-
25 OLOGY DEVELOPMENT PROJECTS.—

1 (1) AUTHORITY OF SECRETARY.—The Sec-
2 retary, in consultation with the panel and the Advi-
3 sory Committee, may provide grants to, or enter into
4 any contract, cooperative agreement, interagency
5 agreement, or other transaction with, an appropriate
6 entity to carry out any demonstration, research, or
7 methodology development project that the Secretary
8 determines to be necessary to assist in the imple-
9 mentation of the strategy developed by the panel
10 under subsection (a)(2).

11 (2) REQUIREMENTS.—

12 (A) MAXIMUM AMOUNT OF FEDERAL
13 SHARE.—The Federal share of the cost of any
14 demonstration, research, or methodology devel-
15 opment project that is the subject of any grant,
16 contract, cooperative agreement, interagency
17 agreement, or other transaction entered into be-
18 tween the Secretary and an appropriate entity
19 under paragraph (1) shall not exceed
20 \$1,000,000.

21 (B) REPORT.—An appropriate entity that
22 receives funds from a grant, contract, coopera-
23 tive agreement, interagency agreement, or other
24 transaction entered into between the Secretary
25 and the appropriate entity under paragraph (1)

1 shall submit to the Secretary a report describ-
2 ing the results of the demonstration, research,
3 or methodology development project conducted
4 by the appropriate entity.

5 (f) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There is authorized to be
7 appropriated to carry out subsections (a) through
8 (d) \$2,000,000 for each of fiscal years 2009 through
9 2011, to remain available until expended.

10 (2) DEMONSTRATION, RESEARCH, AND METH-
11 ODOLOGY DEVELOPMENT PROJECTS.—There is au-
12 thorized to be appropriated to carry out subsection
13 (e) \$10,000,000 for the period of fiscal years 2009
14 through 2013, to remain available until expended.

15 **SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES**
16 **GEOLOGICAL SURVEY.**

17 (a) NATIONAL STREAMFLOW INFORMATION PRO-
18 GRAM.—

19 (1) IN GENERAL.—The Secretary, in consulta-
20 tion with the Advisory Committee and the Panel and
21 consistent with this section, shall proceed with im-
22 plementation of the national streamflow information
23 program, as reviewed by the National Research
24 Council in 2004.

1 (2) REQUIREMENTS.—In conducting the na-
2 tional streamflow information program, the Sec-
3 retary shall—

4 (A) measure streamflow and related envi-
5 ronmental variables in nationally significant wa-
6 tersheds—

7 (i) in a reliable and continuous man-
8 ner; and

9 (ii) to develop a comprehensive source
10 of information on which public and private
11 decisions relating to the management of
12 water resources may be based;

13 (B) provide for a better understanding of
14 hydrologic extremes (including floods and
15 droughts) through the conduct of intensive data
16 collection activities during and following hydro-
17 logic extremes;

18 (C) establish a base network that provides
19 resources that are necessary for—

20 (i) the monitoring of long-term
21 changes in streamflow; and

22 (ii) the conduct of assessments to de-
23 termine the extent to which each long-term
24 change monitored under clause (i) is re-
25 lated to global climate change;

1 (D) integrate the national streamflow in-
2 formation program with data collection activi-
3 ties of Federal agencies and appropriate State
4 water resource agencies (including the National
5 Integrated Drought Information System)—

6 (i) to enhance the comprehensive un-
7 derstanding of water availability;

8 (ii) to improve flood-hazard assess-
9 ments;

10 (iii) to identify any data gap with re-
11 spect to water resources; and

12 (iv) to improve hydrologic forecasting;
13 and

14 (E) incorporate principles of adaptive man-
15 agement in the conduct of periodic reviews of
16 information collected under the national
17 streamflow information program to assess
18 whether the objectives of the national
19 streamflow information program are being ade-
20 quately addressed.

21 (3) IMPROVED METHODOLOGIES.—The Sec-
22 retary shall—

23 (A) improve methodologies relating to the
24 analysis and delivery of data; and

1 (B) investigate, develop, and implement
2 new methodologies and technologies to estimate
3 or measure streamflow in a more cost-efficient
4 manner.

5 (4) NETWORK ENHANCEMENT.—

6 (A) IN GENERAL.—Not later than 10 years
7 after the date of enactment of this Act, in ac-
8 cordance with subparagraph (B), the Secretary
9 shall—

10 (i) increase the number of
11 streamgages funded by the national
12 streamflow information program to a
13 quantity of not less than 4,700 sites; and

14 (ii) ensure all streamgages are flood-
15 hardened and equipped with water-quality
16 sensors and modernized telemetry.

17 (B) REQUIREMENTS OF SITES.—Each site
18 described in subparagraph (A) shall conform
19 with the National Streamflow Information Pro-
20 gram plan as reviewed by the National Re-
21 search Council.

22 (5) FEDERAL SHARE.—The Federal share of
23 the national streamgaging network established pur-
24 suant to this subsection shall be 100 percent of the

1 cost of carrying out the national streamgaging net-
2 work.

3 (6) AUTHORIZATION OF APPROPRIATIONS.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), there are authorized to be
6 appropriated such sums as are necessary to op-
7 erate the national streamflow information pro-
8 gram for the period of fiscal years 2009
9 through 2023, to remain available until ex-
10 pended.

11 (B) NETWORK ENHANCEMENT FUND-
12 ING.—There is authorized to be appropriated to
13 carry out the network enhancements described
14 in paragraph (4) \$10,000,000 for each of fiscal
15 years 2009 through 2019, to remain available
16 until expended.

17 (b) NATIONAL GROUNDWATER RESOURCES MONI-
18 TORING.—

19 (1) IN GENERAL.—The Secretary shall develop
20 a systematic groundwater monitoring program for
21 each major aquifer system located in the United
22 States.

23 (2) PROGRAM ELEMENTS.—In developing the
24 monitoring program described in paragraph (1), the
25 Secretary shall—

1 (A) establish appropriate criteria for moni-
2 toring wells to ensure the acquisition of long-
3 term, high-quality data sets, including, to the
4 maximum extent possible, the inclusion of real-
5 time instrumentation and reporting;

6 (B) in coordination with the Advisory
7 Committee and State and local water resource
8 agencies—

9 (i) assess the current scope of ground-
10 water monitoring based on the access
11 availability and capability of each moni-
12 toring well in existence as of the date of
13 enactment of this Act; and

14 (ii) develop and carry out a moni-
15 toring plan that maximizes coverage for
16 each major aquifer system that is located
17 in the United States; and

18 (C) prior to initiating any specific moni-
19 toring activities within a State after the date of
20 enactment of this Act, consult and coordinate
21 with the applicable State water resource agency
22 with jurisdiction over the aquifer that is the
23 subject of the monitoring activities, and comply
24 with all applicable laws (including regulations)
25 of the State.

1 (3) PROGRAM OBJECTIVES.—In carrying out
2 the monitoring program described in paragraph (1),
3 the Secretary shall—

4 (A) provide data that is necessary for the
5 improvement of understanding with respect to
6 surface water and groundwater interactions;

7 (B) by expanding the network of moni-
8 toring wells to reach each climate division, sup-
9 port the groundwater climate response network
10 to improve the understanding of the effects of
11 global climate change on groundwater recharge
12 and availability; and

13 (C) support the objectives of the assess-
14 ment program.

15 (4) IMPROVED METHODOLOGIES.—The Sec-
16 retary shall—

17 (A) improve methodologies relating to the
18 analysis and delivery of data; and

19 (B) investigate, develop, and implement
20 new methodologies and technologies to estimate
21 or measure groundwater recharge, discharge,
22 and storage in a more cost-efficient manner.

23 (5) FEDERAL SHARE.—The Federal share of
24 the monitoring program described in paragraph (1)

1 may be 100 percent of the cost of carrying out the
2 monitoring program.

3 (6) PRIORITY.—In selecting monitoring activi-
4 ties consistent with the monitoring program de-
5 scribed in paragraph (1), the Secretary shall give
6 priority to those activities for which a State or local
7 governmental entity agrees to provide for a substan-
8 tial share of the cost of establishing or operating a
9 monitoring well or other measuring device to carry
10 out a monitoring activity.

11 (7) AUTHORIZATION OF APPROPRIATIONS.—
12 There are authorized to be appropriated such sums
13 as are necessary to carry out this subsection for the
14 period of fiscal years 2009 through 2023, to remain
15 available until expended.

16 (c) BRACKISH GROUNDWATER ASSESSMENT.—

17 (1) STUDY.—The Secretary, in consultation
18 with State and local water resource agencies, shall
19 conduct a study of available data and other relevant
20 information—

21 (A) to identify significant brackish ground-
22 water resources located in the United States;
23 and

1 (B) to consolidate any available data relat-
2 ing to each groundwater resource identified
3 under subparagraph (A).

4 (2) REPORT.—Not later than 2 years after the
5 date of enactment of this Act, the Secretary shall
6 submit to the appropriate committees of Congress a
7 report that includes—

8 (A) a description of each—

9 (i) significant brackish aquifer that is
10 located in the United States (including 1
11 or more maps of each significant brackish
12 aquifer that is located in the United
13 States);

14 (ii) data gap that is required to be ad-
15 dressed to fully characterize each brackish
16 aquifer described in clause (i); and

17 (iii) current use of brackish ground-
18 water that is supplied by each brackish aq-
19 uifer described in clause (i); and

20 (B) a summary of the information avail-
21 able as of the date of enactment of this Act
22 with respect to each brackish aquifer described
23 in subparagraph (A)(i) (including the known
24 level of total dissolved solids in each brackish
25 aquifer).

1 (3) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$3,000,000 for the period of fiscal
4 years 2009 through 2011, to remain available until
5 expended.

6 (d) IMPROVED WATER ESTIMATION, MEASUREMENT,
7 AND MONITORING TECHNOLOGIES.—

8 (1) AUTHORITY OF SECRETARY.—The Sec-
9 retary may provide grants on a nonreimbursable
10 basis to appropriate entities with expertise in water
11 resource data acquisition and reporting, including
12 Federal agencies, the Water Resources Research In-
13 stitutes and other academic institutions, and private
14 entities, to—

15 (A) investigate, develop, and implement
16 new methodologies and technologies to estimate
17 or measure water resources data in a cost-effi-
18 cient manner; and

19 (B) improve methodologies relating to the
20 analysis and delivery of data.

21 (2) PRIORITY.—In providing grants to appro-
22 priate entities under paragraph (1), the Secretary
23 shall give priority to appropriate entities that pro-
24 pose the development of new methods and tech-
25 nologies for—

1 (A) predicting and measuring streamflows;

2 (B) estimating changes in the storage of
3 groundwater;

4 (C) improving data standards and methods
5 of analysis (including the validation of data en-
6 tered into geographic information system data-
7 bases);

8 (D) measuring precipitation and potential
9 evapotranspiration; and

10 (E) water withdrawals, return flows, and
11 consumptive use.

12 (3) PARTNERSHIPS.—In recognition of the
13 value of collaboration to foster innovation and en-
14 hance research and development efforts, the Sec-
15 retary shall encourage partnerships, including pub-
16 lic-private partnerships, between and among Federal
17 agencies, academic institutions, and private entities
18 to promote the objectives described in paragraph (1).

19 (4) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to carry out
21 this subsection \$5,000,000 for each of fiscal years
22 2009 through 2019.

1 **SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS-**
2 **SESSMENT PROGRAM.**

3 (a) ESTABLISHMENT.—The Secretary, in coordina-
4 tion with the Advisory Committee and State and local
5 water resource agencies, shall establish a national assess-
6 ment program to be known as the “national water avail-
7 ability and use assessment program”—

8 (1) to provide a more accurate assessment of
9 the status of the water resources of the United
10 States;

11 (2) to assist in the determination of the quan-
12 tity of water that is available for beneficial uses;

13 (3) to assist in the determination of the quality
14 of the water resources of the United States;

15 (4) to identify long-term trends in water avail-
16 ability;

17 (5) to use each long-term trend described in
18 paragraph (4) to provide a more accurate assess-
19 ment of the change in the availability of water in the
20 United States; and

21 (6) to develop the basis for an improved ability
22 to forecast the availability of water for future eco-
23 nomic, energy production, and environmental uses.

24 (b) PROGRAM ELEMENTS.—

25 (1) WATER USE.—In carrying out the assess-
26 ment program, the Secretary shall conduct any ap-

1 appropriate activity to carry out an ongoing assess-
2 ment of water use in hydrologic accounting units
3 and major aquifer systems located in the United
4 States, including—

5 (A) the maintenance of a comprehensive
6 national water use inventory to enhance the
7 level of understanding with respect to the ef-
8 fects of spatial and temporal patterns of water
9 use on the availability and sustainable use of
10 water resources;

11 (B) the incorporation of water use science
12 principles, with an emphasis on applied re-
13 search and statistical estimation techniques in
14 the assessment of water use;

15 (C) the integration of any dataset main-
16 tained by any other Federal or State agency
17 into the dataset maintained by the Secretary;
18 and

19 (D) a focus on the scientific integration of
20 any data relating to water use, water flow, or
21 water quality to generate relevant information
22 relating to the impact of human activity on
23 water and ecological resources.

1 (2) WATER AVAILABILITY.—In carrying out the
2 assessment program, the Secretary shall conduct an
3 ongoing assessment of water availability by—

4 (A) developing and evaluating nationally
5 consistent indicators that reflect each status
6 and trend relating to the availability of water
7 resources in the United States, including—

8 (i) surface water indicators, such as
9 streamflow and surface water storage
10 measures (including lakes, reservoirs, pe-
11 rennial snowfields, and glaciers);

12 (ii) groundwater indicators, including
13 groundwater level measurements and
14 changes in groundwater levels due to—

15 (I) natural recharge;

16 (II) withdrawals;

17 (III) saltwater intrusion;

18 (IV) mine dewatering;

19 (V) land drainage;

20 (VI) artificial recharge; and

21 (VII) other relevant factors, as
22 determined by the Secretary; and

23 (iii) impaired surface water and
24 groundwater supplies that are known, ac-

1 cessible, and used to meet ongoing water
2 demands;

3 (B) maintaining a national database of
4 water availability data that—

5 (i) is comprised of maps, reports, and
6 other forms of interpreted data;

7 (ii) provides electronic access to the
8 archived data of the national database; and

9 (iii) provides for real-time data collec-
10 tion; and

11 (C) developing and applying predictive
12 modeling tools that integrate groundwater, sur-
13 face water, and ecological systems.

14 (c) GRANT PROGRAM.—

15 (1) AUTHORITY OF SECRETARY.—The Sec-
16 retary may provide grants to State water resource
17 agencies to assist State water resource agencies in—

18 (A) developing water use and availability
19 datasets that are integrated with each appro-
20 priate dataset developed or maintained by the
21 Secretary; or

22 (B) integrating any water use or water
23 availability dataset of the State water resource
24 agency into each appropriate dataset developed
25 or maintained by the Secretary.

1 (2) CRITERIA.—To be eligible to receive a grant
2 under paragraph (1), a State water resource agency
3 shall demonstrate to the Secretary that the water
4 use and availability dataset proposed to be estab-
5 lished or integrated by the State water resource
6 agency—

7 (A) is in compliance with each quality and
8 conformity standard established by the Sec-
9 retary to ensure that the data will be capable
10 of integration with any national dataset; and

11 (B) will enhance the ability of the officials
12 of the State or the State water resource agency
13 to carry out each water management and regu-
14 latory responsibility of the officials of the State
15 in accordance with each applicable law of the
16 State.

17 (3) MAXIMUM AMOUNT.—The amount of a
18 grant provided to a State water resource agency
19 under paragraph (1) shall be an amount not more
20 than \$250,000.

21 (d) REPORT.—Not later than December 31, 2012,
22 and every 5 years thereafter, the Secretary shall submit
23 to the appropriate committees of Congress a report that
24 provides a detailed assessment of—

1 (1) the current availability of water resources in
2 the United States, including—

3 (A) historic trends and annual updates of
4 river basin inflows and outflows;

5 (B) surface water storage;

6 (C) groundwater reserves; and

7 (D) estimates of undeveloped potential re-
8 sources (including saline and brackish water
9 and wastewater);

10 (2) significant trends affecting water avail-
11 ability, including each documented or projected im-
12 pact to the availability of water as a result of global
13 climate change;

14 (3) the withdrawal and use of surface water
15 and groundwater by various sectors, including—

16 (A) the agricultural sector;

17 (B) municipalities;

18 (C) the industrial sector;

19 (D) thermoelectric power generators; and

20 (E) hydroelectric power generators;

21 (4) significant trends relating to each water use
22 sector, including significant changes in water use
23 due to the development of new energy supplies;

24 (5) significant water use conflicts or shortages
25 that have occurred or are occurring; and

1 (6) each factor that has caused, or is causing,
2 a conflict or shortage described in paragraph (5).

3 (e) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out subsections (a), (b), and
6 (d) \$20,000,000 for each of fiscal years 2009
7 through 2023, to remain available until expended.

8 (2) GRANT PROGRAM.—There is authorized to
9 be appropriated to carry out subsection (c)
10 \$12,500,000 for the period of fiscal years 2009
11 through 2013, to remain available until expended.

12 **SEC. 9509. RESEARCH AGREEMENT AUTHORITY.**

13 The Secretary may enter into contracts, grants, or
14 cooperative agreements, for periods not to exceed 5 years,
15 to carry out research within the Bureau of Reclamation.

16 **SEC. 9510. EFFECT.**

17 (a) IN GENERAL.—Nothing in this subtitle super-
18 sedes or limits any existing authority provided, or respon-
19 sibility conferred, by any provision of law.

20 (b) EFFECT ON STATE WATER LAW.—

21 (1) IN GENERAL.—Nothing in this subtitle pre-
22 empts or affects any—

23 (A) State water law; or

24 (B) interstate compact governing water.

1 (2) COMPLIANCE REQUIRED.—The Secretary
2 shall comply with applicable State water laws in car-
3 rying out this subtitle.

4 **Subtitle G—Aging Infrastructure**

5 **SEC. 9601 DEFINITIONS.**

6 In this subtitle:

7 (1) INSPECTION.—The term “inspection”
8 means an inspection of a project facility carried out
9 by the Secretary—

10 (A) to assess and determine the general
11 condition of the project facility; and

12 (B) to estimate the value of property, and
13 the size of the population, that would be at risk
14 if the project facility fails, is breached, or other-
15 wise allows flooding to occur.

16 (2) PROJECT FACILITY.—The term “project fa-
17 cility” means any part or incidental feature of a
18 project, excluding high- and significant-hazard dams,
19 constructed under the Federal reclamation law (the
20 Act of June 17, 1902 (32 Stat. 388, chapter 1093),
21 and Acts supplemental to and amendatory of that
22 Act (43 U.S.C. 371 et seq.).

23 (3) RESERVED WORKS.—The term “reserved
24 works” mean any project facility at which the Sec-

1 retary carries out the operation and maintenance of
2 the project facility.

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior, acting through the
5 Commissioner of Reclamation.

6 (5) TRANSFERRED WORKS.—The term “trans-
7 ferred works” means a project facility, the operation
8 and maintenance of which is carried out by a non-
9 Federal entity, under the provisions of a formal op-
10 eration and maintenance transfer contract.

11 (6) TRANSFERRED WORKS OPERATING ENTI-
12 TY.—The term “transferred works operating entity”
13 means the organization which is contractually re-
14 sponsible for operation and maintenance of trans-
15 ferred works.

16 (7) EXTRAORDINARY OPERATION AND MAINTEN-
17 NANCE WORK.—The term “extraordinary operation
18 and maintenance work” means major, nonrecurring
19 maintenance to Reclamation-owned or operated fa-
20 cilities, or facility components, that is—

21 (A) intended to ensure the continued safe,
22 dependable, and reliable delivery of authorized
23 project benefits; and

24 (B) greater than 10 percent of the contrac-
25 tor’s or the transferred works operating entity’s

1 annual operation and maintenance budget for
2 the facility, or greater than \$100,000.

3 **SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FA-**
4 **CILITIES AND TECHNICAL ASSISTANCE TO**
5 **TRANSFERRED WORKS OPERATING ENTITIES.**

6 (a) GUIDELINES AND INSPECTIONS.—

7 (1) DEVELOPMENT OF GUIDELINES.—Not later
8 than 1 year after the date of enactment of this Act,
9 the Secretary in consultation with transferred works
10 operating entities shall develop, consistent with ex-
11 isting transfer contracts, specific inspection guide-
12 lines for project facilities which are in proximity to
13 urbanized areas and which could pose a risk to pub-
14 lic safety or property damage if such project facili-
15 ties were to fail.

16 (2) CONDUCT OF INSPECTIONS.—Not later than
17 3 years after the date of enactment of this Act, the
18 Secretary shall conduct inspections of those project
19 facilities, which are in proximity to urbanized areas
20 and which could pose a risk to public safety or prop-
21 erty damage if such facilities were to fail, using such
22 specific inspection guidelines and criteria developed
23 pursuant to paragraph (1). In selecting project fa-
24 cilities to inspect, the Secretary shall take into ac-

1 count the potential magnitude of public safety and
2 economic damage posed by each project facility.

3 (3) TREATMENT OF COSTS.—The costs incurred
4 by the Secretary in conducting these inspections
5 shall be nonreimbursable.

6 (b) USE OF INSPECTION DATA.—The Secretary shall
7 use the data collected through the conduct of the inspec-
8 tions under subsection (a)(2) to—

9 (1) provide recommendations to the transferred
10 works operating entities for improvement of oper-
11 ation and maintenance processes, operating proce-
12 dures including operation guidelines consistent with
13 existing transfer contracts, and structural modifica-
14 tions to those transferred works;

15 (2) determine an appropriate inspection fre-
16 quency for such nondam project facilities which shall
17 not exceed 6 years; and

18 (3) provide, upon request of transferred work
19 operating entities, local governments, or State agen-
20 cies, information regarding potential hazards posed
21 by existing or proposed residential, commercial, in-
22 dustrial or public-use development adjacent to
23 project facilities.

24 (c) TECHNICAL ASSISTANCE TO TRANSFERRED
25 WORKS OPERATING ENTITIES.—

1 (1) AUTHORITY OF SECRETARY TO PROVIDE
2 TECHNICAL ASSISTANCE.—The Secretary is author-
3 ized, at the request of a transferred works operating
4 entity in proximity to an urbanized area, to provide
5 technical assistance to accomplish the following, if
6 consistent with existing transfer contracts:

7 (A) Development of documented operating
8 procedures for a project facility.

9 (B) Development of documented emer-
10 gency notification and response procedures for
11 a project facility.

12 (C) Development of facility inspection cri-
13 teria for a project facility.

14 (D) Development of a training program on
15 operation and maintenance requirements and
16 practices for a project facility for a transferred
17 works operating entity's workforce.

18 (E) Development of a public outreach plan
19 on the operation and risks associated with a
20 project facility.

21 (F) Development of any other plans or
22 documentation which, in the judgment of the
23 Secretary, will contribute to public safety and
24 the safe operation of a project facility.

1 (2) COSTS.—The Secretary is authorized to
2 provide, on a non-reimbursable basis, up to 50 per-
3 cent of the cost of such technical assistance, with
4 the balance of such costs being advanced by the
5 transferred works operating entity or other non-Fed-
6 eral source. The non-Federal 50 percent minimum
7 cost share for such technical assistance may be in
8 the form of in-lieu contributions of resources by the
9 transferred works operating entity or other non-Fed-
10 eral source.

11 **SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE**
12 **WORK PERFORMED BY THE SEC-**
13 **RETARY.**

14 (a) IN GENERAL.—The Secretary or the transferred
15 works operating entity may carry out, in accordance with
16 subsection (b) and consistent with existing transfer con-
17 tracts, any extraordinary operation and maintenance work
18 on a project facility that the Secretary determines to be
19 reasonably required to preserve the structural safety of the
20 project facility.

21 (b) REIMBURSEMENT OF COSTS ARISING FROM EX-
22 TRAORDINARY OPERATION AND MAINTENANCE WORK.—

23 (1) TREATMENT OF COSTS.—For reserved
24 works, costs incurred by the Secretary in conducting
25 extraordinary operation and maintenance work will

1 be allocated to the authorized reimbursable purposes
2 of the project and shall be repaid within 50 years,
3 with interest, from the year in which work under-
4 taken pursuant to this subtitle is substantially com-
5 plete.

6 (2) AUTHORITY OF SECRETARY.—For trans-
7 ferred works, the Secretary is authorized to advance
8 the costs incurred by the transferred works oper-
9 ating entity in conducting extraordinary operation
10 and maintenance work and negotiate appropriate 50-
11 year repayment contracts with project beneficiaries
12 providing for the return of reimbursable costs, with
13 interest, under this subsection: Provided, however,
14 That no contract entered into pursuant to this sub-
15 title shall be deemed to be a new or amended con-
16 tract for the purposes of section 203(a) of the Rec-
17 lamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

18 (3) DETERMINATION OF INTEREST RATE.—The
19 interest rate used for computing interest on work in
20 progress and interest on the unpaid balance of the
21 reimbursable costs of extraordinary operation and
22 maintenance work authorized by this subtitle shall
23 be determined by the Secretary of the Treasury, as
24 of the beginning of the fiscal year in which extraor-
25 dinary operation and maintenance work is com-

1 menced, on the basis of average market yields on
2 outstanding marketable obligations of the United
3 States with the remaining periods of maturity com-
4 parable to the applicable reimbursement period of
5 the project, adjusted to the nearest $\frac{1}{8}$ of 1 percent
6 on the unamortized balance of any portion of the
7 loan.

8 (c) EMERGENCY EXTRAORDINARY OPERATION AND
9 MAINTENANCE WORK.—

10 (1) IN GENERAL.—The Secretary or the trans-
11 ferred works operating entity shall carry out any
12 emergency extraordinary operation and maintenance
13 work on a project facility that the Secretary deter-
14 mines to be necessary to minimize the risk of immi-
15 nent harm to public health or safety, or property.

16 (2) REIMBURSEMENT.—The Secretary may ad-
17 vance funds for emergency extraordinary operation
18 and maintenance work and shall seek reimbursement
19 from the transferred works operating entity or bene-
20 fitting entity upon receiving a written assurance
21 from the governing body of such entity that it will
22 negotiate a contract pursuant to section 9603 for re-
23 payment of costs incurred by the Secretary in under-
24 taking such work.

1 (3) FUNDING.—If the Secretary determines
2 that a project facility inspected and maintained pur-
3 suant to the guidelines and criteria set forth in sec-
4 tion 9602(a) requires extraordinary operation and
5 maintenance pursuant to paragraph (1), the Sec-
6 retary may provide Federal funds on a nonreimburs-
7 able basis sufficient to cover 35 percent of the cost
8 of the extraordinary operation and maintenance allo-
9 cable to the transferred works operating entity,
10 which is needed to minimize the risk of imminent
11 harm. The remaining share of the Federal funds ad-
12 vanced by the Secretary for such work shall be re-
13 paid under subsection (b).

14 **SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY**
15 **WATER WORKS ACT.**

16 Nothing in this subtitle shall preclude a transferred
17 works operating entity from applying and receiving a loan-
18 guarantee pursuant to the Twenty-First Century Water
19 Works Act (43 U.S.C. 2401 et seq.).

20 **SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums
22 as are necessary to carry out this subtitle.

1 **TITLE X—WATER SETTLEMENTS**

2 **Subtitle A—San Joaquin River**

3 **Restoration Settlement**

4 **PART I—SAN JOAQUIN RIVER RESTORATION**

5 **SETTLEMENT ACT**

6 **SEC. 10001. SHORT TITLE.**

7 This part may be cited as the “San Joaquin River
8 Restoration Settlement Act”.

9 **SEC. 10002. PURPOSE.**

10 The purpose of this part is to authorize implementa-
11 tion of the Settlement.

12 **SEC. 10003. DEFINITIONS.**

13 In this part:

14 (1) The terms “Friant Division long-term con-
15 tractors”, “Interim Flows”, “Restoration Flows”,
16 “Recovered Water Account”, “Restoration Goal”,
17 and “Water Management Goal” have the meanings
18 given the terms in the Settlement.

19 (2) The term “Secretary” means the Secretary
20 of the Interior.

21 (3) The term “Settlement” means the Stipula-
22 tion of Settlement dated September 13, 2006, in the
23 litigation entitled Natural Resources Defense Coun-
24 cil, et al. v. Kirk Rodgers, et al., United States Dis-

1 trict Court, Eastern District of California, No. CIV.
2 S-88-1658-LKK/GGH.

3 **SEC. 10004. IMPLEMENTATION OF SETTLEMENT.**

4 (a) IN GENERAL.—The Secretary of the Interior is
5 hereby authorized and directed to implement the terms
6 and conditions of the Settlement in cooperation with the
7 State of California, including the following measures as
8 these measures are prescribed in the Settlement:

9 (1) Design and construct channel and struc-
10 tural improvements as described in paragraph 11 of
11 the Settlement, provided, however, that the Sec-
12 retary shall not make or fund any such improve-
13 ments to facilities or property of the State of Cali-
14 fornia without the approval of the State of Cali-
15 fornia and the State's agreement in 1 or more
16 memoranda of understanding to participate where
17 appropriate.

18 (2) Modify Friant Dam operations so as to pro-
19 vide Restoration Flows and Interim Flows.

20 (3) Acquire water, water rights, or options to
21 acquire water as described in paragraph 13 of the
22 Settlement, provided, however, such acquisitions
23 shall only be made from willing sellers and not
24 through eminent domain.

1 (4) Implement the terms and conditions of
2 paragraph 16 of the Settlement related to recircula-
3 tion, recapture, reuse, exchange, or transfer of water
4 released for Restoration Flows or Interim Flows, for
5 the purpose of accomplishing the Water Manage-
6 ment Goal of the Settlement, subject to—

7 (A) applicable provisions of California
8 water law;

9 (B) the Secretary's use of Central Valley
10 Project facilities to make Project water (other
11 than water released from Friant Dam pursuant
12 to the Settlement) and water acquired through
13 transfers available to existing south-of-Delta
14 Central Valley Project contractors; and

15 (C) the Secretary's performance of the
16 Agreement of November 24, 1986, between the
17 United States of America and the Department
18 of Water Resources of the State of California
19 for the coordinated operation of the Central
20 Valley Project and the State Water Project as
21 authorized by Congress in section 2(d) of the
22 Act of August 26, 1937 (50 Stat. 850, 100
23 Stat. 3051), including any agreement to resolve
24 conflicts arising from said Agreement.

1 (5) Develop and implement the Recovered
2 Water Account as specified in paragraph 16(b) of
3 the Settlement, including the pricing and payment
4 crediting provisions described in paragraph 16(b)(3)
5 of the Settlement, provided that all other provisions
6 of Federal reclamation law shall remain applicable.

7 (b) AGREEMENTS.—

8 (1) AGREEMENTS WITH THE STATE.—In order
9 to facilitate or expedite implementation of the Settle-
10 ment, the Secretary is authorized and directed to
11 enter into appropriate agreements, including cost-
12 sharing agreements, with the State of California.

13 (2) OTHER AGREEMENTS.—The Secretary is
14 authorized to enter into contracts, memoranda of
15 understanding, financial assistance agreements, cost
16 sharing agreements, and other appropriate agree-
17 ments with State, tribal, and local governmental
18 agencies, and with private parties, including agree-
19 ments related to construction, improvement, and op-
20 eration and maintenance of facilities, subject to any
21 terms and conditions that the Secretary deems nec-
22 essary to achieve the purposes of the Settlement.

23 (c) ACCEPTANCE AND EXPENDITURE OF NON-FED-
24 ERAL FUNDS.—The Secretary is authorized to accept and

1 expend non-Federal funds in order to facilitate implemen-
2 tation of the Settlement.

3 (d) MITIGATION OF IMPACTS.—Prior to the imple-
4 mentation of decisions or agreements to construct, im-
5 prove, operate, or maintain facilities that the Secretary de-
6 termines are needed to implement the Settlement, the Sec-
7 retary shall identify—

8 (1) the impacts associated with such actions;
9 and

10 (2) the measures which shall be implemented to
11 mitigate impacts on adjacent and downstream water
12 users and landowners.

13 (e) DESIGN AND ENGINEERING STUDIES.—The Sec-
14 retary is authorized to conduct any design or engineering
15 studies that are necessary to implement the Settlement.

16 (f) EFFECT ON CONTRACT WATER ALLOCATIONS.—
17 Except as otherwise provided in this section, the imple-
18 mentation of the Settlement and the reintroduction of
19 California Central Valley Spring Run Chinook salmon
20 pursuant to the Settlement and section 10011, shall not
21 result in the involuntary reduction in contract water allo-
22 cations to Central Valley Project long-term contractors,
23 other than Friant Division long-term contractors.

24 (g) EFFECT ON EXISTING WATER CONTRACTS.—Ex-
25 cept as provided in the Settlement and this part, nothing

1 in this part shall modify or amend the rights and obliga-
2 tions of the parties to any existing water service, repay-
3 ment, purchase, or exchange contract.

4 (h) INTERIM FLOWS.—

5 (1) STUDY REQUIRED.—Prior to releasing any
6 Interim Flows under the Settlement, the Secretary
7 shall prepare an analysis in compliance with the Na-
8 tional Environmental Policy Act of 1969 (42 U.S.C.
9 4321 et seq.), including at a minimum—

10 (A) an analysis of channel conveyance ca-
11 pacities and potential for levee or groundwater
12 seepage;

13 (B) a description of the associated seepage
14 monitoring program;

15 (C) an evaluation of—

16 (i) possible impacts associated with
17 the release of Interim Flows; and

18 (ii) mitigation measures for those im-
19 pacts that are determined to be significant;

20 (D) a description of the associated flow
21 monitoring program; and

22 (E) an analysis of the likely Federal costs,
23 if any, of any fish screens, fish bypass facilities,
24 fish salvage facilities, and related operations on
25 the San Joaquin River south of the confluence

1 with the Merced River required under the En-
2 dangered Species Act of 1973 (16 U.S.C. 1531
3 et seq.) as a result of the Interim Flows.

4 (2) CONDITIONS FOR RELEASE.—The Secretary
5 is authorized to release Interim Flows to the extent
6 that such flows would not—

7 (A) impede or delay completion of the
8 measures specified in Paragraph 11(a) of the
9 Settlement; or

10 (B) exceed existing downstream channel
11 capacities.

12 (3) SEEPAGE IMPACTS.—The Secretary shall
13 reduce Interim Flows to the extent necessary to ad-
14 dress any material adverse impacts to third parties
15 from groundwater seepage caused by such flows that
16 the Secretary identifies based on the monitoring pro-
17 gram of the Secretary.

18 (4) TEMPORARY FISH BARRIER PROGRAM.—The
19 Secretary, in consultation with the California De-
20 partment of Fish and Game, shall evaluate the effec-
21 tiveness of the Hills Ferry barrier in preventing the
22 unintended upstream migration of anadromous fish
23 in the San Joaquin River and any false migratory
24 pathways. If that evaluation determines that any
25 such migration past the barrier is caused by the in-

1 roduction of the Interim Flows and that the pres-
2 ence of such fish will result in the imposition of ad-
3 ditional regulatory actions against third parties, the
4 Secretary is authorized to assist the Department of
5 Fish and Game in making improvements to the bar-
6 rier. From funding made available in accordance
7 with section 10009, if third parties along the San
8 Joaquin River south of its confluence with the
9 Merced River are required to install fish screens or
10 fish bypass facilities due to the release of Interim
11 Flows in order to comply with the Endangered Spe-
12 cies Act of 1973 (16 U.S.C. 1531 et seq.), the Sec-
13 retary shall bear the costs of the installation of such
14 screens or facilities if such costs would be borne by
15 the Federal Government under section 10009(a)(3),
16 except to the extent that such costs are already or
17 are further willingly borne by the State of California
18 or by the third parties.

19 (i) FUNDING AVAILABILITY.—

20 (1) IN GENERAL.—Funds shall be collected in
21 the San Joaquin River Restoration Fund through
22 October 1, 2019, and thereafter, with substantial
23 amounts available through October 1, 2019, pursu-
24 ant to section 10009 for implementation of the Set-
25 tlement and parts I and III, including—

1 (A) \$88,000,000, to be available without
2 further appropriation pursuant to section
3 10009(c)(2);

4 (B) additional amounts authorized to be
5 appropriated, including the charges required
6 under section 10007 and an estimated
7 \$20,000,000 from the CVP Restoration Fund
8 pursuant to section 10009(b)(2); and

9 (C) an aggregate commitment of at least
10 \$200,000,000 by the State of California.

11 (2) ADDITIONAL AMOUNTS.—Substantial addi-
12 tional amounts from the San Joaquin River Restora-
13 tion Fund shall become available without further ap-
14 propriation after October 1, 2019, pursuant to sec-
15 tion 10009(c)(2).

16 (3) EFFECT OF SUBSECTION.—Nothing in this
17 subsection limits the availability of funds authorized
18 for appropriation pursuant to section 10009(b) or
19 10203(c).

20 (j) SAN JOAQUIN RIVER EXCHANGE CONTRACT.—
21 Subject to section 10006(b), nothing in this part shall
22 modify or amend the rights and obligations under the Pur-
23 chase Contract between Miller and Lux and the United
24 States and the Second Amended Exchange Contract be-
25 tween the United States, Department of the Interior, Bu-

1 reau of Reclamation and Central California Irrigation Dis-
2 trict, San Luis Canal Company, Firebaugh Canal Water
3 District and Columbia Canal Company.

4 **SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY;**
5 **TITLE TO FACILITIES.**

6 (a) TITLE TO FACILITIES.—Unless acquired pursu-
7 ant to subsection (b), title to any facility or facilities,
8 stream channel, levees, or other real property modified or
9 improved in the course of implementing the Settlement au-
10 thorized by this part, and title to any modifications or im-
11 provements of such facility or facilities, stream channel,
12 levees, or other real property—

13 (1) shall remain in the owner of the property;
14 and

15 (2) shall not be transferred to the United
16 States on account of such modifications or improve-
17 ments.

18 (b) ACQUISITION OF PROPERTY.—

19 (1) IN GENERAL.—The Secretary is authorized
20 to acquire through purchase from willing sellers any
21 property, interests in property, or options to acquire
22 real property needed to implement the Settlement
23 authorized by this part.

24 (2) APPLICABLE LAW.—The Secretary is au-
25 thorized, but not required, to exercise all of the au-

1 thorities provided in section 2 of the Act of August
2 26, 1937 (50 Stat. 844, chapter 832), to carry out
3 the measures authorized in this section and section
4 10004.

5 (c) DISPOSAL OF PROPERTY.—

6 (1) IN GENERAL.—Upon the Secretary's deter-
7 mination that retention of title to property or inter-
8 ests in property acquired pursuant to this part is no
9 longer needed to be held by the United States for
10 the furtherance of the Settlement, the Secretary is
11 authorized to dispose of such property or interest in
12 property on such terms and conditions as the Sec-
13 retary deems appropriate and in the best interest of
14 the United States, including possible transfer of
15 such property to the State of California.

16 (2) RIGHT OF FIRST REFUSAL.—In the event
17 the Secretary determines that property acquired pur-
18 suant to this part through the exercise of its emi-
19 nent domain authority is no longer necessary for im-
20 plementation of the Settlement, the Secretary shall
21 provide a right of first refusal to the property owner
22 from whom the property was initially acquired, or
23 his or her successor in interest, on the same terms
24 and conditions as the property is being offered to
25 other parties.

1 (3) DISPOSITION OF PROCEEDS.—Proceeds
2 from the disposal by sale or transfer of any such
3 property or interests in such property shall be depos-
4 ited in the fund established by section 10009(c).

5 (d) GROUNDWATER BANK.—Nothing in this part au-
6 thorizes the Secretary to operate a groundwater bank
7 along or adjacent to the San Joaquin River upstream of
8 the confluence with the Merced River, and any such
9 groundwater bank shall be operated by a non-Federal enti-
10 ty.

11 **SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.**

12 (a) APPLICABLE LAW.—

13 (1) IN GENERAL.—In undertaking the measures
14 authorized by this part, the Secretary and the Sec-
15 retary of Commerce shall comply with all applicable
16 Federal and State laws, rules, and regulations, in-
17 cluding the National Environmental Policy Act of
18 1969 (42 U.S.C. 4321 et seq.) and the Endangered
19 Species Act of 1973 (16 U.S.C. 1531 et seq.), as
20 necessary.

21 (2) ENVIRONMENTAL REVIEWS.—The Secretary
22 and the Secretary of Commerce are authorized and
23 directed to initiate and expeditiously complete appli-
24 cable environmental reviews and consultations as

1 may be necessary to effectuate the purposes of the
2 Settlement.

3 (b) EFFECT ON STATE LAW.—Nothing in this part
4 shall preempt State law or modify any existing obligation
5 of the United States under Federal reclamation law to op-
6 erate the Central Valley Project in conformity with State
7 law.

8 (c) USE OF FUNDS FOR ENVIRONMENTAL RE-
9 VIEWS.—

10 (1) DEFINITION OF ENVIRONMENTAL RE-
11 VIEW.—For purposes of this subsection, the term
12 “environmental review” includes any consultation
13 and planning necessary to comply with subsection
14 (a).

15 (2) PARTICIPATION IN ENVIRONMENTAL RE-
16 VIEW PROCESS.—In undertaking the measures au-
17 thorized by section 10004, and for which environ-
18 mental review is required, the Secretary may provide
19 funds made available under this part to affected
20 Federal agencies, State agencies, local agencies, and
21 Indian tribes if the Secretary determines that such
22 funds are necessary to allow the Federal agencies,
23 State agencies, local agencies, or Indian tribes to ef-
24 fectively participate in the environmental review
25 process.

1 (3) LIMITATION.—Funds may be provided
2 under paragraph (2) only to support activities that
3 directly contribute to the implementation of the
4 terms and conditions of the Settlement.

5 (d) NONREIMBURSABLE FUNDS.—The United
6 States' share of the costs of implementing this part shall
7 be nonreimbursable under Federal reclamation law, pro-
8 vided that nothing in this subsection shall limit or be con-
9 strued to limit the use of the funds assessed and collected
10 pursuant to sections 3406(c)(1) and 3407(d)(2) of the
11 Reclamation Projects Authorization and Adjustment Act
12 of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for
13 implementation of the Settlement, nor shall it be con-
14 strued to limit or modify existing or future Central Valley
15 Project ratesetting policies.

16 **SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT**
17 **IMPROVEMENT ACT.**

18 Congress hereby finds and declares that the Settle-
19 ment satisfies and discharges all of the obligations of the
20 Secretary contained in section 3406(c)(1) of the Reclama-
21 tion Projects Authorization and Adjustment Act of 1992
22 (Public Law 102–575; 106 Stat. 4721), provided, how-
23 ever, that—

24 (1) the Secretary shall continue to assess and
25 collect the charges provided in section 3406(c)(1) of

1 the Reclamation Projects Authorization and Adjust-
2 ment Act of 1992 (Public Law 102–575; 106 Stat.
3 4721), as provided in the Settlement; and

4 (2) those assessments and collections shall con-
5 tinue to be counted toward the requirements of the
6 Secretary contained in section 3407(c)(2) of the
7 Reclamation Projects Authorization and Adjustment
8 Act of 1992 (Public Law 102–575; 106 Stat. 4726).

9 **SEC. 10008. NO PRIVATE RIGHT OF ACTION.**

10 (a) IN GENERAL.—Nothing in this part confers upon
11 any person or entity not a party to the Settlement a pri-
12 vate right of action or claim for relief to interpret or en-
13 force the provisions of this part or the Settlement.

14 (b) APPLICABLE LAW.—This section shall not alter
15 or curtail any right of action or claim for relief under any
16 other applicable law.

17 **SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.**

18 (a) IMPLEMENTATION COSTS.—

19 (1) IN GENERAL.—The costs of implementing
20 the Settlement shall be covered by payments or in-
21 kind contributions made by Friant Division contrac-
22 tors and other non-Federal parties, including the
23 funds provided in subparagraphs (A) through (D) of
24 subsection (c)(1), estimated to total \$440,000,000,
25 of which the non-Federal payments are estimated to

1 total \$200,000,000 (at October 2006 price levels)
2 and the amount from repaid Central Valley Project
3 capital obligations is estimated to total
4 \$240,000,000, the additional Federal appropriation
5 of \$250,000,000 authorized pursuant to subsection
6 (b)(1), and such additional funds authorized pursu-
7 ant to subsection (b)(2); provided however, that the
8 costs of implementing the provisions of section
9 10004(a)(1) shall be shared by the State of Cali-
10 fornia pursuant to the terms of a memorandum of
11 understanding executed by the State of California
12 and the Parties to the Settlement on September 13,
13 2006, which includes at least \$110,000,000 of State
14 funds.

15 (2) ADDITIONAL AGREEMENTS.—

16 (A) IN GENERAL.—The Secretary shall
17 enter into 1 or more agreements to fund or im-
18 plement improvements on a project-by-project
19 basis with the State of California.

20 (B) REQUIREMENTS.—Any agreements en-
21 tered into under subparagraph (A) shall provide
22 for recognition of either monetary or in-kind
23 contributions toward the State of California's
24 share of the cost of implementing the provisions
25 of section 10004(a)(1).

1 (3) LIMITATION.—Except as provided in the
2 Settlement, to the extent that costs incurred solely
3 to implement this Settlement would not otherwise
4 have been incurred by any entity or public or local
5 agency or subdivision of the State of California, such
6 costs shall not be borne by any such entity, agency,
7 or subdivision of the State of California, unless such
8 costs are incurred on a voluntary basis.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—In addition to the funding
11 provided in subsection (c), there are also authorized
12 to be appropriated not to exceed \$250,000,000 (at
13 October 2006 price levels) to implement this part
14 and the Settlement, to be available until expended;
15 provided however, that the Secretary is authorized to
16 spend such additional appropriations only in
17 amounts equal to the amount of funds deposited in
18 the San Joaquin River Restoration Fund (not in-
19 cluding payments under subsection (c)(1)(B) and
20 proceeds under subsection (c)(1)(C)), the amount of
21 in-kind contributions, and other non-Federal pay-
22 ments actually committed to the implementation of
23 this part or the Settlement.

24 (2) USE OF THE CENTRAL VALLEY PROJECT
25 RESTORATION FUND.—The Secretary is authorized

1 to use monies from the Central Valley Project Res-
2 toration Fund created under section 3407 of the
3 Reclamation Projects Authorization and Adjustment
4 Act of 1992 (Public Law 102–575; 106 Stat. 4727)
5 for purposes of this part in an amount not to exceed
6 \$2,000,000 (October 2006 price levels) in any fiscal
7 year.

8 (c) FUND.—

9 (1) IN GENERAL.—There is hereby established
10 within the Treasury of the United States a fund, to
11 be known as the San Joaquin River Restoration
12 Fund, into which the following funds shall be depos-
13 ited and used solely for the purpose of implementing
14 the Settlement except as otherwise provided in sub-
15 sections (a) and (b) of section 10203:

16 (A) All payments received pursuant to sec-
17 tion 3406(e)(1) of the Reclamation Projects
18 Authorization and Adjustment Act of 1992
19 (Public Law 102–575; 106 Stat. 4721).

20 (B) The construction cost component (not
21 otherwise needed to cover operation and main-
22 tenance costs) of payments made by Friant Di-
23 vision, Hidden Unit, and Buchanan Unit long-
24 term contractors pursuant to long-term water
25 service contracts or pursuant to repayment con-

1 tracts, including repayment contracts executed
2 pursuant to section 10010. The construction
3 cost repayment obligation assigned such con-
4 tractors under such contracts shall be reduced
5 by the amount paid pursuant to this paragraph
6 and the appropriate share of the existing Fed-
7 eral investment in the Central Valley Project to
8 be recovered by the Secretary pursuant to Pub-
9 lic Law 99–546 (100 Stat. 3050) shall be re-
10 duced by an equivalent sum.

11 (C) Proceeds from the sale of water pursu-
12 ant to the Settlement, or from the sale of prop-
13 erty or interests in property as provided in sec-
14 tion 10005.

15 (D) Any non-Federal funds, including
16 State cost-sharing funds, contributed to the
17 United States for implementation of the Settle-
18 ment, which the Secretary may expend without
19 further appropriation for the purposes for
20 which contributed.

21 (2) AVAILABILITY.—All funds deposited into
22 the Fund pursuant to subparagraphs (A), (B), and
23 (C) of paragraph (1) are authorized for appropria-
24 tion to implement the Settlement and this part, in
25 addition to the authorization provided in subsections

1 (a) and (b) of section 10203, except that
2 \$88,000,000 of such funds are available for expendi-
3 ture without further appropriation; provided that
4 after October 1, 2019, all funds in the Fund shall
5 be available for expenditure without further appro-
6 priation.

7 (d) LIMITATION ON CONTRIBUTIONS.—Payments
8 made by long-term contractors who receive water from the
9 Friant Division and Hidden and Buchanan Units of the
10 Central Valley Project pursuant to sections 3406(c)(1)
11 and 3407(d)(2) of the Reclamation Projects Authorization
12 and Adjustment Act of 1992 (Public Law 102–575; 106
13 Stat. 4721, 4727) and payments made pursuant to para-
14 graph 16(b)(3) of the Settlement and subsection (c)(1)(B)
15 shall be the limitation of such entities’ direct financial con-
16 tribution to the Settlement, subject to the terms and con-
17 ditions of paragraph 21 of the Settlement.

18 (e) NO ADDITIONAL EXPENDITURES REQUIRED.—
19 Nothing in this part shall be construed to require a Fed-
20 eral official to expend Federal funds not appropriated by
21 Congress, or to seek the appropriation of additional funds
22 by Congress, for the implementation of the Settlement.

23 (f) REACH 4B.—

24 (1) STUDY.—

1 (A) IN GENERAL.—In accordance with the
2 Settlement and the memorandum of under-
3 standing executed pursuant to paragraph 6 of
4 the Settlement, the Secretary shall conduct a
5 study that specifies—

6 (i) the costs of undertaking any work
7 required under paragraph 11(a)(3) of the
8 Settlement to increase the capacity of
9 reach 4B prior to reinitiation of Restora-
10 tion Flows;

11 (ii) the impacts associated with re-
12 initiation of such flows; and

13 (iii) measures that shall be imple-
14 mented to mitigate impacts.

15 (B) DEADLINE.—The study under sub-
16 paragraph (A) shall be completed prior to res-
17 toration of any flows other than Interim Flows.

18 (2) REPORT.—

19 (A) IN GENERAL.—The Secretary shall file
20 a report with Congress not later than 90 days
21 after issuing a determination, as required by
22 the Settlement, on whether to expand channel
23 conveyance capacity to 4500 cubic feet per sec-
24 ond in reach 4B of the San Joaquin River, or
25 use an alternative route for pulse flows, that—

1 (i) explains whether the Secretary has
2 decided to expand Reach 4B capacity to
3 4500 cubic feet per second; and

4 (ii) addresses the following matters:

5 (I) The basis for the Secretary's
6 determination, whether set out in en-
7 vironmental review documents or oth-
8 erwise, as to whether the expansion of
9 Reach 4B would be the preferable
10 means to achieve the Restoration Goal
11 as provided in the Settlement, includ-
12 ing how different factors were as-
13 sessed such as comparative biological
14 and habitat benefits, comparative
15 costs, relative availability of State
16 cost-sharing funds, and the compara-
17 tive benefits and impacts on water
18 temperature, water supply, private
19 property, and local and downstream
20 flood control.

21 (II) The Secretary's final cost es-
22 timate for expanding Reach 4B capac-
23 ity to 4500 cubic feet per second, or
24 any alternative route selected, as well
25 as the alternative cost estimates pro-

1 vided by the State, by the Restoration
2 Administrator, and by the other par-
3 ties to the Settlement.

4 (III) The Secretary's plan for
5 funding the costs of expanding Reach
6 4B or any alternative route selected,
7 whether by existing Federal funds
8 provided under this subtitle, by non-
9 Federal funds, by future Federal ap-
10 propriations, or some combination of
11 such sources.

12 (B) DETERMINATION REQUIRED.—The
13 Secretary shall, to the extent feasible, make the
14 determination in subparagraph (A) prior to un-
15 dertaking any substantial construction work to
16 increase capacity in reach 4B.

17 (3) COSTS.—If the Secretary's estimated Fed-
18 eral cost for expanding reach 4B in paragraph (2),
19 in light of the Secretary's funding plan set out in
20 that paragraph, would exceed the remaining Federal
21 funding authorized by this part (including all funds
22 reallocated, all funds dedicated, and all new funds
23 authorized by this part and separate from all com-
24 mitments of State and other non-Federal funds and
25 in-kind commitments), then before the Secretary

1 commences actual construction work in reach 4B
2 (other than planning, design, feasibility, or other
3 preliminary measures) to expand capacity to 4500
4 cubic feet per second to implement this Settlement,
5 Congress must have increased the applicable author-
6 ization ceiling provided by this part in an amount at
7 least sufficient to cover the higher estimated Federal
8 costs.

9 **SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION**
10 **OF REPAYMENT OF CONSTRUCTION COSTS.**

11 (a) CONVERSION OF CONTRACTS.—

12 (1) The Secretary is authorized and directed to
13 convert, prior to December 31, 2010, all existing
14 long-term contracts with the following Friant Divi-
15 sion, Hidden Unit, and Buchanan Unit contractors,
16 entered under subsection (e) of section 9 of the Act
17 of August 4, 1939 (53 Stat. 1196), to contracts
18 under subsection (d) of section 9 of said Act (53
19 Stat. 1195), under mutually agreeable terms and
20 conditions: Arvin-Edison Water Storage District;
21 Delano-Earlimart Irrigation District; Exeter Irriga-
22 tion District; Fresno Irrigation District; Ivanhoe Ir-
23 rigation District; Lindmore Irrigation District; Lind-
24 say-Strathmore Irrigation District; Lower Tule
25 River Irrigation District; Orange Cove Irrigation

1 District; Porterville Irrigation District; Saucelito Ir-
2 rigation District; Shafter-Wasco Irrigation District;
3 Southern San Joaquin Municipal Utility District;
4 Stone Corral Irrigation District; Tea Pot Dome
5 Water District; Terra Bella Irrigation District;
6 Tulare Irrigation District; Madera Irrigation Dis-
7 trict; and Chowchilla Water District. Upon request
8 of the contractor, the Secretary is authorized to con-
9 vert, prior to December 31, 2010, other existing
10 long-term contracts with Friant Division contractors
11 entered under subsection (e) of section 9 of the Act
12 of August 4, 1939 (53 Stat. 1196), to contracts
13 under subsection (d) of section 9 of said Act (53
14 Stat. 1195), under mutually agreeable terms and
15 conditions.

16 (2) Upon request of the contractor, the Sec-
17 retary is further authorized to convert, prior to De-
18 cember 31, 2010, any existing Friant Division long-
19 term contract entered under subsection (c)(2) of sec-
20 tion 9 of the Act of August 4, 1939 (53 Stat. 1194),
21 to a contract under subsection (c)(1) of section 9 of
22 said Act, under mutually agreeable terms and condi-
23 tions.

24 (3) All such contracts entered into pursuant to
25 paragraph (1) shall—

1 (A) require the repayment, either in lump
2 sum or by accelerated prepayment, of the re-
3 maining amount of construction costs identified
4 in the Central Valley Project Schedule of Irriga-
5 tion Capital Rates by Contractor 2007 Irriga-
6 tion Water Rates, dated January 25, 2007, as
7 adjusted to reflect payments not reflected in
8 such schedule, and properly assignable for ulti-
9 mate return by the contractor, no later than
10 January 31, 2011, or if made in approximately
11 equal annual installments, no later than Janu-
12 ary 31, 2014; such amount to be discounted by
13 $\frac{1}{2}$ the Treasury Rate. An estimate of the re-
14 maining amount of construction costs as of
15 January 31, 2011, as adjusted, shall be pro-
16 vided by the Secretary to each contractor no
17 later than June 30, 2010;

18 (B) require that, notwithstanding sub-
19 section (c)(2), construction costs or other cap-
20 italized costs incurred after the effective date of
21 the contract or not reflected in the schedule ref-
22 erenced in subparagraph (A), and properly as-
23 signable to such contractor, shall be repaid in
24 not more than 5 years after notification of the
25 allocation if such amount is a result of a collec-

1 tive annual allocation of capital costs to the
2 contractors exercising contract conversions
3 under this subsection of less than \$5,000,000.
4 If such amount is \$5,000,000 or greater, such
5 cost shall be repaid as provided by applicable
6 Reclamation law, provided that the reference to
7 the amount of \$5,000,000 shall not be a prece-
8 dent in any other context;

9 (C) provide that power revenues will not be
10 available to aid in repayment of construction
11 costs allocated to irrigation under the contract;
12 and

13 (D) conform to the Settlement and this
14 part and shall continue so long as the con-
15 tractor pays applicable charges, consistent with
16 subsection (c)(2) and applicable law.

17 (4) All such contracts entered into pursuant to
18 paragraph (2) shall—

19 (A) require the repayment in lump sum of
20 the remaining amount of construction costs
21 identified in the most current version of the
22 Central Valley Project Schedule of Municipal
23 and Industrial Water Rates, as adjusted to re-
24 flect payments not reflected in such schedule,
25 and properly assignable for ultimate return by

1 the contractor, no later than January 31, 2014.
2 An estimate of the remaining amount of con-
3 struction costs as of January 31, 2014, as ad-
4 justed, shall be provided by the Secretary to
5 each contractor no later than June 30, 2013;

6 (B) require that, notwithstanding sub-
7 section (c)(2), construction costs or other cap-
8 italized costs incurred after the effective date of
9 the contract or not reflected in the schedule ref-
10 erenced in subparagraph (A), and properly as-
11 signable to such contractor, shall be repaid in
12 not more than 5 years after notification of the
13 allocation if such amount is a result of a collec-
14 tive annual allocation of capital costs to the
15 contractors exercising contract conversions
16 under this subsection of less than \$5,000,000.
17 If such amount is \$5,000,000 or greater, such
18 cost shall be repaid as provided by applicable
19 Reclamation law, provided that the reference to
20 the amount of \$5,000,000 shall not be a prece-
21 dent in any other context; and

22 (C) conform to the Settlement and this
23 part and shall continue so long as the con-
24 tractor pays applicable charges, consistent with
25 subsection (c)(2) and applicable law.

1 (b) FINAL ADJUSTMENT.—The amounts paid pursu-
2 ant to subsection (a) shall be subject to adjustment fol-
3 lowing a final cost allocation by the Secretary upon com-
4 pletion of the construction of the Central Valley Project.
5 In the event that the final cost allocation indicates that
6 the costs properly assignable to the contractor are greater
7 than what has been paid by the contractor, the contractor
8 shall be obligated to pay the remaining allocated costs.
9 The term of such additional repayment contract shall be
10 no less than 1 year and no more than 10 years, however,
11 mutually agreeable provisions regarding the rate of repay-
12 ment of such amount may be developed by the parties.
13 In the event that the final cost allocation indicates that
14 the costs properly assignable to the contractor are less
15 than what the contractor has paid, the Secretary is au-
16 thorized and directed to credit such overpayment as an
17 offset against any outstanding or future obligation of the
18 contractor.

19 (c) APPLICABILITY OF CERTAIN PROVISIONS.—

20 (1) Notwithstanding any repayment obligation
21 under subsection (a)(3)(B) or subsection (b), upon a
22 contractor's compliance with and discharge of the
23 obligation of repayment of the construction costs as
24 provided in subsection (a)(3)(A), the provisions of
25 section 213(a) and (b) of the Reclamation Reform

1 Act of 1982 (96 Stat. 1269) shall apply to lands in
2 such district.

3 (2) Notwithstanding any repayment obligation
4 under paragraph (3)(B) or (4)(B) of subsection (a),
5 or subsection (b), upon a contractor's compliance
6 with and discharge of the obligation of repayment of
7 the construction costs as provided in paragraphs
8 (3)(A) and (4)(A) of subsection (a), the Secretary
9 shall waive the pricing provisions of section 3405(d)
10 of the Reclamation Projects Authorization and Ad-
11 justment Act of 1992 (Public Law 102-575) for
12 such contractor, provided that such contractor shall
13 continue to pay applicable operation and mainte-
14 nance costs and other charges applicable to such re-
15 payment contracts pursuant to the then-current
16 rate-setting policy and applicable law.

17 (3) Provisions of the Settlement applying to
18 Friant Division, Hidden Unit, and Buchanan Unit
19 long-term water service contracts shall also apply to
20 contracts executed pursuant to this section.

21 (d) REDUCTION OF CHARGE FOR THOSE CONTRACTS
22 CONVERTED PURSUANT TO SUBSECTION (A)(1).—

23 (1) At the time all payments by the contractor
24 required by subsection (a)(3)(A) have been com-
25 pleted, the Secretary shall reduce the charge man-

1 dated in section 10007(1) of this part, from 2020
2 through 2039, to offset the financing costs as de-
3 fined in section 10010(d)(3). The reduction shall be
4 calculated at the time all payments by the contractor
5 required by subsection (a)(3)(A) have been com-
6 pleted. The calculation shall remain fixed from 2020
7 through 2039 and shall be based upon anticipated
8 average annual water deliveries, as mutually agreed
9 upon by the Secretary and the contractor, for the
10 period from 2020 through 2039, and the amounts of
11 such reductions shall be discounted using the Treas-
12 ury Rate; provided, that such charge shall not be re-
13 duced to less than \$4.00 per acre foot of project
14 water delivered; provided further, that such reduc-
15 tion shall be implemented annually unless the Sec-
16 retary determines, based on the availability of other
17 monies, that the charges mandated in section
18 10007(1) are otherwise needed to cover ongoing fed-
19 eral costs of the Settlement, including any federal
20 operation and maintenance costs of facilities that the
21 Secretary determines are needed to implement the
22 Settlement. If the Secretary determines that such
23 charges are necessary to cover such ongoing federal
24 costs, the Secretary shall, instead of making the re-
25 duction in such charges, reduce the contractor's op-

1 eration and maintenance obligation by an equivalent
2 amount, and such amount shall not be recovered by
3 the United States from any Central Valley Project
4 contractor, provided nothing herein shall affect the
5 obligation of the contractor to make payments pur-
6 suant to a transfer agreement with a non-federal op-
7 erating entity.

8 (2) If the calculated reduction in paragraph (1),
9 taking into consideration the minimum amount re-
10 quired, does not result in the contractor offsetting
11 its financing costs, the Secretary is authorized and
12 directed to reduce, after October 1, 2019, any out-
13 standing or future obligations of the contractor to
14 the Bureau of Reclamation, other than the charge
15 assessed and collected under section 3407(d) of Pub-
16 lic law 102-575, by the amount of such deficiency,
17 with such amount indexed to 2020 using the Treas-
18 ury Rate and such amount shall not be recovered by
19 the United States from any Central Valley Project
20 contractor, provided nothing herein shall affect the
21 obligation of the contractor to make payments pur-
22 suant to a transfer agreement with a non-Federal
23 operating entity.

24 (3) Financing costs, for the purposes of this
25 subsection, shall be computed as the difference of

1 the net present value of the construction cost identi-
2 fied in subsection (a)(3)(A) using the full Treasury
3 Rate as compared to using one half of the Treasury
4 Rate and applying those rates against a calculated
5 average annual capital repayment through 2030.

6 (4) Effective in 2040, the charge shall revert to
7 the amount called for in section 10007(1) of this
8 part.

9 (5) For purposes of this section, “Treasury
10 Rate” shall be defined as the 20 year Constant Ma-
11 turity Treasury (CMT) rate published by the United
12 States Department of the Treasury as of October 1,
13 2010.

14 (e) SATISFACTION OF CERTAIN PROVISIONS.—

15 (1) IN GENERAL.—Upon the first release of In-
16 terim Flows or Restoration Flows, pursuant to para-
17 graphs 13 or 15 of the Settlement, any short- or
18 long-term agreement, to which 1 or more long-term
19 Friant Division, Hidden Unit, or Buchanan Unit
20 contractor that converts its contract pursuant to
21 subsection (a) is a party, providing for the transfer
22 or exchange of water not released as Interim Flows
23 or Restoration Flows shall be deemed to satisfy the
24 provisions of subsection 3405(a)(1)(A) and (I) of the
25 Reclamation Projects Authorization and Adjustment

1 Act of 1992 (Public Law 102–575) without the fur-
2 ther concurrence of the Secretary as to compliance
3 with said subsections if the contractor provides, not
4 later than 90 days before commencement of any
5 such transfer or exchange for a period in excess of
6 1 year, and not later than 30 days before commence-
7 ment of any proposed transfer or exchange with du-
8 ration of less than 1 year, written notice to the Sec-
9 retary stating how the proposed transfer or ex-
10 change is intended to reduce, avoid, or mitigate im-
11 pacts to water deliveries caused by the Interim
12 Flows or Restoration Flows or is intended to other-
13 wise facilitate the Water Management Goal, as de-
14 scribed in the Settlement. The Secretary shall
15 promptly make such notice publicly available.

16 (2) DETERMINATION OF REDUCTIONS TO
17 WATER DELIVERIES.—Water transferred or ex-
18 changed under an agreement that meets the terms
19 of this subsection shall not be counted as a replace-
20 ment or an offset for purposes of determining reduc-
21 tions to water deliveries to any Friant Division long-
22 term contractor except as provided in paragraph
23 16(b) of the Settlement. The Secretary shall, at least
24 annually, make publicly available a compilation of
25 the number of transfer or exchange agreements exer-

1 cising the provisions of this subsection to reduce,
2 avoid, or mitigate impacts to water deliveries caused
3 by the Interim Flows or Restoration Flows or to fa-
4 cilitate the Water Management Goal, as well as the
5 volume of water transferred or exchanged under
6 such agreements.

7 (3) STATE LAW.—Nothing in this subsection al-
8 ters State law or permit conditions, including any
9 applicable geographical restrictions on the place of
10 use of water transferred or exchanged pursuant to
11 this subsection.

12 (f) CERTAIN REPAYMENT OBLIGATIONS NOT AL-
13 TERED.—Implementation of the provisions of this section
14 shall not alter the repayment obligation of any other long-
15 term water service or repayment contractor receiving
16 water from the Central Valley Project, or shift any costs
17 that would otherwise have been properly assignable to the
18 Friant contractors absent this section, including oper-
19 ations and maintenance costs, construction costs, or other
20 capitalized costs incurred after the date of enactment of
21 this Act, to other such contractors.

22 (g) STATUTORY INTERPRETATION.—Nothing in this
23 part shall be construed to affect the right of any Friant
24 Division, Hidden Unit, or Buchanan Unit long-term con-
25 tractor to use a particular type of financing to make the

1 payments required in paragraph (3)(A) or (4)(A) of sub-
2 section (a).

3 **SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN**
4 **CHINOOK SALMON.**

5 (a) FINDING.—Congress finds that the implementa-
6 tion of the Settlement to resolve 18 years of contentious
7 litigation regarding restoration of the San Joaquin River
8 and the reintroduction of the California Central Valley
9 Spring Run Chinook salmon is a unique and unprece-
10 dented circumstance that requires clear expressions of
11 Congressional intent regarding how the provisions of the
12 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
13 are utilized to achieve the goals of restoration of the San
14 Joaquin River and the successful reintroduction of Cali-
15 fornia Central Valley Spring Run Chinook salmon.

16 (b) REINTRODUCTION IN THE SAN JOAQUIN
17 RIVER.—California Central Valley Spring Run Chinook
18 salmon shall be reintroduced in the San Joaquin River
19 below Friant Dam pursuant to section 10(j) of the Endan-
20 gered Species Act of 1973 (16 U.S.C. 1539(j)) and the
21 Settlement, provided that the Secretary of Commerce
22 finds that a permit for the reintroduction of California
23 Central Valley Spring Run Chinook salmon may be issued
24 pursuant to section 10(a)(1)(A) of the Endangered Spe-
25 cies Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

1 (c) FINAL RULE.—

2 (1) DEFINITION OF THIRD PARTY.—For the
3 purpose of this subsection, the term “third party”
4 means persons or entities diverting or receiving
5 water pursuant to applicable State and Federal laws
6 and shall include Central Valley Project contractors
7 outside of the Friant Division of the Central Valley
8 Project and the State Water Project.

9 (2) ISSUANCE.—The Secretary of Commerce
10 shall issue a final rule pursuant to section 4(d) of
11 the Endangered Species Act of 1973 (16 U.S.C.
12 1533(d)) governing the incidental take of reintro-
13 duced California Central Valley Spring Run Chinook
14 salmon prior to the reintroduction.

15 (3) REQUIRED COMPONENTS.—The rule issued
16 under paragraph (2) shall provide that the reintro-
17 duction will not impose more than de minimus:
18 water supply reductions, additional storage releases,
19 or bypass flows on unwilling third parties due to
20 such reintroduction.

21 (4) APPLICABLE LAW.—Nothing in this sec-
22 tion—

23 (A) diminishes the statutory or regulatory
24 protections provided in the Endangered Species
25 Act of 1973 for any species listed pursuant to

1 section 4 of the Endangered Species Act of
2 1973 (16 U.S.C. 1533) other than the reintro-
3 duced population of California Central Valley
4 Spring Run Chinook salmon, including protec-
5 tions pursuant to existing biological opinions or
6 new biological opinions issued by the Secretary
7 or Secretary of Commerce; or

8 (B) precludes the Secretary or Secretary of
9 Commerce from imposing protections under the
10 Endangered Species Act of 1973 (16 U.S.C.
11 1531 et seq.) for other species listed pursuant
12 to section 4 of that Act (16 U.S.C. 1533) be-
13 cause those protections provide incidental bene-
14 fits to such reintroduced California Central Val-
15 ley Spring Run Chinook salmon.

16 (d) REPORT.—

17 (1) IN GENERAL.—Not later than December 31,
18 2024, the Secretary of Commerce shall report to
19 Congress on the progress made on the reintroduction
20 set forth in this section and the Secretary’s plans for
21 future implementation of this section.

22 (2) INCLUSIONS.—The report under paragraph
23 (1) shall include—

24 (A) an assessment of the major challenges,
25 if any, to successful reintroduction;

1 (B) an evaluation of the effect, if any, of
2 the reintroduction on the existing population of
3 California Central Valley Spring Run Chinook
4 salmon existing on the Sacramento River or its
5 tributaries; and

6 (C) an assessment regarding the future of
7 the reintroduction.

8 (e) FERC PROJECTS.—

9 (1) IN GENERAL.—With regard to California
10 Central Valley Spring Run Chinook salmon reintro-
11 duced pursuant to the Settlement, the Secretary of
12 Commerce shall exercise its authority under section
13 18 of the Federal Power Act (16 U.S.C. 811) by re-
14 serving its right to file prescriptions in proceedings
15 for projects licensed by the Federal Energy Regu-
16 latory Commission on the Calaveras, Stanislaus,
17 Tuolumne, Merced, and San Joaquin rivers and oth-
18 erwise consistent with subsection (c) until after the
19 expiration of the term of the Settlement, December
20 31, 2025, or the expiration of the designation made
21 pursuant to subsection (b), whichever ends first.

22 (2) EFFECT OF SUBSECTION.—Nothing in this
23 subsection shall preclude the Secretary of Commerce
24 from imposing prescriptions pursuant to section 18
25 of the Federal Power Act (16 U.S.C. 811) solely for

1 other anadromous fish species because those pre-
 2 scriptions provide incidental benefits to such reintro-
 3 duced California Central Valley Spring Run Chinook
 4 salmon.

5 (f) EFFECT OF SECTION.—Nothing in this section is
 6 intended or shall be construed—

7 (1) to modify the Endangered Species Act of
 8 1973 (16 U.S.C. 1531 et seq.) or the Federal Power
 9 Act (16 U.S.C. 791a et seq.); or

10 (2) to establish a precedent with respect to any
 11 other application of the Endangered Species Act of
 12 1973 (16 U.S.C. 1531 et seq.) or the Federal Power
 13 Act (16 U.S.C. 791a et seq.).

14 **PART II—STUDY TO DEVELOP WATER PLAN;**

15 **REPORT**

16 **SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.**

17 (a) PLAN.—

18 (1) GRANT.—To the extent that funds are
 19 made available in advance for this purpose, the Sec-
 20 retary of the Interior, acting through the Bureau of
 21 Reclamation, shall provide direct financial assistance
 22 to the California Water Institute, located at Cali-
 23 fornia State University, Fresno, California, to con-
 24 duct a study regarding the coordination and integra-
 25 tion of sub-regional integrated regional water man-

1 agement plans into a unified Integrated Regional
2 Water Management Plan for the subject counties in
3 the hydrologic basins that would address issues re-
4 lated to—

5 (A) water quality;

6 (B) water supply (both surface, ground
7 water banking, and brackish water desalina-
8 tion);

9 (C) water conveyance;

10 (D) water reliability;

11 (E) water conservation and efficient use
12 (by distribution systems and by end users);

13 (F) flood control;

14 (G) water resource-related environmental
15 enhancement; and

16 (H) population growth.

17 (2) STUDY AREA.—The study area referred to
18 in paragraph (1) is the proposed study area of the
19 San Joaquin River Hydrologic Region and Tulare
20 Lake Hydrologic Region, as defined by California
21 Department of Water Resources Bulletin 160–05,
22 volume 3, chapters 7 and 8, including Kern, Tulare,
23 Kings, Fresno, Madera, Merced, Stanislaus, and San
24 Joaquin counties in California.

1 (b) USE OF PLAN.—The Integrated Regional Water
2 Management Plan developed for the 2 hydrologic basins
3 under subsection (a) shall serve as a guide for the counties
4 in the study area described in subsection (a)(2) to use as
5 a mechanism to address and solve long-term water needs
6 in a sustainable and equitable manner.

7 (c) REPORT.—The Secretary shall ensure that a re-
8 port containing the results of the Integrated Regional
9 Water Management Plan for the hydrologic regions is sub-
10 mitted to the Committee on Energy and Natural Re-
11 sources of the Senate and the Committee on Natural Re-
12 sources of the House of Representatives not later than 24
13 months after financial assistance is made available to the
14 California Water Institute under subsection (a)(1).

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 \$1,000,000 to remain available until expended.

18 **PART III—FRIANT DIVISION IMPROVEMENTS**

19 **SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.**

20 (a) The Secretary of the Interior (hereafter referred
21 to as the “Secretary”) is authorized and directed to con-
22 duct feasibility studies in coordination with appropriate
23 Federal, State, regional, and local authorities on the fol-
24 lowing improvements and facilities in the Friant Division,
25 Central Valley Project, California:

1 (1) Restoration of the capacity of the Friant-
2 Kern Canal and Madera Canal to such capacity as
3 previously designed and constructed by the Bureau
4 of Reclamation.

5 (2) Reverse flow pump-back facilities on the
6 Friant-Kern Canal, with reverse-flow capacity of ap-
7 proximately 500 cubic feet per second at the Poso
8 and Shafter Check Structures and approximately
9 300 cubic feet per second at the Woollomes Check
10 Structure.

11 (b) Upon completion of and consistent with the appli-
12 cable feasibility studies, the Secretary is authorized to con-
13 struct the improvements and facilities identified in sub-
14 section (a) in accordance with all applicable Federal and
15 State laws.

16 (c) The costs of implementing this section shall be
17 in accordance with section 10203, and shall be a nonreim-
18 bursable Federal expenditure.

19 **SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.**

20 (a) **AUTHORIZATION.**—The Secretary is authorized to
21 provide financial assistance to local agencies within the
22 Central Valley Project, California, for the planning, de-
23 sign, environmental compliance, and construction of local
24 facilities to bank water underground or to recharge
25 groundwater, and that recover such water, provided that

1 the project meets the criteria in subsection (b). The Sec-
2 retary is further authorized to require that any such local
3 agency receiving financial assistance under the terms of
4 this section submit progress reports and accountings to
5 the Secretary, as the Secretary deems appropriate, which
6 such reports shall be publicly available.

7 (b) CRITERIA.—

8 (1) A project shall be eligible for Federal finan-
9 cial assistance under subsection (a) only if all or a
10 portion of the project is designed to reduce, avoid,
11 or offset the quantity of the expected water supply
12 impacts to Friant Division long-term contractors
13 caused by the Interim or Restoration Flows author-
14 ized in part I of this subtitle, and such quantities
15 have not already been reduced, avoided, or offset by
16 other programs or projects.

17 (2) Federal financial assistance shall only apply
18 to the portion of a project that the local agency des-
19 ignates as reducing, avoiding, or offsetting the ex-
20 pected water supply impacts caused by the Interim
21 or Restoration Flows authorized in part I of this
22 subtitle, consistent with the methodology developed
23 pursuant to paragraph (3)(C).

24 (3) No Federal financial assistance shall be pro-
25 vided by the Secretary under this part for construc-

1 tion of a project under subsection (a) unless the Sec-
2 retary—

3 (A) determines that appropriate planning,
4 design, and environmental compliance activities
5 associated with such a project have been com-
6 pleted, and that the Secretary has been offered
7 the opportunity to participate in the project at
8 a price that is no higher than the local agency's
9 own costs, in order to secure necessary storage,
10 extraction, and conveyance rights for water that
11 may be needed to meet the Restoration Goal as
12 described in part I of this subtitle, where such
13 project has capacity beyond that designated for
14 the purposes in paragraph (2) or where it is
15 feasible to expand such project to allow partici-
16 pation by the Secretary;

17 (B) determines, based on information
18 available at the time, that the local agency has
19 the financial capability and willingness to fund
20 its share of the project's construction and all
21 operation and maintenance costs on an annual
22 basis;

23 (C) determines that a method acceptable to
24 the Secretary has been developed for quanti-
25 fying the benefit, in terms of reduction, avoid-

1 ance, or offset of the water supply impacts ex-
2 pected to be caused by the Interim or Restora-
3 tion Flows authorized in part I of this subtitle,
4 that will result from the project, and for ensur-
5 ing appropriate adjustment in the recovered
6 water account pursuant to section 10004(a)(5);
7 and

8 (D) has entered into a cost-sharing agree-
9 ment with the local agency which commits the
10 local agency to funding its share of the project's
11 construction costs on an annual basis.

12 (c) GUIDELINES.—Within 1 year from the date of en-
13 actment of this part, the Secretary shall develop, in con-
14 sultation with the Friant Division long-term contractors,
15 proposed guidelines for the application of the criteria de-
16 fined in subsection (b), and will make the proposed guide-
17 lines available for public comment. Such guidelines may
18 consider prioritizing the distribution of available funds to
19 projects that provide the broadest benefit within the af-
20 fected area and the equitable allocation of funds. Upon
21 adoption of such guidelines, the Secretary shall implement
22 such assistance program, subject to the availability of
23 funds appropriated for such purpose.

1 (d) COST SHARING.—The Federal financial assist-
2 ance provided to local agencies under subsection (a) shall
3 not exceed—

4 (1) 50 percent of the costs associated with plan-
5 ning, design, and environmental compliance activities
6 associated with such a project; and

7 (2) 50 percent of the costs associated with con-
8 struction of any such project.

9 (e) PROJECT OWNERSHIP.—

10 (1) Title to, control over, and operation of,
11 projects funded under subsection (a) shall remain in
12 one or more non-Federal local agencies. Nothing in
13 this part authorizes the Secretary to operate a
14 groundwater bank along or adjacent to the San Joa-
15 quin River upstream of the confluence with the
16 Merced River, and any such groundwater bank shall
17 be operated by a non-Federal entity. All projects
18 funded pursuant to this subsection shall comply with
19 all applicable Federal and State laws, including pro-
20 visions of California water law.

21 (2) All operation, maintenance, and replace-
22 ment and rehabilitation costs of such projects shall
23 be the responsibility of the local agency. The Sec-
24 retary shall not provide funding for any operation,

1 maintenance, or replacement and rehabilitation costs
2 of projects funded under subsection (a).

3 **SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) The Secretary is authorized and directed to use
5 monies from the fund established under section 10009 to
6 carry out the provisions of section 10201(a)(1), in an
7 amount not to exceed \$35,000,000.

8 (b) In addition to the funds made available pursuant
9 to subsection (a), the Secretary is also authorized to ex-
10 pend such additional funds from the fund established
11 under section 10009 to carry out the purposes of section
12 10201(a)(2), if such facilities have not already been au-
13 thorized and funded under the plan provided for pursuant
14 to section 10004(a)(4), in an amount not to exceed
15 \$17,000,000, provided that the Secretary first determines
16 that such expenditure will not conflict with or delay his
17 implementation of actions required by part I of this sub-
18 title. Notice of the Secretary's determination shall be pub-
19 lished not later than his submission of the report to Con-
20 gress required by section 10009(f)(2).

21 (c) In addition to funds made available in subsections
22 (a) and (b), there are authorized to be appropriated
23 \$50,000,000 (October 2008 price levels) to carry out the
24 purposes of this part which shall be non-reimbursable.

1 **Subtitle B—Northwestern New**
2 **Mexico Rural Water Projects**

3 **SEC. 10301. SHORT TITLE.**

4 This subtitle may be cited as the “Northwestern New
5 Mexico Rural Water Projects Act”.

6 **SEC. 10302. DEFINITIONS.**

7 In this subtitle:

8 (1) AAMODT ADJUDICATION.—The term
9 “Aamodt adjudication” means the general stream
10 adjudication that is the subject of the civil action en-
11 titled “State of New Mexico, ex rel. State Engineer
12 and United States of America, Pueblo de Nambe,
13 Pueblo de Pojoaque, Pueblo de San Ildefonso, and
14 Pueblo de Tesuque v. R. Lee Aamodt, et al.”, No.
15 66 CV 6639 MV/LCS (D.N.M.).

16 (2) ABEYTA ADJUDICATION.—The term
17 “Abeyta adjudication” means the general stream ad-
18 judication that is the subject of the civil actions enti-
19 tled “State of New Mexico v. Abeyta and State of
20 New Mexico v. Arrellano”, Civil Nos. 7896–BB
21 (D.N.M) and 7939–BB (D.N.M.) (consolidated).

22 (3) ACRE-FEET.—The term “acre-feet” means
23 acre-feet per year.

24 (4) AGREEMENT.—The term “Agreement”
25 means the agreement among the State of New Mex-

1 ico, the Nation, and the United States setting forth
2 a stipulated and binding agreement signed by the
3 State of New Mexico and the Nation on April 19,
4 2005.

5 (5) ALLOTTEE.—The term “allottee” means a
6 person that holds a beneficial real property interest
7 in a Navajo allotment that—

8 (A) is located within the Navajo Reserva-
9 tion or the State of New Mexico;

10 (B) is held in trust by the United States;
11 and

12 (C) was originally granted to an individual
13 member of the Nation by public land order or
14 otherwise.

15 (6) ANIMAS-LA PLATA PROJECT.—The term
16 “Animas-La Plata Project” has the meaning given
17 the term in section 3 of Public Law 100–585 (102
18 Stat. 2973), including Ridges Basin Dam, Lake
19 Nighthorse, the Navajo Nation Municipal Pipeline,
20 and any other features or modifications made pursu-
21 ant to the Colorado Ute Settlement Act Amend-
22 ments of 2000 (Public Law 106–554; 114 Stat.
23 2763A–258).

24 (7) CITY.—The term “City” means the city of
25 Gallup, New Mexico, or a designee of the City, with

1 authority to provide water to the Gallup, New Mex-
2 ico service area.

3 (8) COLORADO RIVER COMPACT.—The term
4 “Colorado River Compact” means the Colorado
5 River Compact of 1922 as approved by Congress in
6 the Act of December 21, 1928 (45 Stat. 1057) and
7 by the Presidential Proclamation of June 25, 1929
8 (46 Stat. 3000).

9 (9) COLORADO RIVER SYSTEM.—The term
10 “Colorado River System” has the same meaning
11 given the term in Article II(a) of the Colorado River
12 Compact.

13 (10) COMPACT.—The term “Compact” means
14 the Upper Colorado River Basin Compact as con-
15 sented to by the Act of April 6, 1949 (63 Stat. 31,
16 chapter 48).

17 (11) CONTRACT.—The term “Contract” means
18 the contract between the United States and the Na-
19 tion setting forth certain commitments, rights, and
20 obligations of the United States and the Nation, as
21 described in paragraph 6.0 of the Agreement.

22 (12) DEPLETION.—The term “depletion”
23 means the depletion of the flow of the San Juan
24 River stream system in the State of New Mexico by
25 a particular use of water (including any depletion in-

1 cident to the use) and represents the diversion from
2 the stream system by the use, less return flows to
3 the stream system from the use.

4 (13) DRAFT IMPACT STATEMENT.—The term
5 “Draft Impact Statement” means the draft environ-
6 mental impact statement prepared by the Bureau of
7 Reclamation for the Project dated March 2007.

8 (14) FUND.—The term “Fund” means the Rec-
9 lamation Waters Settlements Fund established by
10 section 10501(a).

11 (15) HYDROLOGIC DETERMINATION.—The term
12 “hydrologic determination” means the hydrologic de-
13 termination entitled “Water Availability from Nav-
14 ajo Reservoir and the Upper Colorado River Basin
15 for Use in New Mexico,” prepared by the Bureau of
16 Reclamation pursuant to section 11 of the Act of
17 June 13, 1962 (Public Law 87–483; 76 Stat. 99),
18 and dated May 23, 2007.

19 (16) LOWER BASIN.—The term “Lower Basin”
20 has the same meaning given the term in Article
21 II(g) of the Colorado River Compact.

22 (17) NATION.—The term “Nation” means the
23 Navajo Nation, a body politic and federally-recog-
24 nized Indian nation as provided for in section 101(2)
25 of the Federally Recognized Indian Tribe List of

1 1994 (25 U.S.C. 497a(2)), also known variously as
2 the “Navajo Tribe,” the “Navajo Tribe of Arizona,
3 New Mexico & Utah,” and the “Navajo Tribe of In-
4 dians” and other similar names, and includes all
5 bands of Navajo Indians and chapters of the Navajo
6 Nation.

7 (18) NAVAJO-GALLUP WATER SUPPLY PROJECT;
8 PROJECT.—The term “Navajo-Gallup Water Supply
9 Project” or “Project” means the Navajo-Gallup
10 Water Supply Project authorized under section
11 10602(a), as described as the preferred alternative
12 in the Draft Impact Statement.

13 (19) NAVAJO INDIAN IRRIGATION PROJECT.—
14 The term “Navajo Indian Irrigation Project” means
15 the Navajo Indian irrigation project authorized by
16 section 2 of Public Law 87–483 (76 Stat. 96).

17 (20) NAVAJO RESERVOIR.—The term “Navajo
18 Reservoir” means the reservoir created by the im-
19 poundment of the San Juan River at Navajo Dam,
20 as authorized by the Act of April 11, 1956 (com-
21 monly known as the “Colorado River Storage
22 Project Act”) (43 U.S.C. 620 et seq.).

23 (21) NAVAJO NATION MUNICIPAL PIPELINE;
24 PIPELINE.—The term “Navajo Nation Municipal
25 Pipeline” or “Pipeline” means the pipeline used to

1 convey the water of the Animas-La Plata Project of
2 the Navajo Nation from the City of Farmington,
3 New Mexico, to communities of the Navajo Nation
4 located in close proximity to the San Juan River
5 Valley in the State of New Mexico (including the
6 City of Shiprock), as authorized by section 15(b) of
7 the Colorado Ute Indian Water Rights Settlement
8 Act of 1988 (Public Law 100–585; 102 Stat. 2973;
9 114 Stat. 2763A–263).

10 (22) NON-NAVAJO IRRIGATION DISTRICTS.—

11 The term “Non-Navajo Irrigation Districts”
12 means—

13 (A) the Hammond Conservancy District;

14 (B) the Bloomfield Irrigation District; and

15 (C) any other community ditch organiza-
16 tion in the San Juan River basin in the State
17 of New Mexico.

18 (23) PARTIAL FINAL DECREE.—The term “Par-
19 tial Final Decree” means a final and binding judg-
20 ment and decree entered by a court in the stream
21 adjudication, setting forth the rights of the Nation
22 to use and administer waters of the San Juan River
23 Basin in New Mexico, as set forth in Appendix 1 of
24 the Agreement.

1 (24) PROJECT PARTICIPANTS.—The term
2 “Project Participants” means the City, the Nation,
3 and the Jicarilla Apache Nation.

4 (25) SAN JUAN RIVER BASIN RECOVERY IMPLE-
5 MENTATION PROGRAM.—The term “San Juan River
6 Basin Recovery Implementation Program” means
7 the intergovernmental program established pursuant
8 to the cooperative agreement dated October 21,
9 1992 (including any amendments to the program).

10 (26) SECRETARY.—The term “Secretary”
11 means the Secretary of the Interior, acting through
12 the Commissioner of Reclamation or any other des-
13 ignee.

14 (27) STREAM ADJUDICATION.—The term
15 “stream adjudication” means the general stream ad-
16 judication that is the subject of *New Mexico v.*
17 *United States, et al.*, No. 75–185 (11th Jud. Dist.,
18 San Juan County, New Mexico) (involving claims to
19 waters of the San Juan River and the tributaries of
20 that river).

21 (28) SUPPLEMENTAL PARTIAL FINAL DE-
22 CREE.—The term “Supplemental Partial Final De-
23 cree” means a final and binding judgment and de-
24 cree entered by a court in the stream adjudication,

1 setting forth certain water rights of the Nation, as
2 set forth in Appendix 2 of the Agreement.

3 (29) TRUST FUND.—The term “Trust Fund”
4 means the Navajo Nation Water Resources Develop-
5 ment Trust Fund established by section 10702(a).

6 (30) UPPER BASIN.—The term “Upper Basin”
7 has the same meaning given the term in Article II(f)
8 of the Colorado River Compact.

9 **SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

10 (a) EFFECT OF EXECUTION OF AGREEMENT.—The
11 execution of the Agreement under section 10701(a)(2)
12 shall not constitute a major Federal action under the Na-
13 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
14 et seq.).

15 (b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In
16 carrying out this subtitle, the Secretary shall comply with
17 each law of the Federal Government relating to the protec-
18 tion of the environment, including—

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

21 (2) the Endangered Species Act of 1973 (16
22 U.S.C. 1531 et seq.).

23 **SEC. 10304. NO REALLOCATION OF COSTS.**

24 (a) EFFECT OF ACT.—Notwithstanding any other
25 provision of law, the Secretary shall not reallocate or reas-

1 sign any costs of projects that have been authorized under
2 the Act of April 11, 1956 (commonly known as the “Colo-
3 rado River Storage Project Act”) (43 U.S.C. 620 et seq.),
4 as of the date of enactment of this Act because of—

5 (1) the authorization of the Navajo-Gallup
6 Water Supply Project under this subtitle; or

7 (2) the changes in the uses of the water di-
8 verted by the Navajo Indian Irrigation Project or
9 the waters stored in the Navajo Reservoir authorized
10 under this subtitle.

11 (b) USE OF POWER REVENUES.—Notwithstanding
12 any other provision of law, no power revenues under the
13 Act of April 11, 1956 (commonly known as the “Colorado
14 River Storage Project Act”) (43 U.S.C. 620 et seq.), shall
15 be used to pay or reimburse any costs of the Navajo In-
16 dian Irrigation Project or Navajo-Gallup Water Supply
17 Project.

18 **SEC. 10305. INTEREST RATE.**

19 Notwithstanding any other provision of law, the inter-
20 est rate applicable to any repayment contract entered into
21 under section 10604 shall be equal to the discount rate
22 for Federal water resources planning, as determined by
23 the Secretary.

1 **PART I—AMENDMENTS TO THE COLORADO**
2 **RIVER STORAGE PROJECT ACT AND PUBLIC**
3 **LAW 87–483**

4 **SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STOR-**
5 **AGE PROJECT ACT.**

6 (a) PARTICIPATING PROJECTS.—Paragraph (2) of
7 the first section of the Act of April 11, 1956 (commonly
8 known as the “Colorado River Storage Project Act”) (43
9 U.S.C. 620(2)) is amended by inserting “the Navajo-Gal-
10 lup Water Supply Project,” after “Fruitland Mesa,”.

11 (b) NAVAJO RESERVOIR WATER BANK.—The Act of
12 April 11, 1956 (commonly known as the “Colorado River
13 Storage Project Act”) is amended—

14 (1) by redesignating section 16 (43 U.S.C.
15 620o) as section 17; and

16 (2) by inserting after section 15 (43 U.S.C.
17 620n) the following:

18 “SEC. 16. (a) The Secretary of the Interior may cre-
19 ate and operate within the available capacity of Navajo
20 Reservoir a top water bank.

21 “(b) Water made available for the top water bank in
22 accordance with subsections (c) and (d) shall not be sub-
23 ject to section 11 of Public Law 87–483 (76 Stat. 99).

24 “(c) The top water bank authorized under subsection
25 (a) shall be operated in a manner that—

1 “(1) is consistent with applicable law, except
2 that, notwithstanding any other provision of law,
3 water for purposes other than irrigation may be
4 stored in the Navajo Reservoir pursuant to the rules
5 governing the top water bank established under this
6 section; and

7 “(2) does not impair the ability of the Secretary
8 of the Interior to deliver water under contracts en-
9 tered into under—

10 “(A) Public Law 87–483 (76 Stat. 96);

11 and

12 “(B) New Mexico State Engineer File Nos.
13 2847, 2848, 2849, and 2917.

14 “(d)(1) The Secretary of the Interior, in cooperation
15 with the State of New Mexico (acting through the Inter-
16 state Stream Commission), shall develop any terms and
17 procedures for the storage, accounting, and release of
18 water in the top water bank that are necessary to comply
19 with subsection (c).

20 “(2) The terms and procedures developed under para-
21 graph (1) shall include provisions requiring that—

22 “(A) the storage of banked water shall be sub-
23 ject to approval under State law by the New Mexico
24 State Engineer to ensure that impairment of any ex-
25 isting water right does not occur, including storage

1 of water under New Mexico State Engineer File No.
2 2849;

3 “(B) water in the top water bank be subject to
4 evaporation and other losses during storage;

5 “(C) water in the top water bank be released
6 for delivery to the owner or assigns of the banked
7 water on request of the owner, subject to reasonable
8 scheduling requirements for making the release;

9 “(D) water in the top water bank be the first
10 water spilled or released for flood control purposes
11 in anticipation of a spill, on the condition that top
12 water bank water shall not be released or included
13 for purposes of calculating whether a release should
14 occur for purposes of satisfying the flow rec-
15 ommendations of the San Juan River Basin Recov-
16 ery Implementation Program; and

17 “(E) water eligible for banking in the top water
18 bank shall be water that otherwise would have been
19 diverted and beneficially used in New Mexico that
20 year.

21 “(e) The Secretary of the Interior may charge fees
22 to water users that use the top water bank in amounts
23 sufficient to cover the costs incurred by the United States
24 in administering the water bank.”.

1 **SEC. 10402. AMENDMENTS TO PUBLIC LAW 87-483.**

2 (a) NAVAJO INDIAN IRRIGATION PROJECT.—Public
3 Law 87-483 (76 Stat. 96) is amended by striking section
4 2 and inserting the following:

5 “SEC. 2. (a) In accordance with the Act of April 11,
6 1956 (commonly known as the ‘Colorado River Storage
7 Project Act’) (43 U.S.C. 620 et seq.), the Secretary of
8 the Interior is authorized to construct, operate, and main-
9 tain the Navajo Indian Irrigation Project to provide irriga-
10 tion water to a service area of not more than 110,630
11 acres of land.

12 “(b)(1) Subject to paragraph (2), the average annual
13 diversion by the Navajo Indian Irrigation Project from the
14 Navajo Reservoir over any consecutive 10-year period shall
15 be the lesser of—

16 “(A) 508,000 acre-feet per year; or

17 “(B) the quantity of water necessary to supply
18 an average depletion of 270,000 acre-feet per year.

19 “(2) The quantity of water diverted for any 1 year
20 shall not exceed the average annual diversion determined
21 under paragraph (1) by more than 15 percent.

22 “(c) In addition to being used for irrigation, the
23 water diverted by the Navajo Indian Irrigation Project
24 under subsection (b) may be used within the area served
25 by Navajo Indian Irrigation Project facilities for the fol-
26 lowing purposes:

1 “(1) Aquaculture purposes, including the
2 rearing of fish in support of the San Juan River
3 Basin Recovery Implementation Program authorized
4 by Public Law 106–392 (114 Stat. 1602).

5 “(2) Domestic, industrial, or commercial pur-
6 poses relating to agricultural production and proc-
7 essing.

8 “(3)(A) The generation of hydroelectric power
9 as an incident to the diversion of water by the Nav-
10 ajo Indian Irrigation Project for authorized pur-
11 poses.

12 “(B) Notwithstanding any other provision of
13 law—

14 “(i) any hydroelectric power generated
15 under this paragraph shall be used or marketed
16 by the Navajo Nation;

17 “(ii) the Navajo Nation shall retain any
18 revenues from the sale of the hydroelectric
19 power; and

20 “(iii) the United States shall have no trust
21 obligation to monitor, administer, or account
22 for the revenues received by the Navajo Nation,
23 or the expenditure of the revenues.

24 “(4) The implementation of the alternate water
25 source provisions described in subparagraph 9.2 of

1 the agreement executed under section 10701(a)(2)
2 of the Northwestern New Mexico Rural Water
3 Projects Act.

4 “(d) The Navajo Indian Irrigation Project water di-
5 verted under subsection (b) may be transferred to areas
6 located within or outside the area served by Navajo Indian
7 Irrigation Project facilities, and within or outside the
8 boundaries of the Navajo Nation, for any beneficial use
9 in accordance with—

10 “(1) the agreement executed under section
11 10701(a)(2) of the Northwestern New Mexico Rural
12 Water Projects Act;

13 “(2) the contract executed under section
14 10604(a)(2)(B) of that Act; and

15 “(3) any other applicable law.

16 “(e) The Secretary may use the capacity of the Nav-
17 ajo Indian Irrigation Project works to convey water sup-
18 plies for—

19 “(1) the Navajo-Gallup Water Supply Project
20 under section 10602 of the Northwestern New Mex-
21 ico Rural Water Projects Act; or

22 “(2) other nonirrigation purposes authorized
23 under subsection (c) or (d).

24 “(f)(1) Repayment of the costs of construction of the
25 project (as authorized in subsection (a)) shall be in accord-

1 ance with the Act of April 11, 1956 (commonly known
2 as the ‘Colorado River Storage Project Act’) (43 U.S.C.
3 620 et seq.), including section 4(d) of that Act.

4 “(2) The Secretary shall not reallocate, or require re-
5 payment of, construction costs of the Navajo Indian Irri-
6 gation Project because of the conveyance of water supplies
7 for nonirrigation purposes under subsection (e).”.

8 (b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of
9 Public Law 87–483 (76 Stat. 100) is amended by adding
10 at the end the following:

11 “(d)(1) For purposes of implementing in a year of
12 prospective shortage the water allocation procedures es-
13 tablished by subsection (a), the Secretary of the Interior
14 shall determine the quantity of any shortages and the ap-
15 propriate apportionment of water using the normal diver-
16 sion requirements on the flow of the San Juan River origi-
17 nating above Navajo Dam based on the following criteria:

18 “(A) The quantity of diversion or water delivery
19 for the current year anticipated to be necessary to
20 irrigate land in accordance with cropping plans pre-
21 pared by contractors.

22 “(B) The annual diversion or water delivery de-
23 mands for the current year anticipated for non-irri-
24 gation uses under water delivery contracts, including
25 contracts authorized by the Northwestern New Mex-

1 ico Rural Water Projects Act, but excluding any cur-
2 rent demand for surface water for placement into
3 aquifer storage for future recovery and use.

4 “(C) An annual normal diversion demand of
5 135,000 acre-feet for the initial stage of the San
6 Juan-Chama Project authorized by section 8, which
7 shall be the amount to which any shortage is ap-
8 plied.

9 “(2) The Secretary shall not include in the normal
10 diversion requirements—

11 “(A) the quantity of water that reliably can be
12 anticipated to be diverted or delivered under a con-
13 tract from inflows to the San Juan River arising
14 below Navajo Dam under New Mexico State Engi-
15 neer File No. 3215; or

16 “(B) the quantity of water anticipated to be
17 supplied through reuse.

18 “(e)(1) If the Secretary determines that there is a
19 shortage of water under subsection (a), the Secretary shall
20 respond to the shortage in the Navajo Reservoir water
21 supply by curtailing releases and deliveries in the following
22 order:

23 “(A) The demand for delivery for uses in the
24 State of Arizona under the Navajo-Gallup Water
25 Supply Project authorized by section 10603 of the

1 Northwestern New Mexico Rural Water Projects
2 Act, excluding the quantity of water anticipated to
3 be diverted for the uses from inflows to the San
4 Juan River that arise below Navajo Dam in accord-
5 ance with New Mexico State Engineer File No.
6 3215.

7 “(B) The demand for delivery for uses allocated
8 under paragraph 8.2 of the agreement executed
9 under section 10701(a)(2) of the Northwestern New
10 Mexico Rural Water Projects Act, excluding the
11 quantity of water anticipated to be diverted for such
12 uses under State Engineer File No. 3215.

13 “(C) The uses in the State of New Mexico that
14 are determined under subsection (d), in accordance
15 with the procedure for apportioning the water supply
16 under subsection (a).

17 “(2) For any year for which the Secretary determines
18 and responds to a shortage in the Navajo Reservoir water
19 supply, the Secretary shall not deliver, and contractors of
20 the water supply shall not divert, any of the water supply
21 for placement into aquifer storage for future recovery and
22 use.

23 “(3) To determine the occurrence and amount of any
24 shortage to contracts entered into under this section, the
25 Secretary shall not include as available storage any water

1 stored in a top water bank in Navajo Reservoir established
2 under section 16(a) of the Act of April 11, 1956 (com-
3 monly known as the ‘Colorado River Storage Project Act’).

4 “(f) The Secretary of the Interior shall apportion
5 water under subsections (a), (d), and (e) on an annual
6 volume basis.

7 “(g) The Secretary of the Interior may revise a deter-
8 mination of shortages, apportionments, or allocations of
9 water under subsections (a), (d), and (e) on the basis of
10 information relating to water supply conditions that was
11 not available at the time at which the determination was
12 made.

13 “(h) Nothing in this section prohibits the distribution
14 of water in accordance with cooperative water agreements
15 between water users providing for a sharing of water sup-
16 plies.

17 “(i) Diversions under New Mexico State Engineer
18 File No. 3215 shall be distributed, to the maximum extent
19 water is available, in proportionate amounts to the diver-
20 sion demands of contractors and subcontractors of the
21 Navajo Reservoir water supply that are diverting water
22 below Navajo Dam.”.

1 **SEC. 10403. EFFECT ON FEDERAL WATER LAW.**

2 Unless expressly provided in this subtitle, nothing in
3 this subtitle modifies, conflicts with, preempts, or other-
4 wise affects—

5 (1) the Boulder Canyon Project Act (43 U.S.C.
6 617 et seq.);

7 (2) the Boulder Canyon Project Adjustment Act
8 (54 Stat. 774, chapter 643);

9 (3) the Act of April 11, 1956 (commonly known
10 as the “Colorado River Storage Project Act”) (43
11 U.S.C. 620 et seq.);

12 (4) the Act of September 30, 1968 (commonly
13 known as the “Colorado River Basin Project Act”) (82
14 Stat. 885);

15 (5) Public Law 87–483 (76 Stat. 96);

16 (6) the Treaty between the United States of
17 America and Mexico respecting utilization of waters
18 of the Colorado and Tijuana Rivers and of the Rio
19 Grande, signed at Washington February 3, 1944 (59
20 Stat. 1219);

21 (7) the Colorado River Compact of 1922, as ap-
22 proved by the Presidential Proclamation of June 25,
23 1929 (46 Stat. 3000);

24 (8) the Compact;

25 (9) the Act of April 6, 1949 (63 Stat. 31, chap-
26 ter 48);

1 (10) the Jicarilla Apache Tribe Water Rights
2 Settlement Act (106 Stat. 2237); or

3 (11) section 205 of the Energy and Water De-
4 velopment Appropriations Act, 2005 (118 Stat.
5 2949).

6 **PART II—RECLAMATION WATER SETTLEMENTS**

7 **FUND**

8 **SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.**

9 (a) ESTABLISHMENT.—There is established in the
10 Treasury of the United States a fund, to be known as the
11 “Reclamation Water Settlements Fund”, consisting of—

12 (1) such amounts as are deposited to the Fund
13 under subsection (b); and

14 (2) any interest earned on investment of
15 amounts in the Fund under subsection (d).

16 (b) DEPOSITS TO FUND.—

17 (1) IN GENERAL.—For each of fiscal years
18 2020 through 2029, the Secretary of the Treasury
19 shall deposit in the Fund, if available, \$120,000,000
20 of the revenues that would otherwise be deposited
21 for the fiscal year in the fund established by the
22 first section of the Act of June 17, 1902 (32 Stat.
23 388, chapter 1093).

1 (2) AVAILABILITY OF AMOUNTS.—Amounts de-
2 posited in the Fund under paragraph (1) shall be
3 made available pursuant to this section—

4 (A) without further appropriation; and

5 (B) in addition to amounts appropriated
6 pursuant to any authorization contained in any
7 other provision of law.

8 (c) EXPENDITURES FROM FUND.—

9 (1) IN GENERAL.—

10 (A) EXPENDITURES.—Subject to subpara-
11 graph (B), for each of fiscal years 2020
12 through 2034, the Secretary may expend from
13 the Fund an amount not to exceed
14 \$120,000,000, plus the interest accrued in the
15 Fund, for the fiscal year in which expenditures
16 are made pursuant to paragraphs (2) and (3).

17 (B) ADDITIONAL EXPENDITURES.—The
18 Secretary may expend more than \$120,000,000
19 for any fiscal year if such amounts are available
20 in the Fund due to expenditures not reaching
21 \$120,000,000 for prior fiscal years.

22 (2) AUTHORITY.—The Secretary may expend
23 money from the Fund to implement a settlement
24 agreement approved by Congress that resolves, in
25 whole or in part, litigation involving the United

1 States, if the settlement agreement or implementing
 2 legislation requires the Bureau of Reclamation to
 3 provide financial assistance for, or plan, design, and
 4 construct—

5 (A) water supply infrastructure; or

6 (B) a project—

7 (i) to rehabilitate a water delivery sys-
 8 tem to conserve water; or

9 (ii) to restore fish and wildlife habitat
 10 or otherwise improve environmental condi-
 11 tions associated with or affected by, or lo-
 12 cated within the same river basin as, a
 13 Federal reclamation project that is in ex-
 14 istence on the date of enactment of this
 15 Act.

16 (3) USE FOR COMPLETION OF PROJECT AND
 17 OTHER SETTLEMENTS.—

18 (A) PRIORITIES.—

19 (i) FIRST PRIORITY.—

20 (I) IN GENERAL.—The first pri-
 21 ority for expenditure of amounts in
 22 the Fund during the entire period in
 23 which the Fund is in existence shall
 24 be for the purposes described in, and

1 in the order of, clauses (i) through
2 (iv) of subparagraph (B).

3 (II) RESERVED AMOUNTS.—The
4 Secretary shall reserve and use
5 amounts deposited into the Fund in
6 accordance with subclause (I).

7 (ii) OTHER PURPOSES.—Any amounts
8 in the Fund that are not needed for the
9 purposes described in subparagraph (B)
10 may be used for other purposes authorized
11 in paragraph (2).

12 (B) COMPLETION OF PROJECT.—

13 (i) NAVAJO-GALLUP WATER SUPPLY
14 PROJECT.—

15 (I) IN GENERAL.—Subject to
16 subclause (II), effective beginning
17 January 1, 2020, if, in the judgment
18 of the Secretary on an annual basis
19 the deadline described in section
20 10701(f)(1)(A)(ix) is unlikely to be
21 met because a sufficient amount of
22 funding is not otherwise available
23 through appropriations made available
24 pursuant to section 10609(a), the
25 Secretary shall expend from the Fund

1 such amounts on an annual basis con-
2 sistent with paragraphs (1) and (2),
3 as are necessary to pay the Federal
4 share of the costs, and substantially
5 complete as expeditiously as prac-
6 ticable, the construction of the water
7 supply infrastructure authorized as
8 part of the Project.

9 (II) MAXIMUM AMOUNT.—

10 (aa) IN GENERAL.—Except
11 as provided under item (bb), the
12 amount expended under sub-
13 clause (I) shall not exceed
14 \$500,000,000 for the period of
15 fiscal years 2020 through 2029.

16 (bb) EXCEPTION.—The limi-
17 tation on the expenditure amount
18 under item (aa) may be exceeded
19 during the entire period in which
20 the Fund is in existence if such
21 additional funds can be expended
22 without limiting the amounts
23 identified in clauses (ii) through
24 (iv).

1 (ii) OTHER NEW MEXICO SETTLE-
2 MENTS.—

3 (I) IN GENERAL.—Subject to
4 subclause (II), effective beginning
5 January 1, 2020, in addition to the
6 funding made available under clause
7 (i), if in the judgment of the Sec-
8 retary on an annual basis a sufficient
9 amount of funding is not otherwise
10 available through annual appropria-
11 tions, the Secretary shall expend from
12 the Fund such amounts on an annual
13 basis consistent with paragraphs (1)
14 and (2), as are necessary to pay the
15 Federal share of the remaining costs
16 of implementing the Indian water
17 rights settlement agreements entered
18 into by the State of New Mexico in
19 the Aamodt adjudication and the
20 Abeyta adjudication, if such settle-
21 ments are subsequently approved and
22 authorized by an Act of Congress and
23 the implementation period has not al-
24 ready expired.

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(II) MAXIMUM AMOUNT.—The amount expended under subclause (I) shall not exceed \$250,000,000.

(iii) MONTANA SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled “In re the General

1 Adjudication of All the Rights to Use
2 Surface and Groundwater in the State
3 of Montana”, if a settlement or settle-
4 ments are subsequently approved and
5 authorized by an Act of Congress and
6 the implementation period has not al-
7 ready expired.

8 (II) MAXIMUM AMOUNT.—

9 (aa) IN GENERAL.—Except
10 as provided under item (bb), the
11 amount expended under sub-
12 clause (I) shall not exceed
13 \$350,000,000 for the period of
14 fiscal years 2020 through 2029.

15 (bb) EXCEPTION.—The limi-
16 tation on the expenditure amount
17 under item (aa) may be exceeded
18 during the entire period in which
19 the Fund is in existence if such
20 additional funds can be expended
21 without limiting the amounts
22 identified in clause (i), (ii), and
23 (iv).

24 (cc) OTHER FUNDING.—The
25 Secretary shall ensure that any

1 funding under this clause shall be
2 provided in a manner that does
3 not limit the funding available
4 pursuant to clauses (i) and (ii).

5 (iv) ARIZONA SETTLEMENT.—

6 (I) IN GENERAL.—Subject to
7 subclause (II), effective beginning
8 January 1, 2020, in addition to fund-
9 ing made available pursuant to
10 clauses (i), (ii), and (iii), if in the
11 judgment of the Secretary on an an-
12 nual basis a sufficient amount of
13 funding is not otherwise available
14 through annual appropriations, the
15 Secretary shall expend from the Fund
16 such amounts on an annual basis con-
17 sistent with paragraphs (1) and (2),
18 as are necessary to pay the Federal
19 share of the remaining costs of imple-
20 menting an Indian water rights settle-
21 ment agreement entered into by the
22 State of Arizona with the Navajo Na-
23 tion to resolve the water rights claims
24 of the Nation in the Lower Colorado
25 River basin in Arizona, if a settlement

1 is subsequently approved and author-
2 ized by an Act of Congress and the
3 implementation period has not already
4 expired.

5 (II) MAXIMUM AMOUNT.—

6 (aa) IN GENERAL.—Except
7 as provided under item (bb), the
8 amount expended under sub-
9 clause (I) shall not exceed
10 \$100,000,000 for the period of
11 fiscal years 2020 through 2029.

12 (bb) EXCEPTION.—The limi-
13 tation on the expenditure amount
14 under item (aa) may be exceeded
15 during the entire period in which
16 the Fund is in existence if such
17 additional funds can be expended
18 without limiting the amounts
19 identified in clauses (i) through
20 (iii).

21 (cc) OTHER FUNDING.—The
22 Secretary shall ensure that any
23 funding under this clause shall be
24 provided in a manner that does

1 not limit the funding available
2 pursuant to clauses (i) and (ii).

3 (C) REVERSION.—If the settlements de-
4 scribed in clauses (ii) through (iv) of subpara-
5 graph (B) have not been approved and author-
6 ized by an Act of Congress by December 31,
7 2019, the amounts reserved for the settlements
8 shall no longer be reserved by the Secretary
9 pursuant to subparagraph (A)(i) and shall re-
10 vert to the Fund for any authorized use, as de-
11 termined by the Secretary.

12 (d) INVESTMENT OF AMOUNTS.—

13 (1) IN GENERAL.—The Secretary shall invest
14 such portion of the Fund as is not, in the judgment
15 of the Secretary, required to meet current with-
16 drawals.

17 (2) CREDITS TO FUND.—The interest on, and
18 the proceeds from the sale or redemption of, any ob-
19 ligations held in the Fund shall be credited to, and
20 form a part of, the Fund.

21 (e) TRANSFERS OF AMOUNTS.—

22 (1) IN GENERAL.—The amounts required to be
23 transferred to the Fund under this section shall be
24 transferred at least monthly from the general fund

1 of the Treasury to the Fund on the basis of esti-
2 mates made by the Secretary of the Treasury.

3 (2) ADJUSTMENTS.—Proper adjustment shall
4 be made in amounts subsequently transferred to the
5 extent prior estimates were in excess of or less than
6 the amounts required to be transferred.

7 (f) TERMINATION.—On September 30, 2034—

8 (1) the Fund shall terminate; and

9 (2) the unexpended and unobligated balance of
10 the Fund shall be transferred to the appropriate
11 fund of the Treasury.

12 **PART III—NAVAJO-GALLUP WATER SUPPLY**

13 **PROJECT**

14 **SEC. 10601. PURPOSES.**

15 The purposes of this part are—

16 (1) to authorize the Secretary to construct, op-
17 erate, and maintain the Navajo-Gallup Water Supply
18 Project;

19 (2) to allocate the capacity of the Project
20 among the Nation, the City, and the Jicarilla
21 Apache Nation; and

22 (3) to authorize the Secretary to enter into
23 Project repayment contracts with the City and the
24 Jicarilla Apache Nation.

1 **SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER**
2 **SUPPLY PROJECT.**

3 (a) IN GENERAL.—The Secretary, acting through the
4 Commissioner of Reclamation, is authorized to design,
5 construct, operate, and maintain the Project in substantial
6 accordance with the preferred alternative in the Draft Im-
7 pact Statement.

8 (b) PROJECT FACILITIES.—To provide for the deliv-
9 ery of San Juan River water to Project Participants, the
10 Secretary may construct, operate, and maintain the
11 Project facilities described in the preferred alternative in
12 the Draft Impact Statement, including:

13 (1) A pumping plant on the San Juan River in
14 the vicinity of Kirtland, New Mexico.

15 (2)(A) A main pipeline from the San Juan
16 River near Kirtland, New Mexico, to Shiprock, New
17 Mexico, and Gallup, New Mexico, which follows
18 United States Highway 491.

19 (B) Any pumping plants associated with the
20 pipeline authorized under subparagraph (A).

21 (3)(A) A main pipeline from Cutter Reservoir
22 to Ojo Encino, New Mexico, which follows United
23 States Highway 550.

24 (B) Any pumping plants associated with the
25 pipeline authorized under subparagraph (A).

1 (4)(A) Lateral pipelines from the main pipelines
2 to Nation communities in the States of New Mexico
3 and Arizona.

4 (B) Any pumping plants associated with the
5 pipelines authorized under subparagraph (A).

6 (5) Any water regulation, storage or treatment
7 facility, service connection to an existing public
8 water supply system, power substation, power dis-
9 tribution works, or other appurtenant works (includ-
10 ing a building or access road) that is related to the
11 Project facilities authorized by paragraphs (1)
12 through (4), including power transmission facilities
13 and associated wheeling services to connect Project
14 facilities to existing high-voltage transmission facili-
15 ties and deliver power to the Project.

16 (c) ACQUISITION OF LAND.—

17 (1) IN GENERAL.—The Secretary is authorized
18 to acquire any land or interest in land that is nec-
19 essary to construct, operate, and maintain the
20 Project facilities authorized under subsection (b).

21 (2) LAND OF THE PROJECT PARTICIPANTS.—As
22 a condition of construction of the facilities author-
23 ized under this part, the Project Participants shall
24 provide all land or interest in land, as appropriate,
25 that the Secretary identifies as necessary for acquisi-

1 tion under this subsection at no cost to the Sec-
2 retary.

3 (3) LIMITATION.—The Secretary may not con-
4 demn water rights for purposes of the Project.

5 (d) CONDITIONS.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the Secretary shall not commence con-
8 struction of the facilities authorized under sub-
9 section (b) until such time as—

10 (A) the Secretary executes the Agreement
11 and the Contract;

12 (B) the contracts authorized under section
13 10604 are executed;

14 (C) the Secretary—

15 (i) completes an environmental impact
16 statement for the Project; and

17 (ii) has issued a record of decision
18 that provides for a preferred alternative;
19 and

20 (D) the Secretary has entered into an
21 agreement with the State of New Mexico under
22 which the State of New Mexico will provide a
23 share of the construction costs of the Project of
24 not less than \$50,000,000, except that the
25 State of New Mexico shall receive credit for

1 funds the State has contributed to construct
2 water conveyance facilities to the Project Par-
3 ticipants to the extent that the facilities reduce
4 the cost of the Project as estimated in the
5 Draft Impact Statement.

6 (2) EXCEPTION.—If the Jicarilla Apache Na-
7 tion elects not to enter into a contract pursuant to
8 section 10604, the Secretary, after consulting with
9 the Nation, the City, and the State of New Mexico
10 acting through the Interstate Stream Commission,
11 may make appropriate modifications to the scope of
12 the Project and proceed with Project construction if
13 all other conditions for construction have been satis-
14 fied.

15 (3) EFFECT OF INDIAN SELF-DETERMINATION
16 AND EDUCATION ASSISTANCE ACT.—The Indian
17 Self-Determination and Education Assistance Act
18 (25 U.S.C. 450 et seq.) shall not apply to the de-
19 sign, construction, operation, maintenance, or re-
20 placement of the Project.

21 (e) POWER.—The Secretary shall reserve, from exist-
22 ing reservations of Colorado River Storage Project power
23 for Bureau of Reclamation projects, up to 26 megawatts
24 of power for use by the Project.

1 (f) CONVEYANCE OF TITLE TO PROJECT FACILI-
2 TIES.—

3 (1) IN GENERAL.—The Secretary is authorized
4 to enter into separate agreements with the City and
5 the Nation and, on entering into the agreements,
6 shall convey title to each Project facility or section
7 of a Project facility authorized under subsection (b)
8 (including any appropriate interests in land) to the
9 City and the Nation after—

10 (A) completion of construction of a Project
11 facility or a section of a Project facility that is
12 operating and delivering water; and

13 (B) execution of a Project operations
14 agreement approved by the Secretary and the
15 Project Participants that sets forth—

16 (i) any terms and conditions that the
17 Secretary determines are necessary—

18 (I) to ensure the continuation of
19 the intended benefits of the Project;
20 and

21 (II) to fulfill the purposes of this
22 part;

23 (ii) requirements acceptable to the
24 Secretary and the Project Participants
25 for—

1 (I) the distribution of water
2 under the Project or section of a
3 Project facility; and

4 (II) the allocation and payment
5 of annual operation, maintenance, and
6 replacement costs of the Project or
7 section of a Project facility based on
8 the proportionate uses of Project fa-
9 cilities; and

10 (iii) conditions and requirements ac-
11 ceptable to the Secretary and the Project
12 Participants for operating and maintaining
13 each Project facility on completion of the
14 conveyance of title, including the require-
15 ment that the City and the Nation shall—

16 (I) comply with—

17 (aa) the Compact; and

18 (bb) other applicable law;

19 and

20 (II) be responsible for—

21 (aa) the operation, mainte-
22 nance, and replacement of each
23 Project facility; and

24 (bb) the accounting and
25 management of water conveyance

1 and Project finances, as nec-
2 essary to administer and fulfill
3 the conditions of the Contract ex-
4 ecuted under section
5 10604(a)(2)(B).

6 (2) EFFECT OF CONVEYANCE.—The conveyance
7 of title to each Project facility shall not affect the
8 application of the Endangered Species Act of 1973
9 (16 U.S.C. 1531 et seq.) relating to the use of the
10 water associated with the Project.

11 (3) LIABILITY.—

12 (A) IN GENERAL.—Effective on the date of
13 the conveyance authorized by this subsection,
14 the United States shall not be held liable by
15 any court for damages of any kind arising out
16 of any act, omission, or occurrence relating to
17 the land, buildings, or facilities conveyed under
18 this subsection, other than damages caused by
19 acts of negligence committed by the United
20 States, or by employees or agents of the United
21 States, prior to the date of conveyance.

22 (B) TORT CLAIMS.—Nothing in this sec-
23 tion increases the liability of the United States
24 beyond the liability provided in chapter 171 of

1 title 28, United States Code (commonly known
2 as the “Federal Tort Claims Act”).

3 (4) NOTICE OF PROPOSED CONVEYANCE.—Not
4 later than 45 days before the date of a proposed
5 conveyance of title to any Project facility, the Sec-
6 retary shall submit to the Committee on Resources
7 of the House of Representatives and to the Com-
8 mittee on Energy and Natural Resources of the Sen-
9 ate notice of the conveyance of each Project facility.

10 (g) COLORADO RIVER STORAGE PROJECT POWER.—
11 The conveyance of Project facilities under subsection (f)
12 shall not affect the availability of Colorado River Storage
13 Project power to the Project under subsection (e).

14 (h) REGIONAL USE OF PROJECT FACILITIES.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 Project facilities constructed under subsection (b)
17 may be used to treat and convey non-Project water
18 or water that is not allocated by subsection
19 10603(b) if—

20 (A) capacity is available without impairing
21 any water delivery to a Project Participant; and

22 (B) the unallocated or non-Project water
23 beneficiary—

24 (i) has the right to use the water;

1 (ii) agrees to pay the operation, main-
2 tenance, and replacement costs assignable
3 to the beneficiary for the use of the Project
4 facilities; and

5 (iii) agrees to pay an appropriate fee
6 that may be established by the Secretary
7 to assist in the recovery of any capital cost
8 allocable to that use.

9 (2) EFFECT OF PAYMENTS.—Any payments to
10 the United States or the Nation for the use of un-
11 used capacity under this subsection or for water
12 under any subcontract with the Nation or the
13 Jicarilla Apache Nation shall not alter the construc-
14 tion repayment requirements or the operation, main-
15 tenance, and replacement payment requirements of
16 the Project Participants.

17 **SEC. 10603. DELIVERY AND USE OF NAVAJO-GALLUP WATER**
18 **SUPPLY PROJECT WATER.**

19 (a) USE OF PROJECT WATER.—

20 (1) IN GENERAL.—In accordance with this sub-
21 title and other applicable law, water supply from the
22 Project shall be used for municipal, industrial, com-
23 mercial, domestic, and stock watering purposes.

24 (2) USE ON CERTAIN LAND.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the Nation may use Project water
3 allocations on—

4 (i) land held by the United States in
5 trust for the Nation and members of the
6 Nation; and

7 (ii) land held in fee by the Nation.

8 (B) TRANSFER.—The Nation may transfer
9 the purposes and places of use of the allocated
10 water in accordance with the Agreement and
11 applicable law.

12 (3) HYDROELECTRIC POWER.—

13 (A) IN GENERAL.—Hydroelectric power
14 may be generated as an incident to the delivery
15 of Project water for authorized purposes under
16 paragraph (1).

17 (B) ADMINISTRATION.—Notwithstanding
18 any other provision of law—

19 (i) any hydroelectric power generated
20 under this paragraph shall be used or mar-
21 keted by the Nation;

22 (ii) the Nation shall retain any reve-
23 nues from the sale of the hydroelectric
24 power; and

1 (iii) the United States shall have no
2 trust obligation or other obligation to mon-
3 itor, administer, or account for the reve-
4 nues received by the Nation, or the ex-
5 penditure of the revenues.

6 (4) STORAGE.—

7 (A) IN GENERAL.—Subject to subpara-
8 graph (B), any water contracted for delivery
9 under paragraph (1) that is not needed for cur-
10 rent water demands or uses may be delivered by
11 the Project for placement in underground stor-
12 age in the State of New Mexico for future re-
13 covery and use.

14 (B) STATE APPROVAL.—Delivery of water
15 under subparagraph (A) is subject to—

16 (i) approval by the State of New Mex-
17 ico under applicable provisions of State law
18 relating to aquifer storage and recovery;
19 and

20 (ii) the provisions of the Agreement
21 and this subtitle.

22 (b) PROJECT WATER AND CAPACITY ALLOCA-
23 TIONS.—

24 (1) DIVERSION.—Subject to availability and
25 consistent with Federal and State law, the Project

1 may divert from the Navajo Reservoir and the San
2 Juan River a quantity of water to be allocated and
3 used consistent with the Agreement and this sub-
4 title, that does not exceed in any 1 year, the lesser
5 of—

6 (A) 37,760 acre-feet of water; or

7 (B) the quantity of water necessary to sup-
8 ply a depletion from the San Juan River of
9 35,890 acre-feet.

10 (2) PROJECT DELIVERY CAPACITY ALLOCA-
11 TIONS.—

12 (A) IN GENERAL.—The capacity of the
13 Project shall be allocated to the Project Partici-
14 pants in accordance with subparagraphs (B)
15 through (E), other provisions of this subtitle,
16 and other applicable law.

17 (B) DELIVERY CAPACITY ALLOCATION TO
18 THE CITY.—The Project may deliver at the
19 point of diversion from the San Juan River not
20 more than 7,500 acre-feet of water in any 1
21 year for which the City has secured rights for
22 the use of the City.

23 (C) DELIVERY CAPACITY ALLOCATION TO
24 NAVAJO NATION COMMUNITIES IN NEW MEX-
25 ICO.—For use by the Nation in the State of

1 New Mexico, the Project may deliver water out
2 of the water rights held by the Secretary for the
3 Nation and confirmed under this subtitle, at the
4 points of diversion from the San Juan River or
5 at Navajo Reservoir in any 1 year, the lesser
6 of—

7 (i) 22,650 acre-feet of water; or

8 (ii) the quantity of water necessary to
9 supply a depletion from the San Juan
10 River of 20,780 acre-feet of water.

11 (D) DELIVERY CAPACITY ALLOCATION TO
12 NAVAJO NATION COMMUNITIES IN ARIZONA.—
13 Subject to subsection (c), the Project may de-
14 liver at the point of diversion from the San
15 Juan River not more than 6,411 acre-feet of
16 water in any 1 year for use by the Nation in
17 the State of Arizona.

18 (E) DELIVERY CAPACITY ALLOCATION TO
19 JICARILLA APACHE NATION.—The Project may
20 deliver at Navajo Reservoir not more than
21 1,200 acre-feet of water in any 1 year of the
22 water rights of the Jicarilla Apache Nation,
23 held by the Secretary and confirmed by the
24 Jicarilla Apache Tribe Water Rights Settlement
25 Act (Public Law 102–441; 106 Stat. 2237), for

1 use by the Jicarilla Apache Nation in the south-
2 ern portion of the Jicarilla Apache Nation Res-
3 ervation in the State of New Mexico.

4 (3) USE IN EXCESS OF DELIVERY CAPACITY AL-
5 LOCATION QUANTITY.—Notwithstanding each deliv-
6 ery capacity allocation quantity limit described in
7 subparagraphs (B), (C), and (E) of paragraph (2),
8 the Secretary may authorize a Project Participant to
9 exceed the delivery capacity allocation quantity limit
10 of that Project Participant if—

11 (A) delivery capacity is available without
12 impairing any water delivery to any other
13 Project Participant; and

14 (B) the Project Participant benefitting
15 from the increased allocation of delivery capac-
16 ity—

17 (i) has the right under applicable law
18 to use the additional water;

19 (ii) agrees to pay the operation, main-
20 tenance, and replacement costs relating to
21 the additional use of any Project facility;
22 and

23 (iii) agrees, if the Project title is held
24 by the Secretary, to pay a fee established
25 by the Secretary to assist in recovering

1 capital costs relating to that additional
2 use.

3 (c) CONDITIONS FOR USE IN ARIZONA.—

4 (1) REQUIREMENTS.—Project water shall not
5 be delivered for use by any community of the Nation
6 located in the State of Arizona under subsection
7 (b)(2)(D) until—

8 (A) the Nation and the State of Arizona
9 have entered into a water rights settlement
10 agreement approved by an Act of Congress that
11 settles and waives the Nation’s claims to water
12 in the Lower Basin and the Little Colorado
13 River Basin in the State of Arizona, including
14 those of the United States on the Nation’s be-
15 half; and

16 (B) the Secretary and the Navajo Nation
17 have entered into a Navajo Reservoir water
18 supply delivery contract for the physical deliv-
19 ery and diversion of water via the Project from
20 the San Juan River system to supply uses in
21 the State of Arizona.

22 (2) ACCOUNTING OF USES IN ARIZONA.—

23 (A) IN GENERAL.—Pursuant to paragraph
24 (1) and notwithstanding any other provision of
25 law, water may be diverted by the Project from

1 the San Juan River in the State of New Mexico
2 in accordance with an appropriate permit issued
3 under New Mexico law for use in the State of
4 Arizona within the Navajo Reservation in the
5 Lower Basin; provided that any depletion of
6 water that results from the diversion of water
7 by the Project from the San Juan River in the
8 State of New Mexico for uses within the State
9 of Arizona (including depletion incidental to the
10 diversion, impounding, or conveyance of water
11 in the State of New Mexico for uses in the
12 State of Arizona) shall be administered and ac-
13 counted for as either—

14 (i) a part of, and charged against, the
15 available consumptive use apportionment
16 made to the State of Arizona by Article
17 III(a) of the Compact and to the Upper
18 Basin by Article III(a) of the Colorado
19 River Compact, in which case any water so
20 diverted by the Project into the Lower
21 Basin for use within the State of Arizona
22 shall not be credited as water reaching Lee
23 Ferry pursuant to Article III(e) and III(d)
24 of the Colorado River Compact; or

1 (ii) subject to subparagraph (B), a
2 part of, and charged against, the consump-
3 tive use apportionment made to the Lower
4 Basin by Article III(a) of the Colorado
5 River Compact, in which case it shall—

6 (I) be a part of the Colorado
7 River water that is apportioned to the
8 State of Arizona in Article II(B) of
9 the Consolidated Decree of the Su-
10 preme Court of the United States in
11 *Arizona v. California* (547 U.S. 150)
12 (as may be amended or supple-
13 mented);

14 (II) be credited as water reaching
15 Lee Ferry pursuant to Article III(c)
16 and III(d) of the Colorado River Com-
17 pact; and

18 (III) be accounted as the water
19 identified in section 104(a)(1)(B)(ii)
20 of the Arizona Water Settlements Act,
21 (118 Stat. 3478);

22 (B) LIMITATION.—Notwithstanding sub-
23 paragraph (B), no water diverted by the Project
24 shall be accounted for pursuant to subpara-
25 graph (B) until such time that—

1 (i) the Secretary has developed and,
2 as necessary and appropriate, modified, in
3 consultation with the Upper Colorado
4 River Commission and the Governors' Rep-
5 resentatives on Colorado River Operations
6 from each State signatory to the Colorado
7 River Compact, all operational and
8 decisional criteria, policies, contracts,
9 guidelines or other documents that control
10 the operations of the Colorado River Sys-
11 tem reservoirs and diversion works, so as
12 to adjust, account for, and offset the diver-
13 sion of water apportioned to the State of
14 Arizona, pursuant to the Boulder Canyon
15 Project Act (43 U.S.C. 617 et seq.), from
16 a point of diversion on the San Juan River
17 in New Mexico; provided that all such
18 modifications shall be consistent with the
19 provisions of this Section, and the modi-
20 fications made pursuant to this clause
21 shall be applicable only for the duration of
22 any such diversions pursuant to section
23 10603(c)(2)(B); and

24 (ii) Article II(B) of the Decree of the
25 Supreme Court of the United States in Ar-

1 Arizona v. California (547 U.S. 150 as may
2 be amended or supplemented) is adminis-
3 tered so that diversions from the main
4 stream for the Central Arizona Project, as
5 served under existing contracts with the
6 United States by diversion works here-
7 tofore constructed, shall be limited and re-
8 duced to offset any diversions made pursu-
9 ant to section 10603(c)(2)(B) of this Act.
10 This clause shall not affect, in any man-
11 ner, the amount of water apportioned to
12 Arizona pursuant to the Boulder Canyon
13 Project Act (43 U.S.C. 617 et seq.), or
14 amend any provisions of said decree or the
15 Colorado River Basin Project Act (43
16 U.S.C. 1501 et. seq.).

17 (3) UPPER BASIN PROTECTIONS.—

18 (A) CONSULTATIONS.—Henceforth, in any
19 consultation pursuant to 16 U.S.C. 1536(a)
20 with respect to water development in the San
21 Juan River Basin, the Secretary shall confer
22 with the States of Colorado and New Mexico,
23 consistent with the provisions of section 5 of
24 the “Principles for Conducting Endangered
25 Species Act Section 7 Consultations on Water

1 Development and Water Management Activities
2 Affecting Endangered Fish Species in the San
3 Juan River Basin” as adopted by the Coordina-
4 tion Committee, San Juan River Basin Recov-
5 ery Implementation Program, on June 19,
6 2001, and as may be amended or modified.

7 (B) PRESERVATION OF EXISTING
8 RIGHTS.—Rights to the consumptive use of
9 water available to the Upper Basin from the
10 Colorado River System under the Colorado
11 River Compact and the Compact shall not be
12 reduced or prejudiced by any use of water pur-
13 suant to subsection 10603(c). Nothing in this
14 Act shall be construed so as to impair, conflict
15 with, or otherwise change the duties and powers
16 of the Upper Colorado River Commission.

17 (d) FORBEARANCE.—

18 (1) IN GENERAL.—Subject to paragraphs (2)
19 and (3), during any year in which a shortage to the
20 normal diversion requirement for any use relating to
21 the Project within the State of Arizona occurs (as
22 determined under section 11 of Public Law 87–483
23 (76 Stat. 99)), the Nation may temporarily forbear
24 the delivery of the water supply of the Navajo Res-
25 ervoir for uses in the State of New Mexico under the

1 apportionments of water to the Navajo Indian Irri-
2 gation Project and the normal diversion require-
3 ments of the Project to allow an equivalent quantity
4 of water to be delivered from the Navajo Reservoir
5 water supply for municipal and domestic uses of the
6 Nation in the State of Arizona under the Project.

7 (2) LIMITATION OF FORBEARANCE.—The Na-
8 tion may forebear the delivery of water under para-
9 graph (1) of a quantity not exceeding the quantity
10 of the shortage to the normal diversion requirement
11 for any use relating to the Project within the State
12 of Arizona.

13 (3) EFFECT.—The forbearance of the delivery
14 of water under paragraph (1) shall be subject to the
15 requirements in subsection (c).

16 (e) EFFECT.—Nothing in this subtitle—

17 (1) authorizes the marketing, leasing, or trans-
18 fer of the water supplies made available to the Na-
19 tion under the Contract to non-Navajo water users
20 in States other than the State of New Mexico; or

21 (2) authorizes the forbearance of water uses in
22 the State of New Mexico to allow uses of water in
23 other States other than as authorized under sub-
24 section (d).

1 (f) COLORADO RIVER COMPACTS.—Notwithstanding
2 any other provision of law—

3 (1) water may be diverted by the Project from
4 the San Juan River in the State of New Mexico for
5 use within New Mexico in the lower basin, as that
6 term is used in the Colorado River Compact;

7 (2) any water diverted under paragraph (1)
8 shall be a part of, and charged against, the con-
9 sumptive use apportionment made to the State of
10 New Mexico by Article III(a) of the Compact and to
11 the upper basin by Article III(a) of the Colorado
12 River Compact; and

13 (3) any water so diverted by the Project into
14 the lower basin within the State of New Mexico shall
15 not be credited as water reaching Lee Ferry pursu-
16 ant to Articles III(c) and III(d) of the Colorado
17 River Compact.

18 (g) PAYMENT OF OPERATION, MAINTENANCE, AND
19 REPLACEMENT COSTS.—

20 (1) IN GENERAL.—The Secretary is authorized
21 to pay the operation, maintenance, and replacement
22 costs of the Project allocable to the Project Partici-
23 pants under section 10604 until the date on which
24 the Secretary declares any section of the Project to
25 be substantially complete and delivery of water gen-

1 erated by, and through, that section of the Project
2 can be made to a Project participant.

3 (2) PROJECT PARTICIPANT PAYMENTS.—Begin-
4 ning on the date described in paragraph (1), each
5 Project Participant shall pay all allocated operation,
6 maintenance, and replacement costs for that sub-
7 stantially completed section of the Project, in ac-
8 cordance with contracts entered into pursuant to
9 section 10604, except as provided in section
10 10604(f).

11 (h) NO PRECEDENT.—Nothing in this Act shall be
12 construed as authorizing or establishing a precedent for
13 any type of transfer of Colorado River System water be-
14 tween the Upper Basin and Lower Basin. Nor shall any-
15 thing in this Act be construed as expanding the Sec-
16 retary’s authority in the Upper Basin.

17 (i) UNIQUE SITUATION.—Diversions by the Project
18 consistent with this section address critical tribal and non-
19 Indian water supply needs under unique circumstances,
20 which include, among other things—

21 (1) the intent to benefit an American Indian
22 tribe;

23 (2) the Navajo Nation’s location in both the
24 Upper and Lower Basin;

1 (3) the intent to address critical Indian water
2 needs in the State of Arizona and Indian and non-
3 Indian water needs in the State of New Mexico,

4 (4) the location of the Navajo Nation's capital
5 city of Window Rock in the State of Arizona in close
6 proximity to the border of the State of New Mexico
7 and the pipeline route for the Project;

8 (5) the lack of other reasonable options avail-
9 able for developing a firm, sustainable supply of mu-
10 nicipal water for the Navajo Nation at Window Rock
11 in the State of Arizona; and

12 (6) the limited volume of water to be diverted
13 by the Project to supply municipal uses in the Win-
14 dow Rock area in the State of Arizona.

15 (j) CONSENSUS.—Congress notes the consensus of
16 the Governors' Representatives on Colorado River Oper-
17 ations of the States that are signatory to the Colorado
18 River Compact regarding the diversions authorized for the
19 Project under this section.

20 (k) EFFICIENT USE.—The diversions and uses au-
21 thorized for the Project under this Section represent
22 unique and efficient uses of Colorado River apportion-
23 ments in a manner that Congress has determined would
24 be consistent with the obligations of the United States to
25 the Navajo Nation.

1 **SEC. 10604. PROJECT CONTRACTS.**

2 (a) NAVAJO NATION CONTRACT.—

3 (1) HYDROLOGIC DETERMINATION.—Congress
4 recognizes that the Hydrologic Determination nec-
5 essary to support approval of the Contract has been
6 completed.

7 (2) CONTRACT APPROVAL.—

8 (A) APPROVAL.—

9 (i) IN GENERAL.—Except to the ex-
10 tent that any provision of the Contract
11 conflicts with this subtitle, Congress ap-
12 proves, ratifies, and confirms the Contract.

13 (ii) AMENDMENTS.—To the extent
14 any amendment is executed to make the
15 Contract consistent with this subtitle, that
16 amendment is authorized, ratified, and
17 confirmed.

18 (B) EXECUTION OF CONTRACT.—The Sec-
19 retary, acting on behalf of the United States,
20 shall enter into the Contract to the extent that
21 the Contract does not conflict with this subtitle
22 (including any amendment that is required to
23 make the Contract consistent with this sub-
24 title).

25 (3) NONREIMBURSABILITY OF ALLOCATED
26 COSTS.—The following costs shall be nonreimburs-

1 able and not subject to repayment by the Nation or
2 any other Project beneficiary:

3 (A) Any share of the construction costs of
4 the Nation relating to the Project authorized by
5 section 10602(a).

6 (B) Any costs relating to the construction
7 of the Navajo Indian Irrigation Project that
8 may otherwise be allocable to the Nation for
9 use of any facility of the Navajo Indian Irriga-
10 tion Project to convey water to each Navajo
11 community under the Project.

12 (C) Any costs relating to the construction
13 of Navajo Dam that may otherwise be allocable
14 to the Nation for water deliveries under the
15 Contract.

16 (4) OPERATION, MAINTENANCE, AND REPLACE-
17 MENT OBLIGATION.—Subject to subsection (f), the
18 Contract shall include provisions under which the
19 Nation shall pay any costs relating to the operation,
20 maintenance, and replacement of each facility of the
21 Project that are allocable to the Nation.

22 (5) LIMITATION, CANCELLATION, TERMINATION,
23 AND RESCISSION.—The Contract may be limited by
24 a term of years, canceled, terminated, or rescinded
25 only by an Act of Congress.

1 (b) CITY OF GALLUP CONTRACT.—

2 (1) CONTRACT AUTHORIZATION.—Consistent
3 with this subtitle, the Secretary is authorized to
4 enter into a repayment contract with the City that
5 requires the City—

6 (A) to repay, within a 50-year period, the
7 share of the construction costs of the City relat-
8 ing to the Project, with interest as provided
9 under section 10305; and

10 (B) consistent with section 10603(g), to
11 pay the operation, maintenance, and replace-
12 ment costs of the Project that are allocable to
13 the City.

14 (2) CONTRACT PREPAYMENT.—

15 (A) IN GENERAL.—The contract author-
16 ized under paragraph (1) may allow the City to
17 satisfy the repayment obligation of the City for
18 construction costs of the Project on the pay-
19 ment of the share of the City prior to the initi-
20 ation of construction.

21 (B) AMOUNT.—The amount of the share
22 of the City described in subparagraph (A) shall
23 be determined by agreement between the Sec-
24 retary and the City.

1 (C) REPAYMENT OBLIGATION.—Any repay-
2 ment obligation established by the Secretary
3 and the City pursuant to subparagraph (A)
4 shall be subject to a final cost allocation by the
5 Secretary on project completion and to the limi-
6 tations set forth in paragraph (3).

7 (3) SHARE OF CONSTRUCTION COSTS.—

8 (A) IN GENERAL.—Subject to subpara-
9 graph (B), the Secretary shall determine the
10 share of the construction costs of the Project
11 allocable to the City and establish the percent-
12 age of the allocated construction costs that the
13 City shall be required to repay pursuant to the
14 contract entered into under paragraph (1),
15 based on the ability of the City to pay.

16 (B) MINIMUM PERCENTAGE.—Notwith-
17 standing subparagraph (A), the repayment obli-
18 gation of the City shall be at least 25 percent
19 of the construction costs of the Project that are
20 allocable to the City, but shall in no event ex-
21 ceed 35 percent.

22 (4) EXCESS CONSTRUCTION COSTS.—Any con-
23 struction costs of the Project allocable to the City in
24 excess of the repayment obligation of the City, as

1 determined under paragraph (3), shall be nonreim-
2 bursable.

3 (5) GRANT FUNDS.—A grant from any other
4 Federal source shall not be credited toward the
5 amount required to be repaid by the City under a
6 repayment contract.

7 (6) TITLE TRANSFER.—If title is transferred to
8 the City prior to repayment under section 10602(f),
9 the City shall be required to provide assurances sat-
10 isfactory to the Secretary of fulfillment of the re-
11 maining repayment obligation of the City.

12 (7) WATER DELIVERY SUBCONTRACT.—The
13 Secretary shall not enter into a contract under para-
14 graph (1) with the City until the City has secured
15 a water supply for the City's portion of the Project
16 described in section 10603(b)(2)(B), by entering
17 into, as approved by the Secretary, a water delivery
18 subcontract for a period of not less than 40 years
19 beginning on the date on which the construction of
20 any facility of the Project serving the City is com-
21 pleted, with—

22 (A) the Nation, as authorized by the Con-
23 tract;

24 (B) the Jicarilla Apache Nation, as author-
25 ized by the settlement contract between the

1 United States and the Jicarilla Apache Tribe,
2 authorized by the Jicarilla Apache Tribe Water
3 Rights Settlement Act (Public Law 102-441;
4 106 Stat. 2237); or

5 (C) an acquired alternate source of water,
6 subject to approval of the Secretary and the
7 State of New Mexico, acting through the New
8 Mexico Interstate Stream Commission and the
9 New Mexico State Engineer.

10 (c) JICARILLA APACHE NATION CONTRACT.—

11 (1) CONTRACT AUTHORIZATION.—Consistent
12 with this subtitle, the Secretary is authorized to
13 enter into a repayment contract with the Jicarilla
14 Apache Nation that requires the Jicarilla Apache
15 Nation—

16 (A) to repay, within a 50-year period, the
17 share of any construction cost of the Jicarilla
18 Apache Nation relating to the Project, with in-
19 terest as provided under section 10305; and

20 (B) consistent with section 10603(g), to
21 pay the operation, maintenance, and replace-
22 ment costs of the Project that are allocable to
23 the Jicarilla Apache Nation.

24 (2) CONTRACT PREPAYMENT.—

1 (A) IN GENERAL.—The contract author-
2 ized under paragraph (1) may allow the
3 Jicarilla Apache Nation to satisfy the repay-
4 ment obligation of the Jicarilla Apache Nation
5 for construction costs of the Project on the pay-
6 ment of the share of the Jicarilla Apache Na-
7 tion prior to the initiation of construction.

8 (B) AMOUNT.—The amount of the share
9 of Jicarilla Apache Nation described in sub-
10 paragraph (A) shall be determined by agree-
11 ment between the Secretary and the Jicarilla
12 Apache Nation.

13 (C) REPAYMENT OBLIGATION.—Any repay-
14 ment obligation established by the Secretary
15 and the Jicarilla Apache Nation pursuant to
16 subparagraph (A) shall be subject to a final
17 cost allocation by the Secretary on project com-
18 pletion and to the limitations set forth in para-
19 graph (3).

20 (3) SHARE OF CONSTRUCTION COSTS.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), the Secretary shall determine the
23 share of the construction costs of the Project
24 allocable to the Jicarilla Apache Nation and es-
25 tablish the percentage of the allocated construc-

1 tion costs of the Jicarilla Apache Nation that
2 the Jicarilla Apache Nation shall be required to
3 repay based on the ability of the Jicarilla
4 Apache Nation to pay.

5 (B) MINIMUM PERCENTAGE.—Notwith-
6 standing subparagraph (A), the repayment obli-
7 gation of the Jicarilla Apache Nation shall be
8 at least 25 percent of the construction costs of
9 the Project that are allocable to the Jicarilla
10 Apache Nation, but shall in no event exceed 35
11 percent.

12 (4) EXCESS CONSTRUCTION COSTS.—Any con-
13 struction costs of the Project allocable to the
14 Jicarilla Apache Nation in excess of the repayment
15 obligation of the Jicarilla Apache Nation as deter-
16 mined under paragraph (3), shall be nonreimburs-
17 able.

18 (5) GRANT FUNDS.—A grant from any other
19 Federal source shall not be credited toward the
20 share of the Jicarilla Apache Nation of construction
21 costs.

22 (6) NAVAJO INDIAN IRRIGATION PROJECT
23 COSTS.—The Jicarilla Apache Nation shall have no
24 obligation to repay any Navajo Indian Irrigation
25 Project construction costs that might otherwise be

1 allocable to the Jicarilla Apache Nation for use of
2 the Navajo Indian Irrigation Project facilities to
3 convey water to the Jicarilla Apache Nation, and
4 any such costs shall be nonreimbursable.

5 (d) CAPITAL COST ALLOCATIONS.—

6 (1) IN GENERAL.—For purposes of estimating
7 the capital repayment requirements of the Project
8 Participants under this section, the Secretary shall
9 review and, as appropriate, update the Draft Impact
10 Statement allocating capital construction costs for
11 the Project.

12 (2) FINAL COST ALLOCATION.—The repayment
13 contracts entered into with Project Participants
14 under this section shall require that the Secretary
15 perform a final cost allocation when construction of
16 the Project is determined to be substantially com-
17 plete.

18 (3) REPAYMENT OBLIGATION.—The Secretary
19 shall determine the repayment obligation of the
20 Project Participants based on the final cost alloca-
21 tion identifying reimbursable and nonreimbursable
22 capital costs of the Project consistent with this sub-
23 title.

24 (e) OPERATION, MAINTENANCE, AND REPLACEMENT
25 COST ALLOCATIONS.—For purposes of determining the

1 operation, maintenance, and replacement obligations of
2 the Project Participants under this section, the Secretary
3 shall review and, as appropriate, update the Draft Impact
4 Statement that allocates operation, maintenance, and re-
5 placement costs for the Project.

6 (f) TEMPORARY WAIVERS OF PAYMENTS.—

7 (1) IN GENERAL.—On the date on which the
8 Secretary declares a section of the Project to be sub-
9 stantially complete and delivery of water generated
10 by and through that section of the Project can be
11 made to the Nation, the Secretary may waive, for a
12 period of not more than 10 years, the operation,
13 maintenance, and replacement costs allocable to the
14 Nation for that section of the Project that the Sec-
15 retary determines are in excess of the ability of the
16 Nation to pay.

17 (2) SUBSEQUENT PAYMENT BY NATION.—After
18 a waiver under paragraph (1), the Nation shall pay
19 all allocated operation, maintenance, and replace-
20 ment costs of that section of the Project.

21 (3) PAYMENT BY UNITED STATES.—Any oper-
22 ation, maintenance, or replacement costs waived by
23 the Secretary under paragraph (1) shall be paid by
24 the United States and shall be nonreimbursable.

1 (4) EFFECT ON CONTRACTS.—Failure of the
2 Secretary to waive costs under paragraph (1) be-
3 cause of a lack of availability of Federal funding to
4 pay the costs under paragraph (3) shall not alter the
5 obligations of the Nation or the United States under
6 a repayment contract.

7 (5) TERMINATION OF AUTHORITY.—The au-
8 thority of the Secretary to waive costs under para-
9 graph (1) with respect to a Project facility trans-
10 ferred to the Nation under section 10602(f) shall
11 terminate on the date on which the Project facility
12 is transferred.

13 (g) PROJECT CONSTRUCTION COMMITTEE.—The
14 Secretary shall facilitate the formation of a project con-
15 struction committee with the Project Participants and the
16 State of New Mexico—

17 (1) to review cost factors and budgets for con-
18 struction and operation and maintenance activities;

19 (2) to improve construction management
20 through enhanced communication; and

21 (3) to seek additional ways to reduce overall
22 Project costs.

23 **SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.**

24 (a) USE OF NAVAJO NATION PIPELINE.—In addition
25 to use of the Navajo Nation Municipal Pipeline to convey

1 the Animas-La Plata Project water of the Nation, the Na-
2 tion may use the Navajo Nation Municipal Pipeline to con-
3 vey non-Animas La Plata Project water for municipal and
4 industrial purposes.

5 (b) CONVEYANCE OF TITLE TO PIPELINE.—

6 (1) IN GENERAL.—On completion of the Navajo
7 Nation Municipal Pipeline, the Secretary may enter
8 into separate agreements with the City of Farm-
9 ington, New Mexico and the Nation to convey title
10 to each portion of the Navajo Nation Municipal
11 Pipeline facility or section of the Pipeline to the City
12 of Farmington and the Nation after execution of a
13 Project operations agreement approved by the Sec-
14 retary, the Nation, and the City of Farmington that
15 sets forth any terms and conditions that the Sec-
16 retary determines are necessary.

17 (2) CONVEYANCE TO THE CITY OF FARMINGTON
18 OR NAVAJO NATION.—In conveying title to the Nav-
19 ajo Nation Municipal Pipeline under this subsection,
20 the Secretary shall convey—

21 (A) to the City of Farmington, the facili-
22 ties and any land or interest in land acquired
23 by the United States for the construction, oper-
24 ation, and maintenance of the Pipeline that are

1 located within the corporate boundaries of the
2 City; and

3 (B) to the Nation, the facilities and any
4 land or interests in land acquired by the United
5 States for the construction, operation, and
6 maintenance of the Pipeline that are located
7 outside the corporate boundaries of the City of
8 Farmington.

9 (3) EFFECT OF CONVEYANCE.—The conveyance
10 of title to the Pipeline shall not affect the applica-
11 tion of the Endangered Species Act of 1973 (16
12 U.S.C. 1531 et seq.) relating to the use of water as-
13 sociated with the Animas-La Plata Project.

14 (4) LIABILITY.—

15 (A) IN GENERAL.—Effective on the date of
16 the conveyance authorized by this subsection,
17 the United States shall not be held liable by
18 any court for damages of any kind arising out
19 of any act, omission, or occurrence relating to
20 the land, buildings, or facilities conveyed under
21 this subsection, other than damages caused by
22 acts of negligence committed by the United
23 States or by employees or agents of the United
24 States prior to the date of conveyance.

1 (B) TORT CLAIMS.—Nothing in this sub-
2 section increases the liability of the United
3 States beyond the liability provided under chap-
4 ter 171 of title 28, United States Code (com-
5 monly known as the “Federal Tort Claims
6 Act”).

7 (5) NOTICE OF PROPOSED CONVEYANCE.—Not
8 later than 45 days before the date of a proposed
9 conveyance of title to the Pipeline, the Secretary
10 shall submit to the Committee on Natural Resources
11 of the House of Representatives and the Committee
12 on Energy and Natural Resources of the Senate, no-
13 tice of the conveyance of the Pipeline.

14 **SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.**

15 (a) CONJUNCTIVE GROUNDWATER DEVELOPMENT
16 PLAN.—Not later than 1 year after the date of enactment
17 of this Act, the Nation, in consultation with the Secretary,
18 shall complete a conjunctive groundwater development
19 plan for the wells described in subsections (b) and (c).

20 (b) WELLS IN THE SAN JUAN RIVER BASIN.—In ac-
21 cordance with the conjunctive groundwater development
22 plan, the Secretary may construct or rehabilitate wells and
23 related pipeline facilities to provide capacity for the diver-
24 sion and distribution of not more than 1,670 acre-feet of

1 groundwater in the San Juan River Basin in the State
2 of New Mexico for municipal and domestic uses.

3 (c) WELLS IN THE LITTLE COLORADO AND RIO
4 GRANDE BASINS.—

5 (1) IN GENERAL.—In accordance with the
6 Project and conjunctive groundwater development
7 plan for the Nation, the Secretary may construct or
8 rehabilitate wells and related pipeline facilities to
9 provide capacity for the diversion and distribution
10 of—

11 (A) not more than 680 acre-feet of ground-
12 water in the Little Colorado River Basin in the
13 State of New Mexico;

14 (B) not more than 80 acre-feet of ground-
15 water in the Rio Grande Basin in the State of
16 New Mexico; and

17 (C) not more than 770 acre-feet of ground-
18 water in the Little Colorado River Basin in the
19 State of Arizona.

20 (2) USE.—Groundwater diverted and distrib-
21 uted under paragraph (1) shall be used for munic-
22 ipal and domestic uses.

23 (d) ACQUISITION OF LAND.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), the Secretary may acquire any land or in-

1 terest in land that is necessary for the construction,
2 operation, and maintenance of the wells and related
3 pipeline facilities authorized under subsections (b)
4 and (c).

5 (2) LIMITATION.—Nothing in this subsection
6 authorizes the Secretary to condemn water rights for
7 the purposes described in paragraph (1).

8 (e) CONDITION.—The Secretary shall not commence
9 any construction activity relating to the wells described in
10 subsections (b) and (c) until the Secretary executes the
11 Agreement.

12 (f) CONVEYANCE OF WELLS.—

13 (1) IN GENERAL.—On the determination of the
14 Secretary that the wells and related facilities are
15 substantially complete and delivery of water gen-
16 erated by the wells can be made to the Nation, an
17 agreement with the Nation shall be entered into, to
18 convey to the Nation title to—

19 (A) any well or related pipeline facility
20 constructed or rehabilitated under subsections
21 (a) and (b) after the wells and related facilities
22 have been completed; and

23 (B) any land or interest in land acquired
24 by the United States for the construction, oper-

1 ation, and maintenance of the well or related
2 pipeline facility.

3 (2) OPERATION, MAINTENANCE, AND REPLACE-
4 MENT.—

5 (A) IN GENERAL.—The Secretary is au-
6 thorized to pay operation and maintenance
7 costs for the wells and related pipeline facilities
8 authorized under this subsection until title to
9 the facilities is conveyed to the Nation.

10 (B) SUBSEQUENT ASSUMPTION BY NA-
11 TION.—On completion of a conveyance of title
12 under paragraph (1), the Nation shall assume
13 all responsibility for the operation and mainte-
14 nance of the well or related pipeline facility con-
15 veyed.

16 (3) EFFECT OF CONVEYANCE.—The conveyance
17 of title to the Nation of the conjunctive use wells
18 under paragraph (1) shall not affect the application
19 of the Endangered Species Act of 1973 (16 U.S.C.
20 1531 et seq.).

21 (g) USE OF PROJECT FACILITIES.—The capacities of
22 the treatment facilities, main pipelines, and lateral pipe-
23 lines of the Project authorized by section 10602(b) may
24 be used to treat and convey groundwater to Nation com-
25 munities if the Nation provides for payment of the oper-

1 ation, maintenance, and replacement costs associated with
2 the use of the facilities or pipelines.

3 (h) LIMITATIONS.—The diversion and use of ground-
4 water by wells constructed or rehabilitated under this sec-
5 tion shall be made in a manner consistent with applicable
6 Federal and State law.

7 **SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION**
8 **PROJECTS.**

9 (a) REHABILITATION.—Subject to subsection (b), the
10 Secretary shall rehabilitate—

11 (1) the Fruitland-Cambridge Irrigation Project
12 to serve not more than 3,335 acres of land, which
13 shall be considered to be the total serviceable area
14 of the project; and

15 (2) the Hogback-Cudei Irrigation Project to
16 serve not more than 8,830 acres of land, which shall
17 be considered to be the total serviceable area of the
18 project.

19 (b) CONDITION.—The Secretary shall not commence
20 any construction activity relating to the rehabilitation of
21 the Fruitland-Cambridge Irrigation Project or the Hog-
22 back-Cudei Irrigation Project under subsection (a) until
23 the Secretary executes the Agreement.

24 (c) OPERATION, MAINTENANCE, AND REPLACEMENT
25 OBLIGATION.—The Nation shall continue to be respon-

1 sible for the operation, maintenance, and replacement of
2 each facility rehabilitated under this section.

3 **SEC. 10608. OTHER IRRIGATION PROJECTS.**

4 (a) IN GENERAL.—Not later than 2 years after the
5 date of enactment of this Act, the Secretary, in consulta-
6 tion with the State of New Mexico (acting through the
7 Interstate Stream Commission) and the Non-Navajo Irri-
8 gation Districts that elect to participate, shall—

9 (1) conduct a study of Non-Navajo Irrigation
10 District diversion and ditch facilities; and

11 (2) based on the study, identify and prioritize
12 a list of projects, with associated cost estimates, that
13 are recommended to be implemented to repair, reha-
14 bilitate, or reconstruct irrigation diversion and ditch
15 facilities to improve water use efficiency.

16 (b) GRANTS.—The Secretary may provide grants to,
17 and enter into cooperative agreements with, the Non-Nav-
18 ajo Irrigation Districts to plan, design, or otherwise imple-
19 ment the projects identified under subsection (a)(2).

20 (c) COST-SHARING.—

21 (1) FEDERAL SHARE.—The Federal share of
22 the total cost of carrying out a project under sub-
23 section (b) shall be not more than 50 percent, and
24 shall be nonreimbursable.

1 (2) FORM.—The non-Federal share required
2 under paragraph (1) may be in the form of in-kind
3 contributions, including the contribution of any valu-
4 able asset or service that the Secretary determines
5 would substantially contribute to a project carried
6 out under subsection (b).

7 (3) STATE CONTRIBUTION.—The Secretary may
8 accept from the State of New Mexico a partial or
9 total contribution toward the non-Federal share for
10 a project carried out under subsection (b).

11 **SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) AUTHORIZATION OF APPROPRIATIONS FOR NAV-
13 AJO-GALLUP WATER SUPPLY PROJECT.—

14 (1) IN GENERAL.—There is authorized to be
15 appropriated to the Secretary to plan, design, and
16 construct the Project \$870,000,000 for the period of
17 fiscal years 2009 through 2024, to remain available
18 until expended.

19 (2) ADJUSTMENTS.—The amount under para-
20 graph (1) shall be adjusted by such amounts as may
21 be required by reason of changes since 2007 in con-
22 struction costs, as indicated by engineering cost indi-
23 ces applicable to the types of construction involved.

24 (3) USE.—In addition to the uses authorized
25 under paragraph (1), amounts made available under

1 that paragraph may be used for the conduct of re-
2 lated activities to comply with Federal environmental
3 laws.

4 (4) OPERATION AND MAINTENANCE.—

5 (A) IN GENERAL.—There are authorized to
6 be appropriated such sums as are necessary to
7 operate and maintain the Project consistent
8 with this subtitle.

9 (B) EXPIRATION.—The authorization
10 under subparagraph (A) shall expire 10 years
11 after the year the Secretary declares the Project
12 to be substantially complete.

13 (b) APPROPRIATIONS FOR CONJUNCTIVE USE
14 WELLS.—

15 (1) SAN JUAN WELLS.—There is authorized to
16 be appropriated to the Secretary for the construction
17 or rehabilitation and operation and maintenance of
18 conjunctive use wells under section 10606(b)
19 \$30,000,000, as adjusted under paragraph (3), for
20 the period of fiscal years 2009 through 2019.

21 (2) WELLS IN THE LITTLE COLORADO AND RIO
22 GRANDE BASINS.—There are authorized to be appro-
23 priated to the Secretary for the construction or reha-
24 bilitation and operation and maintenance of conjunc-
25 tive use wells under section 10606(c) such sums as

1 are necessary for the period of fiscal years 2009
2 through 2024.

3 (3) ADJUSTMENTS.—The amount under para-
4 graph (1) shall be adjusted by such amounts as may
5 be required by reason of changes since 2008 in con-
6 struction costs, as indicated by engineering cost indi-
7 ces applicable to the types of construction or reha-
8 bilitation involved.

9 (4) NONREIMBURSABLE EXPENDITURES.—
10 Amounts made available under paragraphs (1) and
11 (2) shall be nonreimbursable to the United States.

12 (5) USE.—In addition to the uses authorized
13 under paragraphs (1) and (2), amounts made avail-
14 able under that paragraph may be used for the con-
15 duct of related activities to comply with Federal en-
16 vironmental laws.

17 (6) LIMITATION.—Appropriations authorized
18 under paragraph (1) shall not be used for operation
19 or maintenance of any conjunctive use wells at a
20 time in excess of 3 years after the well is declared
21 substantially complete.

22 (c) SAN JUAN RIVER IRRIGATION PROJECTS.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated to the Secretary—

1 (A) to carry out section 10607(a)(1), not
2 more than \$7,700,000, as adjusted under para-
3 graph (2), for the period of fiscal years 2009
4 through 2016, to remain available until ex-
5 pended; and

6 (B) to carry out section 10607(a)(2), not
7 more than \$15,400,000, as adjusted under
8 paragraph (2), for the period of fiscal years
9 2009 through 2019, to remain available until
10 expended.

11 (2) ADJUSTMENT.—The amounts made avail-
12 able under paragraph (1) shall be adjusted by such
13 amounts as may be required by reason of changes
14 since January 1, 2004, in construction costs, as in-
15 dicated by engineering cost indices applicable to the
16 types of construction involved in the rehabilitation.

17 (3) NONREIMBURSABLE EXPENDITURES.—
18 Amounts made available under this subsection shall
19 be nonreimbursable to the United States.

20 (d) OTHER IRRIGATION PROJECTS.—There are au-
21 thorized to be appropriated to the Secretary to carry out
22 section 10608 \$11,000,000 for the period of fiscal years
23 2009 through 2019.

24 (e) CULTURAL RESOURCES.—

1 (1) IN GENERAL.—The Secretary may use not
2 more than 2 percent of amounts made available
3 under subsections (a), (b), and (c) for the survey, re-
4 covery, protection, preservation, and display of ar-
5 chaeological resources in the area of a Project facil-
6 ity or conjunctive use well.

7 (2) NONREIMBURSABLE EXPENDITURES.—Any
8 amounts made available under paragraph (1) shall
9 be nonreimbursable.

10 (f) FISH AND WILDLIFE FACILITIES.—

11 (1) IN GENERAL.—In association with the de-
12 velopment of the Project, the Secretary may use not
13 more than 4 percent of amounts made available
14 under subsections (a), (b), and (c) to purchase land
15 and construct and maintain facilities to mitigate the
16 loss of, and improve conditions for the propagation
17 of, fish and wildlife if any such purchase, construc-
18 tion, or maintenance will not affect the operation of
19 any water project or use of water.

20 (2) NONREIMBURSABLE EXPENDITURES.—Any
21 amounts expended under paragraph (1) shall be
22 nonreimbursable.

23 **PART IV—NAVAJO NATION WATER RIGHTS**

24 **SEC. 10701. AGREEMENT.**

25 (a) AGREEMENT APPROVAL.—

1 (1) APPROVAL BY CONGRESS.—Except to the
2 extent that any provision of the Agreement conflicts
3 with this subtitle, Congress approves, ratifies, and
4 confirms the Agreement (including any amendments
5 to the Agreement that are executed to make the
6 Agreement consistent with this subtitle).

7 (2) EXECUTION BY SECRETARY.—The Sec-
8 retary shall enter into the Agreement to the extent
9 that the Agreement does not conflict with this sub-
10 title, including—

11 (A) any exhibits to the Agreement requir-
12 ing the signature of the Secretary; and

13 (B) any amendments to the Agreement
14 necessary to make the Agreement consistent
15 with this subtitle.

16 (3) AUTHORITY OF SECRETARY.—The Sec-
17 retary may carry out any action that the Secretary
18 determines is necessary or appropriate to implement
19 the Agreement, the Contract, and this section.

20 (4) ADMINISTRATION OF NAVAJO RESERVOIR
21 RELEASES.—The State of New Mexico may admin-
22 ister water that has been released from storage in
23 Navajo Reservoir in accordance with subparagraph
24 9.1 of the Agreement.

25 (b) WATER AVAILABLE UNDER CONTRACT.—

1 (1) QUANTITIES OF WATER AVAILABLE.—

2 (A) IN GENERAL.—Water shall be made
3 available annually under the Contract for
4 projects in the State of New Mexico supplied
5 from the Navajo Reservoir and the San Juan
6 River (including tributaries of the River) under
7 New Mexico State Engineer File Numbers
8 2849, 2883, and 3215 in the quantities de-
9 scribed in subparagraph (B).

10 (B) WATER QUANTITIES.—The quantities
11 of water referred to in subparagraph (A) are as
12 follows:

	Diver- sion (acre- feet/ year)	Deple- tion (acre- feet/ year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

13 (C) MAXIMUM QUANTITY.—A diversion of
14 water to the Nation under the Contract for a
15 project described in subparagraph (B) shall not
16 exceed the quantity of water necessary to sup-
17 ply the amount of depletion for the project.

18 (D) TERMS, CONDITIONS, AND LIMITA-
19 TIONS.—The diversion and use of water under
20 the Contract shall be subject to and consistent

1 with the terms, conditions, and limitations of
2 the Agreement, this subtitle, and any other ap-
3 plicable law.

4 (2) AMENDMENTS TO CONTRACT.—The Sec-
5 retary, with the consent of the Nation, may amend
6 the Contract if the Secretary determines that the
7 amendment is—

8 (A) consistent with the Agreement; and

9 (B) in the interest of conserving water or
10 facilitating beneficial use by the Nation or a
11 subcontractor of the Nation.

12 (3) RIGHTS OF THE NATION.—The Nation may,
13 under the Contract—

14 (A) use tail water, wastewater, and return
15 flows attributable to a use of the water by the
16 Nation or a subcontractor of the Nation if—

17 (i) the depletion of water does not ex-
18 ceed the quantities described in paragraph
19 (1); and

20 (ii) the use of tail water, wastewater,
21 or return flows is consistent with the
22 terms, conditions, and limitations of the
23 Agreement, and any other applicable law;
24 and

1 (B) change a point of diversion, change a
2 purpose or place of use, and transfer a right for
3 depletion under this subtitle (except for a point
4 of diversion, purpose or place of use, or right
5 for depletion for use in the State of Arizona
6 under section 10603(b)(2)(D)), to another use,
7 purpose, place, or depletion in the State of New
8 Mexico to meet a water resource or economic
9 need of the Nation if—

10 (i) the change or transfer is subject to
11 and consistent with the terms of the
12 Agreement, the Partial Final Decree de-
13 scribed in paragraph 3.0 of the Agreement,
14 the Contract, and any other applicable law;
15 and

16 (ii) a change or transfer of water use
17 by the Nation does not alter any obligation
18 of the United States, the Nation, or an-
19 other party to pay or repay project con-
20 struction, operation, maintenance, or re-
21 placement costs under this subtitle and the
22 Contract.

23 (c) SUBCONTRACTS.—

24 (1) IN GENERAL.—

1 (A) SUBCONTRACTS BETWEEN NATION
2 AND THIRD PARTIES.—The Nation may enter
3 into subcontracts for the delivery of Project
4 water under the Contract to third parties for
5 any beneficial use in the State of New Mexico
6 (on or off land held by the United States in
7 trust for the Nation or a member of the Nation
8 or land held in fee by the Nation).

9 (B) APPROVAL REQUIRED.—A subcontract
10 entered into under subparagraph (A) shall not
11 be effective until approved by the Secretary in
12 accordance with this subsection and the Con-
13 tract.

14 (C) SUBMITTAL.—The Nation shall submit
15 to the Secretary for approval or disapproval any
16 subcontract entered into under this subsection.

17 (D) DEADLINE.—The Secretary shall ap-
18 prove or disapprove a subcontract submitted to
19 the Secretary under subparagraph (C) not later
20 than the later of—

21 (i) the date that is 180 days after the
22 date on which the subcontract is submitted
23 to the Secretary; and

1 (ii) the date that is 60 days after the
2 date on which a subcontractor complies
3 with—

4 (I) section 102(2)(C) of the Na-
5 tional Environmental Policy Act of
6 1969 (42 U.S.C. 4332(2)(C)); and

7 (II) any other requirement of
8 Federal law.

9 (E) ENFORCEMENT.—A party to a sub-
10 contract may enforce the deadline described in
11 subparagraph (D) under section 1361 of title
12 28, United States Code.

13 (F) COMPLIANCE WITH OTHER LAW.—A
14 subcontract described in subparagraph (A) shall
15 comply with the Agreement, the Partial Final
16 Decree described in paragraph 3.0 of the Agree-
17 ment, and any other applicable law.

18 (G) NO LIABILITY.—The Secretary shall
19 not be liable to any party, including the Nation,
20 for any term of, or any loss or other detriment
21 resulting from, a lease, contract, or other agree-
22 ment entered into pursuant to this subsection.

23 (2) ALIENATION.—

1 (A) PERMANENT ALIENATION.—The Na-
2 tion shall not permanently alienate any right
3 granted to the Nation under the Contract.

4 (B) MAXIMUM TERM.—The term of any
5 water use subcontract (including a renewal)
6 under this subsection shall be not more than 99
7 years.

8 (3) NONINTERCOURSE ACT COMPLIANCE.—This
9 subsection—

10 (A) provides congressional authorization
11 for the subcontracting rights of the Nation; and

12 (B) is deemed to fulfill any requirement
13 that may be imposed by section 2116 of the Re-
14 vised Statutes (25 U.S.C. 177).

15 (4) FORFEITURE.—The nonuse of the water
16 supply secured by a subcontractor of the Nation
17 under this subsection shall not result in forfeiture,
18 abandonment, relinquishment, or other loss of any
19 part of a right decreed to the Nation under the Con-
20 tract or this section.

21 (5) NO PER CAPITA PAYMENTS.—No part of
22 the revenue from a water use subcontract under this
23 subsection shall be distributed to any member of the
24 Nation on a per capita basis.

1 (d) WATER LEASES NOT REQUIRING SUB-
2 CONTRACTS.—

3 (1) AUTHORITY OF NATION.—

4 (A) IN GENERAL.—The Nation may lease,
5 contract, or otherwise transfer to another party
6 or to another purpose or place of use in the
7 State of New Mexico (on or off land that is held
8 by the United States in trust for the Nation or
9 a member of the Nation or held in fee by the
10 Nation) a water right that—

11 (i) is decreed to the Nation under the
12 Agreement; and

13 (ii) is not subject to the Contract.

14 (B) COMPLIANCE WITH OTHER LAW.—In
15 carrying out an action under this subsection,
16 the Nation shall comply with the Agreement,
17 the Partial Final Decree described in paragraph
18 3.0 of the Agreement, the Supplemental Partial
19 Final Decree described in paragraph 4.0 of the
20 Agreement, and any other applicable law.

21 (2) ALIENATION; MAXIMUM TERM.—

22 (A) ALIENATION.—The Nation shall not
23 permanently alienate any right granted to the
24 Nation under the Agreement.

1 (B) MAXIMUM TERM.—The term of any
2 water use lease, contract, or other arrangement
3 (including a renewal) under this subsection
4 shall be not more than 99 years.

5 (3) NO LIABILITY.—The Secretary shall not be
6 liable to any party, including the Nation, for any
7 term of, or any loss or other detriment resulting
8 from, a lease, contract, or other agreement entered
9 into pursuant to this subsection.

10 (4) NONINTERCOURSE ACT COMPLIANCE.—This
11 subsection—

12 (A) provides congressional authorization
13 for the lease, contracting, and transfer of any
14 water right described in paragraph (1)(A); and

15 (B) is deemed to fulfill any requirement
16 that may be imposed by the provisions of sec-
17 tion 2116 of the Revised Statutes (25 U.S.C.
18 177).

19 (5) FORFEITURE.—The nonuse of a water right
20 of the Nation by a lessee or contractor to the Nation
21 under this subsection shall not result in forfeiture,
22 abandonment, relinquishment, or other loss of any
23 part of a right decreed to the Nation under the Con-
24 tract or this section.

25 (e) NULLIFICATION.—

1 (1) DEADLINES.—

2 (A) IN GENERAL.—In carrying out this
3 section, the following deadlines apply with re-
4 spect to implementation of the Agreement:

5 (i) AGREEMENT.—Not later than De-
6 cember 31, 2010, the Secretary shall exe-
7 cute the Agreement.

8 (ii) CONTRACT.—Not later than De-
9 cember 31, 2010, the Secretary and the
10 Nation shall execute the Contract.

11 (iii) PARTIAL FINAL DECREE.—Not
12 later than December 31, 2013, the court in
13 the stream adjudication shall have entered
14 the Partial Final Decree described in para-
15 graph 3.0 of the Agreement.

16 (iv) FRUITLAND-CAMBRIDGE IRRIGA-
17 TION PROJECT.—Not later than December
18 31, 2016, the rehabilitation construction of
19 the Fruitland-Cambridge Irrigation Project
20 authorized under section 10607(a)(1) shall
21 be completed.

22 (v) SUPPLEMENTAL PARTIAL FINAL
23 DECREE.—Not later than December 31,
24 2016, the court in the stream adjudication
25 shall enter the Supplemental Partial Final

1 Decree described in subparagraph 4.0 of
2 the Agreement.

3 (vi) HOGBACK-CUDEI IRRIGATION
4 PROJECT.—Not later than December 31,
5 2019, the rehabilitation construction of the
6 Hogback-Cudei Irrigation Project author-
7 ized under section 10607(a)(2) shall be
8 completed.

9 (vii) TRUST FUND.—Not later than
10 December 31, 2019, the United States
11 shall make all deposits into the Trust
12 Fund under section 10702.

13 (viii) CONJUNCTIVE WELLS.—Not
14 later than December 31, 2019, the funds
15 authorized to be appropriated under sec-
16 tion 10609(b)(1) for the conjunctive use
17 wells authorized under section 10606(b)
18 should be appropriated.

19 (ix) NAVAJO-GALLUP WATER SUPPLY
20 PROJECT.—Not later than December 31,
21 2024, the construction of all Project facili-
22 ties shall be completed.

23 (B) EXTENSION.—A deadline described in
24 subparagraph (A) may be extended if the Na-
25 tion, the United States (acting through the Sec-

1 retary), and the State of New Mexico (acting
2 through the New Mexico Interstate Stream
3 Commission) agree that an extension is reason-
4 ably necessary.

5 (2) REVOCABILITY OF AGREEMENT, CONTRACT
6 AND AUTHORIZATIONS.—

7 (A) PETITION.—If the Nation determines
8 that a deadline described in paragraph (1)(A) is
9 not substantially met, the Nation may submit
10 to the court in the stream adjudication a peti-
11 tion to enter an order terminating the Agree-
12 ment and Contract.

13 (B) TERMINATION.—On issuance of an
14 order to terminate the Agreement and Contract
15 under subparagraph (A)—

16 (i) the Trust Fund shall be termi-
17 nated;

18 (ii) the balance of the Trust Fund
19 shall be deposited in the general fund of
20 the Treasury;

21 (iii) the authorizations for construc-
22 tion and rehabilitation of water projects
23 under this subtitle shall be revoked and
24 any Federal activity related to that con-

1 construction and rehabilitation shall be sus-
2 pended; and

3 (iv) this part and parts I and III shall
4 be null and void.

5 (3) CONDITIONS NOT CAUSING NULLIFICATION
6 OF SETTLEMENT.—

7 (A) IN GENERAL.—If a condition described
8 in subparagraph (B) occurs, the Agreement and
9 Contract shall not be nullified or terminated.

10 (B) CONDITIONS.—The conditions referred
11 to in subparagraph (A) are as follows:

12 (i) A lack of right to divert at the ca-
13 pacities of conjunctive use wells con-
14 structed or rehabilitated under section
15 10606.

16 (ii) A failure—

17 (I) to determine or resolve an ac-
18 counting of the use of water under
19 this subtitle in the State of Arizona;

20 (II) to obtain a necessary water
21 right for the consumptive use of water
22 in Arizona;

23 (III) to contract for the delivery
24 of water for use in Arizona; or

1 (IV) to construct and operate a
2 lateral facility to deliver water to a
3 community of the Nation in Arizona,
4 under the Project.

5 (f) EFFECT ON RIGHTS OF INDIAN TRIBES.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), nothing in the Agreement, the Contract,
8 or this section quantifies or adversely affects the
9 land and water rights, or claims or entitlements to
10 water, of any Indian tribe or community other than
11 the rights, claims, or entitlements of the Nation in,
12 to, and from the San Juan River Basin in the State
13 of New Mexico.

14 (2) EXCEPTION.—The right of the Nation to
15 use water under water rights the Nation has in
16 other river basins in the State of New Mexico shall
17 be forborne to the extent that the Nation supplies
18 the uses for which the water rights exist by diver-
19 sions of water from the San Juan River Basin under
20 the Project consistent with subparagraph 9.13 of the
21 Agreement.

22 **SEC. 10702. TRUST FUND.**

23 (a) ESTABLISHMENT.—There is established in the
24 Treasury a fund to be known as the “Navajo Nation

1 Water Resources Development Trust Fund”, consisting
2 of—

3 (1) such amounts as are appropriated to the
4 Trust Fund under subsection (f); and

5 (2) any interest earned on investment of
6 amounts in the Trust Fund under subsection (d).

7 (b) USE OF FUNDS.—The Nation may use amounts
8 in the Trust Fund—

9 (1) to investigate, construct, operate, maintain,
10 or replace water project facilities, including facilities
11 conveyed to the Nation under this subtitle and facili-
12 ties owned by the United States for which the Na-
13 tion is responsible for operation, maintenance, and
14 replacement costs; and

15 (2) to investigate, implement, or improve a
16 water conservation measure (including a metering or
17 monitoring activity) necessary for the Nation to
18 make use of a water right of the Nation under the
19 Agreement.

20 (c) MANAGEMENT.—The Secretary shall manage the
21 Trust Fund, invest amounts in the Trust Fund pursuant
22 to subsection (d), and make amounts available from the
23 Trust Fund for distribution to the Nation in accordance
24 with the American Indian Trust Fund Management Re-
25 form Act of 1994 (25 U.S.C. 4001 et seq.).

1 (d) INVESTMENT OF THE TRUST FUND.—Beginning
2 on October 1, 2019, the Secretary shall invest amounts
3 in the Trust Fund in accordance with—

4 (1) the Act of April 1, 1880 (25 U.S.C. 161);

5 (2) the first section of the Act of June 24,
6 1938 (25 U.S.C. 162a); and

7 (3) the American Indian Trust Fund Manage-
8 ment Reform Act of 1994 (25 U.S.C. 4001 et seq.).

9 (e) CONDITIONS FOR EXPENDITURES AND WITH-
10 DRAWALS.—

11 (1) TRIBAL MANAGEMENT PLAN.—

12 (A) IN GENERAL.—Subject to paragraph
13 (7), on approval by the Secretary of a tribal
14 management plan in accordance with the Amer-
15 ican Indian Trust Fund Management Reform
16 Act of 1994 (25 U.S.C. 4001 et seq.), the Na-
17 tion may withdraw all or a portion of the
18 amounts in the Trust Fund.

19 (B) REQUIREMENTS.—In addition to any
20 requirements under the American Indian Trust
21 Fund Management Reform Act of 1994 (25
22 U.S.C. 4001 et seq.), the tribal management
23 plan shall require that the Nation only use
24 amounts in the Trust Fund for the purposes
25 described in subsection (b), including the identi-

1 fication of water conservation measures to be
2 implemented in association with the agricultural
3 water use of the Nation.

4 (2) ENFORCEMENT.—The Secretary may take
5 judicial or administrative action to enforce the provi-
6 sions of any tribal management plan to ensure that
7 any amounts withdrawn from the Trust Fund are
8 used in accordance with this subtitle.

9 (3) NO LIABILITY.—Neither the Secretary nor
10 the Secretary of the Treasury shall be liable for the
11 expenditure or investment of any amounts with-
12 drawn from the Trust Fund by the Nation.

13 (4) EXPENDITURE PLAN.—

14 (A) IN GENERAL.—The Nation shall sub-
15 mit to the Secretary for approval an expendi-
16 ture plan for any portion of the amounts in the
17 Trust Fund made available under this section
18 that the Nation does not withdraw under this
19 subsection.

20 (B) DESCRIPTION.—The expenditure plan
21 shall describe the manner in which, and the
22 purposes for which, funds of the Nation remain-
23 ing in the Trust Fund will be used.

24 (C) APPROVAL.—On receipt of an expendi-
25 ture plan under subparagraph (A), the Sec-

1 retary shall approve the plan if the Secretary
2 determines that the plan is reasonable and con-
3 sistent with this subtitle.

4 (5) ANNUAL REPORT.—The Nation shall sub-
5 mit to the Secretary an annual report that describes
6 any expenditures from the Trust Fund during the
7 year covered by the report.

8 (6) LIMITATION.—No portion of the amounts in
9 the Trust Fund shall be distributed to any Nation
10 member on a per capita basis.

11 (7) CONDITIONS.—Any amount authorized to
12 be appropriated to the Trust Fund under subsection
13 (f) shall not be available for expenditure or with-
14 drawal—

15 (A) before December 31, 2019; and

16 (B) until the date on which the court in
17 the stream adjudication has entered—

18 (i) the Partial Final Decree; and

19 (ii) the Supplemental Partial Final
20 Decree.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated for deposit in the Trust
23 Fund—

24 (1) \$6,000,000 for each of fiscal years 2010
25 through 2014; and

1 (2) \$4,000,000 for each of fiscal years 2015
2 through 2019.

3 **SEC. 10703. WAIVERS AND RELEASES.**

4 (a) CLAIMS BY THE NATION AND THE UNITED
5 STATES.—In return for recognition of the Nation’s water
6 rights and other benefits, including but not limited to the
7 commitments by other parties, as set forth in the Agree-
8 ment and this subtitle, the Nation, on behalf of itself and
9 members of the Nation (other than members in the capac-
10 ity of the members as allottees), and the United States
11 acting in its capacity as trustee for the Nation, shall exe-
12 cute a waiver and release of—

13 (1) all claims for water rights in, or for waters
14 of, the San Juan River Basin in the State of New
15 Mexico that the Nation, or the United States as
16 trustee for the Nation, asserted, or could have as-
17 serted, in any proceeding, including but not limited
18 to the stream adjudication, up to and including the
19 effective date described in subsection (e), except to
20 the extent that such rights are recognized in the
21 Agreement or this subtitle;

22 (2) all claims for damages, losses, or injuries to
23 water rights or claims of interference with, diversion,
24 or taking of water (including but not limited to
25 claims for injury to lands resulting from such dam-

1 ages, losses, injuries, interference with, diversion, or
2 taking) in the San Juan River Basin in the State of
3 New Mexico that accrued at any time up to and in-
4 cluding the effective date described in subsection (e);

5 (3) all claims of any damage, loss, or injury or
6 for injunctive or other relief because of the condition
7 of or changes in water quality related to, or arising
8 out of, the exercise of water rights; and

9 (4) all claims against the State of New Mexico,
10 its agencies, or employees relating to the negotiation
11 or the adoption of the Agreement.

12 (b) CLAIMS BY THE NATION AGAINST THE UNITED
13 STATES.—The Nation, on behalf of itself and its members
14 (other than in the capacity of the members as allottees),
15 shall execute a waiver and release of—

16 (1) all claims against the United States, its
17 agencies, or employees relating to claims for water
18 rights in or waters of the San Juan River Basin in
19 the State of New Mexico that the United States, act-
20 ing in its capacity as trustee for the Nation, as-
21 serted, or could have asserted, in any proceeding, in-
22 cluding but not limited to the stream adjudication;

23 (2) all claims against the United States, its
24 agencies, or employees relating to damages, losses,
25 or injuries to water, water rights, land, or natural

1 resources due to loss of water or water rights (in-
2 cluding but not limited to damages, losses, or inju-
3 ries to hunting, fishing, gathering, or cultural rights
4 due to loss of water or water rights; claims relating
5 to inference with, diversion, or taking of water or
6 water rights; or claims relating to failure to protect,
7 acquire, replace, or develop water or water rights) in
8 the San Juan River Basin in the State of New Mex-
9 ico that first accrued at any time up to and includ-
10 ing the effective date described in subsection (e);

11 (3) all claims against the United States, its
12 agencies, or employees relating to the pending litiga-
13 tion of claims relating to the Nation's water rights
14 in the stream adjudication; and

15 (4) all claims against the United States, its
16 agencies, or employees relating to the negotiation,
17 execution, or the adoption of the Agreement, the de-
18 crees, the Contract, or this subtitle.

19 (c) RESERVATION OF CLAIMS.—Notwithstanding the
20 waivers and releases authorized in this subtitle, the Nation
21 on behalf of itself and its members (including members
22 in the capacity of the members as allottees) and the
23 United States acting in its capacity as trustee for the Na-
24 tion and allottees, retain—

1 (1) all claims for water rights or injuries to
2 water rights arising out of activities occurring out-
3 side the San Juan River Basin in the State of New
4 Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13,
5 and 13.9 of the Agreement;

6 (2) all claims for enforcement of the Agree-
7 ment, the Contract, the Partial Final Decree, the
8 Supplemental Partial Final Decree, or this subtitle,
9 through any legal and equitable remedies available
10 in any court of competent jurisdiction;

11 (3) all rights to use and protect water rights ac-
12 quired pursuant to State law after the date of enact-
13 ment of this Act;

14 (4) all claims relating to activities affecting the
15 quality of water not related to the exercise of water
16 rights, including but not limited to any claims the
17 Nation might have under—

18 (A) the Comprehensive Environmental Re-
19 sponse, Compensation, and Liability Act of
20 1980 (42 U.S.C. 9601 et seq.);

21 (B) the Safe Drinking Water Act (42
22 U.S.C. 300f et seq.); and

23 (C) the Federal Water Pollution Control
24 Act (33 U.S.C. 1251 et seq.);

1 (5) all claims relating to damages, losses, or in-
2 juries to land or natural resources not due to loss
3 of water or water rights; and

4 (6) all rights, remedies, privileges, immunities,
5 and powers not specifically waived and released
6 under the terms of the Agreement or this subtitle.

7 (d) TOLLING OF CLAIMS.—

8 (1) IN GENERAL.—Each applicable period of
9 limitation and time-based equitable defense relating
10 to a claim described in this section shall be tolled for
11 the period beginning on the date of enactment of
12 this Act and ending on the earlier of—

13 (A) March 1, 2025; or

14 (B) the effective date described in sub-
15 section (e).

16 (2) EFFECT OF SUBSECTION.—Nothing in this
17 subsection revives any claim or tolls any period of
18 limitation or time-based equitable defense that ex-
19 pired before the date of enactment of this Act.

20 (3) LIMITATION.—Nothing in this section pre-
21 cludes the tolling of any period of limitations or any
22 time-based equitable defense under any other appli-
23 cable law.

24 (e) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The waivers and releases de-
2 scribed in subsections (a) and (b) shall be effective
3 on the date on which the Secretary publishes in the
4 Federal Register a statement of findings docu-
5 menting that each of the deadlines described in sec-
6 tion 10701(e)(1) have been met.

7 (2) DEADLINE.—If the deadlines described in
8 section 10701(e)(1)(A) have not been met by the
9 later of March 1, 2025, or the date of any extension
10 under section 10701(e)(1)(B)—

11 (A) the waivers and releases described in
12 subsections (a) and (b) shall be of no effect;
13 and

14 (B) section 10701(e)(2)(B) shall apply.

15 **SEC. 10704. WATER RIGHTS HELD IN TRUST.**

16 A tribal water right adjudicated and described in
17 paragraph 3.0 of the Partial Final Decree and in para-
18 graph 3.0 of the Supplemental Partial Final Decree shall
19 be held in trust by the United States on behalf of the Na-
20 tion.

1 **Subtitle** **C—Shoshone-Paiute**
2 **Tribes of the Duck Valley Res-**
3 **ervation Water Rights Settle-**
4 **ment**

5 **SEC. 10801. FINDINGS.**

6 Congress finds that—

7 (1) it is the policy of the United States, in ac-
8 cordance with the trust responsibility of the United
9 States to Indian tribes, to promote Indian self-deter-
10 mination and economic self-sufficiency and to settle
11 Indian water rights claims without lengthy and cost-
12 ly litigation, if practicable;

13 (2) quantifying rights to water and development
14 of facilities needed to use tribal water supplies is es-
15 sential to the development of viable Indian reserva-
16 tion economies and the establishment of a perma-
17 nent reservation homeland;

18 (3) uncertainty concerning the extent of the
19 Shoshone-Paiute Tribes' water rights has resulted in
20 limited access to water and inadequate financial re-
21 sources necessary to achieve self-determination and
22 self-sufficiency;

23 (4) in 2006, the Tribes, the State of Idaho, the
24 affected individual water users, and the United
25 States resolved all tribal claims to water rights in

1 the Snake River Basin Adjudication through a con-
2 sent decree entered by the District Court of the
3 Fifth Judicial District of the State of Idaho, requir-
4 ing no further Federal action to quantify the Tribes'
5 water rights in the State of Idaho;

6 (5) as of the date of enactment of this Act, pro-
7 ceedings to determine the extent and nature of the
8 water rights of the Tribes in the East Fork of the
9 Owyhee River in Nevada are pending before the Ne-
10 vada State Engineer;

11 (6) final resolution of the Tribes' water claims
12 in the East Fork of the Owyhee River adjudication
13 will—

14 (A) take many years;

15 (B) entail great expense;

16 (C) continue to limit the access of the
17 Tribes to water, with economic and social con-
18 sequences;

19 (D) prolong uncertainty relating to the
20 availability of water supplies; and

21 (E) seriously impair long-term economic
22 planning and development for all parties to the
23 litigation;

24 (7) after many years of negotiation, the Tribes,
25 the State, and the upstream water users have en-

1 tered into a settlement agreement to resolve perma-
2 nently all water rights of the Tribes in the State;
3 and

4 (8) the Tribes also seek to resolve certain
5 water-related claims for damages against the United
6 States.

7 **SEC. 10802. PURPOSES.**

8 The purposes of this subtitle are—

9 (1) to resolve outstanding issues with respect to
10 the East Fork of the Owyhee River in the State in
11 such a manner as to provide important benefits to—

12 (A) the United States;

13 (B) the State;

14 (C) the Tribes; and

15 (D) the upstream water users;

16 (2) to achieve a fair, equitable, and final settle-
17 ment of all claims of the Tribes, members of the
18 Tribes, and the United States on behalf of the
19 Tribes and members of Tribes to the waters of the
20 East Fork of the Owyhee River in the State;

21 (3) to ratify and provide for the enforcement of
22 the Agreement among the parties to the litigation;

23 (4) to resolve the Tribes' water-related claims
24 for damages against the United States;

1 (5) to require the Secretary to perform all obli-
2 gations of the Secretary under the Agreement and
3 this subtitle; and

4 (6) to authorize the actions and appropriations
5 necessary to meet the obligations of the United
6 States under the Agreement and this subtitle.

7 **SEC. 10803. DEFINITIONS.**

8 In this subtitle:

9 (1) **AGREEMENT.**—The term “Agreement”
10 means the agreement entitled the “Agreement to Es-
11 tablish the Relative Water Rights of the Shoshone-
12 Paiute Tribes of the Duck Valley Reservation and
13 the Upstream Water Users, East Fork Owyhee
14 River” and signed in counterpart between, on, or
15 about September 22, 2006, and January 15, 2007
16 (including all attachments to that Agreement).

17 (2) **DEVELOPMENT FUND.**—The term “Devel-
18 opment Fund” means the Shoshone-Paiute Tribes
19 Water Rights Development Fund established by sec-
20 tion 10807(b)(1).

21 (3) **EAST FORK OF THE OWYHEE RIVER.**—The
22 term “East Fork of the Owyhee River” means the
23 portion of the east fork of the Owyhee River that is
24 located in the State.

1 (4) MAINTENANCE FUND.—The term “Maintenance
2 Fund” means the Shoshone-Paiute Tribes Op-
3 eration and Maintenance Fund established by sec-
4 tion 10807(c)(1).

5 (5) RESERVATION.—The term “Reservation”
6 means the Duck Valley Reservation established by
7 the Executive order dated April 16, 1877, as ad-
8 justed pursuant to the Executive order dated May 4,
9 1886, and Executive order numbered 1222 and
10 dated July 1, 1910, for use and occupation by the
11 Western Shoshones and the Paddy Cap Band of Pai-
12 utes.

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

15 (7) STATE.—The term “State” means the State
16 of Nevada.

17 (8) TRIBAL WATER RIGHTS.—The term “tribal
18 water rights” means rights of the Tribes described
19 in the Agreement relating to water, including
20 groundwater, storage water, and surface water.

21 (9) TRIBES.—The term “Tribes” means the
22 Shoshone-Paiute Tribes of the Duck Valley Reserva-
23 tion.

1 (10) UPSTREAM WATER USER.—The term “up-
2 stream water user” means a non-Federal water user
3 that—

4 (A) is located upstream from the Reserva-
5 tion on the East Fork of the Owyhee River; and

6 (B) is a signatory to the Agreement as a
7 party to the East Fork of the Owyhee River ad-
8 judication.

9 **SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMA-**
10 **TION OF AGREEMENT; AUTHORIZATION.**

11 (a) IN GENERAL.—Except as provided in subsection
12 (c) and except to the extent that the Agreement otherwise
13 conflicts with provisions of this subtitle, the Agreement
14 is approved, ratified, and confirmed.

15 (b) SECRETARIAL AUTHORIZATION.—The Secretary
16 is authorized and directed to execute the Agreement as
17 approved by Congress.

18 (c) EXCEPTION FOR TRIBAL WATER MARKETING.—
19 Notwithstanding any language in the Agreement to the
20 contrary, nothing in this subtitle authorizes the Tribes to
21 use or authorize others to use tribal water rights off the
22 Reservation, other than use for storage at Wild Horse
23 Reservoir for use on tribal land and for the allocation of
24 265 acre feet to upstream water users under the Agree-
25 ment, or use on tribal land off the Reservation.

1 (d) ENVIRONMENTAL COMPLIANCE.—Execution of
2 the Agreement by the Secretary under this section shall
3 not constitute major Federal action under the National
4 Environmental Policy Act (42 U.S.C. 4321 et seq.). The
5 Secretary shall carry out all environmental compliance re-
6 quired by Federal law in implementing the Agreement.

7 (e) PERFORMANCE OF OBLIGATIONS.—The Secretary
8 and any other head of a Federal agency obligated under
9 the Agreement shall perform actions necessary to carry
10 out an obligation under the Agreement in accordance with
11 this subtitle.

12 **SEC. 10805. TRIBAL WATER RIGHTS.**

13 (a) IN GENERAL.—Tribal water rights shall be held
14 in trust by the United States for the benefit of the Tribes.

15 (b) ADMINISTRATION.—

16 (1) ENACTMENT OF WATER CODE.—Not later
17 than 3 years after the date of enactment of this Act,
18 the Tribes, in accordance with provisions of the
19 Tribes' constitution and subject to the approval of
20 the Secretary, shall enact a water code to administer
21 tribal water rights.

22 (2) INTERIM ADMINISTRATION.—The Secretary
23 shall regulate the tribal water rights during the pe-
24 riod beginning on the date of enactment of this Act

1 and ending on the date on which the Tribes enact
2 a water code under paragraph (1).

3 (c) TRIBAL WATER RIGHTS NOT SUBJECT TO
4 LOSS.—The tribal water rights shall not be subject to loss
5 by abandonment, forfeiture, or nonuse.

6 **SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.**

7 (a) STATUS OF THE DUCK VALLEY INDIAN IRRIGA-
8 TION PROJECT.—Nothing in this subtitle shall affect the
9 status of the Duck Valley Indian Irrigation Project under
10 Federal law.

11 (b) CAPITAL COSTS NONREIMBURSABLE.—The cap-
12 ital costs associated with the Duck Valley Indian Irriga-
13 tion Project as of the date of enactment of this Act, in-
14 cluding any capital cost incurred with funds distributed
15 under this subtitle for the Duck Valley Indian Irrigation
16 Project, shall be nonreimbursable.

17 **SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.**

18 (a) DEFINITION OF FUNDS.—In this section, the
19 term “Funds” means—

20 (1) the Development Fund; and

21 (2) the Maintenance Fund.

22 (b) DEVELOPMENT FUND.—

23 (1) ESTABLISHMENT.—There is established in
24 the Treasury of the United States a fund to be

1 known as the “Shoshone-Paiute Tribes Water
2 Rights Development Fund”.

3 (2) USE OF FUNDS.—

4 (A) PRIORITY USE OF FUNDS FOR REHA-
5 BILITATION.—The Tribes shall use amounts in
6 the Development Fund to—

7 (i) rehabilitate the Duck Valley Indian
8 Irrigation Project; or

9 (ii) for other purposes under subpara-
10 graph (B), provided that the Tribes have
11 given written notification to the Secretary
12 that—

13 (I) the Duck Valley Indian Irri-
14 gation Project has been rehabilitated
15 to an acceptable condition; or

16 (II) sufficient funds will remain
17 available from the Development Fund
18 to rehabilitate the Duck Valley Indian
19 Irrigation Project to an acceptable
20 condition after expending funds for
21 other purposes under subparagraph
22 (B).

23 (B) OTHER USES OF FUNDS.—Once the
24 Tribes have provided written notification as
25 provided in subparagraph (A)(ii)(I) or

1 (A)(ii)(II), the Tribes may use amounts from
2 the Development Fund for any of the following
3 purposes:

4 (i) To expand the Duck Valley Indian
5 Irrigation Project.

6 (ii) To pay or reimburse costs in-
7 curred by the Tribes in acquiring land and
8 water rights.

9 (iii) For purposes of cultural preserva-
10 tion.

11 (iv) To restore or improve fish or
12 wildlife habitat.

13 (v) For fish or wildlife production,
14 water resource development, or agricultural
15 development.

16 (vi) For water resource planning and
17 development.

18 (vii) To pay the costs of—

19 (I) designing and constructing
20 water supply and sewer systems for
21 tribal communities, including a water
22 quality testing laboratory;

23 (II) other appropriate water-re-
24 lated projects and other related eco-
25 nomic development projects;

1 (III) the development of a water
2 code; and
3 (IV) other costs of implementing
4 the Agreement.

5 (3) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to the Sec-
7 retary for deposit in the Development Fund
8 \$9,000,000 for each of fiscal years 2010 through
9 2014.

10 (c) MAINTENANCE FUND.—

11 (1) ESTABLISHMENT.—There is established in
12 the Treasury of the United States a fund to be
13 known as the “Shoshone-Paiute Tribes Operation
14 and Maintenance Fund”.

15 (2) USE OF FUNDS.—The Tribes shall use
16 amounts in the Maintenance Fund to pay or provide
17 reimbursement for—

18 (A) operation, maintenance, and replace-
19 ment costs of the Duck Valley Indian Irrigation
20 Project and other water-related projects funded
21 under this subtitle; or

22 (B) operation, maintenance, and replace-
23 ment costs of water supply and sewer systems
24 for tribal communities, including the operation

1 and maintenance costs of a water quality test-
2 ing laboratory.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the Sec-
5 retary for deposit in the Maintenance Fund
6 \$3,000,000 for each of fiscal years 2010 through
7 2014.

8 (d) AVAILABILITY OF AMOUNTS FROM FUNDS.—

9 Amounts made available under subsections (b)(3) and
10 (c)(3) shall be available for expenditure or withdrawal only
11 after the effective date described in section 10808(d).

12 (e) ADMINISTRATION OF FUNDS.—Upon completion

13 of the actions described in section 10808(d), the Sec-
14 retary, in accordance with the American Indian Trust
15 Fund Management Reform Act of 1994 (25 U.S.C. 4001
16 et seq.) shall manage the Funds, including by investing
17 amounts from the Funds in accordance with the Act of
18 April 1, 1880 (25 U.S.C. 161), and the first section of
19 the Act of June 24, 1938 (25 U.S.C. 162a).

20 (f) EXPENDITURES AND WITHDRAWAL.—

21 (1) TRIBAL MANAGEMENT PLAN.—

22 (A) IN GENERAL.—The Tribes may with-
23 draw all or part of amounts in the Funds on
24 approval by the Secretary of a tribal manage-
25 ment plan as described in the American Indian

1 Trust Fund Management Reform Act of 1994
2 (25 U.S.C. 4001 et seq.).

3 (B) REQUIREMENTS.—In addition to the
4 requirements under the American Indian Trust
5 Fund Management Reform Act of 1994 (25
6 U.S.C. 4001 et seq.), the tribal management
7 plan shall require that the Tribes spend any
8 amounts withdrawn from the Funds in accord-
9 ance with the purposes described in subsection
10 (b)(2) or (c)(2).

11 (C) ENFORCEMENT.—The Secretary may
12 take judicial or administrative action to enforce
13 the provisions of any tribal management plan to
14 ensure that any amounts withdrawn from the
15 Funds under the plan are used in accordance
16 with this subtitle and the Agreement.

17 (D) LIABILITY.—If the Tribes exercise the
18 right to withdraw amounts from the Funds,
19 neither the Secretary nor the Secretary of the
20 Treasury shall retain any liability for the ex-
21 penditure or investment of the amounts.

22 (2) EXPENDITURE PLAN.—

23 (A) IN GENERAL.—The Tribes shall sub-
24 mit to the Secretary for approval an expendi-
25 ture plan for any portion of the amounts in the

1 Funds that the Tribes do not withdraw under
2 the tribal management plan.

3 (B) DESCRIPTION.—The expenditure plan
4 shall describe the manner in which, and the
5 purposes for which, amounts of the Tribes re-
6 maining in the Funds will be used.

7 (C) APPROVAL.—On receipt of an expendi-
8 ture plan under subparagraph (A), the Sec-
9 retary shall approve the plan if the Secretary
10 determines that the plan is reasonable and con-
11 sistent with this subtitle and the Agreement.

12 (D) ANNUAL REPORT.—For each Fund,
13 the Tribes shall submit to the Secretary an an-
14 nual report that describes all expenditures from
15 the Fund during the year covered by the report.

16 (3) FUNDING AGREEMENT.—Notwithstanding
17 any other provision of this subtitle, on receipt of a
18 request from the Tribes, the Secretary shall include
19 an amount from funds made available under this
20 section in the funding agreement of the Tribes under
21 title IV of the Indian Self-Determination and Edu-
22 cation Assistance Act (25 U.S.C. 458aa et seq.), for
23 use in accordance with subsections (b)(2) and (c)(2).
24 No amount made available under this subtitle may

1 be requested until the waivers under section
2 10808(a) take effect.

3 (g) NO PER CAPITA PAYMENTS.—No amount from
4 the Funds (including any interest income that would have
5 accrued to the Funds after the effective date) shall be dis-
6 tributed to a member of the Tribes on a per capita basis.

7 **SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.**

8 (a) WAIVER AND RELEASE OF CLAIMS BY TRIBES
9 AND UNITED STATES ACTING AS TRUSTEE FOR
10 TRIBES.—In return for recognition of the Tribes' water
11 rights and other benefits as set forth in the Agreement
12 and this subtitle, the Tribes, on behalf of themselves and
13 their members, and the United States acting in its capac-
14 ity as trustee for the Tribes are authorized to execute a
15 waiver and release of—

16 (1) all claims for water rights in the State of
17 Nevada that the Tribes, or the United States acting
18 in its capacity as trustee for the Tribes, asserted, or
19 could have asserted, in any proceeding, including
20 pending proceedings before the Nevada State Engi-
21 neer to determine the extent and nature of the water
22 rights of the Tribes in the East Fork of the Owyhee
23 River in Nevada, up to and including the effective
24 date, except to the extent that such rights are recog-
25 nized in the Agreement or this subtitle; and

1 (2) all claims for damages, losses or injuries to
2 water rights or claims of interference with, diversion
3 or taking of water rights (including claims for injury
4 to lands resulting from such damages, losses, inju-
5 ries, interference with, diversion, or taking of water
6 rights) within the State of Nevada that accrued at
7 any time up to and including the effective date.

8 (b) WAIVER AND RELEASE OF CLAIMS BY TRIBES
9 AGAINST UNITED STATES.—The Tribes, on behalf of
10 themselves and their members, are authorized to execute
11 a waiver and release of—

12 (1) all claims against the United States, its
13 agencies, or employees, relating in any manner to
14 claims for water rights in or water of the States of
15 Nevada and Idaho that the United States acting in
16 its capacity as trustee for the Tribes asserted, or
17 could have asserted, in any proceeding, including
18 pending proceedings before the Nevada State Engi-
19 neer to determine the extent and nature of the water
20 rights of the Tribes in the East Fork of the Owyhee
21 River in Nevada, and the Snake River Basin Adju-
22 dication in Idaho;

23 (2) all claims against the United States, its
24 agencies, or employees relating in any manner to
25 damages, losses, or injuries to water, water rights,

1 land, or other resources due to loss of water or
2 water rights (including damages, losses or injuries to
3 fishing and other similar rights due to loss of water
4 or water rights; claims relating to interference with,
5 diversion or taking of water; or claims relating to
6 failure to protect, acquire, replace, or develop water,
7 water rights or water infrastructure) within the
8 States of Nevada and Idaho that first accrued at
9 any time up to and including the effective date;

10 (3) all claims against the United States, its
11 agencies, or employees relating to the operation,
12 maintenance, or rehabilitation of the Duck Valley
13 Indian Irrigation Project that first accrued at any
14 time up to and including the date upon which the
15 Tribes notify the Secretary as provided in section
16 10807(b)(2)(A)(ii)(I) that the rehabilitation of the
17 Duck Valley Indian Irrigation Project under this
18 subtitle to an acceptable level has been accom-
19 plished;

20 (4) all claims against the United States, its
21 agencies, or employees relating in any manner to the
22 litigation of claims relating to the Tribes' water
23 rights in pending proceedings before the Nevada
24 State Engineer to determine the extent and nature
25 of the water rights of the Tribes in the East Fork

1 of the Owyhee River in Nevada or the Snake River
2 Basin Adjudication in Idaho; and

3 (5) all claims against the United States, its
4 agencies, or employees relating in any manner to the
5 negotiation, execution, or adoption of the Agree-
6 ment, exhibits thereto, the decree referred to in sub-
7 section (d)(2), or this subtitle.

8 (c) RESERVATION OF RIGHTS AND RETENTION OF
9 CLAIMS.—Notwithstanding the waivers and releases au-
10 thorized in this subtitle, the Tribes on their own behalf
11 and the United States acting in its capacity as trustee for
12 the Tribes retain—

13 (1) all claims for enforcement of the Agree-
14 ment, the decree referred to in subsection (d)(2), or
15 this subtitle, through such legal and equitable rem-
16 edies as may be available in the decree court or the
17 appropriate Federal court;

18 (2) all rights to acquire a water right in a State
19 to the same extent as any other entity in the State,
20 in accordance with State law, and to use and protect
21 water rights acquired after the date of enactment of
22 this Act;

23 (3) all claims relating to activities affecting the
24 quality of water including any claims the Tribes
25 might have under the Comprehensive Environmental

1 Response, Compensation, and Liability Act of 1980
2 (42 U.S.C. 9601 et seq.) (including claims for dam-
3 ages to natural resources), the Safe Drinking Water
4 Act (42 U.S.C. 300f et seq.), the Federal Water Pol-
5 lution Control Act (33 U.S.C. 1251 et seq.), and the
6 regulations implementing those Acts; and

7 (4) all rights, remedies, privileges, immunities,
8 and powers not specifically waived and released pur-
9 suant to this subtitle.

10 (d) EFFECTIVE DATE.—Notwithstanding anything in
11 the Agreement to the contrary, the waivers by the Tribes,
12 or the United States on behalf of the Tribes, under this
13 section shall take effect on the date on which the Secretary
14 publishes in the Federal Register a statement of findings
15 that includes a finding that—

16 (1) the Agreement and the waivers and releases
17 authorized and set forth in subsections (a) and (b)
18 have been executed by the parties and the Secretary;

19 (2) the Fourth Judicial District Court, Elko
20 County, Nevada, has issued a judgment and decree
21 consistent with the Agreement from which no fur-
22 ther appeal can be taken; and

23 (3) the amounts authorized under subsections
24 (b)(3) and (c)(3) of section 10807 have been appro-
25 priated.

1 (e) FAILURE TO PUBLISH STATEMENT OF FIND-
2 INGS.—If the Secretary does not publish a statement of
3 findings under subsection (d) by March 31, 2016—

4 (1) the Agreement and this subtitle shall not
5 take effect; and

6 (2) any funds that have been appropriated
7 under this subtitle shall immediately revert to the
8 general fund of the United States Treasury.

9 (f) TOLLING OF CLAIMS.—

10 (1) IN GENERAL.—Each applicable period of
11 limitation and time-based equitable defense relating
12 to a claim described in this section shall be tolled for
13 the period beginning on the date of enactment of
14 this Act and ending on the date on which the
15 amounts authorized to be appropriated under sub-
16 sections (b)(3) and (c)(3) of section 10807 are ap-
17 propriated.

18 (2) EFFECT OF SUBPARAGRAPH.—Nothing in
19 this subparagraph revives any claim or tolls any pe-
20 riod of limitation or time-based equitable defense
21 that expired before the date of enactment of this
22 Act.

1 **SEC. 10809. MISCELLANEOUS.**

2 (a) GENERAL DISCLAIMER.—The parties to the
3 Agreement expressly reserve all rights not specifically
4 granted, recognized, or relinquished by—

5 (1) the settlement described in the Agreement;

6 or

7 (2) this subtitle.

8 (b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing
9 in this subtitle—

10 (1) establishes a standard for quantifying—

11 (A) a Federal reserved water right;

12 (B) an aboriginal claim; or

13 (C) any other water right claim of an In-
14 dian tribe in a judicial or administrative pro-
15 ceeding;

16 (2) affects the ability of the United States, act-
17 ing in its sovereign capacity, to take actions author-
18 ized by law, including any laws relating to health,
19 safety, or the environment, including the Com-
20 prehensive Environmental Response, Compensation,
21 and Liability Act of 1980 (42 U.S.C. 9601 et seq.),
22 the Safe Drinking Water Act (42 U.S.C. 300f et
23 seq.), the Federal Water Pollution Control Act (33
24 U.S.C. 1251 et seq.), the Solid Waste Disposal Act
25 (42 U.S.C. 6901 et seq.) (commonly known as the
26 “Resource Conservation and Recovery Act of

1 1976”), and the regulations implementing those
2 Acts;

3 (3) affects the ability of the United States to
4 take actions, acting in its capacity as trustee for any
5 other Tribe, Pueblo, or allottee;

6 (4) waives any claim of a member of the Tribes
7 in an individual capacity that does not derive from
8 a right of the Tribes; or

9 (5) limits the right of a party to the Agreement
10 to litigate any issue not resolved by the Agreement
11 or this subtitle.

12 (c) **ADMISSION AGAINST INTEREST.**—Nothing in this
13 subtitle constitutes an admission against interest by a
14 party in any legal proceeding.

15 (d) **RESERVATION.**—The Reservation shall be—

16 (1) considered to be the property of the Tribes;
17 and

18 (2) permanently held in trust by the United
19 States for the sole use and benefit of the Tribes.

20 (e) **JURISDICTION.**—

21 (1) **SUBJECT MATTER JURISDICTION.**—Nothing
22 in the Agreement or this subtitle restricts, enlarges,
23 or otherwise determines the subject matter jurisdic-
24 tion of any Federal, State, or tribal court.

1 (2) CIVIL OR REGULATORY JURISDICTION.—
 2 Nothing in the Agreement or this subtitle impairs or
 3 impedes the exercise of any civil or regulatory au-
 4 thority of the United States, the State, or the
 5 Tribes.

6 (3) CONSENT TO JURISDICTION.—The United
 7 States consents to jurisdiction in a proper forum for
 8 purposes of enforcing the provisions of the Agree-
 9 ment.

10 (4) EFFECT OF SUBSECTION.—Nothing in this
 11 subsection confers jurisdiction on any State court
 12 to—

13 (A) interpret Federal law regarding the
 14 health, safety, or the environment or determine
 15 the duties of the United States or other parties
 16 pursuant to such Federal law; or

17 (B) conduct judicial review of a Federal
 18 agency action.

19 **TITLE XI—UNITED STATES GEO-**
 20 **LOGICAL SURVEY AUTHOR-**
 21 **IZATIONS**

22 **SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEO-**
 23 **LOGIC MAPPING ACT OF 1992.**

24 (a) FINDINGS.—Section 2(a) of the National Geologic
 25 Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

1 (1) by striking paragraph (1) and inserting the
2 following:

3 “(1) although significant progress has been
4 made in the production of geologic maps since the
5 establishment of the national cooperative geologic
6 mapping program in 1992, no modern, digital, geo-
7 logic map exists for approximately 75 percent of the
8 United States;” and

9 (2) in paragraph (2)—

10 (A) in subparagraph (C), by inserting
11 “homeland and” after “planning for”;

12 (B) in subparagraph (E), by striking “pre-
13 dicting” and inserting “identifying”;

14 (C) in subparagraph (I), by striking “and”
15 after the semicolon at the end;

16 (D) by redesignating subparagraph (J) as
17 subparagraph (K); and

18 (E) by inserting after subparagraph (I) the
19 following:

20 “(J) recreation and public awareness;
21 and”; and

22 (3) in paragraph (9), by striking “important”
23 and inserting “available”.

1 (b) PURPOSE.—Section 2(b) of the National Geologic
2 Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by
3 inserting “and management” before the period at the end.

4 (c) DEADLINES FOR ACTIONS BY THE UNITED
5 STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the
6 National Geologic Mapping Act of 1992 (43 U.S.C.
7 31c(b)(1)) is amended in the second sentence—

8 (1) in subparagraph (A), by striking “not later
9 than” and all that follows through the semicolon and
10 inserting “not later than 1 year after the date of en-
11 actment of the Omnibus Public Land Management
12 Act of 2009;”;

13 (2) in subparagraph (B), by striking “not later
14 than” and all that follows through “in accordance”
15 and inserting “not later than 1 year after the date
16 of enactment of the Omnibus Public Land Manage-
17 ment Act of 2009 in accordance”; and

18 (3) in the matter preceding clause (i) of sub-
19 paragraph (C), by striking “not later than” and all
20 that follows through “submit” and inserting “submit
21 biennially”.

22 (d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—
23 Section 4(c)(2) of the National Geologic Mapping Act of
24 1992 (43 U.S.C. 31c(c)(2)) is amended—

1 (1) by striking “geophysical-map data base,
2 geochemical-map data base, and a”; and

3 (2) by striking “provide” and inserting “pro-
4 vides”.

5 (e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—

6 Section 4(d)(1)(B)(ii) of the National Geologic Mapping
7 Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

8 (1) in subclause (I), by striking “and” after the
9 semicolon at the end;

10 (2) in subclause (II), by striking the period at
11 the end and inserting “; and”; and

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

13 “(III) the needs of land manage-
14 ment agencies of the Department of
15 the Interior.”.

16 (f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

17 (1) MEMBERSHIP.—Section 5(a) of the Na-
18 tional Geologic Mapping Act of 1992 (43 U.S.C.
19 31d(a)) is amended—

20 (A) in paragraph (2)—

21 (i) by inserting “the Secretary of the
22 Interior or a designee from a land manage-
23 ment agency of the Department of the In-
24 terior,” after “Administrator of the Envi-

1 ronmental Protection Agency or a des-
2 ignee,”;

3 (ii) by inserting “and” after “Energy
4 or a designee,”; and

5 (iii) by striking “, and the Assistant
6 to the President for Science and Tech-
7 nology or a designee”; and

8 (B) in paragraph (3)—

9 (i) by striking “Not later than” and
10 all that follows through “consultation” and
11 inserting “In consultation”;

12 (ii) by striking “Chief Geologist, as
13 Chairman” and inserting “Associate Direc-
14 tor for Geology, as Chair”; and

15 (iii) by striking “one representative
16 from the private sector” and inserting “2
17 representatives from the private sector”.

18 (2) DUTIES.—Section 5(b) of the National Geo-
19 logic Mapping Act of 1992 (43 U.S.C. 31d(b)) is
20 amended—

21 (A) in paragraph (2), by striking “and” at
22 the end;

23 (B) by redesignating paragraph (3) as
24 paragraph (4); and

1 (C) by inserting after paragraph (2) the
2 following:

3 “(3) provide a scientific overview of geologic
4 maps (including maps of geologic-based hazards)
5 used or disseminated by Federal agencies for regula-
6 tion or land-use planning; and”.

7 (3) CONFORMING AMENDMENT.—Section
8 5(a)(1) of the National Geologic Mapping Act of
9 1992 (43 U.S.C. 31d(a)(1)) is amended by striking
10 “10-member” and inserting “11-member”.

11 (g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATA-
12 BASE.—Section 7(a) of the National Geologic Mapping
13 Act of 1992 (43 U.S.C. 31f(a)) is amended—

14 (1) in paragraph (1), by striking “geologic
15 map” and inserting “geologic-map”; and

16 (2) in paragraph (2), by striking subparagraph
17 (A) and inserting the following:

18 “(A) all maps developed with funding pro-
19 vided by the National Cooperative Geologic
20 Mapping Program, including under the Federal,
21 State, and education components;”.

22 (h) BIENNIAL REPORT.—Section 8 of the National
23 Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amend-
24 ed by striking “Not later” and all that follows through
25 “biennially” and inserting “Not later than 3 years after

1 the date of enactment of the Omnibus Public Land Man-
2 agement Act of 2009 and biennially”.

3 (i) AUTHORIZATION OF APPROPRIATIONS; ALLOCA-
4 TION.—Section 9 of the National Geologic Mapping Act
5 of 1992 (43 U.S.C. 31h) is amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—There is authorized to be appro-
9 priated to carry out this Act \$64,000,000 for each of fiscal
10 years 2009 through 2018.”; and

11 (2) in subsection (b)—

12 (A) in the matter preceding paragraph (1),
13 by striking “2000” and inserting “2005”;

14 (B) in paragraph (1), by striking “48” and
15 inserting “50”; and

16 (C) in paragraph (2), by striking 2 and in-
17 serting “4”.

18 **SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.**

19 (a) IN GENERAL.—The Secretary of the Interior, act-
20 ing through the Director of the United States Geological
21 Survey (referred to in this section as the “Secretary”),
22 in coordination with the State of New Mexico (referred
23 to in this section as the “State”) and any other entities
24 that the Secretary determines to be appropriate (including
25 other Federal agencies and institutions of higher edu-

1 cation), shall, in accordance with this section and any
2 other applicable law, conduct a study of water resources
3 in the State, including—

4 (1) a survey of groundwater resources, includ-
5 ing an analysis of—

6 (A) aquifers in the State, including the
7 quantity of water in the aquifers;

8 (B) the availability of groundwater re-
9 sources for human use;

10 (C) the salinity of groundwater resources;

11 (D) the potential of the groundwater re-
12 sources to recharge;

13 (E) the interaction between groundwater
14 and surface water;

15 (F) the susceptibility of the aquifers to
16 contamination; and

17 (G) any other relevant criteria; and

18 (2) a characterization of surface and bedrock
19 geology, including the effect of the geology on
20 groundwater yield and quality.

21 (b) STUDY AREAS.—The study carried out under
22 subsection (a) shall include the Estancia Basin, Salt
23 Basin, Tularosa Basin, Hueco Basin, and middle Rio
24 Grande Basin in the State.

1 (c) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, the Secretary shall submit to
3 the Committee on Energy and Natural Resources of the
4 Senate and the Committee on Resources of the House of
5 Representatives a report that describes the results of the
6 study.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as are nec-
9 essary to carry out this section.

10 **TITLE XII—OCEANS**

11 **Subtitle A—Ocean Exploration**

12 **PART I—EXPLORATION**

13 **SEC. 12001. PURPOSE.**

14 The purpose of this part is to establish the national
15 ocean exploration program and the national undersea re-
16 search program within the National Oceanic and Atmos-
17 pheric Administration.

18 **SEC. 12002. PROGRAM ESTABLISHED.**

19 The Administrator of the National Oceanic and At-
20 mospheric Administration shall, in consultation with the
21 National Science Foundation and other appropriate Fed-
22 eral agencies, establish a coordinated national ocean explo-
23 ration program within the National Oceanic and Atmos-
24 pheric Administration that promotes collaboration with
25 other Federal ocean and undersea research and explo-

1 ration programs. To the extent appropriate, the Adminis-
2 trator shall seek to facilitate coordination of data and in-
3 formation management systems, outreach and education
4 programs to improve public understanding of ocean and
5 coastal resources, and development and transfer of tech-
6 nologies to facilitate ocean and undersea research and ex-
7 ploration.

8 **SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.**

9 (a) IN GENERAL.—In carrying out the program au-
10 thorized by section 12002, the Administrator of the Na-
11 tional Oceanic and Atmospheric Administration shall—

12 (1) conduct interdisciplinary voyages or other
13 scientific activities in conjunction with other Federal
14 agencies or academic or educational institutions, to
15 explore and survey little known areas of the marine
16 environment, inventory, observe, and assess living
17 and nonliving marine resources, and report such
18 findings;

19 (2) give priority attention to deep ocean re-
20 gions, with a focus on deep water marine systems
21 that hold potential for important scientific discov-
22 eries, such as hydrothermal vent communities and
23 seamounts;

24 (3) conduct scientific voyages to locate, define,
25 and document historic shipwrecks, submerged sites,

1 and other ocean exploration activities that combine
2 archaeology and oceanographic sciences;

3 (4) develop and implement, in consultation with
4 the National Science Foundation, a transparent,
5 competitive process for merit-based peer-review and
6 approval of proposals for activities to be conducted
7 under this program, taking into consideration advice
8 of the Board established under section 12005;

9 (5) enhance the technical capability of the
10 United States marine science community by pro-
11 moting the development of improved oceanographic
12 research, communication, navigation, and data col-
13 lection systems, as well as underwater platforms and
14 sensor and autonomous vehicles; and

15 (6) establish an ocean exploration forum to en-
16 courage partnerships and promote communication
17 among experts and other stakeholders in order to
18 enhance the scientific and technical expertise and
19 relevance of the national program.

20 (b) DONATIONS.—The Administrator may accept do-
21 nations of property, data, and equipment to be applied for
22 the purpose of exploring the oceans or increasing knowl-
23 edge of the oceans.

1 **SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RE-**
2 **SEARCH TECHNOLOGY AND INFRASTRUC-**
3 **TURE TASK FORCE.**

4 (a) IN GENERAL.—The Administrator of the Na-
5 tional Oceanic and Atmospheric Administration, in coordi-
6 nation with the National Science Foundation, the National
7 Aeronautics and Space Administration, the United States
8 Geological Survey, the Department of the Navy, the Min-
9 eral Management Service, and relevant governmental,
10 non-governmental, academic, industry, and other experts,
11 shall convene an ocean exploration and undersea research
12 technology and infrastructure task force to develop and
13 implement a strategy—

14 (1) to facilitate transfer of new exploration and
15 undersea research technology to the programs au-
16 thorized under this part and part II of this subtitle;

17 (2) to improve availability of communications
18 infrastructure, including satellite capabilities, to
19 such programs;

20 (3) to develop an integrated, workable, and
21 comprehensive data management information proc-
22 essing system that will make information on unique
23 and significant features obtained by such programs
24 available for research and management purposes;

25 (4) to conduct public outreach activities that
26 improve the public understanding of ocean science,

1 resources, and processes, in conjunction with rel-
2 evant programs of the National Oceanic and Atmos-
3 pheric Administration, the National Science Founda-
4 tion, and other agencies; and

5 (5) to encourage cost-sharing partnerships with
6 governmental and nongovernmental entities that will
7 assist in transferring exploration and undersea re-
8 search technology and technical expertise to the pro-
9 grams.

10 (b) BUDGET COORDINATION.—The task force shall
11 coordinate the development of agency budgets and identify
12 the items in their annual budget that support the activities
13 identified in the strategy developed under subsection (a).

14 **SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.**

15 (a) ESTABLISHMENT.—The Administrator of the Na-
16 tional Oceanic and Atmospheric Administration shall ap-
17 point an Ocean Exploration Advisory Board composed of
18 experts in relevant fields—

19 (1) to advise the Administrator on priority
20 areas for survey and discovery;

21 (2) to assist the program in the development of
22 a 5-year strategic plan for the fields of ocean, ma-
23 rine, and Great Lakes science, exploration, and dis-
24 covery;

1 (3) to annually review the quality and effective-
2 ness of the proposal review process established under
3 section 12003(a)(4); and

4 (4) to provide other assistance and advice as re-
5 quested by the Administrator.

6 (b) FEDERAL ADVISORY COMMITTEE ACT.—Section
7 14 of the Federal Advisory Committee Act (5 U.S.C.
8 App.) shall not apply to the Board appointed under sub-
9 section (a).

10 (c) APPLICATION WITH OUTER CONTINENTAL
11 SHELF LANDS ACT.—Nothing in part supersedes, or lim-
12 its the authority of the Secretary of the Interior under
13 the Outer Continental Shelf Lands Act (43 U.S.C. 1331
14 et seq.).

15 **SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Na-
17 tional Oceanic and Atmospheric Administration to carry
18 out this part—

19 (1) \$33,550,000 for fiscal year 2009;

20 (2) \$36,905,000 for fiscal year 2010;

21 (3) \$40,596,000 for fiscal year 2011;

22 (4) \$44,655,000 for fiscal year 2012;

23 (5) \$49,121,000 for fiscal year 2013;

24 (6) \$54,033,000 for fiscal year 2014; and

25 (7) \$59,436,000 for fiscal year 2015.

1 **PART II—NOAA UNDERSEA RESEARCH PROGRAM**

2 **ACT OF 2009**

3 **SEC. 12101. SHORT TITLE.**

4 This part may be cited as the “NOAA Undersea Re-
5 search Program Act of 2009”.

6 **SEC. 12102. PROGRAM ESTABLISHED.**

7 (a) IN GENERAL.—The Administrator of the Na-
8 tional Oceanic and Atmospheric Administration shall es-
9 tablish and maintain an undersea research program and
10 shall designate a Director of that program.

11 (b) PURPOSE.—The purpose of the program is to in-
12 crease scientific knowledge essential for the informed man-
13 agement, use, and preservation of oceanic, marine, and
14 coastal areas and the Great Lakes.

15 **SEC. 12103. POWERS OF PROGRAM DIRECTOR.**

16 The Director of the program, in carrying out the pro-
17 gram, shall—

18 (1) cooperate with institutions of higher edu-
19 cation and other educational marine and ocean
20 science organizations, and shall make available un-
21 dersea research facilities, equipment, technologies,
22 information, and expertise to support undersea re-
23 search efforts by these organizations;

24 (2) enter into partnerships, as appropriate and
25 using existing authorities, with the private sector to
26 achieve the goals of the program and to promote

1 technological advancement of the marine industry;
2 and

3 (3) coordinate the development of agency budg-
4 ets and identify the items in their annual budget
5 that support the activities described in paragraphs
6 (1) and (2).

7 **SEC. 12104. ADMINISTRATIVE STRUCTURE.**

8 (a) IN GENERAL.—The program shall be conducted
9 through a national headquarters, a network of extramural
10 regional undersea research centers that represent all rel-
11 evant National Oceanic and Atmospheric Administration
12 regions, and the National Institute for Undersea Science
13 and Technology.

14 (b) DIRECTION.—The Director shall develop the over-
15 all direction of the program in coordination with a Council
16 of Center Directors comprised of the directors of the ex-
17 tramural regional centers and the National Institute for
18 Undersea Science and Technology. The Director shall pub-
19 lish a draft program direction document not later than
20 1 year after the date of enactment of this Act in the Fed-
21 eral Register for a public comment period of not less than
22 120 days. The Director shall publish a final program di-
23 rection, including responses to the comments received dur-
24 ing the public comment period, in the Federal Register
25 within 90 days after the close of the comment period. The

1 program director shall update the program direction, with
2 opportunity for public comment, at least every 5 years.

3 **SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND**
4 **TECHNOLOGY PROGRAMS.**

5 (a) IN GENERAL.—The following research, explo-
6 ration, education, and technology programs shall be con-
7 ducted through the network of regional centers and the
8 National Institute for Undersea Science and Technology:

9 (1) Core research and exploration based on na-
10 tional and regional undersea research priorities.

11 (2) Advanced undersea technology development
12 to support the National Oceanic and Atmospheric
13 Administration’s research mission and programs.

14 (3) Undersea science-based education and out-
15 reach programs to enrich ocean science education
16 and public awareness of the oceans and Great
17 Lakes.

18 (4) Development, testing, and transition of ad-
19 vanced undersea technology associated with ocean
20 observatories, submersibles, advanced diving tech-
21 nologies, remotely operated vehicles, autonomous un-
22 derwater vehicles, and new sampling and sensing
23 technologies.

1 (5) Discovery, study, and development of nat-
2 ural resources and products from ocean, coastal, and
3 aquatic systems.

4 (b) OPERATIONS.—The Director of the program,
5 through operation of the extramural regional centers and
6 the National Institute for Undersea Science and Tech-
7 nology, shall leverage partnerships and cooperative re-
8 search with academia and private industry.

9 **SEC. 12106. COMPETITIVENESS.**

10 (a) DISCRETIONARY FUND.—The Program shall allo-
11 cate no more than 10 percent of its annual budget to a
12 discretionary fund that may be used only for program ad-
13 ministration and priority undersea research projects iden-
14 tified by the Director but not covered by funding available
15 from centers.

16 (b) COMPETITIVE SELECTION.—The Administrator
17 shall conduct an initial competition to select the regional
18 centers that will participate in the program 90 days after
19 the publication of the final program direction under sec-
20 tion 12104 and every 5 years thereafter. Funding for
21 projects conducted through the regional centers shall be
22 awarded through a competitive, merit-reviewed process on
23 the basis of their relevance to the goals of the program
24 and their technical feasibility.

1 **SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Na-
3 tional Oceanic and Atmospheric Administration—

4 (1) for fiscal year 2009—

5 (A) \$13,750,000 for the regional centers,
6 of which 50 percent shall be for West Coast re-
7 gional centers and 50 percent shall be for East
8 Coast regional centers; and

9 (B) \$5,500,000 for the National Tech-
10 nology Institute;

11 (2) for fiscal year 2010—

12 (A) \$15,125,000 for the regional centers,
13 of which 50 percent shall be for West Coast re-
14 gional centers and 50 percent shall be for East
15 Coast regional centers; and

16 (B) \$6,050,000 for the National Tech-
17 nology Institute;

18 (3) for fiscal year 2011—

19 (A) \$16,638,000 for the regional centers,
20 of which 50 percent shall be for West Coast re-
21 gional centers and 50 percent shall be for East
22 Coast regional centers; and

23 (B) \$6,655,000 for the National Tech-
24 nology Institute;

25 (4) for fiscal year 2012—

1 (A) \$18,301,000 for the regional centers,
2 of which 50 percent shall be for West Coast re-
3 gional centers and 50 percent shall be for East
4 Coast regional centers; and

5 (B) \$7,321,000 for the National Tech-
6 nology Institute;

7 (5) for fiscal year 2013—

8 (A) \$20,131,000 for the regional centers,
9 of which 50 percent shall be for West Coast re-
10 gional centers and 50 percent shall be for East
11 Coast regional centers; and

12 (B) \$8,053,000 for the National Tech-
13 nology Institute;

14 (6) for fiscal year 2014—

15 (A) \$22,145,000 for the regional centers,
16 of which 50 percent shall be for West Coast re-
17 gional centers and 50 percent shall be for East
18 Coast regional centers; and

19 (B) \$8,859,000 for the National Tech-
20 nology Institute; and

21 (7) for fiscal year 2015—

22 (A) \$24,359,000 for the regional centers,
23 of which 50 percent shall be for West Coast re-
24 gional centers and 50 percent shall be for East
25 Coast regional centers; and

1 (B) \$9,744,000 for the National Tech-
2 nology Institute.

3 **Subtitle B—Ocean and Coastal**
4 **Mapping Integration Act**

5 **SEC. 12201. SHORT TITLE.**

6 This subtitle may be cited as the “Ocean and Coastal
7 Mapping Integration Act”.

8 **SEC. 12202. ESTABLISHMENT OF PROGRAM.**

9 (a) **IN GENERAL.**—The President, in coordination
10 with the Interagency Committee on Ocean and Coastal
11 Mapping and affected coastal states, shall establish a pro-
12 gram to develop a coordinated and comprehensive Federal
13 ocean and coastal mapping plan for the Great Lakes and
14 coastal state waters, the territorial sea, the exclusive eco-
15 nomic zone, and the continental shelf of the United States
16 that enhances ecosystem approaches in decision-making
17 for conservation and management of marine resources and
18 habitats, establishes research and mapping priorities, sup-
19 ports the siting of research and other platforms, and ad-
20 vances ocean and coastal science.

21 (b) **MEMBERSHIP.**—The Committee shall be com-
22 prised of high-level representatives of the Department of
23 Commerce, through the National Oceanic and Atmos-
24 pheric Administration, the Department of the Interior, the
25 National Science Foundation, the Department of Defense,

1 the Environmental Protection Agency, the Department of
2 Homeland Security, the National Aeronautics and Space
3 Administration, and other appropriate Federal agencies
4 involved in ocean and coastal mapping.

5 (c) PROGRAM PARAMETERS.—In developing such a
6 program, the President, through the Committee, shall—

7 (1) identify all Federal and federally-funded
8 programs conducting shoreline delineation and ocean
9 or coastal mapping, noting geographic coverage, fre-
10 quency, spatial coverage, resolution, and subject
11 matter focus of the data and location of data ar-
12 chives;

13 (2) facilitate cost-effective, cooperative mapping
14 efforts that incorporate policies for contracting with
15 non-governmental entities among all Federal agen-
16 cies conducting ocean and coastal mapping, by in-
17 creasing data sharing, developing appropriate data
18 acquisition and metadata standards, and facilitating
19 the interoperability of in situ data collection systems,
20 data processing, archiving, and distribution of data
21 products;

22 (3) facilitate the adaptation of existing tech-
23 nologies as well as foster expertise in new ocean and
24 coastal mapping technologies, including through re-
25 search, development, and training conducted among

1 Federal agencies and in cooperation with non-gov-
2 ernmental entities;

3 (4) develop standards and protocols for testing
4 innovative experimental mapping technologies and
5 transferring new technologies between the Federal
6 Government, coastal state, and non-governmental
7 entities;

8 (5) provide for the archiving, management, and
9 distribution of data sets through a national registry
10 as well as provide mapping products and services to
11 the general public in service of statutory require-
12 ments;

13 (6) develop data standards and protocols con-
14 sistent with standards developed by the Federal Geo-
15 graphic Data Committee for use by Federal, coastal
16 state, and other entities in mapping and otherwise
17 documenting locations of federally permitted activi-
18 ties, living and nonliving coastal and marine re-
19 sources, marine ecosystems, sensitive habitats, sub-
20 merged cultural resources, undersea cables, offshore
21 aquaculture projects, offshore energy projects, and
22 any areas designated for purposes of environmental
23 protection or conservation and management of living
24 and nonliving coastal and marine resources;

1 (7) identify the procedures to be used for co-
2 ordinating the collection and integration of Federal
3 ocean and coastal mapping data with coastal state
4 and local government programs;

5 (8) facilitate, to the extent practicable, the col-
6 lection of real-time tide data and the development of
7 hydrodynamic models for coastal areas to allow for
8 the application of V-datum tools that will facilitate
9 the seamless integration of onshore and offshore
10 maps and charts;

11 (9) establish a plan for the acquisition and col-
12 lection of ocean and coastal mapping data; and

13 (10) set forth a timetable for completion and
14 implementation of the plan.

15 **SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND**
16 **COASTAL MAPPING.**

17 (a) **IN GENERAL.**—The Administrator of the Na-
18 tional Oceanic and Atmospheric Administration, within 30
19 days after the date of enactment of this Act, shall convene
20 or utilize an existing interagency committee on ocean and
21 coastal mapping to implement section 12202.

22 (b) **MEMBERSHIP.**—The committee shall be com-
23 prised of senior representatives from Federal agencies
24 with ocean and coastal mapping and surveying responsibil-
25 ities. The representatives shall be high-ranking officials of

1 their respective agencies or departments and, whenever
2 possible, the head of the portion of the agency or depart-
3 ment that is most relevant to the purposes of this subtitle.
4 Membership shall include senior representatives from the
5 National Oceanic and Atmospheric Administration, the
6 Chief of Naval Operations, the United States Geological
7 Survey, the Minerals Management Service, the National
8 Science Foundation, the National Geospatial-Intelligence
9 Agency, the United States Army Corps of Engineers, the
10 Coast Guard, the Environmental Protection Agency, the
11 Federal Emergency Management Agency, the National
12 Aeronautics and Space Administration, and other appro-
13 priate Federal agencies involved in ocean and coastal map-
14 ping.

15 (c) CO-CHAIRMEN.—The Committee shall be co-
16 chaired by the representative of the Department of Com-
17 merce and a representative of the Department of the Inte-
18 rior.

19 (d) SUBCOMMITTEE.—The co-chairmen shall estab-
20 lish a subcommittee to carry out the day-to-day work of
21 the Committee, comprised of senior representatives of any
22 member agency of the committee. Working groups may
23 be formed by the full Committee to address issues of short
24 duration. The subcommittee shall be chaired by the rep-
25 resentative from the National Oceanic and Atmospheric

1 Administration. The chairmen of the Committee may cre-
2 ate such additional subcommittees and working groups as
3 may be needed to carry out the work of Committee.

4 (e) MEETINGS.—The committee shall meet on a
5 quarterly basis, but each subcommittee and each working
6 group shall meet on an as-needed basis.

7 (f) COORDINATION.—The committee shall coordinate
8 activities when appropriate, with—

9 (1) other Federal efforts, including the Digital
10 Coast, Geospatial One-Stop, and the Federal Geo-
11 graphic Data Committee;

12 (2) international mapping activities;

13 (3) coastal states;

14 (4) user groups through workshops and other
15 appropriate mechanisms; and

16 (5) representatives of nongovernmental entities.

17 (g) ADVISORY PANEL.—The Administrator may con-
18 vene an ocean and coastal mapping advisory panel con-
19 sisting of representatives from non-governmental entities
20 to provide input regarding activities of the committee in
21 consultation with the interagency committee.

22 **SEC. 12204. BIENNIAL REPORTS.**

23 No later than 18 months after the date of enactment
24 of this Act, and biennially thereafter, the co-chairmen of
25 the Committee shall transmit to the Committees on Com-

1 merce, Science, and Transportation and Energy and Nat-
2 ural Resources of the Senate and the Committee on Nat-
3 ural Resources of the House of Representatives a report
4 detailing progress made in implementing this subtitle, in-
5 cluding—

6 (1) an inventory of ocean and coastal mapping
7 data within the territorial sea and the exclusive eco-
8 nomic zone and throughout the Continental Shelf of
9 the United States, noting the age and source of the
10 survey and the spatial resolution (metadata) of the
11 data;

12 (2) identification of priority areas in need of
13 survey coverage using present technologies;

14 (3) a resource plan that identifies when priority
15 areas in need of modern ocean and coastal mapping
16 surveys can be accomplished;

17 (4) the status of efforts to produce integrated
18 digital maps of ocean and coastal areas;

19 (5) a description of any products resulting from
20 coordinated mapping efforts under this subtitle that
21 improve public understanding of the coasts and
22 oceans, or regulatory decisionmaking;

23 (6) documentation of minimum and desired
24 standards for data acquisition and integrated
25 metadata;

1 (7) a statement of the status of Federal efforts
2 to leverage mapping technologies, coordinate map-
3 ping activities, share expertise, and exchange data;

4 (8) a statement of resource requirements for or-
5 ganizations to meet the goals of the program, includ-
6 ing technology needs for data acquisition, proc-
7 essing, and distribution systems;

8 (9) a statement of the status of efforts to de-
9 classify data gathered by the Navy, the National
10 Geospatial-Intelligence Agency, and other agencies
11 to the extent possible without jeopardizing national
12 security, and make it available to partner agencies
13 and the public;

14 (10) a resource plan for a digital coast inte-
15 grated mapping pilot project for the northern Gulf
16 of Mexico that will—

17 (A) cover the area from the authorized
18 coastal counties through the territorial sea;

19 (B) identify how such a pilot project will
20 leverage public and private mapping data and
21 resources, such as the United States Geological
22 Survey National Map, to result in an oper-
23 ational coastal change assessment program for
24 the subregion;

1 (11) the status of efforts to coordinate Federal
2 programs with coastal state and local government
3 programs and leverage those programs;

4 (12) a description of efforts of Federal agencies
5 to increase contracting with nongovernmental enti-
6 ties; and

7 (13) an inventory and description of any new
8 Federal or federally funded programs conducting
9 shoreline delineation and ocean or coastal mapping
10 since the previous reporting cycle.

11 **SEC. 12205. PLAN.**

12 (a) IN GENERAL.—Not later than 6 months after the
13 date of enactment of this Act, the Administrator, in con-
14 sultation with the Committee, shall develop and submit to
15 the Congress a plan for an integrated ocean and coastal
16 mapping initiative within the National Oceanic and At-
17 mospheric Administration.

18 (b) PLAN REQUIREMENTS.—The plan shall—

19 (1) identify and describe all ocean and coastal
20 mapping programs within the agency, including
21 those that conduct mapping or related activities in
22 the course of existing missions, such as hydrographic
23 surveys, ocean exploration projects, living marine re-
24 source conservation and management programs,

1 coastal zone management projects, and ocean and
2 coastal observations and science projects;

3 (2) establish priority mapping programs and es-
4 tablish and periodically update priorities for geo-
5 graphic areas in surveying and mapping across all
6 missions of the National Oceanic and Atmospheric
7 Administration, as well as minimum data acquisition
8 and metadata standards for those programs;

9 (3) encourage the development of innovative
10 ocean and coastal mapping technologies and applica-
11 tions, through research and development through co-
12 operative or other agreements with joint or coopera-
13 tive research institutes or centers and with other
14 non-governmental entities;

15 (4) document available and developing tech-
16 nologies, best practices in data processing and dis-
17 tribution, and leveraging opportunities with other
18 Federal agencies, coastal states, and non-govern-
19 mental entities;

20 (5) identify training, technology, and other re-
21 source requirements for enabling the National Oce-
22 anic and Atmospheric Administration's programs,
23 vessels, and aircraft to support a coordinated ocean
24 and coastal mapping program;

1 (6) identify a centralized mechanism or office
2 for coordinating data collection, processing,
3 archiving, and dissemination activities of all such
4 mapping programs within the National Oceanic and
5 Atmospheric Administration that meets Federal
6 mandates for data accuracy and accessibility and
7 designate a repository that is responsible for
8 archiving and managing the distribution of all ocean
9 and coastal mapping data to simplify the provision
10 of services to benefit Federal and coastal state pro-
11 grams; and

12 (7) set forth a timetable for implementation
13 and completion of the plan, including a schedule for
14 submission to the Congress of periodic progress re-
15 ports and recommendations for integrating ap-
16 proaches developed under the initiative into the
17 interagency program.

18 (c) NOAA JOINT OCEAN AND COASTAL MAPPING
19 CENTERS.—The Administrator may maintain and operate
20 up to 3 joint ocean and coastal mapping centers, including
21 a joint hydrographic center, which shall each be co-located
22 with an institution of higher education. The centers shall
23 serve as hydrographic centers of excellence and may con-
24 duct activities necessary to carry out the purposes of this
25 subtitle, including—

1 (1) research and development of innovative
2 ocean and coastal mapping technologies, equipment,
3 and data products;

4 (2) mapping of the United States Outer Conti-
5 nental Shelf and other regions;

6 (3) data processing for nontraditional data and
7 uses;

8 (4) advancing the use of remote sensing tech-
9 nologies, for related issues, including mapping and
10 assessment of essential fish habitat and of coral re-
11 sources, ocean observations, and ocean exploration;
12 and

13 (5) providing graduate education and training
14 in ocean and coastal mapping sciences for members
15 of the National Oceanic and Atmospheric Adminis-
16 tration Commissioned Officer Corps, personnel of
17 other agencies with ocean and coastal mapping pro-
18 grams, and civilian personnel.

19 (d) NOAA REPORT.—The Administrator shall con-
20 tinue developing a strategy for expanding contracting with
21 non-governmental entities to minimize duplication and
22 take maximum advantage of nongovernmental capabilities
23 in fulfilling the Administration’s mapping and charting re-
24 sponsibilities. Within 120 days after the date of enactment
25 of this Act, the Administrator shall transmit a report de-

1 scribing the strategy developed under this subsection to
2 the Committee on Commerce, Science, and Transportation
3 of the Senate and the Committee on Natural Resources
4 of the House of Representatives.

5 **SEC. 12206. EFFECT ON OTHER LAWS.**

6 Nothing in this subtitle shall be construed to super-
7 sede or alter the existing authorities of any Federal agency
8 with respect to ocean and coastal mapping.

9 **SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) **IN GENERAL.**—In addition to the amounts au-
11 thorized by section 306 of the Hydrographic Services Im-
12 provement Act of 1998 (33 U.S.C. 892d), there are au-
13 thorized to be appropriated to the Administrator to carry
14 out this subtitle—

- 15 (1) \$26,000,000 for fiscal year 2009;
16 (2) \$32,000,000 for fiscal year 2010;
17 (3) \$38,000,000 for fiscal year 2011; and
18 (4) \$45,000,000 for each of fiscal years 2012
19 through 2015.

20 (b) **JOINT OCEAN AND COASTAL MAPPING CEN-**
21 **TERS.**—Of the amounts appropriated pursuant to sub-
22 section (a), the following amounts shall be used to carry
23 out section 12205(c) of this subtitle:

- 24 (1) \$11,000,000 for fiscal year 2009.
25 (2) \$12,000,000 for fiscal year 2010.

1 (3) \$13,000,000 for fiscal year 2011.

2 (4) \$15,000,000 for each of fiscal years 2012
3 through 2015.

4 (c) COOPERATIVE AGREEMENTS.—To carry out
5 interagency activities under section 12203 of this subtitle,
6 the head of any department or agency may execute a coop-
7 erative agreement with the Administrator, including those
8 authorized by section 5 of the Act of August 6, 1947 (33
9 U.S.C. 883e).

10 **SEC. 12208. DEFINITIONS.**

11 In this subtitle:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator’” means the Administrator of the National
14 Oceanic and Atmospheric Administration.

15 (2) COASTAL STATE.—The term “coastal state”
16 has the meaning given that term by section 304(4)
17 of the Coastal Zone Management Act of 1972 (16
18 U.S.C. 1453(4)).

19 (3) COMMITTEE.—The term “Committee”
20 means the Interagency Ocean and Coastal Mapping
21 Committee established by section 12203.

22 (4) EXCLUSIVE ECONOMIC ZONE.—The term
23 “exclusive economic zone” means the exclusive eco-
24 nomic zone of the United States established by Pres-
25 idential Proclamation No. 5030, of March 10, 1983.

1 (5) OCEAN AND COASTAL MAPPING.—The term
2 “ocean and coastal mapping” means the acquisition,
3 processing, and management of physical, biological,
4 geological, chemical, and archaeological characteris-
5 tics and boundaries of ocean and coastal areas, re-
6 sources, and sea beds through the use of acoustics,
7 satellites, aerial photogrammetry, light and imaging,
8 direct sampling, and other mapping technologies.

9 (6) TERRITORIAL SEA.—The term “territorial
10 sea” means the belt of sea measured from the base-
11 line of the United States determined in accordance
12 with international law, as set forth in Presidential
13 Proclamation Number 5928, dated December 27,
14 1988.

15 (7) NONGOVERNMENTAL ENTITIES.—The term
16 “nongovernmental entities” includes nongovern-
17 mental organizations, members of the academic com-
18 munity, and private sector organizations that pro-
19 vide products and services associated with meas-
20 uring, locating, and preparing maps, charts, surveys,
21 aerial photographs, satellite imagines, or other
22 graphical or digital presentations depicting natural
23 or manmade physical features, phenomena, and legal
24 boundaries of the Earth.

1 (8) OUTER CONTINENTAL SHELF.—The term
2 “Outer Continental Shelf” means all submerged
3 lands lying seaward and outside of lands beneath
4 navigable waters (as that term is defined in section
5 2 of the Submerged Lands Act (43 U.S.C. 1301)),
6 and of which the subsoil and seabed appertain to the
7 United States and are subject to its jurisdiction and
8 control.

9 **Subtitle C—Integrated Coastal and**
10 **Ocean Observation System Act**
11 **of 2009**

12 **SEC. 12301. SHORT TITLE.**

13 This subtitle may be cited as the “Integrated Coastal
14 and Ocean Observation System Act of 2009”.

15 **SEC. 12302. PURPOSES.**

16 The purposes of this subtitle are to—

17 (1) establish a national integrated System of
18 ocean, coastal, and Great Lakes observing systems,
19 comprised of Federal and non-Federal components
20 coordinated at the national level by the National
21 Ocean Research Leadership Council and at the re-
22 gional level by a network of regional information co-
23 ordination entities, and that includes in situ, remote,
24 and other coastal and ocean observation, tech-
25 nologies, and data management and communication

1 systems, and is designed to address regional and na-
2 tional needs for ocean information, to gather specific
3 data on key coastal, ocean, and Great Lakes vari-
4 ables, and to ensure timely and sustained dissemina-
5 tion and availability of these data to—

6 (A) support national defense, marine com-
7 merce, navigation safety, weather, climate, and
8 marine forecasting, energy siting and produc-
9 tion, economic development, ecosystem-based
10 marine, coastal, and Great Lakes resource man-
11 agement, public safety, and public outreach
12 training and education;

13 (B) promote greater public awareness and
14 stewardship of the Nation’s ocean, coastal, and
15 Great Lakes resources and the general public
16 welfare; and

17 (C) enable advances in scientific under-
18 standing to support the sustainable use, con-
19 servation, management, and understanding of
20 healthy ocean, coastal, and Great Lakes re-
21 sources;

22 (2) improve the Nation’s capability to measure,
23 track, explain, and predict events related directly
24 and indirectly to weather and climate change, nat-
25 ural climate variability, and interactions between the

1 oceanic and atmospheric environments, including the
2 Great Lakes; and

3 (3) authorize activities to promote basic and ap-
4 plied research to develop, test, and deploy innova-
5 tions and improvements in coastal and ocean obser-
6 vation technologies, modeling systems, and other sci-
7 entific and technological capabilities to improve our
8 conceptual understanding of weather and climate,
9 ocean-atmosphere dynamics, global climate change,
10 physical, chemical, and biological dynamics of the
11 ocean, coastal and Great Lakes environments, and
12 to conserve healthy and restore degraded coastal
13 ecosystems.

14 **SEC. 12303. DEFINITIONS.**

15 In this subtitle:

16 (1) ADMINISTRATOR.—The term “Adminis-
17 trator” means the Under Secretary of Commerce for
18 Oceans and Atmosphere in the Under Secretary’s
19 capacity as Administrator of the National Oceanic
20 and Atmospheric Administration.

21 (2) COUNCIL.—The term “Council” means the
22 National Ocean Research Leadership Council estab-
23 lished by section 7902 of title 10, United States
24 Code.

1 (3) FEDERAL ASSETS.—The term “Federal as-
2 sets” means all relevant non-classified civilian coast-
3 al and ocean observations, technologies, and related
4 modeling, research, data management, basic and ap-
5 plied technology research and development, and pub-
6 lic education and outreach programs, that are man-
7 aged by member agencies of the Council.

8 (4) INTERAGENCY OCEAN OBSERVATION COM-
9 MITTEE.—The term “Interagency Ocean Observa-
10 tion Committee” means the committee established
11 under section 12304(c)(2).

12 (5) NON-FEDERAL ASSETS.—The term “non-
13 Federal assets” means all relevant coastal and ocean
14 observation technologies, related basic and applied
15 technology research and development, and public
16 education and outreach programs that are integrated
17 into the System and are managed through States,
18 regional organizations, universities, nongovernmental
19 organizations, or the private sector.

20 (6) REGIONAL INFORMATION COORDINATION
21 ENTITIES.—

22 (A) IN GENERAL.—The term “regional in-
23 formation coordination entity” means an orga-
24 nizational body that is certified or established
25 by contract or memorandum by the lead Fed-

1 eral agency designated in section 12304(c)(3) of
2 this subtitle and coordinates State, Federal,
3 local, and private interests at a regional level
4 with the responsibility of engaging the private
5 and public sectors in designing, operating, and
6 improving regional coastal and ocean observing
7 systems in order to ensure the provision of data
8 and information that meet the needs of user
9 groups from the respective regions.

10 (B) CERTAIN INCLUDED ASSOCIATIONS.—

11 The term “regional information coordination
12 entity” includes regional associations described
13 in the System Plan.

14 (7) SECRETARY.—The term “Secretary” means
15 the Secretary of Commerce, acting through the Na-
16 tional Oceanic and Atmospheric Administration.

17 (8) SYSTEM.—The term “System” means the
18 National Integrated Coastal and Ocean Observation
19 System established under section 12304.

20 (9) SYSTEM PLAN.—The term “System Plan”
21 means the plan contained in the document entitled
22 “Ocean. US Publication No. 9, The First Integrated
23 Ocean Observing System (IOOS) Development
24 Plan”, as updated by the Council under this subtitle.

1 **SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING**
2 **SYSTEM.**

3 (a) ESTABLISHMENT.—The President, acting
4 through the Council, shall establish a National Integrated
5 Coastal and Ocean Observation System to fulfill the pur-
6 poses set forth in section 12302 of this subtitle and the
7 System Plan and to fulfill the Nation’s international obli-
8 gations to contribute to the Global Earth Observation Sys-
9 tem of Systems and the Global Ocean Observing System.

10 (b) SYSTEM ELEMENTS.—

11 (1) IN GENERAL.—In order to fulfill the pur-
12 poses of this subtitle, the System shall be national
13 in scope and consist of—

14 (A) Federal assets to fulfill national and
15 international observation missions and prior-
16 ities;

17 (B) non-Federal assets, including a net-
18 work of regional information coordination enti-
19 ties identified under subsection (c)(4), to fulfill
20 regional observation missions and priorities;

21 (C) data management, communication, and
22 modeling systems for the timely integration and
23 dissemination of data and information products
24 from the System;

1 (D) a research and development program
2 conducted under the guidance of the Council,
3 consisting of—

4 (i) basic and applied research and
5 technology development to improve under-
6 standing of coastal and ocean systems and
7 their relationships to human activities and
8 to ensure improvement of operational as-
9 sets and products, including related infra-
10 structure, observing technologies, and in-
11 formation and data processing and man-
12 agement technologies; and

13 (ii) large scale computing resources
14 and research to advance modeling of coast-
15 al and ocean processes.

16 (2) ENHANCING ADMINISTRATION AND MAN-
17 AGEMENT.—The head of each Federal agency that
18 has administrative jurisdiction over a Federal asset
19 shall support the purposes of this subtitle and may
20 take appropriate actions to enhance internal agency
21 administration and management to better support,
22 integrate, finance, and utilize observation data,
23 products, and services developed under this section
24 to further its own agency mission and responsibil-
25 ities.

1 (3) AVAILABILITY OF DATA.—The head of each
2 Federal agency that has administrative jurisdiction
3 over a Federal asset shall make available data that
4 are produced by that asset and that are not other-
5 wise restricted for integration, management, and dis-
6 semination by the System.

7 (4) NON-FEDERAL ASSETS.—Non-Federal as-
8 sets shall be coordinated, as appropriate, by the
9 Interagency Ocean Observing Committee or by re-
10 gional information coordination entities.

11 (c) POLICY OVERSIGHT, ADMINISTRATION, AND RE-
12 GIONAL COORDINATION.—

13 (1) COUNCIL FUNCTIONS.—The Council shall
14 serve as the policy and coordination oversight body
15 for all aspects of the System. In carrying out its re-
16 sponsibilities under this subtitle, the Council shall—

17 (A) approve and adopt comprehensive Sys-
18 tem budgets developed and maintained by the
19 Interagency Ocean Observation Committee to
20 support System operations, including operations
21 of both Federal and non-Federal assets;

22 (B) ensure coordination of the System with
23 other domestic and international earth observ-
24 ing activities including the Global Ocean Ob-
25 serving System and the Global Earth Observing

1 System of Systems, and provide, as appropriate,
2 support for and representation on United
3 States delegations to international meetings on
4 coastal and ocean observing programs; and

5 (C) encourage coordinated intramural and
6 extramural research and technology develop-
7 ment, and a process to transition developing
8 technology and methods into operations of the
9 System.

10 (2) INTERAGENCY OCEAN OBSERVATION COM-
11 MITTEE.—The Council shall establish or designate
12 an Interagency Ocean Observation Committee which
13 shall—

14 (A) prepare annual and long-term plans
15 for consideration and approval by the Council
16 for the integrated design, operation, mainte-
17 nance, enhancement and expansion of the Sys-
18 tem to meet the objectives of this subtitle and
19 the System Plan;

20 (B) develop and transmit to Congress at
21 the time of submission of the President's an-
22 nual budget request an annual coordinated,
23 comprehensive budget to operate all elements of
24 the System identified in subsection (b), and to

1 ensure continuity of data streams from Federal
2 and non-Federal assets;

3 (C) establish required observation data
4 variables to be gathered by both Federal and
5 non-Federal assets and identify, in consultation
6 with regional information coordination entities,
7 priorities for System observations;

8 (D) establish protocols and standards for
9 System data processing, management, and com-
10 munication;

11 (E) develop contract certification stand-
12 ards and compliance procedures for all non-
13 Federal assets, including regional information
14 coordination entities, to establish eligibility for
15 integration into the System and to ensure com-
16 pliance with all applicable standards and proto-
17 cols established by the Council, and ensure that
18 regional observations are integrated into the
19 System on a sustained basis;

20 (F) identify gaps in observation coverage
21 or needs for capital improvements of both Fed-
22 eral assets and non-Federal assets;

23 (G) subject to the availability of appropria-
24 tions, establish through one or more partici-
25 pating Federal agencies, in consultation with

1 the System advisory committee established
2 under subsection (d), a competitive matching
3 grant or other programs—

4 (i) to promote intramural and extra-
5 mural research and development of new,
6 innovative, and emerging observation tech-
7 nologies including testing and field trials;
8 and

9 (ii) to facilitate the migration of new,
10 innovative, and emerging scientific and
11 technological advances from research and
12 development to operational deployment;

13 (H) periodically review and recommend to
14 the Council, in consultation with the Adminis-
15 trator, revisions to the System Plan;

16 (I) ensure collaboration among Federal
17 agencies participating in the activities of the
18 Committee; and

19 (J) perform such additional duties as the
20 Council may delegate.

21 (3) LEAD FEDERAL AGENCY.—The National
22 Oceanic and Atmospheric Administration shall func-
23 tion as the lead Federal agency for the implementa-
24 tion and administration of the System, in consulta-
25 tion with the Council, the Interagency Ocean Obser-

1 vation Committee, other Federal agencies that main-
2 tain portions of the System, and the regional infor-
3 mation coordination entities, and shall—

4 (A) establish an Integrated Ocean Observ-
5 ing Program Office within the National Oceanic
6 and Atmospheric Administration utilizing to the
7 extent necessary, personnel from member agen-
8 cies participating on the Interagency Ocean Ob-
9 servation Committee, to oversee daily operations
10 and coordination of the System;

11 (B) implement policies, protocols, and
12 standards approved by the Council and dele-
13 gated by the Interagency Ocean Observing
14 Committee;

15 (C) promulgate program guidelines to cer-
16 tify and integrate non-Federal assets, including
17 regional information coordination entities, into
18 the System to provide regional coastal and
19 ocean observation data that meet the needs of
20 user groups from the respective regions;

21 (D) have the authority to enter into and
22 oversee contracts, leases, grants or cooperative
23 agreements with non-Federal assets, including
24 regional information coordination entities, to

1 support the purposes of this subtitle on such
2 terms as the Administrator deems appropriate;

3 (E) implement a merit-based, competitive
4 funding process to support non-Federal assets,
5 including the development and maintenance of
6 a network of regional information coordination
7 entities, and develop and implement a process
8 for the periodic review and evaluation of all
9 non-Federal assets, including regional informa-
10 tion coordination entities;

11 (F) provide opportunities for competitive
12 contracts and grants for demonstration projects
13 to design, develop, integrate, deploy, and sup-
14 port components of the System;

15 (G) establish efficient and effective admin-
16 istrative procedures for allocation of funds
17 among contractors, grantees, and non-Federal
18 assets, including regional information coordina-
19 tion entities in a timely manner, and contingent
20 on appropriations according to the budget
21 adopted by the Council;

22 (H) develop and implement a process for
23 the periodic review and evaluation of regional
24 information coordination entities;

1 (I) formulate an annual process by which
2 gaps in observation coverage or needs for cap-
3 ital improvements of Federal assets and non-
4 Federal assets of the System are identified by
5 the regional information coordination entities,
6 the Administrator, or other members of the
7 System and transmitted to the Interagency
8 Ocean Observing Committee;

9 (J) develop and be responsible for a data
10 management and communication system, in ac-
11 cordance with standards and protocols estab-
12 lished by the Council, by which all data col-
13 lected by the System regarding ocean and
14 coastal waters of the United States including
15 the Great Lakes, are processed, stored, inte-
16 grated, and made available to all end-user com-
17 munities;

18 (K) implement a program of public edu-
19 cation and outreach to improve public aware-
20 ness of global climate change and effects on the
21 ocean, coastal, and Great Lakes environment;

22 (L) report annually to the Interagency
23 Ocean Observing Committee on the accomplish-
24 ments, operational needs, and performance of
25 the System to contribute to the annual and

1 long-term plans developed pursuant to sub-
2 section (c)(2)(A)(i); and

3 (M) develop a plan to efficiently integrate
4 into the System new, innovative, or emerging
5 technologies that have been demonstrated to be
6 useful to the System and which will fulfill the
7 purposes of this subtitle and the System Plan.

8 (4) REGIONAL INFORMATION COORDINATION
9 ENTITIES.—

10 (A) IN GENERAL.—To be certified or es-
11 tablished under this subtitle, a regional infor-
12 mation coordination entity shall be certified or
13 established by contract or agreement by the Ad-
14 ministrator, and shall agree to meet the certifi-
15 cation standards and compliance procedure
16 guidelines issued by the Administrator and in-
17 formation needs of user groups in the region
18 while adhering to national standards and
19 shall—

20 (i) demonstrate an organizational
21 structure capable of gathering required
22 System observation data, supporting and
23 integrating all aspects of coastal and ocean
24 observing and information programs within
25 a region and that reflects the needs of

1 State and local governments, commercial
2 interests, and other users and beneficiaries
3 of the System and other requirements
4 specified under this subtitle and the Sys-
5 tem Plan;

6 (ii) identify gaps in observation cov-
7 erage needs for capital improvements of
8 Federal assets and non-Federal assets of
9 the System, or other recommendations to
10 assist in the development of the annual
11 and long-term plans created pursuant to
12 subsection (c)(2)(A)(i) and transmit such
13 information to the Interagency Ocean Ob-
14 serving Committee via the Program Office;

15 (iii) develop and operate under a stra-
16 tegic operational plan that will ensure the
17 efficient and effective administration of
18 programs and assets to support daily data
19 observations for integration into the Sys-
20 tem, pursuant to the standards approved
21 by the Council;

22 (iv) work cooperatively with govern-
23 mental and non-governmental entities at
24 all levels to identify and provide informa-
25 tion products of the System for multiple

1 users within the service area of the re-
2 gional information coordination entities;
3 and

4 (v) comply with all financial oversight
5 requirements established by the Adminis-
6 trator, including requirements relating to
7 audits.

8 (B) PARTICIPATION.—For the purposes of
9 this subtitle, employees of Federal agencies may
10 participate in the functions of the regional in-
11 formation coordination entities.

12 (d) SYSTEM ADVISORY COMMITTEE.—

13 (1) IN GENERAL.—The Administrator shall es-
14 tablish or designate a System advisory committee,
15 which shall provide advice as may be requested by
16 the Administrator or the Interagency Ocean Observ-
17 ing Committee.

18 (2) PURPOSE.—The purpose of the System ad-
19 visory committee is to advise the Administrator and
20 the Interagency Ocean Observing Committee on—

21 (A) administration, operation, manage-
22 ment, and maintenance of the System, includ-
23 ing integration of Federal and non-Federal as-
24 sets and data management and communication

1 aspects of the System, and fulfillment of the
2 purposes set forth in section 12302;

3 (B) expansion and periodic modernization
4 and upgrade of technology components of the
5 System;

6 (C) identification of end-user communities,
7 their needs for information provided by the Sys-
8 tem, and the System's effectiveness in dissemi-
9 nating information to end-user communities
10 and the general public; and

11 (D) any other purpose identified by the
12 Administrator or the Interagency Ocean Ob-
13 serving Committee.

14 (3) MEMBERS.—

15 (A) IN GENERAL.—The System advisory
16 committee shall be composed of members ap-
17 pointed by the Administrator. Members shall be
18 qualified by education, training, and experience
19 to evaluate scientific and technical information
20 related to the design, operation, maintenance,
21 or use of the System, or use of data products
22 provided through the System.

23 (B) TERMS OF SERVICE.—Members shall
24 be appointed for 3-year terms, renewable once.
25 A vacancy appointment shall be for the remain-

1 der of the unexpired term of the vacancy, and
2 an individual so appointed may subsequently be
3 appointed for 2 full 3-year terms if the remain-
4 der of the unexpired term is less than 1 year.

5 (C) CHAIRPERSON.—The Administrator
6 shall designate a chairperson from among the
7 members of the System advisory committee.

8 (D) APPOINTMENT.—Members of the Sys-
9 tem advisory committee shall be appointed as
10 special Government employees for purposes of
11 section 202(a) of title 18, United States Code.

12 (4) ADMINISTRATIVE PROVISIONS.—

13 (A) REPORTING.—The System advisory
14 committee shall report to the Administrator and
15 the Interagency Ocean Observing Committee, as
16 appropriate.

17 (B) ADMINISTRATIVE SUPPORT.—The Ad-
18 ministrator shall provide administrative support
19 to the System advisory committee.

20 (C) MEETINGS.—The System advisory
21 committee shall meet at least once each year,
22 and at other times at the call of the Adminis-
23 trator, the Interagency Ocean Observing Com-
24 mittee, or the chairperson.

1 (D) COMPENSATION AND EXPENSES.—
2 Members of the System advisory committee
3 shall not be compensated for service on that
4 Committee, but may be allowed travel expenses,
5 including per diem in lieu of subsistence, in ac-
6 cordance with subchapter I of chapter 57 of
7 title 5, United States Code.

8 (E) EXPIRATION.—Section 14 of the Fed-
9 eral Advisory Committee Act (5 U.S.C. App.)
10 shall not apply to the System advisory com-
11 mittee.

12 (e) CIVIL LIABILITY.—For purposes of determining
13 liability arising from the dissemination and use of observa-
14 tion data gathered pursuant to this section, any non-Fed-
15 eral asset or regional information coordination entity in-
16 corporated into the System by contract, lease, grant, or
17 cooperative agreement under subsection (c)(3)(D) that is
18 participating in the System shall be considered to be part
19 of the National Oceanic and Atmospheric Administration.
20 Any employee of such a non-Federal asset or regional in-
21 formation coordination entity, while operating within the
22 scope of his or her employment in carrying out the pur-
23 poses of this subtitle, with respect to tort liability, is
24 deemed to be an employee of the Federal Government.

1 (f) LIMITATION.—Nothing in this subtitle shall be
2 construed to invalidate existing certifications, contracts, or
3 agreements between regional information coordination en-
4 tities and other elements of the System.

5 **SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.**

6 (a) IN GENERAL.—To carry out interagency activi-
7 ties under this subtitle, the Secretary of Commerce may
8 execute cooperative agreements, or any other agreements,
9 with, and receive and expend funds made available by, any
10 State or subdivision thereof, any Federal agency, or any
11 public or private organization, or individual.

12 (b) RECIPROCITY.—Member Departments and agen-
13 cies of the Council shall have the authority to create, sup-
14 port, and maintain joint centers, and to enter into and
15 perform such contracts, leases, grants, and cooperative
16 agreements as may be necessary to carry out the purposes
17 of this subtitle and fulfillment of the System Plan.

18 **SEC. 12306. APPLICATION WITH OTHER LAWS.**

19 Nothing in this subtitle supersedes or limits the au-
20 thority of any agency to carry out its responsibilities and
21 missions under other laws.

22 **SEC. 12307. REPORT TO CONGRESS.**

23 (a) REQUIREMENT.—Not later than 2 years after the
24 date of the enactment of this Act and every 2 years there-
25 after, the Administrator shall prepare and the President

1 acting through the Council shall approve and transmit to
2 the Congress a report on progress made in implementing
3 this subtitle.

4 (b) CONTENTS.—The report shall include—

5 (1) a description of activities carried out under
6 this subtitle and the System Plan;

7 (2) an evaluation of the effectiveness of the
8 System, including an evaluation of progress made by
9 the Council to achieve the goals identified under the
10 System Plan;

11 (3) identification of Federal and non-Federal
12 assets as determined by the Council that have been
13 integrated into the System, including assets essential
14 to the gathering of required observation data vari-
15 ables necessary to meet the respective missions of
16 Council agencies;

17 (4) a review of procurements, planned or initi-
18 ated, by each Council agency to enhance, expand, or
19 modernize the observation capabilities and data
20 products provided by the System, including data
21 management and communication subsystems;

22 (5) an assessment regarding activities to inte-
23 grate Federal and non-Federal assets, nationally and
24 on the regional level, and discussion of the perform-
25 ance and effectiveness of regional information co-

1 ordination entities to coordinate regional observation
2 operations;

3 (6) a description of benefits of the program to
4 users of data products resulting from the System
5 (including the general public, industries, scientists,
6 resource managers, emergency responders, policy
7 makers, and educators);

8 (7) recommendations concerning—

9 (A) modifications to the System; and

10 (B) funding levels for the System in subse-
11 quent fiscal years; and

12 (8) the results of a periodic external inde-
13 pendent programmatic audit of the System.

14 **SEC. 12308. PUBLIC-PRIVATE USE POLICY.**

15 The Council shall develop a policy within 6 months
16 after the date of the enactment of this Act that defines
17 processes for making decisions about the roles of the Fed-
18 eral Government, the States, regional information coordi-
19 nation entities, the academic community, and the private
20 sector in providing to end-user communities environmental
21 information, products, technologies, and services related to
22 the System. The Council shall publish the policy in the
23 Federal Register for public comment for a period not less
24 than 60 days. Nothing in this section shall be construed

1 to require changes in policy in effect on the date of enact-
2 ment of this Act.

3 **SEC. 12309. INDEPENDENT COST ESTIMATE.**

4 Within 1 year after the date of enactment of this Act,
5 the Interagency Ocean Observation Committee, through
6 the Administrator and the Director of the National
7 Science Foundation, shall obtain an independent cost esti-
8 mate for operations and maintenance of existing Federal
9 assets of the System, and planned or anticipated acquisi-
10 tion, operation, and maintenance of new Federal assets
11 for the System, including operation facilities, observation
12 equipment, modeling and software, data management and
13 communication, and other essential components. The inde-
14 pendent cost estimate shall be transmitted unabridged and
15 without revision by the Administrator to Congress.

16 **SEC. 12310. INTENT OF CONGRESS.**

17 It is the intent of Congress that funding provided to
18 agencies of the Council to implement this subtitle shall
19 supplement, and not replace, existing sources of funding
20 for other programs. It is the further intent of Congress
21 that agencies of the Council shall not enter into contracts
22 or agreements for the development or procurement of new
23 Federal assets for the System that are estimated to be
24 in excess of \$250,000,000 in life-cycle costs without first

1 providing adequate notice to Congress and opportunity for
2 review and comment.

3 **SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Sec-
5 retary of Commerce for fiscal years 2009 through 2013
6 such sums as are necessary to fulfill the purposes of this
7 subtitle and support activities identified in the annual co-
8 ordinated System budget developed by the Interagency
9 Ocean Observation Committee and submitted to the Con-
10 gress.

11 **Subtitle D—Federal Ocean Acidifi-**
12 **cation Research and Monitoring**
13 **Act of 2009**

14 **SEC. 12401. SHORT TITLE.**

15 This subtitle may be cited as the “Federal Ocean
16 Acidification Research And Monitoring Act of 2009” or
17 the “FOARAM Act”.

18 **SEC. 12402. PURPOSES.**

19 (a) PURPOSES.—The purposes of this subtitle are to
20 provide for—

21 (1) development and coordination of a com-
22 prehensive interagency plan to—

23 (A) monitor and conduct research on the
24 processes and consequences of ocean acidifica-
25 tion on marine organisms and ecosystems; and

1 (B) establish an interagency research and
2 monitoring program on ocean acidification;

3 (2) establishment of an ocean acidification pro-
4 gram within the National Oceanic and Atmospheric
5 Administration;

6 (3) assessment and consideration of regional
7 and national ecosystem and socioeconomic impacts
8 of increased ocean acidification; and

9 (4) research adaptation strategies and tech-
10 niques for effectively conserving marine ecosystems
11 as they cope with increased ocean acidification.

12 **SEC. 12403. DEFINITIONS.**

13 In this subtitle:

14 (1) OCEAN ACIDIFICATION.—The term “ocean
15 acidification” means the decrease in pH of the
16 Earth’s oceans and changes in ocean chemistry
17 caused by chemical inputs from the atmosphere, in-
18 cluding carbon dioxide.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of Commerce, acting through the Ad-
21 ministrator of the National Oceanic and Atmos-
22 pheric Administration.

23 (3) SUBCOMMITTEE.—The term “Sub-
24 committee” means the Joint Subcommittee on

1 Ocean Science and Technology of the National
2 Science and Technology Council.

3 **SEC. 12404. INTERAGENCY SUBCOMMITTEE.**

4 (a) DESIGNATION.—

5 (1) IN GENERAL.—The Joint Subcommittee on
6 Ocean Science and Technology of the National
7 Science and Technology Council shall coordinate
8 Federal activities on ocean acidification and estab-
9 lish an interagency working group.

10 (2) MEMBERSHIP.—The interagency working
11 group on ocean acidification shall be comprised of
12 senior representatives from the National Oceanic
13 and Atmospheric Administration, the National
14 Science Foundation, the National Aeronautics and
15 Space Administration, the United States Geological
16 Survey, the United States Fish and Wildlife Service,
17 and such other Federal agencies as appropriate.

18 (3) CHAIRMAN.—The interagency working
19 group shall be chaired by the representative from
20 the National Oceanic and Atmospheric Administra-
21 tion.

22 (b) DUTIES.—The Subcommittee shall—

23 (1) develop the strategic research and moni-
24 toring plan to guide Federal research on ocean acidi-

1 fication required under section 12405 of this subtitle
2 and oversee the implementation of the plan;

3 (2) oversee the development of—

4 (A) an assessment of the potential impacts
5 of ocean acidification on marine organisms and
6 marine ecosystems; and

7 (B) adaptation and mitigation strategies to
8 conserve marine organisms and ecosystems ex-
9 posed to ocean acidification;

10 (3) facilitate communication and outreach op-
11 portunities with nongovernmental organizations and
12 members of the stakeholder community with inter-
13 ests in marine resources;

14 (4) coordinate the United States Federal re-
15 search and monitoring program with research and
16 monitoring programs and scientists from other na-
17 tions; and

18 (5) establish or designate an Ocean Acidifica-
19 tion Information Exchange to make information on
20 ocean acidification developed through or utilized by
21 the interagency ocean acidification program acces-
22 sible through electronic means, including informa-
23 tion which would be useful to policymakers, re-
24 searchers, and other stakeholders in mitigating or
25 adapting to the impacts of ocean acidification.

1 (c) REPORTS TO CONGRESS.—

2 (1) INITIAL REPORT.—Not later than 1 year
3 after the date of enactment of this Act, the Sub-
4 committee shall transmit a report to the Committee
5 on Commerce, Science, and Transportation of the
6 Senate and the Committee on Science and Tech-
7 nology and the Committee on Natural Resources of
8 the House of Representatives that—

9 (A) includes a summary of federally fund-
10 ed ocean acidification research and monitoring
11 activities, including the budget for each of these
12 activities; and

13 (B) describes the progress in developing
14 the plan required under section 12405 of this
15 subtitle.

16 (2) BIENNIAL REPORT.—Not later than 2 years
17 after the delivery of the initial report under para-
18 graph (1) and every 2 years thereafter, the Sub-
19 committee shall transmit a report to the Committee
20 on Commerce, Science, and Transportation of the
21 Senate and the Committee on Science and Tech-
22 nology and the Committee on Natural Resources of
23 the House of Representatives that includes—

24 (A) a summary of federally funded ocean
25 acidification research and monitoring activities,

1 including the budget for each of these activities;
2 and

3 (B) an analysis of the progress made to-
4 ward achieving the goals and priorities for the
5 interagency research plan developed by the Sub-
6 committee under section 12405.

7 (3) STRATEGIC RESEARCH PLAN.—Not later
8 than 2 years after the date of enactment of this Act,
9 the Subcommittee shall transmit the strategic re-
10 search plan developed under section 12405 to the
11 Committee on Commerce, Science, and Transpor-
12 tation of the Senate and the Committee on Science
13 and Technology and the Committee on Natural Re-
14 sources of the House of Representatives. A revised
15 plan shall be submitted at least once every 5 years
16 thereafter.

17 **SEC. 12405. STRATEGIC RESEARCH PLAN.**

18 (a) IN GENERAL.—Not later than 2 years after the
19 date of enactment of this Act, the Subcommittee shall de-
20 velop a strategic plan for Federal research and monitoring
21 on ocean acidification that will provide for an assessment
22 of the impacts of ocean acidification on marine organisms
23 and marine ecosystems and the development of adaptation
24 and mitigation strategies to conserve marine organisms
25 and marine ecosystems. In developing the plan, the Sub-

1 committee shall consider and use information, reports, and
2 studies of ocean acidification that have identified research
3 and monitoring needed to better understand ocean acidifi-
4 cation and its potential impacts, and recommendations
5 made by the National Academy of Sciences in the review
6 of the plan required under subsection (d).

7 (b) CONTENTS OF THE PLAN.—The plan shall—

8 (1) provide for interdisciplinary research among
9 the ocean sciences, and coordinated research and ac-
10 tivities to improve the understanding of ocean chem-
11 istry that will affect marine ecosystems;

12 (2) establish, for the 10-year period beginning
13 in the year the plan is submitted, the goals and pri-
14 orities for Federal research and monitoring which
15 will—

16 (A) advance understanding of ocean acidi-
17 fication and its physical, chemical, and biologi-
18 cal impacts on marine organisms and marine
19 ecosystems;

20 (B) improve the ability to assess the socio-
21 economic impacts of ocean acidification; and

22 (C) provide information for the develop-
23 ment of adaptation and mitigation strategies to
24 conserve marine organisms and marine eco-
25 systems;

- 1 (3) describe specific activities, including—
- 2 (A) efforts to determine user needs;
- 3 (B) research activities;
- 4 (C) monitoring activities;
- 5 (D) technology and methods development;
- 6 (E) data collection;
- 7 (F) database development;
- 8 (G) modeling activities;
- 9 (H) assessment of ocean acidification im-
- 10 pacts; and
- 11 (I) participation in international research
- 12 efforts;
- 13 (4) identify relevant programs and activities of
- 14 the Federal agencies that contribute to the inter-
- 15 agency program directly and indirectly and set forth
- 16 the role of each Federal agency in implementing the
- 17 plan;
- 18 (5) consider and utilize, as appropriate, reports
- 19 and studies conducted by Federal agencies, the Na-
- 20 tional Research Council, or other entities;
- 21 (6) make recommendations for the coordination
- 22 of the ocean acidification research and monitoring
- 23 activities of the United States with such activities of
- 24 other nations and international organizations;

1 (7) outline budget requirements for Federal
2 ocean acidification research and monitoring and as-
3 sessment activities to be conducted by each agency
4 under the plan;

5 (8) identify the monitoring systems and sam-
6 pling programs currently employed in collecting data
7 relevant to ocean acidification and prioritize addi-
8 tional monitoring systems that may be needed to en-
9 sure adequate data collection and monitoring of
10 ocean acidification and its impacts; and

11 (9) describe specific activities designed to facili-
12 tate outreach and data and information exchange
13 with stakeholder communities.

14 (c) PROGRAM ELEMENTS.—The plan shall include at
15 a minimum the following program elements:

16 (1) Monitoring of ocean chemistry and biologi-
17 cal impacts associated with ocean acidification at se-
18 lected coastal and open-ocean monitoring stations,
19 including satellite-based monitoring to charac-
20 terize—

21 (A) marine ecosystems;

22 (B) changes in marine productivity; and

23 (C) changes in surface ocean chemistry.

24 (2) Research to understand the species specific
25 physiological responses of marine organisms to ocean

1 acidification, impacts on marine food webs of ocean
2 acidification, and to develop environmental and eco-
3 logical indices that track marine ecosystem re-
4 sponses to ocean acidification.

5 (3) Modeling to predict changes in the ocean
6 carbon cycle as a function of carbon dioxide and at-
7 mosphere-induced changes in temperature, ocean cir-
8 culation, biogeochemistry, ecosystem and terrestrial
9 input, and modeling to determine impacts on marine
10 ecosystems and individual marine organisms.

11 (4) Technology development and standardiza-
12 tion of carbonate chemistry measurements on moor-
13 ings and autonomous floats.

14 (5) Assessment of socioeconomic impacts of
15 ocean acidification and development of adaptation
16 and mitigation strategies to conserve marine orga-
17 nisms and marine ecosystems.

18 (d) NATIONAL ACADEMY OF SCIENCES EVALUA-
19 TION.—The Secretary shall enter into an agreement with
20 the National Academy of Sciences to review the plan.

21 (e) PUBLIC PARTICIPATION.—In developing the plan,
22 the Subcommittee shall consult with representatives of
23 academic, State, industry and environmental groups. Not
24 later than 90 days before the plan, or any revision thereof,
25 is submitted to the Congress, the plan shall be published

1 in the Federal Register for a public comment period of
2 not less than 60 days.

3 **SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.**

4 (a) IN GENERAL.—The Secretary shall establish and
5 maintain an ocean acidification program within the Na-
6 tional Oceanic and Atmospheric Administration to conduct
7 research, monitoring, and other activities consistent with
8 the strategic research and implementation plan developed
9 by the Subcommittee under section 12405 that—

10 (1) includes—

11 (A) interdisciplinary research among the
12 ocean and atmospheric sciences, and coordi-
13 nated research and activities to improve under-
14 standing of ocean acidification;

15 (B) the establishment of a long-term moni-
16 toring program of ocean acidification utilizing
17 existing global and national ocean observing as-
18 sets, and adding instrumentation and sampling
19 stations as appropriate to the aims of the re-
20 search program;

21 (C) research to identify and develop adap-
22 tation strategies and techniques for effectively
23 conserving marine ecosystems as they cope with
24 increased ocean acidification;

1 (D) as an integral part of the research
2 programs described in this subtitle, educational
3 opportunities that encourage an interdiscipli-
4 nary and international approach to exploring
5 the impacts of ocean acidification;

6 (E) as an integral part of the research pro-
7 grams described in this subtitle, national public
8 outreach activities to improve the under-
9 standing of current scientific knowledge of
10 ocean acidification and its impacts on marine
11 resources; and

12 (F) coordination of ocean acidification
13 monitoring and impacts research with other ap-
14 propriate international ocean science bodies
15 such as the International Oceanographic Com-
16 mission, the International Council for the Ex-
17 ploration of the Sea, the North Pacific Marine
18 Science Organization, and others;

19 (2) provides grants for critical research projects
20 that explore the effects of ocean acidification on eco-
21 systems and the socioeconomic impacts of increased
22 ocean acidification that are relevant to the goals and
23 priorities of the strategic research plan; and

24 (3) incorporates a competitive merit-based proc-
25 ess for awarding grants that may be conducted

1 jointly with other participating agencies or under the
2 National Oceanographic Partnership Program under
3 section 7901 of title 10, United States Code.

4 (b) **ADDITIONAL AUTHORITY.**—In conducting the
5 Program, the Secretary may enter into and perform such
6 contracts, leases, grants, or cooperative agreements as
7 may be necessary to carry out the purposes of this subtitle
8 on such terms as the Secretary considers appropriate.

9 **SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.**

10 (a) **RESEARCH ACTIVITIES.**—The Director of the Na-
11 tional Science Foundation shall continue to carry out re-
12 search activities on ocean acidification which shall support
13 competitive, merit-based, peer-reviewed proposals for re-
14 search and monitoring of ocean acidification and its im-
15 pacts, including—

16 (1) impacts on marine organisms and marine
17 ecosystems;

18 (2) impacts on ocean, coastal, and estuarine
19 biogeochemistry; and

20 (3) the development of methodologies and tech-
21 nologies to evaluate ocean acidification and its im-
22 pacts.

23 (b) **CONSISTENCY.**—The research activities shall be
24 consistent with the strategic research plan developed by
25 the Subcommittee under section 12405.

1 (c) COORDINATION.—The Director shall encourage
2 coordination of the Foundation’s ocean acidification activi-
3 ties with such activities of other nations and international
4 organizations.

5 **SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.**

6 (a) OCEAN ACIDIFICATION ACTIVITIES.—The Ad-
7 ministrator of the National Aeronautics and Space Admin-
8 istration, in coordination with other relevant agencies,
9 shall ensure that space-based monitoring assets are used
10 in as productive a manner as possible for monitoring of
11 ocean acidification and its impacts.

12 (b) PROGRAM CONSISTENCY.—The Administrator
13 shall ensure that the Agency’s research and monitoring
14 activities on ocean acidification are carried out in a man-
15 ner consistent with the strategic research plan developed
16 by the Subcommittee under section 12405.

17 (c) COORDINATION.—The Administrator shall en-
18 courage coordination of the Agency’s ocean acidification
19 activities with such activities of other nations and inter-
20 national organizations.

21 **SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) NOAA.—There are authorized to be appropriated
23 to the National Oceanic and Atmospheric Administration
24 to carry out the purposes of this subtitle—

25 (1) \$8,000,000 for fiscal year 2009;

1 important coastal and estuarine areas that have signifi-
2 cant conservation, recreation, ecological, historical, or aes-
3 thetic values, or that are threatened by conversion from
4 their natural, undeveloped, or recreational state to other
5 uses or could be managed or restored to effectively con-
6 serve, enhance, or restore ecological function. The pro-
7 gram shall be administered by the National Ocean Service
8 of the National Oceanic and Atmospheric Administration
9 through the Office of Ocean and Coastal Resource Man-
10 agement.

11 “(b) PROPERTY ACQUISITION GRANTS.—The Sec-
12 retary shall make grants under the program to coastal
13 states with approved coastal zone management plans or
14 National Estuarine Research Reserve units for the pur-
15 pose of acquiring property or interests in property de-
16 scribed in subsection (a) that will further the goals of—

17 “(1) a Coastal Zone Management Plan or Pro-
18 gram approved under this title;

19 “(2) a National Estuarine Research Reserve
20 management plan;

21 “(3) a regional or State watershed protection or
22 management plan involving coastal states with ap-
23 proved coastal zone management programs; or

1 “(4) a State coastal land acquisition plan that
2 is consistent with an approved coastal zone manage-
3 ment program.

4 “(c) GRANT PROCESS.—The Secretary shall allocate
5 funds to coastal states or National Estuarine Research
6 Reserves under this section through a competitive grant
7 process in accordance with guidelines that meet the fol-
8 lowing requirements:

9 “(1) The Secretary shall consult with the coast-
10 al state’s coastal zone management program, any
11 National Estuarine Research Reserve in that State,
12 and the lead agency designated by the Governor for
13 coordinating the implementation of this section (if
14 different from the coastal zone management pro-
15 gram).

16 “(2) Each participating coastal state, after con-
17 sultation with local governmental entities and other
18 interested stakeholders, shall identify priority con-
19 servation needs within the State, the values to be
20 protected by inclusion of lands in the program, and
21 the threats to those values that should be avoided.

22 “(3) Each participating coastal state shall to
23 the extent practicable ensure that the acquisition of
24 property or easements shall complement working wa-
25 terfront needs.

1 “(4) The applicant shall identify the values to
2 be protected by inclusion of the lands in the pro-
3 gram, management activities that are planned and
4 the manner in which they may affect the values
5 identified, and any other information from the land-
6 owner relevant to administration and management of
7 the land.

8 “(5) Awards shall be based on demonstrated
9 need for protection and ability to successfully lever-
10 age funds among participating entities, including
11 Federal programs, regional organizations, State and
12 other governmental units, landowners, corporations,
13 or private organizations.

14 “(6) The governor, or the lead agency des-
15 ignated by the governor for coordinating the imple-
16 mentation of this section, where appropriate in con-
17 sultation with the appropriate local government,
18 shall determine that the application is consistent
19 with the State’s or territory’s approved coastal zone
20 plan, program, and policies prior to submittal to the
21 Secretary.

22 “(7)(A) Priority shall be given to lands de-
23 scribed in subsection (a) that can be effectively man-
24 aged and protected and that have significant ecologi-
25 cal value.

1 “(B) Of the projects that meet the standard in
2 subparagraph (A), priority shall be given to lands
3 that—

4 “(i) are under an imminent threat of con-
5 version to a use that will degrade or otherwise
6 diminish their natural, undeveloped, or rec-
7 reational state; and

8 “(ii) serve to mitigate the adverse impacts
9 caused by coastal population growth in the
10 coastal environment.

11 “(8) In developing guidelines under this section,
12 the Secretary shall consult with coastal states, other
13 Federal agencies, and other interested stakeholders
14 with expertise in land acquisition and conservation
15 procedures.

16 “(9) Eligible coastal states or National Estua-
17 rine Research Reserves may allocate grants to local
18 governments or agencies eligible for assistance under
19 section 306A(e).

20 “(10) The Secretary shall develop performance
21 measures that the Secretary shall use to evaluate
22 and report on the program’s effectiveness in accom-
23 plishing its purposes, and shall submit such evalua-
24 tions to Congress triennially.

1 “(d) LIMITATIONS AND PRIVATE PROPERTY PROTEC-
2 TIONS.—

3 “(1) A grant awarded under this section may
4 be used to purchase land or an interest in land, in-
5 cluding an easement, only from a willing seller. Any
6 such purchase shall not be the result of a forced tak-
7 ing under this section. Nothing in this section re-
8 quires a private property owner to participate in the
9 program under this section.

10 “(2) Any interest in land, including any ease-
11 ment, acquired with a grant under this section shall
12 not be considered to create any new liability, or have
13 any effect on liability under any other law, of any
14 private property owner with respect to any person
15 injured on the private property.

16 “(3) Nothing in this section requires a private
17 property owner to provide access (including Federal,
18 State, or local government access) to or use of pri-
19 vate property unless such property or an interest in
20 such property (including a conservation easement)
21 has been purchased with funds made available under
22 this section.

23 “(e) RECOGNITION OF AUTHORITY TO CONTROL
24 LAND USE.—Nothing in this title modifies the authority

1 of Federal, State, or local governments to regulate land
2 use.

3 “(f) MATCHING REQUIREMENTS.—

4 “(1) IN GENERAL.—The Secretary may not
5 make a grant under the program unless the Federal
6 funds are matched by non-Federal funds in accord-
7 ance with this subsection.

8 “(2) COST SHARE REQUIREMENT.—

9 “(A) IN GENERAL.—Grant funds under
10 the program shall require a 100 percent match
11 from other non-Federal sources.

12 “(B) WAIVER OF REQUIREMENT.—The
13 Secretary may grant a waiver of subparagraph
14 (A) for underserved communities, communities
15 that have an inability to draw on other sources
16 of funding because of the small population or
17 low income of the community, or for other rea-
18 sons the Secretary deems appropriate and con-
19 sistent with the purposes of the program.

20 “(3) OTHER FEDERAL FUNDS.—Where finan-
21 cial assistance awarded under this section represents
22 only a portion of the total cost of a project, funding
23 from other Federal sources may be applied to the
24 cost of the project. Each portion shall be subject to

1 match requirements under the applicable provision
2 of law.

3 “(4) SOURCE OF MATCHING COST SHARE.—For
4 purposes of paragraph (2)(A), the non-Federal cost
5 share for a project may be determined by taking into
6 account the following:

7 “(A) The value of land or a conservation
8 easement may be used by a project applicant as
9 non-Federal match, if the Secretary determines
10 that—

11 “(i) the land meets the criteria set
12 forth in section 2(b) and is acquired in the
13 period beginning 3 years before the date of
14 the submission of the grant application
15 and ending 3 years after the date of the
16 award of the grant;

17 “(ii) the value of the land or easement
18 is held by a non-governmental organization
19 included in the grant application in per-
20 petuity for conservation purposes of the
21 program; and

22 “(iii) the land or easement is con-
23 nected either physically or through a con-
24 servation planning process to the land or
25 easement that would be acquired.

1 “(B) The appraised value of the land or
2 conservation easement at the time of the grant
3 closing will be considered and applied as the
4 non-Federal cost share.

5 “(C) Costs associated with land acquisi-
6 tion, land management planning, remediation,
7 restoration, and enhancement may be used as
8 non-Federal match if the activities are identi-
9 fied in the plan and expenses are incurred with-
10 in the period of the grant award, or, for lands
11 described in (A), within the same time limits
12 described therein. These costs may include ei-
13 ther cash or in-kind contributions.

14 “(g) RESERVATION OF FUNDS FOR NATIONAL ESTU-
15 ARINE RESEARCH RESERVE SITES.—No less than 15 per-
16 cent of funds made available under this section shall be
17 available for acquisitions benefitting National Estuarine
18 Research Reserves.

19 “(h) LIMIT ON ADMINISTRATIVE COSTS.—No more
20 than 5 percent of the funds made available to the Sec-
21 retary under this section shall be used by the Secretary
22 for planning or administration of the program. The Sec-
23 retary shall provide a report to Congress with an account
24 of all expenditures under this section for fiscal year 2009
25 and triennially thereafter.

1 “(i) TITLE AND MANAGEMENT OF ACQUIRED PROP-
2 ERTY.—If any property is acquired in whole or in part
3 with funds made available through a grant under this sec-
4 tion, the grant recipient shall provide—

5 “(1) such assurances as the Secretary may re-
6 quire that—

7 “(A) the title to the property will be held
8 by the grant recipient or another appropriate
9 public agency designated by the recipient in
10 perpetuity;

11 “(B) the property will be managed in a
12 manner that is consistent with the purposes for
13 which the land entered into the program and
14 shall not convert such property to other uses;
15 and

16 “(C) if the property or interest in land is
17 sold, exchanged, or divested, funds equal to the
18 current value will be returned to the Secretary
19 in accordance with applicable Federal law for
20 redistribution in the grant process; and

21 “(2) certification that the property (including
22 any interest in land) will be acquired from a willing
23 seller.

24 “(j) REQUIREMENT FOR PROPERTY USED FOR NON-
25 FEDERAL MATCH.—If the grant recipient elects to use

1 any land or interest in land held by a non-governmental
2 organization as a non-Federal match under subsection (g),
3 the grant recipient must to the Secretary's satisfaction
4 demonstrate in the grant application that such land or in-
5 terest will satisfy the same requirements as the lands or
6 interests in lands acquired under the program.

7 “(k) DEFINITIONS.—In this section:

8 “(1) CONSERVATION EASEMENT.—The term
9 ‘conservation easement’ includes an easement or re-
10 striction, recorded deed, or a reserve interest deed
11 where the grantee acquires all rights, title, and in-
12 terest in a property, that do not conflict with the
13 goals of this section except those rights, title, and
14 interests that may run with the land that are ex-
15 pressly reserved by a grantor and are agreed to at
16 the time of purchase.

17 “(2) INTEREST IN PROPERTY.—The term ‘in-
18 terest in property’ includes a conservation easement.

19 “(l) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Secretary to carry
21 out this section \$60,000,000 for each of fiscal years 2009
22 through 2013.”.

1 **TITLE XIII—MISCELLANEOUS**

2 **SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH**
3 **DAKOTA TRUST FUNDS.**

4 (a) NORTH DAKOTA TRUST FUNDS.—The Act of
5 February 22, 1889 (25 Stat. 676, chapter 180), is amend-
6 ed by adding at the end the following:

7 **“SEC. 26. NORTH DAKOTA TRUST FUNDS.**

8 “(a) DISPOSITION.—Notwithstanding section 11, the
9 State of North Dakota shall, with respect to any trust
10 fund in which proceeds from the sale of public land are
11 deposited under this Act (referred to in this section as the
12 ‘trust fund’)—

13 “(1) deposit all revenues earned by a trust fund
14 into the trust fund;

15 “(2) deduct the costs of administering a trust
16 fund from each trust fund; and

17 “(3) manage each trust fund to—

18 “(A) preserve the purchasing power of the
19 trust fund; and

20 “(B) maintain stable distributions to trust
21 fund beneficiaries.

22 “(b) DISTRIBUTIONS.—Notwithstanding section 11,
23 any distributions from trust funds in the State of North
24 Dakota shall be made in accordance with section 2 of arti-
25 cle IX of the Constitution of the State of North Dakota.

1 “(c) MANAGEMENT OF PROCEEDS.—Notwith-
2 standing section 13, the State of North Dakota shall man-
3 age the proceeds referred to in that section in accordance
4 with subsections (a) and (b).

5 “(d) MANAGEMENT OF LAND AND PROCEEDS.—Not-
6 withstanding sections 14 and 16, the State of North Da-
7 kota shall manage the land granted under that section,
8 including any proceeds from the land, and make distribu-
9 tions in accordance with subsections (a) and (b).”.

10 (b) MANAGEMENT AND DISTRIBUTION OF MORRILL
11 ACT GRANTS.—The Act of July 2, 1862 (commonly
12 known as the “First Morrill Act”) (7 U.S.C. 301 et seq.),
13 is amended by adding at the end the following:

14 **“SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.**

15 “(a) EXPENSES.—Notwithstanding section 3, the
16 State of North Dakota shall manage the land granted to
17 the State under the first section, including any proceeds
18 from the land, in accordance with this section.

19 “(b) DISPOSITION OF PROCEEDS.—Notwithstanding
20 section 4, the State of North Dakota shall, with respect
21 to any trust fund in which proceeds from the sale of land
22 under this Act are deposited (referred to in this section
23 as the ‘trust fund’)—

24 “(1) deposit all revenues earned by a trust fund
25 into the trust fund;

1 “(2) deduct the costs of administering a trust
2 fund from each trust fund; and

3 “(3) manage each trust fund to—

4 “(A) preserve the purchasing power of the
5 trust fund; and

6 “(B) maintain stable distributions to trust
7 fund beneficiaries.

8 “(c) DISTRIBUTIONS.—Notwithstanding section 4,
9 any distributions from trust funds in the State of North
10 Dakota shall be made in accordance with section 2 of arti-
11 cle IX of the Constitution of the State of North Dakota.

12 “(d) MANAGEMENT.—Notwithstanding section 5, the
13 State of North Dakota shall manage the land granted
14 under the first section, including any proceeds from the
15 land, in accordance with this section.”.

16 (c) CONSENT OF CONGRESS.—Effective July 1,
17 2009, Congress consents to the amendments to the Con-
18 stitution of North Dakota proposed by House Concurrent
19 Resolution No. 3037 of the 59th Legislature of the State
20 of North Dakota entitled “A concurrent resolution for the
21 amendment of sections 1 and 2 of article IX of the Con-
22 stitution of North Dakota, relating to distributions from
23 and the management of the common schools trust fund
24 and the trust funds of other educational or charitable in-
25 stitutions; and to provide a contingent effective date” and

1 approved by the voters of the State of North Dakota on
2 November 7, 2006.

3 **SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORA-**
4 **TION AND IRRIGATION MITIGATION ACT OF**
5 **2000.**

6 (a) **PRIORITY PROJECTS.**—Section 3(e)(3) of the
7 Fisheries Restoration and Irrigation Mitigation Act of
8 2000 (16 U.S.C. 777 note; Public Law 106–502) is
9 amended by striking “\$5,000,000” and inserting
10 “\$2,500,000”.

11 (b) **COST SHARING.**—Section 7(e) of Fisheries Res-
12 toration and Irrigation Mitigation Act of 2000 (16 U.S.C.
13 777 note; Public Law 106–502) is amended—

14 (1) by striking “The value” and inserting the
15 following:

16 “(1) **IN GENERAL.**—The value”; and

17 (2) by adding at the end the following:

18 “(2) **BONNEVILLE POWER ADMINISTRATION.**—

19 “(A) **IN GENERAL.**—The Secretary may,
20 without further appropriation and without fiscal
21 year limitation, accept any amounts provided to
22 the Secretary by the Administrator of the Bon-
23 neville Power Administration.

24 “(B) **NON-FEDERAL SHARE.**—Any
25 amounts provided by the Bonneville Power Ad-

1 ministration directly or through a grant to an-
2 other entity for a project carried under the Pro-
3 gram shall be credited toward the non-Federal
4 share of the costs of the project.”.

5 (c) REPORT.—Section 9 of the Fisheries Restoration
6 and Irrigation Mitigation Act of 2000 (16 U.S.C. 777
7 note; Public Law 106–502) is amended—

8 (1) by inserting “any” before “amounts are
9 made”; and

10 (2) by inserting after “Secretary shall” the fol-
11 lowing: “, after partnering with local governmental
12 entities and the States in the Pacific Ocean drainage
13 area,”.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
15 10 of the Fisheries Restoration and Irrigation Mitigation
16 Act of 2000 (16 U.S.C. 777 note; Public Law 106–502)
17 is amended—

18 (1) in subsection (a), by striking “2001 through
19 2005” and inserting “ 2009 through 2015”; and

20 (2) in subsection (b), by striking paragraph (2)
21 and inserting the following:

22 “(2) ADMINISTRATIVE EXPENSES.—

23 “(A) DEFINITION OF ADMINISTRATIVE EX-
24 PENSE.—In this paragraph, the term ‘adminis-
25 trative expense’ means, except as provided in

1 subparagraph (B)(iii)(II), any expenditure re-
2 lating to—

3 “(i) staffing and overhead, such as
4 the rental of office space and the acquisi-
5 tion of office equipment; and

6 “(ii) the review, processing, and provi-
7 sion of applications for funding under the
8 Program.

9 “(B) LIMITATION.—

10 “(i) IN GENERAL.—Not more than 6
11 percent of amounts made available to carry
12 out this Act for each fiscal year may be
13 used for Federal and State administrative
14 expenses of carrying out this Act.

15 “(ii) FEDERAL AND STATE SHARES.—
16 To the maximum extent practicable, of the
17 amounts made available for administrative
18 expenses under clause (i)—

19 “(I) 50 percent shall be provided
20 to the State agencies provided assist-
21 ance under the Program; and

22 “(II) an amount equal to the cost
23 of 1 full-time equivalent Federal em-
24 ployee, as determined by the Sec-

1 retary, shall be provided to the Fed-
2 eral agency carrying out the Program.

3 “(iii) STATE EXPENSES.—Amounts
4 made available to States for administrative
5 expenses under clause (i)—

6 “(I) shall be divided evenly
7 among all States provided assistance
8 under the Program; and

9 “(II) may be used by a State to
10 provide technical assistance relating to
11 the program, including any staffing
12 expenditures (including staff travel ex-
13 penses) associated with—

14 “(aa) arranging meetings to
15 promote the Program to potential
16 applicants;

17 “(bb) assisting applicants
18 with the preparation of applica-
19 tions for funding under the Pro-
20 gram; and

21 “(cc) visiting construction
22 sites to provide technical assist-
23 ance, if requested by the appli-
24 cant.”.

1 **SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS**
2 **PIPELINE ACT.**

3 Section 107(a) of the Alaska Natural Gas Pipeline
4 Act (15 U.S.C. 720e(a)) is amended by striking paragraph
5 (3) and inserting the following:

6 “(3) the validity of any determination, permit,
7 approval, authorization, review, or other related ac-
8 tion taken under any provision of law relating to a
9 gas transportation project constructed and operated
10 in accordance with section 103, including—

11 “(A) subchapter II of chapter 5, and chap-
12 ter 7, of title 5, United States Code (commonly
13 known as the ‘Administrative Procedure Act’);

14 “(B) the Endangered Species Act of 1973
15 (16 U.S.C. 1531 et seq.);

16 “(C) the National Environmental Policy
17 Act of 1969 (42 U.S.C. 4321 et seq.);

18 “(D) the National Historic Preservation
19 Act (16 U.S.C. 470 et seq.); and

20 “(E) the Alaska National Interest Lands
21 Conservation Act (16 U.S.C. 3101 et seq.).”.

22 **SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DE-**
23 **PARTMENT OF ENERGY.**

24 (a) IN GENERAL.—Section 203(a) of the Department
25 of Energy Organization Act (42 U.S.C. 7133(a)) is

1 amended in the first sentence by striking “7 Assistant
2 Secretaries” and inserting “8 Assistant Secretaries”.

3 (b) CONFORMING AMENDMENT.—Section 5315 of
4 title 5, United States Code, is amended by striking “As-
5 sistant Secretaries of Energy (7)” and inserting “Assist-
6 ant Secretaries of Energy (8)”.

7 **SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTI-
8 TUTE.**

9 (a) DEFINITIONS.—In this section:

10 (1) INSTITUTE.—The term “Institute” means
11 the Lovelace Respiratory Research Institute, a non-
12 profit organization chartered under the laws of the
13 State of New Mexico.

14 (2) MAP.—The term “map” means the map en-
15 titled “Lovelace Respiratory Research Institute
16 Land Conveyance” and dated March 18, 2008.

17 (3) SECRETARY CONCERNED.—The term “Sec-
18 retary concerned” means—

19 (A) the Secretary of Energy, with respect
20 to matters concerning the Department of En-
21 ergy;

22 (B) the Secretary of the Interior, with re-
23 spect to matters concerning the Department of
24 the Interior; and

1 (C) the Secretary of the Air Force, with
2 respect to matters concerning the Department
3 of the Air Force.

4 (4) SECRETARY OF ENERGY.—The term “Sec-
5 retary of Energy” means the Secretary of Energy,
6 acting through the Administrator for the National
7 Nuclear Security Administration.

8 (b) CONVEYANCE OF LAND.—

9 (1) IN GENERAL.—Notwithstanding section
10 120(h) of the Comprehensive Environmental Re-
11 sponse, Compensation, and Liability Act of 1980 (42
12 U.S.C. 9620(h)) and subject to valid existing rights
13 and this section, the Secretary of Energy, in con-
14 sultation with the Secretary of the Interior and the
15 Secretary of the Air Force, may convey to the Insti-
16 tute, on behalf of the United States, all right, title,
17 and interest of the United States in and to the par-
18 cel of land described in paragraph (2) for research,
19 scientific, or educational use.

20 (2) DESCRIPTION OF LAND.—The parcel of
21 land referred to in paragraph (1)—

22 (A) is the approximately 135 acres of land
23 identified as “Parcel A” on the map;

24 (B) includes any improvements to the land
25 described in subparagraph (A); and

1 (C) excludes any portion of the utility sys-
2 tem and infrastructure reserved by the Sec-
3 retary of the Air Force under paragraph (4).

4 (3) OTHER FEDERAL AGENCIES.—The Sec-
5 retary of the Interior and the Secretary of the Air
6 Force shall complete any real property actions, in-
7 cluding the revocation of any Federal withdrawals of
8 the parcel conveyed under paragraph (1) and the
9 parcel described in subsection (c)(1), that are nec-
10 essary to allow the Secretary of Energy to—

11 (A) convey the parcel under paragraph (1);

12 or

13 (B) transfer administrative jurisdiction
14 under subsection (c).

15 (4) RESERVATION OF UTILITY INFRASTRUC-
16 TURE AND ACCESS.—The Secretary of the Air Force
17 may retain ownership and control of—

18 (A) any portions of the utility system and
19 infrastructure located on the parcel conveyed
20 under paragraph (1); and

21 (B) any rights of access determined to be
22 necessary by the Secretary of the Air Force to
23 operate and maintain the utilities on the parcel.

24 (5) RESTRICTIONS ON USE.—

1 (A) AUTHORIZED USES.—The Institute
2 shall allow only research, scientific, or edu-
3 cational uses of the parcel conveyed under para-
4 graph (1).

5 (B) REVERSION.—

6 (i) IN GENERAL.—If, at any time, the
7 Secretary of Energy, in consultation with
8 the Secretary of the Air Force, determines,
9 in accordance with clause (ii), that the par-
10 cel conveyed under paragraph (1) is not
11 being used for a purpose described in sub-
12 paragraph (A)—

13 (I) all right, title, and interest in
14 and to the entire parcel, or any por-
15 tion of the parcel not being used for
16 the purposes, shall revert, at the op-
17 tion of the Secretary, to the United
18 States; and

19 (II) the United States shall have
20 the right of immediate entry onto the
21 parcel.

22 (ii) REQUIREMENTS FOR DETERMINA-
23 TION.—Any determination of the Secretary
24 under clause (i) shall be made on the

1 record and after an opportunity for a hear-
2 ing.

3 (6) COSTS.—

4 (A) IN GENERAL.—The Secretary of En-
5 ergy shall require the Institute to pay, or reim-
6 burse the Secretary concerned, for any costs in-
7 curred by the Secretary concerned in carrying
8 out the conveyance under paragraph (1), in-
9 cluding any survey costs related to the convey-
10 ance.

11 (B) REFUND.—If the Secretary concerned
12 collects amounts under subparagraph (A) from
13 the Institute before the Secretary concerned in-
14 curs the actual costs, and the amount collected
15 exceeds the actual costs incurred by the Sec-
16 retary concerned to carry out the conveyance,
17 the Secretary concerned shall refund to the In-
18 stitute an amount equal to difference between—

19 (i) the amount collected by the Sec-
20 retary concerned; and

21 (ii) the actual costs incurred by the
22 Secretary concerned.

23 (C) DEPOSIT IN FUND.—

24 (i) IN GENERAL.—Amounts received
25 by the United States under this paragraph

1 as a reimbursement or recovery of costs in-
2 curred by the Secretary concerned to carry
3 out the conveyance under paragraph (1)
4 shall be deposited in the fund or account
5 that was used to cover the costs incurred
6 by the Secretary concerned in carrying out
7 the conveyance.

8 (ii) USE.—Any amounts deposited
9 under clause (i) shall be available for the
10 same purposes, and subject to the same
11 conditions and limitations, as any other
12 amounts in the fund or account.

13 (7) CONTAMINATED LAND.—In consideration
14 for the conveyance of the parcel under paragraph
15 (1), the Institute shall—

16 (A) take fee title to the parcel and any im-
17 provements to the parcel, as contaminated;

18 (B) be responsible for undertaking and
19 completing all environmental remediation re-
20 quired at, in, under, from, or on the parcel for
21 all environmental conditions relating to or aris-
22 ing from the release or threat of release of
23 waste material, substances, or constituents, in
24 the same manner and to the same extent as re-
25 quired by law applicable to privately owned fa-

1 cilities, regardless of the date of the contamina-
2 tion or the responsible party;

3 (C) indemnify the United States for—

4 (i) any environmental remediation or
5 response costs the United States reason-
6 ably incurs if the Institute fails to reme-
7 diate the parcel; or

8 (ii) contamination at, in, under, from,
9 or on the land, for all environmental condi-
10 tions relating to or arising from the release
11 or threat of release of waste material, sub-
12 stances, or constituents;

13 (D) indemnify, defend, and hold harmless
14 the United States from any damages, costs, ex-
15 penses, liabilities, fines, penalties, claim, or de-
16 mand for loss, including claims for property
17 damage, personal injury, or death resulting
18 from releases, discharges, emissions, spills, stor-
19 age, disposal, or any other acts or omissions by
20 the Institute and any officers, agents, employ-
21 ees, contractors, sublessees, licensees, succes-
22 sors, assigns, or invitees of the Institute arising
23 from activities conducted, on or after October 1,
24 1996, on the parcel conveyed under paragraph
25 (1); and

1 (E) reimburse the United States for all
2 legal and attorney fees, costs, and expenses in-
3 curred in association with the defense of any
4 claims described in subparagraph (D).

5 (8) CONTINGENT ENVIRONMENTAL RESPONSE
6 OBLIGATIONS.—If the Institute does not undertake
7 or complete environmental remediation as required
8 by paragraph (7) and the United States is required
9 to assume the responsibilities of the remediation, the
10 Secretary of Energy shall be responsible for con-
11 ducting any necessary environmental remediation or
12 response actions with respect to the parcel conveyed
13 under paragraph (1).

14 (9) NO ADDITIONAL COMPENSATION.—Except
15 as otherwise provided in this section, no additional
16 consideration shall be required for conveyance of the
17 parcel to the Institute under paragraph (1).

18 (10) ACCESS AND UTILITIES.—On conveyance
19 of the parcel under paragraph (1), the Secretary of
20 the Air Force shall, on behalf of the United States
21 and subject to any terms and conditions as the Sec-
22 retary determines to be necessary (including condi-
23 tions providing for the reimbursement of costs), pro-
24 vide the Institute with—

1 (A) access for employees and invitees of
2 the Institute across Kirtland Air Force Base to
3 the parcel conveyed under that paragraph; and

4 (B) access to utility services for the land
5 and any improvements to the land conveyed
6 under that paragraph.

7 (11) ADDITIONAL TERM AND CONDITIONS.—

8 The Secretary of Energy, in consultation with the
9 Secretary of the Interior and Secretary of the Air
10 Force, may require any additional terms and condi-
11 tions for the conveyance under paragraph (1) that
12 the Secretaries determine to be appropriate to pro-
13 tect the interests of the United States.

14 (c) TRANSFER OF ADMINISTRATIVE JURISDIC-
15 TION.—

16 (1) IN GENERAL.—After the conveyance under
17 subsection (b)(1) has been completed, the Secretary
18 of Energy shall, on request of the Secretary of the
19 Air Force, transfer to the Secretary of the Air Force
20 administrative jurisdiction over the parcel of ap-
21 proximately 7 acres of land identified as “Parcel B”
22 on the map, including any improvements to the par-
23 cel.

24 (2) REMOVAL OF IMPROVEMENTS.—In concur-
25 rence with the transfer under paragraph (1), the

1 Secretary of Energy shall, on request of the Sec-
2 retary of the Air Force, arrange and pay for removal
3 of any improvements to the parcel transferred under
4 that paragraph.

5 **SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
6 **TIONAL TROPICAL BOTANICAL GARDEN.**

7 Chapter 1535 of title 36, United States Code, is
8 amended by adding at the end the following:

9 **“§ 153514. Authorization of appropriations**

10 “(a) IN GENERAL.—Subject to subsection (b), there
11 is authorized to be appropriated to the corporation for op-
12 eration and maintenance expenses \$500,000 for each of
13 fiscal years 2008 through 2017.

14 “(b) LIMITATION.—Any Federal funds made avail-
15 able under subsection (a) shall be matched on a 1-to-1
16 basis by non-Federal funds.”.

17 **TITLE XIV—CHRISTOPHER AND**
18 **DANA REEVE PARALYSIS ACT**

19 **SEC. 14001. SHORT TITLE.**

20 This title may be cited as the “Christopher and Dana
21 Reeve Paralysis Act”.

1 **Subtitle A—Paralysis Research**

2 **SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF**
3 **HEALTH WITH RESPECT TO RESEARCH ON**
4 **PARALYSIS.**

5 (a) COORDINATION.—The Director of the National
6 Institutes of Health (referred to in this title as the “Direc-
7 tor”), pursuant to the general authority of the Director,
8 may develop mechanisms to coordinate the paralysis re-
9 search and rehabilitation activities of the Institutes and
10 Centers of the National Institutes of Health in order to
11 further advance such activities and avoid duplication of
12 activities.

13 (b) CHRISTOPHER AND DANA REEVE PARALYSIS RE-
14 SEARCH CONSORTIA.—

15 (1) IN GENERAL.—The Director may make
16 awards of grants to public or private entities to pay
17 all or part of the cost of planning, establishing, im-
18 proving, and providing basic operating support for
19 consortia in paralysis research. The Director shall
20 designate each consortium funded through such
21 grants as a Christopher and Dana Reeve Paralysis
22 Research Consortium.

23 (2) RESEARCH.—Each consortium under para-
24 graph (1)—

1 (A) may conduct basic, translational, and
2 clinical paralysis research;

3 (B) may focus on advancing treatments
4 and developing therapies in paralysis research;

5 (C) may focus on one or more forms of pa-
6 ralysis that result from central nervous system
7 trauma or stroke;

8 (D) may facilitate and enhance the dis-
9 semination of clinical and scientific findings;
10 and

11 (E) may replicate the findings of consortia
12 members or other researchers for scientific and
13 translational purposes.

14 (3) COORDINATION OF CONSORTIA; REPORTS.—

15 The Director may, as appropriate, provide for the
16 coordination of information among consortia under
17 paragraph (1) and ensure regular communication
18 among members of the consortia, and may require
19 the periodic preparation of reports on the activities
20 of the consortia and the submission of the reports to
21 the Director.

22 (4) ORGANIZATION OF CONSORTIA.—Each con-
23 sortium under paragraph (1) may use the facilities
24 of a single lead institution, or be formed from sev-

1 eral cooperating institutions, meeting such require-
2 ments as may be prescribed by the Director.

3 (c) PUBLIC INPUT.—The Director may provide for a
4 mechanism to educate and disseminate information on the
5 existing and planned programs and research activities of
6 the National Institutes of Health with respect to paralysis
7 and through which the Director can receive comments
8 from the public regarding such programs and activities.

9 **Subtitle B—Paralysis**
10 **Rehabilitation Research and Care**

11 **SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF**
12 **HEALTH WITH RESPECT TO RESEARCH WITH**
13 **IMPLICATIONS FOR ENHANCING DAILY FUNC-**
14 **TION FOR PERSONS WITH PARALYSIS.**

15 (a) IN GENERAL.—The Director, pursuant to the
16 general authority of the Director, may make awards of
17 grants to public or private entities to pay all or part of
18 the costs of planning, establishing, improving, and pro-
19 viding basic operating support to multicenter networks of
20 clinical sites that will collaborate to design clinical reha-
21 bilitation intervention protocols and measures of outcomes
22 on one or more forms of paralysis that result from central
23 nervous system trauma, disorders, or stroke, or any com-
24 bination of such conditions.

1 (b) RESEARCH.—A multicenter network of clinical
2 sites funded through this section may—

3 (1) focus on areas of key scientific concern, in-
4 cluding—

5 (A) improving functional mobility;

6 (B) promoting behavioral adaptation to
7 functional losses, especially to prevent sec-
8 ondary complications;

9 (C) assessing the efficacy and outcomes of
10 medical rehabilitation therapies and practices
11 and assisting technologies;

12 (D) developing improved assistive tech-
13 nology to improve function and independence;
14 and

15 (E) understanding whole body system re-
16 sponses to physical impairments, disabilities,
17 and societal and functional limitations; and

18 (2) replicate the findings of network members
19 or other researchers for scientific and translation
20 purposes.

21 (c) COORDINATION OF CLINICAL TRIALS NETWORKS;
22 REPORTS.—The Director may, as appropriate, provide for
23 the coordination of information among networks funded
24 through this section and ensure regular communication
25 among members of the networks, and may require the

1 periodic preparation of reports on the activities of the net-
2 works and submission of reports to the Director.

3 **Subtitle C—Improving Quality of**
4 **Life for Persons With Paralysis**
5 **and Other Physical Disabilities**

6 **SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR**
7 **PERSONS WITH PARALYSIS AND OTHER**
8 **PHYSICAL DISABILITIES.**

9 (a) IN GENERAL.—The Secretary of Health and
10 Human Services (in this subtitle referred to as the “Sec-
11 retary”) may study the unique health challenges associ-
12 ated with paralysis and other physical disabilities and
13 carry out projects and interventions to improve the quality
14 of life and long-term health status of persons with paral-
15 ysis and other physical disabilities. The Secretary may
16 carry out such projects directly and through awards of
17 grants or contracts.

18 (b) CERTAIN ACTIVITIES.—Activities under sub-
19 section (a) may include—

20 (1) the development of a national paralysis and
21 physical disability quality of life action plan, to pro-
22 mote health and wellness in order to enhance full
23 participation, independent living, self-sufficiency,
24 and equality of opportunity in partnership with vol-
25 untary health agencies focused on paralysis and

1 other physical disabilities, to be carried out in co-
2 ordination with the State-based Disability and
3 Health Program of the Centers for Disease Control
4 and Prevention;

5 (2) support for programs to disseminate infor-
6 mation involving care and rehabilitation options and
7 quality of life grant programs supportive of commu-
8 nity-based programs and support systems for per-
9 sons with paralysis and other physical disabilities;

10 (3) in collaboration with other centers and na-
11 tional voluntary health agencies, the establishment
12 of a population-based database that may be used for
13 longitudinal and other research on paralysis and
14 other disabling conditions; and

15 (4) the replication and translation of best prac-
16 tices and the sharing of information across States,
17 as well as the development of comprehensive, unique,
18 and innovative programs, services, and demonstra-
19 tions within existing State-based disability and
20 health programs of the Centers for Disease Control
21 and Prevention which are designed to support and
22 advance quality of life programs for persons living
23 with paralysis and other physical disabilities focus-
24 ing on—

25 (A) caregiver education;

1 (B) promoting proper nutrition, increasing
2 physical activity, and reducing tobacco use;

3 (C) education and awareness programs for
4 health care providers;

5 (D) prevention of secondary complications;

6 (E) home- and community-based interven-
7 tions;

8 (F) coordinating services and removing
9 barriers that prevent full participation and inte-
10 gration into the community; and

11 (G) recognizing the unique needs of under-
12 served populations.

13 (c) GRANTS.—The Secretary may award grants in ac-
14 cordance with the following:

15 (1) To State and local health and disability
16 agencies for the purpose of—

17 (A) establishing a population-based data-
18 base that may be used for longitudinal and
19 other research on paralysis and other disabling
20 conditions;

21 (B) developing comprehensive paralysis
22 and other physical disability action plans and
23 activities focused on the items listed in sub-
24 section (b)(4);

1 (C) assisting State-based programs in es-
2 tablishing and implementing partnerships and
3 collaborations that maximize the input and sup-
4 port of people with paralysis and other physical
5 disabilities and their constituent organizations;

6 (D) coordinating paralysis and physical
7 disability activities with existing State-based
8 disability and health programs;

9 (E) providing education and training op-
10 portunities and programs for health profes-
11 sionals and allied caregivers; and

12 (F) developing, testing, evaluating, and
13 replicating effective intervention programs to
14 maintain or improve health and quality of life.

15 (2) To private health and disability organiza-
16 tions for the purpose of—

17 (A) disseminating information to the pub-
18 lic;

19 (B) improving access to services for per-
20 sons living with paralysis and other physical
21 disabilities and their caregivers;

22 (C) testing model intervention programs to
23 improve health and quality of life; and

24 (D) coordinating existing services with
25 State-based disability and health programs.

1 (d) COORDINATION OF ACTIVITIES.—The Secretary
2 shall ensure that activities under this section are coordi-
3 nated as appropriate by the agencies of the Department
4 of Health and Human Services.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—For the
6 purpose of carrying out this section, there is authorized
7 to be appropriated \$25,000,000 for each of fiscal years
8 2008 through 2011.

9 **TITLE XV—SMITHSONIAN INSTI-**
10 **TUTION FACILITIES AUTHOR-**
11 **IZATION**

12 **SEC. 15101. LABORATORY AND SUPPORT SPACE,**
13 **EDGEWATER, MARYLAND.**

14 (a) AUTHORITY TO DESIGN AND CONSTRUCT.—The
15 Board of Regents of the Smithsonian Institution is au-
16 thorized to design and construct laboratory and support
17 space to accommodate the Mathias Laboratory at the
18 Smithsonian Environmental Research Center in
19 Edgewater, Maryland.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section a
22 total of \$41,000,000 for fiscal years 2009 through 2011.
23 Such sums shall remain available until expended.

1 **SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.**

2 (a) **AUTHORITY TO CONSTRUCT.**—The Board of Re-
3 gents of the Smithsonian Institution is authorized to con-
4 struct laboratory space to accommodate the terrestrial re-
5 search program of the Smithsonian tropical research insti-
6 tute in Gamboa, Panama.

7 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
8 authorized to be appropriated to carry out this section a
9 total of \$14,000,000 for fiscal years 2009 and 2010. Such
10 sums shall remain available until expended.

11 **SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.**

12 (a) **IN GENERAL.**—The Board of Regents of the
13 Smithsonian Institution is authorized to construct a
14 greenhouse facility at its museum support facility in
15 Suitland, Maryland, to maintain the horticultural oper-
16 ations of, and preserve the orchid collection held in trust
17 by, the Smithsonian Institution.

18 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
19 authorized to be appropriated \$12,000,000 to carry out
20 this section. Such sums shall remain available until ex-
21 pended.

Passed the Senate January 15, 2009.

Attest:

Secretary.

11TH CONGRESS
1ST SESSION

S. 22

AN ACT

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