

106TH CONGRESS
2^D SESSION

H. R. 4828

AN ACT

To designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Sec. 1. Short title; purposes; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Maps and legal descriptions.
- Sec. 4. Valid existing rights.
- Sec. 5. Protection of tribal rights.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND
PROTECTION AREA

Subtitle A—Designation and Purposes

- Sec. 101. Designation of Steens Mountain Cooperative Management and Protection Area.
- Sec. 102. Purpose and objectives of Cooperative Management and protection Area.

Subtitle B—Management of Federal Lands

- Sec. 111. Management authorities and purposes.
- Sec. 112. Roads and travel access.
- Sec. 113. Land use authorities.
- Sec. 114. Land acquisition authority.
- Sec. 115. Special use permits.

Subtitle C—Cooperative Management

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

Subtitle D—Advisory Council

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

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

- Sec. 201. Designation of Steens Mountain Wilderness Area.
- Sec. 202. Administration of Wilderness Area.
- Sec. 203. Water rights.
- Sec. 204. Treatment of wilderness study areas.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

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

TITLE IV—MINERAL WITHDRAWAL AREA

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

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

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

TITLE VI—LAND EXCHANGES

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

TITLE VII—FUNDING AUTHORITIES

Sec. 701. Authorization of appropriations.

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

17 (4) **EASEMENTS.**—

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

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

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

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

14 (ii) protect open space or viewshed.

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

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

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

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

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

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

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

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

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

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

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

1 (2) The Wilderness Area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (A) is prohibited off road; and

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

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

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

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

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

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

18 (d) PROHIBITION ON NEW CONSTRUCTION.—

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

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

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

7 (e) ACCESS TO NONFEDERALLY OWNED LANDS.—

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

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

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

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

25 (b) COMMERCIAL TIMBER.—

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

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

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

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

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

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

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

12 (e) GRAZING.—

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

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

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

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

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

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

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

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

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

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

6 (1) will be minimal in nature;

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

8 and

9 (3) is necessary—

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

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

14 (C) for the management of livestock; or

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

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

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

2 (a) ACQUISITION.—

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

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

12 (b) TREATMENT OF ACQUIRED LANDS.—

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

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

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

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

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

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

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

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

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

12 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **Subtitle D—Advisory Council**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (d) TERMS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (d) GRAZING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(G) The 5.1 mile segment of Mud Creek from
19 its confluence with an unnamed spring in the
20 SW¹/₄SE¹/₄ of section 32, township 33 south, range
21 33 east, to its confluence with the Donner und
22 Blitzen River.

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

1 “(I) The 1.6 mile segment of the South Fork
2 of Ankle Creek from its confluence with an unnamed
3 tributary in the SE¹/₄SE¹/₄ of section 17, township
4 34 south, range 33 east, to its confluence with Ankle
5 Creek.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (e) ADMINISTRATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **TITLE VI—LAND EXCHANGES**

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

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

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

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

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

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

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

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

3 (a) C. M. OTLEY EXCHANGE.—

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

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

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

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

3 (b) OTLEY BROTHERS EXCHANGE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives October 4,
2000.

Attest:

Clerk.

106TH CONGRESS
2D SESSION

H. R. 4828

AN ACT

To designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.