

***In the Senate of the United States,***

*March 19, 2009.*

*Resolved,* That the bill from the House of Representatives (H.R. 146) entitled “An Act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.”, do pass with the following

**AMENDMENTS:**

Strike all after the enacting clause and insert the following:

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

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

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

*Sec. 1. Short title; table of contents.*

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS  
PRESERVATION SYSTEM

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- 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 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.*

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- 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.*
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- Sec. 1403. Box R Ranch land exchange.*
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*Subtitle F—Owyhee Public Land Management*

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- Sec. 1502. Owyhee Science Review and Conservation Center.*
- Sec. 1503. Wilderness areas.*
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- 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.*  
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*Sec. 1702. Oregon Badlands Wilderness.*  
*Sec. 1703. Release.*  
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*Sec. 1752. Spring Basin Wilderness.*  
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*Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California*

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*Sec. 1902. Designation of wilderness areas.*  
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*Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.*  
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*Sec. 1972. Wilderness areas.*  
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1 ***TITLE I—ADDITIONS TO THE NA-***  
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 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 and*  
 12 *as either a new component of the National Wilderness Pres-*  
 13 *ervation System or as an addition to an existing component*  
 14 *of the National Wilderness Preservation System:*

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

6           (2) *Certain Federal land comprising approxi-*  
7           *mately 11,951 acres, as generally depicted on the map*  
8           *entitled “Cranberry Expansion Proposed Wilderness”*  
9           *and dated March 11, 2008, which shall be added to*  
10          *and administered as part of the Cranberry Wilderness*  
11          *designated by section 1(1) of Public Law 97–466 (96*  
12          *Stat. 2538).*

13          (3) *Certain Federal land comprising approxi-*  
14          *mately 7,156 acres, as generally depicted on the map*  
15          *entitled “Dolly Sods Expansion Proposed Wilderness”*  
16          *and dated March 11, 2008, which shall be added to*  
17          *and administered as part of the Dolly Sods Wilder-*  
18          *ness designated by section 3(a)(13) of Public Law 93–*  
19          *622 (88 Stat. 2098).*

20          (4) *Certain Federal land comprising approxi-*  
21          *mately 698 acres, as generally depicted on the map*  
22          *entitled “Otter Creek Expansion Proposed Wilder-*  
23          *ness” and dated March 11, 2008, which shall be*  
24          *added to and administered as part of the Otter Creek*

1 *Wilderness designated by section 3(a)(14) of Public*  
2 *Law 93–622 (88 Stat. 2098).*

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

8 *(6) Certain Federal land comprising approxi-*  
9 *mately 6,030 acres, as generally depicted on the map*  
10 *entitled “Spice Run Proposed Wilderness” and dated*  
11 *March 11, 2008, which shall be known as the “Spice*  
12 *Run Wilderness”.*

13 *(b) MAPS AND LEGAL DESCRIPTION.—*

14 *(1) FILING AND AVAILABILITY.—As soon as prac-*  
15 *ticable after the date of the enactment of this Act, the*  
16 *Secretary of Agriculture, acting through the Chief of*  
17 *the Forest Service, shall file with the Committee on*  
18 *Natural Resources of the House of Representatives*  
19 *and the Committee on Energy and Natural Resources*  
20 *of the Senate a map and legal description of each wil-*  
21 *derness area designated or expanded by subsection*  
22 *(a). The maps and legal descriptions shall be on file*  
23 *and available for public inspection in the office of the*  
24 *Chief of the Forest Service and the office of the Super-*  
25 *visor of the Monongahela National Forest.*

1           (2) *FORCE AND EFFECT.*—*The maps and legal*  
2           *descriptions referred to in this subsection shall have*  
3           *the same force and effect as if included in this sub-*  
4           *title, except that the Secretary may correct errors in*  
5           *the maps and descriptions.*

6           (c) *ADMINISTRATION.*—*Subject to valid existing rights,*  
7           *the Federal lands designated as wilderness by subsection (a)*  
8           *shall be administered by the Secretary in accordance with*  
9           *the Wilderness Act (16 U.S.C. 1131 et seq.). The Secretary*  
10          *may continue to authorize the competitive running event*  
11          *permitted from 2003 through 2007 in the vicinity of the*  
12          *boundaries of the Dolly Sods Wilderness addition des-*  
13          *ignated by paragraph (3) of subsection (a) and the Roaring*  
14          *Plains West Wilderness Area designated by paragraph (5)*  
15          *of such subsection, in a manner compatible with the preser-*  
16          *vation of such areas as wilderness.*

17          (d) *EFFECTIVE DATE OF WILDERNESS ACT.*—*With re-*  
18          *spect to the Federal lands designated as wilderness by sub-*  
19          *section (a), any reference in the Wilderness Act (16 U.S.C.*  
20          *1131 et seq.) to the effective date of the Wilderness Act shall*  
21          *be deemed to be a reference to the date of the enactment*  
22          *of this Act.*

23          (e) *FISH AND WILDLIFE.*—*As provided in section*  
24          *4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), noth-*  
25          *ing in this section affects the jurisdiction or responsibility*



1 *of the State of West Virginia with respect to wildlife and*  
2 *fish.*

3 **SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH**  
4 **WILDERNESS, MONONGAHELA NATIONAL**  
5 **FOREST.**

6 (a) *BOUNDARY ADJUSTMENT.*—*The boundary of the*  
7 *Laurel Fork South Wilderness designated by section 1(3)*  
8 *of Public Law 97–466 (96 Stat. 2538) is modified to exclude*  
9 *two parcels of land, as generally depicted on the map enti-*  
10 *tled “Monongahela National Forest Laurel Fork South Wil-*  
11 *derness Boundary Modification” and dated March 11,*  
12 *2008, and more particularly described according to the site-*  
13 *specific maps and legal descriptions on file in the office of*  
14 *the Forest Supervisor, Monongahela National Forest. The*  
15 *general map shall be on file and available for public inspec-*  
16 *tion in the Office of the Chief of the Forest Service.*

17 (b) *MANAGEMENT.*—*Federally owned land delineated*  
18 *on the maps referred to in subsection (a) as the Laurel Fork*  
19 *South Wilderness, as modified by such subsection, shall con-*  
20 *tinue to be administered by the Secretary of Agriculture*  
21 *in accordance with the Wilderness Act (16 U.S.C. 1131 et*  
22 *seq.).*

1 **SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY**  
2 **CONFIRMATION.**

3 (a) *IN GENERAL.*—*The boundary of the Monongahela*  
4 *National Forest is confirmed to include the tracts of land*  
5 *as generally depicted on the map entitled “Monongahela*  
6 *National Forest Boundary Confirmation” and dated March*  
7 *13, 2008, and all Federal lands under the jurisdiction of*  
8 *the Secretary of Agriculture, acting through the Chief of the*  
9 *Forest Service, encompassed within such boundary shall be*  
10 *managed under the laws and regulations pertaining to the*  
11 *National Forest System.*

12 (b) *LAND AND WATER CONSERVATION FUND.*—*For the*  
13 *purposes of section 7 of the Land and Water Conservation*  
14 *Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of*  
15 *the Monongahela National Forest, as confirmed by sub-*  
16 *section (a), shall be considered to be the boundaries of the*  
17 *Monongahela National Forest as of January 1, 1965.*

18 **SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.**

19 (a) *PLAN.*—

20 (1) *IN GENERAL.*—*The Secretary of Agriculture,*  
21 *in consultation with interested parties, shall develop*  
22 *a plan to provide for enhanced nonmotorized recre-*  
23 *ation trail opportunities on lands not designated as*  
24 *wilderness within the Monongahela National Forest.*

25 (2) *NONMOTORIZED RECREATION TRAIL DE-*  
26 *FINED.*—*For the purposes of this subsection, the term*

1       “nonmotorized recreation trail” means a trail de-  
2       signed for hiking, bicycling, and equestrian use.

3       (b) *REPORT.*—Not later than two years after the date  
4 of the enactment of this Act, the Secretary of Agriculture  
5 shall submit to Congress a report on the implementation  
6 of the plan required under subsection (a), including the  
7 identification of priority trails for development.

8       (c) *CONSIDERATION OF CONVERSION OF FOREST*  
9 *ROADS TO RECREATIONAL USES.*—In considering possible  
10 closure and decommissioning of a Forest Service road with-  
11 in the Monongahela National Forest after the date of the  
12 enactment of this Act, the Secretary of Agriculture, in ac-  
13 cordance with applicable law, may consider converting the  
14 road to nonmotorized uses to enhance recreational opportu-  
15 nities within the Monongahela National Forest.

16       ***Subtitle B—Virginia Ridge and***  
17       ***Valley Wilderness***

18       ***SEC. 1101. DEFINITIONS.***

19       *In this subtitle:*

20               (1) *SCENIC AREAS.*—The term “scenic areas”  
21       means the Seng Mountain National Scenic Area and  
22       the Bear Creek National Scenic Area.

23               (2) *SECRETARY.*—The term “Secretary” means  
24       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 Pub-  
6 lic Law 100–326 (16 U.S.C. 1132 note; 102 Stat. 584, 114  
7 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 For-  
19 est comprising approximately 3,743 acres, as gen-  
20 erally depicted on the map entitled ‘Brush Mountain  
21 and Brush Mountain East’ and dated May 5, 2008,  
22 which shall be known as the ‘Brush Mountain East  
23 Wilderness’.

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

1 *and Brush Mountain East’ and dated May 5, 2008,*  
2 *which shall be known as the ‘Brush Mountain Wilder-*  
3 *ness’.*

4 *“(11) Certain land in the Jefferson National*  
5 *Forest comprising approximately 4,223 acres, as gen-*  
6 *erally depicted on the map entitled ‘Seng Mountain*  
7 *and Raccoon Branch’ and dated April 28, 2008,*  
8 *which shall be known as the ‘Raccoon Branch Wilder-*  
9 *ness’.*

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

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

21 *“(14) Certain land in the Jefferson National*  
22 *Forest comprising approximately 3,291 acres, as gen-*  
23 *erally depicted on the map entitled ‘Garden Mountain*  
24 *and Hunting Camp Creek’ and dated April 28, 2008,*

1     *which shall be known as the ‘Garden Mountain Wil-*  
2     *derness’.*

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

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

18            *“(17) Certain land in the Jefferson National*  
19    *Forest comprising approximately 1,845 acres, as gen-*  
20    *erally depicted on the map entitled ‘Lewis Fork Addi-*  
21    *tion and Little Wilson Creek Additions’ and dated*  
22    *April 28, 2008, which is incorporated in the Little*  
23    *Wilson Creek Wilderness designated by section 2(5) of*  
24    *the Virginia Wilderness Act of 1984 (16 U.S.C. 1132*  
25    *note; Public Law 98–586).*

1           “(18) Certain land in the Jefferson National  
2           Forest comprising approximately 2,219 acres, as gen-  
3           erally depicted on the map entitled ‘Shawvers Run  
4           Additions’ and dated April 28, 2008, which is incor-  
5           porated in the Shawvers Run Wilderness designated  
6           by paragraph (4).

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

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

22          (b) DESIGNATION OF WILDERNESS STUDY AREA.—The  
23          Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-  
24          lic Law 98–586) is amended—

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

3           (2) *in section 6(a)—*

4                 (A) *by striking “certain” each place it ap-*  
5                 *pears and inserting “Certain”;*

6                 (B) *in each of paragraphs (1) and (2), by*  
7                 *striking the semicolon at the end and inserting*  
8                 *a period;*

9                 (C) *in paragraph (3), by striking “; and”*  
10                *and inserting a period; and*

11                (D) *by adding at the end the following:*

12                    “(5) *Certain land in the Jefferson National For-*  
13                    *est comprising approximately 3,226 acres, as gen-*  
14                    *erally depicted on the map entitled ‘Lynn Camp*  
15                    *Creek Wilderness Study Area’ and dated April 28,*  
16                    *2008, which shall be known as the ‘Lynn Camp Creek*  
17                    *Wilderness Study Area’.*”

18 **SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTEN-**  
19                    **TIAL WILDERNESS AREA, JEFFERSON NA-**  
20                    **TIONAL FOREST, VIRGINIA.**

21           (a) *DESIGNATION.—In furtherance of the purposes of*  
22           *the Wilderness Act (16 U.S.C. 1131 et seq.), certain land*  
23           *in the Jefferson National Forest comprising approximately*  
24           *349 acres, as generally depicted on the map entitled*  
25           *“Kimberling Creek Additions and Potential Wilderness*



1 Area” and dated April 28, 2008, is designated as a poten-  
2 tial wilderness area for incorporation in the Kimberling  
3 Creek Wilderness designated by section 2(2) of the Virginia  
4 Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law  
5 98–586).

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

10 (c) *ECOLOGICAL RESTORATION.*—

11 (1) *IN GENERAL.*—For purposes of ecological res-  
12 toration (including the elimination of nonnative spe-  
13 cies, removal of illegal, unused, or decommissioned  
14 roads, and any other activity necessary to restore the  
15 natural ecosystems in the potential wilderness area),  
16 the Secretary may use motorized equipment and  
17 mechanized transport in the potential wilderness area  
18 until the date on which the potential wilderness area  
19 is incorporated into the Kimberling Creek Wilderness.

20 (2) *LIMITATION.*—To the maximum extent prac-  
21 ticable, the Secretary shall use the minimum tool or  
22 administrative practice necessary to accomplish eco-  
23 logical restoration with the least amount of adverse  
24 impact on wilderness character and resources.

1       (d) *WILDERNESS DESIGNATION.*—*The potential wil-*  
 2 *derness area shall be designated as wilderness and incor-*  
 3 *porated in the Kimberling Creek Wilderness on the earlier*  
 4 *of—*

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

10              (2) *the date that is 5 years after the date of en-*  
 11 *actment of this Act.*

12 **SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC**  
 13 **AREAS, JEFFERSON NATIONAL FOREST, VIR-**  
 14 **GINIA.**

15       (a) *ESTABLISHMENT.*—*There are designated as Na-*  
 16 *tional Scenic Areas—*

17              (1) *certain National Forest System land in the*  
 18 *Jefferson National Forest, comprising approximately*  
 19 *5,192 acres, as generally depicted on the map entitled*  
 20 *“Seng Mountain and Raccoon Branch” and dated*  
 21 *April 28, 2008, which shall be known as the “Seng*  
 22 *Mountain National Scenic Area”;* and

23              (2) *certain National Forest System land in the*  
 24 *Jefferson National Forest, comprising approximately*  
 25 *5,128 acres, as generally depicted on the map entitled*

1       *“Bear Creek” and dated April 28, 2008, which shall*  
2       *be known as the “Bear Creek National Scenic Area”.*

3       **(b) PURPOSES.**—*The purposes of the scenic areas*  
4       *are—*

5               *(1) to ensure the protection and preservation of*  
6       *scenic quality, water quality, natural characteristics,*  
7       *and water resources of the scenic areas;*

8               *(2) consistent with paragraph (1), to protect*  
9       *wildlife and fish habitat in the scenic areas;*

10              *(3) to protect areas in the scenic areas that may*  
11       *develop characteristics of old-growth forests; and*

12              *(4) consistent with paragraphs (1), (2), and (3),*  
13       *to provide a variety of recreation opportunities in the*  
14       *scenic areas.*

15       **(c) ADMINISTRATION.**—

16              **(1) IN GENERAL.**—*The Secretary shall admin-*  
17       *ister the scenic areas in accordance with—*

18                      *(A) this subtitle; and*

19                      *(B) the laws (including regulations) gen-*  
20       *erally applicable to the National Forest System.*

21              **(2) AUTHORIZED USES.**—*The Secretary shall*  
22       *only allow uses of the scenic areas that the Secretary*  
23       *determines will further the purposes of the scenic*  
24       *areas, as described in subsection (b).*

25       **(d) MANAGEMENT PLAN.**—

1           (1) *IN GENERAL.*—Not later than 2 years after  
2           the date of enactment of this Act, the Secretary shall  
3           develop as an amendment to the land and resource  
4           management plan for the Jefferson National Forest a  
5           management plan for the scenic areas.

6           (2) *EFFECT.*—Nothing in this subsection requires  
7           the Secretary to revise the land and resource manage-  
8           ment plan for the Jefferson National Forest under sec-  
9           tion 6 of the Forest and Rangeland Renewable Re-  
10          sources Planning Act of 1974 (16 U.S.C. 1604).

11          (e) *ROADS.*—

12           (1) *IN GENERAL.*—Except as provided in para-  
13          graph (2), after the date of enactment of this Act, no  
14          roads shall be established or constructed within the  
15          scenic areas.

16           (2) *LIMITATION.*—Nothing in this subsection de-  
17          nies any owner of private land (or an interest in pri-  
18          vate land) that is located in a scenic area the right  
19          to access the private land.

20          (f) *TIMBER HARVEST.*—

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

24           (2) *EXCEPTIONS.*—The Secretary may authorize  
25          harvesting of timber in the scenic areas if the Sec-

1        *retary determines that the harvesting is necessary*  
2        *to—*

3                *(A) control fire;*

4                *(B) provide for public safety or trail access;*

5                *or*

6                *(C) control insect and disease outbreaks.*

7                *(3) FIREWOOD FOR PERSONAL USE.—Firewood*  
8        *may be harvested for personal use along perimeter*  
9        *roads in the scenic areas, subject to any conditions*  
10        *that the Secretary may impose.*

11                *(g) INSECT AND DISEASE OUTBREAKS.—The Sec-*  
12        *retary may control insect and disease outbreaks—*

13                *(1) to maintain scenic quality;*

14                *(2) to prevent tree mortality;*

15                *(3) to reduce hazards to visitors; or*

16                *(4) to protect private land.*

17                *(h) VEGETATION MANAGEMENT.—The Secretary may*  
18        *engage in vegetation manipulation practices in the scenic*  
19        *areas to maintain the visual quality and wildlife clearings*  
20        *in existence on the date of enactment of this Act.*

21                *(i) MOTORIZED VEHICLES.—*

22                *(1) IN GENERAL.—Except as provided in para-*  
23        *graph (2), motorized vehicles shall not be allowed*  
24        *within the scenic areas.*

1           (2) *EXCEPTIONS.*—*The Secretary may authorize*  
2     *the use of motorized vehicles—*

3           (A) *to carry out administrative activities*  
4     *that further the purposes of the scenic areas, as*  
5     *described in subsection (b);*

6           (B) *to assist wildlife management projects*  
7     *in existence on the date of enactment of this Act;*  
8     *and*

9           (C) *during deer and bear hunting seasons—*

10          (i) *on Forest Development Roads*  
11         *49410 and 84b; and*

12          (ii) *on the portion of Forest Develop-*  
13         *ment Road 6261 designated on the map de-*  
14         *scribed in subsection (a)(2) as “open season-*  
15         *ally”.*

16         (j) *WILDFIRE SUPPRESSION.*—*Wildfire suppression*  
17     *within the scenic areas shall be conducted—*

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

20           (2) *using such means as the Secretary deter-*  
21     *mines to be appropriate.*

22         (k) *WATER.*—*The Secretary shall administer the scenic*  
23     *areas in a manner that maintains and enhances water*  
24     *quality.*

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

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

5             *(2) operation of the mineral leasing and geo-*  
6 *thermal leasing laws.*

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

8       *(a) TRAIL PLAN.—The Secretary, in consultation with*  
9 *interested parties, shall establish a trail plan to develop—*

10            *(1) in a manner consistent with the Wilderness*  
11 *Act (16 U.S.C. 1131 et seq.), hiking and equestrian*  
12 *trails in the wilderness areas designated by para-*  
13 *graphs (9) through (20) of section 1 of Public Law*  
14 *100–326 (16 U.S.C. 1132 note) (as added by section*  
15 *1102(a)(5)); and*

16            *(2) nonmotorized recreation trails in the scenic*  
17 *areas.*

18       *(b) IMPLEMENTATION REPORT.—Not later than 2*  
19 *years after the date of enactment of this Act, the Secretary*  
20 *shall submit to Congress a report that describes the imple-*  
21 *mentation of the trail plan, including the identification of*  
22 *priority trails for development.*

23       *(c) SUSTAINABLE TRAIL REQUIRED.—The Secretary*  
24 *shall develop a sustainable trail, using a contour curvi-*  
25 *linear alignment, to provide for nonmotorized travel along*

1 *the southern boundary of the Raccoon Branch Wilderness*  
2 *established by section 1(11) of Public Law 100–326 (16*  
3 *U.S.C. 1132 note) (as added by section 1102(a)(5)) con-*  
4 *necting to Forest Development Road 49352 in Smyth Coun-*  
5 *ty, Virginia.*

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

7       (a) *IN GENERAL.*—*As soon as practicable after the*  
8 *date of enactment of this Act, the Secretary shall file with*  
9 *the Committee on Energy and Natural Resources of the Sen-*  
10 *ate and the Committee on Natural Resources and the Com-*  
11 *mittee on Agriculture of the House of Representatives maps*  
12 *and boundary descriptions of—*

13           (1) *the scenic areas;*

14           (2) *the wilderness areas designated by para-*  
15 *graphs (9) through (20) of section 1 of Public Law*  
16 *100–326 (16 U.S.C. 1132 note) (as added by section*  
17 *1102(a)(5));*

18           (3) *the wilderness study area designated by sec-*  
19 *tion 6(a)(5) of the Virginia Wilderness Act of 1984*  
20 *(16 U.S.C. 1132 note; Public Law 98–586) (as added*  
21 *by section 1102(b)(2)(D)); and*

22           (4) *the potential wilderness area designated by*  
23 *section 1103(a).*

24       (b) *FORCE AND EFFECT.*—*The maps and boundary de-*  
25 *scriptions filed under subsection (a) shall have the same*



1 *force and effect as if included in this subtitle, except that*  
2 *the Secretary may correct any minor errors in the maps*  
3 *and boundary descriptions.*

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

8 (d) *CONFLICT.—In the case of a conflict between a*  
9 *map filed under subsection (a) and the acreage of the appli-*  
10 *cable areas specified in this subtitle, the map shall control.*

11 **SEC. 1107. EFFECTIVE DATE.**

12 *Any reference in the Wilderness Act (16 U.S.C. 1131*  
13 *et seq.) to the effective date of that Act shall be considered*  
14 *to be a reference to the date of enactment of this Act for*  
15 *purposes of administering—*

16 (1) *the wilderness areas designated by para-*  
17 *graphs (9) through (20) of section 1 of Public Law*  
18 *100–326 (16 U.S.C. 1132 note) (as added by section*  
19 *1102(a)(5)); and*

20 (2) *the potential wilderness area designated by*  
21 *section 1103(a).*

22 ***Subtitle C—Mt. Hood Wilderness,***  
23 ***Oregon***

24 **SEC. 1201. DEFINITIONS.**

25 *In this subtitle:*

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

3           (2) *STATE*.—*The term “State” means the State*  
4           *of Oregon.*

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

6           (a) *DESIGNATION OF LEWIS AND CLARK MOUNT HOOD*  
7 *WILDERNESS AREAS*.—*In accordance with the Wilderness*  
8 *Act (16 U.S.C. 1131 et seq.), the following areas in the State*  
9 *of Oregon are designated as wilderness areas and as compo-*  
10 *nents of the National Wilderness Preservation System:*

11           (1) *BADGER CREEK WILDERNESS ADDITIONS*.—  
12           *Certain Federal land managed by the Forest Service,*  
13           *comprising approximately 4,140 acres, as generally*  
14           *depicted on the maps entitled “Badger Creek Wilder-*  
15           *ness—Badger Creek Additions” and “Badger Creek*  
16           *Wilderness—Bonney Butte”, dated July 16, 2007,*  
17           *which is incorporated in, and considered to be a part*  
18           *of, the Badger Creek Wilderness, as designated by sec-*  
19           *tion 3(3) of the Oregon Wilderness Act of 1984 (16*  
20           *U.S.C. 1132 note; 98 Stat. 273).*

21           (2) *BULL OF THE WOODS WILDERNESS ADDI-*  
22           *TION*.—*Certain Federal land managed by the Forest*  
23           *Service, comprising approximately 10,180 acres, as*  
24           *generally depicted on the map entitled “Bull of the*  
25           *Woods Wilderness—Bull of the Woods Additions”,*

1 *dated July 16, 2007, which is incorporated in, and*  
2 *considered to be a part of, the Bull of the Woods Wil-*  
3 *derness, as designated by section 3(4) of the Oregon*  
4 *Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat.*  
5 *273).*

6 (3) *CLACKAMAS WILDERNESS.—Certain Federal*  
7 *land managed by the Forest Service, comprising ap-*  
8 *proximately 9,470 acres, as generally depicted on the*  
9 *maps entitled “Clackamas Wilderness—Big Bottom”,*  
10 *“Clackamas Wilderness—Clackamas Canyon”,*  
11 *“Clackamas Wilderness—Memaloose Lake”,*  
12 *“Clackamas Wilderness—Sisi Butte”, and*  
13 *“Clackamas Wilderness—South Fork Clackamas”,*  
14 *dated July 16, 2007, which shall be known as the*  
15 *“Clackamas Wilderness”.*

16 (4) *MARK O. HATFIELD WILDERNESS ADDI-*  
17 *TIONS.—Certain Federal land managed by the Forest*  
18 *Service, comprising approximately 25,960 acres, as*  
19 *generally depicted on the maps entitled “Mark O.*  
20 *Hatfield Wilderness—Gorge Face” and “Mark O.*  
21 *Hatfield Wilderness—Larch Mountain”, dated July*  
22 *16, 2007, which is incorporated in, and considered to*  
23 *be a part of, the Mark O. Hatfield Wilderness, as des-*  
24 *ignated by section 3(1) of the Oregon Wilderness Act*  
25 *of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).*

1           (5) *MOUNT HOOD WILDERNESS ADDITIONS.*—  
2           *Certain Federal land managed by the Forest Service,*  
3           *comprising approximately 18,450 acres, as generally*  
4           *depicted on the maps entitled “Mount Hood Wilder-*  
5           *ness—Barlow Butte”, “Mount Hood Wilderness—Elk*  
6           *Cove/Mazama”, “Richard L. Kohnstamm Memorial*  
7           *Area”, “Mount Hood Wilderness—Sand Canyon”,*  
8           *“Mount Hood Wilderness—Sandy Additions”,*  
9           *“Mount Hood Wilderness—Twin Lakes”, and “Mount*  
10          *Hood Wilderness—White River”, dated July 16,*  
11          *2007, and the map entitled “Mount Hood Wilder-*  
12          *ness—Cloud Cap”, dated July 20, 2007, which is in-*  
13          *corporated in, and considered to be a part of, the*  
14          *Mount Hood Wilderness, as designated under section*  
15          *3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and*  
16          *enlarged by section 3(d) of the Endangered American*  
17          *Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat.*  
18          *43).*

19           (6) *ROARING RIVER WILDERNESS.*—*Certain Fed-*  
20          *eral land managed by the Forest Service, comprising*  
21          *approximately 36,550 acres, as generally depicted on*  
22          *the map entitled “Roaring River Wilderness—Roar-*  
23          *ing River Wilderness”, dated July 16, 2007, which*  
24          *shall be known as the “Roaring River Wilderness”.*

1           (7) *SALMON-HUCKLEBERRY WILDERNESS ADDI-*  
2           *TIONS.—Certain Federal land managed by the Forest*  
3           *Service, comprising approximately 16,620 acres, as*  
4           *generally depicted on the maps entitled “Salmon-*  
5           *Huckleberry Wilderness—Alder Creek Addition”,*  
6           *“Salmon-Huckleberry Wilderness—Eagle Creek Addi-*  
7           *tion”, “Salmon-Huckleberry Wilderness—Hunchback*  
8           *Mountain”, “Salmon-Huckleberry Wilderness—Inch*  
9           *Creek”, “Salmon-Huckleberry Wilderness—Mirror*  
10           *Lake”, and “Salmon-Huckleberry Wilderness—Salmon*  
11           *River Meadows”, dated July 16, 2007, which is*  
12           *incorporated in, and considered to be a part of, the*  
13           *Salmon-Huckleberry Wilderness, as designated by sec-*  
14           *tion 3(2) of the Oregon Wilderness Act of 1984 (16*  
15           *U.S.C. 1132 note; 98 Stat. 273).*

16           (8) *LOWER WHITE RIVER WILDERNESS.—Certain*  
17           *Federal land managed by the Forest Service and Bu-*  
18           *reau of Land Management, comprising approximately*  
19           *2,870 acres, as generally depicted on the map entitled*  
20           *“Lower White River Wilderness—Lower White*  
21           *River”, dated July 16, 2007, which shall be known as*  
22           *the “Lower White River Wilderness”.*

23           (b) *RICHARD L. KOHNSTAMM MEMORIAL AREA.—Cer-*  
24           *tain Federal land managed by the Forest Service, as gen-*  
25           *erally depicted on the map entitled “Richard L.*

1 *Kohnstamm Memorial Area*”, dated July 16, 2007, is des-  
2 ignated as the “Richard L. Kohnstamm Memorial Area”.

3 (c) *POTENTIAL WILDERNESS AREA; ADDITIONS TO*  
4 *WILDERNESS AREAS.*—

5 (1) *ROARING RIVER POTENTIAL WILDERNESS*  
6 *AREA.*—

7 (A) *IN GENERAL.*—*In furtherance of the*  
8 *purposes of the Wilderness Act (16 U.S.C. 1131*  
9 *et seq.), certain Federal land managed by the*  
10 *Forest Service, comprising approximately 900*  
11 *acres identified as “Potential Wilderness” on the*  
12 *map entitled “Roaring River Wilderness”, dated*  
13 *July 16, 2007, is designated as a potential wil-*  
14 *derness area.*

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

19 (C) *DESIGNATION AS WILDERNESS.*—*On the*  
20 *date on which the Secretary publishes in the*  
21 *Federal Register notice that the conditions in the*  
22 *potential wilderness area designated by subpara-*  
23 *graph (A) are compatible with the Wilderness*  
24 *Act (16 U.S.C. 1131 et seq.), the potential wil-*  
25 *derness shall be—*

1                   (i) *designated as wilderness and as a*  
2                   *component of the National Wilderness Pres-*  
3                   *ervation System; and*

4                   (ii) *incorporated into the Roaring*  
5                   *River Wilderness designated by subsection*  
6                   *(a)(6).*

7                   (2) *ADDITION TO THE MOUNT HOOD WILDER-*  
8                   *NESS.—On completion of the land exchange under*  
9                   *section 1206(a)(2), certain Federal land managed by*  
10                  *the Forest Service, comprising approximately 1,710*  
11                  *acres, as generally depicted on the map entitled*  
12                  *“Mount Hood Wilderness—Tilly Jane”, dated July*  
13                  *20, 2007, shall be incorporated in, and considered to*  
14                  *be a part of, the Mount Hood Wilderness, as des-*  
15                  *ignated under section 3(a) of the Wilderness Act (16*  
16                  *U.S.C. 1132(a)) and enlarged by section 3(d) of the*  
17                  *Endangered American Wilderness Act of 1978 (16*  
18                  *U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).*

19                  (3) *ADDITION TO THE SALMON-HUCKLEBERRY*  
20                  *WILDERNESS.—On acquisition by the United States,*  
21                  *the approximately 160 acres of land identified as*  
22                  *“Land to be acquired by USFS” on the map entitled*  
23                  *“Hunchback Mountain Land Exchange, Clackamas*  
24                  *County”, dated June 2006, shall be incorporated in,*  
25                  *and considered to be a part of, the Salmon-*

1 *Huckleberry Wilderness, as designated by section 3(2)*  
2 *of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132*  
3 *note; 98 Stat. 273) and enlarged by subsection (a)(7).*

4 *(d) MAPS AND LEGAL DESCRIPTIONS.—*

5 *(1) IN GENERAL.—As soon as practicable after*  
6 *the date of enactment of this Act, the Secretary shall*  
7 *file a map and a legal description of each wilderness*  
8 *area and potential wilderness area designated by this*  
9 *section, with—*

10 *(A) the Committee on Energy and Natural*  
11 *Resources of the Senate; and*

12 *(B) the Committee on Natural Resources of*  
13 *the House of Representatives.*

14 *(2) FORCE OF LAW.—The maps and legal de-*  
15 *scriptions filed under paragraph (1) shall have the*  
16 *same force and effect as if included in this subtitle,*  
17 *except that the Secretary may correct typographical*  
18 *errors in the maps and legal descriptions.*

19 *(3) PUBLIC AVAILABILITY.—Each map and legal*  
20 *description filed under paragraph (1) shall be on file*  
21 *and available for public inspection in the appropriate*  
22 *offices of the Forest Service and Bureau of Land*  
23 *Management.*

24 *(4) DESCRIPTION OF LAND.—The boundaries of*  
25 *the areas designated as wilderness by subsection (a)*



1 *that are immediately adjacent to a utility right-of-*  
2 *way or a Federal Energy Regulatory Commission*  
3 *project boundary shall be 100 feet from the boundary*  
4 *of the right-of-way or the project boundary.*

5 *(e) ADMINISTRATION.—*

6 *(1) IN GENERAL.—Subject to valid existing*  
7 *rights, each area designated as wilderness by this sec-*  
8 *tion shall be administered by the Secretary that has*  
9 *jurisdiction over the land within the wilderness, in*  
10 *accordance with the Wilderness Act (16 U.S.C. 1131*  
11 *et seq.), except that—*

12 *(A) any reference in that Act to the effective*  
13 *date shall be considered to be a reference to the*  
14 *date of enactment of this Act; and*

15 *(B) any reference in that Act to the Sec-*  
16 *retary of Agriculture shall be considered to be a*  
17 *reference to the Secretary that has jurisdiction*  
18 *over the land within the wilderness.*

19 *(2) INCORPORATION OF ACQUIRED LAND AND IN-*  
20 *TERESTS.—Any land within the boundary of a wil-*  
21 *derness area designated by this section that is ac-*  
22 *quired by the United States shall—*

23 *(A) become part of the wilderness area in*  
24 *which the land is located; and*

1                   (B) be managed in accordance with this sec-  
2                   tion, the Wilderness Act (16 U.S.C. 1131 et seq.),  
3                   and any other applicable law.

4           (f) *BUFFER ZONES.*—

5                   (1) *IN GENERAL.*—As provided in the Oregon  
6                   Wilderness Act of 1984 (16 U.S.C. 1132 note; Public  
7                   Law 98–328), Congress does not intend for designa-  
8                   tion of wilderness areas in the State under this sec-  
9                   tion to lead to the creation of protective perimeters or  
10                  buffer zones around each wilderness area.

11                  (2) *ACTIVITIES OR USES UP TO BOUNDARIES.*—

12                  The fact that nonwilderness activities or uses can be  
13                  seen or heard from within a wilderness area shall not,  
14                  of itself, preclude the activities or uses up to the  
15                  boundary of the wilderness area.

16                  (g) *FISH AND WILDLIFE.*—Nothing in this section af-  
17                  fects the jurisdiction or responsibilities of the State with  
18                  respect to fish and wildlife.

19                  (h) *FIRE, INSECTS, AND DISEASES.*—As provided in  
20                  section 4(d)(1) of the Wilderness Act (16 U.S.C.  
21                  1133(d)(1)), within the wilderness areas designated by this  
22                  section, the Secretary that has jurisdiction over the land  
23                  within the wilderness (referred to in this subsection as the  
24                  “Secretary”) may take such measures as are necessary to  
25                  control fire, insects, and diseases, subject to such terms and

1 *conditions as the Secretary determines to be desirable and*  
 2 *appropriate.*

3       *(i) WITHDRAWAL.—Subject to valid rights in existence*  
 4 *on the date of enactment of this Act, the Federal land des-*  
 5 *ignated as wilderness by this section is withdrawn from all*  
 6 *forms of—*

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

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

11           *(3) disposition under all laws pertaining to min-*  
 12 *eral and geothermal leasing or mineral materials.*

13 **SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCE-**  
 14 **NIC RIVER PROTECTION IN THE MOUNT**  
 15 **HOOD AREA.**

16       *(a) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT*  
 17 *HOOD NATIONAL FOREST.—*

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

21           *“(171) SOUTH FORK CLACKAMAS RIVER, OR-*  
 22 *EGON.—The 4.2-mile segment of the South Fork*  
 23 *Clackamas River from its confluence with the East*  
 24 *Fork of the South Fork Clackamas to its confluence*

1 *with the Clackamas River, to be administered by the*  
2 *Secretary of Agriculture as a wild river.*

3 “(172) *EAGLE CREEK, OREGON.—The 8.3-mile*  
4 *segment of Eagle Creek from its headwaters to the*  
5 *Mount Hood National Forest boundary, to be admin-*  
6 *istered by the Secretary of Agriculture as a wild*  
7 *river.*

8 “(173) *MIDDLE FORK HOOD RIVER.—The 3.7-*  
9 *mile segment of the Middle Fork Hood River from the*  
10 *confluence of Clear and Coe Branches to the north sec-*  
11 *tion line of section 11, township 1 south, range 9 east,*  
12 *to be administered by the Secretary of Agriculture as*  
13 *a scenic river.*

14 “(174) *SOUTH FORK ROARING RIVER, OREGON.—*  
15 *The 4.6-mile segment of the South Fork Roaring*  
16 *River from its headwaters to its confluence with*  
17 *Roaring River, to be administered by the Secretary of*  
18 *Agriculture as a wild river.*

19 “(175) *ZIG ZAG RIVER, OREGON.—The 4.3-mile*  
20 *segment of the Zig Zag River from its headwaters to*  
21 *the Mount Hood Wilderness boundary, to be adminis-*  
22 *tered by the Secretary of Agriculture as a wild river.*

23 “(176) *FIFTEENMILE CREEK, OREGON.—*

24 “(A) *IN GENERAL.—The 11.1-mile segment*  
25 *of Fifteenmile Creek from its source at Senecal*

1           *Spring to the southern edge of the northwest*  
2           *quarter of the northwest quarter of section 20,*  
3           *township 2 south, range 12 east, to be adminis-*  
4           *tered by the Secretary of Agriculture in the fol-*  
5           *lowing classes:*

6                   “(i) *The 2.6-mile segment from its*  
7                   *source at Senecal Spring to the Badger*  
8                   *Creek Wilderness boundary, as a wild river.*

9                   “(ii) *The 0.4-mile segment from the*  
10                   *Badger Creek Wilderness boundary to the*  
11                   *point 0.4 miles downstream, as a scenic*  
12                   *river.*

13                   “(iii) *The 7.9-mile segment from the*  
14                   *point 0.4 miles downstream of the Badger*  
15                   *Creek Wilderness boundary to the western*  
16                   *edge of section 20, township 2 south, range*  
17                   *12 east as a wild river.*

18                   “(iv) *The 0.2-mile segment from the*  
19                   *western edge of section 20, township 2*  
20                   *south, range 12 east, to the southern edge of*  
21                   *the northwest quarter of the northwest quar-*  
22                   *ter of section 20, township 2 south, range 12*  
23                   *east as a scenic river.*

24                   “(B) *INCLUSIONS.—Notwithstanding section*  
25                   *3(b), the lateral boundaries of both the wild river*

1            *area and the scenic river area along Fifteenmile*  
2            *Creek shall include an average of not more than*  
3            *640 acres per mile measured from the ordinary*  
4            *high water mark on both sides of the river.*

5            *“(177) EAST FORK HOOD RIVER, OREGON.—The*  
6            *13.5-mile segment of the East Fork Hood River from*  
7            *Oregon State Highway 35 to the Mount Hood Na-*  
8            *tional Forest boundary, to be administered by the*  
9            *Secretary of Agriculture as a recreational river.*

10           *“(178) COLLAWASH RIVER, OREGON.—The 17.8-*  
11           *mile segment of the Collawash River from the head-*  
12           *waters of the East Fork Collawash to the confluence*  
13           *of the mainstream of the Collawash River with the*  
14           *Clackamas River, to be administered by the Secretary*  
15           *of Agriculture in the following classes:*

16                    *“(A) The 11.0-mile segment from the head-*  
17                    *waters of the East Fork Collawash River to*  
18                    *Buckeye Creek, as a scenic river.*

19                    *“(B) The 6.8-mile segment from Buckeye*  
20                    *Creek to the Clackamas River, as a recreational*  
21                    *river.*

22            *“(179) FISH CREEK, OREGON.—The 13.5-mile*  
23            *segment of Fish Creek from its headwaters to the con-*  
24            *fluence with the Clackamas River, to be administered*

1       *by the Secretary of Agriculture as a recreational*  
2       *river.”.*

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

5               (b) *PROTECTION FOR HOOD RIVER, OREGON.*—*Section*  
6       *13(a)(4) of the “Columbia River Gorge National Scenic*  
7       *Area Act” (16 U.S.C. 544k(a)(4)) is amended by striking*  
8       *“for a period not to exceed twenty years from the date of*  
9       *enactment of this Act,”.*

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

11              (a) *DESIGNATION.*—*To provide for the protection,*  
12       *preservation, and enhancement of recreational, ecological,*  
13       *scenic, cultural, watershed, and fish and wildlife values,*  
14       *there is established the Mount Hood National Recreation*  
15       *Area within the Mount Hood National Forest.*

16              (b) *BOUNDARY.*—*The Mount Hood National Recre-*  
17       *ation Area shall consist of certain Federal land managed*  
18       *by the Forest Service and Bureau of Land Management,*  
19       *comprising approximately 34,550 acres, as generally de-*  
20       *picted on the maps entitled “National Recreation Areas—*  
21       *Mount Hood NRA”, “National Recreation Areas—*  
22       *Fifteenmile Creek NRA”, and “National Recreation*  
23       *Areas—Shellrock Mountain”, dated February 2007.*

24              (c) *MAP AND LEGAL DESCRIPTION.*—

1           (1) *SUBMISSION OF LEGAL DESCRIPTION.*—As  
2           soon as practicable after the date of enactment of this  
3           Act, the Secretary shall file a map and a legal de-  
4           scription of the Mount Hood National Recreation  
5           Area with—

6                   (A) the Committee on Energy and Natural  
7                   Resources of the Senate; and

8                   (B) the Committee on Natural Resources of  
9                   the House of Representatives.

10          (2) *FORCE OF LAW.*—The map and legal descrip-  
11          tion filed under paragraph (1) shall have the same  
12          force and effect as if included in this subtitle, except  
13          that the Secretary may correct typographical errors  
14          in the map and the legal description.

15          (3) *PUBLIC AVAILABILITY.*—The map and legal  
16          description filed under paragraph (1) shall be on file  
17          and available for public inspection in the appropriate  
18          offices of the Forest Service.

19          (d) *ADMINISTRATION.*—

20                   (1) *IN GENERAL.*—The Secretary shall—

21                           (A) administer the Mount Hood National  
22                           Recreation Area—

23                                   (i) in accordance with the laws (in-  
24                                   cluding regulations) and rules applicable to  
25                                   the National Forest System; and



1                   (ii) consistent with the purposes de-  
2                   scribed in subsection (a); and

3                   (B) only allow uses of the Mount Hood Na-  
4                   tional Recreation Area that are consistent with  
5                   the purposes described in subsection (a).

6                   (2) *APPLICABLE LAW*.—Any portion of a wilder-  
7                   ness area designated by section 1202 that is located  
8                   within the Mount Hood National Recreation Area  
9                   shall be administered in accordance with the Wilder-  
10                  ness Act (16 U.S.C. 1131 et seq.).

11               (e) *TIMBER*.—The cutting, sale, or removal of timber  
12               within the Mount Hood National Recreation Area may be  
13               permitted—

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

16                   (A) maximizes the retention of large trees—

17                   (i) as appropriate to the forest type;

18                   and

19                   (ii) to the extent that the trees promote  
20                   stands that are fire-resilient and healthy;

21                   (B) improves the habitats of threatened, en-  
22                   dangered, or sensitive species; or

23                   (C) maintains or restores the composition  
24                   and structure of the ecosystem by reducing the  
25                   risk of uncharacteristic wildfire;

1           (2) *to accomplish an approved management ac-*  
2           *tivity in furtherance of the purposes established by*  
3           *this section, if the cutting, sale, or removal of timber*  
4           *is incidental to the management activity; or*

5           (3) *for de minimus personal or administrative*  
6           *use within the Mount Hood National Recreation*  
7           *Area, where such use will not impair the purposes es-*  
8           *tablished by this section.*

9           (f) *ROAD CONSTRUCTION.*—*No new or temporary*  
10          *roads shall be constructed or reconstructed within the*  
11          *Mount Hood National Recreation Area except as nec-*  
12          *essary—*

13           (1) *to protect the health and safety of individuals*  
14           *in cases of an imminent threat of flood, fire, or any*  
15           *other catastrophic event that, without intervention,*  
16           *would cause the loss of life or property;*

17           (2) *to conduct environmental cleanup required*  
18           *by the United States;*

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

21           (4) *to prevent irreparable resource damage by an*  
22           *existing road; or*

23           (5) *to rectify a hazardous road condition.*

1       (g) *WITHDRAWAL.*—*Subject to valid existing rights, all*  
2 *Federal land within the Mount Hood National Recreation*  
3 *Area is withdrawn from—*

4           (1) *all forms of entry, appropriation, or disposal*  
5 *under the public land laws;*

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

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

10       (h) *TRANSFER OF ADMINISTRATIVE JURISDICTION.*—

11           (1) *IN GENERAL.*—*Administrative jurisdiction*  
12 *over the Federal land described in paragraph (2) is*  
13 *transferred from the Bureau of Land Management to*  
14 *the Forest Service.*

15           (2) *DESCRIPTION OF LAND.*—*The land referred*  
16 *to in paragraph (1) is the approximately 130 acres*  
17 *of land administered by the Bureau of Land Manage-*  
18 *ment that is within or adjacent to the Mount Hood*  
19 *National Recreation Area and that is identified as*  
20 *“BLM Lands” on the map entitled “National Recre-*  
21 *ation Areas—Shellrock Mountain”, dated February*  
22 *2007.*

1 **SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER**  
2 **BIG BOTTOM, AND CULTUS CREEK.**

3 (a) *CRYSTAL SPRINGS WATERSHED SPECIAL RE-*  
4 *SOURCES MANAGEMENT UNIT.*—

5 (1) *ESTABLISHMENT.*—

6 (A) *IN GENERAL.*—*On completion of the*  
7 *land exchange under section 1206(a)(2), there*  
8 *shall be established a special resources manage-*  
9 *ment unit in the State consisting of certain Fed-*  
10 *eral land managed by the Forest Service, as gen-*  
11 *erally depicted on the map entitled “Crystal*  
12 *Springs Watershed Special Resources Manage-*  
13 *ment Unit”, dated June 2006 (referred to in this*  
14 *subsection as the “map”), to be known as the*  
15 *“Crystal Springs Watershed Special Resources*  
16 *Management Unit” (referred to in this subsection*  
17 *as the “Management Unit”).*

18 (B) *EXCLUSION OF CERTAIN LAND.*—*The*  
19 *Management Unit does not include any National*  
20 *Forest System land otherwise covered by sub-*  
21 *paragraph (A) that is designated as wilderness*  
22 *by section 1202.*

23 (C) *WITHDRAWAL.*—

24 (i) *IN GENERAL.*—*Subject to valid*  
25 *rights in existence on the date of enactment*  
26 *of this Act, the Federal land designated as*

1            *the Management Unit is withdrawn from*  
2            *all forms of—*

3                    *(I) entry, appropriation, or dis-*  
4                    *posal under the public land laws;*

5                    *(II) location, entry, and patent*  
6                    *under the mining laws; and*

7                    *(III) disposition under all laws*  
8                    *pertaining to mineral and geothermal*  
9                    *leasing or mineral materials.*

10                    *(ii) EXCEPTION.—Clause (i)(I) does*  
11                    *not apply to the parcel of land generally de-*  
12                    *scribed as “HES 151” on the map.*

13                    *(2) PURPOSES.—The purposes of the Manage-*  
14                    *ment Unit are—*

15                    *(A) to ensure the protection of the quality*  
16                    *and quantity of the Crystal Springs watershed*  
17                    *as a clean drinking water source for the residents*  
18                    *of Hood River County, Oregon; and*

19                    *(B) to allow visitors to enjoy the special sce-*  
20                    *nic, natural, cultural, and wildlife values of the*  
21                    *Crystal Springs watershed.*

22                    *(3) MAP AND LEGAL DESCRIPTION.—*

23                    *(A) SUBMISSION OF LEGAL DESCRIPTION.—*

24                    *As soon as practicable after the date of enact-*  
25                    *ment of this Act, the Secretary shall file a map*

1           *and a legal description of the Management Unit*  
2           *with—*

3                     *(i) the Committee on Energy and Nat-*  
4                     *ural Resources of the Senate; and*

5                     *(ii) the Committee on Natural Re-*  
6                     *sources of the House of Representatives.*

7           *(B) FORCE OF LAW.—The map and legal*  
8           *description filed under subparagraph (A) shall*  
9           *have the same force and effect as if included in*  
10           *this subtitle, except that the Secretary may cor-*  
11           *rect typographical errors in the map and legal*  
12           *description.*

13           *(C) PUBLIC AVAILABILITY.—The map and*  
14           *legal description filed under subparagraph (A)*  
15           *shall be on file and available for public inspec-*  
16           *tion in the appropriate offices of the Forest Serv-*  
17           *ice.*

18           *(4) ADMINISTRATION.—*

19                     *(A) IN GENERAL.—The Secretary shall—*

20                             *(i) administer the Management Unit—*

21                                     *(I) in accordance with the laws*  
22                             *(including regulations) and rules ap-*  
23                             *plicable to units of the National Forest*  
24                             *System; and*

1                   (ii) consistent with the purposes  
2                   described in paragraph (2); and  
3                   (ii) only allow uses of the Management  
4                   Unit that are consistent with the purposes  
5                   described in paragraph (2).

6                   (B) *FUEL REDUCTION IN PROXIMITY TO IM-*  
7                   *PROVEMENTS AND PRIMARY PUBLIC ROADS.—To*  
8                   *protect the water quality, water quantity, and*  
9                   *scenic, cultural, natural, and wildlife values of*  
10                  *the Management Unit, the Secretary may con-*  
11                  *duct fuel reduction and forest health manage-*  
12                  *ment treatments to maintain and restore fire-re-*  
13                  *silient forest structures containing late succes-*  
14                  *sional forest structure characterized by large*  
15                  *trees and multistoried canopies, as ecologically*  
16                  *appropriate, on National Forest System land in*  
17                  *the Management Unit—*

18                   (i) in any area located not more than  
19                   400 feet from structures located on—

20                   (I) National Forest System land;

21                   or

22                   (II) private land adjacent to Na-  
23                   tional Forest System land;

24                   (ii) in any area located not more than  
25                   400 feet from the Cooper Spur Road, the

1                    *Cloud Cap Road, or the Cooper Spur Ski*  
2                    *Area Loop Road; and*

3                    *(iii) on any other National Forest Sys-*  
4                    *tem land in the Management Unit, with*  
5                    *priority given to activities that restore pre-*  
6                    *viously harvested stands, including the re-*  
7                    *moval of logging slash, smaller diameter*  
8                    *material, and ladder fuels.*

9                    (5) *PROHIBITED ACTIVITIES.*—*Subject to valid*  
10                    *existing rights, the following activities shall be prohib-*  
11                    *ited on National Forest System land in the Manage-*  
12                    *ment Unit:*

13                    (A) *New road construction or renovation of*  
14                    *existing non-System roads, except as necessary to*  
15                    *protect public health and safety.*

16                    (B) *Projects undertaken for the purpose of*  
17                    *harvesting commercial timber (other than activi-*  
18                    *ties relating to the harvest of merchantable prod-*  
19                    *ucts that are byproducts of activities conducted*  
20                    *to further the purposes described in paragraph*  
21                    *(2)).*

22                    (C) *Commercial livestock grazing.*

23                    (D) *The placement of new fuel storage*  
24                    *tanks.*



1           (E) *Except to the extent necessary to further*  
2           *the purposes described in paragraph (2), the ap-*  
3           *plication of any toxic chemicals (other than fire*  
4           *retardants), including pesticides, rodenticides, or*  
5           *herbicides.*

6           (6) *FOREST ROAD CLOSURES.—*

7           (A) *IN GENERAL.—Except as provided in*  
8           *subparagraph (B), the Secretary may provide for*  
9           *the closure or gating to the general public of any*  
10           *Forest Service road within the Management*  
11           *Unit.*

12           (B) *EXCEPTION.—Nothing in this sub-*  
13           *section requires the Secretary to close the road*  
14           *commonly known as “Cloud Cap Road”, which*  
15           *shall be administered in accordance with other-*  
16           *wise applicable law.*

17           (7) *PRIVATE LAND.—*

18           (A) *EFFECT.—Nothing in this subsection*  
19           *affects the use of, or access to, any private prop-*  
20           *erty within the area identified on the map as the*  
21           *“Crystal Springs Zone of Contribution” by—*

22                     (i) *the owners of the private property;*

23                     *and*

24                     (ii) *guests to the private property.*

1           (B) *COOPERATION.*—*The Secretary is en-*  
2           *couraged to work with private landowners who*  
3           *have agreed to cooperate with the Secretary to*  
4           *further the purposes of this subsection.*

5           (8) *ACQUISITION OF LAND.*—

6           (A) *IN GENERAL.*—*The Secretary may ac-*  
7           *quire from willing landowners any land located*  
8           *within the area identified on the map as the*  
9           *“Crystal Springs Zone of Contribution”.*

10          (B) *INCLUSION IN MANAGEMENT UNIT.*—*On*  
11          *the date of acquisition, any land acquired under*  
12          *subparagraph (A) shall be incorporated in, and*  
13          *be managed as part of, the Management Unit.*

14          (b) *PROTECTIONS FOR UPPER BIG BOTTOM AND*  
15          *CULTUS CREEK.*—

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

21           (2) *DESCRIPTION OF LAND.*—*The Federal land*  
22           *referred to in paragraph (1) is—*

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

1           (B) *the approximately 280 acres identified*  
2           *as “Cultus Creek” on the map entitled*  
3           *“Clackamas Wilderness—South Fork*  
4           *Clackamas”, dated July 16, 2007.*

5           (3) *MAPS AND LEGAL DESCRIPTIONS.—*

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

11                   (i) *the Committee on Energy and Nat-*  
12                   *ural Resources of the Senate; and*

13                   (ii) *the Committee on Natural Re-*  
14                   *sources of the House of Representatives.*

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

21           (C) *PUBLIC AVAILABILITY.—Each map and*  
22           *legal description filed under subparagraph (A)*  
23           *shall be on file and available for public inspec-*  
24           *tion in the appropriate offices of the Forest Serv-*  
25           *ice.*

1           (4) *USE OF LAND.*—

2                   (A) *IN GENERAL.*—Subject to valid existing  
3 rights, with respect to the Federal land described  
4 in paragraph (2), the Secretary shall only allow  
5 uses that are consistent with the purposes identi-  
6 fied in paragraph (1).

7                   (B) *PROHIBITED USES.*—The following  
8 shall be prohibited on the Federal land described  
9 in paragraph (2):

10                           (i) *Permanent roads.*

11                           (ii) *Commercial enterprises.*

12                           (iii) *Except as necessary to meet the*  
13 *minimum requirements for the administra-*  
14 *tion of the Federal land and to protect pub-*  
15 *lic health and safety—*

16                                   (I) *the use of motor vehicles; or*

17                                   (II) *the establishment of tem-*  
18 *porary roads.*

19           (5) *WITHDRAWAL.*—Subject to valid existing  
20 rights, the Federal land described in paragraph (2) is  
21 withdrawn from—

22                   (A) *all forms of entry, appropriation, or*  
23 *disposal under the public land laws;*

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

1           (C) disposition under all laws relating to  
2           mineral and geothermal leasing.

3 **SEC. 1206. LAND EXCHANGES.**

4       (a) *COOPER SPUR-GOVERNMENT CAMP LAND EX-*  
5 *CHANGE.—*

6           (1) *DEFINITIONS.—In this subsection:*

7               (A) *COUNTY.—The term “County” means*  
8 *Hood River County, Oregon.*

9               (B) *EXCHANGE MAP.—The term “exchange*  
10 *map” means the map entitled “Cooper Spur/*  
11 *Government Camp Land Exchange”, dated June*  
12 *2006.*

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

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

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

24                       (i) *the parcel of approximately 770*  
25 *acres of private land at Cooper Spur identi-*

1           *fied as “Land to be acquired by USFS” on*  
2           *the exchange map; and*

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

8           (2) *COOPER SPUR-GOVERNMENT CAMP LAND EX-*  
9           *CHANGE.—*

10                    (A) *CONVEYANCE OF LAND.—Subject to the*  
11                    *provisions of this subsection, if Mt. Hood Mead-*  
12                    *ows offers to convey to the United States all*  
13                    *right, title, and interest of Mt. Hood Meadows in*  
14                    *and to the non-Federal land, the Secretary shall*  
15                    *convey to Mt. Hood Meadows all right, title, and*  
16                    *interest of the United States in and to the Fed-*  
17                    *eral land (other than any easements reserved*  
18                    *under subparagraph (G)), subject to valid exist-*  
19                    *ing rights.*

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 Management*  
25                    *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 subsection, title to the*  
4 *non-Federal land to be acquired by the Sec-*  
5 *retary under this subsection shall be accept-*  
6 *able 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 and Mt. Hood Meadows*  
16 *shall select an appraiser to conduct an ap-*  
17 *praisal of the Federal land and non-Federal*  
18 *land.*

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

23 (I) *the Uniform Appraisal Stand-*  
24 *ards for Federal Land Acquisitions;*  
25 *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 clause*  
10                   *(i), and any other administrative costs of*  
11                   *carrying out the land exchange, shall be de-*  
12                   *termined by the Secretary and Mt. Hood*  
13                   *Meadows.*

14                   (F) *DEADLINE FOR COMPLETION OF LAND*  
15                   *EXCHANGE.—It is the intent of Congress that the*  
16                   *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 Fed-*  
23                   *eral land to protect existing wetland, as*  
24                   *identified by the Oregon Department of*  
25                   *State Lands, that allows equivalent wetland*



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

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

7                           *(I) nonmotorized use by the public*  
8                   *of existing trails;*

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

12                           *(III) improvement or relocation of*  
13                   *the trails to accommodate development*  
14                   *of the Federal land.*

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

16           ***(1) DEFINITIONS.—In this subsection:***

17                   ***(A) EXCHANGE MAP.—The term “exchange***  
18                   ***map” means the map entitled “Port of Cascade***  
19                   ***Locks/Pacific Crest National Scenic Trail Land***  
20                   ***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 “non-*  
4            *Federal land” means the parcels of land con-*  
5            *sisting of approximately 40 acres identified as*  
6            *“Land to be acquired by USFS” on the exchange*  
7            *map.*

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

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

12            (A) *CONVEYANCE OF LAND.*—*Subject to the*  
13            *provisions of this subsection, if the Port offers to*  
14            *convey to the United States all right, title, and*  
15            *interest of the Port in and to the non-Federal*  
16            *land, the Secretary shall, subject to valid existing*  
17            *rights, convey to the Port all right, title, and in-*  
18            *terest of the United States in and to the Federal*  
19            *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 Management*  
25            *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 convey-*  
8 *ance of the Federal land and non-Federal land*  
9 *shall be subject to such terms and conditions as*  
10 *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 costs*  
6           *of any surveys conducted under subparagraph*  
7           *(A), and any other administrative costs of car-*  
8           *rying out the land exchange, shall be determined*  
9           *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 not*  
13          *later than 16 months after the date of enactment of*  
14          *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 “exchange*  
21                   *map” means the map entitled “Hunchback*  
22                   *Mountain Land Exchange, Clackamas County”,*  
23                   *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 System*  
2           *land in the Mount Hood National Forest identi-*  
3           *fied as “USFS Land to be Conveyed” on the ex-*  
4           *change map.*

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

10          (2) *HUNCHBACK MOUNTAIN LAND EXCHANGE.*—

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

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

25           (C) *CONDITIONS ON ACCEPTANCE.*—

1           (i) *TITLE*.—As a condition of the land  
2 exchange under this paragraph, title to the  
3 non-Federal land to be acquired by the Sec-  
4 retary under this paragraph shall be accept-  
5 able 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 shall select an appraiser  
15 to conduct an appraisal of the Federal land  
16 and non-Federal land.

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

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

24                   (II) *the Uniform Standards of*  
25                   *Professional Appraisal Practice.*

1           (E) *SURVEYS.*—

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

6                   (ii) *COSTS.*—*The responsibility for the*  
7                   *costs of any surveys conducted under clause*  
8                   *(i), and any other administrative costs of*  
9                   *carrying out the land exchange, shall be de-*  
10                  *termined by the Secretary and the County.*

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

16           (3) *BOUNDARY ADJUSTMENT.*—

17                   (A) *IN GENERAL.*—*The boundary of the*  
18                   *Mount Hood National Forest shall be adjusted to*  
19                   *incorporate—*

20                           (i) *any land conveyed to the United*  
21                           *States under paragraph (2); and*

22                           (ii) *the land transferred to the Forest*  
23                           *Service by section 1204(h)(1).*

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

4                   (i) *in accordance with—*

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

8                   (II) *any laws (including regula-*  
9                   *tions) applicable to the National Forest*  
10                   *System; and*

11                   (ii) *subject to sections 1202(c)(3) and*  
12                   *1204(d), as applicable.*

13                   (C) *LAND AND WATER CONSERVATION*  
14                   *FUND.—For the purposes of section 7 of the*  
15                   *Land and Water Conservation Fund Act of 1965*  
16                   *(16 U.S.C. 460l–9), the boundaries of the Mount*  
17                   *Hood National Forest modified by this para-*  
18                   *graph shall be considered to be the boundaries of*  
19                   *the Mount Hood National Forest in existence as*  
20                   *of January 1, 1965.*

21                   (d) *CONDITIONS ON DEVELOPMENT OF FEDERAL*  
22                   *LAND.—*

23                   (1) *REQUIREMENTS APPLICABLE TO THE CON-*  
24                   *VEYANCE OF FEDERAL LAND.—*



1           (A) *IN GENERAL.*—As a condition of each of  
2           the conveyances of Federal land under this sec-  
3           tion, the Secretary shall include in the deed of  
4           conveyance a requirement that applicable con-  
5           struction activities and alterations shall be con-  
6           ducted in accordance with—

7                   (i) nationally recognized building and  
8                   property maintenance codes; and

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

12          (B) *APPLICABLE LAW.*—To the maximum  
13          extent practicable, the codes required under sub-  
14          paragraph (A) shall be consistent with the na-  
15          tionally recognized codes adopted or referenced  
16          by the State or political subdivisions of the  
17          State.

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

22          (2) *COMPLIANCE WITH CODES ON FEDERAL*  
23          *LAND.*—The Secretary shall ensure that applicable  
24          construction activities and alterations undertaken or  
25          permitted by the Secretary on National Forest System

1 *land in the Mount Hood National Forest are con-*  
2 *ducted in accordance with—*

3 *(A) nationally recognized building and*  
4 *property maintenance codes; and*

5 *(B) nationally recognized codes for develop-*  
6 *ment in the wildland-urban interface develop-*  
7 *ment and wildfire hazard mitigation.*

8 *(3) EFFECT ON ENFORCEMENT BY STATES AND*  
9 *POLITICAL SUBDIVISIONS.—Nothing in this subsection*  
10 *alters or limits the power of the State or a political*  
11 *subdivision of the State to implement or enforce any*  
12 *law (including regulations), rule, or standard relating*  
13 *to development or fire prevention and control.*

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

15 *(a) TRANSPORTATION PLAN.—*

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

23 *(A) to promote appropriate economic devel-*  
24 *opment;*

1           (B) to preserve the landscape of the Mount  
2           Hood region; and

3           (C) to enhance public safety.

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

8           (A) *transportation alternatives between and*  
9           *among recreation areas and gateway commu-*  
10           *nities that are located within the Mount Hood*  
11           *region;*

12           (B) *establishing park-and-ride facilities*  
13           *that shall be located at gateway communities;*

14           (C) *establishing intermodal transportation*  
15           *centers to link public transportation, parking,*  
16           *and recreation destinations;*

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

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

23           (i) *providing emergency routes; or*

24           (ii) *improving access to, and travel*  
25           *within, the Mount Hood region;*

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

1       **(b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP**  
2 *STRATEGY.*—

3           **(1) IN GENERAL.**—*The Secretary shall prepare a*  
4 *report on, and implementation schedule for, the vege-*  
5 *tation management strategy (including recommenda-*  
6 *tions for biomass utilization) for the Mount Hood Na-*  
7 *tional Forest being developed by the Forest Service.*

8           **(2) SUBMISSION TO CONGRESS.**—

9           **(A) REPORT.**—*Not later than 1 year after*  
10 *the date of enactment of this Act, the Secretary*  
11 *shall submit the report to—*

12                   *(i) the Committee on Energy and Nat-*  
13 *ural Resources of the Senate; and*

14                   *(ii) the Committee on Natural Re-*  
15 *sources of the House of Representatives.*

16           **(B) IMPLEMENTATION SCHEDULE.**—*Not*  
17 *later than 1 year after the date on which the*  
18 *vegetation management strategy referred to in*  
19 *paragraph (1) is completed, the Secretary shall*  
20 *submit the implementation schedule to—*

21                   *(i) the Committee on Energy and Nat-*  
22 *ural Resources of the Senate; and*

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

25           **(c) LOCAL AND TRIBAL RELATIONSHIPS.**—

1           (1) *MANAGEMENT PLAN.*—

2           (A) *IN GENERAL.*—*The Secretary, in con-*  
3 *sultation with Indian tribes with treaty-reserved*  
4 *gathering rights on land encompassed by the*  
5 *Mount Hood National Forest and in a manner*  
6 *consistent with the memorandum of under-*  
7 *standing entered into between the Department of*  
8 *Agriculture, the Bureau of Land Management,*  
9 *the Bureau of Indian Affairs, and the Confed-*  
10 *erated Tribes and Bands of the Warm Springs*  
11 *Reservation of Oregon, dated April 25, 2003, as*  
12 *modified, shall develop and implement a man-*  
13 *agement plan that meets the cultural foods obli-*  
14 *gations of the United States under applicable*  
15 *treaties, including the Treaty with the Tribes*  
16 *and Bands of Middle Oregon of June 25, 1855*  
17 *(12 Stat. 963).*

18           (B) *EFFECT.*—*This paragraph shall be con-*  
19 *sidered to be consistent with, and is intended to*  
20 *help implement, the gathering rights reserved by*  
21 *the treaty described in subparagraph (A).*

22           (2) *SAVINGS PROVISIONS REGARDING RELATIONS*  
23 *WITH INDIAN TRIBES.*—

24           (A) *TREATY RIGHTS.*—*Nothing in this sub-*  
25 *title alters, modifies, enlarges, diminishes, or ab-*

1           *rogates the treaty rights of any Indian tribe, in-*  
2           *cluding the off-reservation reserved rights secured*  
3           *by the Treaty with the Tribes and Bands of Mid-*  
4           *dle Oregon of June 25, 1855 (12 Stat. 963).*

5           *(B) TRIBAL LAND.—Nothing in this subtitle*  
6           *affects land held in trust by the Secretary of the*  
7           *Interior for Indian tribes or individual members*  
8           *of Indian tribes or other land acquired by the*  
9           *Army Corps of Engineers and administered by*  
10          *the Secretary of the Interior for the benefit of In-*  
11          *dian tribes and individual members of Indian*  
12          *tribes.*

13          *(d) RECREATIONAL USES.—*

14           *(1) MOUNT HOOD NATIONAL FOREST REC-*  
15          *REATIONAL WORKING GROUP.—The Secretary may es-*  
16          *tablish a working group for the purpose of providing*  
17          *advice and recommendations to the Forest Service on*  
18          *planning and implementing recreation enhancements*  
19          *in the Mount Hood National Forest.*

20           *(2) CONSIDERATION OF CONVERSION OF FOREST*  
21          *ROADS TO RECREATIONAL USES.—In considering a*  
22          *Forest Service road in the Mount Hood National For-*  
23          *est for possible closure and decommissioning after the*  
24          *date of enactment of this Act, the Secretary, in ac-*  
25          *cordance with applicable law, shall consider, as an*

1 *alternative to decommissioning the road, converting*  
2 *the road to recreational uses to enhance recreational*  
3 *opportunities in the Mount Hood National Forest.*

4 (3) *IMPROVED TRAIL ACCESS FOR PERSONS WITH*  
5 *DISABILITIES.—The Secretary, in consultation with*  
6 *the public, may design and construct a trail at a lo-*  
7 *cation selected by the Secretary in Mount Hood Na-*  
8 *tional Forest suitable for use by persons with disabil-*  
9 *ities.*

10 ***Subtitle D—Copper Salmon***  
11 ***Wilderness, Oregon***

12 ***SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDER-***  
13 ***NESS.***

14 (a) *DESIGNATION.—Section 3 of the Oregon Wilderness*  
15 *Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328) is*  
16 *amended—*

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

20 (2) *in paragraph (29), by striking the period at*  
21 *the end and inserting “; and”;* and

22 (3) *by adding at the end the following:*

23 “(30) *certain land in the Siskiyou National For-*  
24 *est, comprising approximately 13,700 acres, as gen-*  
25 *erally depicted on the map entitled ‘Proposed Copper*



1 *Salmon Wilderness Area*’ and dated December 7,  
2 2007, to be known as the ‘Copper Salmon Wilder-  
3 ness’.”.

4 (b) *MAPS AND LEGAL DESCRIPTION.*—

5 (1) *IN GENERAL.*—As soon as practicable after  
6 the date of enactment of this Act, the Secretary of Ag-  
7 riculture (referred to in this subtitle as the “Sec-  
8 retary”) shall file a map and a legal description of  
9 the Copper Salmon Wilderness with—

10 (A) the Committee on Energy and Natural  
11 Resources of the Senate; and

12 (B) the Committee on Natural Resources of  
13 the House of Representatives.

14 (2) *FORCE OF LAW.*—The map and legal descrip-  
15 tion filed under paragraph (1) shall have the same  
16 force and effect as if included in this subtitle, except  
17 that the Secretary may correct typographical errors  
18 in the map and legal description.

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

23 (4) *PUBLIC AVAILABILITY.*—Each map and legal  
24 description filed under paragraph (1) shall be on file



1           *Willamette Meridian, downstream to 0.01 miles*  
 2           *below Forest Service Road 3353, as a scenic*  
 3           *river.*

4           “(i) *The approximately 4.2-mile segment of*  
 5           *the South Fork Elk from 0.01 miles below Forest*  
 6           *Service Road 3353 to its confluence with the*  
 7           *North Fork Elk, as a wild river.”.*

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

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

11          (b) *MEMORANDUM OF UNDERSTANDING.*—*The Sec-*  
 12          *retary shall seek to enter into a memorandum of under-*  
 13          *standing with the Coquille Indian Tribe regarding access*  
 14          *to the Copper Salmon Wilderness to conduct historical and*  
 15          *cultural activities.*

16           ***Subtitle E—Cascade-Siskiyou***  
 17           ***National Monument, Oregon***

18   **SEC. 1401. DEFINITIONS.**

19          *In this subtitle:*

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

24           (2) *BUREAU OF LAND MANAGEMENT LAND.*—*The*  
 25           *term “Bureau of Land Management land” means the*

1     *approximately 40 acres of land administered by the*  
2     *Bureau of Land Management identified as “Rowlett*  
3     *Selected”, as generally depicted on the Box R Ranch*  
4     *land exchange map.*

5             (3) *DEERFIELD LAND EXCHANGE MAP.*—*The*  
6     *term “Deerfield land exchange map” means the map*  
7     *entitled “Proposed Deerfield-BLM Property Line Ad-*  
8     *justment” and dated May 1, 2008.*

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

13            (5) *FEDERAL PARCEL.*—*The term “Federal par-*  
14    *cel” means the approximately 1.3 acres of land ad-*  
15    *ministered by the Bureau of Land Management iden-*  
16    *tified as “From BLM to Deerfield”, as generally de-*  
17    *picted on the Deerfield land exchange map.*

18            (6) *GRAZING ALLOTMENT.*—*The term “grazing*  
19    *allotment” means any of the Box R, Buck Lake, Buck*  
20    *Mountain, Buck Point, Conde Creek, Cove Creek, Cove*  
21    *Creek Ranch, Deadwood, Dixie, Grizzly, Howard*  
22    *Prairie, Jenny Creek, Keene Creek, North Cove Creek,*  
23    *and Soda Mountain grazing allotments in the State.*

24            (7) *GRAZING LEASE.*—*The term “grazing lease”*  
25    *means any document authorizing the use of a grazing*

1     *allotment for the purpose of grazing livestock for com-*  
2     *mercial purposes.*

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

5           (9) *LESSEE.*—*The term “lessee” means a live-*  
6     *stock operator that holds a valid existing grazing*  
7     *lease for a grazing allotment.*

8           (10) *LIVESTOCK.*—*The term “livestock” does not*  
9     *include beasts of burden used for recreational pur-*  
10    *poses.*

11          (11) *MONUMENT.*—*The term “Monument” means*  
12    *the Cascade-Siskiyou National Monument in the*  
13    *State.*

14          (12) *ROWLETT PARCEL.*—*The term “Rowlett*  
15    *parcel” means the parcel of approximately 40 acres*  
16    *of private land identified as “Rowlett Offered”, as*  
17    *generally depicted on the Box R Ranch land exchange*  
18    *map.*

19          (13) *SECRETARY.*—*The term “Secretary” means*  
20    *the Secretary of the Interior.*

21          (14) *STATE.*—*The term “State” means the State*  
22    *of Oregon.*

23          (15) *WILDERNESS.*—*The term “Wilderness”*  
24    *means the Soda Mountain Wilderness designated by*  
25    *section 1405(a).*

1           (16) *WILDERNESS MAP.*—*The term “wilderness*  
2           *map” means the map entitled “Soda Mountain Wil-*  
3           *derness” and dated May 5, 2008.*

4 **SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PRO-**  
5           **GRAM.**

6           (a) *EXISTING GRAZING LEASES.*—

7           (1) *DONATION OF LEASE.*—

8           (A) *ACCEPTANCE BY SECRETARY.*—*The Sec-*  
9           *retary shall accept any grazing lease that is do-*  
10           *nated by a lessee.*

11           (B) *TERMINATION.*—*The Secretary shall*  
12           *terminate any grazing lease acquired under sub-*  
13           *paragraph (A).*

14           (C) *NO NEW GRAZING LEASE.*—*Except as*  
15           *provided in paragraph (3), with respect to each*  
16           *grazing lease donated under subparagraph (A),*  
17           *the Secretary shall—*

18           (i) *not issue any new grazing lease*  
19           *within the grazing allotment covered by the*  
20           *grazing lease; and*

21           (ii) *ensure a permanent end to live-*  
22           *stock grazing on the grazing allotment cov-*  
23           *ered by the grazing lease.*

24           (2) *DONATION OF PORTION OF GRAZING*  
25           *LEASE.*—

1           (A) *IN GENERAL.*—A lessee with a grazing  
2           lease for a grazing allotment partially within the  
3           Monument may elect to donate only that portion  
4           of the grazing lease that is within the Monument.

5           (B) *ACCEPTANCE BY SECRETARY.*—The Sec-  
6           retary shall accept the portion of a grazing lease  
7           that is donated under subparagraph (A).

8           (C) *MODIFICATION OF LEASE.*—Except as  
9           provided in paragraph (3), if a lessee donates a  
10          portion of a grazing lease under subparagraph  
11          (A), the Secretary shall—

12                 (i) reduce the authorized grazing level  
13                 and area to reflect the donation; and

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

16          (D) *AUTHORIZED LEVEL.*—To ensure that  
17          there is a permanent reduction in the level and  
18          area of livestock grazing on the land covered by  
19          a portion of a grazing lease donated under sub-  
20          paragraph (A), the Secretary shall not allow  
21          grazing to exceed the authorized level and area  
22          established under subparagraph (C).

23          (3) *COMMON ALLOTMENTS.*—

24                 (A) *IN GENERAL.*—If a grazing allotment  
25                 covered by a grazing lease or portion of a graz-

1            *ing lease that is donated under paragraph (1) or*  
2            *(2) also is covered by another grazing lease that*  
3            *is not donated, the Secretary shall reduce the*  
4            *grazing level on the grazing allotment to reflect*  
5            *the donation.*

6            (B) *AUTHORIZED LEVEL.—To ensure that*  
7            *there is a permanent reduction in the level of*  
8            *livestock grazing on the land covered by the graz-*  
9            *ing lease or portion of a grazing lease donated*  
10           *under paragraph (1) or (2), the Secretary shall*  
11           *not allow grazing to exceed the level established*  
12           *under subparagraph (A).*

13        (b) *LIMITATIONS.—The Secretary—*

14           *(1) with respect to the Agate, Emigrant Creek,*  
15           *and Siskiyou allotments in and near the Monu-*  
16           *ment—*

17           *(A) shall not issue any grazing lease; and*

18           *(B) shall ensure a permanent end to live-*  
19           *stock grazing on each allotment; and*

20           *(2) shall not establish any new allotments for*  
21           *livestock grazing that include any Monument land*  
22           *(whether leased or not leased for grazing on the date*  
23           *of enactment of this Act).*

24        (c) *EFFECT OF DONATION.—A lessee who donates a*  
25        *grazing lease or a portion of a grazing lease under this sec-*



1 *tion shall be considered to have waived any claim to any*  
2 *range improvement on the associated grazing allotment or*  
3 *portion of the associated grazing allotment, as applicable.*

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

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

8 (1) *may offer to convey to the Landowner the*  
9 *Bureau of Land Management land in exchange for*  
10 *the Rowlett parcel; and*

11 (2) *if the Landowner accepts the offer—*

12 (A) *the Secretary shall convey to the Land-*  
13 *owner all right, title, and interest of the United*  
14 *States in and to the Bureau of Land Manage-*  
15 *ment land; and*

16 (B) *the Landowner shall convey to the Sec-*  
17 *retary all right, title, and interest of the Land-*  
18 *owner in and to the Rowlett parcel.*

19 (b) *SURVEYS.*—

20 (1) *IN GENERAL.*—*The exact acreage and legal*  
21 *description of the Bureau of Land Management land*  
22 *and the Rowlett parcel shall be determined by surveys*  
23 *approved by the Secretary.*

24 (2) *COSTS.*—*The responsibility for the costs of*  
25 *any surveys conducted under paragraph (1), and any*

1     *other administrative costs of carrying out the land ex-*  
2     *change, shall be determined by the Secretary and the*  
3     *Landowner.*

4     *(c) CONDITIONS.—The conveyance of the Bureau of*  
5     *Land Management land and the Rowlett parcel under this*  
6     *section shall be subject to—*

7             *(1) valid existing rights;*

8             *(2) title to the Rowlett parcel being acceptable to*  
9     *the Secretary and in conformance with the title ap-*  
10    *proval standards applicable to Federal land acquisi-*  
11    *tions;*

12            *(3) such terms and conditions as the Secretary*  
13    *may require; and*

14            *(4) except as otherwise provided in this section,*  
15    *any laws (including regulations) applicable to the*  
16    *conveyance and acquisition of land by the Bureau of*  
17    *Land Management.*

18    *(d) APPRAISALS.—*

19            *(1) IN GENERAL.—The Bureau of Land Manage-*  
20    *ment land and the Rowlett parcel shall be appraised*  
21    *by an independent appraiser selected by the Sec-*  
22    *retary.*

23            *(2) REQUIREMENTS.—An appraisal conducted*  
24    *under paragraph (1) shall be conducted in accordance*  
25    *with—*

1           (A) *the Uniform Appraisal Standards for*  
2           *Federal Land Acquisitions; and*

3           (B) *the Uniform Standards of Professional*  
4           *Appraisal Practice.*

5           (3) *APPROVAL.—The appraisals conducted under*  
6           *this subsection shall be submitted to the Secretary for*  
7           *approval.*

8           (e) *GRAZING ALLOTMENT.—As a condition of the land*  
9           *exchange authorized under this section, the lessee of the*  
10          *grazing lease for the Box R grazing allotment shall donate*  
11          *the Box R grazing lease in accordance with section*  
12          *1402(a)(1).*

13          **SEC. 1404. DEERFIELD LAND EXCHANGE.**

14          (a) *IN GENERAL.—For the purpose of protecting and*  
15          *consolidating Federal land within the Monument, the Sec-*  
16          *retary—*

17                 (1) *may offer to convey to Deerfield Learning*  
18                 *Associates the Federal parcel in exchange for the*  
19                 *Deerfield parcel; and*

20                 (2) *if Deerfield Learning Associates accepts the*  
21                 *offer—*

22                         (A) *the Secretary shall convey to Deerfield*  
23                         *Learning Associates all right, title, and interest*  
24                         *of the United States in and to the Federal par-*  
25                         *cel; and*

1                   (B) *Deerfield Learning Associates shall con-*  
2                   *vey to the Secretary all right, title, and interest*  
3                   *of Deerfield Learning Associates in and to the*  
4                   *Deerfield parcel.*

5           (b) *SURVEYS.—*

6                   (1) *IN GENERAL.—The exact acreage and legal*  
7                   *description of the Federal parcel and the Deerfield*  
8                   *parcel shall be determined by surveys approved by the*  
9                   *Secretary.*

10                   (2) *COSTS.—The responsibility for the costs of*  
11                   *any surveys conducted under paragraph (1), and any*  
12                   *other administrative costs of carrying out the land ex-*  
13                   *change, shall be determined by the Secretary and*  
14                   *Deerfield Learning Associates.*

15           (c) *CONDITIONS.—*

16                   (1) *IN GENERAL.—The conveyance of the Federal*  
17                   *parcel and the Deerfield parcel under this section*  
18                   *shall be subject to—*

19                               (A) *valid existing rights;*

20                               (B) *title to the Deerfield parcel being ac-*  
21                               *ceptable to the Secretary and in conformance*  
22                               *with the title approval standards applicable to*  
23                               *Federal land acquisitions;*

24                               (C) *such terms and conditions as the Sec-*  
25                               *retary may require; and*

1           (D) *except as otherwise provided in this sec-*  
2           *tion, any laws (including regulations) applicable*  
3           *to the conveyance and acquisition of land by the*  
4           *Bureau of Land Management.*

5       (d) *APPRAISALS.—*

6           (1) *IN GENERAL.—The Federal parcel and the*  
7           *Deerfield parcel shall be appraised by an independent*  
8           *appraiser selected by the Secretary.*

9           (2) *REQUIREMENTS.—An appraisal conducted*  
10          *under paragraph (1) shall be conducted in accordance*  
11          *with—*

12               (A) *the Uniform Appraisal Standards for*  
13               *Federal Land Acquisitions; and*

14               (B) *the Uniform Standards of Professional*  
15               *Appraisal Practice.*

16          (3) *APPROVAL.—The appraisals conducted under*  
17          *this subsection shall be submitted to the Secretary for*  
18          *approval.*

19 **SEC. 1405. SODA MOUNTAIN WILDERNESS.**

20          (a) *DESIGNATION.—In accordance with the Wilderness*  
21          *Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres*  
22          *of Monument land, as generally depicted on the wilderness*  
23          *map, is designated as wilderness and as a component of*  
24          *the National Wilderness Preservation System, to be known*  
25          *as the “Soda Mountain Wilderness”.*

1       **(b) MAP AND LEGAL DESCRIPTION.**—

2               **(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.**—*As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and*  
3               *legal description of the Wilderness with—*  
4

5                       **(A) the Committee on Energy and Natural**  
6               **Resources of the Senate; and**  
7

8                       **(B) the Committee on Natural Resources of**  
9               **the House of Representatives.**

10       **(2) FORCE AND EFFECT.**—

11               **(A) IN GENERAL.**—*The map and legal de-*  
12               *scription filed under paragraph (1) shall have*  
13               *the same force and effect as if included in this*  
14               *subtitle, except that the Secretary may correct*  
15               *any clerical or typographical error in the map*  
16               *or legal description.*

17               **(B) NOTIFICATION.**—*The Secretary shall*  
18               *submit to Congress notice of any changes made*  
19               *in the map or legal description under subpara-*  
20               *graph (A), including notice of the reason for the*  
21               *change.*

22               **(3) PUBLIC AVAILABILITY.**—*The map and legal*  
23               *description filed under paragraph (1) shall be on file*  
24               *and available for public inspection in the appropriate*  
25               *offices of the Bureau of Land Management.*

1       (c) *ADMINISTRATION OF WILDERNESS.*—

2           (1) *IN GENERAL.*—*Subject to valid existing*  
3 *rights, the Wilderness shall be administered by the*  
4 *Secretary in accordance with the Wilderness Act (16*  
5 *U.S.C. 1131 et seq.), except that—*

6           (A) *any reference in the Wilderness Act to*  
7 *the effective date of the Wilderness Act shall be*  
8 *considered to be a reference to the date of enact-*  
9 *ment of this Act; and*

10          (B) *any reference in that Act to the Sec-*  
11 *retary of Agriculture shall be considered to be a*  
12 *reference to the Secretary of the Interior.*

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

23          (3) *LIVESTOCK.*—*Except as provided in section*  
24 *1402 and by Presidential Proclamation Number*  
25 *7318, dated June 9, 2000 (65 Fed. Reg. 37247), the*

1 *grazing of livestock in the Wilderness, if established*  
2 *before the date of enactment of this Act, shall be per-*  
3 *mitted to continue subject to such reasonable regula-*  
4 *tions as are considered necessary by the Secretary in*  
5 *accordance with—*

6 (A) *section 4(d)(4) of the Wilderness Act (16*  
7 *U.S.C. 1133(d)(4)); and*

8 (B) *the guidelines set forth in Appendix A*  
9 *of the report of the Committee on Interior and*  
10 *Insular Affairs of the House of Representatives*  
11 *accompanying H.R. 2570 of the 101st Congress*  
12 *(H. Rept. 101–405).*

13 (4) *FISH AND WILDLIFE MANAGEMENT.—In ac-*  
14 *cordance with section 4(d)(7) of the Wilderness Act*  
15 *(16 U.S.C. 1133(d)(7)), nothing in this subtitle affects*  
16 *the jurisdiction of the State with respect to fish and*  
17 *wildlife on public land in the State.*

18 (5) *INCORPORATION OF ACQUIRED LAND AND IN-*  
19 *TERESTS.—Any land or interest in land within the*  
20 *boundary of the Wilderness that is acquired by the*  
21 *United States shall—*

22 (A) *become part of the Wilderness; and*

23 (B) *be managed in accordance with this*  
24 *subtitle, the Wilderness Act (16 U.S.C. 1131 et*  
25 *seq.), and any other applicable law.*



1 **SEC. 1406. EFFECT.**2 *Nothing in this subtitle—*3 *(1) affects the authority of a Federal agency to*  
4 *modify or terminate grazing permits or leases, except*  
5 *as provided in section 1402;*6 *(2) authorizes the use of eminent domain;*7 *(3) creates a property right in any grazing per-*  
8 *mit or lease on Federal land;*9 *(4) establishes a precedent for future grazing per-*  
10 *mit or lease donation programs; or*11 *(5) affects the allocation, ownership, interest, or*  
12 *control, in existence on the date of enactment of this*  
13 *Act, of any water, water right, or any other valid ex-*  
14 *isting right held by the United States, an Indian*  
15 *tribe, a State, or a private individual, partnership, or*  
16 *corporation.*17 ***Subtitle F—Owyhee Public Land***  
18 ***Management***19 **SEC. 1501. DEFINITIONS.**20 *In this subtitle:*21 *(1) ACCOUNT.—The term “account” means the*  
22 *Owyhee Land Acquisition Account established by sec-*  
23 *tion 1505(b)(1).*24 *(2) COUNTY.—The term “County” means*  
25 *Owyhee County, Idaho.*

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

6           (4) *PLAN.*—*The term “plan” means a travel*  
 7           *management plan for motorized and mechanized off-*  
 8           *highway vehicle recreation prepared under section*  
 9           *1507.*

10           (5) *PUBLIC LAND.*—*The term “public land” has*  
 11           *the meaning given the term in section 103(e) of the*  
 12           *Federal Land Policy and Management Act of 1976*  
 13           *(43 U.S.C. 1702(e)).*

14           (6) *SECRETARY.*—*The term “Secretary” means*  
 15           *the Secretary of the Interior.*

16           (7) *STATE.*—*The term “State” means the State*  
 17           *of Idaho.*

18           (8) *TRIBES.*—*The term “Tribes” means the Sho-*  
 19           *shone Paiute Tribes of the Duck Valley Reservation.*

20 **SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION**  
 21 **CENTER.**

22           (a) *ESTABLISHMENT.*—*The Secretary, in coordination*  
 23           *with the Tribes, State, and County, and in consultation*  
 24           *with the University of Idaho, Federal grazing permittees,*  
 25           *and public, shall establish the Owyhee Science Review and*

1 *Conservation Center in the County to conduct research*  
2 *projects to address natural resources management issues af-*  
3 *fecting public and private rangeland in the County.*

4 (b) *PURPOSE.*—*The purpose of the center established*  
5 *under subsection (a) shall be to facilitate the collection and*  
6 *analysis of information to provide Federal and State agen-*  
7 *cies, the Tribes, the County, private landowners, and the*  
8 *public with information on improved rangeland manage-*  
9 *ment.*

10 **SEC. 1503. WILDERNESS AREAS.**

11 (a) *WILDERNESS AREAS DESIGNATION.*—

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

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

23 (B) *BRUNEAU-JARBIDGE RIVERS WILDER-*  
24 *NESS.*—*Certain land comprising approximately*  
25 *89,996 acres, as generally depicted on the map*

1           *entitled “Bruneau-Jarbidge Rivers Wilderness”*  
2           *and dated December 15, 2008, which shall be*  
3           *known as the “Bruneau-Jarbidge Rivers Wilder-*  
4           *ness”.*

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

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

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

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 the  
3       “*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 of  
10      Representatives a map and legal description for  
11      each area designated as wilderness by this sub-  
12      title.

13          (B) *EFFECT.*—Each map and legal descrip-  
14      tion submitted under subparagraph (A) shall  
15      have the same force and effect as if included in  
16      this subtitle, except that the Secretary may cor-  
17      rect minor errors in the map or legal descrip-  
18      tion.

19          (C) *AVAILABILITY.*—Each map and legal  
20      description submitted under subparagraph (A)  
21      shall be available in the appropriate offices of the  
22      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(c)), the public land in the County*  
3           *administered by the Bureau of Land Manage-*  
4           *ment has been adequately studied for wilderness*  
5           *designation.*

6           *(B) RELEASE.—Any public land referred to*  
7           *in subparagraph (A) that is not designated as*  
8           *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 sub-*  
20                    *title shall be administered by the Secretary in accord-*  
21                    *ance with the Wilderness Act (16 U.S.C. 1131 et seq.),*  
22                    *except that—*

23                    *(A) any reference in that Act to the effective*  
24                    *date shall be considered to be a reference to the*  
25                    *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 a  
3           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 reg-  
19          ulations, policies, and practices as the Secretary  
20          considers necessary, consistent with section  
21          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 Secretary*  
8        *determines to be appropriate to enhance wilder-*  
9        *ness values.*

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

12            (i) *ACCEPTANCE BY SECRETARY.*—*The*  
13        *Secretary shall accept the donation of any*  
14        *valid existing permits or leases authorizing*  
15        *grazing on public land, all or a portion of*  
16        *which is within the wilderness areas des-*  
17        *ignated 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 cov-*  
5                    *ered 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 do-*  
12                   *nation of the permit or lease under*  
13                   *clause (i).*

14                   *(II) AUTHORIZED LEVEL.—To en-*  
15                   *sure that there is a permanent reduc-*  
16                   *tion in the level of grazing on the land*  
17                   *covered by a permit or lease donated*  
18                   *under clause (i), the Secretary shall*  
19                   *not allow grazing use to exceed the au-*  
20                   *thorized level established under sub-*  
21                   *clause (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 en-*  
10                              *sure that there is a permanent reduc-*  
11                              *tion in the authorized level of grazing*  
12                              *on the land covered by a permit or*  
13                              *lease donated under subclause (I), the*  
14                              *Secretary shall not allow grazing use*  
15                              *to exceed the authorized level estab-*  
16                              *lished under that subclause.*

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

19                               *(A) IN GENERAL.—Consistent with applica-*  
20                              *ble law, the Secretary may acquire land or inter-*  
21                              *ests in land within the boundaries of the wilder-*  
22                              *ness areas designated by this subtitle by pur-*  
23                              *chase, donation, or exchange.*

24                               *(B) INCORPORATION OF ACQUIRED LAND.—*  
25                              *Any land or interest in land in, or adjoining the*

1           *boundary of, a wilderness area designated by*  
2           *this subtitle that is acquired by the United*  
3           *States shall be added to, and administered as*  
4           *part of, the wilderness area in which the ac-*  
5           *quired land or interest in land is located.*

6           (5) *TRAIL PLAN.*—

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

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

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

24           (7) *ACCESS TO PRIVATE PROPERTY.*—*In accord-*  
25           *ance with section 5(a) of the Wilderness Act (16*

1 *U.S.C. 1134(a), the Secretary shall provide any*  
2 *owner of private property within the boundary of a*  
3 *wilderness area designated by this subtitle adequate*  
4 *access to the property.*

5 (8) *FISH AND WILDLIFE.—*

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

9 (B) *MANAGEMENT ACTIVITIES.—*

10 (i) *IN GENERAL.—In furtherance of the*  
11 *purposes and principles of the Wilderness*  
12 *Act (16 U.S.C. 1131 et seq.), the Secretary*  
13 *may conduct any management activities*  
14 *that are necessary to maintain or restore*  
15 *fish and wildlife populations and habitats*  
16 *in the wilderness areas designated by this*  
17 *subtitle, if the management activities are—*

18 (I) *consistent with relevant wil-*  
19 *derness management plans; and*

20 (II) *conducted in accordance with*  
21 *appropriate policies, such as the poli-*  
22 *cies established in Appendix B of*  
23 *House Report 101–405.*

24 (ii) *INCLUSIONS.—Management activi-*  
25 *ties under clause (i) may include the occa-*

1           sional and temporary use of motorized vehi-  
2           cles, if the use, as determined by the Sec-  
3           retary, would promote healthy, viable, and  
4           more naturally distributed wildlife popu-  
5           lations that would enhance wilderness val-  
6           ues while causing the minimum impact nec-  
7           essary to accomplish those tasks.

8           (C) *EXISTING ACTIVITIES.*—Consistent with  
9           section 4(d)(1) of the Wilderness Act (16 U.S.C.  
10          1133(d)(1)) and in accordance with appropriate  
11          policies, such as those established in Appendix B  
12          of House Report 101–405, the State may use air-  
13          craft (including helicopters) in the wilderness  
14          areas designated by this subtitle to survey, cap-  
15          ture, transplant, monitor, and provide water for  
16          wildlife populations, including bighorn sheep,  
17          and feral stock, feral horses, and feral burros.

18          (9) *WILDFIRE, INSECT, AND DISEASE MANAGE-*  
19          *MENT.*—Consistent with section 4(d)(1) of the Wilder-  
20          ness Act (16 U.S.C. 1133(d)(1)), the Secretary may  
21          take any measures that the Secretary determines to be  
22          necessary to control fire, insects, and diseases, includ-  
23          ing, as the Secretary determines appropriate, the co-  
24          ordination of those activities with a State or local  
25          agency.

1           (10) *ADJACENT MANAGEMENT.*—

2           (A) *IN GENERAL.*—*The designation of a*  
3 *wilderness area by this subtitle shall not create*  
4 *any protective perimeter or buffer zone around*  
5 *the wilderness area.*

6           (B) *NONWILDERNESS ACTIVITIES.*—*The fact*  
7 *that nonwilderness activities or uses can be seen*  
8 *or heard from areas within a wilderness area*  
9 *designated by this subtitle shall not preclude the*  
10 *conduct of those activities or uses outside the*  
11 *boundary of the wilderness area.*

12           (11) *MILITARY OVERFLIGHTS.*—*Nothing in this*  
13 *subtitle restricts or precludes—*

14           (A) *low-level overflights of military aircraft*  
15 *over the areas designated as wilderness by this*  
16 *subtitle, including military overflights that can*  
17 *be seen or heard within the wilderness areas;*

18           (B) *flight testing and evaluation; or*

19           (C) *the designation or creation of new units*  
20 *of special use airspace, or the establishment of*  
21 *military flight training routes, over the wilder-*  
22 *ness areas.*

23           (12) *WATER RIGHTS.*—

24           (A) *IN GENERAL.*—*The designation of areas*  
25 *as wilderness by subsection (a) shall not create*

1           *an express or implied reservation by the United*  
2           *States of any water or water rights for wilder-*  
3           *ness purposes with respect to such areas.*

4           (B) *EXCLUSIONS.*—*This paragraph does not*  
5           *apply to any components of the National Wild*  
6           *and Scenic Rivers System designated by section*  
7           *1504.*

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

9           (a) *IN GENERAL.*—*Section 3(a) of the Wild and Scenic*  
10 *Rivers Act (16 U.S.C. 1274(a)) (as amended by section*  
11 *1203(a)(1)) is amended by adding at the end the following:*

12           “(180) *BATTLE CREEK, IDAHO.*—*The 23.4 miles*  
13 *of Battle Creek 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 the*  
16 *Interior as a wild river.*

17           “(181) *BIG JACKS CREEK, IDAHO.*—*The 35.0*  
18 *miles of Big Jacks Creek from the downstream border*  
19 *of the Big Jacks Creek Wilderness in sec. 8, T. 8 S.,*  
20 *R. 4 E., to the point at which it enters the NW ¼*  
21 *of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be*  
22 *administered by the Secretary of the Interior as a*  
23 *wild river.*

24           “(182) *BRUNEAU RIVER, IDAHO.*—

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

8           “(B) *EXCEPTION.*—*Notwithstanding sub-*  
9           *paragraph (A), the 0.6-mile segment of the*  
10           *Bruneau River at the Indian Hot Springs public*  
11           *road access shall be administered by the Sec-*  
12           *retary of the Interior as a recreational river.*

13           “(183) *WEST FORK BRUNEAU RIVER, IDAHO.*—  
14           *The approximately 0.35 miles of the West Fork of the*  
15           *Bruneau River from the confluence with the Jarbidge*  
16           *River to the downstream boundary of the Bruneau*  
17           *Canyon Grazing Allotment in the SE/NE of sec. 5, T.*  
18           *13 S., R. 7 E., Boise Meridian, to be administered by*  
19           *the Secretary of the Interior as a wild river.*

20           “(184) *COTTONWOOD CREEK, IDAHO.*—*The 2.6*  
21           *miles of Cottonwood Creek from the confluence with*  
22           *Big Jacks Creek to the upstream boundary of the Big*  
23           *Jacks Creek Wilderness, to be administered by the*  
24           *Secretary of the Interior as a wild river.*



1           “(185) *DEEP CREEK, IDAHO.*—*The 13.1-mile seg-*  
2           *ment of Deep Creek from the confluence with the*  
3           *Owyhee River to the upstream boundary of the*  
4           *Owyhee River Wilderness in sec. 30, T. 12 S., R. 2*  
5           *W., Boise Meridian, to be administered by the Sec-*  
6           *retary of the Interior as a wild river.*

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

13          “(187) *DUNCAN CREEK, IDAHO.*—*The 0.9-mile*  
14          *segment of Duncan Creek from the confluence with*  
15          *Big Jacks Creek upstream to the east boundary of sec.*  
16          *18, T. 10 S., R. 4 E., Boise Meridian, to be adminis-*  
17          *tered by the Secretary of the Interior as a wild river.*

18          “(188) *JARBIDGE RIVER, IDAHO.*—*The 28.8*  
19          *miles of the Jarbidge River from the confluence with*  
20          *the West Fork Bruneau River to the upstream bound-*  
21          *ary of the Bruneau-Jarbidge Rivers Wilderness, to be*  
22          *administered by the Secretary of the Interior as a*  
23          *wild river.*

24          “(189) *LITTLE JACKS CREEK, IDAHO.*—*The 12.4*  
25          *miles of Little Jacks Creek from the downstream*

1 *boundary of the Little Jacks Creek Wilderness, up-*  
2 *stream to the mouth of OX Prong Creek, to be admin-*  
3 *istered by the Secretary of the Interior as a wild*  
4 *river.*

5 “(190) *NORTH FORK OWYHEE RIVER, IDAHO.—*  
6 *The following segments of the North Fork of the*  
7 *Owyhee River, to be administered by the Secretary of*  
8 *the Interior:*

9 “(A) *The 5.7-mile segment from the Idaho-*  
10 *Oregon State border to the upstream boundary of*  
11 *the private land at the Juniper Mt. Road cross-*  
12 *ing, as a recreational river.*

13 “(B) *The 15.1-mile segment from the up-*  
14 *stream boundary of the North Fork Owyhee*  
15 *River recreational segment designated in para-*  
16 *graph (A) to the upstream boundary of the North*  
17 *Fork Owyhee River Wilderness, as a wild river.*

18 “(191) *OWYHEE RIVER, IDAHO.—*

19 “(A) *IN GENERAL.—Subject to subpara-*  
20 *graph (B), the 67.3 miles of the Owyhee River*  
21 *from the Idaho-Oregon State border to the up-*  
22 *stream boundary of the Owyhee River Wilder-*  
23 *ness, to be administered by the Secretary of the*  
24 *Interior as a wild river.*

1           “(B) ACCESS.—*The Secretary of the Inte-*  
2           *rior shall allow for continued access across the*  
3           *Owyhee River at Crutchers Crossing, subject to*  
4           *such terms and conditions as the Secretary of the*  
5           *Interior determines to be necessary.*

6           “(192) RED CANYON, IDAHO.—*The 4.6 miles of*  
7           *Red Canyon from the confluence of the Owyhee River*  
8           *to the upstream boundary of the Owyhee River Wil-*  
9           *derness, to be administered by the Secretary of the In-*  
10          *terior as a wild river.*

11          “(193) SHEEP CREEK, IDAHO.—*The 25.6 miles*  
12          *of Sheep Creek from the confluence with the Bruneau*  
13          *River to the upstream boundary of the Bruneau-*  
14          *Jarbidge Rivers Wilderness, to be administered by the*  
15          *Secretary of the Interior as a wild river.*

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

17                 “(A) IN GENERAL.—*Except as provided in*  
18                 *subparagraph (B), the 31.4-mile segment of the*  
19                 *South Fork of the Owyhee River upstream from*  
20                 *the confluence with the Owyhee River to the up-*  
21                 *stream boundary of the Owyhee River Wilderness*  
22                 *at the Idaho–Nevada State border, to be admin-*  
23                 *istered by the Secretary of the Interior as a wild*  
24                 *river.*

1           “(B) *EXCEPTION.*—Notwithstanding sub-  
 2           paragraph (A), the 1.2-mile segment of the South  
 3           Fork of the Owyhee River from the point at  
 4           which the river enters the southernmost boundary  
 5           to the point at which the river exits the north-  
 6           ernmost boundary of private land in sec. 25 and  
 7           26, T. 14 S., R. 5 W., Boise Meridian, shall be  
 8           administered by the Secretary of the Interior as  
 9           a recreational river.

10           “(195) *WICKAHONEY CREEK, IDAHO.*—The 1.5  
 11           miles of Wickahoney Creek from the confluence of Big  
 12           Jacks Creek to the upstream boundary of the Big  
 13           Jacks Creek Wilderness, to be administered by the  
 14           Secretary of the Interior as a wild river.”.

15           (b) *BOUNDARIES.*—Notwithstanding section 3(b) of the  
 16           Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the bound-  
 17           ary of a river segment designated as a component of the  
 18           National Wild and Scenic Rivers System under this subtitle  
 19           shall extend not more than the shorter of—

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

22           (2) the distance to the nearest confined canyon  
 23           rim.

24           (c) *LAND ACQUISITION.*—The Secretary shall not ac-  
 25           quire any private land within the exterior boundary of a

1 *wild and scenic river corridor without the consent of the*  
2 *owner.*

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

4 (a) *IN GENERAL.*—*Consistent with applicable law, the*  
5 *Secretary may sell public land located within the Boise Dis-*  
6 *trict of the Bureau of Land Management that, as of July*  
7 *25, 2000, has been identified for disposal in appropriate*  
8 *resource management plans.*

9 (b) *USE OF PROCEEDS.*—

10 (1) *IN GENERAL.*—*Notwithstanding any other*  
11 *provision of law (other than a law that specifically*  
12 *provides for a proportion of the proceeds of a land*  
13 *sale to be distributed to any trust fund of the State),*  
14 *proceeds from the sale of public land under subsection*  
15 *(a) shall be deposited in a separate account in the*  
16 *Treasury of the United States to be known as the*  
17 *“Owyhee Land Acquisition Account”.*

18 (2) *AVAILABILITY.*—

19 (A) *IN GENERAL.*—*Amounts in the account*  
20 *shall be available to the Secretary, without fur-*  
21 *ther appropriation, to purchase land or interests*  
22 *in land in, or adjacent to, the wilderness areas*  
23 *designated by this subtitle, including land iden-*  
24 *tified as “Proposed for Acquisition” on the maps*  
25 *described in section 1503(a)(1).*

1           (B) *APPLICABLE LAW.*—Any purchase of  
2           land or interest in land under subparagraph (A)  
3           shall be in accordance with applicable law.

4           (3) *APPLICABILITY.*—This subsection applies to  
5           public land within the Boise District of the Bureau  
6           of Land Management sold on or after January 1,  
7           2008.

8           (4) *ADDITIONAL AMOUNTS.*—If necessary, the  
9           Secretary may use additional amounts appropriated  
10          to the Department of the Interior, subject to applica-  
11          ble reprogramming guidelines.

12          (c) *TERMINATION OF AUTHORITY.*—

13           (1) *IN GENERAL.*—The authority provided under  
14          this section terminates on the earlier of—

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

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

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

22           (A) credited as sales of public land in the  
23          State;

24           (B) transferred to the Federal Land Dis-  
25          posal Account established under section 206(a) of

1           *the Federal Land Transaction Facilitation Act*  
2           *(43 U.S.C. 2305(a)); and*  
3           *(C) used in accordance with that subtitle.*

4 **SEC. 1506. TRIBAL CULTURAL RESOURCES.**

5           *(a) COORDINATION.—The Secretary shall coordinate*  
6 *with the Tribes in the implementation of the Shoshone Pai-*  
7 *ute Cultural Resource Protection Plan.*

8           *(b) AGREEMENTS.—The Secretary shall seek to enter*  
9 *into agreements with the Tribes to implement the Shoshone*  
10 *Paiute Cultural Resource Protection Plan to protect cul-*  
11 *tural sites and resources important to the continuation of*  
12 *the traditions and beliefs of the Tribes.*

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

14           *(a) IN GENERAL.—In accordance with the Federal*  
15 *Land Policy and Management Act of 1976 (43 U.S.C. 1701*  
16 *et seq.), the Secretary shall, in coordination with the Tribes,*  
17 *State, and County, prepare 1 or more travel management*  
18 *plans for motorized and mechanized off-highway vehicle*  
19 *recreation for the land managed by the Bureau of Land*  
20 *Management in the County.*

21           *(b) INVENTORY.—Before preparing the plan under sub-*  
22 *section (a), the Secretary shall conduct resource and route*  
23 *inventories of the area covered by the plan.*

24           *(c) LIMITATION TO DESIGNATED ROUTES.—*

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

5           (2) *EXCEPTION.*—*Paragraph (1) shall not apply*  
6 *to snowmobiles.*

7           (d) *TEMPORARY LIMITATION.*—

8           (1) *IN GENERAL.*—*Except as provided in para-*  
9 *graph (2), until the date on which the Secretary com-*  
10 *pletes the plan, all recreational motorized and mecha-*  
11 *nized off-highway vehicle use shall be limited to roads*  
12 *and trails lawfully in existence on the day before the*  
13 *date of enactment of this Act.*

14           (2) *EXCEPTION.*—*Paragraph (1) shall not apply*  
15 *to—*

16                   (A) *snowmobiles; or*

17                   (B) *areas specifically identified as open,*  
18 *closed, or limited in the Owyhee Resource Man-*  
19 *agement Plan.*

20           (e) *SCHEDULE.*—

21           (1) *OWYHEE FRONT.*—*It is the intent of Congress*  
22 *that, not later than 1 year after the date of enactment*  
23 *of this Act, the Secretary shall complete a transpor-*  
24 *tation plan for the Owyhee Front.*



1           (2) *OTHER BUREAU OF LAND MANAGEMENT*  
 2           *LAND IN THE COUNTY.—It is the intent of Congress*  
 3           *that, not later than 3 years after the date of enact-*  
 4           *ment of this Act, the Secretary shall complete a trans-*  
 5           *portation plan for Bureau of Land Management land*  
 6           *in the County outside the Owyhee Front.*

7 **SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.**

8           *There are authorized to be appropriated such sums as*  
 9           *are necessary to carry out this subtitle.*

10           ***Subtitle G—Sabinoso Wilderness,***  
 11                                   ***New Mexico***

12 **SEC. 1601. DEFINITIONS.**

13           *In this subtitle:*

14           (1) *MAP.—The term “map” means the map enti-*  
 15           *tled “Sabinoso Wilderness” and dated September 8,*  
 16           *2008.*

17           (2) *SECRETARY.—The term “Secretary” means*  
 18           *the Secretary of the Interior.*

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

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

22           (a) *IN GENERAL.—In furtherance of the purposes of*  
 23           *the Wilderness Act (16 U.S.C. 1131 et seq.), the approxi-*  
 24           *mately 16,030 acres of land under the jurisdiction of the*  
 25           *Taos Field Office Bureau of Land Management, New Mex-*

1 *ico, as generally depicted on the map, is designated as wil-*  
2 *derness and as a component of the National Wilderness*  
3 *Preservation System, to be known as the “Sabinoso Wilder-*  
4 *ness”.*

5 *(b) MAP AND LEGAL DESCRIPTION.—*

6 *(1) IN GENERAL.—As soon as practicable after*  
7 *the date of enactment of this Act, the Secretary shall*  
8 *file a map and a legal description of the Sabinoso*  
9 *Wilderness with—*

10 *(A) the Committee on Energy and Natural*  
11 *Resources of the Senate; and*

12 *(B) the Committee on Natural Resources of*  
13 *the House of Representatives.*

14 *(2) FORCE OF LAW.—The map and legal descrip-*  
15 *tion filed under paragraph (1) shall have the same*  
16 *force and effect as if included in this subtitle, except*  
17 *that the Secretary may correct any clerical and typo-*  
18 *graphical errors in the map and legal description.*

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

23 *(c) ADMINISTRATION OF WILDERNESS.—*

24 *(1) IN GENERAL.—Subject to valid existing*  
25 *rights, the Sabinoso Wilderness shall be administered*

1 *by the Secretary in accordance with this subtitle and*  
2 *the Wilderness Act (16 U.S.C. 1131 et seq.), except*  
3 *that—*

4 *(A) any reference in the Wilderness Act to*  
5 *the effective date of that Act shall be considered*  
6 *to be a reference to the date of enactment of this*  
7 *Act; and*

8 *(B) any reference in the Wilderness Act to*  
9 *the Secretary of Agriculture shall be considered*  
10 *to be a reference to the Secretary of the Interior.*

11 *(2) INCORPORATION OF ACQUIRED LAND AND IN-*  
12 *TERESTS.—Any land or interest in land within the*  
13 *boundary of the Sabinoso Wilderness that is acquired*  
14 *by the United States shall—*

15 *(A) become part of the Sabinoso Wilderness;*  
16 *and*

17 *(B) be managed in accordance with this*  
18 *subtitle and any other laws applicable to the*  
19 *Sabinoso Wilderness.*

20 *(3) GRAZING.—The grazing of livestock in the*  
21 *Sabinoso Wilderness, if established before the date of*  
22 *enactment of this Act, shall be administered in ac-*  
23 *cordance with—*

24 *(A) section 4(d)(4) of the Wilderness Act (16*  
25 *U.S.C. 1133(d)(4)); and*

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

6           (4) *FISH AND WILDLIFE.—In accordance with*  
7           *section 4(d)(7) of the Wilderness Act (16 U.S.C.*  
8           *1133(d)(7)), nothing in this subtitle affects the juris-*  
9           *isdiction of the State with respect to fish and wildlife*  
10          *in the State.*

11          (5) *ACCESS.—*

12           (A) *IN GENERAL.—In accordance with sec-*  
13           *tion 5(a) of the Wilderness Act (16 U.S.C.*  
14           *1134(a)), the Secretary shall continue to allow*  
15           *private landowners adequate access to inholdings*  
16           *in the Sabinoso Wilderness.*

17           (B) *CERTAIN LAND.—For access purposes,*  
18           *private land within T. 16 N., R. 23 E., secs. 17*  
19           *and 20 and the N<sup>1</sup>/<sub>2</sub> of sec. 21, N.M.M., shall be*  
20           *managed as an inholding in the Sabinoso Wil-*  
21           *derness.*

22          (d) *WITHDRAWAL.—Subject to valid existing rights,*  
23          *the land generally depicted on the map as “Lands With-*  
24          *drawn From Mineral Entry” and “Lands Released From*

1 *Wilderness Study Area & Withdrawn From Mineral*  
2 *Entry*” is withdrawn from—

3           (1) *all forms of entry, appropriation, and dis-*  
4 *posal under the public land laws, except disposal by*  
5 *exchange in accordance with section 206 of the Fed-*  
6 *eral Land Policy and Management Act of 1976 (43*  
7 *U.S.C. 1716);*

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

10           (3) *operation of the mineral materials and geo-*  
11 *thermal leasing laws.*

12       (e) *RELEASE OF WILDERNESS STUDY AREAS.—Con-*  
13 *gress finds that, for the purposes of section 603(c) of the*  
14 *Federal Land Policy and Management Act of 1976 (43*  
15 *U.S.C. 1782(c)), the public lands within the Sabinoso Wil-*  
16 *derness Study Area not designated as wilderness by this*  
17 *subtitle—*

18           (1) *have been adequately studied for wilderness*  
19 *designation and are no longer subject to section*  
20 *603(c) of the Federal Land Policy and Management*  
21 *Act of 1976 (43 U.S.C. 1782(c)); and*

22           (2) *shall be managed in accordance with appli-*  
23 *cable law (including subsection (d)) and the land use*  
24 *management plan for the surrounding area.*

1           ***Subtitle H—Pictured Rocks***  
2           ***National Lakeshore Wilderness***

3   **SEC. 1651. DEFINITIONS.**

4       *In this subtitle:*

5           (1) *LINE OF DEMARCATION.*—*The term “line of*  
6       *demarcation” means the point on the bank or shore*  
7       *at which the surface waters of Lake Superior meet the*  
8       *land or sand beach, regardless of the level of Lake Su-*  
9       *perior.*

10          (2) *MAP.*—*The term “map” means the map enti-*  
11       *tled “Pictured Rocks National Lakeshore Beaver*  
12       *Basin Wilderness Boundary”, numbered 625/80,051,*  
13       *and dated April 16, 2007.*

14          (3) *NATIONAL LAKESHORE.*—*The term “National*  
15       *Lakeshore” means the Pictured Rocks National Lake-*  
16       *shore.*

17          (4) *SECRETARY.*—*The term “Secretary” means*  
18       *the Secretary of the Interior.*

19          (5) *WILDERNESS.*—*The term “Wilderness”*  
20       *means the Beaver Basin Wilderness designated by sec-*  
21       *tion 1652(a).*

22   **SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.**

23       (a) *IN GENERAL.*—*In accordance with the Wilderness*  
24       *Act (16 U.S.C. 1131 et seq.), the land described in sub-*  
25       *section (b) is designated as wilderness and as a component*

1 of the National Wilderness Preservation System, to be  
2 known as the “Beaver Basin Wilderness”.

3 (b) *DESCRIPTION OF LAND.*—The land referred to in  
4 subsection (a) is the land and inland water comprising ap-  
5 proximately 11,740 acres within the National Lakeshore, as  
6 generally depicted on the map.

7 (c) *BOUNDARY.*—

8 (1) *LINE OF DEMARCATION.*—The line of demar-  
9 cation shall be the boundary for any portion of the  
10 Wilderness that is bordered by Lake Superior.

11 (2) *SURFACE WATER.*—The surface water of  
12 Lake Superior, regardless of the fluctuating lake level,  
13 shall be considered to be outside the boundary of the  
14 Wilderness.

15 (d) *MAP AND LEGAL DESCRIPTION.*—

16 (1) *AVAILABILITY OF MAP.*—The map shall be on  
17 file and available for public inspection in the appro-  
18 priate offices of the National Park Service.

19 (2) *LEGAL DESCRIPTION.*—As soon as prac-  
20 ticable after the date of enactment of this Act, the Sec-  
21 retary shall submit to the Committee on Energy and  
22 Natural Resources of the Senate and the Committee  
23 on Natural Resources of the House of Representatives  
24 a legal description of the boundary of the Wilderness.

1           (3) *FORCE AND EFFECT.*—*The map and the legal*  
2           *description submitted under paragraph (2) shall have*  
3           *the same force and effect as if included in this sub-*  
4           *title, except that the Secretary may correct any cler-*  
5           *ical or typographical errors in the map and legal de-*  
6           *scription.*

7 **SEC. 1653. ADMINISTRATION.**

8           (a) *MANAGEMENT.*—*Subject to valid existing rights,*  
9           *the Wilderness shall be administered by the Secretary in*  
10           *accordance with the Wilderness Act (16 U.S.C. 1131 et seq.),*  
11           *except that—*

12                   (1) *any reference in that Act to the effective date*  
13                   *of that Act shall be considered to be a reference to the*  
14                   *date of enactment of this Act; and*

15                   (2) *with respect to land administered by the Sec-*  
16                   *retary, any reference in that Act to the Secretary of*  
17                   *Agriculture shall be considered to be a reference to the*  
18                   *Secretary.*

19           (b) *USE OF ELECTRIC MOTORS.*—*The use of boats*  
20           *powered by electric motors on Little Beaver and Big Beaver*  
21           *Lakes may continue, subject to any applicable laws (includ-*  
22           *ing regulations).*

23 **SEC. 1654. EFFECT.**

24           *Nothing in this subtitle—*

25                   (1) *modifies, alters, or affects any treaty rights;*



1           (2) *alters the management of the water of Lake*  
 2           *Superior within the boundary of the Pictured Rocks*  
 3           *National Lakeshore in existence on the date of enact-*  
 4           *ment of this Act; or*

5           (3) *prohibits—*

6                   (A) *the use of motors on the surface water*  
 7                   *of Lake Superior adjacent to the Wilderness; or*

8                   (B) *the beaching of motorboats at the line of*  
 9                   *demarcation.*

## 10           ***Subtitle I—Oregon Badlands*** 11                   ***Wilderness***

### 12   ***SEC. 1701. DEFINITIONS.***

13           *In this subtitle:*

14                   (1) *DISTRICT.—The term “District” means the*  
 15                   *Central Oregon Irrigation District.*

16                   (2) *SECRETARY.—The term “Secretary” means*  
 17                   *the Secretary of the Interior.*

18                   (3) *STATE.—The term “State” means the State*  
 19                   *of Oregon.*

20                   (4) *WILDERNESS MAP.—The term “wilderness*  
 21                   *map” means the map entitled “Badlands Wilderness”*  
 22                   *and dated September 3, 2008.*

### 23   ***SEC. 1702. OREGON BADLANDS WILDERNESS.***

24           (a) *DESIGNATION.—In accordance with the Wilderness*  
 25           *Act (16 U.S.C. 1131 et seq.), the approximately 29,301*

1 *acres of Bureau of Land Management land in the State,*  
2 *as generally depicted on the wilderness map, is designated*  
3 *as wilderness and as a component of the National Wilder-*  
4 *ness Preservation System, to be known as the “Oregon Bad-*  
5 *lands Wilderness”.*

6 *(b) ADMINISTRATION OF WILDERNESS.—*

7 *(1) IN GENERAL.—Subject to valid existing*  
8 *rights, the Oregon Badlands Wilderness shall be ad-*  
9 *ministered by the Secretary in accordance with the*  
10 *Wilderness Act (16 U.S.C. 1131 et seq.), except that—*

11 *(A) any reference in the Wilderness Act to*  
12 *the effective date of that Act shall be considered*  
13 *to be a reference to the date of enactment of this*  
14 *Act; and*

15 *(B) any reference in the Wilderness Act to*  
16 *the Secretary of Agriculture shall be considered*  
17 *to be a reference to the Secretary of the Interior.*

18 *(2) INCORPORATION OF ACQUIRED LAND AND IN-*  
19 *TERESTS.—Any land or interest in land within the*  
20 *boundary of the Oregon Badlands Wilderness that is*  
21 *acquired by the United States shall—*

22 *(A) become part of the Oregon Badlands*  
23 *Wilderness; and*

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

4           (3) *GRAZING.*—The grazing of livestock in the  
5           Oregon Badlands Wilderness, if established before the  
6           date of enactment of this Act, shall be permitted to  
7           continue subject to such reasonable regulations as are  
8           considered necessary by the Secretary in accordance  
9           with—

10           (A) section 4(d)(4) of the Wilderness Act (16  
11           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) *ACCESS TO PRIVATE PROPERTY.*—In accord-  
18           ance with section 5(a) of the Wilderness Act (16  
19           U.S.C. 1134(a)), the Secretary shall provide any  
20           owner of private property within the boundary of the  
21           Oregon Badlands Wilderness adequate access to the  
22           property.

23           (c) *POTENTIAL WILDERNESS.*—

24           (1) *IN GENERAL.*—In furtherance of the purposes  
25           of the Wilderness Act (16 U.S.C. 1131 et seq.), a cor-

1       ridor of certain Federal land managed by the Bureau  
2       of Land Management with a width of 25 feet, as gen-  
3       erally depicted on the wilderness map as “Potential  
4       Wilderness”, is designated as potential wilderness.

5               (2) *INTERIM MANAGEMENT.*—The potential wil-  
6       derness designated by paragraph (1) shall be managed  
7       in accordance with the Wilderness Act (16 U.S.C.  
8       1131 *et seq.*), except that the Secretary may allow  
9       nonconforming uses that are authorized and in exist-  
10      ence on the date of enactment of this Act to continue  
11      in the potential wilderness.

12              (3) *DESIGNATION AS WILDERNESS.*—On the date  
13      on which the Secretary publishes in the Federal Reg-  
14      ister notice that any nonconforming uses in the po-  
15      tential wilderness designated by paragraph (1) that  
16      are permitted under paragraph (2) have terminated,  
17      the potential wilderness shall be—

18                   (A) designated as wilderness and as a com-  
19                   ponent of the National Wilderness Preservation  
20                   System; and

21                   (B) incorporated into the Oregon Badlands  
22                   Wilderness.

23      (d) *MAP AND LEGAL DESCRIPTION.*—

24              (1) *IN GENERAL.*—As soon as practicable after  
25      the date of enactment of this Act, the Secretary shall

1 *file a map and legal description of the Oregon Bad-*  
2 *lands Wilderness with—*

3 *(A) the Committee on Energy and Natural*  
4 *Resources of the Senate; and*

5 *(B) the Committee on Natural Resources of*  
6 *the House of Representatives.*

7 *(2) FORCE OF LAW.—The map and legal descrip-*  
8 *tion filed under paragraph (1) shall have the same*  
9 *force and effect as if included in this subtitle, except*  
10 *that the Secretary may correct typographical errors*  
11 *in the map and legal description.*

12 *(3) PUBLIC AVAILABILITY.—The map and legal*  
13 *description filed under paragraph (1) shall be on file*  
14 *and available for public inspection in the appropriate*  
15 *offices of the Bureau of Land Management.*

16 **SEC. 1703. RELEASE.**

17 *(a) FINDING.—Congress finds that, for the purposes of*  
18 *section 603(c) of the Federal Land Policy and Management*  
19 *Act of 1976 (43 U.S.C. 1782(c)), the portions of the Bad-*  
20 *lands wilderness study area that are not designated as the*  
21 *Oregon Badlands Wilderness or as potential wilderness*  
22 *have been adequately studied for wilderness or potential*  
23 *wilderness designation.*

1       (b) *RELEASE*.—Any public land described in sub-  
2 section (a) that is not designated as wilderness by this sub-  
3 title—

4           (1) is no longer subject to section 603(c) of the  
5 *Federal Land Policy and Management Act of 1976*  
6 *(43 U.S.C. 1782(c))*; and

7           (2) shall be managed in accordance with the ap-  
8 plicable land use plan adopted under section 202 of  
9 that Act *(43 U.S.C. 1712)*.

10 **SEC. 1704. LAND EXCHANGES.**

11       (a) *CLARNO LAND EXCHANGE*.—

12           (1) *CONVEYANCE OF LAND*.—Subject to sub-  
13 sections (c) through (e), if the landowner offers to con-  
14 vey to the United States all right, title, and interest  
15 of the landowner in and to the non-Federal land de-  
16 scribed in paragraph (2)(A), the Secretary shall—

17                   (A) accept the offer; and

18                   (B) on receipt of acceptable title to the non-  
19 Federal land, convey to the Landowner all right,  
20 title, and interest of the United States in and to  
21 the Federal land described in paragraph (2)(B).

22       (2) *DESCRIPTION OF LAND*.—

23           (A) *NON-FEDERAL LAND*.—The non-Federal  
24 land referred to in paragraph (1) is the approxi-  
25 mately 239 acres of non-Federal land identified

1           on the wilderness map as “Clarno to Federal  
2           Government”.

3           (B) *FEDERAL LAND.*—*The Federal land re-*  
4           *ferred to in paragraph (1)(B) is the approxi-*  
5           *mately 209 acres of Federal land identified on*  
6           *the wilderness map as “Federal Government to*  
7           *Clarno”.*

8           (3) *SURVEYS.*—*The exact acreage and legal de-*  
9           *scription of the Federal land and non-Federal land*  
10          *described in paragraph (2) shall be determined by*  
11          *surveys approved by the Secretary.*

12          (b) *DISTRICT EXCHANGE.*—

13           (1) *CONVEYANCE OF LAND.*—*Subject to sub-*  
14          *sections (c) through (e), if the District offers to convey*  
15          *to the United States all right, title, and interest of the*  
16          *District in and to the non-Federal land described in*  
17          *paragraph (2)(A), the Secretary shall—*

18                   (A) *accept the offer; and*

19                   (B) *on receipt of acceptable title to the non-*  
20          *Federal land, convey to the District all right,*  
21          *title, and interest of the United States in and to*  
22          *the Federal land described in paragraph (2)(B).*

23          (2) *DESCRIPTION OF LAND.*—

24           (A) *NON-FEDERAL LAND.*—*The non-Federal*  
25          *land referred to in paragraph (1) is the approxi-*

1           *mately 527 acres of non-Federal land identified*  
2           *on the wilderness map as “COID to Federal*  
3           *Government”.*

4           *(B) FEDERAL LAND.—The Federal land re-*  
5           *ferred to in paragraph (1)(B) is the approxi-*  
6           *mately 697 acres of Federal land identified on*  
7           *the wilderness map as “Federal Government to*  
8           *COID”.*

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          *(c) 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          *(d) VALUATION, APPRAISALS, AND EQUALIZATION.—*

19                 *(1) IN GENERAL.—The value of the Federal land*  
20                 *and the non-Federal land to be conveyed in a land ex-*  
21                 *change 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 this  
6           section shall be appraised by an independent,  
7           qualified appraiser that is agreed to by the Sec-  
8           retary and the owner of the non-Federal land to  
9           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 the  
24                 non-Federal land, as appropriate, in ac-  
25                 cordance with section 206(b) of the Federal

1                   *Land Policy and Management Act of 1976*  
2                   (43 U.S.C. 1716(b)); or

3                   (ii) reducing the acreage of the Federal  
4                   land or the non-Federal land to be ex-  
5                   changed, as appropriate.

6                   (B) CASH EQUALIZATION PAYMENTS.—Any  
7                   cash equalization payments received by the Sec-  
8                   retary under subparagraph (A)(i) shall be—

9                   (i) deposited in the Federal Land Dis-  
10                  positional Account established by section 206(a)  
11                  of the Federal Land Transaction Facilita-  
12                  tion Act (43 U.S.C. 2305(a)); and

13                  (ii) used in accordance with that Act.

14                  (e) CONDITIONS OF EXCHANGE.—

15                  (1) IN GENERAL.—The land exchanges under this  
16                  section shall be subject to such terms and conditions  
17                  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 relating  
22                  to the land exchange, including the costs of apprais-  
23                  als, surveys, and any necessary environmental clear-  
24                  ances.

1           (3) *VALID EXISTING RIGHTS.*—*The exchange of*  
 2           *Federal land and non-Federal land under this section*  
 3           *shall be subject to any easements, rights-of-way, and*  
 4           *other valid rights in existence on the date of enact-*  
 5           *ment of this Act.*

6           (f) *COMPLETION OF LAND EXCHANGE.*—*It is the intent*  
 7           *of Congress that the land exchanges under this section shall*  
 8           *be completed not later than 2 years after the date of enact-*  
 9           *ment of this Act.*

10 **SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.**

11           *Nothing in this subtitle alters, modifies, enlarges, di-*  
 12           *minishes, or abrogates the treaty rights of any Indian tribe,*  
 13           *including the off-reservation reserved rights secured by the*  
 14           *Treaty with the Tribes and Bands of Middle Oregon of June*  
 15           *25, 1855 (12 Stat. 963).*

16                           ***Subtitle J—Spring Basin***  
 17                           ***Wilderness, Oregon***

18 **SEC. 1751. DEFINITIONS.**

19           *In this subtitle:*

20                   (1) *SECRETARY.*—*The term “Secretary” means*  
 21                   *the Secretary of the Interior.*

22                   (2) *STATE.*—*The term “State” means the State*  
 23                   *of Oregon.*

1           (3) *TRIBES*.—*The term “Tribes” means the Con-*  
2           *federated Tribes of the Warm Springs Reservation of*  
3           *Oregon.*

4           (4) *WILDERNESS MAP*.—*The term “wilderness*  
5           *map” means the map entitled “Spring Basin Wilder-*  
6           *ness with Land Exchange Proposals” and dated Sep-*  
7           *tember 3, 2008.*

8 **SEC. 1752. SPRING BASIN WILDERNESS.**

9           (a) *DESIGNATION*.—*In accordance with the Wilderness*  
10          *Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres*  
11          *of Bureau of Land Management land in the State, as gen-*  
12          *erally depicted on the wilderness map, is designated as wil-*  
13          *derness and as a component of the National Wilderness*  
14          *Preservation System, to be known as the “Spring Basin*  
15          *Wilderness”.*

16          (b) *ADMINISTRATION OF WILDERNESS*.—

17                 (1) *IN GENERAL*.—*Subject to valid existing*  
18                 *rights, the Spring Basin Wilderness shall be adminis-*  
19                 *tered by the Secretary in accordance with the Wilder-*  
20                 *ness Act (16 U.S.C. 1131 et seq.), except that—*

21                         (A) *any reference in the Wilderness Act to*  
22                         *the effective date of that Act shall be considered*  
23                         *to be a reference to the date of enactment of this*  
24                         *Act; and*

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

4           (2) INCORPORATION OF ACQUIRED LAND AND IN-  
5           TERESTS.—Any land or interest in land within the  
6           boundary of the Spring Basin Wilderness that is ac-  
7           quired by the United States shall—

8           (A) become part of the Spring Basin Wil-  
9           derness; and

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

13          (3) GRAZING.—The grazing of livestock in the  
14          Spring Basin Wilderness, if established before the date  
15          of enactment of this Act, shall be permitted to con-  
16          tinue subject to such reasonable regulations as are  
17          considered necessary by the Secretary, in accordance  
18          with—

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

21          (B) the guidelines set forth in Appendix A  
22          of the report of the Committee on Interior and  
23          Insular Affairs of the House of Representatives  
24          accompanying H.R. 2570 of the 101st Congress  
25          (H. Rept. 101–405).

1       (c) *MAP AND LEGAL DESCRIPTION.*—

2               (1) *IN GENERAL.*—As soon as practicable after  
3       the date of enactment of this Act, the Secretary shall  
4       file a map and a legal description of the Spring  
5       Basin Wilderness with—

6                       (A) the Committee on Energy and Natural  
7       Resources of the Senate; and

8                       (B) the Committee on Natural Resources of  
9       the House of Representatives.

10              (2) *FORCE OF LAW.*—The map and legal descrip-  
11       tion filed under paragraph (1) shall have the same  
12       force and effect as if included in this section, except  
13       that the Secretary may correct any typographical er-  
14       rors in the map and legal description.

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

19   **SEC. 1753. RELEASE.**

20              (a) *FINDING.*—Congress finds that, for the purposes of  
21       section 603(c) of the Federal Land Policy and Management  
22       Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring  
23       Basin wilderness study area that are not designated by sec-  
24       tion 1752(a) as the Spring Basin Wilderness in the fol-

1 *lowing areas have been adequately studied for wilderness*  
 2 *designation:*

3           (1) *T. 8 S., R. 19 E., sec. 10, NE 1/4, W 1/2.*

4           (2) *T. 8 S., R.19 E., sec. 25, SE 1/4, SE 1/4.*

5           (3) *T. 8 S., R. 20 E., sec. 19, SE 1/4, S 1/2 of*  
 6 *the S 1/2.*

7           (b) *RELEASE.—Any public land described in sub-*  
 8 *section (a) that is not designated as wilderness by this sub-*  
 9 *title—*

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

13           (2) *shall be managed in accordance with the ap-*  
 14 *plicable land use plan adopted under section 202 of*  
 15 *that Act (43 U.S.C. 1712).*

16 **SEC. 1754. LAND EXCHANGES.**

17           (a) *CONFEDERATED TRIBES OF THE WARM SPRINGS*  
 18 *RESERVATION LAND EXCHANGE.—*

19           (1) *CONVEYANCE OF LAND.—Subject to sub-*  
 20 *sections (e) through (g), if the Tribes offer to convey*  
 21 *to the United States all right, title, and interest of the*  
 22 *Tribes in and to the non-Federal land described in*  
 23 *paragraph (2)(A), the Secretary shall—*

24           (A) *accept the offer; and*

1           *(B) on receipt of acceptable title to the non-*  
2           *Federal land, convey to the Tribes all right, title,*  
3           *and interest of the United States in and to the*  
4           *Federal land described in paragraph (2)(B).*

5           (2) *DESCRIPTION OF LAND.—*

6           (A) *NON-FEDERAL LAND.—The non-Federal*  
7           *land referred to in paragraph (1) is the approxi-*  
8           *mately 4,480 acres of non-Federal land identi-*  
9           *fied on the wilderness map as “Lands proposed*  
10          *for transfer from the CTWSIR to the Federal*  
11          *Government”.*

12          (B) *FEDERAL LAND.—The Federal land re-*  
13          *ferred to in paragraph (1)(B) is the approxi-*  
14          *mately 4,578 acres of Federal land identified on*  
15          *the wilderness map as “Lands proposed for*  
16          *transfer from the Federal Government to*  
17          *CTWSIR”.*

18          (3) *SURVEYS.—The exact acreage and legal de-*  
19          *scription of the Federal land and non-Federal land*  
20          *described in paragraph (2) shall be determined by*  
21          *surveys approved by the Secretary.*

22          (4) *WITHDRAWAL.—Subject to valid existing*  
23          *rights, the land acquired by the Secretary under this*  
24          *subsection is withdrawn from all forms of—*



1           (A) entry, appropriation, or disposal under  
2           the public land laws;

3           (B) location, entry, and patent under the  
4           mining laws; and

5           (C) disposition under any law relating to  
6           mineral and geothermal leasing or mineral ma-  
7           terials.

8           (b) *MCGREER LAND EXCHANGE*.—

9           (1) *CONVEYANCE OF LAND*.—Subject to sub-  
10          sections (e) through (g), if the landowner offers to con-  
11          vey to the United States all right, title, and interest  
12          of the landowner in and to the non-Federal land de-  
13          scribed in paragraph (2)(A), the Secretary shall—

14               (A) accept the offer; and

15               (B) on receipt of acceptable title to the non-  
16          Federal land, convey to the landowner all right,  
17          title, and interest of the United States in and to  
18          the Federal land described in paragraph (2)(B).

19          (2) *DESCRIPTION OF LAND*.—

20               (A) *NON-FEDERAL LAND*.—The non-Federal  
21          land referred to in paragraph (1) is the approxi-  
22          mately 18 acres of non-Federal land identified  
23          on the wilderness map as “Lands proposed for  
24          transfer from McGreer to the Federal Govern-  
25          ment”.

1           (B) *FEDERAL LAND.*—*The Federal land re-*  
2           *ferred to in paragraph (1)(B) is the approxi-*  
3           *mately 327 acres of Federal land identified on*  
4           *the wilderness map as “Lands proposed for*  
5           *transfer from the Federal Government to*  
6           *McGreer”.*

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          (c) *KEYS LAND EXCHANGE.*—

12           (1) *CONVEYANCE OF LAND.*—*Subject to sub-*  
13          *sections (e) through (g), if the landowner offers to con-*  
14          *vey to the United States all right, title, and interest*  
15          *of the landowner in and to the non-Federal land de-*  
16          *scribed in paragraph (2)(A), the Secretary shall—*

17                   (A) *accept the offer; and*

18                   (B) *on receipt of acceptable title to the non-*  
19          *Federal land, convey to the landowner all right,*  
20          *title, and interest of the United States in and to*  
21          *the Federal land described in paragraph (2)(B).*

22          (2) *DESCRIPTION OF LAND.*—

23           (A) *NON-FEDERAL LAND.*—*The non-Federal*  
24          *land referred to in paragraph (1) is the approxi-*  
25          *mately 180 acres of non-Federal land identified*

1           on the wilderness map as “Lands proposed for  
2           transfer from Keys to the Federal Government”.

3           (B) *FEDERAL LAND*.—The Federal land re-  
4           ferred to in paragraph (1)(B) is the approxi-  
5           mately 187 acres of Federal land identified on  
6           the wilderness map as “Lands proposed for  
7           transfer from the Federal Government to Keys”.

8           (3) *SURVEYS*.—The exact acreage and legal de-  
9           scription of the Federal land and non-Federal land  
10          described in paragraph (2) shall be determined by  
11          surveys approved by the Secretary.

12          (d) *BOWERMAN LAND EXCHANGE*.—

13           (1) *CONVEYANCE OF LAND*.—Subject to sub-  
14           sections (e) through (g), if the landowner offers to con-  
15           vey to the United States all right, title, and interest  
16           of the landowner in and to the non-Federal land de-  
17           scribed in paragraph (2)(A), the Secretary shall—

18                   (A) accept the offer; and

19                   (B) on receipt of acceptable title to the non-  
20           Federal land, convey to the landowner all right,  
21           title, and interest of the United States in and to  
22           the Federal land described in paragraph (2)(B).

23          (2) *DESCRIPTION OF LAND*.—

24           (A) *NON-FEDERAL LAND*.—The non-Federal  
25           land referred to in paragraph (1) is the approxi-

1           *mately 32 acres of non-Federal land identified*  
2           *on the wilderness map as “Lands proposed for*  
3           *transfer from Bowerman to the Federal Govern-*  
4           *ment”.*

5           *(B) FEDERAL LAND.—The Federal land re-*  
6           *ferred to in paragraph (1)(B) is the approxi-*  
7           *mately 24 acres of Federal land identified on the*  
8           *wilderness map as “Lands proposed for transfer*  
9           *from the Federal Government to Bowerman”.*

10          *(3) SURVEYS.—The exact acreage and legal de-*  
11          *scription of the Federal land and non-Federal land*  
12          *described in paragraph (2) shall be determined by*  
13          *surveys approved by the Secretary.*

14          *(e) APPLICABLE LAW.—Except as otherwise provided*  
15          *in this section, the Secretary shall carry out the land ex-*  
16          *changes under this section in accordance with section 206*  
17          *of the Federal Land Policy and Management Act of 1976*  
18          *(43 U.S.C. 1716).*

19          *(f) VALUATION, APPRAISALS, AND EQUALIZATION.—*

20                 *(1) IN GENERAL.—The value of the Federal land*  
21                 *and the non-Federal land to be conveyed in a land ex-*  
22                 *change under this section—*

23                         *(A) shall be equal, as determined by ap-*  
24                         *praisals conducted in accordance with para-*  
25                         *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 this  
6           section shall be appraised by an independent,  
7           qualified appraiser that is agreed to by the Sec-  
8           retary and the owner of the non-Federal land to  
9           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 the  
24                 non-Federal land, as appropriate, in ac-  
25                 cordance with section 206(b) of the Federal

1           *Land Policy and Management Act of 1976*  
2           *(43 U.S.C. 1716(b)); or*

3                     *(ii) reducing the acreage of the Federal*  
4           *land or the non-Federal land to be ex-*  
5           *changed, as appropriate.*

6           (B) *CASH EQUALIZATION PAYMENTS.—Any*  
7           *cash equalization payments received by the Sec-*  
8           *retary under subparagraph (A)(i) shall be—*

9                     *(i) deposited in the Federal Land Dis-*  
10           *posal Account established by section 206(a)*  
11           *of the Federal Land Transaction Facilita-*  
12           *tion 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 this*  
16           *section shall be subject to such terms and conditions*  
17           *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 relating*  
22           *to the land exchange, including the costs of apprais-*  
23           *als, surveys, and any necessary environmental clear-*  
24           *ances.*

1           (3) *VALID EXISTING RIGHTS.*—*The exchange of*  
 2           *Federal land and non-Federal land under this section*  
 3           *shall be subject to any easements, rights-of-way, and*  
 4           *other valid rights in existence on the date of enact-*  
 5           *ment of this Act.*

6           (h) *COMPLETION OF LAND EXCHANGE.*—*It is the in-*  
 7           *tent of Congress that the land exchanges under this section*  
 8           *shall be completed not later than 2 years after the date of*  
 9           *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 tribe,*  
 13           *including the off-reservation reserved rights secured by the*  
 14           *Treaty with the Tribes and Bands of Middle Oregon of June*  
 15           *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 An-*  
 22           *cient Bristlecone Pine Forest designated by section*  
 23           *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 Pacific*  
15 *Crest National Scenic Trail.*

16 **SEC. 1802. DESIGNATION OF WILDERNESS AREAS.**

17       *In accordance with the Wilderness Act (16 U.S.C. 1131*  
18 *et seq.), the following areas in the State are designated as*  
19 *wilderness and as components of the National Wilderness*  
20 *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 sub-  
4           paragraph (B), is incorporated in, and shall be  
5           considered to be a part of, the Hoover Wilder-  
6           ness.

7           (B) DESCRIPTION OF MAPS.—The maps re-  
8           ferred to in subparagraph (A) are—

9                   (i) the map entitled “Humboldt-  
10                   Toiyabe National Forest Proposed Manage-  
11                   ment” and dated September 17, 2008; and

12                   (ii) the map entitled “Bighorn Pro-  
13                   posed Wilderness Additions” and dated Sep-  
14                   tember 23, 2008.

15           (C) EFFECT.—The designation of the wil-  
16           derness under subparagraph (A) shall not affect  
17           the ongoing activities of the adjacent United  
18           States Marine Corps Mountain Warfare Train-  
19           ing Center on land outside the designated wilder-  
20           ness, in accordance with the agreement between  
21           the Center and the Humboldt-Toiyabe National  
22           Forest.

23           (2) OWENS RIVER HEADWATERS WILDERNESS.—  
24           Certain land in the Inyo National Forest, comprising  
25           approximately 14,721 acres, as generally depicted on

1 *the map entitled “Owens River Headwaters Proposed*  
2 *Wilderness” and dated September 16, 2008, which*  
3 *shall be known as the “Owens River Headwaters Wil-*  
4 *derness”.*

5 (3) *JOHN MUIR WILDERNESS ADDITIONS.—*

6 (A) *IN GENERAL.—Certain land in the Inyo*  
7 *National Forest and certain land administered*  
8 *by the Bureau of Land Management in Inyo*  
9 *County, California, comprising approximately*  
10 *70,411 acres, as generally depicted on the maps*  
11 *described in subparagraph (B), is incorporated*  
12 *in, and shall be considered to be a part of, the*  
13 *John Muir Wilderness.*

14 (B) *DESCRIPTION OF MAPS.—The maps re-*  
15 *ferred to in subparagraph (A) are—*

16 (i) *the map entitled “John Muir Pro-*  
17 *posed Wilderness Addition (1 of 5)” and*  
18 *dated September 23, 2008;*

19 (ii) *the map entitled “John Muir Pro-*  
20 *posed Wilderness Addition (2 of 5)” and*  
21 *dated September 23, 2008;*

22 (iii) *the map entitled “John Muir Pro-*  
23 *posed Wilderness Addition (3 of 5)” and*  
24 *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 of*  
8                   *the John Muir Wilderness is revised as depicted*  
9                   *on the map entitled “John Muir Wilderness—*  
10                  *Revised” and dated September 16, 2008.*

11                  (4) *ANSEL ADAMS WILDERNESS ADDITION.*—*Cer-*  
12                  *tain land in the Inyo National Forest, comprising*  
13                  *approximately 528 acres, as generally depicted on the*  
14                  *map entitled “Ansel Adams Proposed Wilderness Ad-*  
15                  *dition” 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 Inyo*  
20                         *National Forest and certain land administered*  
21                         *by the Bureau of Land Management in Mono*  
22                         *County, California, comprising approximately*  
23                         *229,993 acres, as generally depicted on the maps*  
24                         *described in subparagraph (B), which shall be*  
25                         *known as the “White Mountains Wilderness”.*

1           (B) *DESCRIPTION OF MAPS.*—*The maps re-*  
2           *ferred to in subparagraph (A) are—*

3                     (i) *the map entitled “White Mountains*  
4                     *Proposed Wilderness-Map 1 of 2 (North)”*  
5                     *and dated September 16, 2008; and*

6                     (ii) *the map entitled “White Moun-*  
7                     *tains Proposed Wilderness-Map 2 of 2*  
8                     *(South)” and dated September 16, 2008.*

9           (6) *GRANITE MOUNTAIN WILDERNESS.*—*Certain*  
10           *land in the Inyo National Forest and certain land*  
11           *administered by the Bureau of Land Management in*  
12           *Mono County, California, comprising approximately*  
13           *34,342 acres, as generally depicted on the map enti-*  
14           *tled “Granite Mountain Wilderness” and dated Sep-*  
15           *tember 19, 2008, which shall be known as the “Gran-*  
16           *ite Mountain Wilderness”.*

17           (7) *MAGIC MOUNTAIN WILDERNESS.*—*Certain*  
18           *land in the Angeles National Forest, comprising ap-*  
19           *proximately 12,282 acres, as generally depicted on the*  
20           *map entitled “Magic Mountain Proposed Wilderness”*  
21           *and dated December 16, 2008, which shall be known*  
22           *as the “Magic Mountain Wilderness”.*

23           (8) *PLEASANT VIEW RIDGE WILDERNESS.*—*Cer-*  
24           *tain land in the Angeles National Forest, comprising*  
25           *approximately 26,757 acres, as generally depicted on*

1       *the map entitled “Pleasant View Ridge Proposed Wil-*  
2       *derness” and dated December 16, 2008, which shall be*  
3       *known as the “Pleasant View Ridge Wilderness”.*

4       **SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.**

5       (a) *MANAGEMENT.*—*Subject to valid existing rights,*  
6       *the Secretary shall administer the wilderness areas and wil-*  
7       *derness additions designated by this subtitle in accordance*  
8       *with the Wilderness Act (16 U.S.C. 1131 et seq.), except*  
9       *that—*

10               (1) *any reference in that Act to the effective date*  
11               *shall be considered to be a reference to the date of en-*  
12               *actment of this Act; and*

13               (2) *any reference in that Act to the Secretary of*  
14               *Agriculture shall be considered to be a reference to the*  
15               *Secretary that has jurisdiction over the land.*

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 shall*  
19               *file a map and legal description of each wilderness*  
20               *area and wilderness addition designated by this sub-*  
21               *title with—*

22                       (A) *the Committee on Natural Resources of*  
23                       *the House of Representatives; and*

24                       (B) *the Committee on Energy and Natural*  
25                       *Resources of the Senate.*

1           (2) *FORCE OF LAW.*—*Each 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.*—*Each 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 Secretary.*

10          (c) *INCORPORATION OF ACQUIRED LAND AND INTER-*  
11          *ESTS.*—*Any land (or interest in land) within the boundary*  
12          *of a wilderness area or wilderness addition designated by*  
13          *this subtitle that is acquired by the Federal Government*  
14          *shall—*

15                 (1) *become part of the wilderness area in which*  
16                 *the land is located; and*

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

20          (d) *WITHDRAWAL.*—*Subject to valid rights in existence*  
21          *on the date of enactment of this Act, any Federal land des-*  
22          *ignated as a wilderness area or wilderness addition by this*  
23          *subtitle is withdrawn from—*

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

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

3           (3) *disposition under laws relating to mineral*  
4 *and geothermal leasing or mineral materials.*

5 (e) *FIRE MANAGEMENT AND RELATED ACTIVITIES.*—

6           (1) *IN GENERAL.*—*The Secretary may take such*  
7 *measures in a wilderness area or wilderness addition*  
8 *designated by this subtitle as are necessary for the*  
9 *control of fire, insects, and diseases in accordance*  
10 *with section 4(d)(1) of the Wilderness Act (16 U.S.C.*  
11 *1133(d)(1)) and House Report 98–40 of the 98th Con-*  
12 *gress.*

13           (2) *FUNDING PRIORITIES.*—*Nothing in this sub-*  
14 *title limits funding for fire and fuels management in*  
15 *the wilderness areas and wilderness additions des-*  
16 *ignated by this subtitle.*

17           (3) *REVISION AND DEVELOPMENT OF LOCAL FIRE*  
18 *MANAGEMENT PLANS.*—*As soon as practicable after*  
19 *the date of enactment of this Act, the Secretary shall*  
20 *amend the local fire management plans that apply to*  
21 *the land designated as a wilderness area or wilderness*  
22 *addition by this subtitle.*

23           (4) *ADMINISTRATION.*—*Consistent with para-*  
24 *graph (1) and other applicable Federal law, to ensure*  
25 *a timely and efficient response to fire emergencies in*

1 *the wilderness areas and wilderness additions des-*  
2 *ignated by this subtitle, the Secretary shall—*

3 *(A) not later than 1 year after the date of*  
4 *enactment of this Act, establish agency approval*  
5 *procedures (including appropriate delegations of*  
6 *authority to the Forest Supervisor, District Man-*  
7 *ager, or other agency officials) for responding to*  
8 *fire emergencies; and*

9 *(B) enter into agreements with appropriate*  
10 *State or local firefighting agencies.*

11 *(f) ACCESS TO PRIVATE PROPERTY.—The Secretary*  
12 *shall provide any owner of private property within the*  
13 *boundary of a wilderness area or wilderness addition des-*  
14 *ignated by this subtitle adequate access to the property to*  
15 *ensure the reasonable use and enjoyment of the property by*  
16 *the owner.*

17 *(g) MILITARY ACTIVITIES.—Nothing in this subtitle*  
18 *precludes—*

19 *(1) low-level overflights of military aircraft over*  
20 *the wilderness areas or wilderness additions des-*  
21 *ignated by this subtitle;*

22 *(2) the designation of new units of special air-*  
23 *space over the wilderness areas or wilderness addi-*  
24 *tions designated by this subtitle; or*



1           (3) *the use or establishment of military flight*  
2           *training routes over wilderness areas or wilderness*  
3           *additions designated by this subtitle.*

4           (h) *LIVESTOCK.—Grazing of livestock and the mainte-*  
5           *nance of existing facilities relating to grazing in wilderness*  
6           *areas or wilderness additions designated by this subtitle,*  
7           *if established before the date of enactment of this Act, shall*  
8           *be permitted to continue in accordance with—*

9                   (1) *section 4(d)(4) of the Wilderness Act (16*  
10            *U.S.C. 1133(d)(4)); and*

11                   (2) *the guidelines set forth in Appendix A of the*  
12            *report of the Committee on Interior and Insular Af-*  
13            *airs of the House of Representatives accompanying*  
14            *H.R. 2570 of the 101st Congress (H. Rept. 101–405).*

15           (i) *FISH AND WILDLIFE MANAGEMENT.—*

16                   (1) *IN GENERAL.—In furtherance of the purposes*  
17            *of the Wilderness Act (16 U.S.C. 1131 et seq.), the*  
18            *Secretary may carry out management activities to*  
19            *maintain or restore fish and wildlife populations and*  
20            *fish and wildlife habitats in wilderness areas or wil-*  
21            *derness additions designated by this subtitle if the ac-*  
22            *tivities are—*

23                           (A) *consistent with applicable wilderness*  
24                            *management plans; and*

1                   (B) carried out in accordance with applica-  
2                   ble guidelines and policies.

3                   (2) *STATE JURISDICTION.*—Nothing in this sub-  
4                   title affects the jurisdiction of the State with respect  
5                   to fish and wildlife on public land located in the  
6                   State.

7                   (j) *HORSES.*—Nothing in this subtitle precludes horse-  
8                   back riding in, or the entry of recreational or commercial  
9                   saddle or pack stock into, an area designated as wilderness  
10                  or as a wilderness addition by this subtitle—

11                  (1) in accordance with section 4(d)(5) of the Wil-  
12                  derness Act (16 U.S.C. 1133(d)(5)); and

13                  (2) subject to any terms and conditions deter-  
14                  mined to be necessary by the Secretary.

15                  (k) *OUTFITTER AND GUIDE USE.*—Outfitter and guide  
16                  activities conducted under permits issued by the Forest  
17                  Service on the additions to the John Muir, Ansel Adams,  
18                  and Hoover wilderness areas designated by this subtitle  
19                  shall be in addition to any existing limits established for  
20                  the John Muir, Ansel Adams, and Hoover wilderness areas.

21                  (l) *TRANSFER TO THE FOREST SERVICE.*—

22                  (1) *WHITE MOUNTAINS WILDERNESS.*—Adminis-  
23                  trative jurisdiction over the approximately 946 acres  
24                  of land identified as “Transfer of Administrative Ju-  
25                  risdiction from BLM to FS” on the maps described

1        *in section 1802(5)(B) is transferred from the Bureau*  
2        *of Land Management to the Forest Service to be man-*  
3        *aged as part of the White Mountains Wilderness.*

4            (2) *JOHN MUIR WILDERNESS.—Administrative*  
5        *jurisdiction over the approximately 143 acres of land*  
6        *identified as “Transfer of Administrative Jurisdiction*  
7        *from BLM to FS” on the maps described in section*  
8        *1802(3)(B) is transferred from the Bureau of Land*  
9        *Management to the Forest Service to be managed as*  
10       *part of the John Muir Wilderness.*

11          (m) *TRANSFER TO THE BUREAU OF LAND MANAGE-*  
12       *MENT.—Administrative jurisdiction over the approximately*  
13       *3,010 acres of land identified as “Land from FS to BLM”*  
14       *on the maps described in section 1802(6) is transferred from*  
15       *the Forest Service to the Bureau of Land Management to*  
16       *be managed as part of the Granite Mountain Wilderness.*

17        **SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.**

18          (a) *FINDING.—Congress finds that, for purposes of sec-*  
19       *tion 603 of the Federal Land Policy and Management Act*  
20       *of 1976 (43 U.S.C. 1782), 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 has been adequately studied for wilderness.*

1       **(b) DESCRIPTION OF STUDY AREAS.**—*The study areas*  
2 *referred to in subsection (a) are—*

3           (1) *the Masonic Mountain Wilderness Study*  
4 *Area;*

5           (2) *the Mormon Meadow Wilderness Study Area;*

6           (3) *the Walford Springs Wilderness Study Area;*

7       *and*

8           (4) *the Granite Mountain Wilderness Study*  
9 *Area.*

10       **(c) RELEASE.**—*Any portion of a wilderness study area*  
11 *described in subsection (b) that is not designated as a wil-*  
12 *derness area or wilderness addition by this subtitle or any*  
13 *other Act enacted before the date of enactment of this Act*  
14 *shall not be subject to section 603(c) of the Federal Land*  
15 *Policy and Management Act of 1976 (43 U.S.C. 1782(c)).*

16 **SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.**

17       **(a) IN GENERAL.**—*Section 3(a) of the Wild and Scenic*  
18 *Rivers Act (16 U.S.C. 1274(a)) (as amended by section*  
19 *1504(a)) is amended by adding at the end the following:*

20           “(196) *AMARGOSA RIVER, CALIFORNIA.*—*The fol-*  
21 *lowing segments of the Amargosa River in the State*  
22 *of California, to be administered by the Secretary of*  
23 *the Interior:*

24           “(A) *The approximately 4.1-mile segment of*  
25 *the Amargosa River from the northern boundary*

1           of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream  
2           of the Tecopa Hot Springs road crossing, as a  
3           scenic river.

4           “(B) The approximately 8-mile segment of  
5           the Amargosa River from 100 feet downstream of  
6           the Tecopa Hot Springs Road crossing to 100  
7           feet upstream of the Old Spanish Trail Highway  
8           crossing near Tecopa, as a scenic river.

9           “(C) The approximately 7.9-mile segment of  
10          the Amargosa River from the northern boundary  
11          of sec. 16, T. 20 N., R. 7 E., to .25 miles up-  
12          stream of the confluence with Sperry Wash in  
13          sec. 10, T. 19 N., R. 7 E., as a wild river.

14          “(D) The approximately 4.9-mile segment of  
15          the Amargosa River from .25 miles upstream of  
16          the confluence with Sperry Wash in sec. 10, T.  
17          19 N., R. 7 E. to 100 feet upstream of the Du-  
18          mont Dunes access road crossing in sec. 32, T.  
19          19 N., R. 7 E., as a recreational river.

20          “(E) The approximately 1.4-mile segment of  
21          the Amargosa River from 100 feet downstream of  
22          the Dumont Dunes access road crossing in sec.  
23          32, T. 19 N., R. 7 E., as a recreational river.

24          “(197) OWENS RIVER HEADWATERS, CALI-  
25          FORNIA.—The following segments of the Owens River

1       *in the State of California, to be administered by the*  
2       *Secretary of Agriculture:*

3               “(A) *The 2.3-mile segment of Deadman*  
4               *Creek from the 2-forked source east of San Joa-*  
5               *quin Peak to the confluence with the unnamed*  
6               *tributary flowing north into Deadman Creek*  
7               *from sec. 12, T. 3 S., R. 26 E., as a wild river.*

8               “(B) *The 2.3-mile segment of Deadman*  
9               *Creek from the unnamed tributary confluence in*  
10              *sec. 12, T. 3 S., R. 26 E., to the Road 3S22*  
11              *crossing, as a scenic river.*

12              “(C) *The 4.1-mile segment of Deadman*  
13              *Creek from the Road 3S22 crossing to .25 miles*  
14              *downstream of the Highway 395 crossing, as a*  
15              *recreational river.*

16              “(D) *The 3-mile segment of Deadman Creek*  
17              *from .25 miles downstream of the Highway 395*  
18              *crossing to 100 feet upstream of Big Springs, as*  
19              *a scenic river.*

20              “(E) *The 1-mile segment of the Upper*  
21              *Owens River from 100 feet upstream of Big*  
22              *Springs to the private property boundary in sec.*  
23              *19, T. 2 S., R. 28 E., as a recreational river.*

24              “(F) *The 4-mile segment of Glass Creek*  
25              *from its 2-forked source to 100 feet upstream of*

1           *the Glass Creek Meadow Trailhead parking area*  
2           *in sec. 29, T. 2 S., R.27 E., as a wild river.*

3           “(G) *The 1.3-mile segment of Glass Creek*  
4           *from 100 feet upstream of the trailhead parking*  
5           *area in sec. 29 to the end of Glass Creek Road*  
6           *in sec. 21, T. 2 S., R. 27 E., as a scenic river.*

7           “(H) *The 1.1-mile segment of Glass Creek*  
8           *from the end of Glass Creek Road in sec. 21, T.*  
9           *2 S., R. 27 E., to the confluence with Deadman*  
10          *Creek, as a recreational river.*

11          “(198) *COTTONWOOD CREEK, CALIFORNIA.—The*  
12          *following segments of Cottonwood Creek in the State*  
13          *of California:*

14               “(A) *The 17.4-mile segment from its head-*  
15               *waters at the spring in sec. 27, T 4 S., R. 34*  
16               *E., to the Inyo National Forest boundary at the*  
17               *east section line of sec 3, T. 6 S., R. 36 E., as*  
18               *a wild river to be administered by the Secretary*  
19               *of Agriculture.*

20               “(B) *The 4.1-mile segment from the Inyo*  
21               *National Forest boundary to the northern bound-*  
22               *ary of sec. 5, T.4 S., R. 34 E., as a recreational*  
23               *river, to be administered by the Secretary of the*  
24               *Interior.*

1           “(199) *PIRU CREEK, CALIFORNIA.*—*The fol-*  
2           *lowing segments of Piru Creek in the State of Cali-*  
3           *formia, to be administered by the Secretary of Agri-*  
4           *culture:*

5                   “(A) *The 3-mile segment of Piru Creek from*  
6                   *0.5 miles downstream of Pyramid Dam at the*  
7                   *first bridge crossing to the boundary of the Sespe*  
8                   *Wilderness, as a recreational river.*

9                   “(B) *The 4.25-mile segment from the bound-*  
10                  *ary of the Sespe Wilderness to the boundary be-*  
11                  *tween Los Angeles and Ventura Counties, as a*  
12                  *wild river.”.*

13           (b) *EFFECT.*—*The designation of Piru Creek under*  
14           *subsection (a) shall not affect valid rights in existence on*  
15           *the date of enactment of this Act.*

16   **SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.**

17           (a) *DESIGNATION.*—*The approximately 7,254 acres of*  
18           *land in the Humboldt-Toiyabe National Forest identified*  
19           *as the “Bridgeport Winter Recreation Area”, as generally*  
20           *depicted on the map entitled “Humboldt-Toiyabe National*  
21           *Forest Proposed Management” and dated September 17,*  
22           *2008, is designated as the Bridgeport Winter Recreation*  
23           *Area.*

24           (b) *MAP AND LEGAL DESCRIPTION.*—



1           (1) *IN GENERAL.*—As soon as practicable after  
2           the date of enactment of this Act, the Secretary shall  
3           file a map and legal description of the Recreation  
4           Area with—

5                     (A) the Committee on Natural Resources of  
6                     the House of Representatives; and

7                     (B) the Committee on Energy and Natural  
8                     Resources of the Senate.

9           (2) *FORCE OF LAW.*—The map and legal descrip-  
10           tion filed under paragraph (1) shall have the same  
11           force and effect as if included in this subtitle, except  
12           that the Secretary may correct any errors in the map  
13           and legal description.

14           (3) *PUBLIC AVAILABILITY.*—The map and legal  
15           description filed under paragraph (1) shall be on file  
16           and available for public inspection in the appropriate  
17           offices of the Forest Service.

18           (c) *MANAGEMENT.*—

19                     (1) *INTERIM MANAGEMENT.*—Until completion of  
20                     the management plan required under subsection (d),  
21                     and except as provided in paragraph (2), the Recre-  
22                     ation Area shall be managed in accordance with the  
23                     Toiyabe National Forest Land and Resource Manage-  
24                     ment Plan of 1986 (as in effect on the day of enact-  
25                     ment of this Act).

1           (2) *USE OF SNOWMOBILES.*—*The winter use of*  
2           *snowmobiles shall be allowed in the Recreation*  
3           *Area—*

4                   (A) *during periods of adequate snow cov-*  
5                   *erage during the winter season; and*

6                   (B) *subject to any terms and conditions de-*  
7                   *termined to be necessary by the Secretary.*

8           (d) *MANAGEMENT PLAN.*—*To ensure the sound man-*  
9           *agement and enforcement of the Recreation Area, the Sec-*  
10          *retary shall, not later than 1 year after the date of enact-*  
11          *ment of this Act, undergo a public process to develop a win-*  
12          *ter use management plan that provides for—*

13                   (1) *adequate signage;*

14                   (2) *a public education program on allowable*  
15                   *usage areas;*

16                   (3) *measures to ensure adequate sanitation;*

17                   (4) *a monitoring and enforcement strategy; and*

18                   (5) *measures to ensure the protection of the*  
19                   *Trail.*

20           (e) *ENFORCEMENT.*—*The Secretary shall prioritize en-*  
21          *forcement activities in the Recreation Area—*

22                   (1) *to prohibit degradation of natural resources*  
23                   *in the Recreation Area;*

24                   (2) *to prevent interference with nonmotorized*  
25                   *recreation on the Trail; and*

1           (3) *to reduce user conflicts in the Recreation*  
2     *Area.*

3           (f) *PACIFIC CREST NATIONAL SCENIC TRAIL.—The*  
4     *Secretary shall establish an appropriate snowmobile cross-*  
5     *ing point along the Trail in the area identified as “Pacific*  
6     *Crest Trail Proposed Crossing Area” on the map entitled*  
7     *“Humboldt-Toiyabe National Forest Proposed Manage-*  
8     *ment” and dated September 17, 2008—*

9           (1) *in accordance with—*

10           (A) *the National Trails System Act (16*  
11     *U.S.C. 1241 et seq.); and*

12           (B) *any applicable environmental and pub-*  
13     *lic safety laws; and*

14           (2) *subject to the terms and conditions the Sec-*  
15     *retary determines to be necessary to ensure that the*  
16     *crossing would not—*

17           (A) *interfere with the nature and purposes*  
18     *of the Trail; or*

19           (B) *harm the surrounding landscape.*

20     **SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-**  
21           **TOIYABE NATIONAL FOREST.**

22           *Certain land in the Humboldt-Toiyabe National For-*  
23     *est, comprising approximately 3,690 acres identified as*  
24     *“Pickel Hill Management Area”, as generally depicted on*  
25     *the map entitled “Humboldt-Toiyabe National Forest Pro-*

1 posed Management” and dated September 17, 2008, shall  
2 be managed in a manner consistent with the non-Wilder-  
3 ness forest areas immediately surrounding the Pickel Hill  
4 Management Area, including the allowance of snowmobile  
5 use.

6 **SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.**

7 (a) *DESIGNATION.*—To conserve and protect the An-  
8 cient Bristlecone Pines by maintaining near-natural condi-  
9 tions and to ensure the survival of the Pines for the purposes  
10 of public enjoyment and scientific study, the approximately  
11 31,700 acres of public land in the State, as generally de-  
12 picted on the map entitled “Ancient Bristlecone Pine For-  
13 est—Proposed” and dated July 16, 2008, is designated as  
14 the “Ancient Bristlecone Pine Forest”.

15 (b) *MAP AND LEGAL DESCRIPTION.*—

16 (1) *IN GENERAL.*—As soon as practicable, but  
17 not later than 3 years after the date of enactment of  
18 this Act, the Secretary shall file a map and legal de-  
19 scription of the Forest with—

20 (A) the Committee on Natural Resources of  
21 the House of Representatives; and

22 (B) the Committee on Energy and Natural  
23 Resources of the Senate.

24 (2) *FORCE OF LAW.*—The map and legal descrip-  
25 tion filed under paragraph (1) shall have the same

1 *force and effect as if included in this subtitle, except*  
2 *that the Secretary may correct any errors in the map*  
3 *and legal description.*

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 Forest Service.*

8 (c) *MANAGEMENT.*—

9 (1) *IN GENERAL.*—*The Secretary shall admin-*  
10 *ister the Forest—*

11 (A) *in a manner that—*

12 (i) *protect the resources and values of*  
13 *the area in accordance with the purposes for*  
14 *which the Forest is established, as described*  
15 *in subsection (a); and*

16 (ii) *promotes the objectives of the ap-*  
17 *plicable management plan (as in effect on*  
18 *the date of enactment of this Act), including*  
19 *objectives relating to—*

20 (I) *the protection of bristlecone*  
21 *pinus for public enjoyment and sci-*  
22 *entific study;*

23 (II) *the recognition of the botan-*  
24 *ical, scenic, and historical values of the*  
25 *area; and*

1                   (III) *the maintenance of near-nat-*  
2                   *ural conditions by ensuring that all*  
3                   *activities are subordinate to the needs*  
4                   *of protecting and preserving bristlecone*  
5                   *pin*s and wood remnants; and

6                   (B) *in accordance with the National Forest*  
7                   *Management Act of 1976 (16 U.S.C. 1600 et*  
8                   *seq.), this section, and any other applicable laws.*

9                   (2) *USES.—*

10                   (A) *IN GENERAL.—The Secretary shall*  
11                   *allow only such uses of the Forest as the Sec-*  
12                   *retary determines would further the purposes for*  
13                   *which the Forest is established, as described in*  
14                   *subsection (a).*

15                   (B) *SCIENTIFIC RESEARCH.—Scientific re-*  
16                   *search shall be allowed in the Forest in accord-*  
17                   *ance with the Inyo National Forest Land and*  
18                   *Resource Management Plan (as in effect on the*  
19                   *date of enactment of this Act).*

20                   (3) *WITHDRAWAL.—Subject to valid existing*  
21                   *rights, all Federal land within the Forest is with-*  
22                   *drawn from—*

23                   (A) *all forms of entry, appropriation or dis-*  
24                   *posal under the public land laws;*

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

3           (C) disposition under all laws relating to  
4           mineral and geothermal leasing or mineral ma-  
5           terials.

6           ***Subtitle L—Riverside County***  
7           ***Wilderness, California***

8           **SEC. 1851. WILDERNESS DESIGNATION.**

9           (a) *DEFINITION OF SECRETARY.*—In this section, the  
10          term “Secretary” means—

11           (1) with respect to land under the jurisdiction of  
12          the Secretary of Agriculture, the Secretary of Agri-  
13          culture; and

14           (2) with respect to land under the jurisdiction of  
15          the Secretary of the Interior, the Secretary of the Inte-  
16          rior.

17          (b) *DESIGNATION OF WILDERNESS, CLEVELAND AND*  
18          *SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NA-*  
19          *TIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND*  
20          *IN RIVERSIDE COUNTY, CALIFORNIA.*—

21           (1) *DESIGNATIONS.*—

22           (A) *AGUA TIBIA WILDERNESS ADDITIONS.*—  
23          In accordance with the Wilderness Act (16  
24          U.S.C. 1131 et seq.), certain land in the Cleve-  
25          land National Forest and certain land adminis-

1        *tered by the Bureau of Land Management in*  
2        *Riverside County, California, together com-*  
3        *prising approximately 2,053 acres, as generally*  
4        *depicted on the map titled “Proposed Addition to*  
5        *Agua Tibia Wilderness”, and dated May 9, 2008,*  
6        *is designated as wilderness and is incorporated*  
7        *in, and shall be deemed to be a part of, the Agua*  
8        *Tibia Wilderness designated by section 2(a) of*  
9        *Public Law 93–632 (88 Stat. 2154; 16 U.S.C.*  
10       *1132 note).*

11            *(B) CAHUILLA MOUNTAIN WILDERNESS.—In*  
12        *accordance with the Wilderness Act (16 U.S.C.*  
13        *1131 et seq.), certain land in the San*  
14        *Bernardino National Forest, California, com-*  
15        *prising approximately 5,585 acres, as generally*  
16        *depicted on the map titled “Cahuilla Mountain*  
17        *Proposed Wilderness”, and dated May 1, 2008, is*  
18        *designated as wilderness and, therefore, as a*  
19        *component of the National Wilderness Preserva-*  
20        *tion System, which shall be known as the*  
21        *“Cahuilla Mountain Wilderness”.*

22            *(C) SOUTH FORK SAN JACINTO WILDER-*  
23        *NESS.—In accordance with the Wilderness Act*  
24        *(16 U.S.C. 1131 et seq.), certain land in the San*  
25        *Bernardino National Forest, California, com-*



1        *prising approximately 20,217 acres, as generally*  
2        *depicted on the map titled “South Fork San*  
3        *Jacinto Proposed Wilderness”, and dated May 1,*  
4        *2008, is designated as wilderness and, therefore,*  
5        *as a component of the National Wilderness Pres-*  
6        *ervation System, which shall be known as the*  
7        *“South Fork San Jacinto Wilderness”.*

8                (D) SANTA ROSA WILDERNESS ADDI-  
9        *TIONS.—In accordance with the Wilderness Act*  
10        *(16 U.S.C. 1131 et seq.), certain land in the San*  
11        *Bernardino National Forest, California, and cer-*  
12        *tain land administered by the Bureau of Land*  
13        *Management in Riverside County, California,*  
14        *comprising approximately 2,149 acres, as gen-*  
15        *erally depicted on the map titled “Santa Rosa-*  
16        *San Jacinto National Monument Expansion and*  
17        *Santa Rosa Wilderness Addition”, and dated*  
18        *March 12, 2008, is designated as wilderness and*  
19        *is incorporated in, and shall be deemed to be a*  
20        *part of, the Santa Rosa Wilderness designated by*  
21        *section 101(a)(28) of Public Law 98–425 (98*  
22        *Stat. 1623; 16 U.S.C. 1132 note) and expanded*  
23        *by paragraph (59) of section 102 of Public Law*  
24        *103–433 (108 Stat. 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 Coun-*  
5           *ty, California, comprising approximately 15,621*  
6           *acres, as generally depicted on the map titled*  
7           *“Beauty Mountain Proposed Wilderness”, and*  
8           *dated April 3, 2007, is designated as wilderness*  
9           *and, therefore, as a component of the National*  
10          *Wilderness Preservation System, which shall be*  
11          *known as the “Beauty Mountain Wilderness”.*

12           (F) *JOSHUA TREE NATIONAL PARK WILDER-*  
13          *NESS ADDITIONS.*—*In accordance with the Wil-*  
14          *derness Act (16 U.S.C. 1131 et seq.), certain*  
15          *land in Joshua Tree National Park, comprising*  
16          *approximately 36,700 acres, as generally de-*  
17          *scribed on the map numbered 156/80,055, and ti-*  
18          *tled “Joshua Tree National Park Proposed Wil-*  
19          *derness Additions”, and dated March 2008, is*  
20          *designated as wilderness and is incorporated in,*  
21          *and shall be deemed to be a part of, the Joshua*  
22          *Tree Wilderness designated by section 1(g) of*  
23          *Public Law 94–567 (90 Stat. 2692; 16 U.S.C.*  
24          *1132 note).*

1           (G) *OROCOPIA MOUNTAINS WILDERNESS AD-*  
2           *DITIONS.—In accordance with the Wilderness Act*  
3           *(16 U.S.C. 1131 et seq.), certain land adminis-*  
4           *tered by the Bureau of Land Management in*  
5           *Riverside County, California, comprising ap-*  
6           *proximately 4,635 acres, as generally depicted on*  
7           *the map titled “Orocopia Mountains Proposed*  
8           *Wilderness Addition”, and dated May 8, 2008, is*  
9           *designated as wilderness and is incorporated in,*  
10           *and shall be deemed to be a part of, the Orocopia*  
11           *Mountains Wilderness as designated by para-*  
12           *graph (44) of section 102 of Public Law 103–433*  
13           *(108 Stat. 4472; 16 U.S.C. 1132 note), except*  
14           *that the wilderness boundaries established by this*  
15           *subsection in Township 7 South, Range 13 East,*  
16           *exclude—*

17                   (i) *a corridor 250 feet north of the cen-*  
18                   *terline of the Bradshaw Trail;*

19                   (ii) *a corridor 250 feet from both sides*  
20                   *of the centerline of the vehicle route in the*  
21                   *unnamed wash that flows between the Eagle*  
22                   *Mountain Railroad on the south and the ex-*  
23                   *isting Orocopia Mountains Wilderness*  
24                   *boundary; and*

1                   (iii) a corridor 250 feet from both sides  
2                   of the centerline of the vehicle route in the  
3                   unnamed wash that flows between the Choc-  
4                   olate Mountain Aerial Gunnery Range on  
5                   the south and the existing Orocopia Moun-  
6                   tains 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 (108*  
19                  *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 Coun-*  
24                  *ty, California, comprising approximately 24,404*  
25                  *acres, as generally depicted on the map titled*

1       *“Pinto Mountains Proposed Wilderness”, and*  
2       *dated February 21, 2008, is designated as wil-*  
3       *derness and, therefore, as a component of the Na-*  
4       *tional Wilderness Preservation System, which*  
5       *shall be known as the “Pinto Mountains Wilder-*  
6       *ness”.*

7                (J) *CHUCKWALLA MOUNTAINS WILDERNESS*  
8        *ADDITIONS.—In accordance with the Wilderness*  
9        *Act (16 U.S.C. 1131 et seq.), certain land ad-*  
10       *ministered by the Bureau of Land Management*  
11       *in Riverside County, California, comprising ap-*  
12       *proximately 12,815 acres, as generally depicted*  
13       *on the map titled “Chuckwalla Mountains Pro-*  
14       *posed Wilderness Addition”, and dated May 8,*  
15       *2008, is designated as wilderness and is incor-*  
16       *porated in, and shall be deemed to be a part of*  
17       *the Chuckwalla Mountains Wilderness as des-*  
18       *ignated by paragraph (12) of section 102 of Pub-*  
19       *lic Law 103–433 (108 Stat. 4472; 16 U.S.C.*  
20       *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 on*  
2           *Natural Resources of the House of Representa-*  
3           *tives and the Committee on Energy and Natural*  
4           *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 and*  
11          *legal description filed under subparagraph (A)*  
12          *shall be filed and made available for public in-*  
13          *spection 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 areas*  
19          *and wilderness additions designated by this section.*

20          (c) *JOSHUA TREE NATIONAL PARK POTENTIAL WIL-*  
21          *DERNESS.*—

22                 (1) *DESIGNATION OF POTENTIAL WILDERNESS.*—  
23                 *Certain land in the Joshua Tree National Park, com-*  
24                 *prising approximately 43,300 acres, as generally de-*  
25                 *scribed on the map numbered 156/80,055, and titled*

1       *“Joshua Tree National Park Proposed Wilderness Ad-*  
2       *ditions”*, and dated March 2008, is designated poten-  
3       *tial wilderness and shall be managed by the Secretary*  
4       *of the Interior insofar as practicable as wilderness*  
5       *until such time as the land is designated as wilder-*  
6       *ness pursuant to paragraph (2).*

7               (2) *DESIGNATION AS WILDERNESS.—The land*  
8       *designated potential wilderness by paragraph (1)*  
9       *shall be designated as wilderness and incorporated in,*  
10       *and be deemed to be a part of, the Joshua Tree Wil-*  
11       *derness designated by section 1(g) of Public Law 94–*  
12       *567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective*  
13       *upon publication by the Secretary of the Interior in*  
14       *the Federal Register of a notice that—*

15                   (A) *all uses of the land within the potential*  
16       *wilderness prohibited by the Wilderness Act (16*  
17       *U.S.C. 1131 et seq.) have ceased; and*

18                   (B) *sufficient inholdings within the bound-*  
19       *aries of the potential wilderness have been ac-*  
20       *quired to establish a manageable wilderness unit.*

21               (3) *MAP AND DESCRIPTION.—*

22                   (A) *IN GENERAL.—As soon as practicable*  
23       *after the date on which the notice required by*  
24       *paragraph (2) is published in the Federal Reg-*  
25       *ister, the Secretary shall file a map and legal de-*

1 *scription of the land designated as wilderness*  
2 *and potential wilderness by this section with the*  
3 *Committee on Natural Resources of the House of*  
4 *Representatives and the Committee on Energy*  
5 *and Natural Resources of the Senate.*

6 (B) *FORCE OF LAW.*—*The map and legal*  
7 *description filed under subparagraph (A) shall*  
8 *have the same force and effect as if included in*  
9 *this section, except that the Secretary may cor-*  
10 *rect errors in the map and legal description.*

11 (C) *PUBLIC AVAILABILITY.*—*Each map and*  
12 *legal description filed under subparagraph (A)*  
13 *shall be filed and made available for public in-*  
14 *spection in the appropriate office of the Sec-*  
15 *retary.*

16 (d) *ADMINISTRATION OF WILDERNESS.*—

17 (1) *MANAGEMENT.*—*Subject to valid existing*  
18 *rights, the land designated as wilderness or as a wil-*  
19 *derness addition by this section shall be administered*  
20 *by the Secretary in accordance with the Wilderness*  
21 *Act (16 U.S.C. 1131 et seq.), except that—*

22 (A) *any reference in that Act to the effective*  
23 *date of that Act shall be deemed to be a reference*  
24 *to—*



1           (i) *the date of the enactment of this*  
2           *Act; or*

3           (ii) *in the case of the wilderness addi-*  
4           *tion designated by subsection (c), the date*  
5           *on which the notice required by such sub-*  
6           *section is published in the Federal Register;*  
7           *and*

8           (B) *any reference in that Act to the Sec-*  
9           *retary of Agriculture shall be deemed to be a ref-*  
10          *erence to the Secretary that has jurisdiction over*  
11          *the land.*

12          (2) *INCORPORATION OF ACQUIRED LAND AND IN-*  
13          *TERESTS.*—*Any land within the boundaries of a wil-*  
14          *derness area or wilderness addition designated by this*  
15          *section that is acquired by the United States shall—*

16               (A) *become part of the wilderness area in*  
17               *which the land is located; and*

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

21          (3) *WITHDRAWAL.*—*Subject to valid rights in ex-*  
22          *istence on the date of enactment of this Act, the land*  
23          *designated as wilderness by this section is withdrawn*  
24          *from all forms of—*

1           (A) entry, appropriation, or disposal under  
2           the public land laws;

3           (B) location, entry, and patent under the  
4           mining laws; and

5           (C) disposition under all laws pertaining to  
6           mineral and geothermal leasing or mineral ma-  
7           terials.

8           (4) *FIRE MANAGEMENT AND RELATED ACTIVI-*  
9           *TIES.*—

10           (A) *IN GENERAL.*—*The Secretary may take*  
11           *such measures in a wilderness area or wilderness*  
12           *addition designated by this section as are nec-*  
13           *essary for the control of fire, insects, and diseases*  
14           *in accordance with section 4(d)(1) of the Wilder-*  
15           *ness Act (16 U.S.C. 1133(d)(1)) and House Re-*  
16           *port 98–40 of the 98th Congress.*

17           (B) *FUNDING PRIORITIES.*—*Nothing in this*  
18           *section limits funding for fire and fuels manage-*  
19           *ment in the wilderness areas and wilderness ad-*  
20           *ditions designated by this section.*

21           (C) *REVISION AND DEVELOPMENT OF LOCAL*  
22           *FIRE MANAGEMENT PLANS.*—*As soon as prac-*  
23           *ticable after the date of enactment of this Act, the*  
24           *Secretary shall amend the local fire management*  
25           *plans that apply to the land designated as a wil-*

1            *derness area or wilderness addition by this sec-*  
2            *tion.*

3            (D) *ADMINISTRATION.—Consistent with*  
4            *subparagraph (A) and other applicable Federal*  
5            *law, to ensure a timely and efficient response to*  
6            *fire emergencies in the wilderness areas and wil-*  
7            *derness additions designated by this section, the*  
8            *Secretary shall—*

9                    *(i) not later than 1 year after the date*  
10                   *of enactment of this Act, establish agency*  
11                   *approval procedures (including appropriate*  
12                   *delegations of authority to the Forest Super-*  
13                   *visor, District Manager, or other agency of-*  
14                   *icials) for responding to fire emergencies;*  
15                   *and*

16                   *(ii) enter into agreements with appro-*  
17                   *priate State or local firefighting agencies.*

18            (5) *GRAZING.—Grazing of livestock in a wilder-*  
19            *ness area or wilderness addition designated by this*  
20            *section shall be administered in accordance with the*  
21            *provisions of section 4(d)(4) of the Wilderness Act (16*  
22            *U.S.C. 1133(d)(4)) and the guidelines set forth in*  
23            *House Report 96–617 to accompany H.R. 5487 of the*  
24            *96th Congress.*

25            (6) *NATIVE AMERICAN USES AND INTERESTS.—*

1           (A) *ACCESS AND USE.*—*To the extent prac-*  
2           *ticable, the Secretary shall ensure access to the*  
3           *Cahuilla Mountain Wilderness by members of an*  
4           *Indian tribe for traditional cultural purposes. In*  
5           *implementing this paragraph, the Secretary,*  
6           *upon the request of an Indian tribe, may tempo-*  
7           *rarily close to the general public use of one or*  
8           *more specific portions of the wilderness area in*  
9           *order to protect the privacy of traditional cul-*  
10           *tural activities in such areas by members of the*  
11           *Indian tribe. Any such closure shall be made to*  
12           *affect the smallest practicable area for the min-*  
13           *imum period necessary for such purposes. Such*  
14           *access shall be consistent with the purpose and*  
15           *intent of Public Law 95–341 (42 U.S.C. 1996),*  
16           *commonly referred to as the American Indian*  
17           *Religious Freedom Act, and the Wilderness Act*  
18           *(16 U.S.C. 1131 et seq.).*

19           (B) *INDIAN TRIBE DEFINED.*—*In this para-*  
20           *graph, the term “Indian tribe” means any In-*  
21           *dian tribe, band, nation, or other organized*  
22           *group or community of Indians which is recog-*  
23           *nized as eligible by the Secretary of the Interior*  
24           *for the special programs and services provided*

1           *by the United States to Indians because of their*  
 2           *status as Indians.*

3           (7) *MILITARY ACTIVITIES.*—*Nothing in this sec-*  
 4           *tion precludes—*

5                   (A) *low-level overflights of military aircraft*  
 6                   *over the wilderness areas or wilderness additions*  
 7                   *designated by this section;*

8                   (B) *the designation of new units of special*  
 9                   *airspace over the wilderness areas or wilderness*  
 10                   *additions designated by this section; or*

11                   (C) *the use or establishment of military*  
 12                   *flight training routes over wilderness areas or*  
 13                   *wilderness additions designated by this section.*

14 **SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVER-**  
 15 **SIDE COUNTY, CALIFORNIA.**

16           *Section 3(a) of the Wild and Scenic Rivers Act (16*  
 17 *U.S.C. 1274(a)) (as amended by section 1805) is amended*  
 18 *by adding at the end the following new paragraphs:*

19           “(200) *NORTH FORK SAN JACINTO RIVER, CALI-*  
 20 *FORNIA.*—*The following segments of the North Fork San*  
 21 *Jacinto River in the State of California, to be administered*  
 22 *by the Secretary of Agriculture:*

23                   “(A) *The 2.12-mile segment from the source of*  
 24                   *the North Fork San Jacinto River at Deer Springs in*

1 *Mt. San Jacinto State Park to the State Park bound-*  
2 *ary, as a wild river.*

3 “(B) *The 1.66-mile segment from the Mt. San*  
4 *Jacinto State Park boundary to the Lawler Park*  
5 *boundary in section 26, township 4 south, range 2*  
6 *east, San Bernardino meridian, as a scenic river.*

7 “(C) *The 0.68-mile segment from the Lawler*  
8 *Park boundary to its confluence with Fuller Mill*  
9 *Creek, as a recreational river.*

10 “(D) *The 2.15-mile segment from its confluence*  
11 *with Fuller Mill Creek to .25 miles upstream of the*  
12 *5S09 road crossing, as a wild river.*

13 “(E) *The 0.6-mile segment from .25 miles up-*  
14 *stream of the 5S09 road crossing to its confluence*  
15 *with Stone Creek, as a scenic river.*

16 “(F) *The 2.91-mile segment from the Stone Creek*  
17 *confluence to the northern boundary of section 17,*  
18 *township 5 south, range 2 east, San Bernardino me-*  
19 *ridian, as a wild river.*

20 “(201) *FULLER MILL CREEK, CALIFORNIA.—The fol-*  
21 *lowing segments of Fuller Mill Creek in the State of Cali-*  
22 *ornia, to be administered by the Secretary of Agriculture:*

23 “(A) *The 1.2-mile segment from the source of*  
24 *Fuller Mill Creek in the San Jacinto Wilderness to*  
25 *the Pinewood property boundary in section 13, town-*

1       *ship 4 south, range 2 east, San Bernardino meridian,*  
2       *as a scenic river.*

3               “(B) *The 0.9-mile segment in the Pine Wood*  
4       *property, as a recreational river.*

5               “(C) *The 1.4-mile segment from the Pinewood*  
6       *property boundary in section 23, township 4 south,*  
7       *range 2 east, San Bernardino meridian, to its con-*  
8       *fluence with the North Fork San Jacinto River, as a*  
9       *scenic river.*

10              “(202) *PALM CANYON CREEK, CALIFORNIA.—The 8.1-*  
11       *mile segment of Palm Canyon Creek in the State of Cali-*  
12       *fornia from the southern boundary of section 6, township*  
13       *7 south, range 5 east, San Bernardino meridian, to the San*  
14       *Bernardino National Forest boundary in section 1, town-*  
15       *ship 6 south, range 4 east, San Bernardino meridian, to*  
16       *be administered by the Secretary of Agriculture as a wild*  
17       *river, and the Secretary shall enter into a cooperative man-*  
18       *agement agreement with the Agua Caliente Band of*  
19       *Cahuilla Indians to protect and enhance river values.*

20              “(203) *BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile*  
21       *segment of Bautista Creek in the State of California from*  
22       *the San Bernardino National Forest boundary in section*  
23       *36, township 6 south, range 2 east, San Bernardino merid-*  
24       *ian, to the San Bernardino National Forest boundary in*  
25       *section 2, township 6 south, range 1 east, San Bernardino*

1 *meridian, to be administered by the Secretary of Agri-*  
 2 *culture as a recreational river.”.*

3 **SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO**  
 4 **SANTA ROSA AND SAN JACINTO MOUNTAINS**  
 5 **NATIONAL MONUMENT.**

6 *(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN*  
 7 *JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of*  
 8 *the Santa Rosa and San Jacinto Mountains National*  
 9 *Monument Act of 2000 (Public Law 106–351; 114 U.S.C.*  
 10 *1362; 16 U.S.C. 431 note) is amended by adding at the*  
 11 *end the following new subsection:*

12 *“(e) EXPANSION OF BOUNDARIES.—In addition to the*  
 13 *land described in subsection (c), the boundaries of the Na-*  
 14 *tional Monument shall include the following lands identi-*  
 15 *fied as additions to the National Monument on the map*  
 16 *titled ‘Santa Rosa-San Jacinto National Monument Ex-*  
 17 *pansion and Santa Rosa Wilderness Addition’, and dated*  
 18 *March 12, 2008:*

19 *“(1) The ‘Santa Rosa Peak Area Monument Ex-*  
 20 *pansion’.*

21 *“(2) The ‘Snow Creek Area Monument Expan-*  
 22 *sion’.*

23 *“(3) The ‘Tahquitz Peak Area Monument Ex-*  
 24 *pansion’.*



1           “(4) *The ‘Southeast Area Monument Expansion’,*  
 2           *which is designated as wilderness in section 512(d),*  
 3           *and is thus incorporated into, and shall be deemed*  
 4           *part of, the Santa Rosa Wilderness.”.*

5           (b) *TECHNICAL AMENDMENTS TO THE SANTA ROSA*  
 6 *AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT*  
 7 *OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto*  
 8 *Mountains National Monument Act of 2000 (Public Law*  
 9 *106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended*  
 10 *by striking “eight” and inserting “a majority of the ap-*  
 11 *pointed”.*

12 ***Subtitle M—Sequoia and Kings***  
 13 ***Canyon National Parks Wilder-***  
 14 ***ness, California***

15 ***SEC. 1901. DEFINITIONS.***

16 *In this subtitle:*

17           (1) *SECRETARY.—The term “Secretary” means*  
 18 *the Secretary of the Interior.*

19           (2) *STATE.—The term “State” means the State*  
 20 *of California.*

21 ***SEC. 1902. DESIGNATION OF WILDERNESS AREAS.***

22 *In accordance with the Wilderness Act (16 U.S.C. 1131*  
 23 *et seq.), the following areas in the State are designated as*  
 24 *wilderness areas and as components of the National Wilder-*  
 25 *ness Preservation System:*

1           (1) *JOHN KREBS WILDERNESS.*—

2                   (A) *DESIGNATION.*—*Certain land in Se-*  
3                   *quoia and Kings Canyon National Parks, com-*  
4                   *prising approximately 39,740 acres of land, and*  
5                   *130 acres of potential wilderness additions as*  
6                   *generally depicted on the map numbered 102/*  
7                   *60014b, titled “John Krebs Wilderness”, and*  
8                   *dated September 16, 2008.*

9                   (B) *EFFECT.*—*Nothing in this paragraph*  
10                  *affects—*

11                           (i) *the cabins in, and adjacent to, Min-*  
12                           *eral King Valley; or*

13                           (ii) *the private inholdings known as*  
14                           *“Silver City” and “Kaweah Han”.*

15                   (C) *POTENTIAL WILDERNESS ADDITIONS.*—  
16                   *The designation of the potential wilderness addi-*  
17                   *tions under subparagraph (A) shall not prohibit*  
18                   *the operation, maintenance, and repair of the*  
19                   *small check dams and water impoundments on*  
20                   *Lower Franklin Lake, Crystal Lake, Upper Mon-*  
21                   *arch Lake, and Eagle Lake. The Secretary is au-*  
22                   *thorized to allow the use of helicopters for the op-*  
23                   *eration, maintenance, and repair of the small*  
24                   *check dams and water impoundments on Lower*  
25                   *Franklin Lake, Crystal Lake, Upper Monarch*

1           *Lake, and Eagle Lake. The potential wilderness*  
2           *additions shall be designated as wilderness and*  
3           *incorporated into the John Krebs Wilderness es-*  
4           *tablished by this section upon termination of the*  
5           *non-conforming uses.*

6           (2) *SEQUOIA-KINGS CANYON WILDERNESS ADDI-*  
7           *TION.—Certain land in Sequoia and Kings Canyon*  
8           *National Parks, California, comprising approxi-*  
9           *mately 45,186 acres as generally depicted on the map*  
10           *titled “Sequoia-Kings Canyon Wilderness Addition”,*  
11           *numbered 102/60015a, and dated March 10, 2008, is*  
12           *incorporated in, and shall be considered to be a part*  
13           *of, the Sequoia-Kings Canyon Wilderness.*

14           (3) *RECOMMENDED WILDERNESS.—Land in Se-*  
15           *quoia and Kings Canyon National Parks that was*  
16           *managed as of the date of enactment of this Act as*  
17           *recommended or proposed wilderness but not des-*  
18           *ignated by this section as wilderness shall continue to*  
19           *be managed as recommended or proposed wilderness,*  
20           *as appropriate.*

21 **SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.**

22           (a) *IN GENERAL.—Subject to valid existing rights,*  
23           *each area designated as wilderness by this subtitle shall be*  
24           *administered by the Secretary in accordance with the Wil-*  
25           *derness Act (16 U.S.C. 1131 et seq.), except that any ref-*

1 *erence in the Wilderness Act to the effective date of the Wil-*  
2 *derness Act shall be considered to be a reference to the date*  
3 *of enactment of this Act.*

4 *(b) MAP AND LEGAL DESCRIPTION.—*

5 *(1) SUBMISSION OF MAP AND LEGAL DESCRIP-*  
6 *TION.—As soon as practicable, but not later than 3*  
7 *years, after the date of enactment of this Act, the Sec-*  
8 *retary shall file a map and legal description of each*  
9 *area designated as wilderness by this subtitle with—*

10 *(A) the Committee on Energy and Natural*  
11 *Resources of the Senate; and*

12 *(B) the Committee on Natural Resources of*  
13 *the House of Representatives.*

14 *(2) FORCE AND EFFECT.—The map and legal de-*  
15 *scription filed under paragraph (1) shall have the*  
16 *same force and effect as if included in this subtitle,*  
17 *except that the Secretary may correct any clerical or*  
18 *typographical error in the map or legal description.*

19 *(3) PUBLIC AVAILABILITY.—The map and legal*  
20 *description filed under paragraph (1) shall be on file*  
21 *and available for public inspection in the Office of the*  
22 *Secretary.*

23 *(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATO-*  
24 *LOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIP-*  
25 *MENT.—The Secretary shall continue to manage mainte-*

1 nance and access to hydrologic, meteorologic, and climato-  
2 logical devices, facilities and associated equipment con-  
3 sistent with House Report 98–40.

4 (d) *AUTHORIZED ACTIVITIES OUTSIDE WILDER-*  
5 *NESS.*—Nothing in this subtitle precludes authorized activi-  
6 ties conducted outside of an area designated as wilderness  
7 by this subtitle by cabin owners (or designees) in the Min-  
8 eral King Valley area or property owners or lessees (or des-  
9 ignees) in the Silver City inholding, as identified on the  
10 map described in section 1902(1)(A).

11 (e) *HORSEBACK RIDING.*—Nothing in this subtitle pre-  
12 cludes horseback riding in, or the entry of recreational or  
13 commercial saddle or pack stock into, an area designated  
14 as wilderness by this subtitle—

15 (1) in accordance with section 4(d)(5) of the Wil-  
16 derness Act (16 U.S.C. 1133(d)(5)); and

17 (2) subject to any terms and conditions deter-  
18 mined to be necessary by the Secretary.

19 **SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.**

20 *There are authorized to be appropriated such sums as*  
21 *are necessary to carry out this subtitle.*

1 **Subtitle N—Rocky Mountain Na-**  
2 **tional Park Wilderness, Colo-**  
3 **rado**

4 **SEC. 1951. DEFINITIONS.**

5 *In this subtitle:*

6 (1) *MAP.*—*The term “map” means the map enti-*  
7 *tled “Rocky Mountain National Park Wilderness Act*  
8 *of 2007” and dated September 2006.*

9 (2) *PARK.*—*The term “Park” means Rocky*  
10 *Mountain National Park located in the State of Colo-*  
11 *rado.*

12 (3) *SECRETARY.*—*The term “Secretary” means*  
13 *the Secretary of the Interior.*

14 (4) *TRAIL.*—*The term “Trail” means the East*  
15 *Shore Trail established under section 1954(a).*

16 (5) *WILDERNESS.*—*The term “Wilderness”*  
17 *means the wilderness designated by section 1952(a).*

18 **SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDER-**  
19 **NESS, COLORADO.**

20 (a) *DESIGNATION.*—*In furtherance of the purposes of*  
21 *the Wilderness Act (16 U.S.C. 1131 et seq.), there is des-*  
22 *ignated as wilderness and as a component of the National*  
23 *Wilderness Preservation System approximately 249,339*  
24 *acres of land in the Park, as generally depicted on the map.*

25 (b) *MAP AND BOUNDARY DESCRIPTION.*—

1           (1) *IN GENERAL.*—As soon as practicable after  
2     the date of enactment of this Act, the Secretary  
3     shall—

4           (A) prepare a map and boundary descrip-  
5     tion of the Wilderness; and

6           (B) submit the map and boundary descrip-  
7     tion prepared under subparagraph (A) to the  
8     Committee on Energy and Natural Resources of  
9     the Senate and the Committee on Natural Re-  
10    sources of the House of Representatives.

11          (2) *AVAILABILITY; FORCE OF LAW.*—The map  
12    and boundary description submitted under paragraph  
13    (1)(B) shall—

14           (A) be on file and available for public in-  
15     spection in appropriate offices of the National  
16     Park Service; and

17           (B) have the same force and effect as if in-  
18     cluded in this subtitle.

19    (c) *INCLUSION OF POTENTIAL WILDERNESS.*—

20          (1) *IN GENERAL.*—On publication in the *Federal*  
21    *Register* of a notice by the Secretary that all uses in-  
22    consistent with the Wilderness Act (16 U.S.C. 1131 et  
23    seq.) have ceased on the land identified on the map  
24    as a “Potential Wilderness Area”, the land shall be—

25           (A) included in the Wilderness; and

1           (B) administered in accordance with sub-  
2           section (e).

3           (2) *BOUNDARY DESCRIPTION.*—On inclusion in  
4           the Wilderness of the land referred to in paragraph  
5           (1), the Secretary shall modify the map and boundary  
6           description submitted under subsection (b) to reflect  
7           the inclusion of the land.

8           (d) *EXCLUSION OF CERTAIN LAND.*—The following  
9           areas are specifically excluded from the Wilderness:

10           (1) *The Grand River Ditch (including the main*  
11           *canal of the Grand River Ditch and a branch of the*  
12           *main canal known as the Specimen Ditch), the right-*  
13           *of-way for the Grand River Ditch, land 200 feet on*  
14           *each side of the center line of the Grand River Ditch,*  
15           *and any associated appurtenances, structures, build-*  
16           *ings, camps, and work sites in existence as of June*  
17           *1, 1998.*

18           (2) *Land owned by the St. Vrain & Left Hand*  
19           *Water Conservancy District, including Copeland Res-*  
20           *ervoir and the Inlet Ditch to the Reservoir from North*  
21           *St. Vrain Creek, comprising approximately 35.38*  
22           *acres.*

23           (3) *Land owned by the Wincenstsen-Harms*  
24           *Trust, comprising approximately 2.75 acres.*



1           (4) *Land within the area depicted on the map*  
2           *as the “East Shore Trail Area”.*

3           (e) *ADMINISTRATION.—Subject to valid existing rights,*  
4           *any land designated as wilderness under this section or*  
5           *added to the Wilderness after the date of enactment of this*  
6           *Act under subsection (c) shall be administered by the Sec-*  
7           *retary in accordance with this subtitle and the Wilderness*  
8           *Act (16 U.S.C. 1131 et seq.), except that—*

9           (1) *any reference in the Wilderness Act (16*  
10          *U.S.C. 1131 et seq.) to the effective date of that Act*  
11          *shall be considered to be a reference to the date of en-*  
12          *actment of this Act, or the date on which the addi-*  
13          *tional land is added to the Wilderness, respectively;*  
14          *and*

15          (2) *any reference in the Wilderness Act (16*  
16          *U.S.C. 1131 et seq.) to the Secretary of Agriculture*  
17          *shall be considered to be a reference to the Secretary.*

18          (f) *WATER RIGHTS.—*

19               (1) *FINDINGS.—Congress finds that—*

20                       (A) *the United States has existing rights to*  
21                       *water within the Park;*

22                       (B) *the existing water rights are sufficient*  
23                       *for the purposes of the Wilderness; and*

24                       (C) *based on the findings described in sub-*  
25                       *paragraphs (A) and (B), there is no need for the*



1 *tional Park Service, the provisions of paragraph (6) of the*  
2 *stipulation approved June 28, 1907—*

3 *(1) shall be suspended; and*

4 *(2) shall not be enforceable against the Company*  
5 *(or any successor in interest).*

6 *(b) AGREEMENT.—The agreement referred to in sub-*  
7 *section (a) shall—*

8 *(1) ensure that—*

9 *(A) Park resources are managed in accord-*  
10 *ance with the laws generally applicable to the*  
11 *Park, including—*

12 *(i) the Act of January 26, 1915 (16*  
13 *U.S.C. 191 et seq.); and*

14 *(ii) the National Park Service Organic*  
15 *Act (16 U.S.C. 1 et seq.);*

16 *(B) Park land outside the right-of-way cor-*  
17 *ridor remains unimpaired consistent with the*  
18 *National Park Service management policies in*  
19 *effect as of the date of enactment of this Act; and*

20 *(C) any use of Park land outside the right-*  
21 *of-way corridor (as of the date of enactment of*  
22 *this Act) shall be permitted only on a temporary*  
23 *basis, subject to such terms and conditions as the*  
24 *Secretary determines to be necessary; and*

25 *(2) include stipulations with respect to—*

- 1           (A) *flow monitoring and early warning*  
2           *measures;*  
3           (B) *annual and periodic inspections;*  
4           (C) *an annual maintenance plan;*  
5           (D) *measures to identify on an annual*  
6           *basis capital improvement needs; and*  
7           (E) *the development of plans to address the*  
8           *needs identified under subparagraph (D).*

9           (c) *LIMITATION.—Nothing in this section limits or oth-*  
10 *erwise affects—*

11           (1) *the liability of any individual or entity for*  
12 *damages to, loss of, or injury to any resource within*  
13 *the Park resulting from any cause or event that oc-*  
14 *curred before the date of enactment of this Act; or*

15           (2) *Public Law 101–337 (16 U.S.C. 19jj et seq.),*  
16 *including the defenses available under that Act for*  
17 *damage caused—*

18           (A) *solely by—*

19                   (i) *an act of God;*

20                   (ii) *an act of war; or*

21                   (iii) *an act or omission of a third*  
22 *party (other than an employee or agent); or*

23           (B) *by an activity authorized by Federal or*  
24 *State law.*

1       (d) *COLORADO-BIG THOMPSON PROJECT AND WINDY*  
2 *GAP PROJECT.*—

3           (1) *IN GENERAL.*—*Nothing in this subtitle, in-*  
4 *cluding the designation of the Wilderness, prohibits or*  
5 *affects current and future operation and maintenance*  
6 *activities in, under, or affecting the Wilderness that*  
7 *were allowed as of the date of enactment of this Act*  
8 *under the Act of January 26, 1915 (16 U.S.C. 191),*  
9 *relating to the Alva B. Adams Tunnel or other Colo-*  
10 *rado–Big Thompson Project facilities located within*  
11 *the Park.*

12           (2) *ALVA B. ADAMS TUNNEL.*—*Nothing in this*  
13 *subtitle, including the designation of the Wilderness,*  
14 *prohibits or restricts the conveyance of water through*  
15 *the Alva B. Adams Tunnel for any purpose.*

16       (e) *RIGHT-OF-WAY.*—*Notwithstanding the Act of*  
17 *March 3, 1891 (43 U.S.C. 946) and the Act of May 11,*  
18 *1898 (43 U.S.C. 951), the right of way for the Grand River*  
19 *Ditch shall not be terminated, forfeited, or otherwise affected*  
20 *as a result of the water transported by the Grand River*  
21 *Ditch being used primarily for domestic purposes or any*  
22 *purpose of a public nature, unless the Secretary determines*  
23 *that the change in the main purpose or use adversely affects*  
24 *the Park.*

1       (f) *NEW RECLAMATION PROJECTS.*—*Nothing in the*  
2 *first section of the Act of January 26, 1915 (16 U.S.C. 191),*  
3 *shall be construed to allow development in the Wilderness*  
4 *of any reclamation project not in existence as of the date*  
5 *of enactment of this Act.*

6       (g) *CLARIFICATION OF MANAGEMENT AUTHORITY.*—  
7 *Nothing in this section reduces or limits the authority of*  
8 *the Secretary to manage land and resources within the Park*  
9 *under applicable law.*

10 **SEC. 1954. EAST SHORE TRAIL AREA.**

11       (a) *IN GENERAL.*—*Not later than 1 year after the date*  
12 *of enactment of this Act, the Secretary shall establish within*  
13 *the East Shore Trail Area in the Park an alignment line*  
14 *for a trail, to be known as the “East Shore Trail”, to maxi-*  
15 *mize the opportunity for sustained use of the Trail without*  
16 *causing—*

17               (1) *harm to affected resources; or*

18               (2) *conflicts among users.*

19       (b) *BOUNDARIES.*—

20               (1) *IN GENERAL.*—*After establishing the align-*  
21 *ment line for the Trail under subsection (a), the Sec-*  
22 *retary shall—*

23                       (A) *identify the boundaries of the Trail,*  
24 *which shall not extend more than 25 feet east of*

1           *the alignment line or be located within the Wil-*  
2           *derness; and*

3                   *(B) modify the map of the Wilderness pre-*  
4                   *pared under section 1952(b)(1)(A) so that the*  
5                   *western boundary of the Wilderness is 50 feet*  
6                   *east of the alignment line.*

7           *(2) ADJUSTMENTS.—To the extent necessary to*  
8           *protect Park resources, the Secretary may adjust the*  
9           *boundaries of the Trail, if the adjustment does not*  
10           *place any portion of the Trail within the boundary*  
11           *of the Wilderness.*

12           *(c) INCLUSION IN WILDERNESS.—On completion of the*  
13           *construction of the Trail, as authorized by the Secretary—*

14                   *(1) any portion of the East Shore Trail Area*  
15                   *that is not traversed by the Trail, that is not west of*  
16                   *the Trail, and that is not within 50 feet of the center-*  
17                   *line of the Trail shall be—*

18                           *(A) included in the Wilderness; and*

19                           *(B) managed as part of the Wilderness in*  
20                   *accordance with section 1952; and*

21                   *(2) the Secretary shall modify the map and*  
22                   *boundary description of the Wilderness prepared*  
23                   *under section 1952(b)(1)(A) to reflect the inclusion of*  
24                   *the East Shore Trail Area land in the Wilderness.*

25           *(d) EFFECT.—Nothing in this section—*

1           (1) *requires the construction of the Trail along*  
2 *the alignment line established under subsection (a); or*

3           (2) *limits the extent to which any otherwise ap-*  
4 *plicable law or policy applies to any decision with re-*  
5 *spect to the construction of the Trail.*

6       (e) *RELATION TO LAND OUTSIDE WILDERNESS.—*

7           (1) *IN GENERAL.—Except as provided in this*  
8 *subsection, nothing in this subtitle affects the manage-*  
9 *ment or use of any land not included within the*  
10 *boundaries of the Wilderness or the potential wilder-*  
11 *ness land.*

12          (2) *MOTORIZED VEHICLES AND MACHINERY.—No*  
13 *use of motorized vehicles or other motorized machin-*  
14 *ery that was not permitted on March 1, 2006, shall*  
15 *be allowed in the East Shore Trail Area except as the*  
16 *Secretary determines to be necessary for use in—*

17               (A) *constructing the Trail, if the construc-*  
18 *tion is authorized by the Secretary; or*

19               (B) *maintaining the Trail.*

20          (3) *MANAGEMENT OF LAND BEFORE INCLU-*  
21 *SION.—Until the Secretary authorizes the construc-*  
22 *tion of the Trail and the use of the Trail for non-mo-*  
23 *torized bicycles, the East Shore Trail Area shall be*  
24 *managed—*



1           (A) to protect any wilderness characteristics  
2           of the East Shore Trail Area; and

3           (B) to maintain the suitability of the East  
4           Shore Trail Area for inclusion in the Wilderness.

5 **SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUST-**  
6 **MENTS.**

7           (a) **INDIAN PEAKS WILDERNESS BOUNDARY ADJUST-**  
8 **MENT.**—Section 3(a) of the Indian Peaks Wilderness Area,  
9 the Arapaho National Recreation Area and the Oregon Is-  
10 lands Wilderness Area Act (16 U.S.C. 1132 note; Public  
11 Law 95–450) is amended—

12           (1) by striking “seventy thousand acres” and in-  
13           serting “74,195 acres”; and

14           (2) by striking “, dated July 1978” and insert-  
15           ing “and dated May 2007”.

16           (b) **ARAPAHO NATIONAL RECREATION AREA BOUND-**  
17 **ARY ADJUSTMENT.**—Section 4(a) of the Indian Peaks Wil-  
18 derness Area, the Arapaho National Recreation Area and  
19 the Oregon Islands Wilderness Area Act (16 U.S.C.  
20 460jj(a)) is amended—

21           (1) by striking “thirty-six thousand two hundred  
22           thirty-five acres” and inserting “35,235 acres”; and

23           (2) by striking “, dated July 1978” and insert-  
24           ing “and dated May 2007”.

1 **SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.**

2 (a) *IN GENERAL.*—Section 3(k) of Public Law 91–383  
3 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land de-  
4 scribed in subsection (b).

5 (b) *DESCRIPTION OF THE LAND.*—The parcel of land  
6 referred to in subsection (a) is the parcel of land known  
7 as the “Leiffer tract” that is—

8 (1) located near the eastern boundary of the Park  
9 in Larimer County, Colorado; and

10 (2) administered by the National Park Service.

11 **Subtitle O—Washington County,**  
12 **Utah**

13 **SEC. 1971. DEFINITIONS.**

14 *In this subtitle:*

15 (1) *BEAVER DAM WASH NATIONAL CONSERVATION*  
16 *AREA MAP.*—The term “Beaver Dam Wash National  
17 Conservation Area Map” means the map entitled  
18 “Beaver Dam Wash National Conservation Area” and  
19 dated December 18, 2008.

20 (2) *CANAAN MOUNTAIN WILDERNESS MAP.*—The  
21 term “Canaan Mountain Wilderness Map” means the  
22 map entitled “Canaan Mountain Wilderness” and  
23 dated June 21, 2008.

24 (3) *COUNTY.*—The term “County” means Wash-  
25 ington County, Utah.

1           (4) *NORTHEASTERN WASHINGTON COUNTY WIL-*  
2           *DERNESS MAP.—The term “Northeastern Washington*  
3           *County Wilderness Map” means the map entitled*  
4           *“Northeastern Washington County Wilderness” and*  
5           *dated November 12, 2008.*

6           (5) *NORTHWESTERN WASHINGTON COUNTY WIL-*  
7           *DERNESS MAP.—The term “Northwestern Washington*  
8           *County Wilderness Map” means the map entitled*  
9           *“Northwestern Washington County Wilderness” and*  
10          *dated June 21, 2008.*

11          (6) *RED CLIFFS NATIONAL CONSERVATION AREA*  
12          *MAP.—The term “Red Cliffs National Conservation*  
13          *Area Map” means the map entitled “Red Cliffs Na-*  
14          *tional Conservation Area” and dated November 12,*  
15          *2008.*

16          (7) *SECRETARY.—The term “Secretary”*  
17          *means—*

18                 (A) *with respect to land under the jurisdic-*  
19                 *tion of the Secretary of Agriculture, the Sec-*  
20                 *retary of Agriculture; and*

21                 (B) *with respect to land under the jurisdic-*  
22                 *tion of the Secretary of the Interior, the Sec-*  
23                 *retary of the Interior.*

24          (8) *STATE.—The term “State” means the State*  
25          *of Utah.*

1           (9) *WASHINGTON COUNTY GROWTH AND CON-*  
2           *SERVATION ACT MAP.*—*The term “Washington County*  
3           *Growth and Conservation Act Map” means the map*  
4           *entitled “Washington County Growth and Conserva-*  
5           *tion Act Map” and dated November 13, 2008.*

6 **SEC. 1972. WILDERNESS AREAS.**

7           (a) *ADDITIONS TO NATIONAL WILDERNESS PRESERVA-*  
8           *TION SYSTEM.*—

9           (1) *ADDITIONS.*—*Subject to valid existing rights,*  
10           *the following land in the State is designated as wil-*  
11           *derness and as components of the National Wilderness*  
12           *Preservation System:*

13           (A) *BEARTRAP CANYON.*—*Certain Federal*  
14           *land managed by the Bureau of Land Manage-*  
15           *ment, comprising approximately 40 acres, as*  
16           *generally depicted on the Northeastern Wash-*  
17           *ington County Wilderness Map, which shall be*  
18           *known as the “Beartrap Canyon Wilderness”.*

19           (B) *BLACKRIDGE.*—*Certain Federal land*  
20           *managed by the Bureau of Land Management,*  
21           *comprising approximately 13,015 acres, as gen-*  
22           *erally depicted on the Northeastern Washington*  
23           *County Wilderness Map, which shall be known*  
24           *as the “Blackridge Wilderness”.*

1           (C) CANAAN MOUNTAIN.—*Certain Federal*  
2           *land in the County managed by the Bureau of*  
3           *Land Management, comprising approximately*  
4           *44,531 acres, as generally depicted on the*  
5           *Canaan Mountain Wilderness Map, which shall*  
6           *be known as the “Canaan Mountain Wilder-*  
7           *ness”.*

8           (D) COTTONWOOD CANYON.—*Certain Fed-*  
9           *eral land managed by the Bureau of Land Man-*  
10           *agement, comprising approximately 11,712*  
11           *acres, as generally depicted on the Red Cliffs Na-*  
12           *tional Conservation Area Map, which shall be*  
13           *known as the “Cottonwood Canyon Wilderness”.*

14           (E) COTTONWOOD FOREST.—*Certain Fed-*  
15           *eral land managed by the Forest Service, com-*  
16           *prising approximately 2,643 acres, as generally*  
17           *depicted on the Red Cliffs National Conservation*  
18           *Area Map, which shall be known as the “Cotton-*  
19           *wood Forest Wilderness”.*

20           (F) COUGAR CANYON.—*Certain Federal*  
21           *land managed by the Bureau of Land Manage-*  
22           *ment, comprising approximately 10,409 acres, as*  
23           *generally depicted on the Northwestern Wash-*  
24           *ington County Wilderness Map, which shall be*  
25           *known as the “Cougar Canyon Wilderness”.*

1           (G) *DEEP CREEK*.—*Certain Federal land*  
2           *managed by the Bureau of Land Management,*  
3           *comprising approximately 3,284 acres, as gen-*  
4           *erally depicted on the Northeastern Washington*  
5           *County Wilderness Map, which shall be known*  
6           *as the “Deep Creek Wilderness”.*

7           (H) *DEEP CREEK NORTH*.—*Certain Federal*  
8           *land managed by the Bureau of Land Manage-*  
9           *ment, comprising approximately 4,262 acres, as*  
10           *generally depicted on the Northeastern Wash-*  
11           *ington County Wilderness Map, which shall be*  
12           *known as the “Deep Creek North Wilderness”.*

13           (I) *DOC’S PASS*.—*Certain Federal land*  
14           *managed by the Bureau of Land Management,*  
15           *comprising approximately 17,294 acres, as gen-*  
16           *erally depicted on the Northwestern Washington*  
17           *County Wilderness Map, which shall be known*  
18           *as the “Doc’s Pass Wilderness”.*

19           (J) *GOOSE CREEK*.—*Certain Federal land*  
20           *managed by the Bureau of Land Management,*  
21           *comprising approximately 98 acres, as generally*  
22           *depicted on the Northeastern Washington County*  
23           *Wilderness Map, which shall be known as the*  
24           *“Goose Creek Wilderness”.*

1           (K) *LAVERKIN CREEK.*—*Certain Federal*  
2           *land managed by the Bureau of Land Manage-*  
3           *ment, comprising approximately 445 acres, as*  
4           *generally depicted on the Northeastern Wash-*  
5           *ington County Wilderness Map, which shall be*  
6           *known as the “LaVerkin Creek Wilderness”.*

7           (L) *RED BUTTE.*—*Certain Federal land*  
8           *managed by the Bureau of Land Management,*  
9           *comprising approximately 1,537 acres, as gen-*  
10           *erally depicted on the Northeastern Washington*  
11           *County Wilderness Map, which shall be known*  
12           *as the “Red Butte Wilderness”.*

13           (M) *RED MOUNTAIN.*—*Certain Federal land*  
14           *managed by the Bureau of Land Management,*  
15           *comprising approximately 18,729 acres, as gen-*  
16           *erally depicted on the Red Cliffs National Con-*  
17           *servation Area Map, which shall be known as the*  
18           *“Red Mountain Wilderness”.*

19           (N) *SLAUGHTER CREEK.*—*Certain Federal*  
20           *land managed by the Bureau of Land Manage-*  
21           *ment, comprising approximately 3,901 acres, as*  
22           *generally depicted on the Northwestern Wash-*  
23           *ington County Wilderness Map, which shall be*  
24           *known as the “Slaughter Creek Wilderness”.*

1           (O) *TAYLOR CREEK.*—*Certain Federal land*  
2           *managed by the Bureau of Land Management,*  
3           *comprising approximately 32 acres, as generally*  
4           *depicted on the Northeastern Washington County*  
5           *Wilderness Map, which shall be known as the*  
6           *“Taylor Creek Wilderness”.*

7           (2) *MAPS AND LEGAL DESCRIPTIONS.*—

8           (A) *IN GENERAL.*—*As soon as practicable*  
9           *after the date of enactment of this Act, the Sec-*  
10           *retary shall submit to the Committee on Energy*  
11           *and Natural Resources of the Senate and the*  
12           *Committee on Natural Resources of the House of*  
13           *Representatives a map and legal description of*  
14           *each wilderness area designated by paragraph*  
15           *(1).*

16           (B) *FORCE AND EFFECT.*—*Each map and*  
17           *legal description submitted under subparagraph*  
18           *(A) shall have the same force and effect as if in-*  
19           *cluded in this subtitle, except that the Secretary*  
20           *may correct any clerical or typographical errors*  
21           *in the map or legal description.*

22           (C) *AVAILABILITY.*—*Each map and legal*  
23           *description submitted under subparagraph (A)*  
24           *shall be available in the appropriate offices of—*



- 1                   (i) *the Bureau of Land Management;*  
2                   *and*  
3                   (ii) *the Forest Service.*

4           (b) *ADMINISTRATION OF WILDERNESS AREAS.—*

5               (1) *MANAGEMENT.—Subject to valid existing*  
6               *rights, each area designated as wilderness by sub-*  
7               *section (a)(1) shall be administered by the Secretary*  
8               *in accordance with the Wilderness Act (16 U.S.C.*  
9               *1131 et seq.), except that—*

10               (A) *any reference in the Wilderness Act to*  
11               *the effective date of that Act shall be considered*  
12               *to be a reference to the date of enactment of this*  
13               *Act; and*

14               (B) *any reference in the Wilderness Act to*  
15               *the Secretary of Agriculture shall be considered*  
16               *to be a reference to the Secretary that has juris-*  
17               *isdiction over the land.*

18               (2) *LIVESTOCK.—The grazing of livestock in each*  
19               *area designated as wilderness by subsection (a)(1),*  
20               *where established before the date of enactment of this*  
21               *Act, shall be permitted to continue—*

22               (A) *subject to such reasonable regulations,*  
23               *policies, and practices that the Secretary con-*  
24               *siders necessary; and*

25               (B) *in accordance with—*

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

3                   (ii) the guidelines set forth in Appen-  
4                   dix A of the report of the Committee on In-  
5                   terior and Insular Affairs of the House of  
6                   Representatives accompanying H.R. 2570 of  
7                   the 101st Congress (H.Rep. 101-405) and  
8                   H.R. 5487 of the 96th Congress (H. Rept.  
9                   96-617).

10                  (3) WILDFIRE, INSECT, AND DISEASE MANAGE-  
11                  MENT.—In accordance with section 4(d)(1) of the Wil-  
12                  derness Act (16 U.S.C. 1133(d)(1)), the Secretary  
13                  may take such measures in each area designated as  
14                  wilderness by subsection (a)(1) as the Secretary deter-  
15                  mines to be necessary for the control of fire, insects,  
16                  and diseases (including, as the Secretary determines  
17                  to be appropriate, the coordination of those activities  
18                  with a State or local agency).

19                  (4) BUFFER ZONES.—

20                         (A) IN GENERAL.—Nothing in this section  
21                         creates a protective perimeter or buffer zone  
22                         around any area designated as wilderness by  
23                         subsection (a)(1).

24                         (B) ACTIVITIES OUTSIDE WILDERNESS.—  
25                         The fact that an activity or use on land outside

1           *any area designated as wilderness by subsection*  
2           *(a)(1) can be seen or heard within the wilderness*  
3           *shall not preclude the activity or use outside the*  
4           *boundary of the wilderness.*

5           (5) *MILITARY OVERFLIGHTS.*—*Nothing in this*  
6           *section restricts or precludes—*

7                   (A) *low-level overflights of military aircraft*  
8                   *over any area designated as wilderness by sub-*  
9                   *section (a)(1), including military overflights that*  
10                   *can be seen or heard within any wilderness area;*

11                   (B) *flight testing and evaluation; or*

12                   (C) *the designation or creation of new units*  
13                   *of special use airspace, or the establishment of*  
14                   *military flight training routes over any wilder-*  
15                   *ness area.*

16           (6) *ACQUISITION AND INCORPORATION OF LAND*  
17           *AND INTERESTS IN LAND.*—

18                   (A) *ACQUISITION AUTHORITY.*—*In accord-*  
19                   *ance with applicable laws (including regula-*  
20                   *tions), the Secretary may acquire any land or*  
21                   *interest in land within the boundaries of the wil-*  
22                   *derness areas designated by subsection (a)(1) by*  
23                   *purchase from willing sellers, donation, or ex-*  
24                   *change.*

1           (B) *INCORPORATION.*—*Any land or interest*  
2           *in land acquired by the Secretary under sub-*  
3           *paragraph (A) shall be incorporated into, and*  
4           *administered as a part of, the wilderness area in*  
5           *which the land or interest in land is located.*

6           (7) *NATIVE AMERICAN CULTURAL AND RELI-*  
7           *GIOUS USES.*—*Nothing in this section diminishes—*

8                     (A) *the rights of any Indian tribe; or*

9                     (B) *any tribal rights regarding access to*  
10            *Federal land for tribal activities, including spir-*  
11            *itual, cultural, and traditional food-gathering*  
12            *activities.*

13           (8) *CLIMATOLOGICAL DATA COLLECTION.*—*In ac-*  
14            *cordance with the Wilderness Act (16 U.S.C. 1131 et*  
15            *seq.) and subject to such terms and conditions as the*  
16            *Secretary may prescribe, the Secretary may authorize*  
17            *the installation and maintenance of hydrologic, mete-*  
18            *orologic, or climatological collection devices in the*  
19            *wilderness areas designated by subsection (a)(1) if the*  
20            *Secretary determines that the facilities and access to*  
21            *the facilities are essential to flood warning, flood con-*  
22            *trol, or water reservoir operation activities.*

23           (9) *WATER RIGHTS.*—

24                     (A) *STATUTORY CONSTRUCTION.*—*Nothing*  
25            *in this section—*

1           (i) shall constitute or be construed to  
2           constitute either an express or implied res-  
3           ervation by the United States of any water  
4           or water rights with respect to the land des-  
5           ignated as wilderness by subsection (a)(1);

6           (ii) shall affect any water rights in the  
7           State existing on the date of enactment of  
8           this Act, including any water rights held by  
9           the United States;

10          (iii) shall be construed as establishing  
11          a precedent with regard to any future wil-  
12          derness designations;

13          (iv) shall affect the interpretation of,  
14          or any designation made pursuant to, any  
15          other Act; or

16          (v) shall be construed as limiting, al-  
17          tering, modifying, or amending any of the  
18          interstate compacts or equitable apportion-  
19          ment decrees that apportion water among  
20          and between the State and other States.

21          (B) *STATE WATER LAW.*—The Secretary  
22          shall follow the procedural and substantive re-  
23          quirements of the law of the State in order to ob-  
24          tain and hold any water rights not in existence  
25          on the date of enactment of this Act with respect

1           to the wilderness areas designated by subsection  
2           (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 Sec-  
11          retary may carry out management activities to  
12          maintain or restore fish and wildlife populations  
13          (including activities to maintain and restore fish  
14          and wildlife habitats to support the populations)  
15          in any wilderness area designated by subsection  
16          (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 U.S.C.  
21                                 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 Secretary  
3     may authorize structures and facilities, including ex-  
4     isting structures and facilities, for wildlife water de-  
5     velopment projects, including guzzlers, in the wilder-  
6     ness areas designated by subsection (a)(1) if—

7           (A) the structures and facilities will, as de-  
8     termined by the Secretary, enhance wilderness  
9     values by promoting healthy, viable, and more  
10    naturally distributed wildlife populations; and

11          (B) the visual impacts of the structures and  
12    facilities on the wilderness areas can reasonably  
13    be minimized.

14          (12) COOPERATIVE AGREEMENT.—Not later than  
15    1 year after the date of enactment of this Act, the Sec-  
16    retary shall enter into a cooperative agreement with  
17    the State that specifies the terms and conditions  
18    under which wildlife management activities in the  
19    wilderness areas designated by subsection (a)(1) may  
20    be carried out.

21    (c) RELEASE OF WILDERNESS STUDY AREAS.—

22          (1) FINDING.—Congress finds that, for the pur-  
23    poses of section 603 of the Federal Land Policy and  
24    Management Act of 1976 (43 U.S.C. 1782), the public  
25    land in the County administered by the Bureau of

1 *Land Management has been adequately studied for*  
2 *wilderness designation.*

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

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

9 (B) *shall be managed in accordance with*  
10 *applicable law and the land management plans*  
11 *adopted under section 202 of that Act (43 U.S.C.*  
12 *1712).*

13 (d) *TRANSFER OF ADMINISTRATIVE JURISDICTION TO*  
14 *NATIONAL PARK SERVICE.—Administrative jurisdiction*  
15 *over the land identified as the Watchman Wilderness on the*  
16 *Northeastern Washington County Wilderness Map is hereby*  
17 *transferred to the National Park Service, to be included in,*  
18 *and administered as part of Zion National Park.*

19 **SEC. 1973. ZION NATIONAL PARK WILDERNESS.**

20 (a) *DEFINITIONS.—In this section:*

21 (1) *FEDERAL LAND.—The term “Federal land”*  
22 *means certain Federal land—*

23 (A) *that is—*

24 (i) *located in the County and Iron*  
25 *County, Utah; and*



1                   (ii) managed by the National Park  
2                   Service;

3                   (B) consisting of approximately 124,406  
4                   acres; and

5                   (C) as generally depicted on the Zion Na-  
6                   tional Park Wilderness Map and the area added  
7                   to the park under section 1972(d).

8                   (2) WILDERNESS AREA.—The term “Wilderness  
9                   Area” means the Zion Wilderness designated by sub-  
10                  section (b)(1).

11                  (3) ZION NATIONAL PARK WILDERNESS MAP.—  
12                  The term “Zion National Park Wilderness Map”  
13                  means the map entitled “Zion National Park Wilder-  
14                  ness” and dated April 2008.

15                  (b) ZION NATIONAL PARK WILDERNESS.—

16                  (1) DESIGNATION.—Subject to valid existing  
17                  rights, the Federal land is designated as wilderness  
18                  and as a component of the National Wilderness Pres-  
19                  ervation System, to be known as the “Zion Wilder-  
20                  ness”.

21                  (2) INCORPORATION OF ACQUIRED LAND.—Any  
22                  land located in the Zion National Park that is ac-  
23                  quired by the Secretary through a voluntary sale, ex-  
24                  change, or donation may, on the recommendation of  
25                  the Secretary, become part of the Wilderness Area, in

1 *accordance with the Wilderness Act (16 U.S.C. 1131*  
2 *et seq.).*

3 (3) *MAP AND LEGAL DESCRIPTION.—*

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 of*  
9 *Representatives a map and legal description of*  
10 *the Wilderness Area.*

11 (B) *FORCE AND EFFECT.—The map and*  
12 *legal description submitted under subparagraph*  
13 *(A) shall have the same force and effect as if in-*  
14 *cluded in this Act, except that the Secretary may*  
15 *correct any clerical or typographical errors in*  
16 *the map or legal description.*

17 (C) *AVAILABILITY.—The map and legal de-*  
18 *scription submitted under subparagraph (A)*  
19 *shall be available in the appropriate offices of the*  
20 *National Park Service.*

21 **SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.**

22 (a) *PURPOSES.—The purposes of this section are—*

23 (1) *to conserve, protect, and enhance for the ben-*  
24 *efit and enjoyment of present and future generations*  
25 *the ecological, scenic, wildlife, recreational, cultural,*

1 *historical, natural, educational, and scientific re-*  
2 *sources of the National Conservation Area; and*

3 *(2) to protect each species that is—*

4 *(A) located in the National Conservation*  
5 *Area; and*

6 *(B) listed as a threatened or endangered*  
7 *species on the list of threatened species or the list*  
8 *of endangered species published under section*  
9 *4(c)(1) of the Endangered Species Act of 1973*  
10 *(16 U.S.C. 1533(c)(1)).*

11 *(b) DEFINITIONS.—In this section:*

12 *(1) HABITAT CONSERVATION PLAN.—The term*  
13 *“habitat conservation plan” means the conservation*  
14 *plan entitled “Washington County Habitat Conserva-*  
15 *tion Plan” and dated February 23, 1996.*

16 *(2) MANAGEMENT PLAN.—The term “manage-*  
17 *ment plan” means the management plan for the Na-*  
18 *tional Conservation Area developed by the Secretary*  
19 *under subsection (d)(1).*

20 *(3) NATIONAL CONSERVATION AREA.—The term*  
21 *“National Conservation Area” means the Red Cliffs*  
22 *National Conservation Area that—*

23 *(A) consists of approximately 44,725 acres*  
24 *of public land in the County, as generally de-*

1           *pictured on the Red Cliffs National Conservation*  
2           *Area Map; and*

3                   *(B) is established by subsection (c).*

4           (4) *PUBLIC USE PLAN.*—*The term “public use*  
5           *plan” means the use plan entitled “Red Cliffs Desert*  
6           *Reserve Public Use Plan” and dated June 12, 2000,*  
7           *as amended.*

8           (5) *RESOURCE MANAGEMENT PLAN.*—*The term*  
9           *“resource management plan” means the management*  
10          *plan entitled “St. George Field Office Resource Man-*  
11          *agement Plan” and dated March 15, 1999, as amend-*  
12          *ed.*

13          (c) *ESTABLISHMENT.*—*Subject to valid existing rights,*  
14          *there is established in the State the Red Cliffs National Con-*  
15          *servation Area.*

16          (d) *MANAGEMENT PLAN.*—

17                  (1) *IN GENERAL.*—*Not later than 3 years after*  
18          *the date of enactment of this Act and in accordance*  
19          *with paragraph (2), the Secretary shall develop a*  
20          *comprehensive plan for the long-term management of*  
21          *the National Conservation Area.*

22                  (2) *CONSULTATION.*—*In developing the manage-*  
23          *ment plan required under paragraph (1), the Sec-*  
24          *retary shall consult with—*

1           (A) *appropriate State, tribal, and local gov-*  
2           *ernmental entities; and*

3           (B) *members of the public.*

4           (3) *INCORPORATION OF PLANS.—In developing*  
5           *the management plan required under paragraph (1),*  
6           *to the extent consistent with this section, the Sec-*  
7           *retary may incorporate any provision of—*

8           (A) *the habitat conservation plan;*

9           (B) *the resource management plan; and*

10          (C) *the public use plan.*

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 Con-*  
16           *servation 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 Secretary*

1 *determines would further a purpose described in sub-*  
2 *section (a).*

3 (3) *MOTORIZED VEHICLES.—Except in cases in*  
4 *which motorized vehicles are needed for administra-*  
5 *tive purposes, or to respond to an emergency, the use*  
6 *of motorized vehicles in the National Conservation*  
7 *Area shall be permitted only on roads designated by*  
8 *the management plan for the use of motorized vehi-*  
9 *cles.*

10 (4) *GRAZING.—The grazing of livestock in the*  
11 *National Conservation Area, where established before*  
12 *the date of enactment of this Act, shall be permitted*  
13 *to continue—*

14 (A) *subject to—*

15 (i) *such reasonable regulations, poli-*  
16 *cies, and practices as the Secretary con-*  
17 *siders necessary; and*

18 (ii) *applicable law; and*

19 (B) *in a manner consistent with the pur-*  
20 *poses described in subsection (a).*

21 (5) *WILDLAND FIRE OPERATIONS.—Nothing in*  
22 *this section prohibits the Secretary, in cooperation*  
23 *with other Federal, State, and local agencies, as ap-*  
24 *propriate, from conducting wildland fire operations*

1       *in the National Conservation Area, consistent with*  
2       *the purposes of this section.*

3       (f) *INCORPORATION OF ACQUIRED LAND AND INTER-*  
4 *ESTS.—Any land or interest in land that is located in the*  
5 *National Conservation Area that is acquired by the United*  
6 *States shall—*

7           (1) *become part of the National Conservation*  
8       *Area; and*

9           (2) *be managed in accordance with—*

10               (A) *the Federal Land Policy and Manage-*  
11       *ment Act of 1976 (43 U.S.C. 1701 et seq.);*

12               (B) *this section; and*

13               (C) *any other applicable law (including*  
14       *regulations).*

15       (g) *WITHDRAWAL.—*

16           (1) *IN GENERAL.—Subject to valid existing*  
17 *rights, all Federal land located in the National Con-*  
18 *servation Area are withdrawn from—*

19               (A) *all forms of entry, appropriation, and*  
20       *disposal under the public land laws;*

21               (B) *location, entry, and patenting under the*  
22       *mining laws; and*

23               (C) *operation of the mineral leasing, min-*  
24       *eral materials, and geothermal leasing laws.*

1           (2) *ADDITIONAL LAND.*—*If the Secretary ac-*  
2           *quires additional land that is located in the National*  
3           *Conservation Area after the date of enactment of this*  
4           *Act, the land is withdrawn from operation of the laws*  
5           *referred to in paragraph (1) on the date of acquisi-*  
6           *tion of the land.*

7           (h) *EFFECT.*—*Nothing in this section prohibits the au-*  
8           *thorization of the development of utilities within the Na-*  
9           *tional Conservation Area if the development is carried out*  
10          *in accordance with—*

11                 (1) *each utility development protocol described in*  
12                 *the habitat conservation plan; and*

13                 (2) *any other applicable law (including regula-*  
14                 *tions).*

15 **SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION**  
16                         **AREA.**

17           (a) *PURPOSE.*—*The purpose of this section is to con-*  
18           *serve, protect, and enhance for the benefit and enjoyment*  
19           *of present and future generations the ecological, scenic,*  
20           *wildlife, recreational, cultural, historical, natural, edu-*  
21           *cational, and scientific resources of the Beaver Dam Wash*  
22           *National Conservation Area.*

23           (b) *DEFINITIONS.*—*In this section:*

24                 (1) *MANAGEMENT PLAN.*—*The term “manage-*  
25                 *ment plan” means the management plan for the Na-*



1     *tional Conservation Area developed by the Secretary*  
2     *under subsection (d)(1).*

3             (2) *NATIONAL CONSERVATION AREA.*—*The term*  
4     *“National Conservation Area” means the Beaver Dam*  
5     *Wash National Conservation Area that—*

6             (A) *consists of approximately 68,083 acres*  
7             *of public land in the County, as generally de-*  
8             *scribed on the Beaver Dam Wash National Con-*  
9             *servation Area Map; and*

10            (B) *is established by subsection (c).*

11     (c) *ESTABLISHMENT.*—*Subject to valid existing rights,*  
12     *there is established in the State the Beaver Dam Wash Na-*  
13     *tional Conservation Area.*

14     (d) *MANAGEMENT PLAN.*—

15            (1) *IN GENERAL.*—*Not later than 3 years after*  
16     *the date of enactment of this Act and in accordance*  
17     *with paragraph (2), the Secretary shall develop a*  
18     *comprehensive plan for the long-term management of*  
19     *the National Conservation Area.*

20            (2) *CONSULTATION.*—*In developing the manage-*  
21     *ment plan required under paragraph (1), the Sec-*  
22     *retary shall consult with—*

23            (A) *appropriate State, tribal, and local gov-*  
24            *ernmental entities; and*

25            (B) *members of the public.*

1           (3) *MOTORIZED VEHICLES.*—*In developing the*  
2 *management plan required under paragraph (1), the*  
3 *Secretary shall incorporate the restrictions on motor-*  
4 *ized vehicles described in subsection (e)(3).*

5           (e) *MANAGEMENT.*—

6           (1) *IN GENERAL.*—*The Secretary shall manage*  
7 *the National Conservation Area—*

8                   (A) *in a manner that conserves, protects,*  
9 *and enhances the resources of the National Con-*  
10 *servation Area; and*

11                   (B) *in accordance with—*

12                           (i) *the Federal Land Policy and Man-*  
13 *agement Act of 1976 (43 U.S.C. 1701 et*  
14 *seq.);*

15                           (ii) *this section; and*

16                           (iii) *any other applicable law (includ-*  
17 *ing regulations).*

18           (2) *USES.*—*The Secretary shall only allow uses*  
19 *of the National Conservation Area that the Secretary*  
20 *determines would further the purpose described in*  
21 *subsection (a).*

22           (3) *MOTORIZED VEHICLES.*—

23                   (A) *IN GENERAL.*—*Except in cases in which*  
24 *motorized vehicles are needed for administrative*  
25 *purposes, or to respond to an emergency, the use*

1           *of motorized vehicles in the National Conserva-*  
2           *tion Area shall be permitted only on roads des-*  
3           *ignated by the management plan for the use of*  
4           *motorized vehicles.*

5           *(B) ADDITIONAL REQUIREMENT RELATING*  
6           *TO CERTAIN AREAS LOCATED IN THE NATIONAL*  
7           *CONSERVATION AREA.—In addition to the re-*  
8           *quirement described in subparagraph (A), with*  
9           *respect to the areas designated on the Beaver*  
10          *Dam Wash National Conservation Area Map as*  
11          *“Designated Road Areas”, motorized vehicles*  
12          *shall be permitted only on the roads identified*  
13          *on such map.*

14          *(4) GRAZING.—The grazing of livestock in the*  
15          *National Conservation Area, where established before*  
16          *the date of enactment of this Act, shall be permitted*  
17          *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 (including regula-*  
23                         *tions); and*

24                 *(B) in a manner consistent with the pur-*  
25                 *pose 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 *servaion Area is withdrawn from—*

23                   (A) *all forms of entry, appropriation, and*  
24 *disposal under the public land laws;*



1           “(A) *TAYLOR CREEK.*—*The 4.5-mile seg-*  
2           *ment from the junction of the north, middle, and*  
3           *south forks of Taylor Creek, west to the park*  
4           *boundary and adjacent land rim-to-rim, as a*  
5           *scenic river.*

6           “(B) *NORTH FORK OF TAYLOR CREEK.*—*The*  
7           *segment from the head of North Fork to the junc-*  
8           *tion with Taylor Creek and adjacent land rim-*  
9           *to-rim, as a wild river.*

10          “(C) *MIDDLE FORK OF TAYLOR CREEK.*—  
11          *The segment from the head of Middle Fork on*  
12          *Bureau of Land Management land to the junc-*  
13          *tion with Taylor Creek and adjacent land rim-*  
14          *to-rim, as a wild river.*

15          “(D) *SOUTH FORK OF TAYLOR CREEK.*—*The*  
16          *segment from the head of South Fork to the junc-*  
17          *tion with Taylor Creek and adjacent land rim-*  
18          *to-rim, as a wild river.*

19          “(E) *TIMBER CREEK AND TRIBUTARIES.*—  
20          *The 3.1-mile segment from the head of Timber*  
21          *Creek and tributaries of Timber Creek to the*  
22          *junction with LaVerkin Creek and adjacent land*  
23          *rim-to-rim, as a wild river.*

24          “(F) *LAVERKIN CREEK.*—*The 16.1-mile seg-*  
25          *ment beginning in T. 38 S., R. 11 W., sec. 21,*

1           on Bureau of Land Management land, southwest  
2           through Zion National Park, and ending at the  
3           south end of T. 40 S., R. 12 W., sec. 7, and adja-  
4           cent land 1/2-mile wide, as a wild river.

5           “(G) WILLIS CREEK.—The 1.9-mile segment  
6           beginning on Bureau of Land Management land  
7           in the SWSW sec. 27, T. 38 S., R. 11 W., to the  
8           junction with LaVerkin Creek in Zion National  
9           Park and adjacent land rim-to-rim, as a wild  
10          river.

11          “(H) BEARTRAP CANYON.—The 2.3-mile  
12          segment beginning on Bureau of Management  
13          land in the SWNW sec. 3, T. 39 S., R. 11 W.,  
14          to the junction with LaVerkin Creek and the seg-  
15          ment from the headwaters north of Long Point  
16          to the junction with LaVerkin Creek and adja-  
17          cent land rim-to-rim, as a wild river.

18          “(I) HOP VALLEY CREEK.—The 3.3-mile  
19          segment beginning at the southern boundary of  
20          T. 39 S., R. 11 W., sec. 20, to the junction with  
21          LaVerkin Creek and adjacent land 1/2-mile wide,  
22          as a wild river.

23          “(J) CURRENT CREEK.—The 1.4-mile seg-  
24          ment from the head of Current Creek to the junc-

1            *tion with LaVerkin Creek and adjacent land*  
2            *rim-to-rim, as a wild river.*

3            “(K) CANE CREEK.—*The 0.6-mile segment*  
4            *from the head of Smith Creek to the junction*  
5            *with LaVerkin Creek and adjacent land 1/2-mile*  
6            *wide, as a wild river.*

7            “(L) SMITH CREEK.—*The 1.3-mile segment*  
8            *from the head of Smith Creek to the junction*  
9            *with LaVerkin Creek and adjacent land 1/2-mile*  
10           *wide, as a wild river.*

11           “(M) NORTH CREEK LEFT AND RIGHT  
12           *FORKS.—The segment of the Left Fork from the*  
13           *junction with Wildcat Canyon to the junction*  
14           *with Right Fork, from the head of Right Fork to*  
15           *the junction with Left Fork, and from the junc-*  
16           *tion of the Left and Right Forks southwest to*  
17           *Zion National Park boundary and adjacent land*  
18           *rim-to-rim, as a wild river.*

19           “(N) WILDCAT CANYON (BLUE CREEK).—  
20           *The segment of Blue Creek from the Zion Na-*  
21           *tional Park boundary to the junction with the*  
22           *Right Fork of North Creek and adjacent land*  
23           *rim-to-rim, as a wild river.*

24           “(O) LITTLE CREEK.—*The segment begin-*  
25           *ning at the head of Little Creek to the junction*



1           *with the Left Fork of North Creek and adjacent*  
2           *land 1/2-mile wide, as a wild river.*

3           “(P) *RUSSELL GULCH.*—*The segment from*  
4           *the head of Russell Gulch to the junction with*  
5           *the Left Fork of North Creek and adjacent land*  
6           *rim-to-rim, as a wild river.*

7           “(Q) *GRAPEVINE WASH.*—*The 2.6-mile seg-*  
8           *ment from the Lower Kolob Plateau to the junc-*  
9           *tion with the Left Fork of North Creek and adja-*  
10          *cent land rim-to-rim, as a scenic river.*

11          “(R) *PINE SPRING WASH.*—*The 4.6-mile*  
12          *segment to the junction with the left fork of*  
13          *North Creek and adjacent land 1/2-mile, as a sce-*  
14          *nic river.*

15          “(S) *WOLF SPRINGS WASH.*—*The 1.4-mile*  
16          *segment from the head of Wolf Springs Wash to*  
17          *the junction with Pine Spring Wash and adja-*  
18          *cent land 1/2-mile wide, as a scenic river.*

19          “(T) *KOLOB CREEK.*—*The 5.9-mile segment*  
20          *of Kolob Creek beginning in T. 39 S., R. 10 W.,*  
21          *sec. 30, through Bureau of Land Management*  
22          *land and Zion National Park land to the junc-*  
23          *tion with the North Fork of the Virgin River and*  
24          *adjacent land rim-to-rim, as a wild river.*

1           “(U) OAK CREEK.—*The 1-mile stretch of*  
2           *Oak Creek beginning in T. 39 S., R. 10 W., sec.*  
3           *19, to the junction with Kolob Creek and adja-*  
4           *cent land rim-to-rim, as a wild river.*

5           “(V) GOOSE CREEK.—*The 4.6-mile segment*  
6           *of Goose Creek from the head of Goose Creek to*  
7           *the junction with the North Fork of the Virgin*  
8           *River and adjacent land rim-to-rim, as a wild*  
9           *river.*

10          “(W) DEEP CREEK.—*The 5.3-mile segment*  
11          *of Deep Creek beginning on Bureau of Land*  
12          *Management land at the northern boundary of*  
13          *T. 39 S., R. 10 W., sec. 23, south to the junction*  
14          *of the North Fork of the Virgin River and adja-*  
15          *cent land rim-to-rim, as a wild river.*

16          “(X) NORTH FORK OF THE VIRGIN RIVER.—  
17          *The 10.8-mile segment of the North Fork of the*  
18          *Virgin River beginning on Bureau of Land Man-*  
19          *agement land at the eastern border of T. 39 S.,*  
20          *R. 10 W., sec. 35, to Temple of Sinawava and*  
21          *adjacent land rim-to-rim, as a wild river.*

22          “(Y) NORTH FORK OF THE VIRGIN RIVER.—  
23          *The 8-mile segment of the North Fork of the Vir-*  
24          *gin River from Temple of Sinawava south to the*

1           *Zion National Park boundary and adjacent land*  
2           *1/2-mile wide, as a recreational river.*

3           “(Z) *IMLAY CANYON.*—*The segment from the*  
4           *head of Imlay Creek to the junction with the*  
5           *North Fork of the Virgin River and adjacent*  
6           *land rim-to-rim, as a wild river.*

7           “(AA) *ORDERVILLE CANYON.*—*The segment*  
8           *from the eastern boundary of Zion National*  
9           *Park to the junction with the North Fork of the*  
10           *Virgin River and adjacent land rim-to-rim, as a*  
11           *wild river.*

12           “(BB) *MYSTERY CANYON.*—*The segment*  
13           *from the head of Mystery Canyon to the junction*  
14           *with the North Fork of the Virgin River and ad-*  
15           *acent land rim-to-rim, as a wild river.*

16           “(CC) *ECHO CANYON.*—*The segment from*  
17           *the eastern boundary of Zion National Park to*  
18           *the junction with the North Fork of the Virgin*  
19           *River and adjacent land rim-to-rim, as a wild*  
20           *river.*

21           “(DD) *BEHUNIN CANYON.*—*The segment*  
22           *from the head of Behunin Canyon to the junction*  
23           *with the North Fork of the Virgin River and ad-*  
24           *acent land rim-to-rim, as a wild river.*

1           “(EE) HEAPS CANYON.—The segment from  
2           the head of Heaps Canyon to the junction with  
3           the North Fork of the Virgin River and adjacent  
4           land rim-to-rim, as a wild river.

5           “(FF) BIRCH CREEK.—The segment from  
6           the head of Birch Creek to the junction with the  
7           North Fork of the Virgin River and adjacent  
8           land  $\frac{1}{2}$ -mile wide, as a wild river.

9           “(GG) OAK CREEK.—The segment of Oak  
10          Creek from the head of Oak Creek to where the  
11          forks join and adjacent land  $\frac{1}{2}$ -mile wide, as a  
12          wild river.

13          “(HH) OAK CREEK.—The 1-mile segment of  
14          Oak Creek from the point at which the 2 forks  
15          of Oak Creek join to the junction with the North  
16          Fork of the Virgin River and adjacent land  $\frac{1}{2}$ -  
17          mile wide, as a recreational river.

18          “(II) CLEAR CREEK.—The 6.4-mile segment  
19          of Clear Creek from the eastern boundary of Zion  
20          National Park to the junction with Pine Creek  
21          and adjacent land rim-to-rim, as a recreational  
22          river.

23          “(JJ) PINE CREEK.—The 2-mile segment of  
24          Pine Creek from the head of Pine Creek to the

1           *junction with Clear Creek and adjacent land*  
2           *rim-to-rim, as a wild river.*

3           “(KK) PINE CREEK.—*The 3-mile segment*  
4           *of Pine Creek from the junction with Clear Creek*  
5           *to the junction with the North Fork of the Virgin*  
6           *River and adjacent land rim-to-rim, as a rec-*  
7           *reational river.*

8           “(LL) EAST FORK OF THE VIRGIN RIVER.—  
9           *The 8-mile segment of the East Fork of the Vir-*  
10          *gin River from the eastern boundary of Zion Na-*  
11          *tional Park through Parunuweap Canyon to the*  
12          *western boundary of Zion National Park and*  
13          *adjacent land 1/2-mile wide, as a wild river.*

14          “(MM) SHUNES CREEK.—*The 3-mile seg-*  
15          *ment of Shunes Creek from the dry waterfall on*  
16          *land administered by the Bureau of Land Man-*  
17          *agement through Zion National Park to the*  
18          *western boundary of Zion National Park and*  
19          *adjacent land 1/2-mile wide as a wild river.”.*

20          (b) INCORPORATION OF ACQUIRED NON-FEDERAL  
21          LAND.—*If the United States acquires any non-Federal land*  
22          *within or adjacent to Zion National Park that includes a*  
23          *river segment that is contiguous to a river segment of the*  
24          *Virgin River designated as a wild, scenic, or recreational*  
25          *river by paragraph (204) of section 3(a) of the Wild and*

1 *Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by sub-*  
 2 *section (a)), the acquired river segment shall be incor-*  
 3 *porated in, and be administered as part of, the applicable*  
 4 *wild, scenic, or recreational river.*

5 (c) *SAVINGS CLAUSE.—The amendment made by sub-*  
 6 *section (a) does not affect the agreement among the United*  
 7 *States, the State, the Washington County Water Conser-*  
 8 *vancy District, and the Kane County Water Conservancy*  
 9 *District entitled “Zion National Park Water Rights Settle-*  
 10 *ment Agreement” and dated December 4, 1996.*

11 **SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL**

12 **AND TRANSPORTATION MANAGEMENT PLAN.**

13 (a) *DEFINITIONS.—In this section:*

14 (1) *SECRETARY.—The term “Secretary” means*  
 15 *the Secretary of the Interior.*

16 (2) *SECRETARY CONCERNED.—The term “Sec-*  
 17 *retary concerned” means—*

18 (A) *with respect to land managed by the*  
 19 *Bureau of Land Management, the Secretary; and*

20 (B) *with respect to land managed by the*  
 21 *Forest Service, the Secretary of Agriculture.*

22 (3) *TRAIL.—The term “trail” means the High*  
 23 *Desert Off-Highway Vehicle Trail designated under*  
 24 *subsection (c)(1)(A).*

1           (4) *TRAVEL MANAGEMENT PLAN.*—*The term*  
2           *“travel management plan” means the comprehensive*  
3           *travel and transportation management plan devel-*  
4           *oped under subsection (b)(1).*

5           (b) *COMPREHENSIVE TRAVEL AND TRANSPORTATION*  
6 *MANAGEMENT PLAN.*—

7           (1) *IN GENERAL.*—*Not later than 3 years after*  
8           *the date of enactment of this Act, in accordance with*  
9           *the Federal Land Policy and Management Act of*  
10           *1976 (43 U.S.C. 1701 et seq.) and other applicable*  
11           *laws (including regulations), the Secretary, in con-*  
12           *sultation with appropriate Federal agencies and*  
13           *State, tribal, and local governmental entities, and*  
14           *after an opportunity for public comment, shall de-*  
15           *velop a comprehensive travel management plan for*  
16           *the land managed by the Bureau of Land Manage-*  
17           *ment in the County—*

18                   (A) *to provide to the public a clearly*  
19                   *marked network of roads and trails with signs*  
20                   *and maps to promote—*

21                           (i) *public safety and awareness; and*

22                           (ii) *enhanced recreation and general*  
23                           *access opportunities;*

24                   (B) *to help reduce in the County growing*  
25                   *conflicts arising from interactions between—*

- 1                   (i) motorized recreation; and
- 2                   (ii) the important resource values of
- 3                   public land;
- 4                   (C) to promote citizen-based opportunities
- 5                   for—
- 6                   (i) the monitoring and stewardship of
- 7                   the trail; and
- 8                   (ii) trail system management; and
- 9                   (D) to support law enforcement officials in
- 10                  promoting—
- 11                  (i) compliance with off-highway vehicle
- 12                  laws (including regulations); and
- 13                  (ii) effective deterrents of abuses of
- 14                  public land.
- 15                  (2) *SCOPE; CONTENTS.*—*In developing the travel*
- 16                  *management plan, the Secretary shall—*
- 17                         (A) *in consultation with appropriate Fed-*
- 18                         *eral agencies, State, tribal, and local govern-*
- 19                         *mental entities (including the County and St.*
- 20                         *George City, Utah), and the public, identify 1 or*
- 21                         *more alternatives for a northern transportation*
- 22                         *route in the County;*
- 23                         (B) *ensure that the travel management plan*
- 24                         *contains a map that depicts the trail; and*



1           (C) *designate a system of areas, roads, and*  
2           *trails for mechanical and motorized use.*

3       (c) *DESIGNATION OF TRAIL.—*

4           (1) *DESIGNATION.—*

5           (A) *IN GENERAL.—As a component of the*  
6           *travel management plan, and in accordance with*  
7           *subparagraph (B), the Secretary, in coordination*  
8           *with the Secretary of Agriculture, and after an*  
9           *opportunity for public comment, shall designate*  
10          *a trail (which may include a system of trails)—*

11               (i) *for use by off-highway vehicles; and*

12               (ii) *to be known as the “High Desert*  
13               *Off-Highway Vehicle Trail”.*

14          (B) *REQUIREMENTS.—In designating the*  
15          *trail, the Secretary shall only include trails that*  
16          *are—*

17               (i) *as of the date of enactment of this*  
18               *Act, authorized for use by off-highway vehi-*  
19               *cles; and*

20               (ii) *located on land that is managed by*  
21               *the Bureau of Land Management in the*  
22               *County.*

23          (C) *NATIONAL FOREST LAND.—The Sec-*  
24          *retary of Agriculture, in coordination with the*  
25          *Secretary and in accordance with applicable*

1           *law, may designate a portion of the trail on Na-*  
2           *tional Forest System land within the County.*

3           *(D) MAP.—A map that depicts the trail*  
4           *shall be on file and available for public inspec-*  
5           *tion in the appropriate offices of—*

6                     *(i) the Bureau of Land Management;*

7                     *and*

8                     *(ii) the Forest Service.*

9           *(2) MANAGEMENT.—*

10           *(A) IN GENERAL.—The Secretary concerned*  
11           *shall manage the trail—*

12                     *(i) in accordance with applicable laws*  
13                     *(including regulations);*

14                     *(ii) to ensure the safety of citizens who*  
15                     *use the trail; and*

16                     *(iii) in a manner by which to mini-*  
17                     *mize any damage to sensitive habitat or*  
18                     *cultural resources.*

19           *(B) MONITORING; EVALUATION.—To mini-*  
20           *mize the impacts of the use of the trail on envi-*  
21           *ronmental and cultural resources, the Secretary*  
22           *concerned shall—*

23                     *(i) annually assess the effects of the use*  
24                     *of off-highway vehicles on—*

25                             *(I) the trail; and*

1                   (II) land located in proximity to  
2                   the trail; and

3                   (ii) in consultation with the Utah De-  
4                   partment of Natural Resources, annually  
5                   assess the effects of the use of the trail on  
6                   wildlife and wildlife habitat.

7                   (C) CLOSURE.—The Secretary concerned, in  
8                   consultation with the State and the County, and  
9                   subject to subparagraph (D), may temporarily  
10                  close or permanently reroute a portion of the  
11                  trail if the Secretary concerned determines  
12                  that—

13                  (i) the trail is having an adverse im-  
14                  pact on—

15                               (I) wildlife habitats;

16                               (II) natural resources;

17                               (III) cultural resources; or

18                               (IV) traditional uses;

19                  (ii) the trail threatens public safety; or

20                  (iii) closure of the trail is necessary—

21                               (I) to repair damage to the trail;

22                               or

23                               (II) to repair resource damage.

24                  (D) REROUTING.—Any portion of the trail  
25                  that is temporarily closed by the Secretary con-

1           cerned under subparagraph (C) may be perma-  
2           nently rerouted along any road or trail—

3                   (i) that is—

4                           (I) in existence as of the date of  
5                           the closure of the portion of the trail;

6                           (II) located on public land; and

7                           (III) open to motorized use; and

8                   (ii) if the Secretary concerned deter-  
9                   mines that rerouting the portion of the trail  
10                  would not significantly increase or decrease  
11                  the length of the trail.

12           (E) NOTICE OF AVAILABLE ROUTES.—The  
13           Secretary, in coordination with the Secretary of  
14           Agriculture, shall ensure that visitors to the trail  
15           have access to adequate notice relating to the  
16           availability of trail routes through—

17                   (i) the placement of appropriate sign-  
18                   age along the trail; and

19                   (ii) the distribution of maps, safety  
20                   education materials, and other information  
21                   that the Secretary concerned determines to  
22                   be appropriate.

23           (3) EFFECT.—Nothing in this section affects the  
24           ownership, management, or other rights relating to

1        *any non-Federal land (including any interest in any*  
2        *non-Federal land).*

3        **SEC. 1978. LAND DISPOSAL AND ACQUISITION.**

4        (a) *IN GENERAL.*—*Consistent with applicable law, the*  
5        *Secretary of the Interior may sell public land located within*  
6        *Washington County, Utah, that, as of July 25, 2000, has*  
7        *been identified for disposal in appropriate resource man-*  
8        *agement plans.*

9        (b) *USE OF PROCEEDS.*—

10        (1) *IN GENERAL.*—*Notwithstanding any other*  
11        *provision of law (other than a law that specifically*  
12        *provides for a portion of the proceeds of a land sale*  
13        *to be distributed to any trust fund of the State), pro-*  
14        *ceeds from the sale of public land under subsection (a)*  
15        *shall be deposited in a separate account in the Treas-*  
16        *ury to be known as the “Washington County, Utah*  
17        *Land Acquisition Account”.*

18        (2) *AVAILABILITY.*—

19        (A) *IN GENERAL.*—*Amounts in the account*  
20        *shall be available to the Secretary, without fur-*  
21        *ther appropriation, to purchase from willing*  
22        *sellers lands or interests in land within the wil-*  
23        *derness areas and National Conservation Areas*  
24        *established by this subtitle.*

1                   (B) *APPLICABILITY.*—Any purchase of land  
2                   or interest in land under subparagraph (A) shall  
3                   be in accordance with applicable law.

4 **SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.**

5           (a) *IN GENERAL.*—In accordance with applicable Fed-  
6           eral laws (including regulations), the Secretary of the Inte-  
7           rior shall—

8                   (1) *identify areas located in the County where*  
9                   *biological conservation is a priority; and*

10                   (2) *undertake activities to conserve and restore*  
11                   *plant and animal species and natural communities*  
12                   *within such areas.*

13           (b) *GRANTS; COOPERATIVE AGREEMENTS.*—In car-  
14           rying out subsection (a), the Secretary of the Interior may  
15           make grants to, or enter into cooperative agreements with,  
16           State, tribal, and local governmental entities and private  
17           entities to conduct research, develop scientific analyses, and  
18           carry out any other initiative relating to the restoration  
19           or conservation of the areas.

20 **SEC. 1980. PUBLIC PURPOSE CONVEYANCES.**

21           (a) *IN GENERAL.*—Notwithstanding the land use plan-  
22           ning requirements of sections 202 and 203 of the Federal  
23           Land Policy and Management Act of 1976 (43 U.S.C. 1712,  
24           1713), upon the request of the appropriate local govern-  
25           mental entity, as described below, the Secretary shall convey

1 *the following parcels of public land without consideration,*  
2 *subject to the provisions of this section:*

3           (1) *TEMPLE QUARRY.—The approximately 122-*  
4 *acre parcel known as “Temple Quarry” as generally*  
5 *depicted on the Washington County Growth and Con-*  
6 *servaion Act Map as “Parcel B”, to the City of St.*  
7 *George, Utah, for open space and public recreation*  
8 *purposes.*

9           (2) *HURRICANE CITY SPORTS PARK.—The ap-*  
10 *proximately 41-acre parcel as generally depicted on*  
11 *the Washington County Growth and Conservation Act*  
12 *Map as “Parcel C”, to the City of Hurricane, Utah,*  
13 *for public recreation purposes and public administra-*  
14 *tive offices.*

15           (3) *WASHINGTON COUNTY SCHOOL DISTRICT.—*  
16 *The approximately 70-acre parcel as generally de-*  
17 *picteed on the Washington County Growth and Con-*  
18 *servaion Act Map as “Parcel D”, to the Washington*  
19 *County Public School District for use for public*  
20 *school and related educational and administrative*  
21 *purposes.*

22           (4) *WASHINGTON COUNTY JAIL.—The approxi-*  
23 *mately 80-acre parcel as generally depicted on the*  
24 *Washington County Growth and Conservation Act*

1        *Map as “Parcel E”, to Washington County, Utah, for*  
2        *expansion of the Purgatory Correctional Facility.*

3            (5) *HURRICANE EQUESTRIAN PARK.—The ap-*  
4        *proximately 40-acre parcel as generally depicted on*  
5        *the Washington County Growth and Conservation Act*  
6        *Map as “Parcel F”, to the City of Hurricane, Utah,*  
7        *for use as a public equestrian park.*

8            (b) *MAP AND LEGAL DESCRIPTIONS.—As soon as prac-*  
9        *ticable after the date of enactment of this Act, the Secretary*  
10       *shall finalize legal descriptions of the parcels to be conveyed*  
11       *under this section. The Secretary may correct any minor*  
12       *errors in the map referenced in subsection (a) or in the ap-*  
13       *plicable legal descriptions. The map and legal descriptions*  
14       *shall be on file and available for public inspection in the*  
15       *appropriate offices of the Bureau of Land Management.*

16            (c) *REVERSION.—*

17            (1) *IN GENERAL.—If any parcel conveyed under*  
18        *this section ceases to be used for the public purpose*  
19        *for which the parcel was conveyed, as described in*  
20        *subsection (a), the land shall, at the discretion of the*  
21        *Secretary based on his determination of the best inter-*  
22        *ests of the United States, revert to the United States.*

23            (2) *RESPONSIBILITY OF LOCAL GOVERNMENTAL*  
24        *ENTITY.—If the Secretary determines pursuant to*  
25        *paragraph (1) that the land should revert to the*



1 *United States, and if the Secretary determines that*  
2 *the land is contaminated with hazardous waste, the*  
3 *local governmental entity to which the land was con-*  
4 *veyed shall be responsible for remediation of the con-*  
5 *tamination.*

6 **SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST**  
7 **LAND.**

8 (a) *DEFINITIONS.—In this section:*

9 (1) *COVERED FEDERAL LAND.—The term “cov-*  
10 *ered Federal land” means the approximately 66.07*  
11 *acres of land in the Dixie National Forest in the*  
12 *State, as depicted on the map.*

13 (2) *LANDOWNER.—The term “landowner” means*  
14 *Kirk R. Harrison, who owns land in Pinto Valley,*  
15 *Utah.*

16 (3) *MAP.—The term “map” means the map enti-*  
17 *tled “Conveyance of Dixie National Forest Land” and*  
18 *dated December 18, 2008.*

19 (4) *SECRETARY.—The term “Secretary” means*  
20 *the Secretary of Agriculture.*

21 (b) *CONVEYANCE.—*

22 (1) *IN GENERAL.—The Secretary may convey to*  
23 *the landowner all right, title, and interest of the*  
24 *United States in and to any of the covered Federal*

1 *land (including any improvements or appurtenances*  
2 *to the covered Federal land) by sale or exchange.*

3 (2) *LEGAL DESCRIPTION.—The exact acreage*  
4 *and legal description of the covered Federal land to*  
5 *be conveyed under paragraph (1) shall be determined*  
6 *by surveys satisfactory to the Secretary.*

7 (3) *CONSIDERATION.—*

8 (A) *IN GENERAL.—As consideration for any*  
9 *conveyance by sale under paragraph (1), the*  
10 *landowner shall pay to the Secretary an amount*  
11 *equal to the fair market value of any Federal*  
12 *land conveyed, as determined under subpara-*  
13 *graph (B).*

14 (B) *APPRAISAL.—The fair market value of*  
15 *any Federal land that is conveyed under para-*  
16 *graph (1) shall be determined by an appraisal*  
17 *acceptable to the Secretary that is performed in*  
18 *accordance with—*

19 (i) *the Uniform Appraisal Standards*  
20 *for Federal Land Acquisitions;*

21 (ii) *the Uniform Standards of Profes-*  
22 *sional Appraisal Practice; and*

23 (iii) *any other applicable law (includ-*  
24 *ing regulations).*

25 (4) *DISPOSITION AND USE OF PROCEEDS.—*

1           (A) *DISPOSITION OF PROCEEDS.*—*The Sec-*  
 2           *retary shall deposit the proceeds of any sale of*  
 3           *land under paragraph (1) in the fund established*  
 4           *under Public Law 90–171 (commonly known as*  
 5           *the “Sisk Act”) (16 U.S.C. 484a).*

6           (B) *USE OF PROCEEDS.*—*Amounts depos-*  
 7           *ited under subparagraph (A) shall be available*  
 8           *to the Secretary, without further appropriation*  
 9           *and until expended, for the acquisition of real*  
 10          *property or interests in real property for inclu-*  
 11          *sion in the Dixie National Forest in the State.*

12          (5) *ADDITIONAL TERMS AND CONDITIONS.*—*The*  
 13          *Secretary may require any additional terms and con-*  
 14          *ditions for any conveyance under paragraph (1) that*  
 15          *the Secretary determines to be appropriate to protect*  
 16          *the interests of the United States.*

17 **SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS**

18                   **BAND OF PAIUTE INDIANS.**

19          (a) *DEFINITIONS.*—*In this section:*

20                  (1) *PARCEL A.*—*The term “Parcel A” means the*  
 21                  *parcel that consists of approximately 640 acres of*  
 22                  *land that is—*

23                          (A) *managed by the Bureau of Land Man-*  
 24                          *agement;*

1           (B) located in Washington County, Utah;

2           and

3           (C) depicted on the map entitled “Wash-  
4           ington County Growth and Conservation Act  
5           Map”.

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

8           (3) *TRIBE*.—The term “Tribe” means the  
9           Shivwits Band of Paiute Indians of the State of  
10          Utah.

11         (b) *PARCEL TO BE HELD IN TRUST*.—

12           (1) *IN GENERAL*.—At the request of the Tribe,  
13           the Secretary shall take into trust for the benefit of  
14           the Tribe all right, title, and interest of the United  
15           States in and to Parcel A.

16           (2) *SURVEY; LEGAL DESCRIPTION*.—

17           (A) *SURVEY*.—Not later than 180 days after  
18           the date of enactment of this Act, the Secretary,  
19           acting through the Director of the Bureau of  
20           Land Management, shall complete a survey of  
21           Parcel A to establish the boundary of Parcel A.

22           (B) *LEGAL DESCRIPTION OF PARCEL A*.—

23           (i) *IN GENERAL*.—Upon the completion  
24           of the survey under subparagraph (A), the

1            *Secretary shall publish in the Federal Reg-*  
2            *ister a legal description of—*

3                            *(I) the boundary line of Parcel A;*

4                            *and*

5                            *(II) Parcel A.*

6                            *(ii) TECHNICAL CORRECTIONS.—Before*  
7            *the date of publication of the legal descrip-*  
8            *tions under clause (i), the Secretary may*  
9            *make minor corrections to correct technical*  
10           *and clerical errors in the legal descriptions.*

11                           *(iii) EFFECT.—Effective beginning on*  
12           *the date of publication of the legal descrip-*  
13           *tions under clause (i), the legal descriptions*  
14           *shall be considered to be the official legal de-*  
15           *scriptions of Parcel A.*

16           *(3) EFFECT.—Nothing in this section—*

17                           *(A) affects any valid right in existence on*  
18           *the date of enactment of this Act;*

19                           *(B) enlarges, impairs, or otherwise affects*  
20           *any right or claim of the Tribe to any land or*  
21           *interest in land other than to Parcel A that is—*

22                           *(i) based on an aboriginal or Indian*  
23           *title; and*

24                           *(ii) in existence as of the date of enact-*  
25           *ment of this Act; or*

1           (C) constitutes an express or implied res-  
 2           ervation of water or a water right with respect  
 3           to Parcel A.

4           (4) LAND TO BE MADE A PART OF THE RESERVA-  
 5           TION.—Land taken into trust pursuant to this section  
 6           shall be considered to be part of the reservation of the  
 7           Tribe.

8 **SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.**

9           There are authorized to be appropriated such sums as  
 10          are necessary to carry out this subtitle.

11           **TITLE II—BUREAU OF LAND**  
 12          **MANAGEMENT AUTHORIZATIONS**  
 13          **Subtitle A—National Landscape**  
 14          **Conservation System**

15 **SEC. 2001. DEFINITIONS.**

16          In this subtitle:

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

19           (2) SYSTEM.—The term “system” means the Na-  
 20          tional Landscape Conservation System established by  
 21          section 2002(a).

22 **SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE**  
 23          **CONSERVATION SYSTEM.**

24          (a) ESTABLISHMENT.—In order to conserve, protect,  
 25          and restore nationally significant landscapes that have out-

1 *standing cultural, ecological, and scientific values for the*  
2 *benefit of current and future generations, there is estab-*  
3 *lished in the Bureau of Land Management the National*  
4 *Landscape Conservation System.*

5 (b) *COMPONENTS.—The system shall include each of*  
6 *the following areas administered by the Bureau of Land*  
7 *Management:*

8 (1) *Each area that is designated as—*

9 (A) *a national monument;*

10 (B) *a national conservation area;*

11 (C) *a wilderness study area;*

12 (D) *a national scenic trail or national his-*  
13 *toric trail designated as a component of the Na-*  
14 *tional Trails System;*

15 (E) *a component of the National Wild and*  
16 *Scenic Rivers System; or*

17 (F) *a component of the National Wilderness*  
18 *Preservation System.*

19 (2) *Any area designated by Congress to be ad-*  
20 *ministered for conservation purposes, including—*

21 (A) *the Steens Mountain Cooperative Man-*  
22 *agement and Protection Area;*

23 (B) *the Headwaters Forest Reserve;*

24 (C) *the Yaquina Head Outstanding Natural*  
25 *Area;*

1           (D) *public land within the California*  
2           *Desert Conservation Area administered by the*  
3           *Bureau of Land Management for conservation*  
4           *purposes; and*

5           (E) *any additional area designated by Con-*  
6           *gress for inclusion in the system.*

7       (c) *MANAGEMENT.—The Secretary shall manage the*  
8       *system—*

9           (1) *in accordance with any applicable law (in-*  
10          *cluding regulations) relating to any component of the*  
11          *system included under subsection (b); and*

12          (2) *in a manner that protects the values for*  
13          *which the components of the system were designated.*

14       (d) *EFFECT.—*

15           (1) *IN GENERAL.—Nothing in this subtitle en-*  
16          *hances, diminishes, or modifies any law or proclama-*  
17          *tion (including regulations relating to the law or*  
18          *proclamation) under which the components of the sys-*  
19          *tem described in subsection (b) were established or are*  
20          *managed, including—*

21           (A) *the Alaska National Interest Lands*  
22           *Conservation Act (16 U.S.C. 3101 et seq.);*

23           (B) *the Wilderness Act (16 U.S.C. 1131 et*  
24           *seq.);*



1           (C) *the Wild and Scenic Rivers Act* (16  
2           U.S.C. 1271 *et seq.*);

3           (D) *the National Trails System Act* (16  
4           U.S.C. 1241 *et seq.*); and

5           (E) *the Federal Land Policy and Manage-*  
6           *ment Act of 1976* (43 U.S.C. 1701 *et seq.*).

7           (2) *FISH AND WILDLIFE.*—*Nothing in this sub-*  
8           *title shall be construed as affecting the authority, ju-*  
9           *risdiction, or responsibility of the several States to*  
10          *manage, control, or regulate fish and resident wildlife*  
11          *under State law or regulations, including the regula-*  
12          *tion of hunting, fishing, trapping and recreational*  
13          *shooting on public land managed by the Bureau of*  
14          *Land Management. Nothing in this subtitle shall be*  
15          *construed as limiting access for hunting, fishing,*  
16          *trapping, or recreational shooting.*

17 **SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.**

18          *There are authorized to be appropriated such sums as*  
19          *are necessary to carry out this subtitle.*

20          ***Subtitle B—Prehistoric Trackways***  
21                               ***National Monument***

22 **SEC. 2101. FINDINGS.**

23          *Congress finds that—*

1           (1) *in 1987, a major deposit of Paleozoic Era*  
2 *fossilized footprint megatrackways was discovered in*  
3 *the Robledo Mountains in southern New Mexico;*

4           (2) *the trackways contain footprints of numerous*  
5 *amphibians, reptiles, and insects (including pre-*  
6 *viously unknown species), plants, and petrified wood*  
7 *dating back approximately 280,000,000 years, which*  
8 *collectively provide new opportunities to understand*  
9 *animal behaviors and environments from a time pre-*  
10 *dating the dinosaurs;*

11           (3) *title III of Public Law 101–578 (104 Stat.*  
12 *2860)—*

13           (A) *provided interim protection for the site*  
14 *at which the trackways were discovered; and*

15           (B) *directed the Secretary of the Interior*  
16 *to—*

17           (i) *prepare a study assessing the sig-*  
18 *nificance of the site; and*

19           (ii) *based on the study, provide rec-*  
20 *ommendations for protection of the paleon-*  
21 *tological resources at the site;*

22           (4) *the Bureau of Land Management completed*  
23 *the Paleozoic Trackways Scientific Study Report in*  
24 *1994, which characterized the site as containing “the*

1 *most scientifically significant Early Permian*  
2 *tracksites” in the world;*

3 *(5) despite the conclusion of the study and the*  
4 *recommendations for protection, the site remains un-*  
5 *protected and many irreplaceable trackways speci-*  
6 *mens have been lost to vandalism or theft; and*

7 *(6) designation of the trackways site as a Na-*  
8 *tional Monument would protect the unique fossil re-*  
9 *sources for present and future generations while al-*  
10 *lowing for public education and continued scientific*  
11 *research opportunities.*

12 **SEC. 2102. DEFINITIONS.**

13 *In this subtitle:*

14 *(1) MONUMENT.—The term “Monument” means*  
15 *the Prehistoric Trackways National Monument estab-*  
16 *lished by section 2103(a).*

17 *(2) PUBLIC LAND.—The term “public land” has*  
18 *the meaning given the term “public lands” in section*  
19 *103 of the Federal Land Policy and Management Act*  
20 *of 1976 (43 U.S.C. 1702).*

21 *(3) SECRETARY.—The term “Secretary” means*  
22 *the Secretary of the Interior.*

23 **SEC. 2103. ESTABLISHMENT.**

24 *(a) IN GENERAL.—In order to conserve, protect, and*  
25 *enhance the unique and nationally important paleontolog-*

1 *ical, scientific, educational, scenic, and recreational re-*  
2 *sources and values of the public land described in subsection*  
3 *(b), there is established the Prehistoric Trackways National*  
4 *Monument in the State of New Mexico.*

5 *(b) DESCRIPTION OF LAND.—The Monument shall con-*  
6 *sist of approximately 5,280 acres of public land in Doña*  
7 *Ana County, New Mexico, as generally depicted on the map*  
8 *entitled “Prehistoric Trackways National Monument” and*  
9 *dated December 17, 2008.*

10 *(c) MAP; LEGAL DESCRIPTION.—*

11 *(1) IN GENERAL.—As soon as practicable after*  
12 *the date of enactment of this Act, the Secretary shall*  
13 *prepare and submit to Congress an official map and*  
14 *legal description of the Monument.*

15 *(2) CORRECTIONS.—The map and legal descrip-*  
16 *tion submitted under paragraph (1) shall have the*  
17 *same force and effect as if included in this subtitle,*  
18 *except that the Secretary may correct any clerical or*  
19 *typographical errors in the legal description and the*  
20 *map.*

21 *(3) CONFLICT BETWEEN MAP AND LEGAL DE-*  
22 *SCRIPTION.—In the case of a conflict between the map*  
23 *and the legal description, the map shall control.*

24 *(4) AVAILABILITY OF MAP AND LEGAL DESCRIP-*  
25 *TION.—Copies of the map and legal description shall*

1       *be on file and available for public inspection in the*  
2       *appropriate offices of the Bureau of Land Manage-*  
3       *ment.*

4       *(d) MINOR BOUNDARY ADJUSTMENTS.—If additional*  
5       *paleontological resources are discovered on public land ad-*  
6       *acent to the Monument after the date of enactment of this*  
7       *Act, the Secretary may make minor boundary adjustments*  
8       *to the Monument to include the resources in the Monument.*

9       **SEC. 2104. ADMINISTRATION.**

10       *(a) MANAGEMENT.—*

11               *(1) IN GENERAL.—The Secretary shall manage*  
12       *the Monument—*

13                       *(A) in a manner that conserves, protects,*  
14                       *and enhances the resources and values of the*  
15                       *Monument, including the resources and values*  
16                       *described in section 2103(a); and*

17                       *(B) in accordance with—*

18                               *(i) this subtitle;*

19                               *(ii) the Federal Land Policy and Man-*  
20                               *agement Act of 1976 (43 U.S.C. 1701 et*  
21                               *seq.); and*

22                               *(iii) other applicable laws.*

23               *(2) NATIONAL LANDSCAPE CONSERVATION SYS-*  
24       *TEM.—The Monument shall be managed as a compo-*  
25       *nent of the National Landscape Conservation System.*

1       **(b) MANAGEMENT PLAN.**—

2               **(1) IN GENERAL.**—*Not later than 3 years after*  
3 *the date of enactment of this Act, the Secretary shall*  
4 *develop a comprehensive management plan for the*  
5 *long-term protection and management of the Monu-*  
6 *ment.*

7               **(2) COMPONENTS.**—*The management plan under*  
8 *paragraph (1)—*

9                       **(A) shall—**

10                               *(i) describe the appropriate uses and*  
11 *management of the Monument, consistent*  
12 *with the provisions of this subtitle; and*

13                               *(ii) allow for continued scientific re-*  
14 *search at the Monument during the develop-*  
15 *ment of the management plan; and*

16                       **(B) may—**

17                               *(i) incorporate any appropriate deci-*  
18 *sions contained in any current management*  
19 *or activity plan for the land described in*  
20 *section 2103(b); and*

21                               *(ii) use information developed in stud-*  
22 *ies of any land within or adjacent to the*  
23 *Monument that were conducted before the*  
24 *date of enactment of this Act.*

1       (c) *AUTHORIZED USES.*—*The Secretary shall only*  
2 *allow uses of the Monument that the Secretary determines*  
3 *would further the purposes for which the Monument has*  
4 *been established.*

5       (d) *INTERPRETATION, EDUCATION, AND SCIENTIFIC*  
6 *RESEARCH.*—

7           (1) *IN GENERAL.*—*The Secretary shall provide*  
8 *for public interpretation of, and education and sci-*  
9 *entific research on, the paleontological resources of the*  
10 *Monument, with priority given to exhibiting and*  
11 *curating the resources in Doña Ana County, New*  
12 *Mexico.*

13           (2) *COOPERATIVE AGREEMENTS.*—*The Secretary*  
14 *may enter into cooperative agreements with appro-*  
15 *priate public entities to carry out paragraph (1).*

16       (e) *SPECIAL MANAGEMENT AREAS.*—

17           (1) *IN GENERAL.*—*The establishment of the*  
18 *Monument shall not change the management status of*  
19 *any area within the boundary of the Monument that*  
20 *is—*

21                   (A) *designated as a wilderness study area*  
22 *and managed in accordance with section 603(c)*  
23 *of the Federal Land Policy and Management Act*  
24 *of 1976 (43 U.S.C. 1782(c)); or*

1                   (B) managed as an area of critical environ-  
2                   ment concern.

3                   (2) *CONFLICT OF LAWS.*—If there is a conflict be-  
4                   tween the laws applicable to the areas described in  
5                   paragraph (1) and this subtitle, the more restrictive  
6                   provision shall control.

7                   (f) *MOTORIZED VEHICLES.*—

8                   (1) *IN GENERAL.*—Except as needed for adminis-  
9                   trative purposes or to respond to an emergency, the  
10                  use of motorized vehicles in the Monument shall be al-  
11                  lowed only on roads and trails designated for use by  
12                  motorized vehicles under the management plan pre-  
13                  pared under subsection (b).

14                  (2) *PERMITTED EVENTS.*—The Secretary may  
15                  issue permits for special recreation events involving  
16                  motorized vehicles within the boundaries of the Monu-  
17                  ment—

18                         (A) to the extent the events do not harm pa-  
19                         leontological resources; and

20                         (B) subject to any terms and conditions  
21                         that the Secretary determines to be necessary.

22                   (g) *WITHDRAWALS.*—Subject to valid existing rights,  
23                   any Federal land within the Monument and any land or  
24                   interest in land that is acquired by the United States for



1 *inclusion in the Monument after the date of enactment of*  
2 *this Act are withdrawn from—*

3           (1) *entry, appropriation, or disposal under the*  
4 *public land laws;*

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

7           (3) *operation of the mineral leasing laws, geo-*  
8 *thermal leasing laws, and minerals materials laws.*

9           (h) *GRAZING.—The Secretary may allow grazing to*  
10 *continue in any area of the Monument in which grazing*  
11 *is allowed before the date of enactment of this Act, subject*  
12 *to applicable laws (including regulations).*

13           (i) *WATER RIGHTS.—Nothing in this subtitle con-*  
14 *stitutes an express or implied reservation by the United*  
15 *States of any water or water rights with respect to the*  
16 *Monument.*

17 **SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.**

18           *There are authorized to be appropriated such sums as*  
19 *are necessary to carry out this subtitle.*

20 ***Subtitle C—Fort Stanton-Snowy***  
21 ***River Cave National Conserva-***  
22 ***tion Area***

23 **SEC. 2201. DEFINITIONS.**

24           *In this subtitle:*

1           (1) *CONSERVATION AREA.*—*The term “Conserva-*  
2           *tion Area” means the Fort Stanton-Snowy River*  
3           *Cave National Conservation Area established by sec-*  
4           *tion 2202(a).*

5           (2) *MANAGEMENT PLAN.*—*The term “manage-*  
6           *ment plan” means the management plan developed*  
7           *for the Conservation Area under section 2203(c).*

8           (3) *SECRETARY.*—*The term “Secretary” means*  
9           *the Secretary of the Interior, acting through the Di-*  
10          *rector of the Bureau of Land Management.*

11 **SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY**  
12                   **RIVER CAVE NATIONAL CONSERVATION**  
13                   **AREA.**

14          (a) *ESTABLISHMENT; PURPOSES.*—*There is estab-*  
15          *lished the Fort Stanton-Snowy River Cave National Con-*  
16          *servation Area in Lincoln County, New Mexico, to protect,*  
17          *conserve, and enhance the unique and nationally important*  
18          *historic, cultural, scientific, archaeological, natural, and*  
19          *educational subterranean cave resources of the Fort Stan-*  
20          *ton-Snowy River cave system.*

21          (b) *AREA INCLUDED.*—*The Conservation Area shall*  
22          *include the area within the boundaries depicted on the map*  
23          *entitled “Fort Stanton-Snowy River Cave National Con-*  
24          *servation Area” and dated December 15, 2008.*

25          (c) *MAP AND LEGAL DESCRIPTION.*—

1           (1) *IN GENERAL.*—As soon as practicable after  
2           the date of enactment of this Act, the Secretary shall  
3           submit to Congress a map and legal description of the  
4           Conservation Area.

5           (2) *EFFECT.*—The map and legal description of  
6           the Conservation Area shall have the same force and  
7           effect as if included in this subtitle, except that the  
8           Secretary may correct any minor errors in the map  
9           and legal description.

10          (3) *PUBLIC AVAILABILITY.*—The map and legal  
11          description of the Conservation Area shall be avail-  
12          able for public inspection in the appropriate offices of  
13          the Bureau of Land Management.

14 **SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.**

15          (a) *MANAGEMENT.*—

16               (1) *IN GENERAL.*—The Secretary shall manage  
17               the Conservation Area—

18                       (A) in a manner that conserves, protects,  
19                       and enhances the resources and values of the  
20                       Conservation Area, including the resources and  
21                       values described in section 2202(a); and

22                       (B) in accordance with—

23                               (i) this subtitle;

1                   (ii) *the Federal Land Policy and Man-*  
2                   *agement Act of 1976 (43 U.S.C. 1701 et*  
3                   *seq.); and*

4                   (iii) *any other applicable laws.*

5                   (2) *USES.—The Secretary shall only allow uses*  
6                   *of the Conservation Area that are consistent with the*  
7                   *protection of the cave resources.*

8                   (3) *REQUIREMENTS.—In administering the Con-*  
9                   *servation Area, the Secretary shall provide for—*

10                   (A) *the conservation and protection of the*  
11                   *natural and unique features and environs for*  
12                   *scientific, educational, and other appropriate*  
13                   *public uses of the Conservation Area;*

14                   (B) *public access, as appropriate, while*  
15                   *providing for the protection of the cave resources*  
16                   *and for public safety;*

17                   (C) *the continuation of other existing uses*  
18                   *or other new uses of the Conservation Area that*  
19                   *do not impair the purposes for which the Con-*  
20                   *servation Area is established;*

21                   (D) *management of the surface area of the*  
22                   *Conservation Area in accordance with the Fort*  
23                   *Stanton Area of Critical Environmental Concern*  
24                   *Final Activity Plan dated March, 2001, or any*

1           amendments to the plan, consistent with this  
2           subtitle; and

3                   (E) scientific investigation and research op-  
4           portunities within the Conservation Area, in-  
5           cluding through partnerships with colleges, uni-  
6           versities, schools, scientific institutions, research-  
7           ers, and scientists to conduct research and pro-  
8           vide educational and interpretive services within  
9           the Conservation Area.

10          (b) *WITHDRAWALS*.—Subject to valid existing rights,  
11 all Federal surface and subsurface land within the Con-  
12 servation Area and all land and interests in the land that  
13 are acquired by the United States after the date of enact-  
14 ment of this Act for inclusion in the Conservation Area,  
15 are withdrawn from—

16                   (1) all forms of entry, appropriation, or disposal  
17           under the general land laws;

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

20                   (3) operation under the mineral leasing and geo-  
21           thermal leasing laws.

22          (c) *MANAGEMENT PLAN*.—

23                   (1) *IN GENERAL*.—Not later than 2 years after  
24           the date of enactment of this Act, the Secretary shall

1     *develop a comprehensive plan for the long-term man-*  
2     *agement of the Conservation Area.*

3             (2) *PURPOSES.—The management plan shall—*

4                     (A) *describe the appropriate uses and man-*  
5                     *agement of the Conservation Area;*

6                     (B) *incorporate, as appropriate, decisions*  
7                     *contained in any other management or activity*  
8                     *plan for the land within or adjacent to the Con-*  
9                     *servation Area;*

10                    (C) *take into consideration any information*  
11                    *developed in studies of the land and resources*  
12                    *within or adjacent to the Conservation Area; and*

13                    (D) *provide for a cooperative agreement*  
14                    *with Lincoln County, New Mexico, to address the*  
15                    *historical involvement of the local community in*  
16                    *the interpretation and protection of the resources*  
17                    *of the Conservation Area.*

18     (d) *RESEARCH AND INTERPRETIVE FACILITIES.—*

19             (1) *IN GENERAL.—The Secretary may establish*  
20     *facilities for—*

21                     (A) *the conduct of scientific research; and*

22                     (B) *the interpretation of the historical, cul-*  
23                     *tural, scientific, archaeological, natural, and*  
24                     *educational resources of the Conservation Area.*

1           (2) *COOPERATIVE AGREEMENTS.*—*The Secretary*  
 2           *may, in a manner consistent with this subtitle, enter*  
 3           *into cooperative agreements with the State of New*  
 4           *Mexico and other institutions and organizations to*  
 5           *carry out the purposes of this subtitle.*

6           (e) *WATER RIGHTS.*—*Nothing in this subtitle con-*  
 7           *stitutes an express or implied reservation of any water*  
 8           *right.*

9   **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.**

10          *There are authorized to be appropriated such sums as*  
 11          *are necessary to carry out this subtitle.*

12          ***Subtitle D—Snake River Birds of***  
 13          ***Prey National Conservation Area***

14   **SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CON-**  
 15                           **SERVATION AREA.**

16          (a) *RENAMING.*—*Public Law 103–64 is amended—*

17                  (1) *in section 2(2) (16 U.S.C. 460iii–1(2)), by*  
 18                  *inserting “Morley Nelson” before “Snake River Birds*  
 19                  *of Prey National Conservation Area”;* and

20                  (2) *in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)),*  
 21                  *by inserting “Morley Nelson” before “Snake River*  
 22                  *Birds of Prey National Conservation Area”.*

23          (b) *REFERENCES.*—*Any reference in a law, map, regu-*  
 24          *lation, document, paper, or other record of the United*  
 25          *States to the Snake River Birds of Prey National Conserva-*

1 *tion Area shall be deemed to be a reference to the Morley*  
 2 *Nelson Snake River Birds of Prey National Conservation*  
 3 *Area.*

4 (c) *TECHNICAL CORRECTIONS.—Public Law 103–64 is*  
 5 *further amended—*

6 (1) *in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)),*  
 7 *by striking “(hereafter referred to as the ‘conservation*  
 8 *area’); and*

9 (2) *in section 4 (16 U.S.C. 460iii–3)—*

10 (A) *in subsection (a)(2), by striking “Con-*  
 11 *servation Area” and inserting “conservation*  
 12 *area”; and*

13 (B) *in subsection (d), by striking “Visitors*  
 14 *Center” and inserting “visitors center”.*

15 ***Subtitle E—Dominguez-Escalante***  
 16 ***National Conservation Area***

17 ***SEC. 2401. DEFINITIONS.***

18 *In this subtitle:*

19 (1) *CONSERVATION AREA.—The term “Conserva-*  
 20 *tion Area” means the Dominguez-Escalante National*  
 21 *Conservation Area established by section 2402(a)(1).*

22 (2) *COUNCIL.—The term “Council” means the*  
 23 *Dominguez-Escalante National Conservation Area*  
 24 *Advisory Council established under section 2407.*



1           (3) *MANAGEMENT PLAN.*—*The term “manage-*  
2           *ment plan” means the management plan developed*  
3           *under section 2406.*

4           (4) *MAP.*—*The term “Map” means the map enti-*  
5           *tled “Dominguez-Escalante National Conservation*  
6           *Area” and dated September 15, 2008.*

7           (5) *SECRETARY.*—*The term “Secretary” means*  
8           *the Secretary of the Interior.*

9           (6) *STATE.*—*The term “State” means the State*  
10          *of Colorado.*

11          (7) *WILDERNESS.*—*The term “Wilderness”*  
12          *means the Dominguez Canyon Wilderness Area des-*  
13          *ignated by section 2403(a).*

14 **SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA-**  
15                                   **TION AREA.**

16          (a) *ESTABLISHMENT.*—

17           (1) *IN GENERAL.*—*There is established the*  
18           *Dominguez-Escalante National Conservation Area in*  
19           *the State.*

20           (2) *AREA INCLUDED.*—*The Conservation Area*  
21           *shall consist of approximately 209,610 acres of public*  
22           *land, as generally depicted on the Map.*

23           (b) *PURPOSES.*—*The purposes of the Conservation*  
24           *Area are to conserve and protect for the benefit and enjoy-*  
25           *ment of present and future generations—*

1           (1) *the unique and important resources and val-*  
2 *ues of the land, including the geological, cultural, ar-*  
3 *chaeological, paleontological, natural, scientific, rec-*  
4 *reational, wilderness, wildlife, riparian, historical,*  
5 *educational, and scenic resources of the public land;*  
6 *and*

7           (2) *the water resources of area streams, based on*  
8 *seasonally available flows, that are necessary to sup-*  
9 *port aquatic, riparian, and terrestrial species and*  
10 *communities.*

11 (c) *MANAGEMENT.*—

12           (1) *IN GENERAL.*—*The Secretary shall manage*  
13 *the Conservation Area—*

14                   (A) *as a component of the National Land-*  
15 *scape Conservation System;*

16                   (B) *in a manner that conserves, protects,*  
17 *and enhances the resources and values of the*  
18 *Conservation Area described in subsection (b);*  
19 *and*

20                   (C) *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 subtitle; and*

25                           (iii) *any other applicable laws.*

1           (2) *USES.*—

2                   (A) *IN GENERAL.*—*The Secretary shall*  
3                   *allow only such uses of the Conservation Area as*  
4                   *the Secretary determines would further the pur-*  
5                   *poses for which the Conservation Area is estab-*  
6                   *lished.*

7                   (B) *USE OF MOTORIZED VEHICLES.*—

8                           (i) *IN GENERAL.*—*Except as provided*  
9                           *in clauses (ii) and (iii), use of motorized ve-*  
10                           *hicles in the Conservation Area shall be al-*  
11                           *lowed—*

12                                   (I) *before the effective date of the*  
13                                   *management plan, only on roads and*  
14                                   *trails designated for use of motor vehi-*  
15                                   *cles in the management plan that ap-*  
16                                   *plies on the date of the enactment of*  
17                                   *this Act to the public land in the Con-*  
18                                   *servations Area; and*

19                                   (II) *after the effective date of the*  
20                                   *management plan, only on roads and*  
21                                   *trails designated in the management*  
22                                   *plan for the use of motor vehicles.*

23                           (ii) *ADMINISTRATIVE AND EMERGENCY*  
24                           *RESPONSE USE.*—*Clause (i) shall not limit*  
25                           *the use of motor vehicles in the Conservation*

1                    *Area for administrative purposes or to re-*  
2                    *spond to an emergency.*

3                    *(iii) LIMITATION.—This subparagraph*  
4                    *shall not apply to the Wilderness.*

5 **SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.**

6            *(a) IN GENERAL.—In accordance with the Wilderness*  
7 *Act (16 U.S.C. 1131 et seq.), the approximately 66,280*  
8 *acres of public land in Mesa, Montrose, and Delta Counties,*  
9 *Colorado, as generally depicted on the Map, is designated*  
10 *as wilderness and as a component of the National Wilder-*  
11 *ness Preservation System, to be known as the “Dominguez*  
12 *Canyon Wilderness Area”.*

13            *(b) ADMINISTRATION OF WILDERNESS.—The Wilder-*  
14 *ness shall be managed by the Secretary in accordance with*  
15 *the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle,*  
16 *except that—*

17                    *(1) any reference in the Wilderness Act to the ef-*  
18                    *fective date of that Act shall be considered to be a ref-*  
19                    *erence to the date of enactment of this Act; and*

20                    *(2) any reference in the Wilderness Act to the*  
21                    *Secretary of Agriculture shall be considered to be a*  
22                    *reference to the Secretary of the Interior.*

23 **SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.**

24            *(a) IN GENERAL.—As soon as practicable after the*  
25 *date of enactment of this Act, the Secretary shall file a map*

1 *and a legal description of the Conservation Area and the*  
2 *Wilderness with—*

3           (1) *the Committee on Energy and Natural Re-*  
4 *sources of the Senate; and*

5           (2) *the Committee on Natural Resources of the*  
6 *House of Representatives.*

7           (b) *FORCE AND EFFECT.—The Map and legal descrip-*  
8 *tions filed under subsection (a) shall have the same force*  
9 *and effect as if included in this subtitle, except that the Sec-*  
10 *retary may correct clerical and typographical errors in the*  
11 *Map and legal descriptions.*

12           (c) *PUBLIC AVAILABILITY.—The Map and legal de-*  
13 *scriptions filed under subsection (a) shall be available for*  
14 *public inspection in the appropriate offices of the Bureau*  
15 *of Land Management.*

16 **SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND**  
17 **WILDERNESS.**

18           (a) *WITHDRAWAL.—Subject to valid existing rights, all*  
19 *Federal land within the Conservation Area and the Wilder-*  
20 *ness and all land and interests in land acquired by the*  
21 *United States within the Conservation Area or the Wilder-*  
22 *ness 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) *operation of the mineral leasing, mineral*  
4 *materials, and geothermal leasing laws.*

5 (b) *GRAZING.*—

6           (1) *GRAZING IN CONSERVATION AREA.*—*Except*  
7 *as provided in paragraph (2), the Secretary shall*  
8 *issue and administer any grazing leases or permits in*  
9 *the Conservation Area in accordance with the laws*  
10 *(including regulations) applicable to the issuance and*  
11 *administration of such leases and permits on other*  
12 *land under the jurisdiction of the Bureau of Land*  
13 *Management.*

14           (2) *GRAZING IN WILDERNESS.*—*The grazing of*  
15 *livestock in the Wilderness, if established as of the*  
16 *date of enactment of this Act, shall be permitted to*  
17 *continue—*

18                   (A) *subject to any reasonable regulations,*  
19 *policies, and practices that the Secretary deter-*  
20 *mines to be 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 In-*

1                    *terior and Insular Affairs of the House of*  
2                    *Representatives accompanying H.R. 2570 of*  
3                    *the 101st Congress (H. Rept. 101-405).*

4                    *(c) NO BUFFER ZONES.—*

5                    *(1) IN GENERAL.—Nothing in this subtitle cre-*  
6                    *ates a protective perimeter or buffer zone around the*  
7                    *Conservation Area.*

8                    *(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—*  
9                    *The fact that an activity or use on land outside the*  
10                    *Conservation Area can be seen or heard within the*  
11                    *Conservation Area shall not preclude the activity or*  
12                    *use outside the boundary of the Conservation Area.*

13                    *(d) ACQUISITION OF LAND.—*

14                    *(1) IN GENERAL.—The Secretary may acquire*  
15                    *non-Federal land within the boundaries of the Con-*  
16                    *servation Area or the Wilderness only through ex-*  
17                    *change, donation, or purchase from a willing seller.*

18                    *(2) MANAGEMENT.—Land acquired under para-*  
19                    *graph (1) shall—*

20                    *(A) become part of the Conservation Area*  
21                    *and, if applicable, the Wilderness; and*

22                    *(B) be managed in accordance with this*  
23                    *subtitle and any other applicable laws.*

24                    *(e) FIRE, INSECTS, AND DISEASES.—Subject to such*  
25                    *terms and conditions as the Secretary determines to be de-*

1 *sirable and appropriate, the Secretary may undertake such*  
2 *measures as are necessary to control fire, insects, and dis-*  
3 *eases—*

4           (1) *in the Wilderness, in accordance with section*  
5 *4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1));*  
6 *and*

7           (2) *except as provided in paragraph (1), in the*  
8 *Conservation Area in accordance with this subtitle*  
9 *and any other applicable laws.*

10       (f) *ACCESS.—The Secretary shall continue to provide*  
11 *private landowners adequate access to inholdings in the*  
12 *Conservation Area.*

13       (g) *INVASIVE SPECIES AND NOXIOUS WEEDS.—In ac-*  
14 *cordance with any applicable laws and subject to such*  
15 *terms and conditions as the Secretary determines to be de-*  
16 *sirable and appropriate, the Secretary may prescribe meas-*  
17 *ures to control nonnative invasive plants and noxious weeds*  
18 *within the Conservation Area.*

19       (h) *WATER RIGHTS.—*

20           (1) *EFFECT.—Nothing in this subtitle—*

21               (A) *affects the use or allocation, in existence*  
22 *on the date of enactment of this Act, of any*  
23 *water, water right, or interest in water;*

24               (B) *affects any vested absolute or decreed*  
25 *conditional water right in existence on the date*



1           *of enactment of this Act, including any water*  
2           *right held by the United States;*

3           *(C) affects any interstate water compact in*  
4           *existence on the date of enactment of this Act;*

5           *(D) authorizes or imposes any new reserved*  
6           *Federal water rights; or*

7           *(E) shall be considered to be a relinquish-*  
8           *ment or reduction of any water rights reserved*  
9           *or appropriated by the United States in the*  
10          *State on or before the date of enactment of this*  
11          *Act.*

12          (2) *WILDERNESS WATER RIGHTS.—*

13            (A) *IN GENERAL.—The Secretary shall en-*  
14            *sure that any water rights within the Wilderness*  
15            *required to fulfill the purposes of the Wilderness*  
16            *are secured in accordance with subparagraphs*  
17            *(B) through (G).*

18            (B) *STATE LAW.—*

19            (i) *PROCEDURAL REQUIREMENTS.—*  
20            *Any water rights within the Wilderness for*  
21            *which the Secretary pursues adjudication*  
22            *shall be adjudicated, changed, and adminis-*  
23            *tered in accordance with the procedural re-*  
24            *quirements and priority system of State*  
25            *law.*

1                   (ii) *ESTABLISHMENT OF WATER*  
2                   *RIGHTS.—*

3                   (I) *IN GENERAL.—Except as pro-*  
4                   *vided in subclause (II), the purposes*  
5                   *and other substantive characteristics of*  
6                   *the water rights pursued under this*  
7                   *paragraph shall be established in ac-*  
8                   *cordance with State law.*

9                   (II)           *EXCEPTION.—Notwith-*  
10                   *standing subclause (I) and in accord-*  
11                   *ance with this subtitle, the Secretary*  
12                   *may appropriate and seek adjudica-*  
13                   *tion of water rights to maintain sur-*  
14                   *face water levels and stream flows on*  
15                   *and across the Wilderness to fulfill the*  
16                   *purposes of the Wilderness.*

17                   (C) *DEADLINE.—The Secretary shall*  
18                   *promptly, but not earlier than January 2009,*  
19                   *appropriate the water rights required to fulfill*  
20                   *the purposes of the Wilderness.*

21                   (D) *REQUIRED DETERMINATION.—The Sec-*  
22                   *retary shall not pursue adjudication for any*  
23                   *instream flow water rights unless the Secretary*  
24                   *makes a determination pursuant to subpara-*  
25                   *graph (E)(ii) or (F).*

1                   (E) *COOPERATIVE ENFORCEMENT.*—

2                   (i) *IN GENERAL.*—*The Secretary shall*  
3 *not pursue adjudication of any Federal*  
4 *instream flow water rights established under*  
5 *this paragraph if—*

6                   (I) *the Secretary determines, upon*  
7 *adjudication of the water rights by the*  
8 *Colorado Water Conservation Board,*  
9 *that the Board holds water rights suffi-*  
10 *cient in priority, amount, and timing*  
11 *to fulfill the purposes of the Wilderness;*  
12 *and*

13                   (II) *the Secretary has entered into*  
14 *a perpetual agreement with the Colo-*  
15 *rado Water Conservation Board to en-*  
16 *sure the full exercise, protection, and*  
17 *enforcement of the State water rights*  
18 *within the Wilderness to reliably fulfill*  
19 *the purposes of the Wilderness.*

20                   (ii) *ADJUDICATION.*—*If the Secretary*  
21 *determines that the provisions of clause (i)*  
22 *have not been met, the Secretary shall adju-*  
23 *dicating and exercise any Federal water rights*  
24 *required to fulfill the purposes of the Wil-*  
25 *derness in accordance with this paragraph.*

1           (F) *INSUFFICIENT WATER RIGHTS.*—If the  
2           *Colorado Water Conservation Board* modifies the  
3           *instream flow water rights* obtained under sub-  
4           *paragraph (E)* to such a degree that the *Sec-*  
5           *retary* determines that *water rights held by the*  
6           *State* are insufficient to fulfill the purposes of the  
7           *Wilderness*, the *Secretary* shall adjudicate and  
8           *exercise Federal water rights* required to fulfill  
9           *the purposes of the Wilderness* in accordance  
10          with *subparagraph (B)*.

11          (G) *FAILURE TO COMPLY.*—The *Secretary*  
12          shall promptly act to exercise and enforce the  
13          *water rights described in subparagraph (E)* if  
14          the *Secretary* determines that—

15                 (i) *the State* is not exercising its *water*  
16                 *rights* consistent with *subparagraph*  
17                 *(E)(i)(I)*; or

18                 (ii) *the agreement* described in sub-  
19                 *paragraph (E)(i)(II)* is not fulfilled or com-  
20                 *plied with sufficiently* to fulfill the purposes  
21                 of the *Wilderness*.

22          (3) *WATER RESOURCE FACILITY.*—

23                 (A) *IN GENERAL.*—Notwithstanding any  
24                 *other provision of law* and subject to subpara-  
25                 *graph (B)*, beginning on the date of enactment of

1           *this Act, neither the President nor any other offi-*  
2           *cer, employee, or agent of the United States shall*  
3           *fund, assist, authorize, or issue a license or per-*  
4           *mit for the development of any new irrigation*  
5           *and pumping facility, reservoir, water conserva-*  
6           *tion work, aqueduct, canal, ditch, pipeline, well,*  
7           *hydropower project, transmission, other ancillary*  
8           *facility, or other water, diversion, storage, or*  
9           *carriage structure in the Wilderness.*

10           (B) *EXCEPTION.*—*Notwithstanding sub-*  
11           *paragraph (A), the Secretary may allow con-*  
12           *struction of new livestock watering facilities*  
13           *within the Wilderness in accordance with—*

14                   (i) *section 4(d)(4) of the Wilderness*  
15                   *Act (16 U.S.C. 1133(d)(4)); and*

16                   (ii) *the guidelines set forth in Appen-*  
17                   *dix A of the report of the Committee on In-*  
18                   *terior and Insular Affairs of the House of*  
19                   *Representatives accompanying H.R. 2570 of*  
20                   *the 101st Congress (H. Rept. 101–405).*

21           (4) *CONSERVATION AREA WATER RIGHTS.*—*With*  
22           *respect to water within the Conservation Area, noth-*  
23           *ing in this subtitle—*

1           (A) authorizes any Federal agency to ap-  
 2           propriate or otherwise acquire any water right  
 3           on the mainstem of the Gunnison River; or

4           (B) prevents the State from appropriating  
 5           or acquiring, or requires the State to appro-  
 6           priate or acquire, an instream flow water right  
 7           on the mainstem of the Gunnison River.

8           (5) WILDERNESS BOUNDARIES ALONG GUNNISON  
 9           RIVER.—

10           (A) IN GENERAL.—In areas in which the  
 11           Gunnison River is used as a reference for defin-  
 12           ing the boundary of the Wilderness, the boundary  
 13           shall—

14                     (i) be located at the edge of the river;

15                     and

16                     (ii) change according to the river level.

17           (B) EXCLUSION FROM WILDERNESS.—Re-  
 18           gardless of the level of the Gunnison River, no  
 19           portion of the Gunnison River is included in the  
 20           Wilderness.

21           (i) EFFECT.—Nothing in this subtitle—

22                     (1) diminishes the jurisdiction of the State with  
 23                     respect to fish and wildlife in the State; or

24                     (2) imposes any Federal water quality standard  
 25                     upstream of the Conservation Area or within the

1        *mainstem of the Gunnison River that is more restric-*  
2        *tive than would be applicable had the Conservation*  
3        *Area not been established.*

4        (j) *VALID EXISTING RIGHTS.*—*The designation of the*  
5        *Conservation Area and Wilderness is subject to valid rights*  
6        *in existence on the date of enactment of this Act.*

7        **SEC. 2406. MANAGEMENT PLAN.**

8        (a) *IN GENERAL.*—*Not later than 3 years after the*  
9        *date of enactment of this Act, the Secretary shall develop*  
10       *a comprehensive management plan for the long-term protec-*  
11       *tion and management of the Conservation Area.*

12       (b) *PURPOSES.*—*The management plan shall—*

13            (1) *describe the appropriate uses and manage-*  
14            *ment of the Conservation Area;*

15            (2) *be developed with extensive public input;*

16            (3) *take into consideration any information de-*  
17            *veloped in studies of the land within the Conservation*  
18            *Area; and*

19            (4) *include a comprehensive travel management*  
20            *plan.*

21        **SEC. 2407. ADVISORY COUNCIL.**

22        (a) *ESTABLISHMENT.*—*Not later than 180 days after*  
23        *the date of enactment of this Act, the Secretary shall estab-*  
24        *lish an advisory council, to be known as the “Dominguez-*  
25        *Escalante National Conservation Area Advisory Council”.*

1       (b) *DUTIES.*—*The Council shall advise the Secretary*  
2 *with respect to the preparation and implementation of the*  
3 *management plan.*

4       (c) *APPLICABLE LAW.*—*The Council shall be subject*  
5 *to—*

6           (1) *the Federal Advisory Committee Act (5*  
7 *U.S.C. App.); and*

8           (2) *the Federal Land Policy and Management*  
9 *Act of 1976 (43 U.S.C. 1701 et seq.).*

10       (d) *MEMBERS.*—*The Council shall include 10 members*  
11 *to be appointed by the Secretary, of whom, to the extent*  
12 *practicable—*

13           (1) *1 member shall be appointed after consid-*  
14 *ering the recommendations of the Mesa County Com-*  
15 *mission;*

16           (2) *1 member shall be appointed after consid-*  
17 *ering the recommendations of the Montrose County*  
18 *Commission;*

19           (3) *1 member shall be appointed after consid-*  
20 *ering the recommendations of the Delta County Com-*  
21 *mission;*

22           (4) *1 member shall be appointed after consid-*  
23 *ering the recommendations of the permittees holding*  
24 *grazing allotments within the Conservation Area or*  
25 *the Wilderness; and*



1           (5) 5 members shall reside in, or within reason-  
 2           able proximity to, Mesa County, Delta County, or  
 3           Montrose County, Colorado, with backgrounds that re-  
 4           flect—

5                   (A) the purposes for which the Conservation  
 6           Area or Wilderness was established; and

7                   (B) the interests of the stakeholders that are  
 8           affected by the planning and management of the  
 9           Conservation Area and Wilderness.

10          (e) REPRESENTATION.—The Secretary shall ensure  
 11          that the membership of the Council is fairly balanced in  
 12          terms of the points of view represented and the functions  
 13          to be performed by the Council.

14          (f) DURATION.—The Council shall terminate on the  
 15          date that is 1 year from the date on which the management  
 16          plan is adopted by the Secretary.

17          **SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.**

18          There are authorized to be appropriated such sums as  
 19          are necessary to carry out this subtitle.

20          **Subtitle F—Rio Puerco Watershed**  
 21                   **Management Program**

22          **SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PRO-**  
 23                   **GRAM.**

24          (a) RIO PUERCO MANAGEMENT COMMITTEE.—Section  
 25          401(b) of the Omnibus Parks and Public Lands Manage-

1 *ment Act of 1996 (Public Law 104–333; 110 Stat. 4147)*

2 *is amended—*

3 *(1) in paragraph (2)—*

4 *(A) by redesignating subparagraphs (I)*  
 5 *through (N) as subparagraphs (J) through (O),*  
 6 *respectively; and*

7 *(B) by inserting after subparagraph (H) the*  
 8 *following:*

9 *“(I) the Environmental Protection Agen-*  
 10 *cy;”;* and

11 *(2) in paragraph (4), by striking “enactment of*  
 12 *this Act” and inserting “enactment of the Omnibus*  
 13 *Public Land Management Act of 2009”.*

14 *(b) AUTHORIZATION OF APPROPRIATIONS.—Section*  
 15 *401(e) of the Omnibus Parks and Public Lands Manage-*  
 16 *ment Act of 1996 (Public Law 104–333; 110 Stat. 4148)*  
 17 *is amended by striking “enactment of this Act” and insert-*  
 18 *ing “enactment of the Omnibus Public Land Management*  
 19 *Act of 2009”.*

20 ***Subtitle G—Land Conveyances and***  
 21 ***Exchanges***

22 ***SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.***

23 *(a) DEFINITIONS.—In this section:*

24 *(1) CITY.—The term “City” means Carson City*  
 25 *Consolidated Municipality, Nevada.*

1           (2) *MAP.*—*The term “Map” means the map enti-*  
2 *tled “Carson City, Nevada Area”, dated November 7,*  
3 *2008, and on file and available for public inspection*  
4 *in the appropriate offices of—*

5                   (A) *the Bureau of Land Management;*

6                   (B) *the Forest Service; and*

7                   (C) *the City.*

8           (3) *SECRETARY.*—*The term “Secretary”*  
9 *means—*

10                   (A) *with respect to land in the National*  
11 *Forest System, the Secretary of Agriculture, act-*  
12 *ing through the Chief of the Forest Service; and*

13                   (B) *with respect to other Federal land, the*  
14 *Secretary of the Interior.*

15           (4) *SECRETARIES.*—*The term “Secretaries”*  
16 *means the Secretary of Agriculture and the Secretary*  
17 *of the Interior, acting jointly.*

18           (5) *TRIBE.*—*The term “Tribe” means the*  
19 *Washoe Tribe of Nevada and California, which is a*  
20 *federally recognized Indian tribe.*

21           (b) *CONVEYANCES OF FEDERAL LAND AND CITY*  
22 *LAND.*—

23                   (1) *IN GENERAL.*—*Notwithstanding section 202*  
24 *of the Federal Land Policy and Management Act of*  
25 *1976 (43 U.S.C. 1712), if the City offers to convey to*

1 *the United States title to the non-Federal land de-*  
2 *scribed in paragraph (2)(A) that is acceptable to the*  
3 *Secretary of Agriculture—*

4 *(A) the Secretary shall accept the offer; and*

5 *(B) not later than 180 days after the date*  
6 *on which the Secretary receives acceptable title to*  
7 *the non-Federal land described in paragraph*  
8 *(2)(A), the Secretaries shall convey to the City,*  
9 *subject to valid existing rights and for no consid-*  
10 *eration, except as provided in paragraph (3)(A),*  
11 *all right, title, and interest of the United States*  
12 *in and to the Federal land (other than any ease-*  
13 *ment reserved under paragraph (3)(B)) or inter-*  
14 *est in land described in paragraph (2)(B).*

15 *(2) DESCRIPTION OF LAND.—*

16 *(A) NON-FEDERAL LAND.—The non-Federal*  
17 *land referred to in paragraph (1) is the approxi-*  
18 *mately 2,264 acres of land administered by the*  
19 *City and identified on the Map as “To U.S. For-*  
20 *est Service”.*

21 *(B) FEDERAL LAND.—The Federal land re-*  
22 *ferred to in paragraph (1)(B) is—*

23 *(i) the approximately 935 acres of For-*  
24 *est Service land identified on the Map as*  
25 *“To Carson City for Natural Areas”;*

1           (ii) the approximately 3,604 acres of  
2           Bureau of Land Management land identi-  
3           fied on the Map as “Silver Saddle Ranch  
4           and Carson River Area”;

5           (iii) the approximately 1,848 acres of  
6           Bureau of Land Management land identi-  
7           fied on the Map as “To Carson City for  
8           Parks and Public Purposes”; and

9           (iv) the approximately 75 acres of City  
10          land in which the Bureau of Land Manage-  
11          ment has a reversionary interest that is  
12          identified on the Map as “Reversionary In-  
13          terest of the United States Released”.

14          (3) CONDITIONS.—

15           (A) CONSIDERATION.—Before the convey-  
16           ance of the 62-acre Bernhard parcel to the City,  
17           the City shall deposit in the special account es-  
18           tablished by subsection (e)(2)(A) an amount  
19           equal to 25 percent of the difference between—

20           (i) the amount for which the Bernhard  
21           parcel was purchased by the City on July  
22           18, 2001; and

23           (ii) the amount for which the Bernhard  
24           parcel was purchased by the Secretary on  
25           March 24, 2006.

1           (B) *CONSERVATION EASEMENT.*—As a con-  
2           dition of the conveyance of the land described in  
3           paragraph (2)(B)(ii), the Secretary, in consulta-  
4           tion with Carson City and affected local inter-  
5           ests, shall reserve a perpetual conservation ease-  
6           ment to the land to protect, preserve, and en-  
7           hance the conservation values of the land, con-  
8           sistent with paragraph (4)(B).

9           (C) *COSTS.*—Any costs relating to the con-  
10          veyance under paragraph (1), including any  
11          costs for surveys and other administrative costs,  
12          shall be paid by the recipient of the land being  
13          conveyed.

14         (4) *USE OF LAND.*—

15           (A) *NATURAL AREAS.*—

16           (i) *IN GENERAL.*—Except as provided  
17           in clause (ii), the land described in para-  
18           graph (2)(B)(i) shall be managed by the  
19           City to maintain undeveloped open space  
20           and to preserve the natural characteristics  
21           of the land in perpetuity.

22           (ii)        *EXCEPTION.*—Notwithstanding  
23           clause (i), the City may—

24                    (I) conduct projects on the land to  
25                    reduce fuels;

1                   (II) *construct and maintain*  
 2                   *trails, trailhead facilities, and any in-*  
 3                   *frastructure on the land that is re-*  
 4                   *quired for municipal water and flood*  
 5                   *management activities; and*

6                   (III) *maintain or reconstruct any*  
 7                   *improvements on the land that are in*  
 8                   *existence on the date of enactment of*  
 9                   *this Act.*

10                   (B) *SILVER SADDLE RANCH AND CARSON*  
 11                   *RIVER AREA.—*

12                   (i) *IN GENERAL.—Except as provided*  
 13                   *in clause (ii), the land described in para-*  
 14                   *graph (2)(B)(i) shall—*

15                   (I) *be managed by the City to*  
 16                   *protect and enhance the Carson River,*  
 17                   *the floodplain and surrounding up-*  
 18                   *land, and important wildlife habitat;*  
 19                   *and*

20                   (II) *be used for undeveloped open*  
 21                   *space, passive recreation, customary*  
 22                   *agricultural practices, and wildlife*  
 23                   *protection.*

24                   (ii)       *EXCEPTION.—Notwithstanding*  
 25                   *clause (i), the City may—*

1                   (I) *construct and maintain trails*  
2                   *and trailhead facilities on the land;*

3                   (II) *conduct projects on the land*  
4                   *to reduce fuels;*

5                   (III) *maintain or reconstruct any*  
6                   *improvements on the land that are in*  
7                   *existence on the date of enactment of*  
8                   *this Act; and*

9                   (IV) *allow the use of motorized ve-*  
10                  *hicles on designated roads, trails, and*  
11                  *areas in the south end of Prison Hill.*

12                  (C) *PARKS AND PUBLIC PURPOSES.—The*  
13                  *land described in paragraph (2)(B)(iii) shall be*  
14                  *managed by the City for—*

15                         (i) *undeveloped open space; and*

16                         (ii) *recreation or other public purposes*  
17                         *consistent with the Act of June 14, 1926*  
18                         *(commonly known as the “Recreation and*  
19                         *Public Purposes Act”)* (43 U.S.C. 869 *et*  
20                         *seq.).*

21                  (D) *REVERSIONARY INTEREST.—*

22                         (i) *RELEASE.—The reversionary inter-*  
23                         *est described in paragraph (2)(B)(iv) shall*  
24                         *terminate on the date of enactment of this*  
25                         *Act.*



1 (ii) *CONVEYANCE BY CITY.*—

2 (I) *IN GENERAL.*—*If the City*  
3 *sells, leases, or otherwise conveys any*  
4 *portion of the land described in para-*  
5 *graph (2)(B)(iv), the sale, lease, or*  
6 *conveyance of land shall be—*

7 (aa) *through a competitive*  
8 *bidding process; and*

9 (bb) *except as provided in*  
10 *subclause (II), for not less than*  
11 *fair market value.*

12 (II) *CONVEYANCE TO GOVERN-*  
13 *MENT OR NONPROFIT.*—*A sale, lease, or*  
14 *conveyance of land described in para-*  
15 *graph (2)(B)(iv) to the Federal Gov-*  
16 *ernment, a State government, a unit of*  
17 *local government, or a nonprofit orga-*  
18 *nization shall be for consideration in*  
19 *an amount equal to the price estab-*  
20 *lished by the Secretary of the Interior*  
21 *under section 2741 of title 43, Code of*  
22 *Federal Regulation (or successor regu-*  
23 *lations).*

24 (III) *DISPOSITION OF PRO-*  
25 *CEEDS.*—*The gross proceeds from the*

1                   *sale, lease, or conveyance of land under*  
2                   *subclause (I) shall be distributed in ac-*  
3                   *cordance with subsection (e)(1).*

4                   (5) *REVERSION.*—*If land conveyed under para-*  
5                   *graph (1) is used in a manner that is inconsistent*  
6                   *with the uses described in subparagraph (A), (B), (C),*  
7                   *or (D) of paragraph (4), the land shall, at the discre-*  
8                   *tion of the Secretary, revert to the United States.*

9                   (6) *MISCELLANEOUS PROVISIONS.*—

10                   (A) *IN GENERAL.*—*On conveyance of the*  
11                   *non-Federal land under paragraph (1) to the*  
12                   *Secretary of Agriculture, the non-Federal land*  
13                   *shall—*

14                   (i) *become part of the Humboldt-*  
15                   *Toiyabe National Forest; and*

16                   (ii) *be administered in accordance*  
17                   *with the laws (including the regulations)*  
18                   *and rules generally applicable to the Na-*  
19                   *tional Forest System.*

20                   (B) *MANAGEMENT PLAN.*—*The Secretary of*  
21                   *Agriculture, in consultation with the City and*  
22                   *other interested parties, may develop and imple-*  
23                   *ment a management plan for National Forest*  
24                   *System land that ensures the protection and sta-*

1           *bilization of the National Forest System land to*  
2           *minimize the impacts of flooding on the City.*

3           (7) *CONVEYANCE TO BUREAU OF LAND MANAGE-*  
4           *MENT.—*

5                   (A) *IN GENERAL.—If the City offers to con-*  
6                   *vey to the United States title to the non-Federal*  
7                   *land described in subparagraph (B) that is ac-*  
8                   *ceptable to the Secretary of the Interior, the land*  
9                   *shall, at the discretion of the Secretary, be con-*  
10                  *veyed to the United States.*

11                   (B) *DESCRIPTION OF LAND.—The non-Fed-*  
12                   *eral land referred to in subparagraph (A) is the*  
13                   *approximately 46 acres of land administered by*  
14                   *the City and identified on the Map as “To Bu-*  
15                   *reau of Land Management”.*

16                   (C) *COSTS.—Any costs relating to the con-*  
17                   *veyance under subparagraph (A), including any*  
18                   *costs for surveys and other administrative costs,*  
19                   *shall be paid by the Secretary of the Interior.*

20           (c) *TRANSFER OF ADMINISTRATIVE JURISDICTION*  
21 *FROM THE FOREST SERVICE TO THE BUREAU OF LAND*  
22 *MANAGEMENT.—*

23                   (1) *IN GENERAL.—Administrative jurisdiction*  
24                   *over the approximately 50 acres of Forest Service*  
25                   *land identified on the Map as “Parcel #1” is trans-*

1     *ferred, from the Secretary of Agriculture to the Sec-*  
2     *retary of the Interior.*

3             (2) *COSTS.*—*Any costs relating to the transfer*  
4     *under paragraph (1), including any costs for surveys*  
5     *and other administrative costs, shall be paid by the*  
6     *Secretary of the Interior.*

7             (3) *USE OF LAND.*—

8                 (A) *RIGHT-OF-WAY.*—*Not later than 120*  
9     *days after the date of enactment of this Act, the*  
10    *Secretary of the Interior shall grant to the City*  
11    *a right-of-way for the maintenance of flood man-*  
12    *agement facilities located on the land.*

13                (B) *DISPOSAL.*—*The land referred to in*  
14    *paragraph (1) shall be disposed of in accordance*  
15    *with subsection (d).*

16                (C) *DISPOSITION OF PROCEEDS.*—*The gross*  
17    *proceeds from the disposal of land under sub-*  
18    *paragraph (B) shall be distributed in accordance*  
19    *with subsection (e)(1).*

20             (d) *DISPOSAL OF CARSON CITY LAND.*—

21                 (1) *IN GENERAL.*—*Notwithstanding sections 202*  
22    *and 203 of the Federal Land Policy and Management*  
23    *Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of*  
24    *the Interior shall, in accordance with that Act, this*  
25    *subsection, and other applicable law, and subject to*

1 *valid existing rights, conduct sales of the Federal land*  
2 *described in paragraph (2) to qualified bidders.*

3 (2) *DESCRIPTION OF LAND.—The Federal land*  
4 *referred to in paragraph (1) is—*

5 (A) *the approximately 108 acres of Bureau*  
6 *of Land Management land identified as “Lands*  
7 *for Disposal” on the Map; and*

8 (B) *the approximately 50 acres of land*  
9 *identified as “Parcel #1” on the Map.*

10 (3) *COMPLIANCE WITH LOCAL PLANNING AND*  
11 *ZONING LAWS.—Before a sale of Federal land under*  
12 *paragraph (1), the City shall submit to the Secretary*  
13 *a certification that qualified bidders have agreed to*  
14 *comply with—*

15 (A) *City zoning ordinances; and*

16 (B) *any master plan for the area approved*  
17 *by the City.*

18 (4) *METHOD OF SALE; CONSIDERATION.—The*  
19 *sale of Federal land under paragraph (1) shall be—*

20 (A) *consistent with subsections (d) and (f)*  
21 *of section 203 of the Federal Land Policy and*  
22 *Management Act of 1976 (43 U.S.C. 1713);*

23 (B) *unless otherwise determined by the Sec-*  
24 *retary, through a competitive bidding process;*  
25 *and*

1           (C) *for not less than fair market value.*

2           (5) *WITHDRAWAL.—*

3           (A) *IN GENERAL.—Subject to valid existing*  
4 *rights and except as provided in subparagraph*  
5 *(B), the Federal land described in paragraph (2)*  
6 *is withdrawn from—*

7                   (i) *all forms of entry and appropria-*  
8 *tion under the public land laws;*

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

11                   (iii) *operation of the mineral leasing*  
12 *and geothermal leasing laws.*

13           (B) *EXCEPTION.—Subparagraph (A)(i)*  
14 *shall not apply to sales made consistent with this*  
15 *subsection.*

16           (6) *DEADLINE FOR SALE.—*

17           (A) *IN GENERAL.—Except as provided in*  
18 *subparagraph (B), not later than 1 year after*  
19 *the date of enactment of this Act, if there is a*  
20 *qualified bidder for the land described in sub-*  
21 *paragraphs (A) and (B) of paragraph (2), the*  
22 *Secretary of the Interior shall offer the land for*  
23 *sale to the qualified bidder.*

24           (B) *POSTPONEMENT; EXCLUSION FROM*  
25 *SALE.—*

1                   (i) *REQUEST BY CARSON CITY FOR*  
 2                   *POSTPONEMENT OR EXCLUSION.*—*At the re-*  
 3                   *quest of the City, the Secretary shall post-*  
 4                   *pone or exclude from the sale under sub-*  
 5                   *paragraph (A) all or a portion of the land*  
 6                   *described in subparagraphs (A) and (B) of*  
 7                   *paragraph (2).*

8                   (ii) *INDEFINITE POSTPONEMENT.*—*Un-*  
 9                   *less specifically requested by the City, a*  
 10                   *postponement under clause (i) shall not be*  
 11                   *indefinite.*

12           (e) *DISPOSITION OF PROCEEDS.*—

13                   (1) *IN GENERAL.*—*Of the proceeds from the sale*  
 14                   *of land under subsections (b)(4)(D)(ii) and (d)(1)—*

15                           (A) *5 percent shall be paid directly to the*  
 16                           *State for use in the general education program*  
 17                           *of the State; and*

18                           (B) *the remainder shall be deposited in a*  
 19                           *special account in the Treasury of the United*  
 20                           *States, to be known as the “Carson City Special*  
 21                           *Account”, and shall be available without further*  
 22                           *appropriation to the Secretary until expended*  
 23                           *to—*

24                                   (i) *reimburse costs incurred by the Bu-*  
 25                                   *reau of Land Management for preparing for*

1           *the sale of the Federal land described in*  
2           *subsection (d)(2), including the 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 established*  
23                    *in the Treasury of the United States a special*  
24                    *account, to be known as the “Silver Saddle En-*



1           *dowment Account*”, consisting of such amounts  
2           as are deposited under subsection (b)(3)(A).

3           (B) *AVAILABILITY OF AMOUNTS.*—Amounts  
4           deposited in the account established by para-  
5           graph (1) shall be available to the Secretary,  
6           without further appropriation, for the oversight  
7           and enforcement of the conservation easement es-  
8           tablished under subsection (b)(3)(B).

9           (f) *URBAN INTERFACE.*—

10           (1) *IN GENERAL.*—Except as otherwise provided  
11           in this section and subject to valid existing rights, the  
12           Federal land described in paragraph (2) is perma-  
13           nently withdrawn from—

14                   (A) all forms of entry and appropriation  
15                   under the public land laws and mining laws;

16                   (B) location and patent under the mining  
17                   laws; and

18                   (C) operation of the mineral laws, geo-  
19                   thermal leasing laws, and mineral material  
20                   laws.

21           (2) *DESCRIPTION OF LAND.*—The land referred  
22           to in paragraph (1) consists of approximately 19,747  
23           acres, which is identified on the Map as “Urban  
24           Interface Withdrawal”.

1           (3) *INCORPORATION OF ACQUIRED LAND AND IN-*  
2           *TERESTS.*—*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 consultation*  
9           *with the State, the City, and any other interested per-*  
10          *sons, completes a transportation plan for Federal*  
11          *land in the City, the use of motorized and mechanical*  
12          *vehicles on Federal land within the City shall be lim-*  
13          *ited to roads and trails in existence on the date of en-*  
14          *actment of this Act unless the use of the vehicles is*  
15          *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; 117*  
21          *Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—*

22                   (1) *in paragraph (3)(A)(iv), by striking “Clark,*  
23                   *Lincoln, and White Pine Counties and Washoe Coun-*  
24                   *ty (subject to paragraph 4))” and inserting “Clark,*  
25                   *Lincoln, and White Pine Counties and Washoe Coun-*

1 *ty (subject to paragraph 4)) and Carson City (subject*  
 2 *to paragraph (5))”;*

3 *(2) in paragraph (3)(A)(v), by striking “Clark,*  
 4 *Lincoln, and White Pine Counties” and inserting*  
 5 *“Clark, Lincoln, and White Pine Counties and Car-*  
 6 *son City (subject to paragraph (5))”;*

7 *(3) in paragraph (4), by striking “2011” and in-*  
 8 *serting “2015”; and*

9 *(4) by adding at the end the following:*

10 *“(5) LIMITATION FOR CARSON CITY.—Carson*  
 11 *City shall be eligible to nominate for expenditure*  
 12 *amounts to acquire land or an interest in land for*  
 13 *parks or natural areas and for conservation initia-*  
 14 *tives—*

15 *“(A) adjacent to the Carson River; or*

16 *“(B) within the floodplain of the Carson*  
 17 *River.”.*

18 *(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR*  
 19 *WASHOE TRIBE.—*

20 *(1) IN GENERAL.—Subject to valid existing*  
 21 *rights, all right, title, and interest of the United*  
 22 *States in and to the land described in paragraph*  
 23 *(2)—*

24 *(A) shall be held in trust by the United*  
 25 *States for the benefit and use of the Tribe; and*

1           (B) shall be part of the reservation of the  
2           Tribe.

3           (2) *DESCRIPTION OF LAND.*—The land referred  
4           to in paragraph (1) consists of approximately 293  
5           acres, which is identified on the Map as “To Washoe  
6           Tribe”.

7           (3) *SURVEY.*—Not later than 180 days after the  
8           date of enactment of this Act, the Secretary of Agri-  
9           culture shall complete a survey of the boundary lines  
10          to establish the boundaries of the land taken into trust  
11          under paragraph (1).

12          (4) *USE OF LAND.*—

13                (A) *GAMING.*—Land taken into trust under  
14                paragraph (1) shall not be eligible, or considered  
15                to have been taken into trust, for class II gaming  
16                or class III gaming (as those terms are defined  
17                in section 4 of the Indian Gaming Regulatory  
18                Act (25 U.S.C. 2703)).

19                (B) *TRUST LAND FOR CEREMONIAL USE*  
20                *AND CONSERVATION.*—With respect to the use of  
21                the land taken into trust under paragraph (1)  
22                that is above the 5,200’ elevation contour, the  
23                Tribe—

24                        (i) shall limit the use of the land to—

1 (I) *traditional and customary*  
 2 *uses; and*

3 (II) *stewardship conservation for*  
 4 *the benefit of the Tribe; and*

5 (ii) *shall not permit any—*

6 (I) *permanent residential or rec-*  
 7 *reational development on the land; or*

8 (II) *commercial use of the land,*  
 9 *including commercial development or*  
 10 *gaming.*

11 (C) *TRUST LAND FOR COMMERCIAL AND*  
 12 *RESIDENTIAL USE.—With respect to the use of*  
 13 *the land taken into trust under paragraph (1),*  
 14 *the Tribe shall limit the use of the land below the*  
 15 *5,200' elevation to—*

16 (i) *traditional and customary uses;*

17 (ii) *stewardship conservation for the*  
 18 *benefit of the Tribe; and*

19 (iii)(I) *residential or recreational de-*  
 20 *velopment; or*

21 (II) *commercial use.*

22 (D) *THINNING; LANDSCAPE RESTORA-*  
 23 *TION.—With respect to the land taken into trust*  
 24 *under paragraph (1), the Secretary of Agri-*  
 25 *culture, in consultation and coordination with*

1           *the Tribe, may carry out any thinning and other*  
2           *landscape restoration activities on the land that*  
3           *is beneficial to the Tribe and the Forest Service.*

4           *(i) CORRECTION OF SKUNK HARBOR CONVEYANCE.—*

5           *(1) PURPOSE.—The purpose of this subsection is*  
6           *to amend Public Law 108–67 (117 Stat. 880) to make*  
7           *a technical correction relating to the land conveyance*  
8           *authorized under that Act.*

9           *(2) TECHNICAL CORRECTION.—Section 2 of Pub-*  
10          *lic Law 108–67 (117 Stat. 880) is amended—*

11           *(A) by striking “Subject to” and inserting*  
12           *the following:*

13          *“(a) IN GENERAL.—Subject to”;*

14           *(B) in subsection (a) (as designated by*  
15           *paragraph (1)), by striking “the parcel” and all*  
16           *that follows through the period at the end and*  
17           *inserting the following: “and to approximately*  
18           *23 acres of land identified as ‘Parcel A’ on the*  
19           *map entitled ‘Skunk Harbor Conveyance Correc-*  
20           *tion’ and dated September 12, 2008, the western*  
21           *boundary of which is the low water line of Lake*  
22           *Tahoe at elevation 6,223.0’ (Lake Tahoe*  
23           *Datum).”;* and

24           *(C) by adding at the end the following:*

25          *“(b) SURVEY AND LEGAL DESCRIPTION.—*

1           “(1) *IN GENERAL.*—Not later than 180 days  
2           after the date of enactment of this subsection, the Sec-  
3           retary of Agriculture shall complete a survey and  
4           legal description of the boundary lines to establish the  
5           boundaries of the trust land.

6           “(2) *TECHNICAL CORRECTIONS.*—The Secretary  
7           may correct any technical errors in the survey or  
8           legal description completed under paragraph (1).

9           “(c) *PUBLIC ACCESS AND USE.*—Nothing in this Act  
10          prohibits any approved general public access (through exist-  
11          ing easements or by boat) to, or use of, land remaining  
12          within the Lake Tahoe Basin Management Unit after the  
13          conveyance of the land to the Secretary of the Interior, in  
14          trust for the Tribe, under subsection (a), including access  
15          to, and use of, the beach and shoreline areas adjacent to  
16          the portion of land conveyed under that subsection.”.

17          (3) *DATE OF TRUST STATUS.*—The trust land de-  
18          scribed in section 2(a) of Public Law 108–67 (117  
19          Stat. 880) shall be considered to be taken into trust  
20          as of August 1, 2003.

21          (4) *TRANSFER.*—The Secretary of the Interior,  
22          acting on behalf of and for the benefit of the Tribe,  
23          shall transfer to the Secretary of Agriculture adminis-  
24          trative jurisdiction over the land identified as “Parcel

1       *B” on the map entitled “Skunk Harbor Conveyance*  
2       *Correction” and dated September 12, 2008.*

3       *(j) AGREEMENT WITH FOREST SERVICE.—The Sec-*  
4       *retary of Agriculture, in consultation with the Tribe, shall*  
5       *develop and implement a cooperative agreement that en-*  
6       *sure regular access by members of the Tribe and other peo-*  
7       *ple in the community of the Tribe across National Forest*  
8       *System land from the City to Lake Tahoe for cultural and*  
9       *religious purposes.*

10       *(k) ARTIFACT COLLECTION.—*

11               *(1) NOTICE.—At least 180 days before con-*  
12       *ducting any ground disturbing activities on the land*  
13       *identified as “Parcel #2” on the Map, the City shall*  
14       *notify the Tribe of the proposed activities to provide*  
15       *the Tribe with adequate time to inventory and collect*  
16       *any artifacts in the affected area.*

17               *(2) AUTHORIZED ACTIVITIES.—On receipt of no-*  
18       *tice under paragraph (1), the Tribe may collect and*  
19       *possess any artifacts relating to the Tribe in the land*  
20       *identified as “Parcel #2” on the Map.*

21       *(l) AUTHORIZATION OF APPROPRIATIONS.—There are*  
22       *authorized to be appropriated such sums as are necessary*  
23       *to carry out this section.*



1 **SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA**

2 **CONVEYANCE.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *CITY.—The term “City” means the City of*  
5 *Henderson, Nevada.*

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

8 (3) *STATE.—The term “State” means the State*  
9 *of Nevada.*

10 (4) *TRANSITION AREA.—The term “Transition*  
11 *Area” means the approximately 502 acres of Federal*  
12 *land located in Henderson, Nevada, and identified as*  
13 *“Limited Transition Area” on the map entitled*  
14 *“Southern Nevada Limited Transition Area Act” and*  
15 *dated March 20, 2006.*

16 (b) **SOUTHERN NEVADA LIMITED TRANSITION**  
17 **AREA.—**

18 (1) *CONVEYANCE.—Notwithstanding the Federal*  
19 *Land Policy and Management Act of 1976 (43 U.S.C.*  
20 *1701 et seq.), on request of the City, the Secretary*  
21 *shall, without consideration and subject to all valid*  
22 *existing rights, convey to the City all right, title, and*  
23 *interest of the United States in and to the Transition*  
24 *Area.*

25 (2) **USE OF LAND FOR NONRESIDENTIAL DEVEL-**  
26 **OPMENT.—**

1           (A) *IN GENERAL.*—After the conveyance to  
2           the City under paragraph (1), the City may sell,  
3           lease, or otherwise convey any portion or por-  
4           tions of the Transition Area for purposes of non-  
5           residential development.

6           (B) *METHOD OF SALE.*—

7           (i) *IN GENERAL.*—The sale, lease, or  
8           conveyance of land under subparagraph (A)  
9           shall be through a competitive bidding proc-  
10          ess.

11          (ii) *FAIR MARKET VALUE.*—Any land  
12          sold, leased, or otherwise conveyed under  
13          subparagraph (A) shall be for not less than  
14          fair market value.

15          (C) *COMPLIANCE WITH CHARTER.*—Except  
16          as provided in subparagraphs (B) and (D), the  
17          City may sell, lease, or otherwise convey parcels  
18          within the Transition Area only in accordance  
19          with the procedures for conveyances established  
20          in the City Charter.

21          (D) *DISPOSITION OF PROCEEDS.*—The gross  
22          proceeds from the sale of land under subpara-  
23          graph (A) shall be distributed in accordance  
24          with section 4(e) of the Southern Nevada Public  
25          Land Management Act of 1998 (112 Stat. 2345).

1           (3) *USE OF LAND FOR RECREATION OR OTHER*  
2           *PUBLIC PURPOSES.—The City may elect to retain*  
3           *parcels in the Transition Area for public recreation*  
4           *or other public purposes consistent with the Act of*  
5           *June 14, 1926 (commonly known as the “Recreation*  
6           *and Public Purposes Act”)* (43 U.S.C. 869 *et seq.*) *by*  
7           *providing to the Secretary written notice of the elec-*  
8           *tion.*

9           (4) *NOISE COMPATIBILITY REQUIREMENTS.—The*  
10          *City shall—*

11                 (A) *plan and manage the Transition Area*  
12                 *in accordance with section 47504 of title 49,*  
13                 *United States Code (relating to airport noise*  
14                 *compatibility planning), and regulations pro-*  
15                 *mulgated in accordance with that section; and*

16                 (B) *agree that if any land in the Transition*  
17                 *Area is sold, leased, or otherwise conveyed by the*  
18                 *City, the sale, lease, or conveyance shall contain*  
19                 *a limitation to require uses compatible with that*  
20                 *airport noise compatibility planning.*

21          (5) *REVERSION.—*

22                 (A) *IN GENERAL.—If any parcel of land in*  
23                 *the Transition Area is not conveyed for nonresi-*  
24                 *dential development under this section or re-*  
25                 *served for recreation or other public purposes*

1           under paragraph (3) by the date that is 20 years  
2           after the date of enactment of this Act, the parcel  
3           of land shall, at the discretion of the Secretary,  
4           revert to the United States.

5           (B) *INCONSISTENT USE.*—If the City uses  
6           any parcel of land within the Transition Area in  
7           a manner that is inconsistent with the uses spec-  
8           ified in this subsection—

9                     (i) at the discretion of the Secretary,  
10                    the parcel shall revert to the United States;  
11                    or

12                   (ii) if the Secretary does not make an  
13                   election under clause (i), the City shall sell  
14                   the parcel of land in accordance with this  
15                   subsection.

16 **SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEY-**  
17 **ANCE.**

18           (a) *DEFINITIONS.*—In this section:

19                   (1) *ALTA-HUALAPAI SITE.*—The term “Alta-  
20                   Hualapai Site” means the approximately 80 acres of  
21                   land that is—

22                   (A) patented to the City under the Act of  
23                   June 14, 1926 (commonly known as the “Recre-  
24                   ation and Public Purposes Act”) (43 U.S.C. 869  
25                   et seq.); and

1           (B) identified on the map as the “Alta-  
2           Hualapai Site”.

3           (2) CITY.—The term “City” means the city of  
4           Las Vegas, Nevada.

5           (3) INSTITUTE.—The term “Institute” means the  
6           Nevada Cancer Institute, a nonprofit organization de-  
7           scribed under section 501(c)(3) of the Internal Rev-  
8           enue Code of 1986, the principal place of business of  
9           which is at 10441 West Twain Avenue, Las Vegas,  
10          Nevada.

11          (4) MAP.—The term “map” means the map ti-  
12          tled “Nevada Cancer Institute Expansion Act” and  
13          dated July 17, 2006.

14          (5) SECRETARY.—The term “Secretary” means  
15          the Secretary of the Interior, acting through the Di-  
16          rector of the Bureau of Land Management.

17          (6) WATER DISTRICT.—The term “Water Dis-  
18          trict” means the Las Vegas Valley Water District.

19          (b) LAND CONVEYANCE.—

20               (1) SURVEY AND LEGAL DESCRIPTION.—The City  
21               shall prepare a survey and legal description of the  
22               Alta-Hualapai Site. The survey shall conform to the  
23               Bureau of Land Management cadastral survey stand-  
24               ards and be subject to approval by the Secretary.

1           (2) *ACCEPTANCE.*—*The Secretary may accept the*  
2 *relinquishment by the City of all or part of the Alta-*  
3 *Hualapai Site.*

4           (3) *CONVEYANCE FOR USE AS NONPROFIT CAN-*  
5 *CER INSTITUTE.*—*After relinquishment of all or part*  
6 *of the Alta-Hualapai Site to the Secretary, and not*  
7 *later than 180 days after request of the Institute, the*  
8 *Secretary shall convey to the Institute, subject to valid*  
9 *existing rights, the portion of the Alta-Hualapai Site*  
10 *that is necessary for the development of a nonprofit*  
11 *cancer institute.*

12           (4) *ADDITIONAL CONVEYANCES.*—*Not later than*  
13 *180 days after a request from the City, the Secretary*  
14 *shall convey to the City, subject to valid existing*  
15 *rights, any remaining portion of the Alta-Hualapai*  
16 *Site necessary for ancillary medical or nonprofit use*  
17 *compatible with the mission of the Institute.*

18           (5) *APPLICABLE LAW.*—*Any conveyance by the*  
19 *City of any portion of the land received under this*  
20 *section shall be for no less than fair market value and*  
21 *the proceeds shall be distributed in accordance with*  
22 *section 4(e)(1) of Public Law 105–263 (112 Stat.*  
23 *2345).*

24           (6) *TRANSACTION COSTS.*—*All land conveyed by*  
25 *the Secretary under this section shall be at no cost,*

1       *except that the Secretary may require the recipient to*  
2       *bear any costs associated with transfer of title or any*  
3       *necessary land surveys.*

4           (7) *REPORT.*—*Not later than 180 days after the*  
5       *date of the enactment of this Act, the Secretary shall*  
6       *submit to the Committee on Natural Resources of the*  
7       *House of Representatives and the Committee on En-*  
8       *ergy and Natural Resources of the Senate a report on*  
9       *all transactions conducted under Public Law 105–263*  
10       *(112 Stat. 2345).*

11       (c) *RIGHTS-OF-WAY.*—*Consistent with the Federal*  
12       *Land Policy and Management Act of 1976 (43 U.S.C.*  
13       *1701), the Secretary may grant rights-of-way to the Water*  
14       *District on a portion of the Alta-Hualapai Site for a flood*  
15       *control project and a water pumping facility.*

16       (d) *REVERSION.*—*Any property conveyed pursuant to*  
17       *this section which ceases to be used for the purposes specified*  
18       *in this section shall, at the discretion of the Secretary, revert*  
19       *to the United States, along with any improvements thereon*  
20       *or thereto.*

21       **SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.**

22       (a) *DEFINITIONS.*—*In this section:*

23           (1) *FEDERAL LAND.*—*The term “Federal land”*  
24       *means the approximately 25 acres of Bureau of Land*

1     *Management land identified on the map as “Lands to*  
2     *be conveyed to Turnabout Ranch”.*

3             (2) *MAP.*—*The term “map” means the map enti-*  
4     *tled “Turnabout Ranch Conveyance” dated May 12,*  
5     *2006, and on file in the office of the Director of the*  
6     *Bureau of Land Management.*

7             (3) *MONUMENT.*—*The term “Monument” means*  
8     *the Grand Staircase-Escalante National Monument*  
9     *located in southern Utah.*

10            (4) *SECRETARY.*—*The term “Secretary” means*  
11     *the Secretary of the Interior.*

12            (5) *TURNABOUT RANCH.*—*The term “Turnabout*  
13     *Ranch” means the Turnabout Ranch in Escalante,*  
14     *Utah, owned by Aspen Education Group.*

15     (b) *CONVEYANCE OF FEDERAL LAND TO TURNABOUT*  
16     *RANCH.*—

17            (1) *IN GENERAL.*—*Notwithstanding the land use*  
18     *planning requirements of sections 202 and 203 of the*  
19     *Federal Land Policy and Management Act of 1976*  
20     *(43 U.S.C. 1712, 1713), if not later than 30 days*  
21     *after completion of the appraisal required under*  
22     *paragraph (2), Turnabout Ranch of Escalante, Utah,*  
23     *submits to the Secretary an offer to acquire the Fed-*  
24     *eral land for the appraised value, the Secretary shall,*  
25     *not later than 30 days after the date of the offer, con-*



1     *vey to Turnabout Ranch all right, title, and interest*  
2     *to the Federal land, subject to valid existing rights.*

3             (2) *APPRAISAL.—Not later than 90 days after*  
4     *the date of enactment of this Act, the Secretary shall*  
5     *complete an appraisal of the Federal land. The ap-*  
6     *praisal shall be completed in accordance with the*  
7     *“Uniform Appraisal Standards for Federal Land Ac-*  
8     *quisitions” and the “Uniform Standards of Profes-*  
9     *sional Appraisal Practice”. All costs associated with*  
10    *the appraisal shall be born by Turnabout Ranch.*

11            (3) *PAYMENT OF CONSIDERATION.—Not later*  
12    *than 30 days after the date on which the Federal land*  
13    *is conveyed under paragraph (1), as a condition of*  
14    *the conveyance, Turnabout Ranch shall pay to the*  
15    *Secretary an amount equal to the appraised value of*  
16    *the Federal land, as determined under paragraph (2).*

17            (4) *COSTS OF CONVEYANCE.—As a condition of*  
18    *the conveyance, any costs of the conveyance under this*  
19    *section shall be paid by Turnabout Ranch.*

20            (5) *DISPOSITION OF PROCEEDS.—The Secretary*  
21    *shall deposit the proceeds from the conveyance of the*  
22    *Federal land under paragraph (1) in the Federal*  
23    *Land Deposit Account established by section 206 of*  
24    *the Federal Land Transaction Facilitation Act(43*

1       *U.S.C. 2305), to be expended in accordance with that*  
 2       *Act.*

3       *(c) MODIFICATION OF MONUMENT BOUNDARY.—When*  
 4       *the conveyance authorized by subsection (b) is completed,*  
 5       *the boundaries of the Grand Staircase-Escalante National*  
 6       *Monument in the State of Utah are hereby modified to ex-*  
 7       *clude the Federal land conveyed to Turnabout Ranch.*

8       **SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.**

9       *(a) DEFINITIONS.—In this section:*

10               *(1) BOY SCOUTS.—The term “Boy Scouts”*  
 11       *means the Utah National Parks Council of the Boy*  
 12       *Scouts of America.*

13               *(2) SECRETARY.—The term “Secretary” means*  
 14       *the Secretary of the Interior.*

15       *(b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—*

16               *(1) AUTHORITY TO CONVEY.—*

17                       *(A) IN GENERAL.—Subject to paragraph (3)*  
 18       *and notwithstanding the Act of June 14, 1926*  
 19       *(commonly known as the “Recreation and Public*  
 20       *Purposes Act”) (43 U.S.C. 869 et seq.), the Boy*  
 21       *Scouts may convey to Brian Head Resort, sub-*  
 22       *ject to valid existing rights and, except as pro-*  
 23       *vided in subparagraph (B), any rights reserved*  
 24       *by the United States, all right, title, and interest*  
 25       *granted to the Boy Scouts by the original patent*

1           to the parcel described in paragraph (2)(A) in  
2           exchange for the conveyance by Brian Head Re-  
3           sort to the Boy Scouts of all right, title, and in-  
4           terest in and to the parcels described in para-  
5           graph (2)(B).

6           (B) *REVERSIONARY INTEREST.*—On convey-  
7           ance of the parcel of land described in paragraph  
8           (2)(A), the Secretary shall have discretion with  
9           respect to whether or not the reversionary inter-  
10          ests of the United States are to be exercised.

11          (2) *DESCRIPTION OF LAND.*—The parcels of land  
12          referred to in paragraph (1) are—

13           (A) the 120-acre parcel that is part of a  
14           tract of public land acquired by the Boy Scouts  
15           under the Act of June 14, 1926 (commonly  
16           known as the “Recreation and Public Purposes  
17           Act”) (43 U.S.C. 869 et seq.) for the purpose of  
18           operating a camp, which is more particularly  
19           described as the W 1/2 SE 1/4 and SE 1/4 SE  
20           1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base  
21           and Meridian; and

22           (B) the 2 parcels of private land owned by  
23           Brian Head Resort that total 120 acres, which  
24           are more particularly described as—

1                   (i) *NE 1/4 NW 1/4 and NE 1/4 NE 1/4*  
 2                   *4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base*  
 3                   *and Meridian; and*

4                   (ii) *SE 1/4 SE 1/4 sec. 24, T. 35. S.,*  
 5                   *R. 9 W., Salt Lake Base Meridian.*

6                   (3) *CONDITIONS.—On conveyance to the Boy*  
 7                   *Scouts under paragraph (1)(A), the parcels of land*  
 8                   *described in paragraph (2)(B) shall be subject to the*  
 9                   *terms and conditions imposed on the entire tract of*  
 10                   *land acquired by the Boy Scouts for a camp under*  
 11                   *the Bureau of Land Management patent numbered*  
 12                   *43-75-0010.*

13                   (4) *MODIFICATION OF PATENT.—On completion*  
 14                   *of the exchange under paragraph (1)(A), the Secretary*  
 15                   *shall amend the original Bureau of Land Manage-*  
 16                   *ment patent providing for the conveyance to the Boy*  
 17                   *Scouts under the Act of June 14, 1926 (commonly*  
 18                   *known as the “Recreation and Public Purposes Act”)*  
 19                   *(43 U.S.C. 869 et seq.) numbered 43-75-0010 to take*  
 20                   *into account the exchange under paragraph (1)(A).*

21 **SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CON-**  
 22 **VEYANCE.**

23 (a) *DEFINITIONS.—In this section:*

24                   (1) *PUBLIC LAND.—The term “public land”*  
 25                   *means the approximately 622 acres of Federal land*

1     *managed by the Bureau of Land Management and*  
2     *identified for conveyance on the map prepared by the*  
3     *Bureau of Land Management entitled “Douglas*  
4     *County Public Utility District Proposal” and dated*  
5     *March 2, 2006.*

6             (2) *PUD.—The term “PUD” means the Public*  
7     *Utility District No. 1 of Douglas County, Wash-*  
8     *ington.*

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

11            (4) *WELLS HYDROELECTRIC PROJECT.—The*  
12    *term “Wells Hydroelectric Project” means Federal*  
13    *Energy Regulatory Commission Project No. 2149.*

14            (b) *CONVEYANCE OF PUBLIC LAND, WELLS HYDRO-*  
15    *ELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF*  
16    *DOUGLAS COUNTY, WASHINGTON.—*

17            (1) *CONVEYANCE REQUIRED.—Notwithstanding*  
18    *the land use planning requirements of sections 202*  
19    *and 203 of the Federal Land Policy and Management*  
20    *Act of 1976 (43 U.S.C. 1712, 1713), and notwith-*  
21    *standing section 24 of the Federal Power Act (16*  
22    *U.S.C. 818) and Federal Power Order for Project*  
23    *2149, and subject to valid existing rights, if not later*  
24    *than 45 days after the date of completion of the ap-*  
25    *praisal required under paragraph (2), the Public*

1     *Utility District No. 1 of Douglas County, Wash-*  
2     *ington, submits to the Secretary an offer to acquire*  
3     *the public land for the appraised value, the Secretary*  
4     *shall convey, not later than 30 days after the date of*  
5     *the offer, to the PUD all right, title, and interest of*  
6     *the United States in and to the public land.*

7             (2) *APPRAISAL.*—*Not later than 60 days after*  
8     *the date of enactment of this Act, the Secretary shall*  
9     *complete an appraisal of the public land. The ap-*  
10    *praisal shall be conducted in accordance with the*  
11    *“Uniform Appraisal Standards for Federal Land Ac-*  
12    *quisitions” and the “Uniform Standards of Profes-*  
13    *sional Appraisal Practice”.*

14            (3) *PAYMENT.*—*Not later than 30 days after the*  
15    *date on which the public land is conveyed under this*  
16    *subsection, the PUD shall pay to the Secretary an*  
17    *amount equal to the appraised value of the public*  
18    *land as determined under paragraph (2).*

19            (4) *MAP AND LEGAL DESCRIPTIONS.*—*As soon as*  
20    *practicable after the date of enactment of this Act, the*  
21    *Secretary shall finalize legal descriptions of the public*  
22    *land to be conveyed under this subsection. The Sec-*  
23    *retary may correct any minor errors in the map re-*  
24    *ferred to in subsection (a)(1) or in the legal descrip-*  
25    *tions. The map and legal descriptions shall be on file*

1     *and available for public inspection in appropriate of-*  
2     *fices of the Bureau of Land Management.*

3             (5) *COSTS OF CONVEYANCE.—As a condition of*  
4     *conveyance, any costs related to the conveyance under*  
5     *this subsection shall be paid by the PUD.*

6             (6) *DISPOSITION OF PROCEEDS.—The Secretary*  
7     *shall deposit the proceeds from the sale in the Federal*  
8     *Land Disposal Account established by section 206 of*  
9     *the Federal Land Transaction Facilitation Act (43*  
10    *U.S.C. 2305) to be expended to improve access to pub-*  
11    *lic lands administered by the Bureau of Land Man-*  
12    *agement in the State of Washington.*

13            (c) *SEGREGATION OF LANDS.—*

14                (1) *WITHDRAWAL.—Except as provided in sub-*  
15    *section (b)(1), effective immediately upon enactment*  
16    *of this Act, and subject to valid existing rights, the*  
17    *public land is withdrawn from—*

18                    (A) *all forms of entry, appropriation, or*  
19    *disposal under the public land laws, and all*  
20    *amendments thereto;*

21                    (B) *location, entry, and patenting under the*  
22    *mining laws, and all amendments thereto; and*

23                    (C) *operation of the mineral leasing, min-*  
24    *eral materials, and geothermal leasing laws, and*  
25    *all amendments thereto.*

1           (2) *DURATION.*—*This subsection expires two*  
2           *years after the date of enactment of this Act or on the*  
3           *date of the completion of the conveyance under sub-*  
4           *section (b), whichever is earlier.*

5           (d) *RETAINED AUTHORITY.*—*The Secretary shall re-*  
6           *tain the authority to place conditions on the license to in-*  
7           *sure adequate protection and utilization of the public land*  
8           *granted to the Secretary in section 4(e) of the Federal Power*  
9           *Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory*  
10          *Commission has issued a new license for the Wells Hydro-*  
11          *electric Project, to replace the original license expiring May*  
12          *31, 2012, consistent with section 15 of the Federal Power*  
13          *Act (16 U.S.C. 808).*

14          **SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.**

15          (a) *CONVEYANCE.*—*As soon as practicable after the*  
16          *date of enactment of this Act, the Secretary of the Interior,*  
17          *acting through the Director of the Bureau of Land Manage-*  
18          *ment, shall convey to the city of Twin Falls, Idaho, subject*  
19          *to valid existing rights, without consideration, all right,*  
20          *title, and interest of the United States in and to the 4 par-*  
21          *cels of land described in subsection (b).*

22          (b) *LAND DESCRIPTION.*—*The 4 parcels of land to be*  
23          *conveyed under subsection (a) are the approximately 165*  
24          *acres of land in Twin Falls County, Idaho, that are identi-*  
25          *fied as “Land to be conveyed to Twin Falls” on the map*



1 *titled “Twin Falls Land Conveyance” and dated July 28,*  
2 *2008.*

3 (c) *MAP ON FILE.*—*A map depicting the land de-*  
4 *scribed in subsection (b) shall be on file and available for*  
5 *public inspection in the appropriate offices of the Bureau*  
6 *of Land Management.*

7 (d) *USE OF CONVEYED LANDS.*—

8 (1) *PURPOSE.*—*The land conveyed under this*  
9 *section shall be used to support the public purposes of*  
10 *the Auger Falls Project, including a limited agricul-*  
11 *tural exemption to allow for water quality and wild-*  
12 *life habitat improvements.*

13 (2) *RESTRICTION.*—*The land conveyed under*  
14 *this section shall not be used for residential or com-*  
15 *mercial purposes, except for the limited agricultural*  
16 *exemption described in paragraph (1).*

17 (3) *ADDITIONAL TERMS AND CONDITIONS.*—*The*  
18 *Secretary of the Interior may require such additional*  
19 *terms and conditions in connection with the convey-*  
20 *ance as the Secretary considers appropriate to protect*  
21 *the interests of the United States.*

22 (e) *REVERSION.*—*If the land conveyed under this sec-*  
23 *tion is no longer used in accordance with subsection (d)—*



1           (A) *land management plans adopted under*  
2           *section 202 of that Act (43 U.S.C. 1712); and*

3           (B) *cooperative conservation agreements in*  
4           *existence on the date of the enactment of this Act.*

5           (c) *DESCRIPTION OF LAND.—The land referred to in*  
6           *subsections (a) and (b) is the approximately 70 acres of*  
7           *land in the Sunrise Mountain Instant Study Area of Clark*  
8           *County, Nevada, that is designated on the map entitled*  
9           *“Sunrise Mountain ISA Release Areas” and dated Sep-*  
10          *tember 6, 2008.*

11          **SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.**

12          (a) *CONVEYANCE OF LAND BY THE BUREAU OF LAND*  
13          *MANAGEMENT TO PARK CITY, UTAH.—*

14               (1) *LAND TRANSFER.—Notwithstanding the*  
15               *planning requirements of sections 202 and 203 of the*  
16               *Federal Land Policy and Management Act of 1976*  
17               *(43 U.S.C. 1712, 1713), the Secretary of the Interior*  
18               *shall convey, not later than 180 days after the date*  
19               *of the enactment of this Act, to Park City, Utah, all*  
20               *right, title, and interest of the United States in and*  
21               *to two parcels of real property located in Park City,*  
22               *Utah, that are currently under the management juris-*  
23               *isdiction of the Bureau of Land Management and des-*  
24               *ignated as parcel 8 (commonly known as the White*  
25               *Acre parcel) and parcel 16 (commonly known as the*

1 *Gambel Oak parcel). The conveyance shall be subject*  
2 *to all valid existing rights.*

3 (2) *DEED RESTRICTION.—The conveyance of the*  
4 *lands under paragraph (1) shall be made by a deed*  
5 *or deeds containing a restriction requiring that the*  
6 *lands be maintained as open space and used solely for*  
7 *public recreation purposes or other purposes con-*  
8 *sistent with their maintenance as open space. This re-*  
9 *striction shall not be interpreted to prohibit the con-*  
10 *struction or maintenance of recreational facilities,*  
11 *utilities, or other structures that are consistent with*  
12 *the maintenance of the lands as open space or its use*  
13 *for public recreation purposes.*

14 (3) *CONSIDERATION.—In consideration for the*  
15 *transfer of the land under paragraph (1), Park City*  
16 *shall pay to the Secretary of the Interior an amount*  
17 *consistent with conveyances to governmental entities*  
18 *for recreational purposes under the Act of June 14,*  
19 *1926 (commonly known as the Recreation and Public*  
20 *Purposes Act; 43 U.S.C. 869 et seq.).*

21 (b) *SALE OF BUREAU OF LAND MANAGEMENT LAND*  
22 *IN PARK CITY, UTAH, AT AUCTION.—*

23 (1) *SALE OF LAND.—Not later than 180 days*  
24 *after the date of the enactment of this Act, the Sec-*  
25 *retary of the Interior shall offer for sale any right,*

1     *title, or interest of the United States in and to two*  
2     *parcels of real property located in Park City, Utah,*  
3     *that are currently under the management jurisdiction*  
4     *of the Bureau of Land Management and are des-*  
5     *ignated as parcels 17 and 18 in the Park City, Utah,*  
6     *area. The sale of the land shall be carried out in ac-*  
7     *cordance with the Federal Land Policy and Manage-*  
8     *ment Act of 1976 (43 U.S.C. 1701) and other applica-*  
9     *ble law, other than the planning provisions of sections*  
10    *202 and 203 of such Act (43 U.S.C. 1712, 1713), and*  
11    *shall be subject to all valid existing rights.*

12           (2) *METHOD OF SALE.*—*The sale of the land*  
13    *under paragraph (1) shall be consistent with sub-*  
14    *sections (d) and (f) of section 203 of the Federal Land*  
15    *Policy and Management Act of 1976 (43 U.S.C. 1713)*  
16    *through a competitive bidding process and for not less*  
17    *than fair market value.*

18           (c) *DISPOSITION OF LAND SALES PROCEEDS.*—*All*  
19    *proceeds derived from the sale of land described in this sec-*  
20    *tion shall be deposited in the Federal Land Disposal Ac-*  
21    *count established by section 206(a) of the Federal Land*  
22    *Transaction Facilitation Act (43 U.S.C. 2305(a)).*

1 **SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CER-**  
2 **TAIN LANDS IN RENO, NEVADA.**

3 (a) *RAILROAD LANDS DEFINED.*—For the purposes of  
4 this section, the term “railroad lands” means those lands  
5 within the City of Reno, Nevada, located within portions  
6 of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions  
7 of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian,  
8 Nevada, that were originally granted to the Union Pacific  
9 Railroad under the provisions of the Act of July 1, 1862,  
10 commonly known as the Union Pacific Railroad Act.

11 (b) *RELEASE OF REVERSIONARY INTEREST.*—Any re-  
12 versionary interests of the United States (including inter-  
13 ests under the Act of July 1, 1862, commonly known as  
14 the Union Pacific Railroad Act) in and to the railroad  
15 lands as defined in subsection (a) of this section are hereby  
16 released.

17 **SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE**  
18 **TUOLUMNE RANCHERIA.**

19 (a) *IN GENERAL.*—

20 (1) *FEDERAL LANDS.*—Subject to valid existing  
21 rights, all right, title, and interest (including im-  
22 provements and appurtenances) of the United States  
23 in and to the Federal lands described in subsection  
24 (b), the Federal lands shall be declared to be held in  
25 trust by the United States for the benefit of the Tribe  
26 for nongaming purposes, and shall be subject to the

1     *same terms and conditions as those lands described in*  
2     *the California Indian Land Transfer Act (Public*  
3     *Law 106–568; 114 Stat. 2921).*

4             (2) *TRUST LANDS.—Lands described in sub-*  
5     *section (c) of this section that are taken or to be taken*  
6     *in trust by the United States for the benefit of the*  
7     *Tribe shall be subject to subsection (c) of section 903*  
8     *of the California Indian Land Transfer Act (Public*  
9     *Law 106–568; 114 Stat. 2921).*

10            (b) *FEDERAL LANDS DESCRIBED.—The Federal lands*  
11     *described in this subsection, comprising approximately 66*  
12     *acres, are as follows:*

13             (1) *Township 1 North, Range 16 East, Section*  
14     *6, Lots 10 and 12, MDM, containing 50.24 acres*  
15     *more or less.*

16             (2) *Township 1 North, Range 16 East, Section*  
17     *5, Lot 16, MDM, containing 15.35 acres more or less.*

18             (3) *Township 2 North, Range 16 East, Section*  
19     *32, Indian Cemetery Reservation within Lot 22,*  
20     *MDM, containing 0.4 acres more or less.*

21            (c) *TRUST LANDS DESCRIBED.—The trust lands de-*  
22     *scribed in this subsection, comprising approximately 357*  
23     *acres, are commonly referred to as follows:*

24             (1) *Thomas property, pending trust acquisition,*  
25     *104.50 acres.*

1           (2) *Coenenburg property, pending trust acquisi-*  
2           *tion, 192.70 acres, subject to existing easements of*  
3           *record, including but not limited to a non-exclusive*  
4           *easement for ingress and egress for the benefit of ad-*  
5           *joining property as conveyed by Easement Deed re-*  
6           *corded July 13, 1984, in Volume 755, Pages 189 to*  
7           *192, and as further defined by Stipulation and Judg-*  
8           *ment entered by Tuolumne County Superior Court on*  
9           *September 2, 1983, and recorded June 4, 1984, in*  
10          *Volume 751, Pages 61 to 67.*

11          (3) *Assessor Parcel No. 620505300, 1.5 acres,*  
12          *trust land.*

13          (4) *Assessor Parcel No. 620505400, 19.23 acres,*  
14          *trust land.*

15          (5) *Assessor Parcel No. 620505600, 3.46 acres,*  
16          *trust land.*

17          (6) *Assessor Parcel No. 620505700, 7.44 acres,*  
18          *trust land.*

19          (7) *Assessor Parcel No. 620401700, 0.8 acres,*  
20          *trust land.*

21          (8) *A portion of Assessor Parcel No. 620500200,*  
22          *2.5 acres, trust land.*

23          (9) *Assessor Parcel No. 620506200, 24.87 acres,*  
24          *trust land.*



1       (d) *SURVEY.*—As soon as practicable after the date of  
2 the enactment of this Act, the Office of Cadastral Survey  
3 of the Bureau of Land Management shall complete fieldwork  
4 required for a survey of the lands described in subsections  
5 (b) and (c) for the purpose of incorporating those lands  
6 within the boundaries of the Tuolumne Rancheria. Not later  
7 than 90 days after that fieldwork is completed, that office  
8 shall complete the survey.

9       (e) *LEGAL DESCRIPTIONS.*—

10           (1) *PUBLICATION.*—On approval by the Commu-  
11 nity Council of the Tribe of the survey completed  
12 under subsection (d), the Secretary of the Interior  
13 shall publish in the *Federal Register*—

14                   (A) a legal description of the new boundary  
15 lines of the Tuolumne Rancheria; and

16                   (B) a legal description of the land surveyed  
17 under subsection (d).

18           (2) *EFFECT.*—Beginning on the date on which  
19 the legal descriptions are published under paragraph  
20 (1), such legal descriptions shall be the official legal  
21 descriptions of those boundary lines of the Tuolumne  
22 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 Re-*  
8 *lated Agencies Appropriations Act, 1999 (16 U.S.C. 1011*  
9 *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 subsection*  
14 *(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 Sec-*  
18                     *retaries; or*

19                     (B) *under a contract or compact with a fed-*  
20                     *erally 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 of*  
6 *the year following the calendar year covered by*  
7 *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 Fed-*  
16 *eral funds expended by the Secretaries on*  
17 *wildland firefighter safety practices, includ-*  
18 *ing training programs and activities for*  
19 *wildland fire suppression, prescribed burn-*  
20 *ing, 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 that  
12          the provisions relating to safety prac-  
13          tices, including training, are complied  
14          with by the non-Federal entity; and

15          (III) the results of those actions.

## 16           ***Subtitle C—Wyoming Range***

### 17   ***SEC. 3201. DEFINITIONS.***

18       *In this subtitle:*

19           (1) *SECRETARY.*—*The term “Secretary” means*  
20       *the Secretary of the Interior.*

21           (2) *WYOMING RANGE WITHDRAWAL AREA.*—*The*  
22       *term “Wyoming Range Withdrawal Area” means all*  
23       *National Forest System land and federally owned*  
24       *minerals located within the boundaries of the*  
25       *Bridger-Teton National Forest identified on the map*



1           (1) *the creation of a protective perimeter or buff-*  
2           *er area outside the boundaries of the Wyoming Range*  
3           *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 boundaries*  
7           *of the Wyoming Range Withdrawal Area.*

8           (d) *LAND AND RESOURCE MANAGEMENT PLAN.—*

9           (1) *IN GENERAL.—Subject to paragraph (2), the*  
10          *Bridger-Teton National Land and Resource Manage-*  
11          *ment Plan (including any revisions to the Plan) shall*  
12          *apply to any land within the Wyoming Range With-*  
13          *drawal 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 pro-*  
19          *hibits the Secretary from taking any action necessary to*  
20          *issue, deny, remove the suspension of, or cancel a lease, or*  
21          *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 resources*  
3 *in the Wyoming Range Withdrawal Area that are within*  
4 *1 mile of the boundary of the Wyoming Range Withdrawal*  
5 *Area in accordance with the Mineral Leasing Act (30*  
6 *U.S.C. 181 et seq.) and subject to the following conditions:*

7           (1) *The lease may only be accessed by directional*  
8 *drilling from a lease held by production on the date*  
9 *of enactment of this Act on National Forest System*  
10 *land that is adjacent to, and outside of, the Wyoming*  
11 *Range Withdrawal Area.*

12           (2) *The lease shall prohibit, without exception or*  
13 *waiver, surface occupancy and surface disturbance for*  
14 *any activities, including activities related to explo-*  
15 *ration, development, or production.*

16           (3) *The directional drilling may extend no fur-*  
17 *ther than 1 mile inside the boundary of the Wyoming*  
18 *Range Withdrawal Area.*

19 **SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EX-**  
20 **ISTING MINING OR LEASING RIGHTS IN THE**  
21 **WYOMING RANGE.**

22       (a) *NOTIFICATION OF LEASEHOLDERS.*—*Not later*  
23 *than 120 days after the date of enactment of this Act, the*  
24 *Secretary shall provide notice to holders of valid existing*  
25 *mining or leasing rights within the Wyoming Range With-*



1 *drawal Area of the potential opportunity for repurchase of*  
2 *those rights and retirement under this section.*

3 (b) *REQUEST FOR LEASE RETIREMENT.*—

4 (1) *IN GENERAL.*—*A holder of a valid existing*  
5 *mining or leasing right within the Wyoming Range*  
6 *Withdrawal Area may submit a written notice to the*  
7 *Secretary of the interest of the holder in the retire-*  
8 *ment and repurchase of that right.*

9 (2) *LIST OF INTERESTED HOLDERS.*—*The Sec-*  
10 *retary shall prepare a list of interested holders and*  
11 *make the list available to any non-Federal entity or*  
12 *person interested in acquiring that right for retire-*  
13 *ment by the Secretary.*

14 (c) *PROHIBITION.*—*The Secretary may not use any*  
15 *Federal funds to purchase any right referred to in sub-*  
16 *section (a).*

17 (d) *DONATION AUTHORITY.*—*The Secretary shall—*

18 (1) *accept the donation of any valid existing*  
19 *mining or leasing right in the Wyoming Range With-*  
20 *drawal Area from the holder of that right or from any*  
21 *non-Federal entity or person that acquires that right;*  
22 *and*

23 (2) *on acceptance, cancel that right.*

24 (e) *RELATIONSHIP TO OTHER AUTHORITY.*—*Nothing*  
25 *in this subtitle affects any authority the Secretary may oth-*

1 *erwise have to modify, suspend, or terminate a lease with-*  
2 *out compensation, or to recognize the transfer of a valid*  
3 *existing mining or leasing right, if otherwise authorized by*  
4 *law.*

5 ***Subtitle D—Land Conveyances and***  
6 ***Exchanges***

7 ***SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE,***  
8 ***ALASKA.***

9 (a) *DEFINITIONS.—In this section:*

10 (1) *CITY.—The term “City” means the city of*  
11 *Coffman Cove, Alaska.*

12 (2) *SECRETARY.—The term “Secretary” means*  
13 *the Secretary of Agriculture.*

14 (b) *CONVEYANCE.—*

15 (1) *IN GENERAL.—Subject to valid existing*  
16 *rights, the Secretary shall convey to the City, without*  
17 *consideration and by quitclaim deed all right, title,*  
18 *and interest of the United States, except as provided*  
19 *in paragraphs (3) and (4), in and to the parcel of*  
20 *National Forest System land described in paragraph*  
21 *(2).*

22 (2) *DESCRIPTION OF LAND.—*

23 (A) *IN GENERAL.—The parcel of National*  
24 *Forest System land referred to in paragraph (1)*  
25 *is the approximately 12 acres of land identified*

1           in U.S. Survey 10099, as depicted on the plat  
2           entitled “Subdivision of U.S. Survey No. 10099”  
3           and recorded as Plat 2003–1 on January 21,  
4           2003, Petersburg Recording District, Alaska.

5           (B) *EXCLUDED LAND.*—The parcel of Na-  
6           tional Forest System land conveyed under para-  
7           graph (1) does not include the portion of U.S.  
8           Survey 10099 that is north of the right-of-way  
9           for Forest Development Road 3030–295 and  
10          southeast of Tract CC–8.

11          (3) *RIGHT-OF-WAY.*—The United States may re-  
12          serve a right-of-way to provide access to the National  
13          Forest System land excluded from the conveyance to  
14          the City under paragraph (2)(B).

15          (4) *REVERSION.*—If any portion of the land con-  
16          veyed under paragraph (1) (other than a portion of  
17          land sold under paragraph (5)) ceases to be used for  
18          public purposes, the land shall, at the option of the  
19          Secretary, revert to the United States.

20          (5) *CONDITIONS ON SUBSEQUENT CONVEY-*  
21          *ANCES.*—If the City sells any portion of the land con-  
22          veyed to the City under paragraph (1)—

23                 (A) the amount of consideration for the sale  
24                 shall reflect fair market value, as determined by  
25                 an appraisal; and

1           (B) *the City shall pay to the Secretary an*  
 2           *amount equal to the gross proceeds of the sale,*  
 3           *which shall be available, without further appro-*  
 4           *priation, for the Tongass National Forest.*

5 **SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST**

6                           **LAND CONVEYANCE, MONTANA.**

7           (a) *DEFINITIONS.—In this section:*

8                   (1) *COUNTY.—The term “County” means Jeffer-*  
 9                   *son County, Montana.*

10                   (2) *MAP.—The term “map” means the map that*  
 11                   *is—*

12                           (A) *entitled “Elkhorn Cemetery”;*

13                           (B) *dated May 9, 2005; and*

14                           (C) *on file in the office of the Beaverhead-*  
 15                   *Deerlodge National Forest Supervisor.*

16                   (3) *SECRETARY.—The term “Secretary” means*  
 17                   *the Secretary of Agriculture.*

18           (b) *CONVEYANCE TO JEFFERSON COUNTY, MON-*  
 19           *TANA.—*

20                   (1) *CONVEYANCE.—Not later than 180 days after*  
 21                   *the date of enactment of this Act and subject to valid*  
 22                   *existing rights, the Secretary (acting through the Re-*  
 23                   *gional Forester, Northern Region, Missoula, Montana)*  
 24                   *shall convey by quitclaim deed to the County for no*  
 25                   *consideration, all right, title, and interest of the*

1 *United States, except as provided in paragraph (5),*  
2 *in and to the parcel of land described in paragraph*  
3 *(2).*

4 (2) *DESCRIPTION OF LAND.—The parcel of land*  
5 *referred to in paragraph (1) is the parcel of approxi-*  
6 *mately 9.67 acres of National Forest System land (in-*  
7 *cluding any improvements to the land) in the County*  
8 *that is known as the “Elkhorn Cemetery”, as gen-*  
9 *erally depicted on the map.*

10 (3) *USE OF LAND.—As a condition of the convey-*  
11 *ance under paragraph (1), the County shall—*

12 (A) *use the land described in paragraph (2)*  
13 *as a County cemetery; and*

14 (B) *agree to manage the cemetery with due*  
15 *consideration and protection for the historic and*  
16 *cultural values of the cemetery, under such terms*  
17 *and conditions as are agreed to by the Secretary*  
18 *and the County.*

19 (4) *EASEMENT.—In conveying the land to the*  
20 *County under paragraph (1), the Secretary, in ac-*  
21 *cordance with applicable law, shall grant to the*  
22 *County an easement across certain National Forest*  
23 *System land, as generally depicted on the map, to*  
24 *provide access to the land conveyed under that para-*  
25 *graph.*

1           (5) *REVERSION.*—*In the quitclaim deed to the*  
 2           *County, the Secretary shall provide that the land con-*  
 3           *veyed to the County under paragraph (1) shall revert*  
 4           *to the Secretary, at the election of the Secretary, if the*  
 5           *land is—*

6                     (A) *used for a purpose other than the pur-*  
 7                     *poses described in paragraph (3)(A); or*

8                     (B) *managed by the County in a manner*  
 9                     *that is inconsistent with paragraph (3)(B).*

10 **SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL**  
 11 **HISTORICAL PARK LAND EXCHANGE.**

12 (a) *DEFINITIONS.*—*In this section:*

13           (1) *FEDERAL LAND.*—*The term “Federal land”*  
 14           *means the approximately 160 acres of Federal land*  
 15           *within the Santa Fe National Forest in the State, as*  
 16           *depicted on the map.*

17           (2) *LANDOWNER.*—*The term “landowner” means*  
 18           *the 1 or more owners of the non-Federal land.*

19           (3) *MAP.*—*The term “map” means the map enti-*  
 20           *tled “Proposed Land Exchange for Pecos National*  
 21           *Historical Park”, numbered 430/80,054, dated No-*  
 22           *vember 19, 1999, and revised September 18, 2000.*

23           (4) *NON-FEDERAL LAND.*—*The term “non-Fed-*  
 24           *eral land” means the approximately 154 acres of non-*  
 25           *Federal land in the Park, as depicted on the map.*

1           (5) *PARK.*—*The term “Park” means the Pecos*  
2           *National Historical Park in the State.*

3           (6) *SECRETARIES.*—*The term “Secretaries”*  
4           *means the Secretary of the Interior and the Secretary*  
5           *of Agriculture, acting jointly.*

6           (7) *STATE.*—*The term “State” means the State*  
7           *of New Mexico.*

8           (b) *LAND EXCHANGE.*—

9           (1) *IN GENERAL.*—*If the Secretary of the Inte-*  
10          *rior accepts the non-Federal land, title to which is ac-*  
11          *ceptable to the Secretary of the Interior, the Secretary*  
12          *of Agriculture shall, subject to the conditions of this*  
13          *section and the National Environmental Policy Act of*  
14          *1969 (42 U.S.C. 4321 et seq.), convey to the land-*  
15          *owner the Federal land.*

16          (2) *EASEMENT.*—

17                (A) *IN GENERAL.*—*As a condition of the*  
18                *conveyance of the non-Federal land, the land-*  
19                *owner may reserve an easement (including an*  
20                *easement for service access) for water pipelines to*  
21                *2 well sites located in the Park, as generally de-*  
22                *icted on the map.*

23                (B) *ROUTE.*—*The Secretary of the Interior*  
24                *and the landowner shall determine the appro-*

1            *priate route of the easement through the non-*  
2            *Federal land.*

3            (C) *TERMS AND CONDITIONS.—The ease-*  
4            *ment shall include such terms and conditions re-*  
5            *lating to the use of, and access to, the well sites*  
6            *and pipeline, as the Secretary of the Interior*  
7            *and the landowner determine to be appropriate.*

8            (D) *APPLICABLE LAW.—The easement shall*  
9            *be established, operated, and maintained in com-*  
10           *pliance with applicable Federal, State, and local*  
11           *laws.*

12           (3) *VALUATION, APPRAISALS, AND EQUALI-*  
13           *ZATION.—*

14           (A) *IN GENERAL.—The value of the Federal*  
15           *land and non-Federal land—*

16           (i) *shall be equal, as determined by ap-*  
17           *praisals conducted in accordance with sub-*  
18           *paragraph (B); or*

19           (ii) *if the value is not equal, shall be*  
20           *equalized in accordance with subparagraph*  
21           *(C).*

22           (B) *APPRAISALS.—*

23           (i) *IN GENERAL.—The Federal land*  
24           *and non-Federal land shall be appraised by*



1           *an independent appraiser selected by the*  
2           *Secretaries.*

3           (ii) *REQUIREMENTS.—An appraisal*  
4           *conducted under clause (i) shall be con-*  
5           *ducted in accordance with—*

6                     *(I) the Uniform Appraisal Stand-*  
7                     *ards for Federal Land Acquisitions;*  
8                     *and*

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

11           (iii) *APPROVAL.—The appraisals con-*  
12           *ducted under this subparagraph shall be*  
13           *submitted to the Secretaries for approval.*

14           (C) *EQUALIZATION OF VALUES.—*

15                    (i) *IN GENERAL.—If the values of the*  
16                    *non-Federal land and the Federal land are*  
17                    *not equal, the values may be equalized in*  
18                    *accordance with section 206 of the Federal*  
19                    *Land Policy and Management Act of 1976*  
20                    *(43 U.S.C. 1716).*

21                    (ii) *CASH EQUALIZATION PAYMENTS.—*  
22                    *Any amounts received by the Secretary of*  
23                    *Agriculture as a cash equalization payment*  
24                    *under section 206(b) of the Federal Land*

1                    *Policy and Management Act of 1976 (43*  
2                    *U.S.C. 1716(b)) shall—*

3                    *(I) be deposited in the fund estab-*  
4                    *lished by Public Law 90–171 (com-*  
5                    *monly known as the “Sisk Act”) (16*  
6                    *U.S.C. 484a); and*

7                    *(II) be available for expenditure,*  
8                    *without further appropriation, for the*  
9                    *acquisition of land and interests in*  
10                   *land in the State.*

11                   *(4) COSTS.—Before the completion of the ex-*  
12                   *change under this subsection, the Secretaries and the*  
13                   *landowner shall enter into an agreement that allo-*  
14                   *cates the costs of the exchange among the Secretaries*  
15                   *and the landowner.*

16                   *(5) APPLICABLE LAW.—Except as otherwise pro-*  
17                   *vided in this section, the exchange of land and inter-*  
18                   *ests in land under this section shall be in accordance*  
19                   *with—*

20                   *(A) section 206 of the Federal Land Policy*  
21                   *and Management Act of 1976 (43 U.S.C. 1716);*  
22                   *and*

23                   *(B) other applicable Federal, State, and*  
24                   *local laws.*

1           (6) *ADDITIONAL TERMS AND CONDITIONS.*—*The*  
2           *Secretaries may require, in addition to any require-*  
3           *ments under this section, such terms and conditions*  
4           *relating to the exchange of Federal land and non-Fed-*  
5           *eral land and the granting of easements under this*  
6           *section as the Secretaries determine to be appropriate*  
7           *to protect the interests of the United States.*

8           (7) *COMPLETION OF THE EXCHANGE.*—

9           (A) *IN GENERAL.*—*The exchange of Federal*  
10          *land and non-Federal land shall be completed*  
11          *not later than 180 days after the later of—*

12                 (i) *the date on which the requirements*  
13                 *of the National Environmental Policy Act*  
14                 *of 1969 (42 U.S.C. 4321 et seq.) have been*  
15                 *met;*

16                 (ii) *the date on which the Secretary of*  
17                 *the Interior approves the appraisals under*  
18                 *paragraph (3)(B)(iii); or*

19                 (iii) *the date on which the Secretaries*  
20                 *and the landowner agree on the costs of the*  
21                 *exchange and any other terms and condi-*  
22                 *tions of the exchange under this subsection.*

23          (B) *NOTICE.*—*The Secretaries shall submit*  
24          *to the Committee on Energy and Natural Re-*  
25          *sources of the Senate and the Committee on Re-*

1           *sources of the House of Representatives notice of*  
2           *the completion of the exchange of Federal land*  
3           *and non-Federal land under this subsection.*

4           *(c) ADMINISTRATION.—*

5                 *(1) IN GENERAL.—The Secretary of the Interior*  
6                 *shall administer the non-Federal land acquired under*  
7                 *this section in accordance with the laws generally ap-*  
8                 *plicable to units of the National Park System, includ-*  
9                 *ing the Act of August 25, 1916 (commonly known as*  
10                *the “National Park Service Organic Act”) (16 U.S.C.*  
11                *1 et seq.).*

12            *(2) MAPS.—*

13                 *(A) IN GENERAL.—The map shall be on file*  
14                 *and available for public inspection in the appro-*  
15                 *priate offices of the Secretaries.*

16                 *(B) TRANSMITTAL OF REVISED MAP TO CON-*  
17                 *GRESS.—Not later than 180 days after comple-*  
18                 *tion of the exchange, the Secretaries shall trans-*  
19                 *mit to the Committee on Energy and Natural*  
20                 *Resources of the Senate and the Committee on*  
21                 *Resources of the House of Representatives a re-*  
22                 *vised map that depicts—*

23                         *(i) the Federal land and non-Federal*  
24                         *land exchanged under this section; and*

1                   (ii) the easement described in sub-  
2                   section (b)(2).

3 **SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEY-**  
4 **ANCE, NEW MEXICO.**

5 (a) *DEFINITIONS.*—*In this section:*

6           (1) *CLAIM.*—*The term “Claim” means a claim of*  
7 *the Claimants to any right, title, or interest in any*  
8 *land located in lot 10, sec. 22, T. 18 N., R. 12 E.,*  
9 *New Mexico Principal Meridian, San Miguel County,*  
10 *New Mexico, except as provided in subsection (b)(1).*

11           (2) *CLAIMANTS.*—*The term “Claimants” means*  
12 *Ramona Lawson and Boyd Lawson.*

13           (3) *FEDERAL LAND.*—*The term “Federal land”*  
14 *means a parcel of National Forest System land in the*  
15 *Santa Fe National Forest, New Mexico, that is—*

16                   (A) *comprised of approximately 6.20 acres*  
17 *of land; and*

18                   (B) *described and delineated in the survey.*

19           (4) *SECRETARY.*—*The term “Secretary” means*  
20 *the Secretary of Agriculture, acting through the For-*  
21 *est Service Regional Forester, Southwestern Region.*

22           (5) *SURVEY.*—*The term “survey” means the sur-*  
23 *vey plat entitled “Boundary Survey and Conservation*  
24 *Easement Plat”, prepared by Chris A. Chavez, Land*  
25 *Surveyor, Forest Service, NMPLS#12793, and re-*

1 corded on February 27, 2007, at book 55, page 93, of  
2 the land records of San Miguel County, New Mexico.

3 (b) SANTA FE NATIONAL FOREST LAND CONVEY-  
4 ANCE.—

5 (1) IN GENERAL.—The Secretary shall, except as  
6 provided in subparagraph (A) and subject to valid ex-  
7 isting rights, convey and quitclaim to the Claimants  
8 all right, title, and interest of the United States in  
9 and to the Federal land in exchange for—

10 (A) the grant by the Claimants to the  
11 United States of a scenic easement to the Federal  
12 land that—

13 (i) protects the purposes for which the  
14 Federal land was designated under the Wild  
15 and Scenic Rivers Act (16 U.S.C. 1271 et  
16 seq.); and

17 (ii) is determined to be acceptable by  
18 the Secretary; and

19 (B) a release of the United States by the  
20 Claimants of—

21 (i) the Claim; and

22 (ii) any additional related claims of  
23 the Claimants against the United States.

24 (2) SURVEY.—The Secretary, with the approval  
25 of the Claimants, may make minor corrections to the



1 *the property. Any determination of the Secretary under this*  
 2 *subsection shall be made on the record after an opportunity*  
 3 *for a hearing.*

4 (c) *SURVEY.—If necessary, the exact acreage and legal*  
 5 *description of the lands to be conveyed under subsection (a)*  
 6 *shall be determined by a survey satisfactory to the Sec-*  
 7 *retary. The cost of a survey shall be borne by the District.*

8 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
 9 *retary may require such additional terms and conditions*  
 10 *in connection with the conveyance under subsection (a) as*  
 11 *the Secretary considers appropriate to protect the interests*  
 12 *of the United States.*

13 **SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE**  
 14 **RESTRICTIONS.**

15 *Notwithstanding Public Law 90–171 (commonly*  
 16 *known as the “Sisk Act”) (16 U.S.C. 484a), the approxi-*  
 17 *mately 36.25 acres patented to the Mammoth County Water*  
 18 *District (now known as the “Mammoth Community Water*  
 19 *District”) by Patent No. 04–87–0038, on June 26, 1987,*  
 20 *and recorded in volume 482, at page 516, of the official*  
 21 *records of the Recorder’s Office, Mono County, California,*  
 22 *may be used for any public purpose.*

23 **SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL**  
 24 **FOREST, UTAH.**

25 (a) *DEFINITIONS.—In this section:*



1           (1) *CITY*.—*The term “City” means the City of*  
2           *Bountiful, Utah.*

3           (2) *FEDERAL LAND*.—*The term “Federal land”*  
4           *means the land under the jurisdiction of the Secretary*  
5           *identified on the map as “Shooting Range Special*  
6           *Use Permit Area”.*

7           (3) *MAP*.—*The term “map” means the map enti-*  
8           *tled “Bountiful City Land Consolidation Act” and*  
9           *dated October 15, 2007.*

10          (4) *NON-FEDERAL LAND*.—*The term “non-Fed-*  
11          *eral land” means the 3 parcels of City land com-*  
12          *prising a total of approximately 1,680 acres, as gen-*  
13          *erally depicted on the map.*

14          (5) *SECRETARY*.—*The term “Secretary” means*  
15          *the Secretary of Agriculture.*

16          (b) *EXCHANGE*.—*Subject to subsections (d) through*  
17          *(h), if the City conveys to the Secretary all right, title, and*  
18          *interest of the City in and to the non-Federal land, the Sec-*  
19          *retary shall convey to the City all right, title, and interest*  
20          *of the United States in and to the Federal land.*

21          (c) *AVAILABILITY OF MAP*.—*The map shall be on file*  
22          *and available for public inspection in the appropriate of-*  
23          *fices of the Forest Service.*

24          (d) *VALUATION AND EQUALIZATION*.—

1           (1) *VALUATION.*—*The value of the Federal land*  
2           *and the non-Federal land to be conveyed under sub-*  
3           *section (b)—*

4                   (A) *shall be equal, as determined by ap-*  
5                   *praisals carried out in accordance with section*  
6                   *206 of the Federal Land Policy and Management*  
7                   *Act of 1976 (43 U.S.C. 1716); or*

8                   (B) *if not equal, shall be equalized in ac-*  
9                   *cordance with paragraph (2).*

10           (2) *EQUALIZATION.*—*If the value of the Federal*  
11           *land and the non-Federal land to be conveyed in a*  
12           *land exchange under this section is not equal, the*  
13           *value may be equalized by—*

14                   (A) *making a cash equalization payment to*  
15                   *the Secretary or to the City, as appropriate; or*

16                   (B) *reducing the acreage of the Federal land*  
17                   *or the non-Federal land to be exchanged, as ap-*  
18                   *propriate.*

19           (e) *APPLICABLE LAW.*—*Section 206 of the Federal*  
20           *Land Policy and Management Act of 1976 (43 U.S.C. 1716)*  
21           *shall apply to the land exchange authorized under sub-*  
22           *section (b), except that the Secretary may accept a cash*  
23           *equalization payment in excess of 25 percent of the value*  
24           *of the Federal land.*

25           (f) *CONDITIONS.*—

1           (1) *LIABILITY.*—

2                   (A) *IN GENERAL.*—*As a condition of the ex-*  
3 *change under subsection (b), the Secretary*  
4 *shall—*

5                           (i) *require that the City—*

6                                   (I) *assume all liability for the*  
7 *shooting range located on the Federal*  
8 *land, including the past, present, and*  
9 *future condition of the Federal land;*  
10 *and*

11                                   (II) *hold the United States harm-*  
12 *less for any liability for the condition*  
13 *of the Federal land; and*

14                           (ii) *comply with the hazardous sub-*  
15 *stances disclosure requirements of section*  
16 *120(h) of the Comprehensive Environmental*  
17 *Response, Compensation, and Liability Act*  
18 *of 1980 (42 U.S.C. 9620(h)).*

19                   (B) *LIMITATION.*—*Clauses (ii) and (iii) of*  
20 *section 120(h)(3)(A) of the Comprehensive Envi-*  
21 *ronmental Response, Compensation, and Liabil-*  
22 *ity Act (42 U.S.C. 9620(h)(3)(A)) shall not*  
23 *apply to the conveyance of Federal land under*  
24 *subsection (b).*

1           (2) *ADDITIONAL TERMS AND CONDITIONS.*—*The*  
2           *land exchange under subsection (b) shall be subject*  
3           *to—*

4                     (A) *valid existing rights; and*

5                     (B) *such additional terms and conditions as*  
6           *the Secretary may require.*

7           (g) *MANAGEMENT OF ACQUIRED LAND.*—*The non-Fed-*  
8           *eral land acquired by the Secretary under subsection (b)*  
9           *shall be—*

10                    (1) *added to, and administered as part of, the*  
11           *Wasatch-Cache National Forest; and*

12                    (2) *managed by the Secretary in accordance*  
13           *with—*

14                     (A) *the Act of March 1, 1911 (commonly*  
15                     *known as the “Weeks Law”) (16 U.S.C. 480 et*  
16                     *seq.); and*

17                     (B) *any laws (including regulations) appli-*  
18                     *cable to the National Forest System.*

19           (h) *EASEMENTS; RIGHTS-OF-WAY.*—

20                    (1) *BONNEVILLE SHORELINE TRAIL EASE-*  
21           *MENT.*—*In carrying out the land exchange under sub-*  
22           *section (b), the Secretary shall ensure that an ease-*  
23           *ment not less than 60 feet in width is reserved for the*  
24           *Bonneville Shoreline Trail.*

1           (2) *OTHER RIGHTS-OF-WAY.*—*The Secretary and*  
2 *the City may reserve any other rights-of-way for utili-*  
3 *ties, roads, and trails that—*

4                   (A) *are mutually agreed to by the Secretary*  
5 *and the City; and*

6                   (B) *the Secretary and the City consider to*  
7 *be in the public interest.*

8 (i) *DISPOSAL OF REMAINING FEDERAL LAND.*—

9           (1) *IN GENERAL.*—*The Secretary may, by sale or*  
10 *exchange, dispose of all, or a portion of, the parcel of*  
11 *National Forest System land comprising approxi-*  
12 *mately 220 acres, as generally depicted on the map*  
13 *that remains after the conveyance of the Federal land*  
14 *authorized under subsection (b), if the Secretary de-*  
15 *termines, in accordance with paragraph (2), that the*  
16 *land or portion of the land is in excess of the needs*  
17 *of the National Forest System.*

18           (2) *REQUIREMENTS.*—*A determination under*  
19 *paragraph (1) shall be made—*

20                   (A) *pursuant to an amendment of the land*  
21 *and resource management plan for the Wasatch-*  
22 *Cache National Forest; and*

23                   (B) *after carrying out a public process con-*  
24 *sistent with the National Environmental Policy*  
25 *Act of 1969 (42 U.S.C. 4321 et seq.).*

1           (3) *CONSIDERATION.*—As consideration for any  
2           conveyance of Federal land under paragraph (1), the  
3           Secretary shall require payment of an amount equal  
4           to not less than the fair market value of the conveyed  
5           National Forest System land.

6           (4) *RELATION TO OTHER LAWS.*—Any convey-  
7           ance of Federal land under paragraph (1) by ex-  
8           change shall be subject to section 206 of the Federal  
9           Land Policy and Management Act of 1976 (43 U.S.C.  
10          1716).

11          (5) *DISPOSITION OF PROCEEDS.*—Any amounts  
12          received by the Secretary as consideration under sub-  
13          section (d) or paragraph (3) shall be—

14                 (A) deposited in the fund established under  
15                 Public Law 90–171 (commonly known as the  
16                 “Sisk Act”) (16 U.S.C. 484a); and

17                 (B) available to the Secretary, without fur-  
18                 ther appropriation and until expended, for the  
19                 acquisition of land or interests in land to be in-  
20                 cluded in the Wasatch-Cache National Forest.

21          (6) *ADDITIONAL TERMS AND CONDITIONS.*—Any  
22          conveyance of Federal land under paragraph (1) shall  
23          be subject to—

24                 (A) valid existing rights; and

1                   (B) such additional terms and conditions as  
2                   the Secretary may require.

3 **SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH**  
4                   **RIVER OF NO RETURN WILDERNESS.**

5           (a) *PURPOSES.*—*The purposes of this section are—*

6                   (1) *to adjust the boundaries of the wilderness*  
7                   *area; and*

8                   (2) *to authorize the Secretary to sell the land*  
9                   *designated for removal from the wilderness area due*  
10                  *to encroachment.*

11           (b) *DEFINITIONS.*—*In this section:*

12                   (1) *LAND DESIGNATED FOR EXCLUSION.*—*The*  
13                   *term “land designated for exclusion” means the parcel*  
14                   *of land that is—*

15                           (A) *comprised of approximately 10.2 acres*  
16                           *of land;*

17                           (B) *generally depicted on the survey plat*  
18                           *entitled “Proposed Boundary Change*  
19                           *FCRONRW Sections 15 (unsurveyed) Township*  
20                           *14 North, Range 13 East, B.M., Custer County,*  
21                           *Idaho” and dated November 14, 2001; and*

22                           (C) *more particularly described in the sur-*  
23                           *vey plat and legal description on file in—*

24                                   (i) *the office of the Chief of the Forest*  
25                                   *Service, Washington, DC; and*

1                   (ii) the office of the Intermountain Re-  
2                   gional Forester, Ogden, Utah.

3                   (2) *LAND DESIGNATED FOR INCLUSION.*—The  
4                   term “land designated for inclusion” means the par-  
5                   cel of National Forest System land that is—

6                   (A) comprised of approximately 10.2 acres  
7                   of land;

8                   (B) located in unsurveyed section 22, T. 14  
9                   N., R. 13 E., Boise Meridian, Custer County,  
10                  Idaho;

11                  (C) generally depicted on the map entitled  
12                  “Challis National Forest, T.14 N., R. 13 E.,  
13                  B.M., Custer County, Idaho, Proposed Boundary  
14                  Change FCRONRW” and dated September 19,  
15                  2007; and

16                  (D) more particularly described on the map  
17                  and legal description on file in—

18                         (i) the office of the Chief of the Forest  
19                         Service, Washington, DC; and

20                         (ii) the Intermountain Regional For-  
21                         ester, Ogden, Utah.

22                   (3) *SECRETARY.*—The term “Secretary” means  
23                   the Secretary of Agriculture.

24                   (4) *WILDERNESS AREA.*—The term “wilderness  
25                   area” means the Frank Church River of No Return



1 *Wilderness designated by section 3 of the Central*  
2 *Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note;*  
3 *94 Stat. 948).*

4 *(c) BOUNDARY ADJUSTMENT.—*

5 *(1) ADJUSTMENT TO WILDERNESS AREA.—*

6 *(A) INCLUSION.—The wilderness area shall*  
7 *include the land designated for inclusion.*

8 *(B) EXCLUSION.—The wilderness area shall*  
9 *not include the land designated for exclusion.*

10 *(2) CORRECTIONS TO LEGAL DESCRIPTIONS.—*

11 *The Secretary may make corrections to the legal de-*  
12 *scriptions.*

13 *(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLU-*  
14 *SION.—*

15 *(1) IN GENERAL.—Subject to paragraph (2), to*  
16 *resolve the encroachment on the land designated for*  
17 *exclusion, the Secretary may sell for consideration in*  
18 *an amount equal to fair market value—*

19 *(A) the land designated for exclusion; and*

20 *(B) as the Secretary determines to be nec-*  
21 *essary, not more than 10 acres of land adjacent*  
22 *to the land designated for exclusion.*

23 *(2) CONDITIONS.—The sale of land under para-*  
24 *graph (1) shall be subject to the conditions that—*

1           (A) *the land to be conveyed be appraised in*  
2           *accordance with the Uniform Appraisal Stand-*  
3           *ards for Federal Land Acquisitions;*

4           (B) *the person buying the land shall pay—*

5                 (i) *the costs associated with appraising*  
6                 *and, if the land needs to be resurveyed, re-*  
7                 *surveying the land; and*

8                 (ii) *any analyses and closing costs as-*  
9                 *sociated with the conveyance;*

10          (C) *for management purposes, the Secretary*  
11          *may reconfigure the description of the land for*  
12          *sale; and*

13          (D) *the owner of the adjacent private land*  
14          *shall have the first opportunity to buy the land.*

15          (3) *DISPOSITION OF PROCEEDS.—*

16                 (A) *IN GENERAL.—The Secretary shall de-*  
17                 *posit the cash proceeds from a sale of land under*  
18                 *paragraph (1) in the fund established under*  
19                 *Public Law 90–171 (commonly known as the*  
20                 *“Sisk Act”) (16 U.S.C. 484a).*

21                 (B) *AVAILABILITY AND USE.—Amounts de-*  
22                 *posited under subparagraph (A)—*

23                         (i) *shall remain available until ex-*  
24                         *pended for the acquisition of land for Na-*

1            *tional Forest purposes in the State of Idaho;*  
 2            *and*  
 3            *(ii) shall not be subject to transfer or*  
 4            *reprogramming for—*  
 5                    *(I) wildland fire management; or*  
 6                    *(II) any other emergency pur-*  
 7                    *poses.*

8 **SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL**  
 9                    **AMENDMENT.**

10            *Section 413(b) of the T'uf Shur Bien Preservation*  
 11 *Trust Area Act (16 U.S.C. 539m–11) is amended—*

12                    *(1) in paragraph (1), by inserting “3,” after*  
 13                    *“sections”; and*  
 14                    *(2) in the first sentence of paragraph (4), by in-*  
 15                    *serting “, as a condition of the conveyance,” before*  
 16                    *“remain”.*

17            ***Subtitle E—Colorado Northern***  
 18                    ***Front Range Study***

19 **SEC. 3401. PURPOSE.**

20            *The purpose of this subtitle is to identify options that*  
 21 *may be available to assist in maintaining the open space*  
 22 *characteristics of land that is part of the mountain back-*  
 23 *drop of communities in the northern section of the Front*  
 24 *Range area of Colorado.*

1 **SEC. 3402. DEFINITIONS.**

2 *In this subtitle:*

3 (1) *SECRETARY.*—*The term “Secretary” means*  
4 *the Secretary of Agriculture, acting through the Chief*  
5 *of the Forest Service.*

6 (2) *STATE.*—*The term “State” means the State*  
7 *of Colorado.*

8 (3) *STUDY AREA.*—

9 (A) *IN GENERAL.*—*The term “study area”*  
10 *means the land in southern Boulder, northern*  
11 *Jefferson, and northern Gilpin Counties, Colo-*  
12 *rado, that is located west of Colorado State*  
13 *Highway 93, south and east of Colorado State*  
14 *Highway 119, and north of Colorado State*  
15 *Highway 46, as generally depicted on the map*  
16 *entitled “Colorado Northern Front Range Moun-*  
17 *tain Backdrop Protection Study Act: Study*  
18 *Area” and dated August 27, 2008.*

19 (B) *EXCLUSIONS.*—*The term “study area”*  
20 *does not include land within the city limits of*  
21 *the cities of Arvada, Boulder, or Golden, Colo-*  
22 *rado.*

23 (4) *UNDEVELOPED LAND.*—*The term “undevel-*  
24 *oped land” means land—*

25 (A) *that is located within the study area;*

1           (B) that is free or primarily free of struc-  
2           tures; and

3           (C) the development of which is likely to af-  
4           fect adversely the scenic, wildlife, or recreational  
5           value of the study area.

6 **SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUN-**  
7 **TAIN BACKDROP STUDY.**

8           (a) *STUDY; REPORT.*—Not later than 1 year after the  
9           date of enactment of this Act and except as provided in  
10          subsection (c), the Secretary shall—

11           (1) conduct a study of the land within the study  
12          area; and

13           (2) complete a report that—

14           (A) identifies the present ownership of the  
15          land within the study area;

16           (B) identifies any undeveloped land that  
17          may be at risk of development; and

18           (C) describes any actions that could be  
19          taken by the United States, the State, a political  
20          subdivision of the State, or any other parties to  
21          preserve the open and undeveloped character of  
22          the land within the study area.

23          (b) *REQUIREMENTS.*—The Secretary shall conduct the  
24          study and develop the report under subsection (a) with the

1 *support and participation of 1 or more of the following*  
2 *State and local entities:*

3           (1) *The Colorado Department of Natural Re-*  
4 *sources.*

5           (2) *Colorado State Forest Service.*

6           (3) *Colorado State Conservation Board.*

7           (4) *Great Outdoors Colorado.*

8           (5) *Boulder, Jefferson, and Gilpin Counties, Col-*  
9 *orado.*

10       (c) *LIMITATION.—If the State and local entities speci-*  
11 *fied in subsection (b) do not support and participate in*  
12 *the conduct of the study and the development of the report*  
13 *under this section, the Secretary may—*

14           (1) *decrease the area covered by the study area,*  
15 *as appropriate; or*

16           (2)(A) *opt not to conduct the study or develop*  
17 *the report; and*

18           (B) *submit to the Committee on Energy and*  
19 *Natural Resources of the Senate and the Committee*  
20 *on Natural Resources of the House of Representatives*  
21 *notice of the decision not to conduct the study or de-*  
22 *velop the report.*

23       (d) *EFFECT.—Nothing in this subtitle authorizes the*  
24 *Secretary to take any action that would affect the use of*  
25 *any land not owned by the United States.*

1    **TITLE IV—FOREST LANDSCAPE**  
2                    **RESTORATION**

3    **SEC. 4001. PURPOSE.**

4            *The purpose of this title is to encourage the collabo-*  
5 *rative, science-based ecosystem restoration of priority forest*  
6 *landscapes through a process that—*

7                    (1) *encourages ecological, economic, and social*  
8 *sustainability;*

9                    (2) *leverages local resources with national and*  
10 *private resources;*

11                   (3) *facilitates the reduction of wildfire manage-*  
12 *ment costs, including through reestablishing natural*  
13 *fire regimes and reducing the risk of uncharacteristic*  
14 *wildfire; and*

15                   (4) *demonstrates the degree to which—*

16                            (A) *various ecological restoration tech-*  
17 *niques—*

18                                    (i) *achieve ecological and watershed*  
19 *health objectives; and*

20                                   (ii) *affect wildfire activity and man-*  
21 *agement costs; and*

22                            (B) *the use of forest restoration byproducts*  
23 *can offset treatment costs while benefitting local*  
24 *rural economies and improving forest health.*

1 **SEC. 4002. DEFINITIONS.**

2 *In this title:*

3 (1) *FUND.*—*The term “Fund” means the Col-*  
4 *laborative Forest Landscape Restoration Fund estab-*  
5 *lished by section 4003(f).*

6 (2) *PROGRAM.*—*The term “program” means the*  
7 *Collaborative Forest Landscape Restoration Program*  
8 *established under section 4003(a).*

9 (3) *PROPOSAL.*—*The term “proposal” means a*  
10 *collaborative forest landscape restoration proposal de-*  
11 *scribed in section 4003(b).*

12 (4) *SECRETARY.*—*The term “Secretary” means*  
13 *the Secretary of Agriculture, acting through the Chief*  
14 *of the Forest Service.*

15 (5) *STRATEGY.*—*The term “strategy” means a*  
16 *landscape restoration strategy described in section*  
17 *4003(b)(1).*

18 **SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORA-**  
19 **TION PROGRAM.**

20 (a) *IN GENERAL.*—*The Secretary, in consultation with*  
21 *the Secretary of the Interior, shall establish a Collaborative*  
22 *Forest Landscape Restoration Program to select and fund*  
23 *ecological restoration treatments for priority forest land-*  
24 *scapes in accordance with—*

25 (1) *the Endangered Species Act of 1973 (16*  
26 *U.S.C. 1531 et seq.);*



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

3           (3) *any other applicable law.*

4           (b) *ELIGIBILITY CRITERIA.—To be eligible for nomi-*  
5           *nation under subsection (c), a collaborative forest landscape*  
6           *restoration proposal shall—*

7           (1) *be based on a landscape restoration strategy*  
8           *that—*

9                   (A) *is complete or substantially complete;*

10                   (B) *identifies and prioritizes ecological res-*  
11                   *toration treatments for a 10-year period within*  
12                   *a landscape that is—*

13                           (i) *at least 50,000 acres;*

14                           (ii) *comprised primarily of forested*  
15                           *National Forest System land, but may also*  
16                           *include land under the jurisdiction of the*  
17                           *Bureau of Land Management, land under*  
18                           *the jurisdiction of the Bureau of Indian Af-*  
19                           *airs, or other Federal, State, tribal, or pri-*  
20                           *vate land;*

21                           (iii) *in need of active ecosystem res-*  
22                           *toration; and*

23                           (iv) *accessible by existing or proposed*  
24                           *wood-processing infrastructure at an appro-*  
25                           *priate scale to use woody biomass and*

1            *small-diameter wood removed in ecological*  
2            *restoration treatments;*

3            *(C) incorporates the best available science*  
4            *and scientific application tools in ecological res-*  
5            *toration strategies;*

6            *(D) fully maintains, or contributes toward*  
7            *the restoration of, the structure and composition*  
8            *of old growth stands according to the pre-fire*  
9            *suppression old growth conditions characteristic*  
10           *of the forest type, taking into account the con-*  
11           *tribution of the stand to landscape fire adapta-*  
12           *tion and watershed health and retaining the*  
13           *large trees contributing to old growth structure;*

14           *(E) would carry out any forest restoration*  
15           *treatments that reduce hazardous fuels by—*

16                 *(i) focusing on small diameter trees,*  
17                 *thinning, strategic fuel breaks, and fire use*  
18                 *to modify fire behavior, as measured by the*  
19                 *projected reduction of uncharacteristically*  
20                 *severe wildfire effects for the forest type*  
21                 *(such as adverse soil impacts, tree mortality*  
22                 *or other impacts); 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 of*  
4           *permanent roads; and*

5           *(ii) would commit funding to decommission*  
6           *all temporary roads constructed to carry out the*  
7           *strategy;*

8           *(2) be developed and implemented through a col-*  
9           *laborative process that—*

10           *(A) includes multiple interested persons rep-*  
11           *resenting 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) through*  
15           *(f) of section 205 of Public Law 106–393 (16*  
16           *U.S.C. 500 note);*

17           *(3) describe plans to—*

18           *(A) reduce the risk of uncharacteristic wild-*  
19           *fire, including through the use of fire for ecologi-*  
20           *cal restoration and maintenance and reestab-*  
21           *lishing natural fire regimes, where appropriate;*

22           *(B) improve fish and wildlife habitat, in-*  
23           *cluding for endangered, threatened, and sensitive*  
24           *species;*

1           (C) maintain or improve water quality and  
2 watershed function;

3           (D) prevent, remediate, or control invasions  
4 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 Strat-  
13 egy Implementation Plan” and dated December  
14 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; and

20               (B) a decrease in the unit costs of imple-  
21 menting ecological restoration treatments over  
22 time;

23           (5) estimate—

24               (A) the annual Federal funding necessary to  
25 implement the proposal; and

1           (B) the amount of new non-Federal invest-  
2           ment for carrying out the proposal that would be  
3           leveraged;

4           (6) describe the collaborative process through  
5           which the proposal was developed, including a de-  
6           scription of—

7           (A) participation by or consultation with  
8           State, local, and Tribal governments; and

9           (B) any established record of successful col-  
10          laborative planning and implementation of eco-  
11          logical restoration projects on National Forest  
12          System land and other land included in the pro-  
13          posal by the collaborators; and

14          (7) benefit local economies by providing local  
15          employment or training opportunities through con-  
16          tracts, grants, or agreements for restoration planning,  
17          design, implementation, or monitoring with—

18          (A) local private, nonprofit, or cooperative  
19          entities;

20          (B) Youth Conservation Corps crews or re-  
21          lated partnerships, with State, local, and non-  
22          profit youth groups;

23          (C) existing or proposed small or micro-  
24          businesses, clusters, or incubators; or

1           (D) other entities that will hire or train  
2           local people to complete such contracts, grants, or  
3           agreements; and

4           (8) be subject to any other requirements that the  
5           Secretary, in consultation with the Secretary of the  
6           Interior, determines to be necessary for the efficient  
7           and effective administration of the program.

8           (c) *NOMINATION PROCESS.*—

9           (1) *SUBMISSION.*—A proposal shall be submitted  
10          to—

11           (A) the appropriate Regional Forester; and

12           (B) if actions under the jurisdiction of the  
13          Secretary of the Interior are proposed, the ap-  
14          propriate—

15           (i) State Director of the Bureau of  
16          Land Management;

17           (ii) Regional Director of the Bureau of  
18          Indian Affairs; or

19           (iii) other official of the Department of  
20          the Interior.

21          (2) *NOMINATION.*—

22           (A) *IN GENERAL.*—A Regional Forester  
23          may nominate for selection by the Secretary any  
24          proposals that meet the eligibility criteria estab-  
25          lished by subsection (b).

1           (B) *CONCURRENCE.*—*Any proposal nomi-*  
2           *nated by the Regional Forester that proposes ac-*  
3           *tions under the jurisdiction of the Secretary of*  
4           *the Interior shall include the concurrence of the*  
5           *appropriate—*

6                     (i) *State Director of the Bureau of*  
7                     *Land Management;*

8                     (ii) *Regional Director of the Bureau of*  
9                     *Indian Affairs; or*

10                    (iii) *other official of the Department of*  
11                    *the Interior.*

12           (3) *DOCUMENTATION.*—*With respect to each pro-*  
13           *posal that is nominated under paragraph (2)—*

14                     (A) *the appropriate Regional Forester*  
15                     *shall—*

16                             (i) *include a plan to use Federal funds*  
17                             *allocated to the region to fund those costs of*  
18                             *planning and carrying out ecological res-*  
19                             *toration treatments on National Forest Sys-*  
20                             *tem land, consistent with the strategy, that*  
21                             *would not be covered by amounts trans-*  
22                             *ferred to the Secretary from the Fund; and*

23                             (ii) *provide evidence that amounts pro-*  
24                             *posed to be transferred to the Secretary*  
25                             *from the Fund during the first 2 fiscal*

1           *years following selection would be used to*  
2           *carry out ecological restoration treatments*  
3           *consistent with the strategy during the same*  
4           *fiscal year in which the funds are trans-*  
5           *ferred to the Secretary;*

6           *(B) if actions under the jurisdiction of the*  
7           *Secretary of the Interior are proposed, the nomi-*  
8           *nation shall include a plan to fund such actions,*  
9           *consistent with the strategy, by the appro-*  
10          *priate—*

11                   *(i) State Director of the Bureau of*  
12                   *Land Management;*

13                   *(ii) Regional Director of the Bureau of*  
14                   *Indian Affairs; or*

15                   *(iii) other official of the Department of*  
16                   *the Interior; and*

17           *(C) if actions on land not under the juris-*  
18           *isdiction of the Secretary or the Secretary of the*  
19           *Interior are proposed, the appropriate Regional*  
20           *Forester shall provide evidence that the land-*  
21           *owner intends to participate in, and provide ap-*  
22           *propriate funding to carry out, the actions.*

23          *(d) SELECTION PROCESS.—*

24                   *(1) IN GENERAL.—After consulting with the ad-*  
25                   *visory panel established under subsection (e), the Sec-*



1        *retary, in consultation with the Secretary of the Inte-*  
2        *rior, shall, subject to paragraph (2), select the best*  
3        *proposals that—*

4                *(A) have been nominated under subsection*  
5                *(c)(2); and*

6                *(B) meet the eligibility criteria established*  
7                *by subsection (b).*

8                *(2) CRITERIA.—In selecting proposals under*  
9        *paragraph (1), the Secretary shall give special consid-*  
10        *eration to—*

11                *(A) the strength of the proposal and strat-*  
12                *egy;*

13                *(B) the strength of the ecological case of the*  
14        *proposal and the proposed ecological restoration*  
15        *strategies;*

16                *(C) the strength of the collaborative process*  
17        *and the likelihood of successful collaboration*  
18        *throughout implementation;*

19                *(D) whether the proposal is likely to achieve*  
20        *reductions in long-term wildfire management*  
21        *costs;*

22                *(E) whether the proposal would reduce the*  
23        *relative costs of carrying out ecological restora-*  
24        *tion treatments as a result of the use of woody*  
25        *biomass and small-diameter trees; and*

1           (F) whether an appropriate level of non-  
2           Federal investment would be leveraged in car-  
3           rying out the proposal.

4           (3) *LIMITATION.*—The Secretary may select not  
5           more than—

6           (A) 10 proposals to be funded during any  
7           fiscal year;

8           (B) 2 proposals in any 1 region of the Na-  
9           tional Forest System to be funded during any  
10          fiscal year; and

11          (C) the number of proposals that the Sec-  
12          retary determines are likely to receive adequate  
13          funding.

14          (e) *ADVISORY PANEL.*—

15          (1) *IN GENERAL.*—The Secretary shall establish  
16          and maintain an advisory panel comprised of not  
17          more than 15 members to evaluate, and provide rec-  
18          ommendations on, each proposal that has been nomi-  
19          nated under subsection (c)(2).

20          (2) *REPRESENTATION.*—The Secretary shall en-  
21          sure that the membership of the advisory panel is  
22          fairly balanced in terms of the points of view rep-  
23          resented and the functions to be performed by the ad-  
24          visory panel.

1           (3) *INCLUSION.*—*The advisory panel shall in-*  
2           *clude experts in ecological restoration, fire ecology,*  
3           *fire management, rural economic development, strate-*  
4           *gies for ecological adaptation to climate change, fish*  
5           *and wildlife ecology, and woody biomass and small-*  
6           *diameter tree utilization.*

7           (f) *COLLABORATIVE FOREST LANDSCAPE RESTORA-*  
8           *TION FUND.*—

9           (1) *ESTABLISHMENT.*—*There is established in*  
10           *the Treasury of the United States a fund, to be known*  
11           *as the “Collaborative Forest Landscape Restoration*  
12           *Fund”, to be used to pay up to 50 percent of the cost*  
13           *of carrying out and monitoring ecological restoration*  
14           *treatments on National Forest System land for each*  
15           *proposal selected to be carried out under subsection*  
16           *(d).*

17           (2) *INCLUSION.*—*The cost of carrying out eco-*  
18           *logical restoration treatments as provided in para-*  
19           *graph (1) may, as the Secretary determines to be ap-*  
20           *propriate, include cancellation and termination costs*  
21           *required to be obligated for contracts to carry out eco-*  
22           *logical restoration treatments on National Forest Sys-*  
23           *tem land for each proposal selected to be carried out*  
24           *under subsection (d).*

1           (3) *CONTENTS.*—*The Fund shall consist of such*  
2 *amounts as are appropriated to the Fund under*  
3 *paragraph (6).*

4           (4) *EXPENDITURES FROM FUND.*—

5           (A) *IN GENERAL.*—*On request by the Sec-*  
6 *retary, the Secretary of the Treasury shall trans-*  
7 *fer from the Fund to the Secretary such amounts*  
8 *as the Secretary determines are appropriate, in*  
9 *accordance with paragraph (1).*

10          (B) *LIMITATION.*—*The Secretary shall not*  
11 *expend money from the Fund on any 1 pro-*  
12 *posal—*

13                 (i) *during a period of more than 10*  
14                 *fiscal years; or*

15                 (ii) *in excess of \$4,000,000 in any 1*  
16                 *fiscal year.*

17          (5) *ACCOUNTING AND REPORTING SYSTEM.*—*The*  
18 *Secretary shall establish an accounting and reporting*  
19 *system for the Fund.*

20          (6) *AUTHORIZATION OF APPROPRIATIONS.*—  
21 *There is authorized to be appropriated to the Fund*  
22 *\$40,000,000 for each of fiscal years 2009 through*  
23 *2019, to remain available until expended.*

24          (g) *PROGRAM IMPLEMENTATION AND MONITORING.*—

1           (1) *WORK PLAN*.—Not later than 180 days after  
2           the date on which a proposal is selected to be carried  
3           out, the Secretary shall create, in collaboration with  
4           the interested persons, an implementation work plan  
5           and budget to implement the proposal that includes—

6                   (A) a description of the manner in which  
7                   the proposal would be implemented to achieve ec-  
8                   ological and community economic benefit, in-  
9                   cluding capacity building to accomplish restora-  
10                  tion;

11                  (B) a business plan that addresses—

12                          (i) the anticipated unit treatment cost  
13                          reductions over 10 years;

14                          (ii) the anticipated costs for infrastruc-  
15                          ture needed for the proposal;

16                          (iii) the projected sustainability of the  
17                          supply of woody biomass and small-diame-  
18                          ter trees removed in ecological restoration  
19                          treatments; and

20                          (iv) the projected local economic bene-  
21                          fits of the proposal;

22                  (C) documentation of the non-Federal in-  
23                  vestment in the priority landscape, including the  
24                  sources and uses of the investments; and

1                   (D) a plan to decommission any temporary  
2                   roads established to carry out the proposal.

3                   (2)     *PROJECT IMPLEMENTATION.*—Amounts  
4                   transferred to the Secretary from the Fund shall be  
5                   used to carry out ecological restoration treatments  
6                   that are—

7                   (A) consistent with the proposal and strat-  
8                   egy; and

9                   (B) identified through the collaborative  
10                  process described in subsection (b)(2).

11                  (3) *ANNUAL REPORT.*—The Secretary, in collabo-  
12                  ration with the Secretary of the Interior and inter-  
13                  ested persons, shall prepare an annual report on the  
14                  accomplishments of each selected proposal that in-  
15                  cludes—

16                  (A) a description of all acres (or other ap-  
17                  propriate unit) treated and restored through  
18                  projects implementing the strategy;

19                  (B) an evaluation of progress, including  
20                  performance measures and how prior year eval-  
21                  uations have contributed to improved project  
22                  performance;

23                  (C) a description of community benefits  
24                  achieved, including any local economic benefits;

1           (D) *the results of the multiparty moni-*  
2           *toring, evaluation, and accountability process*  
3           *under paragraph (4); and*

4           (E) *a summary of the costs of—*

5                 (i) *treatments; and*

6                 (ii) *relevant fire management activi-*  
7                 *ties.*

8           (4) *MULTIPARTY MONITORING.—The Secretary*  
9           *shall, in collaboration with the Secretary of the Inte-*  
10           *rior and interested persons, use a multiparty moni-*  
11           *toring, evaluation, and accountability process to as-*  
12           *sess the positive or negative ecological, social, and eco-*  
13           *nomical effects of projects implementing a selected pro-*  
14           *posal for not less than 15 years after project imple-*  
15           *mentation commences.*

16           (h) *REPORT.—Not later than 5 years after the first*  
17           *fiscal year in which funding is made available to carry out*  
18           *ecological restoration projects under the program, and every*  
19           *5 years thereafter, the Secretary, in consultation with the*  
20           *Secretary of the Interior, shall submit a report on the pro-*  
21           *gram, including an assessment of whether, and to what ex-*  
22           *tent, the program is fulfilling the purposes of this title, to—*

23                 (1) *the Committee on Energy and Natural Re-*  
24                 *sources of the Senate;*

1           (2) *the Committee on Appropriations of the Sen-*  
2     *ate;*

3           (3) *the Committee on Natural Resources of the*  
4     *House of Representatives; and*

5           (4) *the Committee on Appropriations of the*  
6     *House of Representatives.*

7     **SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.**

8           *There are authorized to be appropriated to the Sec-*  
9     *retary and the Secretary of the Interior such sums as are*  
10    *necessary to carry out this title.*

11     **TITLE V—RIVERS AND TRAILS**  
12    **Subtitle A—Additions to the Na-**  
13    **tional Wild and Scenic Rivers**  
14    **System**

15    **SEC. 5001. FOSSIL CREEK, ARIZONA.**

16           *Section 3(a) of the Wild and Scenic Rivers Act (16*  
17    *U.S.C. 1274(a)) (as amended by section 1852) is amended*  
18    *by adding at the end the following:*

19           “(205) *FOSSIL CREEK, ARIZONA.—Approximately*  
20    *16.8 miles of Fossil Creek from the confluence*  
21    *of Sand Rock and Calf Pen Canyons to the confluence*  
22    *with the Verde River, to be administered by the Sec-*  
23    *retary of Agriculture in the following classes:*

24           “(A) *The approximately 2.7-mile segment*  
25    *from the confluence of Sand Rock and Calf Pen*



1            *Canyons to the point where the segment exits the*  
2            *Fossil Spring Wilderness, as a wild river.*

3            *“(B) The approximately 7.5-mile segment*  
4            *from where the segment exits the Fossil Creek*  
5            *Wilderness to the boundary of the Mazatzal Wil-*  
6            *derness, as a recreational river.*

7            *“(C) The 6.6-mile segment from the bound-*  
8            *ary of the Mazatzal Wilderness downstream to*  
9            *the confluence with the Verde River, as a wild*  
10           *river.”.*

11 **SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.**

12           *(a) SHORT TITLE.—This section may be cited as the*  
13           *“Craig Thomas Snake Headwaters Legacy Act of 2008”.*

14           *(b) FINDINGS; PURPOSES.—*

15           *(1) FINDINGS.—Congress finds that—*

16           *(A) the headwaters of the Snake River Sys-*  
17           *tem in northwest Wyoming feature some of the*  
18           *cleanest sources of freshwater, healthiest native*  
19           *trout fisheries, and most intact rivers and*  
20           *streams in the lower 48 States;*

21           *(B) the rivers and streams of the headwaters*  
22           *of the Snake River System—*

23           *(i) provide unparalleled fishing, hunt-*  
24           *ing, boating, and other recreational activi-*  
25           *ties for—*

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*(I) local residents; and*

*(II) millions of visitors from  
around the world; and*

*(ii) are national treasures;*

*(C) each year, recreational activities on the  
rivers and streams of the headwaters of the  
Snake River System generate millions of dollars  
for the economies of—*

*(i) Teton County, Wyoming; and*

*(ii) Lincoln County, Wyoming;*

*(D) to ensure that future generations of citi-  
zens of the United States enjoy the benefits of the  
rivers and streams of the headwaters of the  
Snake River System, Congress should apply the  
protections provided by the Wild and Scenic  
Rivers Act (16 U.S.C. 1271 et seq.) to those riv-  
ers and streams; and*

*(E) the designation of the rivers and  
streams of the headwaters of the Snake River  
System under the Wild and Scenic Rivers Act  
(16 U.S.C. 1271 et seq.) will signify to the citi-  
zens of the United States the importance of  
maintaining the outstanding and remarkable  
qualities of the Snake River System while—*

1                   (i) *preserving public access to those*  
2                   *rivers and streams;*

3                   (ii) *respecting private property rights*  
4                   *(including existing water rights); and*

5                   (iii) *continuing to allow historic uses*  
6                   *of the rivers and streams.*

7           (2) *PURPOSES.—The purposes of this section*  
8           *are—*

9                   (A) *to protect for current and future genera-*  
10                  *tions of citizens of the United States the out-*  
11                  *standingly remarkable scenic, natural, wildlife,*  
12                  *fishery, recreational, scientific, historic, and eco-*  
13                  *logical values of the rivers and streams of the*  
14                  *headwaters of the Snake River System, while*  
15                  *continuing to deliver water and operate and*  
16                  *maintain valuable irrigation water infrastruc-*  
17                  *ture; and*

18                  (B) *to designate approximately 387.7 miles*  
19                  *of the rivers and streams of the headwaters of the*  
20                  *Snake River System as additions to the National*  
21                  *Wild and Scenic Rivers System.*

22           (c) *DEFINITIONS.—In this section:*

23                   (1) *SECRETARY CONCERNED.—The term “Sec-*  
24                  *retary concerned” means—*

1           (A) *the Secretary of Agriculture (acting*  
 2 *through the Chief of the Forest Service), with re-*  
 3 *spect to each river segment described in para-*  
 4 *graph (205) of section 3(a) of the Wild and Sce-*  
 5 *nic Rivers Act (16 U.S.C. 1274(a)) (as added by*  
 6 *subsection (d)) that is not located in—*

7                   (i) *Grand Teton National Park;*

8                   (ii) *Yellowstone National Park;*

9                   (iii) *the John D. Rockefeller, Jr. Me-*  
 10 *morial Parkway; or*

11                   (iv) *the National Elk Refuge; and*

12           (B) *the Secretary of the Interior, with re-*  
 13 *spect to each river segment described in para-*  
 14 *graph (205) of section 3(a) of the Wild and Sce-*  
 15 *nic Rivers Act (16 U.S.C. 1274(a)) (as added by*  
 16 *subsection (d)) that is located in—*

17                   (i) *Grand Teton National Park;*

18                   (ii) *Yellowstone National Park;*

19                   (iii) *the John D. Rockefeller, Jr. Me-*  
 20 *morial Parkway; or*

21                   (iv) *the National Elk Refuge.*

22           (2) *STATE.—The term “State” means the State*  
 23 *of Wyoming.*

24           (d) *WILD AND SCENIC RIVER DESIGNATIONS, SNAKE*  
 25 *RIVER HEADWATERS, WYOMING.—Section 3(a) of the Wild*

1 *and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended*  
2 *by section 5001) is amended by adding at the end the fol-*  
3 *lowing:*

4           “(206) *SNAKE RIVER HEADWATERS, WYOMING.—*  
5 *The following segments of the Snake River System, in*  
6 *the State of Wyoming:*

7           “(A) *BAILEY CREEK.—The 7-mile segment*  
8 *of Bailey Creek, from the divide with the Little*  
9 *Greys River north to its confluence with the*  
10 *Snake River, as a wild river.*

11           “(B) *BLACKROCK CREEK.—The 22-mile seg-*  
12 *ment from its source to the Bridger-Teton Na-*  
13 *tional Forest boundary, as a scenic river.*

14           “(C) *BUFFALO FORK OF THE SNAKE*  
15 *RIVER.—The portions of the Buffalo Fork of the*  
16 *Snake River, consisting of—*

17           “(i) *the 55-mile segment consisting of*  
18 *the North Fork, the Soda Fork, and the*  
19 *South Fork, upstream from Turpin Mead-*  
20 *ows, as a wild river;*

21           “(ii) *the 14-mile segment from Turpin*  
22 *Meadows to the upstream boundary of*  
23 *Grand Teton National Park, as a scenic*  
24 *river; and*

1           “(iii) the 7.7-mile segment from the  
2           upstream boundary of Grand Teton Na-  
3           tional Park to its confluence with the Snake  
4           River, as a scenic river.

5           “(D) CRYSTAL CREEK.—The portions of  
6           Crystal Creek, consisting of—

7           “(i) the 14-mile segment from its  
8           source to the Gros Ventre Wilderness bound-  
9           ary, as a wild river; and

10          “(ii) the 5-mile segment from the Gros  
11          Ventre Wilderness boundary to its con-  
12          fluence with the Gros Ventre River, as a sce-  
13          nic river.

14          “(E) GRANITE CREEK.—The portions of  
15          Granite Creek, consisting of—

16          “(i) the 12-mile segment from its  
17          source to the end of Granite Creek Road, as  
18          a wild river; and

19          “(ii) the 9.5-mile segment from Gran-  
20          ite Hot Springs to the point 1 mile up-  
21          stream from its confluence with the Hoback  
22          River, as a scenic river.

23          “(F) GROS VENTRE RIVER.—The portions of  
24          the Gros Ventre River, consisting of—

1           “(i) the 16.5-mile segment from its  
2 source to Darwin Ranch, as a wild river;

3           “(ii) the 39-mile segment from Darwin  
4 Ranch to the upstream boundary of Grand  
5 Teton National Park, excluding the section  
6 along Lower Slide Lake, as a scenic river;  
7 and

8           “(iii) the 3.3-mile segment flowing  
9 across the southern boundary of Grand  
10 Teton National Park to the Highlands  
11 Drive Loop Bridge, as a scenic river.

12           “(G) HOBACK RIVER.—The 10-mile segment  
13 from the point 10 miles upstream from its con-  
14 fluence with the Snake River to its confluence  
15 with the Snake River, as a recreational river.

16           “(H) LEWIS RIVER.—The portions of the  
17 Lewis River, consisting of—

18           “(i) the 5-mile segment from Shoshone  
19 Lake to Lewis Lake, as a wild river; and

20           “(ii) the 12-mile segment from the out-  
21 let of Lewis Lake to its confluence with the  
22 Snake River, as a scenic river.

23           “(I) PACIFIC CREEK.—The portions of Pa-  
24 cific Creek, consisting of—

1           “(i) the 22.5-mile segment from its  
2 source to the Teton Wilderness boundary, as  
3 a wild river; and

4           “(ii) the 11-mile segment from the Wil-  
5 derness boundary to its confluence with the  
6 Snake River, as a scenic river.

7           “(J) SHOAL CREEK.—The 8-mile segment  
8 from its source to the point 8 miles downstream  
9 from its source, as a wild river.

10           “(K) SNAKE RIVER.—The portions of the  
11 Snake River, consisting of—

12           “(i) the 47-mile segment from its  
13 source to Jackson Lake, as a wild river;

14           “(ii) the 24.8-mile segment from 1 mile  
15 downstream of Jackson Lake Dam to 1 mile  
16 downstream of the Teton Park Road bridge  
17 at Moose, Wyoming, as a scenic river; and

18           “(iii) the 19-mile segment from the  
19 mouth of the Hoback River to the point 1  
20 mile upstream from the Highway 89 bridge  
21 at Alpine Junction, as a recreational river,  
22 the boundary of the western edge of the cor-  
23 ridor for the portion of the segment extend-  
24 ing from the point 3.3 miles downstream of  
25 the mouth of the Hoback River to the point



1           4 miles downstream of the mouth of the  
2           Hoback River being the ordinary high water  
3           mark.

4           “(L) WILLOW CREEK.—The 16.2-mile seg-  
5           ment from the point 16.2 miles upstream from  
6           its confluence with the Hoback River to its con-  
7           fluence with the Hoback River, as a wild river.

8           “(M) WOLF CREEK.—The 7-mile segment  
9           from its source to its confluence with the Snake  
10          River, as a wild river.”.

11       (e) MANAGEMENT.—

12           (1) IN GENERAL.—Each river segment described  
13           in paragraph (205) of section 3(a) of the Wild and  
14           Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by  
15           subsection (d)) shall be managed by the Secretary  
16           concerned.

17           (2) MANAGEMENT PLAN.—

18           (A) IN GENERAL.—In accordance with sub-  
19           paragraph (A), not later than 3 years after the  
20           date of enactment of this Act, the Secretary con-  
21           cerned shall develop a management plan for each  
22           river segment described in paragraph (205) of  
23           section 3(a) of the Wild and Scenic Rivers Act  
24           (16 U.S.C. 1274(a)) (as added by subsection (d))

1           *that is located in an area under the jurisdiction*  
2           *of the Secretary concerned.*

3           (B) *REQUIRED COMPONENT.—Each man-*  
4           *agement plan developed by the Secretary con-*  
5           *cerned under subparagraph (A) shall contain,*  
6           *with respect to the river segment that is the sub-*  
7           *ject of the plan, a section that contains an anal-*  
8           *ysis and description of the availability and com-*  
9           *patibility of future development with the wild*  
10          *and scenic character of the river segment (with*  
11          *particular emphasis on each river segment that*  
12          *contains 1 or more parcels of private land).*

13          (3) *QUANTIFICATION OF WATER RIGHTS RE-*  
14          *SERVED BY RIVER SEGMENTS.—*

15                (A) *The Secretary concerned shall apply for*  
16                *the quantification of the water rights reserved by*  
17                *each river segment designated by this section in*  
18                *accordance with the procedural requirements of*  
19                *the laws of the State of Wyoming.*

20                (B) *For the purpose of the quantification of*  
21                *water rights under this subsection, with respect*  
22                *to each Wild and Scenic River segment des-*  
23                *ignated by this section—*

1                   (i) *the purposes for which the segments*  
2                   *are designated, as set forth in this section,*  
3                   *are declared to be beneficial uses; and*

4                   (ii) *the priority date of such right shall*  
5                   *be the date of enactment of this Act.*

6                   (4) *STREAM GAUGES.—Consistent with the Wild*  
7                   *and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the*  
8                   *Secretary may carry out activities at United States*  
9                   *Geological Survey stream gauges that are located on*  
10                  *the Snake River (including tributaries of the Snake*  
11                  *River), including flow measurements and operation,*  
12                  *maintenance, and replacement.*

13                  (5) *CONSENT OF PROPERTY OWNER.—No prop-*  
14                  *erty or interest in property located within the bound-*  
15                  *aries of any river segment described in paragraph*  
16                  *(205) of section 3(a) of the Wild and Scenic Rivers*  
17                  *Act (16 U.S.C. 1274(a)) (as added by subsection (d))*  
18                  *may be acquired by the Secretary without the consent*  
19                  *of the owner of the property or interest in property.*

20                  (6) *EFFECT OF DESIGNATIONS.—*

21                         (A) *IN GENERAL.—Nothing in this section*  
22                         *affects valid existing rights, including—*

23                                 (i) *all interstate water compacts in ex-*  
24                                 *istence on the date of enactment of this Act*  
25                                 *(including full development of any appor-*

1            *tionment made in accordance with the com-*  
2            *pacts);*

3            *(ii) water rights in the States of Idaho*  
4            *and Wyoming; and*

5            *(iii) water rights held by the United*  
6            *States.*

7            *(B) JACKSON LAKE; JACKSON LAKE DAM.—*

8            *Nothing in this section shall affect the manage-*  
9            *ment and operation of Jackson Lake or Jackson*  
10           *Lake Dam, including the storage, management,*  
11           *and release of water.*

12           *(f) AUTHORIZATION OF APPROPRIATIONS.—There are*  
13           *authorized to be appropriated such sums as are necessary*  
14           *to carry out this section.*

15           **SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.**

16           *(a) DESIGNATION.—Section 3(a) of the Wild and Sce-*  
17           *nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section*  
18           *5002(d)) is amended by adding at the end the following:*

19           *“(207) TAUNTON RIVER, MASSACHUSETTS.—The*  
20           *main stem of the Taunton River from its headwaters*  
21           *at the confluence of the Town and Matfield Rivers in*  
22           *the Town of Bridgewater downstream 40 miles to the*  
23           *confluence with the Quequechan River at the Route*  
24           *195 Bridge in the City of Fall River, to be adminis-*  
25           *tered by the Secretary of the Interior in cooperation*

1       *with the Taunton River Stewardship Council as fol-*  
 2       *lows:*

3               “(A) *The 18-mile segment from the con-*  
 4               *fluence of the Town and Matfield Rivers to Route*  
 5               *24 in the Town of Raynham, as a scenic river.*

6               “(B) *The 5-mile segment from Route 24 to*  
 7               *0.5 miles below Weir Bridge in the City of Taun-*  
 8               *ton, as a recreational river.*

9               “(C) *The 8-mile segment from 0.5 miles*  
 10              *below Weir Bridge to Muddy Cove in the Town*  
 11              *of Dighton, as a scenic river.*

12              “(D) *The 9-mile segment from Muddy Cove*  
 13              *to the confluence with the Quequechan River at*  
 14              *the Route 195 Bridge in the City of Fall River,*  
 15              *as a recreational river.”.*

16       (b) *MANAGEMENT OF TAUNTON RIVER, MASSACHU-*  
 17       *SETTS.—*

18              (1) *TAUNTON RIVER STEWARDSHIP PLAN.—*

19                      (A) *IN GENERAL.—Each river segment des-*  
 20                      *ignated by section 3(a)(206) of the Wild and*  
 21                      *Scenic Rivers Act (as added by subsection (a))*  
 22                      *shall be managed in accordance with the Taun-*  
 23                      *ton River Stewardship Plan, dated July 2005*  
 24                      *(including any amendment to the Taunton River*  
 25                      *Stewardship Plan that the Secretary of the Inte-*

1            *rior (referred to in this subsection as the “Sec-*  
2            *retary”) determines to be consistent with this*  
3            *section).*

4            *(B) EFFECT.—The Taunton River Steward-*  
5            *ship Plan described in subparagraph (A) shall be*  
6            *considered to satisfy each requirement relating to*  
7            *the comprehensive management plan required*  
8            *under section 3(d) of the Wild and Scenic Rivers*  
9            *Act (16 U.S.C. 1274(d)).*

10          *(2) COOPERATIVE AGREEMENTS.—To provide for*  
11          *the long-term protection, preservation, and enhance-*  
12          *ment of each river segment designated by section*  
13          *3(a)(206) of the Wild and Scenic Rivers Act (as*  
14          *added by subsection (a)), pursuant to sections 10(e)*  
15          *and 11(b)(1) of the Wild and Scenic Rivers Act (16*  
16          *U.S.C. 1281(e) and 1282(b)(1)), the Secretary may*  
17          *enter into cooperative agreements (which may include*  
18          *provisions for financial and other assistance) with—*

19                  *(A) the Commonwealth of Massachusetts*  
20                  *(including political subdivisions of the Common-*  
21                  *wealth of Massachusetts);*

22                  *(B) the Taunton River Stewardship Coun-*  
23                  *cil; and*

24                  *(C) any appropriate nonprofit organiza-*  
25                  *tion, as determined by the Secretary.*

1           (3) *RELATION TO NATIONAL PARK SYSTEM.*—  
2           *Notwithstanding section 10(c) of the Wild and Scenic*  
3           *Rivers Act (16 U.S.C. 1281(c)), each river segment*  
4           *designated by section 3(a)(206) of the Wild and Sce-*  
5           *nic Rivers Act (as added by subsection (a)) shall not*  
6           *be—*

7                     (A) *administered as a unit of the National*  
8                     *Park System; or*

9                     (B) *subject to the laws (including regula-*  
10                    *tions) that govern the administration of the Na-*  
11                    *tional Park System.*

12           (4) *LAND MANAGEMENT.*—

13                    (A) *ZONING ORDINANCES.*—*The zoning or-*  
14                    *dinances adopted by the Towns of Bridgewater,*  
15                    *Halifax, Middleborough, Raynham, Berkley,*  
16                    *Dighton, Freetown, and Somerset, and the Cities*  
17                    *of Taunton and Fall River, Massachusetts (in-*  
18                    *cluding any provision of the zoning ordinances*  
19                    *relating to the conservation of floodplains, wet-*  
20                    *lands, and watercourses associated with any*  
21                    *river segment designated by section 3(a)(206) of*  
22                    *the Wild and Scenic Rivers Act (as added by*  
23                    *subsection (a))), shall be considered to satisfy*  
24                    *each standard and requirement described in sec-*

1            *tion 6(c) of the Wild and Scenic Rivers Act (16*  
2            *U.S.C. 1277(c)).*

3            *(B) VILLAGES.—For the purpose of section*  
4            *6(c) of the Wild and Scenic Rivers Act (16*  
5            *U.S.C. 1277(c)), each town described in subpara-*  
6            *graph (A) shall be considered to be a village.*

7            *(C) ACQUISITION OF LAND.—*

8            *(i) LIMITATION OF AUTHORITY OF SEC-*  
9            *RETARY.—With respect to each river seg-*  
10           *ment designated by section 3(a)(206) of the*  
11           *Wild and Scenic Rivers Act (as added by*  
12           *subsection (a)), the Secretary may only ac-*  
13           *quire parcels of land—*

14                    *(I) by donation; or*

15                    *(II) with the consent of the owner*  
16                    *of the parcel of land.*

17            *(ii) PROHIBITION RELATING TO ACQUI-*  
18            *SITION OF LAND BY CONDEMNATION.—In*  
19            *accordance with section 6(c) of the Wild*  
20            *and Scenic Rivers Act (16 U.S.C. 1277(c)),*  
21            *with respect to each river segment des-*  
22            *ignated by section 3(a)(206) of the Wild*  
23            *and Scenic Rivers Act (as added by sub-*  
24            *section (a)), the Secretary may not acquire*  
25            *any parcel of land by condemnation.*



1    ***Subtitle B—Wild and Scenic Rivers***  
2                                    ***Studies***

3    **SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.**

4            (a) *DESIGNATION FOR STUDY.*—Section 5(a) of the  
5 *Wild and Scenic Rivers Act (16 U.S.C. 1276(a))* is amended  
6 *by adding at the end the following:*

7                    “(140)   MISSISQUOI   AND   TROUT   RIVERS,  
8                    VERMONT.—The approximately 25-mile segment of the  
9                    upper Missisquoi from its headwaters in Lowell to the  
10                   Canadian border in North Troy, the approximately  
11                   25-mile segment from the Canadian border in East  
12                   Richford to Enosburg Falls, and the approximately  
13                   20-mile segment of the Trout River from its head-  
14                   waters to its confluence with the Missisquoi River.”.

15           (b) *STUDY AND REPORT.*—Section 5(b) of the *Wild*  
16 *and Scenic Rivers Act (16 U.S.C. 1276(b))* is amended by  
17 *adding at the end the following:*

18                   “(19)   MISSISQUOI   AND   TROUT   RIVERS,  
19                   VERMONT.—Not later than 3 years after the date on  
20                   which funds are made available to carry out this  
21                   paragraph, the Secretary of the Interior shall—

22                                   “(A) complete the study of the Missisquoi  
23                                   and Trout Rivers, Vermont, described in sub-  
24                                   section (a)(140); and

1           “(B) submit a report describing the results  
2           of that study to the appropriate committees of  
3           Congress.”.

4           (c) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
5           authorized to be appropriated such sums as are necessary  
6           to carry out this section.

7           ***Subtitle C—Additions to the***  
8           ***National Trails System***

9           ***SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.***

10          Section 5(a) of the National Trails System Act (16  
11          U.S.C. 1244(a)) is amended by adding at the end the fol-  
12          lowing:

13                 “(27) *ARIZONA NATIONAL SCENIC TRAIL.*—

14                         “(A) *IN GENERAL.*—The Arizona National  
15                         Scenic Trail, extending approximately 807 miles  
16                         across the State of Arizona from the U.S.–Mexico  
17                         international border to the Arizona–Utah border,  
18                         as generally depicted on the map entitled ‘Ari-  
19                         zona National Scenic Trail’ and dated December  
20                         5, 2007, to be administered by the Secretary of  
21                         Agriculture, in consultation with the Secretary  
22                         of the Interior and appropriate State, tribal, and  
23                         local governmental agencies.

24                         “(B) *AVAILABILITY OF MAP.*—The map  
25                         shall be on file and available for public inspec-

1            *tion in appropriate offices of the Forest Serv-*  
2            *ice.”.*

3 **SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.**

4            *(a) AUTHORIZATION AND ADMINISTRATION.—Section*  
5 *5(a) of the National Trails System Act (16 U.S.C. 1244(a))*  
6 *(as amended by section 5201) is amended by adding at the*  
7 *end the following:*

8            *“(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—*  
9            *The New England National Scenic Trail, a contin-*  
10            *uous trail extending approximately 220 miles from*  
11            *the border of New Hampshire in the town of*  
12            *Royalston, Massachusetts to Long Island Sound in*  
13            *the town of Guilford, Connecticut, as generally de-*  
14            *scribed on the map titled ‘New England National Sce-*  
15            *nic Trail Proposed Route’, numbered T06/80,000, and*  
16            *dated October 2007. The map shall be on file and*  
17            *available for public inspection in the appropriate of-*  
18            *fices of the National Park Service. The Secretary of*  
19            *the Interior, in consultation with appropriate Fed-*  
20            *eral, State, tribal, regional, and local agencies, and*  
21            *other organizations, shall administer the trail after*  
22            *considering the recommendations of the report titled*  
23            *the ‘Metacomet Monadnock Mattabesset Trail System*  
24            *National Scenic Trail Feasibility Study and Envi-*  
25            *ronmental Assessment’, prepared by the National*

1       *Park Service, and dated Spring 2006. The United*  
2       *States shall not acquire for the trail any land or in-*  
3       *terest in land without the consent of the owner.”.*

4       **(b) MANAGEMENT.**—*The Secretary of the Interior (re-*  
5       *ferred to in this section as the “Secretary”) shall consider*  
6       *the actions outlined in the Trail Management Blueprint de-*  
7       *scribed in the report titled the “Metacomet Monadnock*  
8       *Mattabesett Trail System National Scenic Trail Feasibility*  
9       *Study and Environmental Assessment”, prepared by the*  
10       *National Park Service, and dated Spring 2006, as the*  
11       *framework for management and administration of the New*  
12       *England National Scenic Trail. Additional or more de-*  
13       *tailed plans for administration, management, protection,*  
14       *access, maintenance, or development of the trail may be de-*  
15       *veloped consistent with the Trail Management Blueprint,*  
16       *and as approved by the Secretary.*

17       **(c) COOPERATIVE AGREEMENTS.**—*The Secretary is*  
18       *authorized to enter into cooperative agreements with the*  
19       *Commonwealth of Massachusetts (and its political subdivi-*  
20       *sions), the State of Connecticut (and its political subdivi-*  
21       *sions), and other regional, local, and private organizations*  
22       *deemed necessary and desirable to accomplish cooperative*  
23       *trail administrative, management, and protection objectives*  
24       *consistent with the Trail Management Blueprint. An agree-*  
25       *ment under this subsection may include provisions for lim-*

1 *ited financial assistance to encourage participation in the*  
2 *planning, acquisition, protection, operation, development,*  
3 *or maintenance of the trail.*

4       (d) *ADDITIONAL TRAIL SEGMENTS.—Pursuant to sec-*  
5 *tion 6 of the National Trails System Act (16 U.S.C. 1245),*  
6 *the Secretary is encouraged to work with the State of New*  
7 *Hampshire and appropriate local and private organiza-*  
8 *tions to include that portion of the Metacomet-Monadnock*  
9 *Trail in New Hampshire (which lies between Royalston,*  
10 *Massachusetts and Jaffrey, New Hampshire) as a compo-*  
11 *nent of the New England National Scenic Trail. Inclusion*  
12 *of this segment, as well as other potential side or connecting*  
13 *trails, is contingent upon written application to the Sec-*  
14 *retary by appropriate State and local jurisdictions and a*  
15 *finding by the Secretary that trail management and ad-*  
16 *ministration is consistent with the Trail Management Blue-*  
17 *print.*

18 **SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.**

19       (a) *FINDINGS; PURPOSE.—*

20               (1) *FINDINGS.—Congress finds that—*

21                       (A) *at the end of the last Ice Age, some*  
22 *12,000 to 17,000 years ago, a series of cata-*  
23 *clysmic floods occurred in what is now the north-*  
24 *west region of the United States, leaving a last-*  
25 *ing mark of dramatic and distinguishing fea-*

1           *tures on the landscape of parts of the States of*  
2           *Montana, Idaho, Washington and Oregon;*

3           *(B) geological features that have exceptional*  
4           *value and quality to illustrate and interpret this*  
5           *extraordinary natural phenomenon are present*  
6           *on Federal, State, tribal, county, municipal, and*  
7           *private land in the region; and*

8           *(C) in 2001, a joint study team headed by*  
9           *the National Park Service that included about*  
10          *70 members from public and private entities*  
11          *completed a study endorsing the establishment of*  
12          *an Ice Age Floods National Geologic Trail—*

13           *(i) to recognize the national signifi-*  
14           *cance of this phenomenon; and*

15           *(ii) to coordinate public and private*  
16           *sector entities in the presentation of the*  
17           *story of the Ice Age floods.*

18          (2) *PURPOSE.—The purpose of this section is to*  
19          *designate the Ice Age Floods National Geologic Trail*  
20          *in the States of Montana, Idaho, Washington, and*  
21          *Oregon, enabling the public to view, experience, and*  
22          *learn about the features and story of the Ice Age*  
23          *floods through the collaborative efforts of public and*  
24          *private entities.*

25          (b) *DEFINITIONS.—In this section:*

1           (1) *ICE AGE FLOODS; FLOODS.*—The term “Ice  
2           Age floods” or “floods” means the cataclysmic floods  
3           that occurred in what is now the northwestern United  
4           States during the last Ice Age from massive, rapid  
5           and recurring drainage of Glacial Lake Missoula.

6           (2) *PLAN.*—The term “plan” means the coopera-  
7           tive management and interpretation plan authorized  
8           under subsection (f)(5).

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

11          (4) *TRAIL.*—The term “Trail” means the Ice Age  
12          Floods National Geologic Trail designated by sub-  
13          section (c).

14          (c) *DESIGNATION.*—In order to provide for public ap-  
15          preciation, understanding, and enjoyment of the nationally  
16          significant natural and cultural features of the Ice Age  
17          floods and to promote collaborative efforts for interpretation  
18          and education among public and private entities located  
19          along the pathways of the floods, there is designated the Ice  
20          Age Floods National Geologic Trail.

21          (d) *LOCATION.*—

22                 (1) *MAP.*—The route of the Trail shall be as gen-  
23                 erally depicted on the map entitled “Ice Age Floods  
24                 National Geologic Trail,” numbered P43/80,000 and  
25                 dated June 2004.

1           (2) *ROUTE.*—*The route shall generally follow*  
2           *public roads and highways.*

3           (3) *REVISION.*—*The Secretary may revise the*  
4           *map by publication in the Federal Register of a no-*  
5           *tice of availability of a new map as part of the plan.*

6           (e) *MAP AVAILABILITY.*—*The map referred to in sub-*  
7           *section (d)(1) shall be on file and available for public in-*  
8           *spection in the appropriate offices of the National Park*  
9           *Service.*

10          (f) *ADMINISTRATION.*—

11           (1) *IN GENERAL.*—*The Secretary, acting through*  
12           *the Director of the National Park Service, shall ad-*  
13           *minister the Trail in accordance with this section.*

14           (2) *LIMITATION.*—*Except as provided in para-*  
15           *graph (6)(B), the Trail shall not be considered to be*  
16           *a unit of the National Park System.*

17           (3) *TRAIL MANAGEMENT OFFICE.*—*To improve*  
18           *management of the Trail and coordinate Trail activi-*  
19           *ties with other public agencies and private entities,*  
20           *the Secretary may establish and operate a trail man-*  
21           *agement office at a central location within the vicin-*  
22           *ity of the Trail.*

23           (4) *INTERPRETIVE FACILITIES.*—*The Secretary*  
24           *may plan, design, and construct interpretive facilities*  
25           *for sites associated with the Trail if the facilities are*



1 *constructed in partnership with State, local, tribal, or*  
2 *non-profit entities and are consistent with the plan.*

3 (5) *MANAGEMENT PLAN.*—

4 (A) *IN GENERAL.*—*Not later than 3 years*  
5 *after funds are made available to carry out this*  
6 *section, the Secretary shall prepare a cooperative*  
7 *management and interpretation plan for the*  
8 *Trail.*

9 (B) *CONSULTATION.*—*The Secretary shall*  
10 *prepare the plan in consultation with—*

11 (i) *State, local, and tribal govern-*  
12 *ments;*

13 (ii) *the Ice Age Floods Institute;*

14 (iii) *private property owners; and*

15 (iv) *other interested parties.*

16 (C) *CONTENTS.*—*The plan shall—*

17 (i) *confirm and, if appropriate, ex-*  
18 *pend on the inventory of features of the*  
19 *floods contained in the National Park Serv-*  
20 *ice study entitled “Ice Age Floods, Study of*  
21 *Alternatives and Environmental Assess-*  
22 *ment” (February 2001) by—*

23 (I) *locating features more accu-*  
24 *rately;*

1                   (II) *improving the description of*  
2                   *features; and*

3                   (III) *reevaluating the features in*  
4                   *terms of their interpretive potential;*

5                   (ii) *review and, if appropriate, modify*  
6                   *the map of the Trail referred to in sub-*  
7                   *section (d)(1);*

8                   (iii) *describe strategies for the coordi-*  
9                   *nated development of the Trail, including*  
10                   *an interpretive plan for facilities, waysides,*  
11                   *roadside pullouts, exhibits, media, and pro-*  
12                   *grams that present the story of the floods to*  
13                   *the public effectively; and*

14                   (iv) *identify potential partnering op-*  
15                   *portunities in the development of interpre-*  
16                   *tive facilities and educational programs to*  
17                   *educate the public about the story of the*  
18                   *floods.*

19                   (6) *COOPERATIVE MANAGEMENT.—*

20                   (A) *IN GENERAL.—In order to facilitate the*  
21                   *development of coordinated interpretation, edu-*  
22                   *cation, resource stewardship, visitor facility de-*  
23                   *velopment and operation, and scientific research*  
24                   *associated with the Trail and to promote more*  
25                   *efficient administration of the sites associated*

1           *with the Trail, the Secretary may enter into co-*  
2           *operative management agreements with appro-*  
3           *priate officials in the States of Montana, Idaho,*  
4           *Washington, and Oregon in accordance with the*  
5           *authority provided for units of the National*  
6           *Park System under section 3(l) of Public Law*  
7           *91-383 (16 U.S.C. 1a-2(l)).*

8           (B) *AUTHORITY.*—*For purposes of this*  
9           *paragraph only, the Trail shall be considered a*  
10          *unit of the National Park System.*

11          (7) *COOPERATIVE AGREEMENTS.*—*The Secretary*  
12          *may enter into cooperative agreements with public or*  
13          *private entities to carry out this section.*

14          (8) *EFFECT ON PRIVATE PROPERTY RIGHTS.*—  
15          *Nothing in this section—*

16                 (A) *requires any private property owner to*  
17                 *allow public access (including Federal, State, or*  
18                 *local government access) to private property; or*

19                 (B) *modifies any provision of Federal,*  
20                 *State, or local law with respect to public access*  
21                 *to or use of private land.*

22          (9) *LIABILITY.*—*Designation of the Trail by sub-*  
23          *section (c) does not create any liability for, or affect*  
24          *any liability under any law of, any private property*

1       owner with respect to any person injured on the pri-  
2       vate property.

3       (g) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
4       authorized to be appropriated such sums as are necessary  
5       to carry out this section, of which not more than  
6       \$12,000,000 may be used for development of the Trail.

7       **SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY**  
8                               **ROUTE NATIONAL HISTORIC TRAIL.**

9       Section 5(a) of the National Trails System Act (16  
10      U.S.C. 1244(a)) (as amended by section 5202(a)) is amend-  
11      ed by adding at the end the following:

12                   “(29)    WASHINGTON-ROCHAMBEAU    REVOLU-  
13                   TIONARY ROUTE NATIONAL HISTORIC TRAIL.—

14                   “(A)    IN GENERAL.—The Washington-Ro-  
15                   chambeau Revolutionary Route National His-  
16                   toric Trail, a corridor of approximately 600  
17                   miles following the route taken by the armies of  
18                   General George Washington and Count Rocham-  
19                   beau between Newport, Rhode Island, and York-  
20                   town, Virginia, in 1781 and 1782, as generally  
21                   depicted on the map entitled ‘WASHINGTON-  
22                   ROCHAMBEAU REVOLUTIONARY ROUTE  
23                   NATIONAL HISTORIC TRAIL’, numbered  
24                   T01/80,001, and dated June 2007.

1           “(B) *MAP.*—*The map referred to in sub-*  
 2           *paragraph (A) shall be on file and available for*  
 3           *public inspection in the appropriate offices of the*  
 4           *National Park Service.*

5           “(C) *ADMINISTRATION.*—*The trail shall be*  
 6           *administered by the Secretary of the Interior, in*  
 7           *consultation with—*

8                   “(i) *other Federal, State, tribal, re-*  
 9                   *gional, and local agencies; and*

10                   “(ii) *the private sector.*

11           “(D) *LAND ACQUISITION.*—*The United*  
 12           *States shall not acquire for the trail any land or*  
 13           *interest in land outside the exterior boundary of*  
 14           *any federally-managed area without the consent*  
 15           *of the owner of the land or interest in land.”.*

16 **SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.**

17           *Section 5(a) of the National Trails System Act (16*  
 18           *U.S.C. 1244(a)) (as amended by section 5204) is amended*  
 19           *by adding at the end the following:*

20                   “(30) *PACIFIC NORTHWEST NATIONAL SCENIC*  
 21                   *TRAIL.*—

22                   “(A) *IN GENERAL.*—*The Pacific Northwest*  
 23                   *National Scenic Trail, a trail of approximately*  
 24                   *1,200 miles, extending from the Continental Di-*  
 25                   *vide in Glacier National Park, Montana, to the*

1 *Pacific Ocean Coast in Olympic National Park,*  
2 *Washington, following the route depicted on the*  
3 *map entitled ‘Pacific Northwest National Scenic*  
4 *Trail: Proposed Trail’, numbered T12/80,000,*  
5 *and dated February 2008 (referred to in this*  
6 *paragraph as the ‘map’).*

7 “(B) *AVAILABILITY OF MAP.*—*The map*  
8 *shall be on file and available for public inspec-*  
9 *tion in the appropriate offices of the Forest Serv-*  
10 *ice.*

11 “(C) *ADMINISTRATION.*—*The Pacific North-*  
12 *west National Scenic Trail shall be administered*  
13 *by the Secretary of Agriculture.*

14 “(D) *LAND ACQUISITION.*—*The United*  
15 *States shall not acquire for the Pacific Northwest*  
16 *National Scenic Trail any land or interest in*  
17 *land outside the exterior boundary of any feder-*  
18 *ally-managed area without the consent of the*  
19 *owner of the land or interest in land.”.*

20 **SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.**

21 *Section 5(a)(16) of the National Trails System Act (16*  
22 *U.S.C. 1244(a)(16)) is amended as follows:*

23 (1) *By amending subparagraph (C) to read as*  
24 *follows:*

1           “(C) *In addition to the areas otherwise des-*  
2           *ignated under this paragraph, the following*  
3           *routes and land components by which the Cher-*  
4           *okee Nation was removed to Oklahoma are com-*  
5           *ponents of the Trail of Tears National Historic*  
6           *Trail, as generally described in the environ-*  
7           *mentally preferred alternative of the November*  
8           *2007 Feasibility Study Amendment and Envi-*  
9           *ronmental Assessment for Trail of Tears Na-*  
10          *tional Historic Trail:*

11                   “(i) *The Benge and Bell routes.*

12                   “(ii) *The land components of the des-*  
13           *ignated water routes in Alabama, Arkansas,*  
14           *Oklahoma, and Tennessee.*

15                   “(iii) *The routes from the collection*  
16           *forts in Alabama, Georgia, North Carolina,*  
17           *and Tennessee to the emigration depots.*

18                   “(iv) *The related campgrounds located*  
19           *along the routes and land components de-*  
20           *scribed in clauses (i) through (iii).”.*

21          (2) *In subparagraph (D)—*

22                   (A) *by striking the first sentence; and*

23                   (B) *by adding at the end the following: “No*  
24           *lands or interests in lands outside the exterior*  
25           *boundaries of any federally administered area*

1           *may be acquired by the Federal Government for*  
 2           *the Trail of Tears National Historic Trail except*  
 3           *with the consent of the owner thereof.”.*

4       ***Subtitle D—National Trail System***  
 5                               ***Amendments***

6       ***SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AU-***  
 7                               ***THORITY.***

8           *(a) AUTHORITY TO ACQUIRE LAND FROM WILLING*  
 9       *SELLERS FOR CERTAIN TRAILS.—*

10                   *(1) OREGON NATIONAL HISTORIC TRAIL.—Sec-*  
 11       *tion 5(a)(3) of the National Trails System Act (16*  
 12       *U.S.C. 1244(a)(3)) is amended by adding at the end*  
 13       *the following: “No land or interest in land outside the*  
 14       *exterior boundaries of any federally administered*  
 15       *area may be acquired by the Federal Government for*  
 16       *the trail except with the consent of the owner of the*  
 17       *land or interest in land. The authority of the Federal*  
 18       *Government to acquire fee title under this paragraph*  
 19       *shall be limited to an average of not more than ¼*  
 20       *mile on either side of the trail.”.*

21                   *(2) MORMON PIONEER NATIONAL HISTORIC*  
 22       *TRAIL.—Section 5(a)(4) of the National Trails Sys-*  
 23       *tem Act (16 U.S.C. 1244(a)(4)) is amended by adding*  
 24       *at the end the following: “No land or interest in land*  
 25       *outside the exterior boundaries of any federally ad-*



1 *ministered area may be acquired by the Federal Gov-*  
2 *ernment for the trail except with the consent of the*  
3 *owner of the land or interest in land. The authority*  
4 *of the Federal Government to acquire fee title under*  
5 *this paragraph shall be limited to an average of not*  
6 *more than 1/4 mile on either side of the trail.”.*

7 (3) *CONTINENTAL DIVIDE NATIONAL SCENIC*  
8 *TRAIL.—Section 5(a)(5) of the National Trails Sys-*  
9 *tem Act (16 U.S.C. 1244(a)(5)) is amended by adding*  
10 *at the end the following: “No land or interest in land*  
11 *outside the exterior boundaries of any federally ad-*  
12 *ministered area may be acquired by the Federal Gov-*  
13 *ernment for the trail except with the consent of the*  
14 *owner of the land or interest in land. The authority*  
15 *of the Federal Government to acquire fee title under*  
16 *this paragraph shall be limited to an average of not*  
17 *more than 1/4 mile on either side of the trail.”.*

18 (4) *LEWIS AND CLARK NATIONAL HISTORIC*  
19 *TRAIL.—Section 5(a)(6) of the National Trails Sys-*  
20 *tem Act (16 U.S.C. 1244(a)(6)) is amended by adding*  
21 *at the end the following: “No land or interest in land*  
22 *outside the exterior boundaries of any federally ad-*  
23 *ministered area may be acquired by the Federal Gov-*  
24 *ernment for the trail except with the consent of the*  
25 *owner of the land or interest in land. The authority*

1 *of the Federal Government to acquire fee title under*  
2 *this paragraph shall be limited to an average of not*  
3 *more than 1/4 mile on either side of the trail.”.*

4 (5) *IDITAROD NATIONAL HISTORIC TRAIL.—Section*  
5 *5(a)(7) of the National Trails System Act (16*  
6 *U.S.C. 1244(a)(7)) is amended by adding at the end*  
7 *the following: “No land or interest in land outside the*  
8 *exterior boundaries of any federally administered*  
9 *area may be acquired by the Federal Government for*  
10 *the trail except with the consent of the owner of the*  
11 *land or interest in land. The authority of the Federal*  
12 *Government to acquire fee title under this paragraph*  
13 *shall be limited to an average of not more than 1/4*  
14 *mile on either side of the trail.”.*

15 (6) *NORTH COUNTRY NATIONAL SCENIC TRAIL.—*  
16 *Section 5(a)(8) of the National Trails System Act (16*  
17 *U.S.C. 1244(a)(8)) is amended by adding at the end*  
18 *the following: “No land or interest in land outside the*  
19 *exterior boundaries of any federally administered*  
20 *area may be acquired by the Federal Government for*  
21 *the trail except with the consent of the owner of the*  
22 *land or interest in land.”.*

23 (7) *ICE AGE NATIONAL SCENIC TRAIL.—Section*  
24 *5(a)(10) of the National Trails System Act (16 U.S.C.*  
25 *1244(a)(10)) is amended by adding at the end the fol-*

1        *lowing: “No land or interest in land outside the exte-*  
2        *rior boundaries of any federally administered area*  
3        *may be acquired by the Federal Government for the*  
4        *trail except with the consent of the owner of the land*  
5        *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: “No*  
12        *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 of*  
16        *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: “No*  
23        *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 of*  
 2           *the land or interest in land. The authority of the*  
 3           *Federal Government to acquire fee title under*  
 4           *this paragraph shall be limited to an average of*  
 5           *not more than 1/4 mile on either side of the*  
 6           *trail.”.*

7           **(b) CONFORMING AMENDMENT.**—*Section 10 of the Na-*  
 8           *tional Trails System Act (16 U.S.C. 1249) is amended by*  
 9           *striking subsection (c) and inserting the following:*

10           **“(c) AUTHORIZATION OF APPROPRIATIONS.**—

11                   **“(1) IN GENERAL.**—*Except as otherwise provided*  
 12           *in this Act, there are authorized to be appropriated*  
 13           *such sums as are necessary to implement the provi-*  
 14           *sions of this Act relating to the trails designated by*  
 15           *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 to*  
 20           *in this paragraph as the ‘trail’) designated by*  
 21           *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                   “(i) not more than \$2,000,000 shall be  
2                   appropriated for the development of the  
3                   trail.

4                   “(B) *PARTICIPATION BY VOLUNTEER TRAIL*  
5                   *GROUPS.*—*The administering agency for the trail*  
6                   *shall encourage volunteer trail groups to partici-*  
7                   *pate 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 U.S.C.*  
12 *1244) is amended by adding at the end the following:*

13                  “(g) *REVISION OF FEASIBILITY AND SUITABILITY*  
14 *STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.*—

15                  “(1) *DEFINITIONS.*—*In this subsection:*

16                         “(A) *ROUTE.*—*The term ‘route’ includes a*  
17 *trail segment commonly known as a cutoff.*

18                         “(B) *SHARED ROUTE.*—*The term ‘shared*  
19 *route’ means a route that was a segment of more*  
20 *than 1 historic trail, including a route shared*  
21 *with an existing national historic trail.*

22                  “(2) *REQUIREMENTS FOR REVISION.*—

23                         “(A) *IN GENERAL.*—*The Secretary of the*  
24 *Interior shall revise the feasibility and suit-*

1           *ability studies for certain national trails for con-*  
2           *sideration 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 later*  
10          *than 3 complete fiscal years from the date funds*  
11          *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 routes*  
15           *of the Oregon Trail listed in subparagraph (B)*  
16           *and generally depicted on the map entitled*  
17           *‘Western Emigrant Trails 1830/1870’ and dated*  
18           *1991/1993, and of such other routes of the Or-*  
19           *egon Trail that the Secretary considers appro-*  
20           *priate, to determine the feasibility and suit-*  
21           *ability of designation of 1 or more of the routes*  
22           *as components of the Oregon National Historic*  
23           *Trail.*

1                   “(B) *COVERED ROUTES.*—*The routes to be*  
 2                   *studied under subparagraph (A) shall include the*  
 3                   *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 undertake*  
 16                  *a study of the approximately 20-mile southern alter-*  
 17                  *native route of the Pony Express Trail from Wathena,*  
 18                  *Kansas, to Troy, Kansas, and such other routes of the*  
 19                  *Pony Express Trail that the Secretary considers ap-*  
 20                  *propriate, to determine the feasibility and suitability*  
 21                  *of designation of 1 or more of the routes as compo-*  
 22                  *nents of the Pony Express National Historic Trail.*

23                  “(5) *CALIFORNIA NATIONAL HISTORIC TRAIL.*—

24                  “(A) *STUDY REQUIRED.*—*The Secretary of*  
 25                  *the Interior shall undertake a study of the Mis-*

1        *souri Valley, central, and western routes of the*  
 2        *California Trail listed in subparagraph (B) and*  
 3        *generally depicted on the map entitled ‘Western*  
 4        *Emigrant Trails 1830/1870’ and dated 1991/*  
 5        *1993, and of such other and shared Missouri*  
 6        *Valley, central, and western routes that the Sec-*  
 7        *retary considers appropriate, to determine the*  
 8        *feasibility and suitability of designation of 1 or*  
 9        *more of the routes as components of the Cali-*  
 10       *ifornia National Historic Trail.*

11                “(B) COVERED ROUTES.—*The routes to be*  
 12        *studied under subparagraph (A) shall include the*  
 13        *following:*

14                        “(i) MISSOURI VALLEY ROUTES.—

15                                “(I)    *Blue    Mills-Independence*  
 16                                *Road.*

17                                “(II) *Westport Landing Road.*

18                                “(III) *Westport-Lawrence Road.*

19                                “(IV)    *Fort    Leavenworth-Blue*  
 20                                *River route.*

21                                “(V) *Road to Amazonia.*

22                                “(VI) *Union Ferry Route.*

23                                “(VII)    *Old    Wyoming-Nebraska*  
 24                                *City cutoff.*

25                                “(VIII) *Lower Plattsmouth Route.*



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“(IX) *Lower Bellevue Route.*

“(X) *Woodbury cutoff.*

“(XI) *Blue Ridge cutoff.*

“(XII) *Westport Road.*

“(XIII) *Gum Springs-Fort Leavenworth route.*

“(XIV) *Atchison/Independence Creek routes.*

“(XV) *Fort Leavenworth-Kansas River route.*

“(XVI) *Nebraska City cutoff routes.*

“(XVII) *Minersville-Nebraska City Road.*

“(XVIII) *Upper Plattsmouth route.*

“(XIX) *Upper Bellevue route.*

“(ii) *CENTRAL ROUTES.—*

“(I) *Cherokee Trail, including splits.*

“(II) *Weber Canyon route of Hastings cutoff.*

“(III) *Bishop Creek cutoff.*

“(IV) *McAuley cutoff.*

“(V) *Diamond Springs cutoff.*

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“(VI) *Secret Pass.*

“(VII) *Greenhorn cutoff.*

“(VIII) *Central Overland Trail.*

“(iii) *WESTERN ROUTES.—*

“(I) *Bidwell-Bartleson route.*

“(II) *Georgetown/Dagget Pass  
Trail.*

“(III) *Big Trees Road.*

“(IV) *Grizzly Flat cutoff.*

“(V) *Nevada City Road.*

“(VI) *Yreka Trail.*

“(VII) *Hennes Pass route.*

“(VIII) *Johnson cutoff.*

“(IX) *Luther Pass Trail.*

“(X) *Volcano Road.*

“(XI) *Sacramento-Coloma Wagon  
Road.*

“(XII) *Burnett cutoff.*

“(XIII) *Placer County Road to  
Auburn.*

“(6) *MORMON PIONEER NATIONAL HISTORIC  
TRAIL.—*

“(A) *STUDY REQUIRED.—The Secretary of  
the Interior shall undertake a study of the routes  
of the Mormon Pioneer Trail listed in subpara-*

1 *graph (B) and generally depicted in the map en-*  
2 *titled ‘Western Emigrant Trails 1830/1870’ and*  
3 *dated 1991/1993, and of such other routes of the*  
4 *Mormon Pioneer Trail that the Secretary con-*  
5 *siders appropriate, to determine the feasibility*  
6 *and suitability of designation of 1 or more of the*  
7 *routes as components of the Mormon Pioneer Na-*  
8 *tional Historic Trail.*

9 “(B) COVERED ROUTES.—The routes to be  
10 studied under subparagraph (A) shall include the  
11 following:

12 “(i) 1846 Subsequent routes A and B  
13 (Lucas and Clarke Counties, Iowa).

14 “(ii) 1856–57 Handcart route (Iowa  
15 City to Council Bluffs).

16 “(iii) Keokuk route (Iowa).

17 “(iv) 1847 Alternative Elkhorn and  
18 Loup River Crossings in Nebraska.

19 “(v) Fort Leavenworth Road; Ox Bow  
20 route and alternates in Kansas and Mis-  
21 souri (Oregon and California Trail routes  
22 used by Mormon emigrants).

23 “(vi) 1850 Golden Pass Road in Utah.

24 “(7) SHARED CALIFORNIA AND OREGON TRAIL  
25 ROUTES.—

1           “(A) *STUDY REQUIRED.*—*The Secretary of*  
2           *the Interior shall undertake a study of the shared*  
3           *routes of the California Trail and Oregon Trail*  
4           *listed in subparagraph (B) and generally de-*  
5           *scribed on the map entitled ‘Western Emigrant*  
6           *Trails 1830/1870’ and dated 1991/1993, and of*  
7           *such other shared routes that the Secretary con-*  
8           *siders appropriate, to determine the feasibility*  
9           *and suitability of designation of 1 or more of the*  
10           *routes as shared components of the California*  
11           *National Historic Trail and the Oregon National*  
12           *Historic Trail.*

13           “(B) *COVERED ROUTES.*—*The routes to be*  
14           *studied under subparagraph (A) shall include the*  
15           *following:*

16                   “(i) *St. Joe Road.*

17                   “(ii) *Council Bluffs Road.*

18                   “(iii) *Sublette cutoff.*

19                   “(iv) *Applegate route.*

20                   “(v) *Old Fort Kearny Road (Oxbow*  
21           *Trail).*

22                   “(vi) *Childs cutoff.*

23                   “(vii) *Raft River to Applegate.*”.

1 **SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS**  
2 **STUDIES.**

3 *Section 5(c) of the National Trails System Act (16*  
4 *U.S.C. 1244(c)) is amended by adding at the end the fol-*  
5 *lowing:*

6 “(44) *CHISHOLM TRAIL.*—

7 “(A) *IN GENERAL.*—*The Chisholm Trail*  
8 *(also known as the ‘Abilene Trail’), from the vi-*  
9 *cinity of San Antonio, Texas, segments from the*  
10 *vicinity of Cuero, Texas, to Ft. Worth, Texas,*  
11 *Duncan, Oklahoma, alternate segments used*  
12 *through Oklahoma, to Enid, Oklahoma,*  
13 *Caldwell, Kansas, Wichita, Kansas, Abilene,*  
14 *Kansas, and commonly used segments running*  
15 *to alternative Kansas destinations.*

16 “(B) *REQUIREMENT.*—*In conducting the*  
17 *study required under this paragraph, the Sec-*  
18 *retary of the Interior shall identify the point at*  
19 *which the trail originated south of San Antonio,*  
20 *Texas.*

21 “(45) *GREAT WESTERN TRAIL.*—

22 “(A) *IN GENERAL.*—*The Great Western*  
23 *Trail (also known as the ‘Dodge City Trail’),*  
24 *from the vicinity of San Antonio, Texas, north-*  
25 *by-northwest through the vicinities of Kerrville*  
26 *and Menard, Texas, north-by-northeast through*

1           *the vicinities of Coleman and Albany, Texas,*  
2           *north through the vicinity of Vernon, Texas, to*  
3           *Doan's Crossing, Texas, northward through or*  
4           *near the vicinities of Altus, Lone Wolf, Canute,*  
5           *Vici, and May, Oklahoma, north through Kansas*  
6           *to Dodge City, and north through Nebraska to*  
7           *Ogallala.*

8           “(B) *REQUIREMENT.*—*In conducting the*  
9           *study required under this paragraph, the Sec-*  
10           *retary of the Interior shall identify the point at*  
11           *which the trail originated south of San Antonio,*  
12           *Texas.”.*

### 13           ***Subtitle E—Effect of Title***

#### 14           ***SEC. 5401. EFFECT.***

15           (a) *EFFECT ON ACCESS FOR RECREATIONAL ACTIVI-*  
16           *TIES.*—*Nothing in this title shall be construed as affecting*  
17           *access for recreational activities otherwise allowed by law*  
18           *or regulation, including hunting, fishing, or trapping.*

19           (b) *EFFECT ON STATE AUTHORITY.*—*Nothing in this*  
20           *title shall be construed as affecting the authority, jurisdic-*  
21           *tion, or responsibility of the several States to manage, con-*  
22           *trol, or regulate fish and resident wildlife under State law*  
23           *or regulations, including the regulation of hunting, fishing,*  
24           *and trapping.*

1 **TITLE VI—DEPARTMENT OF THE**  
2 **INTERIOR AUTHORIZATIONS**  
3 **Subtitle A—Cooperative Watershed**  
4 **Management Program**

5 **SEC. 6001. DEFINITIONS.**

6 *In this subtitle:*

7 (1) *AFFECTED STAKEHOLDER.*—The term “af-  
8 fected stakeholder” means an entity that significantly  
9 affects, or is significantly affected by, the quality or  
10 quantity of water in a watershed, as determined by  
11 the Secretary.

12 (2) *GRANT RECIPIENT.*—The term “grant recipi-  
13 ent” means a watershed group that the Secretary has  
14 selected to receive a grant under section 6002(c)(2).

15 (3) *PROGRAM.*—The term “program” means the  
16 Cooperative Watershed Management Program estab-  
17 lished by the Secretary under section 6002(a).

18 (4) *SECRETARY.*—The term “Secretary” means  
19 the Secretary of the Interior.

20 (5) *WATERSHED GROUP.*—The term “watershed  
21 group” means a self-sustaining, cooperative water-  
22 shed-wide group that—

23 (A) *is comprised of representatives of the af-*  
24 *ected stakeholders of the relevant watershed;*

1           (B) incorporates the perspectives of a di-  
2           verse array of stakeholders, including, to the  
3           maximum extent practicable—

4           (i) representatives of—

5                   (I) hydroelectric production;

6                   (II) livestock grazing;

7                   (III) timber production;

8                   (IV) land development;

9                   (V) recreation or tourism;

10                  (VI) irrigated agricultural pro-  
11                  duction;

12                  (VII) the environment;

13                  (VIII) potable water purveyors  
14                  and industrial water users; and

15                  (IX) private property owners  
16                  within the watershed;

17           (ii) any Federal agency that has au-  
18           thority with respect to the watershed;

19           (iii) any State agency that has author-  
20           ity with respect to the watershed;

21           (iv) any local agency that has author-  
22           ity with respect to the watershed; and

23           (v) any Indian tribe that—

24                   (I) owns land within the water-  
25                   shed; or



1                   (II) has land in the watershed  
2                   that is held in trust;

3                   (C) is a grassroots, nonregulatory entity  
4                   that addresses water availability and quality  
5                   issues within the relevant watershed;

6                   (D) is capable of promoting the sustainable  
7                   use of the water resources of the relevant water-  
8                   shed and improving the functioning condition of  
9                   rivers and streams through—

10                   (i) water conservation;

11                   (ii) improved water quality;

12                   (iii) ecological resiliency; and

13                   (iv) the reduction of water conflicts;

14                   and

15                   (E) makes decisions on a consensus basis, as  
16                   defined in the bylaws of the watershed group.

17                   (6) WATERSHED MANAGEMENT PROJECT.—The  
18                   term “watershed management project” means any  
19                   project (including a demonstration project) that—

20                   (A) enhances water conservation, including  
21                   alternative water uses;

22                   (B) improves water quality;

23                   (C) improves ecological resiliency of a river  
24                   or stream;

1                   (D) reduces the potential for water conflicts;

2                   or

3                   (E) advances any other goals associated  
4                   with water quality or quantity that the Sec-  
5                   retary determines to be appropriate.

6 **SEC. 6002. PROGRAM.**

7           (a) *ESTABLISHMENT.*—Not later than 180 days after  
8 the date of enactment of this Act, the Secretary shall estab-  
9 lish a program, to be known as the “Cooperative Watershed  
10 Management Program”, under which the Secretary shall  
11 provide grants—

12                   (1)(A) to form a watershed group; or

13                   (B) to enlarge a watershed group; and

14                   (2) to conduct 1 or more projects in accordance  
15 with the goals of a watershed group.

16           (b) *APPLICATION.*—

17                   (1) *ESTABLISHMENT OF APPLICATION PROCESS;*  
18 *CRITERIA.*—Not later than 1 year after the date of en-  
19 actment of this Act, the Secretary shall establish—

20                   (A) an application process for the program;  
21                   and

22                   (B) in consultation with the States,  
23 prioritization and eligibility criteria for consid-  
24 ering applications submitted in accordance with  
25 the application process.

1       (c) *DISTRIBUTION OF GRANT FUNDS.*—

2               (1) *IN GENERAL.*—*In distributing grant funds*  
3 *under this section, the Secretary—*

4                       (A) *shall comply with paragraph (2); and*

5                       (B) *may give priority to watershed groups*  
6 *that—*

7                               (i) *represent maximum diversity of in-*  
8 *terests; or*

9                               (ii) *serve subbasin-sized watersheds*  
10 *with an 8-digit hydrologic unit code, as de-*  
11 *finied by the United States Geological Sur-*  
12 *vey.*

13       (2) *FUNDING PROCEDURE.*—

14               (A) *FIRST PHASE.*—

15                       (i) *IN GENERAL.*—*The Secretary may*  
16 *provide to a grant recipient a first-phase*  
17 *grant in an amount not greater than*  
18 *\$100,000 each year for a period of not more*  
19 *than 3 years.*

20                       (ii) *MANDATORY USE OF FUNDS.*—*A*  
21 *grant recipient that receives a first-phase*  
22 *grant shall use the funds—*

23                               (I) *to establish or enlarge a water-*  
24 *shed group;*

1                   (II) to develop a mission state-  
2                   ment for the watershed group;

3                   (III) to develop project concepts;  
4                   and

5                   (IV) to develop a restoration plan.

6                   (iii) ANNUAL DETERMINATION OF ELI-  
7                   GIBILITY.—

8                   (I) DETERMINATION.—For each  
9                   year of a first-phase grant, not later  
10                  than 270 days after the date on which  
11                  a grant recipient first receives grant  
12                  funds for the year, the Secretary shall  
13                  determine whether the grant recipient  
14                  has made sufficient progress during the  
15                  year to justify additional funding.

16                  (II) EFFECT OF DETERMINA-  
17                  TION.—If the Secretary determines  
18                  under subclause (I) that the progress of  
19                  a grant recipient during the year cov-  
20                  ered by the determination justifies ad-  
21                  ditional funding, the Secretary shall  
22                  provide to the grant recipient grant  
23                  funds for the following year.

24                  (iv) ADVANCEMENT CONDITIONS.—A  
25                  grant recipient shall not be eligible to re-

1            *ceive a second-phase grant under subpara-*  
2            *graph (B) until the date on which the Sec-*  
3            *retary determines that the watershed*  
4            *group—*

5                    *(I) has approved articles of incor-*  
6                    *poration and bylaws governing the or-*  
7                    *ganization; and*

8                    *(II)(aa) holds regular meetings;*

9                    *(bb) has completed a mission*  
10                  *statement; and*

11                  *(cc) has developed a restoration*  
12                  *plan and project concepts for the wa-*  
13                  *tershed.*

14                  *(v) EXCEPTION.—A watershed group*  
15                  *that has not applied for or received first-*  
16                  *phase grants may apply for and receive sec-*  
17                  *ond-phase grants under subparagraph (B)*  
18                  *if the Secretary determines that the group*  
19                  *has satisfied the requirements of first-phase*  
20                  *grants.*

21                  *(B) SECOND PHASE.—*

22                    *(i) IN GENERAL.—A watershed group*  
23                    *may apply for and receive second-phase*  
24                    *grants of \$1,000,000 each year for a period*  
25                    *of not more than 4 years if—*

1           (I) *the watershed group has ap-*  
2           *plied for and received watershed grants*  
3           *under subparagraph (A); or*

4           (II) *the Secretary determines that*  
5           *the watershed group has satisfied the*  
6           *requirements of first-phase grants.*

7           (ii) *MANDATORY USE OF FUNDS.—A*  
8           *grant recipient that receives a second-phase*  
9           *grant shall use the funds to plan and carry*  
10          *out watershed management projects.*

11          (iii) *ANNUAL DETERMINATION OF ELI-*  
12          *GIBILITY.—*

13           (I) *DETERMINATION.—For each*  
14           *year of the second-phase grant, not*  
15           *later than 270 days after the date on*  
16           *which a grant recipient first receives*  
17           *grant funds for the year, the Secretary*  
18           *shall determine whether the grant re-*  
19           *cipient has made sufficient progress*  
20           *during the year to justify additional*  
21           *funding.*

22           (II) *EFFECT OF DETERMINA-*  
23           *TION.—If the Secretary determines*  
24           *under subclause (I) that the progress of*  
25           *a grant recipient during the year justi-*

1                    *fies additional funding, the Secretary*  
2                    *shall provide to the grant recipient*  
3                    *grant funds for the following year.*

4                    *(iv) ADVANCEMENT CONDITION.—A*  
5                    *grant recipient shall not be eligible to re-*  
6                    *ceive a third-phase grant under subpara-*  
7                    *graph (C) until the date on which the Sec-*  
8                    *retary determines that the grant recipient*  
9                    *has—*

10                    *(I) completed each requirement of*  
11                    *the second-phase grant; and*

12                    *(II) demonstrated that 1 or more*  
13                    *pilot projects of the grant recipient*  
14                    *have resulted in demonstrable improve-*  
15                    *ments, as determined by the Secretary,*  
16                    *in the functioning condition of at least*  
17                    *1 river or stream in the watershed.*

18                    *(C) THIRD PHASE.—*

19                    *(i) FUNDING LIMITATION.—*

20                    *(I) IN GENERAL.—Except as pro-*  
21                    *vided in subclause (II), the Secretary*  
22                    *may provide to a grant recipient a*  
23                    *third-phase grant in an amount not*  
24                    *greater than \$5,000,000 for a period of*  
25                    *not more than 5 years.*

1                   (II) *EXCEPTION.*—*The Secretary*  
2                   *may provide to a grant recipient a*  
3                   *third-phase grant in an amount that is*  
4                   *greater than the amount described in*  
5                   *subclause (I) if the Secretary deter-*  
6                   *mines that the grant recipient is capa-*  
7                   *ble of using the additional amount to*  
8                   *further the purposes of the program in*  
9                   *a way that could not otherwise be*  
10                  *achieved by the grant recipient using*  
11                  *the amount described in subclause (I).*

12                  (ii) *MANDATORY USE OF FUNDS.*—*A*  
13                  *grant recipient that receives a third-phase*  
14                  *grant shall use the funds to plan and carry*  
15                  *out at least 1 watershed management*  
16                  *project.*

17                  (3) *AUTHORIZING USE OF FUNDS FOR ADMINIS-*  
18                  *TRATIVE AND OTHER COSTS.*—*A grant recipient that*  
19                  *receives a grant under this section may use the*  
20                  *funds—*

21                         (A) *to pay for—*

22                                 (i) *administrative and coordination*  
23                                 *costs, if the costs are not greater than the*  
24                                 *lesser of—*



1 (I) 20 percent of the total amount  
2 of the grant; or

3 (II) \$100,000;

4 (ii) the salary of not more than 1 full-  
5 time employee of the watershed group; and

6 (iii) any legal fees arising from the es-  
7 tablishment of the relevant watershed group;

8 and

9 (B) to fund—

10 (i) water quality and quantity studies  
11 of the relevant watershed; and

12 (ii) the planning, design, and imple-  
13 mentation of any projects relating to water  
14 quality or quantity.

15 (d) *COST SHARE.*—

16 (1) *PLANNING.*—*The Federal share of the cost of*  
17 *an activity provided assistance through a first-phase*  
18 *grant shall be 100 percent.*

19 (2) *PROJECTS CARRIED OUT UNDER SECOND*  
20 *PHASE.*—

21 (A) *IN GENERAL.*—*The Federal share of the*  
22 *cost of any activity of a watershed management*  
23 *project provided assistance through a second-*  
24 *phase grant shall not exceed 50 percent of the*  
25 *total cost of the activity.*

1                   (B) *FORM OF NON-FEDERAL SHARE.*—*The*  
2                   *non-Federal share under subparagraph (A) may*  
3                   *be in the form of in-kind contributions.*

4                   (3) *PROJECTS CARRIED OUT UNDER THIRD*  
5                   *PHASE.*—

6                   (A) *IN GENERAL.*—*The Federal share of the*  
7                   *costs of any activity of a watershed group of a*  
8                   *grant recipient relating to a watershed manage-*  
9                   *ment project provided assistance through a third-*  
10                   *phase grant shall not exceed 50 percent of the*  
11                   *total costs of the watershed management project.*

12                   (B) *FORM OF NON-FEDERAL SHARE.*—*The*  
13                   *non-Federal share under subparagraph (A) may*  
14                   *be in the form of in-kind contributions.*

15                   (e) *ANNUAL REPORTS.*—

16                   (1) *IN GENERAL.*—*Not later than 1 year after*  
17                   *the date on which a grant recipient first receives*  
18                   *funds under this section, and annually thereafter, in*  
19                   *accordance with paragraph (2), the watershed group*  
20                   *shall submit to the Secretary a report that describes*  
21                   *the progress of the watershed group.*

22                   (2) *REQUIRED DEGREE OF DETAIL.*—*The con-*  
23                   *tents of an annual report required under paragraph*  
24                   *(1) shall contain sufficient information to enable the*

1        *Secretary to complete each report required under sub-*  
2        *section (f), as determined by the Secretary.*

3        *(f) REPORT.—Not later than 5 years after the date of*  
4        *enactment of this Act, and every 5 years thereafter, the Sec-*  
5        *retary shall submit to the Committee on Energy and Nat-*  
6        *ural Resources of the Senate and the Committee on Natural*  
7        *Resources of the House of Representatives a report that de-*  
8        *scribes—*

9                *(1) the ways in which the program assists the*  
10        *Secretary—*

11                    *(A) in addressing water conflicts;*

12                    *(B) in conserving water;*

13                    *(C) in improving water quality; and*

14                    *(D) in improving the ecological resiliency of*  
15        *a river or stream; and*

16                *(2) benefits that the program provides, includ-*  
17        *ing, to the maximum extent practicable, a quan-*  
18        *titative analysis of economic, social, and environ-*  
19        *mental benefits.*

20        *(g) AUTHORIZATION OF APPROPRIATIONS.—There are*  
21        *authorized to be appropriated to carry out this section—*

22                *(1) \$2,000,000 for each of fiscal years 2008 and*  
23        *2009;*

24                *(2) \$5,000,000 for fiscal year 2010;*

25                *(3) \$10,000,000 for fiscal year 2011; and*

1           (4) \$20,000,000 for each of fiscal years 2012  
2           through 2020.

3 **SEC. 6003. EFFECT OF SUBTITLE.**

4           Nothing in this subtitle affects the applicability of any  
5 Federal, State, or local law with respect to any watershed  
6 group.

7           **Subtitle B—Competitive Status for**  
8           **Federal Employees in Alaska**

9 **SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL**  
10           **EMPLOYEES IN THE STATE OF ALASKA.**

11           Section 1308 of the Alaska National Interest Lands  
12 Conservation Act (16 U.S.C. 3198) is amended by adding  
13 at the end the following:

14           “(e) **COMPETITIVE STATUS.**—

15           “(1) **IN GENERAL.**—Nothing in subsection (a)  
16 provides that any person hired pursuant to the pro-  
17 gram established under that subsection is not eligible  
18 for competitive status in the same manner as any  
19 other employee hired as part of the competitive serv-  
20 ice.

21           “(2) **REDESIGNATION OF CERTAIN POSITIONS.**—

22           “(A) **PERSONS SERVING IN ORIGINAL POSI-**  
23 **TIONS.**—Not later than 60 days after the date of  
24 enactment of this subsection, with respect to any  
25 person hired into a permanent position pursuant

1           to the program established under subsection (a)  
2           who is serving in that position as of the date of  
3           enactment of this subsection, the Secretary shall  
4           redesignate that position and the person serving  
5           in that position as having been part of the com-  
6           petitive service as of the date that the person was  
7           hired into that position.

8           “(B) *PERSONS NO LONGER SERVING IN*  
9           *ORIGINAL POSITIONS.*—With respect to any per-  
10          son who was hired pursuant to the program es-  
11          tablished under subsection (a) that is no longer  
12          serving in that position as of the date of enact-  
13          ment of this subsection—

14                 “(i) the person may provide to the Sec-  
15                 retary a request for redesignation of the  
16                 service as part of the competitive service  
17                 that includes evidence of the employment;  
18                 and

19                 “(ii) not later than 90 days of the sub-  
20                 mission of a request under clause (i), the  
21                 Secretary shall redesignate the service of the  
22                 person as being part of the competitive serv-  
23                 ice.”.

1       ***Subtitle C—Wolf Livestock Loss***  
2               ***Demonstration Project***

3   **SEC. 6201. DEFINITIONS.**

4       *In this subtitle:*

5               (1) *INDIAN TRIBE.*—*The term “Indian tribe” has*  
6       *the meaning given the term in section 4 of the Indian*  
7       *Self-Determination and Education Assistance Act (25*  
8       *U.S.C. 450b).*

9               (2) *LIVESTOCK.*—*The term “livestock” means*  
10       *cattle, swine, horses, mules, sheep, goats, livestock*  
11       *guard animals, and other domestic animals, as deter-*  
12       *mined by the Secretary.*

13               (3) *PROGRAM.*—*The term “program” means the*  
14       *demonstration program established under section*  
15       *6202(a).*

16               (4) *SECRETARIES.*—*The term “Secretaries”*  
17       *means the Secretary of the Interior and the Secretary*  
18       *of Agriculture, acting jointly.*

19   **SEC. 6202. WOLF COMPENSATION AND PREVENTION PRO-**  
20               **GRAM.**

21       (a) *IN GENERAL.*—*The Secretaries shall establish a 5-*  
22       *year demonstration program to provide grants to States*  
23       *and Indian tribes—*

1           (1) *to assist livestock producers in undertaking*  
2           *proactive, non-lethal activities to reduce the risk of*  
3           *livestock loss due to predation by wolves; and*

4           (2) *to compensate livestock producers for live-*  
5           *stock losses due to such predation.*

6           (b) *CRITERIA AND REQUIREMENTS.—The Secretaries*  
7           *shall—*

8           (1) *establish criteria and requirements to imple-*  
9           *ment the program; and*

10           (2) *when promulgating regulations to implement*  
11           *the program under paragraph (1), consult with States*  
12           *that have implemented State programs that provide*  
13           *assistance to—*

14           (A) *livestock producers to undertake*  
15           *proactive activities to reduce the risk of livestock*  
16           *loss due to predation by wolves; or*

17           (B) *provide compensation to livestock pro-*  
18           *ducers for livestock losses due to such predation.*

19           (c) *ELIGIBILITY.—To be eligible to receive a grant*  
20           *under subsection (a), a State or Indian tribe shall—*

21           (1) *designate an appropriate agency of the State*  
22           *or Indian tribe to administer the 1 or more programs*  
23           *funded by the grant;*

24           (2) *establish 1 or more accounts to receive grant*  
25           *funds;*

1           (3) *maintain files of all claims received under*  
2 *programs funded by the grant, including supporting*  
3 *documentation;*

4           (4) *submit to the Secretary—*

5                 (A) *annual reports that include—*

6                         (i) *a summary of claims and expendi-*  
7 *tures under the program during the year;*  
8 *and*

9                         (ii) *a description of any action taken*  
10 *on the claims; and*

11                 (B) *such other reports as the Secretary may*  
12 *require to assist the Secretary in determining the*  
13 *effectiveness of activities provided assistance*  
14 *under this section; and*

15           (5) *promulgate rules for reimbursing livestock*  
16 *producers under the program.*

17           (d) *ALLOCATION OF FUNDING.—The Secretaries shall*  
18 *allocate funding made available to carry out this subtitle—*

19                 (1) *equally between the uses identified in para-*  
20 *graphs (1) and (2) of subsection (a); and*

21                 (2) *among States and Indian tribes based on—*

22                         (A) *the level of livestock predation in the*  
23 *State or on the land owned by, or held in trust*  
24 *for the benefit of, the Indian tribe;*



1           (B) whether the State or Indian tribe is lo-  
2           cated in a geographical area that is at high risk  
3           for livestock predation; or

4           (C) any other factors that the Secretaries  
5           determine are appropriate.

6           (e) *ELIGIBLE LAND.*—Activities and losses described in  
7           subsection (a) may occur on Federal, State, or private land,  
8           or land owned by, or held in trust for the benefit of, an  
9           Indian tribe.

10          (f) *FEDERAL COST SHARE.*—The Federal share of the  
11          cost of any activity provided assistance made available  
12          under this subtitle shall not exceed 50 percent of the total  
13          cost of the activity.

14          **SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.**

15          There is authorized to be appropriated to carry out  
16          this subtitle \$1,000,000 for fiscal year 2009 and each fiscal  
17          year thereafter.

18                   **Subtitle D—Paleontological**  
19                   **Resources Preservation**

20          **SEC. 6301. DEFINITIONS.**

21          In this subtitle:

22                  (1) *CASUAL COLLECTING.*—The term “casual col-  
23                  lecting” means the collecting of a reasonable amount  
24                  of common invertebrate and plant paleontological re-  
25                  sources for non-commercial personal use, either by

1 *surface collection or the use of non-powered hand tools*  
2 *resulting in only negligible disturbance to the Earth's*  
3 *surface and other resources. As used in this para-*  
4 *graph, the terms "reasonable amount", "common in-*  
5 *vertebrate and plant paleontological resources" and*  
6 *"negligible disturbance" shall be determined by the*  
7 *Secretary.*

8 (2) *FEDERAL LAND.*—*The term "Federal land"*  
9 *means—*

10 (A) *land controlled or administered by the*  
11 *Secretary of the Interior, except Indian land; or*

12 (B) *National Forest System land controlled*  
13 *or administered by the Secretary of Agriculture.*

14 (3) *INDIAN LAND.*—*The term "Indian Land"*  
15 *means land of Indian tribes, or Indian individuals,*  
16 *which are either held in trust by the United States or*  
17 *subject to a restriction against alienation imposed by*  
18 *the United States.*

19 (4) *PALEONTOLOGICAL RESOURCE.*—*The term*  
20 *"paleontological resource" means any fossilized re-*  
21 *mains, traces, or imprints of organisms, preserved in*  
22 *or on the earth's crust, that are of paleontological in-*  
23 *terest and that provide information about the history*  
24 *of life on earth, except that the term does not in-*  
25 *clude—*

1           (A) any materials associated with an ar-  
2           chaeological resource (as defined in section 3(1)  
3           of the Archaeological Resources Protection Act of  
4           1979 (16 U.S.C. 470bb(1)); or

5           (B) any cultural item (as defined in section  
6           2 of the Native American Graves Protection and  
7           Repatriation Act (25 U.S.C. 3001)).

8           (5) *SECRETARY.*—The term “Secretary” means  
9           the Secretary of the Interior with respect to land con-  
10          trolled or administered by the Secretary of the Inte-  
11          rior or the Secretary of Agriculture with respect to  
12          National Forest System land controlled or adminis-  
13          tered by the Secretary of Agriculture.

14          (6) *STATE.*—The term “State” means the 50  
15          States, the District of Columbia, the Commonwealth  
16          of Puerto Rico, and any other territory or possession  
17          of the United States.

18 **SEC. 6302. MANAGEMENT.**

19          (a) *IN GENERAL.*—The Secretary shall manage and  
20          protect paleontological resources on Federal land using sci-  
21          entific principles and expertise. The Secretary shall develop  
22          appropriate plans for inventory, monitoring, and the sci-  
23          entific and educational use of paleontological resources, in  
24          accordance with applicable agency laws, regulations, and  
25          policies. These plans shall emphasize interagency coordina-

1 *tion and collaborative efforts where possible with non-Fed-*  
2 *eral partners, the scientific community, and the general*  
3 *public.*

4 (b) *COORDINATION.*—*To the extent possible, the Sec-*  
5 *retary of the Interior and the Secretary of Agriculture shall*  
6 *coordinate in the implementation of this subtitle.*

7 **SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.**

8 *The Secretary shall establish a program to increase*  
9 *public awareness about the significance of paleontological*  
10 *resources.*

11 **SEC. 6304. COLLECTION OF PALEONTOLOGICAL RE-**  
12 **SOURCES.**

13 (a) *PERMIT REQUIREMENT.*—

14 (1) *IN GENERAL.*—*Except as provided in this*  
15 *subtitle, a paleontological resource may not be col-*  
16 *lected from Federal land without a permit issued*  
17 *under this subtitle by the Secretary.*

18 (2) *CASUAL COLLECTING EXCEPTION.*—*The Sec-*  
19 *retary shall allow casual collecting without a permit*  
20 *on Federal land controlled or administered by the Bu-*  
21 *reau of Land Management, the Bureau of Reclama-*  
22 *tion, and the Forest Service, where such collection is*  
23 *consistent with the laws governing the management of*  
24 *those Federal land and this subtitle.*

1           (3) *PREVIOUS PERMIT EXCEPTION.*—*Nothing in*  
2           *this section shall affect a valid permit issued prior to*  
3           *the date of enactment of this Act.*

4           (b) *CRITERIA FOR ISSUANCE OF A PERMIT.*—*The Sec-*  
5           *retary may issue a permit for the collection of a paleon-*  
6           *tological resource pursuant to an application if the Sec-*  
7           *retary determines that—*

8                   (1) *the applicant is qualified to carry out the*  
9                   *permitted activity;*

10                   (2) *the permitted activity is undertaken for the*  
11                   *purpose of furthering paleontological knowledge or for*  
12                   *public education;*

13                   (3) *the permitted activity is consistent with any*  
14                   *management plan applicable to the Federal land con-*  
15                   *cerned; and*

16                   (4) *the proposed methods of collecting will not*  
17                   *threaten significant natural or cultural resources.*

18           (c) *PERMIT SPECIFICATIONS.*—*A permit for the collec-*  
19           *tion of a paleontological resource issued under this section*  
20           *shall contain such terms and conditions as the Secretary*  
21           *deems necessary to carry out the purposes of this subtitle.*  
22           *Every permit shall include requirements that—*

23                   (1) *the paleontological resource that is collected*  
24                   *from Federal land under the permit will remain the*  
25                   *property of the United States;*

1           (2) *the paleontological resource and copies of as-*  
2 *sociated records will be preserved for the public in an*  
3 *approved repository, to be made available for sci-*  
4 *entific research and public education; and*

5           (3) *specific locality data will not be released by*  
6 *the permittee or repository without the written per-*  
7 *mission of the Secretary.*

8           (d) *MODIFICATION, SUSPENSION, AND REVOCATION OF*  
9 *PERMITS.—*

10           (1) *The Secretary may modify, suspend, or re-*  
11 *voke a permit issued under this section—*

12                   (A) *for resource, safety, or other manage-*  
13 *ment considerations; or*

14                   (B) *when there is a violation of term or*  
15 *condition of a permit issued pursuant to this*  
16 *section.*

17           (2) *The permit shall be revoked if any person*  
18 *working under the authority of the permit is con-*  
19 *victed under section 6306 or is assessed a civil pen-*  
20 *alty under section 6307.*

21           (e) *AREA CLOSURES.—In order to protect paleontolog-*  
22 *ical or other resources or to provide for public safety, the*  
23 *Secretary may restrict access to or close areas under the*  
24 *Secretary's jurisdiction to the collection of paleontological*  
25 *resources.*

1 **SEC. 6305. CURATION OF RESOURCES.**

2 *Any paleontological resource, and any data and*  
3 *records associated with the resource, collected under a per-*  
4 *mit, shall be deposited in an approved repository. The Sec-*  
5 *retary may enter into agreements with non-Federal reposi-*  
6 *tories regarding the curation of these resources, data, and*  
7 *records.*

8 **SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.**

9 *(a) IN GENERAL.—A person may not—*

10 *(1) excavate, remove, damage, or otherwise alter*  
11 *or deface or attempt to excavate, remove, damage, or*  
12 *otherwise alter or deface any paleontological resources*  
13 *located on Federal land unless such activity is con-*  
14 *ducted in accordance with this subtitle;*

15 *(2) exchange, transport, export, receive, or offer*  
16 *to exchange, transport, export, or receive any paleon-*  
17 *tological resource if the person knew or should have*  
18 *known such resource to have been excavated or re-*  
19 *moved from Federal land in violation of any provi-*  
20 *sions, rule, regulation, law, ordinance, or permit in*  
21 *effect under Federal law, including this subtitle; or*

22 *(3) sell or purchase or offer to sell or purchase*  
23 *any paleontological resource if the person knew or*  
24 *should have known such resource to have been exca-*  
25 *vated, removed, sold, purchased, exchanged, trans-*  
26 *ported, or received from Federal land.*

1       (b) *FALSE LABELING OFFENSES.*—A person may not  
2 make or submit any false record, account, or label for, or  
3 any false identification of, any paleontological resource ex-  
4 cavated or removed from Federal land.

5       (c) *PENALTIES.*—A person who knowingly violates or  
6 counsels, procures, solicits, or employs another person to  
7 violate subsection (a) or (b) shall, upon conviction, be fined  
8 in accordance with title 18, United States Code, or impris-  
9 oned not more than 5 years, or both; but if the sum of the  
10 commercial and paleontological value of the paleontological  
11 resources involved and the cost of restoration and repair  
12 of such resources does not exceed \$500, such person shall  
13 be fined in accordance with title 18, United States Code,  
14 or imprisoned not more than 2 years, or both.

15       (d) *MULTIPLE OFFENSES.*—In the case of a second or  
16 subsequent violation by the same person, the amount of the  
17 penalty assessed under subsection (c) may be doubled.

18       (e) *GENERAL EXCEPTION.*—Nothing in subsection (a)  
19 shall apply to any person with respect to any paleontolog-  
20 ical resource which was in the lawful possession of such per-  
21 son prior to the date of enactment of this Act.

22 **SEC. 6307. CIVIL PENALTIES.**

23       (a) *IN GENERAL.*—

24               (1) *HEARING.*—A person who violates any prohi-  
25 bition contained in an applicable regulation or per-



1     *mit issued under this subtitle may be assessed a pen-*  
2     *alty by the Secretary after the person is given notice*  
3     *and opportunity for a hearing with respect to the vio-*  
4     *lation. Each violation shall be considered a separate*  
5     *offense for purposes of this section.*

6             (2) *AMOUNT OF PENALTY.*—*The amount of such*  
7     *penalty assessed under paragraph (1) shall be deter-*  
8     *mined under regulations promulgated pursuant to*  
9     *this subtitle, taking into account the following factors:*

10            (A) *The scientific or fair market value,*  
11            *whichever is greater, of the paleontological re-*  
12            *source involved, as determined by the Secretary.*

13            (B) *The cost of response, restoration, and*  
14            *repair of the resource and the paleontological site*  
15            *involved.*

16            (C) *Any other factors considered relevant by*  
17            *the Secretary assessing the penalty.*

18             (3) *MULTIPLE OFFENSES.*—*In the case of a sec-*  
19     *ond or subsequent violation by the same person, the*  
20     *amount of a penalty assessed under paragraph (2)*  
21     *may be doubled.*

22             (4) *LIMITATION.*—*The amount of any penalty*  
23     *assessed under this subsection for any 1 violation*  
24     *shall not exceed an amount equal to double the cost*  
25     *of response, restoration, and repair of resources and*

1       *paleontological site damage plus double the scientific*  
2       *or fair market value of resources destroyed or not re-*  
3       *covered.*

4       **(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF**  
5       **UNPAID ASSESSMENTS.—**

6               **(1) JUDICIAL REVIEW.—***Any person against*  
7       *whom an order is issued assessing a penalty under*  
8       *subsection (a) may file a petition for judicial review*  
9       *of the order in the United States District Court for*  
10       *the District of Columbia or in the district in which*  
11       *the violation is alleged to have occurred within the*  
12       *30-day period beginning on the date the order making*  
13       *the assessment was issued. Upon notice of such filing,*  
14       *the Secretary shall promptly file such a certified copy*  
15       *of the record on which the order was issued. The court*  
16       *shall hear the action on the record made before the*  
17       *Secretary and shall sustain the action if it is sup-*  
18       *ported by substantial evidence on the record consid-*  
19       *ered as a whole.*

20               **(2) FAILURE TO PAY.—***If any person fails to pay*  
21       *a penalty under this section within 30 days—*

22                       **(A)** *after the order making assessment has*  
23       *become final and the person has not filed a peti-*  
24       *tion for judicial review of the order in accord-*  
25       *ance with paragraph (1); or*

1           (B) after a court in an action brought in  
2 paragraph (1) has entered a final judgment up-  
3 holding the assessment of the penalty, the Sec-  
4 retary may request the Attorney General to in-  
5 stitute a civil action in a district court of the  
6 United States for any district in which the per-  
7 son if found, resides, or transacts business, to  
8 collect the penalty (plus interest at currently  
9 prevailing rates from the date of the final order  
10 or the date of the final judgment, as the case  
11 may be). The district court shall have jurisdic-  
12 tion to hear and decide any such action. In such  
13 action, the validity, amount, and appropriate-  
14 ness of such penalty shall not be subject to re-  
15 view. Any person who fails to pay on a timely  
16 basis the amount of an assessment of a civil pen-  
17 alty as described in the first sentence of this  
18 paragraph shall be required to pay, in addition  
19 to such amount and interest, attorneys fees and  
20 costs for collection proceedings.

21       (c) HEARINGS.—Hearings held during proceedings in-  
22 stituted under subsection (a) shall be conducted in accord-  
23 ance with section 554 of title 5, United States Code.

24       (d) USE OF RECOVERED AMOUNTS.—Penalties col-  
25 lected under this section shall be available to the Secretary

1 *and without further appropriation may be used only as fol-*  
2 *lows:*

3           (1) *To protect, restore, or repair the paleontolog-*  
4 *ical resources and sites which were the subject of the*  
5 *action, and to protect, monitor, and study the re-*  
6 *sources and sites.*

7           (2) *To provide educational materials to the pub-*  
8 *lic about paleontological resources and sites.*

9           (3) *To provide for the payment of rewards as*  
10 *provided in section 6308.*

11 **SEC. 6308. REWARDS AND FORFEITURE.**

12           (a) *REWARDS.*—*The Secretary may pay from pen-*  
13 *alties collected under section 6306 or 6307 or from appro-*  
14 *priated funds—*

15           (1) *consistent with amounts established in regu-*  
16 *lations by the Secretary; or*

17           (2) *if no such regulation exists, an amount up*  
18 *to ½ of the penalties, to any person who furnishes in-*  
19 *formation which leads to the finding of a civil viola-*  
20 *tion, or the conviction of criminal violation, with re-*  
21 *spect to which the penalty was paid. If several per-*  
22 *sons provided the information, the amount shall be*  
23 *divided among the persons. No officer or employee of*  
24 *the United States or of any State or local government*  
25 *who furnishes information or renders service in the*

1        *performance of his official duties shall be eligible for*  
2        *payment under this subsection.*

3        (b) *FORFEITURE.—All paleontological resources with*  
4        *respect to which a violation under section 6306 or 6307 oc-*  
5        *curred and which are in the possession of any person, shall*  
6        *be subject to civil forfeiture, or upon conviction, to criminal*  
7        *forfeiture.*

8        (c) *TRANSFER OF SEIZED RESOURCES.—The Sec-*  
9        *retary may transfer administration of seized paleontolog-*  
10       *ical resources to Federal or non-Federal educational institu-*  
11       *tions to be used for scientific or educational purposes.*

12       **SEC. 6309. CONFIDENTIALITY.**

13       *Information concerning the nature and specific loca-*  
14       *tion of a paleontological resource shall be exempt from dis-*  
15       *closure under section 552 of title 5, United States Code, and*  
16       *any other law unless the Secretary determines that disclo-*  
17       *sure would—*

18                (1) *further the purposes of this subtitle;*

19                (2) *not create risk of harm to or theft or destruc-*  
20        *tion of the resource or the site containing the resource;*  
21        *and*

22                (3) *be in accordance with other applicable laws.*

23       **SEC. 6310. REGULATIONS.**

24        *As soon as practical after the date of enactment of this*  
25        *Act, the Secretary shall issue such regulations as are appro-*

1 *priate to carry out this subtitle, providing opportunities for*  
2 *public notice and comment.*

3 **SEC. 6311. SAVINGS PROVISIONS.**

4 *Nothing in this subtitle shall be construed to—*

5 *(1) invalidate, modify, or impose any additional*  
6 *restrictions or permitting requirements on any activi-*  
7 *ties permitted at any time under the general mining*  
8 *laws, the mineral or geothermal leasing laws, laws*  
9 *providing for minerals materials disposal, or laws*  
10 *providing for the management or regulation of the ac-*  
11 *tivities authorized by the aforementioned laws includ-*  
12 *ing but not limited to the Federal Land Policy Man-*  
13 *agement Act (43 U.S.C. 1701–1784), Public Law 94–*  
14 *429 (commonly known as the “Mining in the Parks*  
15 *Act”) (16 U.S.C. 1901 et seq.), the Surface Mining*  
16 *Control and Reclamation Act of 1977 (30 U.S.C.*  
17 *1201–1358), and the Organic Administration Act (16*  
18 *U.S.C. 478, 482, 551);*

19 *(2) invalidate, modify, or impose any additional*  
20 *restrictions or permitting requirements on any activi-*  
21 *ties permitted at any time under existing laws and*  
22 *authorities relating to reclamation and multiple uses*  
23 *of Federal land;*

1           (3) apply to, or require a permit for, casual col-  
2           lecting of a rock, mineral, or invertebrate or plant  
3           fossil that is not protected under this subtitle;

4           (4) affect any land other than Federal land or  
5           affect the lawful recovery, collection, or sale of paleon-  
6           tological resources from land other than Federal land;

7           (5) alter or diminish the authority of a Federal  
8           agency under any other law to provide protection for  
9           paleontological resources on Federal land in addition  
10          to the protection provided under this subtitle; or

11          (6) create any right, privilege, benefit, or entitle-  
12          ment for any person who is not an officer or employee  
13          of the United States acting in that capacity. No per-  
14          son who is not an officer or employee of the United  
15          States acting in that capacity shall have standing to  
16          file any civil action in a court of the United States  
17          to enforce any provision or amendment made by this  
18          subtitle.

19 **SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.**

20          There are authorized to be appropriated such sums as  
21          may be necessary to carry out this subtitle.

22                 **Subtitle E—Izembek National**  
23                 **Wildlife Refuge Land Exchange**

24 **SEC. 6401. DEFINITIONS.**

25          In this subtitle:

1           (1) *CORPORATION.*—*The term “Corporation”*  
2           *means the King Cove Corporation.*

3           (2) *FEDERAL LAND.*—*The term “Federal land”*  
4           *means—*

5                   (A) *the approximately 206 acres of Federal*  
6                   *land located within the Refuge, as generally de-*  
7                   *scribed on the map; and*

8                   (B) *the approximately 1,600 acres of Fed-*  
9                   *eral land located on Sitkinak Island, as gen-*  
10                   *erally depicted on the map.*

11          (3) *MAP.*—*The term “map” means each of—*

12                   (A) *the map entitled “Izembek and Alaska*  
13                   *Peninsula National Wildlife Refuges” and dated*  
14                   *September 2, 2008; and*

15                   (B) *the map entitled “Sitkinak Island–*  
16                   *Alaska Maritime National Wildlife Refuge” and*  
17                   *dated September 2, 2008.*

18          (4) *NON-FEDERAL LAND.*—*The term “non-Fed-*  
19           *eral land” means—*

20                   (A) *the approximately 43,093 acres of land*  
21                   *owned by the State, as generally depicted on the*  
22                   *map; and*

23                   (B) *the approximately 13,300 acres of land*  
24                   *owned by the Corporation (including approxi-*  
25                   *mately 5,430 acres of land for which the Cor-*



1            *poration shall relinquish the selection rights of*  
2            *the Corporation under the Alaska Native Claims*  
3            *Settlement Act (43 U.S.C. 1601 et seq.) as part*  
4            *of the land exchange under section 6402(a)), as*  
5            *generally depicted on the map.*

6            (5) *REFUGE.*—*The term “Refuge” means the*  
7            *Izembek National Wildlife Refuge.*

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

10           (7) *STATE.*—*The term “State” means the State*  
11           *of Alaska.*

12           (8) *TRIBE.*—*The term “Tribe” means the*  
13           *Agdaagux Tribe of King Cove, Alaska.*

14 **SEC. 6402. LAND EXCHANGE.**

15           (a) *IN GENERAL.*—*Upon receipt of notification by the*  
16           *State and the Corporation of the intention of the State and*  
17           *the Corporation to exchange the non-Federal land for the*  
18           *Federal land, subject to the conditions and requirements de-*  
19           *scribed in this subtitle, the Secretary may convey to the*  
20           *State all right, title, and interest of the United States in*  
21           *and to the Federal land. The Federal land within the Refuge*  
22           *shall be transferred for the purpose of constructing a single-*  
23           *lane gravel road between the communities of King Cove and*  
24           *Cold Bay, Alaska.*

1       **(b) COMPLIANCE WITH NATIONAL ENVIRONMENTAL**  
2 **POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.—**

3           **(1) IN GENERAL.—***In determining whether to*  
4 *carry out the land exchange under subsection (a), the*  
5 *Secretary shall—*

6                   **(A) comply with the National Environ-**  
7 *mental Policy Act of 1969 (42 U.S.C. 4321 et*  
8 *seq.); and*

9                   **(B) except as provided in subsection (c),**  
10 *comply with any other applicable law (including*  
11 *regulations).*

12       **(2) ENVIRONMENTAL IMPACT STATEMENT.—**

13           **(A) IN GENERAL.—***Not later than 60 days*  
14 *after the date on which the Secretary receives no-*  
15 *tification under subsection (a), the Secretary*  
16 *shall initiate the preparation of an environ-*  
17 *mental impact statement required under the Na-*  
18 *tional Environmental Policy Act of 1969 (42*  
19 *U.S.C. 4321 et seq.).*

20           **(B) REQUIREMENTS.—***The environmental*  
21 *impact statement prepared under subparagraph*  
22 *(A) shall contain—*

23                   **(i) an analysis of—**

24                                   **(I) the proposed land exchange;**

25                                   *and*

1                   (II) *the potential construction and*  
2                   *operation of a road between the com-*  
3                   *munities of King Cove and Cold Bay,*  
4                   *Alaska; and*

5                   (i) *an evaluation of a specific road*  
6                   *corridor through the Refuge that is identi-*  
7                   *fied in consultation with the State, the City*  
8                   *of King Cove, Alaska, and the Tribe.*

9                   (3) *COOPERATING AGENCIES.—*

10                  (A) *IN GENERAL.—During the preparation*  
11                  *of the environmental impact statement under*  
12                  *paragraph (2), each entity described in subpara-*  
13                  *graph (B) may participate as a cooperating*  
14                  *agency.*

15                  (B) *AUTHORIZED ENTITIES.—An author-*  
16                  *ized entity may include—*

17                         (i) *any Federal agency that has per-*  
18                         *mitting jurisdiction over the road described*  
19                         *in paragraph (2)(B)(i)(II);*

20                         (ii) *the State;*

21                         (iii) *the Aleutians East Borough of the*  
22                         *State;*

23                         (iv) *the City of King Cove, Alaska;*

24                         (v) *the Tribe; and*

1                   (vi) *the Alaska Migratory Bird Co-*  
2                   *Management Council.*

3           (c) *VALUATION.—The conveyance of the Federal land*  
4 *and non-Federal land under this section shall not be subject*  
5 *to any requirement under any Federal law (including regu-*  
6 *lations) relating to the valuation, appraisal, or equalization*  
7 *of land.*

8           (d) *PUBLIC INTEREST DETERMINATION.—*

9                   (1) *CONDITIONS FOR LAND EXCHANGE.—Subject*  
10 *to paragraph (2), to carry out the land exchange*  
11 *under subsection (a), the Secretary shall determine*  
12 *that the land exchange (including the construction of*  
13 *a road between the City of King Cove, Alaska, and the*  
14 *Cold Bay Airport) is in the public interest.*

15                   (2) *LIMITATION OF AUTHORITY OF SEC-*  
16 *RETARY.—The Secretary may not, as a condition for*  
17 *a finding that the land exchange is in the public in-*  
18 *terest—*

19                           (A) *require the State or the Corporation to*  
20 *convey additional land to the United States; or*

21                           (B) *impose any restriction on the subsist-*  
22 *ence uses (as defined in section 803 of the Alaska*  
23 *National Interest Lands Conservation Act (16*  
24 *U.S.C. 3113)) of waterfowl by rural residents of*  
25 *the State.*

1       (e) *KINZAROFF LAGOON.*—*The land exchange under*  
2 *subsection (a) shall not be carried out before the date on*  
3 *which the parcel of land owned by the State that is located*  
4 *in the Kinzaroff Lagoon has been designated by the State*  
5 *as a State refuge, in accordance with the applicable laws*  
6 *(including regulations) of the State.*

7       (f) *DESIGNATION OF ROAD CORRIDOR.*—*In desig-*  
8 *nating the road corridor described in subsection*  
9 *(b)(2)(B)(ii), the Secretary shall—*

10           (1) *minimize the adverse impact of the road cor-*  
11 *ridor on the Refuge;*

12           (2) *transfer the minimum acreage of Federal*  
13 *land that is required for the construction of the road*  
14 *corridor; and*

15           (3) *to the maximum extent practicable, incor-*  
16 *porate into the road corridor roads that are in exist-*  
17 *ence as of the date of enactment of this Act.*

18       (g) *ADDITIONAL TERMS AND CONDITIONS.*—*The land*  
19 *exchange under subsection (a) shall be subject to any other*  
20 *term or condition that the Secretary determines to be nec-*  
21 *essary.*

22 **SEC. 6403. KING COVE ROAD.**

23       (a) *REQUIREMENTS RELATING TO USE, BARRIER CA-*  
24 *BLES, AND DIMENSIONS.*—

25           (1) *LIMITATIONS ON USE.*—

1           (A) *IN GENERAL.*—*Except as provided in*  
2           *subparagraph (B), any portion of the road con-*  
3           *structed on the Federal land conveyed pursuant*  
4           *to this subtitle shall be used primarily for health*  
5           *and safety purposes (including access to and*  
6           *from the Cold Bay Airport) and only for non-*  
7           *commercial purposes.*

8           (B) *EXCEPTIONS.*—*Notwithstanding sub-*  
9           *paragraph (A), the use of taxis, commercial vans*  
10          *for public transportation, and shared rides*  
11          *(other than organized transportation of employ-*  
12          *ees to a business or other commercial facility)*  
13          *shall be allowed on the road described in sub-*  
14          *paragraph (A).*

15          (C) *REQUIREMENT OF AGREEMENT.*—*The*  
16          *limitations of the use of the road described in*  
17          *this paragraph shall be enforced in accordance*  
18          *with an agreement entered into between the Sec-*  
19          *retary and the State.*

20          (2) *REQUIREMENT OF BARRIER CABLE.*—*The*  
21          *road described in paragraph (1)(A) shall be con-*  
22          *structed to include a cable barrier on each side of the*  
23          *road, as described in the record of decision entitled*  
24          *“Mitigation Measure MM–11, King Cove Access*  
25          *Project Final Environmental Impact Statement*

1 *Record of Decision” and dated January 22, 2004, un-*  
2 *less a different type barrier is required as a mitiga-*  
3 *tion measure in the Record of Decision for Final En-*  
4 *vironmental Impact Statement required in section*  
5 *6402(b)(2).*

6 (3) *REQUIRED DIMENSIONS AND DESIGN FEA-*  
7 *TURES.—The road described in paragraph (1)(A)*  
8 *shall—*

9 (A) *have a width of not greater than a sin-*  
10 *gle lane, in accordance with the applicable road*  
11 *standards of the State;*

12 (B) *be constructed with gravel;*

13 (C) *be constructed to comply with any spe-*  
14 *cific design features identified in the Record of*  
15 *Decision for Final Environmental Impact State-*  
16 *ment required in section 6402(b)(2) as Mitiga-*  
17 *tion Measures relative to the passage and migra-*  
18 *tion of wildlife, and also the exchange of tidal*  
19 *flows, where applicable, in accordance with ap-*  
20 *plicable Federal and State design standards; and*

21 (D) *if determined to be necessary, be con-*  
22 *structed to include appropriate safety pullouts.*

23 (b) *SUPPORT FACILITIES.—Support facilities for the*  
24 *road described in subsection (a)(1)(A) shall not be located*  
25 *within the Refuge.*

1       (c) *FEDERAL PERMITS.*—*It is the intent of Congress*  
2 *that any Federal permit required for construction of the*  
3 *road be issued or denied not later than 1 year after the*  
4 *date of application for the permit.*

5       (d) *APPLICABLE LAW.*—*Nothing in this section*  
6 *amends, or modifies the application of, section 1110 of the*  
7 *Alaska National Interest Lands Conservation Act (16*  
8 *U.S.C. 3170).*

9       (e) *MITIGATION PLAN.*—

10           (1) *IN GENERAL.*—*Based on the evaluation of*  
11 *impacts determined through the completion of the en-*  
12 *vironmental impact statement under section*  
13 *6402(b)(2), the Secretary, in consultation with the en-*  
14 *tities described in section 6402(b)(3)(B), shall develop*  
15 *an enforceable mitigation plan.*

16           (2) *CORRECTIVE MODIFICATIONS.*—*The Secretary*  
17 *may make corrective modifications to the mitigation*  
18 *plan developed under paragraph (1) if—*

19                   (A) *the mitigation standards required under*  
20 *the mitigation plan are maintained; and*

21                   (B) *the Secretary provides an opportunity*  
22 *for public comment with respect to any proposed*  
23 *corrective modification.*

24           (3) *AVOIDANCE OF WILDLIFE IMPACTS.*—*Road*  
25 *construction shall adhere to any specific mitigation*



1 *measures included in the Record of Decision for Final*  
2 *Environmental Impact Statement required in section*  
3 *6402(b)(2) that—*

4 (A) *identify critical periods during the cal-*  
5 *endar year when the refuge is utilized by wild-*  
6 *life, especially migratory birds; and*

7 (B) *include specific mandatory strategies to*  
8 *alter, limit or halt construction activities during*  
9 *identified high risk periods in order to minimize*  
10 *impacts to wildlife, and*

11 (C) *allow for the timely construction of the*  
12 *road.*

13 (4) *MITIGATION OF WETLAND LOSS.—The plan*  
14 *developed under this subsection shall comply with sec-*  
15 *tion 404 of the Federal Water Pollution Control Act*  
16 *(33 U.S.C. 1344) with regard to minimizing, to the*  
17 *greatest extent practicable, the filling, fragmentation*  
18 *or loss of wetlands, especially intertidal wetlands, and*  
19 *shall evaluate mitigating effect of those wetlands*  
20 *transferred in Federal ownership under the provisions*  
21 *of this subtitle.*

22 **SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.**

23 (1) *FEDERAL LAND.—Upon completion of the*  
24 *land exchange under section 6402(a)—*

1           (A) *the boundary of the land designated as*  
2           *wilderness within the Refuge shall be modified to*  
3           *exclude the Federal land conveyed to the State*  
4           *under the land exchange; and*

5           (B) *the Federal land located on Sitkinak Is-*  
6           *land that is withdrawn for use by the Coast*  
7           *Guard shall, at the request of the State, be trans-*  
8           *ferred by the Secretary to the State upon the re-*  
9           *linquishment or termination of the withdrawal.*

10          (2) *NON-FEDERAL LAND.—Upon completion of*  
11          *the land exchange under section 6402(a), the non-Fed-*  
12          *eral land conveyed to the United States under this*  
13          *subtitle shall be—*

14               (A) *added to the Refuge or the Alaska Pe-*  
15               *ninsula National Wildlife Refuge, as appro-*  
16               *priate, as generally depicted on the map; and*

17               (B) *administered in accordance with the*  
18               *laws generally applicable to units of the Na-*  
19               *tional Wildlife Refuge System.*

20          (3) *WILDERNESS ADDITIONS.—*

21               (A) *IN GENERAL.—Upon completion of the*  
22               *land exchange under section 6402(a), approxi-*  
23               *mately 43,093 acres of land as generally depicted*  
24               *on the map shall be added to—*

1                   (i) *the Izembek National Wildlife Ref-*  
2                   *uge Wilderness; or*

3                   (ii) *the Alaska Peninsula National*  
4                   *Wildlife Refuge Wilderness.*

5                   (B) *ADMINISTRATION.—The land added as*  
6                   *wilderness under subparagraph (A) shall be ad-*  
7                   *ministered by the Secretary in accordance with*  
8                   *the Wilderness Act (16 U.S.C. 1131 et seq.) and*  
9                   *other applicable laws (including regulations).*

10 **SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.**

11           (a) *NOTIFICATION TO VOID LAND EXCHANGE.—If the*  
12 *Secretary, the State, and the Corporation enter into the*  
13 *land exchange authorized under section 6402(a), the State*  
14 *or the Corporation may notify the Secretary in writing of*  
15 *the intention of the State or Corporation to void the ex-*  
16 *change if construction of the road through the Refuge has*  
17 *not begun.*

18           (b) *DISPOSITION OF LAND EXCHANGE.—Upon the lat-*  
19 *ter of the date on which the Secretary receives a request*  
20 *under subsection (a), and the date on which the Secretary*  
21 *determines that the Federal land conveyed under the land*  
22 *exchange under section 6402(a) has not been adversely im-*  
23 *pacted (other than any nominal impact associated with the*  
24 *preparation of an environmental impact statement under*

1 *section 6402(b)(2)), the land exchange shall be null and*  
2 *void.*

3 *(c) RETURN OF PRIOR OWNERSHIP STATUS OF FED-*  
4 *ERAL AND NON-FEDERAL LAND.—If the land exchange is*  
5 *voided under subsection (b)—*

6 *(1) the Federal land and non-Federal land shall*  
7 *be returned to the respective ownership status of each*  
8 *land prior to the land exchange;*

9 *(2) the parcel of the Federal land that is located*  
10 *in the Refuge shall be managed as part of the Izembek*  
11 *National Wildlife Refuge Wilderness; and*

12 *(3) each selection of the Corporation under the*  
13 *Alaska Native Claims Settlement Act (43 U.S.C. 1601*  
14 *et seq.) that was relinquished under this subtitle shall*  
15 *be reinstated.*

16 **SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.**

17 *(a) IN GENERAL.—Any legislative authority for con-*  
18 *struction of a road shall expire at the end of the 7-year*  
19 *period beginning on the date of the enactment of this sub-*  
20 *title unless a construction permit has been issued during*  
21 *that period.*

22 *(b) EXTENSION OF AUTHORITY.—If a construction*  
23 *permit is issued within the allotted period, the 7-year au-*  
24 *thority shall be extended for a period of 5 additional years*  
25 *beginning on the date of issuance of the construction permit.*

1       (c) *EXTENSION OF AUTHORITY AS RESULT OF LEGAL*  
2 *CHALLENGES.*—

3           (1) *IN GENERAL.*—Prior to the issuance of a con-  
4 struction permit, if a lawsuit or administrative ap-  
5 peal is filed challenging the land exchange or con-  
6 struction of the road (including a challenge to the  
7 NEPA process, decisions, or any required permit  
8 process required to complete construction of the road),  
9 the 7-year deadline or the five-year extension period,  
10 as appropriate, shall be extended for a time period  
11 equivalent to the time consumed by the full adjudica-  
12 tion of the legal challenge or related administrative  
13 process.

14           (2) *INJUNCTION.*—After a construction permit  
15 has been issued, if a court issues an injunction  
16 against construction of the road, the 7-year deadline  
17 or 5-year extension, as appropriate, shall be extended  
18 for a time period equivalent to time period that the  
19 injunction is in effect.

20           (d) *APPLICABILITY OF SECTION 6405.*—Upon the expi-  
21 ration of the legislative authority under this section, if a  
22 road has not been constructed, the land exchange shall be  
23 null and void and the land ownership shall revert to the  
24 respective ownership status prior to the land exchange as  
25 provided in section 6405.

1 **TITLE VII—NATIONAL PARK**  
2 **SERVICE AUTHORIZATIONS**  
3 **Subtitle A—Additions to the**  
4 **National Park System**

5 **SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL**  
6 **PARK, NEW JERSEY.**

7 (a) *DEFINITIONS.—In this section:*

8 (1) *CITY.—The term “City” means the City of*  
9 *Paterson, New Jersey.*

10 (2) *COMMISSION.—The term “Commission”*  
11 *means the Paterson Great Falls National Historical*  
12 *Park Advisory Commission established by subsection*  
13 *(e)(1).*

14 (3) *HISTORIC DISTRICT.—The term “Historic*  
15 *District” means the Great Falls Historic District in*  
16 *the State.*

17 (4) *MANAGEMENT PLAN.—The term “manage-*  
18 *ment plan” means the management plan for the Park*  
19 *developed under subsection (d).*

20 (5) *MAP.—The term “Map” means the map enti-*  
21 *tled “Paterson Great Falls National Historical Park–*  
22 *Proposed Boundary”, numbered T03/80,001, and*  
23 *dated May 2008.*

1           (6) *PARK.*—*The term “Park” means the*  
2           *Paterson Great Falls National Historical Park estab-*  
3           *lished by subsection (b)(1)(A).*

4           (7) *SECRETARY.*—*The term “Secretary” means*  
5           *the Secretary of the Interior.*

6           (8) *STATE.*—*The term “State” means the State*  
7           *of New Jersey.*

8           (b) *PATERSON GREAT FALLS NATIONAL HISTORICAL*  
9           *PARK.*—

10           (1) *ESTABLISHMENT.*—

11                   (A) *IN GENERAL.*—*Subject to subparagraph*  
12                   *(B), there is established in the State a unit of the*  
13                   *National Park System to be known as the*  
14                   *“Paterson Great Falls National Historical*  
15                   *Park”.*

16                   (B) *CONDITIONS FOR ESTABLISHMENT.*—  
17                   *The Park shall not be established until the date*  
18                   *on which the Secretary determines that—*

19                           (i) *(I) the Secretary has acquired suffi-*  
20                           *cient land or an interest in land within the*  
21                           *boundary of the Park to constitute a man-*  
22                           *ageable unit; or*

23                           *(II) the State or City, as appropriate,*  
24                           *has entered into a written agreement with*  
25                           *the Secretary to donate—*

1                   (aa) *the Great Falls State Park,*  
2                   *including facilities for Park adminis-*  
3                   *tration and visitor services; or*

4                   (bb) *any portion of the Great*  
5                   *Falls State Park agreed to between the*  
6                   *Secretary and the State or City; and*

7                   (ii) *the Secretary has entered into a*  
8                   *written agreement with the State, City, or*  
9                   *other public entity, as appropriate, pro-*  
10                   *viding that—*

11                   (I) *land owned by the State, City,*  
12                   *or other public entity within the His-*  
13                   *toric District will be managed con-*  
14                   *sistent with this section; and*

15                   (II) *future uses of land within the*  
16                   *Historic District will be compatible*  
17                   *with the designation of the Park.*

18                   (2) *PURPOSE.—The purpose of the Park is to*  
19                   *preserve and interpret for the benefit of present and*  
20                   *future generations certain historical, cultural, and*  
21                   *natural resources associated with the Historic Dis-*  
22                   *trict.*

23                   (3) *BOUNDARIES.—The Park shall include the*  
24                   *following sites, as generally depicted on the Map:*

25                   (A) *The upper, middle, and lower raceways.*



1           (B) *Mary Ellen Kramer (Great Falls) Park*  
2           *and adjacent land owned by the City.*

3           (C) *A portion of Upper Raceway Park, in-*  
4           *cluding the Ivanhoe Wheelhouse and the Society*  
5           *for Establishing Useful Manufactures Gatehouse.*

6           (D) *Overlook Park and adjacent land, in-*  
7           *cluding the Society for Establishing Useful Man-*  
8           *ufactures Hydroelectric Plant and Administra-*  
9           *tion Building.*

10          (E) *The Allied Textile Printing site, includ-*  
11          *ing the Colt Gun Mill ruins, Mallory Mill ruins,*  
12          *Waverly Mill ruins, and Todd Mill ruins.*

13          (F) *The Rogers Locomotive Company Erect-*  
14          *ing Shop, including the Paterson Museum.*

15          (G) *The Great Falls Visitor Center.*

16          (4) *AVAILABILITY OF MAP.—The Map shall be on*  
17          *file and available for public inspection in the appro-*  
18          *priate offices of the National Park Service.*

19          (5) *PUBLICATION OF NOTICE.—Not later than 60*  
20          *days after the date on which the conditions in clauses*  
21          *(i) and (ii) of paragraph (1)(B) are satisfied, the Sec-*  
22          *retary shall publish in the Federal Register notice of*  
23          *the establishment of the Park, including an official*  
24          *boundary map for the Park.*

25          (c) *ADMINISTRATION.—*

1           (1) *IN GENERAL.*—*The Secretary shall admin-*  
2           *ister the Park in accordance with—*

3                     (A) *this section; and*

4                     (B) *the laws generally applicable to units of*  
5           *the National Park System, including—*

6                             (i) *the National Park Service Organic*  
7                             *Act (16 U.S.C. 1 et seq.); and*

8                             (ii) *the Act of August 21, 1935 (16*  
9                             *U.S.C. 461 et seq.).*

10           (2) *STATE AND LOCAL JURISDICTION.*—*Nothing*  
11           *in this section enlarges, diminishes, or modifies any*  
12           *authority of the State, or any political subdivision of*  
13           *the State (including the City)—*

14                     (A) *to exercise civil and criminal jurisdic-*  
15                     *tion; or*

16                     (B) *to carry out State laws (including regu-*  
17                     *lations) and rules on non-Federal land located*  
18                     *within the boundary of the Park.*

19           (3) *COOPERATIVE AGREEMENTS.*—

20                     (A) *IN GENERAL.*—*As the Secretary deter-*  
21                     *mines to be appropriate to carry out this section,*  
22                     *the Secretary may enter into cooperative agree-*  
23                     *ments with the owner of the Great Falls Visitor*  
24                     *Center or any nationally significant properties*  
25                     *within the boundary of the Park under which the*

1        *Secretary may identify, interpret, restore, and*  
2        *provide technical assistance for the preservation*  
3        *of the properties.*

4            (B) *RIGHT OF ACCESS.—A cooperative*  
5        *agreement entered into under subparagraph (A)*  
6        *shall provide that the Secretary, acting through*  
7        *the Director of the National Park Service, shall*  
8        *have the right of access at all reasonable times*  
9        *to all public portions of the property covered by*  
10       *the agreement for the purposes of—*

11            (i) *conducting visitors through the*  
12            *properties; and*

13            (ii) *interpreting the properties for the*  
14            *public.*

15            (C) *CHANGES OR ALTERATIONS.—No*  
16        *changes or alterations shall be made to any*  
17        *properties covered by a cooperative agreement*  
18        *entered into under subparagraph (A) unless the*  
19        *Secretary and the other party to the agreement*  
20        *agree to the changes or alterations.*

21            (D) *CONVERSION, USE, OR DISPOSAL.—Any*  
22        *payment made by the Secretary under this para-*  
23        *graph shall be subject to an agreement that the*  
24        *conversion, use, or disposal of a project for pur-*  
25        *poses contrary to the purposes of this section, as*

1           *determined by the Secretary, shall entitle the*  
2           *United States to reimbursement in amount equal*  
3           *to the greater of—*

4                     *(i) the amounts made available to the*  
5                     *project by the United States; or*

6                     *(ii) the portion of the increased value*  
7                     *of the project attributable to the amounts*  
8                     *made available under this paragraph, as*  
9                     *determined at the time of the conversion,*  
10                    *use, or, disposal.*

11           *(E) MATCHING FUNDS.—*

12                    *(i) IN GENERAL.—As a condition of the*  
13                    *receipt of funds under this paragraph, the*  
14                    *Secretary shall require that any Federal*  
15                    *funds made available under a cooperative*  
16                    *agreement shall be matched on a 1-to-1*  
17                    *basis by non-Federal funds.*

18                    *(ii) FORM.—With the approval of the*  
19                    *Secretary, the non-Federal share required*  
20                    *under clause (i) may be in the form of do-*  
21                    *nated property, goods, or services from a*  
22                    *non-Federal source.*

23           *(4) ACQUISITION OF LAND.—*

24                    *(A) IN GENERAL.—The Secretary may ac-*  
25                    *quire land or interests in land within the bound-*

1            *ary of the Park by donation, purchase from a*  
2            *willing seller with donated or appropriated*  
3            *funds, or exchange.*

4            (B) *DONATION OF STATE OWNED LAND.—*  
5            *Land or interests in land owned by the State or*  
6            *any political subdivision of the State may only*  
7            *be acquired by donation.*

8            (5) *TECHNICAL ASSISTANCE AND PUBLIC INTER-*  
9            *PRETATION.—The Secretary may provide technical*  
10           *assistance and public interpretation of related his-*  
11           *toric and cultural resources within the boundary of*  
12           *the Historic District.*

13           (d) *MANAGEMENT PLAN.—*

14           (1) *IN GENERAL.—Not later than 3 fiscal years*  
15           *after the date on which funds are made available to*  
16           *carry out this subsection, the Secretary, in consulta-*  
17           *tion with the Commission, shall complete a manage-*  
18           *ment plan for the Park in accordance with—*

19           (A) *section 12(b) of Public Law 91–383*  
20           *(commonly known as the “National Park Service*  
21           *General Authorities Act”) (16 U.S.C. 1a–7(b));*  
22           *and*

23           (B) *other applicable laws.*

24           (2) *COST SHARE.—The management plan shall*  
25           *include provisions that identify costs to be shared by*

1     *the Federal Government, the State, and the City, and*  
2     *other public or private entities or individuals for nec-*  
3     *essary capital improvements to, and maintenance*  
4     *and operations of, the Park.*

5             (3) *SUBMISSION TO CONGRESS.*—*On completion*  
6     *of the management plan, the Secretary shall submit*  
7     *the management plan to—*

8                     (A) *the Committee on Energy and Natural*  
9                     *Resources of the Senate; and*

10                    (B) *the Committee on Natural Resources of*  
11                    *the House of Representatives.*

12     (e) *PATERSON GREAT FALLS NATIONAL HISTORICAL*  
13 *PARK ADVISORY COMMISSION.*—

14             (1) *ESTABLISHMENT.*—*There is established a*  
15     *commission to be known as the “Paterson Great Falls*  
16     *National Historical Park Advisory Commission”.*

17             (2) *DUTIES.*—*The duties of the Commission shall*  
18     *be to advise the Secretary in the development and im-*  
19     *plementation of the management plan.*

20             (3) *MEMBERSHIP.*—

21                     (A) *COMPOSITION.*—*The Commission shall*  
22     *be composed of 9 members, to be appointed by*  
23     *the Secretary, of whom—*

1           (i) 4 members shall be appointed after  
2           consideration of recommendations submitted  
3           by the Governor of the State;

4           (ii) 2 members shall be appointed after  
5           consideration of recommendations submitted  
6           by the City Council of Paterson, New Jer-  
7           sey;

8           (iii) 1 member shall be appointed after  
9           consideration of recommendations submitted  
10          by the Board of Chosen Freeholders of Pas-  
11          saic County, New Jersey; and

12          (iv) 2 members shall have experience  
13          with national parks and historic preserva-  
14          tion.

15          (B) *INITIAL APPOINTMENTS.*—The Secretary  
16          shall appoint the initial members of the Commis-  
17          sion not later than the earlier of—

18               (i) the date that is 30 days after the  
19               date on which the Secretary has received all  
20               of the recommendations for appointments  
21               under subparagraph (A); or

22               (ii) the date that is 30 days after the  
23               Park is established in accordance with sub-  
24               section (b).

25          (4) *TERM; VACANCIES.*—

1 (A) *TERM.*—

2 (i) *IN GENERAL.*—*A member shall be*  
3 *appointed for a term of 3 years.*

4 (ii) *REAPPOINTMENT.*—*A member may*  
5 *be reappointed for not more than 1 addi-*  
6 *tional term.*

7 (B) *VACANCIES.*—*A vacancy on the Com-*  
8 *mission shall be filled in the same manner as the*  
9 *original appointment was made.*

10 (5) *MEETINGS.*—*The Commission shall meet at*  
11 *the call of—*

12 (A) *the Chairperson; or*

13 (B) *a majority of the members of the Com-*  
14 *mission.*

15 (6) *QUORUM.*—*A majority of the Commission*  
16 *shall constitute a quorum.*

17 (7) *CHAIRPERSON AND VICE CHAIRPERSON.*—

18 (A) *IN GENERAL.*—*The Commission shall*  
19 *select a Chairperson and Vice Chairperson from*  
20 *among the members of the Commission.*

21 (B) *VICE CHAIRPERSON.*—*The Vice Chair-*  
22 *person shall serve as Chairperson in the absence*  
23 *of the Chairperson.*



1           (C) *TERM.*—*A member may serve as Chair-*  
2           *person or Vice Chairman for not more than 1*  
3           *year in each office.*

4           (8) *COMMISSION PERSONNEL MATTERS.*—

5           (A) *COMPENSATION OF MEMBERS.*—

6           (i) *IN GENERAL.*—*Members of the*  
7           *Commission shall serve without compensa-*  
8           *tion.*

9           (ii) *TRAVEL EXPENSES.*—*Members of*  
10          *the Commission shall be allowed travel ex-*  
11          *penditures, including per diem in lieu of sub-*  
12          *sistence, at rates authorized for an employee*  
13          *of an agency under subchapter I of chapter*  
14          *57 of title 5, United States Code, while*  
15          *away from the home or regular place of*  
16          *business of the member in the performance*  
17          *of the duties of the Commission.*

18          (B) *STAFF.*—

19          (i) *IN GENERAL.*—*The Secretary shall*  
20          *provide the Commission with any staff*  
21          *members and technical assistance that the*  
22          *Secretary, after consultation with the Com-*  
23          *mission, determines to be appropriate to en-*  
24          *able the Commission to carry out the duties*  
25          *of the Commission.*

1                   (ii) *DETAIL OF EMPLOYEES.*—*The Sec-*  
2                   *retary may accept the services of personnel*  
3                   *detailed from—*

4                               (I) *the State;*

5                               (II) *any political subdivision of*  
6                   *the State; or*

7                               (III) *any entity represented on*  
8                   *the Commission.*

9                   (9) *FACA NONAPPLICABILITY.*—*Section 14(b) of*  
10                  *the Federal Advisory Committee Act (5 U.S.C. App.)*  
11                  *shall not apply to the Commission.*

12                  (10) *TERMINATION.*—*The Commission shall ter-*  
13                  *minate 10 years after the date of enactment of this*  
14                  *Act.*

15                  (f) *STUDY OF HINCHLIFFE STADIUM.*—

16                       (1) *IN GENERAL.*—*Not later than 3 fiscal years*  
17                       *after the date on which funds are made available to*  
18                       *carry out this section, the Secretary shall complete a*  
19                       *study regarding the preservation and interpretation*  
20                       *of Hinchliffe Stadium, which is listed on the National*  
21                       *Register of Historic Places.*

22                       (2) *INCLUSIONS.*—*The study shall include an as-*  
23                       *essment of—*

24                               (A) *the potential for listing the stadium as*  
25                       *a National Historic Landmark; and*

1                   (B) options for maintaining the historic in-  
2                   tegrity of Hinchliffe Stadium.

3           (g) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
4 authorized to be appropriated such sums as are necessary  
5 to carry out this section.

6 **SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE**  
7                   **HOME NATIONAL HISTORIC SITE.**

8           (a) *ACQUISITION OF PROPERTY; ESTABLISHMENT OF*  
9 *HISTORIC SITE.*—Should the Secretary of the Interior ac-  
10 quire, by donation only from the Clinton Birthplace Foun-  
11 dation, Inc., fee simple, unencumbered title to the William  
12 Jefferson Clinton Birthplace Home site located at 117  
13 South Hervey Street, Hope, Arkansas, 71801, and to any  
14 personal property related to that site, the Secretary shall  
15 designate the William Jefferson Clinton Birthplace Home  
16 site as a National Historic Site and unit of the National  
17 Park System, to be known as the “President William Jeffer-  
18 son Clinton Birthplace Home National Historic Site”.

19           (b) *APPLICABILITY OF OTHER LAWS.*—The Secretary  
20 shall administer the President William Jefferson Clinton  
21 Birthplace Home National Historic Site in accordance with  
22 the laws generally applicable to national historic sites, in-  
23 cluding the Act entitled “An Act to establish a National  
24 Park Service, and for other purposes”, approved August 25,  
25 1916 (16 U.S.C. 1–4), and the Act entitled “An Act to pro-

1 *vide for the preservation of historic American sites, build-*  
2 *ings, objects and antiquities of national significance, and*  
3 *for other purposes”, approved August 21, 1935 (16 U.S.C.*  
4 *461 et seq.).*

5 **SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.**

6 (a) *ESTABLISHMENT.—*

7 (1) *IN GENERAL.—If Monroe County or Wayne*  
8 *County, Michigan, or other willing landowners in ei-*  
9 *ther County offer to donate to the United States land*  
10 *relating to the Battles of the River Raisin on Janu-*  
11 *ary 18 and 22, 1813, or the aftermath of the battles,*  
12 *the Secretary of the Interior (referred to in this sec-*  
13 *tion as the “Secretary”) shall accept the donated*  
14 *land.*

15 (2) *DESIGNATION OF PARK.—On the acquisition*  
16 *of land under paragraph (1) that is of sufficient acre-*  
17 *age to permit efficient administration, the Secretary*  
18 *shall designate the acquired land as a unit of the Na-*  
19 *tional Park System, to be known as the “River Rai-*  
20 *sin National Battlefield Park” (referred to in this sec-*  
21 *tion as the “Park”).*

22 (3) *LEGAL DESCRIPTION.—*

23 (A) *IN GENERAL.—The Secretary shall pre-*  
24 *pare a legal description of the land and interests*

1           *in land designated as the Park by paragraph*  
2           *(2).*

3           *(B) AVAILABILITY OF MAP AND LEGAL DE-*  
4           *SCRIPTION.—A map with the legal description*  
5           *shall be on file and available for public inspec-*  
6           *tion in the appropriate offices of the National*  
7           *Park Service.*

8           *(b) ADMINISTRATION.—*

9           *(1) IN GENERAL.—The Secretary shall manage*  
10          *the Park for the purpose of preserving and inter-*  
11          *preting the Battles of the River Raisin in accordance*  
12          *with the National Park Service Organic Act (16*  
13          *U.S.C. 1 et seq.) and the Act of August 21, 1935 (16*  
14          *U.S.C. 461 et seq.).*

15          *(2) GENERAL MANAGEMENT PLAN.—*

16          *(A) IN GENERAL.—Not later than 3 years*  
17          *after the date on which funds are made avail-*  
18          *able, the Secretary shall complete a general man-*  
19          *agement plan for the Park that, among other*  
20          *things, defines the role and responsibility of the*  
21          *Secretary with regard to the interpretation and*  
22          *the preservation of the site.*

23          *(B) CONSULTATION.—The Secretary shall*  
24          *consult with and solicit advice and recommenda-*  
25          *tions from State, county, local, and civic organi-*

1           *zations and leaders, and other interested parties*  
2           *in the preparation of the management plan.*

3           (C) *INCLUSIONS.*—*The plan shall include—*

4                   (i) *consideration of opportunities for*  
5                   *involvement by and support for the Park by*  
6                   *State, county, and local governmental enti-*  
7                   *ties and nonprofit organizations and other*  
8                   *interested parties; and*

9                   (ii) *steps for the preservation of the re-*  
10                   *sources of the site and the costs associated*  
11                   *with these efforts.*

12           (D) *SUBMISSION TO CONGRESS.*—*On the*  
13           *completion of the general management plan, the*  
14           *Secretary shall submit a copy of the plan to the*  
15           *Committee on Natural Resources of the House of*  
16           *Representatives and the Committee on Energy*  
17           *and Natural Resources of the Senate.*

18           (3) *COOPERATIVE AGREEMENTS.*—*The Secretary*  
19           *may enter into cooperative agreements with State,*  
20           *county, local, and civic organizations to carry out*  
21           *this section.*

22           (c) *REPORT.*—*Not later than 3 years after the date of*  
23           *enactment of this Act, the Secretary shall submit to the*  
24           *Committee on Energy and Natural Resources of the Senate*  
25           *and the Committee on Natural Resources of the House a*

1 *report describing the progress made with respect to acquir-*  
 2 *ing real property under this section and designating the*  
 3 *River Raisin National Battlefield Park.*

4 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 5 *authorized to be appropriated such sums as are necessary*  
 6 *to carry out this section.*

7 ***Subtitle B—Amendments to Exist-***  
 8 ***ing Units of the National Park***  
 9 ***System***

10 ***SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTOR-***  
 11 ***ICAL PARK.***

12 (a) *ACQUISITION OF PROPERTY.—Section 4 of Public*  
 13 *Law 102–543 (16 U.S.C. 410yy–3) is amended by striking*  
 14 *subsection (d).*

15 (b) *MATCHING FUNDS.—Section 8(b) of Public Law*  
 16 *102–543 (16 U.S.C. 410yy–7(b)) is amended by striking*  
 17 *“\$4” and inserting “\$1”.*

18 (c) *AUTHORIZATION OF APPROPRIATIONS.—Section 10*  
 19 *of Public Law 102–543 (16 U.S.C. 410yy–9) is amended—*

20 (1) *in subsection (a)—*

21 (A) *by striking “\$25,000,000” and inserting*  
 22 *“\$50,000,000”; and*

23 (B) *by striking “\$3,000,000” and inserting*  
 24 *“\$25,000,000”; and*

1           (2) *in subsection (b), by striking “\$100,000” and*  
 2           *all that follows through “those duties” and inserting*  
 3           *“\$250,000”.*

4   **SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FA-**  
 5                           **CILITIES FOR WEIR FARM NATIONAL HIS-**  
 6                           **TORIC SITE.**

7           *Section 4(d) of the Weir Farm National Historic Site*  
 8           *Establishment Act of 1990 (16 U.S.C. 461 note) is amend-*  
 9           *ed—*

10           (1) *in paragraph (1)(B), by striking “contiguous*  
 11           *to” and all that follows and inserting “within Fair-*  
 12           *field County.”;*

13           (2) *by amending paragraph (2) to read as fol-*  
 14           *lows:*

15           “(2) *DEVELOPMENT.—*

16                       “(A) *MAINTAINING NATURAL CHARACTER.—*  
 17           *The Secretary shall keep development of the*  
 18           *property acquired under paragraph (1) to a*  
 19           *minimum so that the character of the acquired*  
 20           *property will be similar to the natural and un-*  
 21           *developed landscape of the property described in*  
 22           *subsection (b).*

23                       “(B) *TREATMENT OF PREVIOUSLY DEVEL-*  
 24           *OPED PROPERTY.—Nothing in subparagraph (A)*  
 25           *shall either prevent the Secretary from acquiring*



1           *property under paragraph (1) that, prior to the*  
 2           *Secretary’s acquisition, was developed in a man-*  
 3           *ner inconsistent with subparagraph (A), or re-*  
 4           *quire the Secretary to remediate such previously*  
 5           *developed property to reflect the natural char-*  
 6           *acter described in subparagraph (A).”;* and

7           *(3) in paragraph (3), in the matter preceding*  
 8           *subparagraph (A), by striking “the appropriate zon-*  
 9           *ing authority” and all that follows through “Wilton,*  
 10          *Connecticut,” and inserting “the local governmental*  
 11          *entity that, in accordance with applicable State law,*  
 12          *has jurisdiction over any property acquired under*  
 13          *paragraph (1)(A)”.*

14 **SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE**  
 15                                   **BOUNDARY EXPANSION.**

16           *Section 2 of the Little River Canyon National Preserve*  
 17 *Act of 1992 (16 U.S.C. 698g) is amended—*

18           *(1) in subsection (b)—*

19                           *(A) by striking “The Preserve” and insert-*  
 20                           *ing the following:*

21                           *“(1) IN GENERAL.—The Preserve”;* and

22                           *(B) by adding at the end the following:*

23                           *“(2) BOUNDARY EXPANSION.—The boundary of*  
 24                           *the Preserve is modified to include the land depicted*  
 25                           *on the map entitled ‘Little River Canyon National*

1 *Preserve Proposed Boundary*, numbered 152/80,004,  
2 *and dated December 2007.*”; and

3 (2) *in subsection (c), by striking “map” and in-*  
4 *serting “maps”.*

5 **SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL**  
6 **PARK BOUNDARY EXPANSION.**

7 *Section 2 of the Act entitled “An Act to rename and*  
8 *expand the boundaries of the Mound City Group National*  
9 *Monument in Ohio”, approved May 27, 1992 (106 Stat.*  
10 *185), is amended—*

11 (1) *by striking “and” at the end of subsection*  
12 *(a)(3);*

13 (2) *by striking the period at the end of sub-*  
14 *section (a)(4) and inserting “; and”;*

15 (3) *by adding after subsection (a)(4) the fol-*  
16 *lowing new paragraph:*

17 “(5) *the map entitled ‘Hopewell Culture Na-*  
18 *tional Historical Park, Ohio Proposed Boundary Ad-*  
19 *justment’ numbered 353/80,049 and dated June,*  
20 *2006.*”; and

21 (4) *by adding after subsection (d)(2) the fol-*  
22 *lowing new paragraph:*

23 “(3) *The Secretary may acquire lands added by*  
24 *subsection (a)(5) only from willing sellers.*”.

1 **SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND**  
 2 **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 twenty  
 6 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 Lafitte  
 11 National Historical Park and Preserve’, numbered 467/  
 12 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 insert-  
 19 ing the following:

20 “(a) *IN GENERAL.*—

21 “(1) *BARATARIA PRESERVE UNIT.*—

22 “(A) *IN GENERAL.*—The Secretary may ac-  
 23 quire any land, water, and interests in land and  
 24 water within the Barataria Preserve Unit by do-  
 25 nation, purchase with donated or appropriated

1           *funds, transfer from any other Federal agency,*  
2           *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 sub-*  
19                   *ject to any easements that have been agreed*  
20                   *to by the Secretary and the Secretary of the*  
21                   *Army.*

22           “(C) *TRANSFER OF ADMINISTRATION JURIS-*  
23           *DICTION.*—*Effective on the date of enactment of*  
24           *the Omnibus Public Land Management Act of*  
25           *2009, administrative jurisdiction over any Fed-*

1            *eral land within the areas depicted on the map*  
2            *described in section 901 as ‘Lands Proposed for*  
3            *Addition’ is transferred, without consideration,*  
4            *to the administrative jurisdiction of the National*  
5            *Park Service, to be administered as part of the*  
6            *Barataria Preserve Unit.’;*

7            *(B) in the second sentence, by striking “The*  
8            *Secretary may also acquire by any of the fore-*  
9            *going methods” and inserting the following:*

10            *“(2) FRENCH QUARTER.—The Secretary may ac-*  
11            *quire by any of the methods referred to in paragraph*  
12            *(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.—In*  
21            *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 sys-*  
6 *tems; and*

7           “(4) *water and air quality.*

8           “(c) *ADJACENT LAND.—With the consent of the owner*  
9 *and the parish governing authority, the Secretary may—*

10           “(1) *acquire land, water, and interests in land*  
11 *and water, by any of the methods referred to in sub-*  
12 *section (a)(1)(A) (including use of appropriations*  
13 *from the Land and Water Conservation Fund); and*

14           “(2) *revise the boundaries of the Barataria Pre-*  
15 *serve Unit to include adjacent land and water.”; and*

16           “(3) *by redesignating subsection (g) as subsection*  
17 *(d).*

18           “(c) *DEFINITION OF IMPROVED PROPERTY.—Section*  
19 *903 of the National Parks and Recreation Act of 1978 (16*  
20 *U.S.C. 230b) is amended in the fifth sentence by inserting*  
21 *“(or January 1, 2007, for areas added to the park after*  
22 *that date)” after “January 1, 1977”.*

23           “(d) *HUNTING, FISHING, AND TRAPPING.—Section 905*  
24 *of the National Parks and Recreation Act of 1978 (16*  
25 *U.S.C. 230d) is amended in the first sentence by striking*

1 “, except that within the core area and on those lands ac-  
2 quired by the Secretary pursuant to section 902(c) of this  
3 title, he” and inserting “on land, and interests in land and  
4 water managed by the Secretary, except that the Secretary”.

5 (e) ADMINISTRATION.—Section 906 of the National  
6 Parks and Recreation Act of 1978 (16 U.S.C. 230e) is  
7 amended—

8 (1) by striking the first sentence; and

9 (2) in the second sentence, by striking “Pending  
10 such establishment and thereafter the” and inserting  
11 “The”.

12 (f) REFERENCES IN LAW.—

13 (1) IN GENERAL.—Any reference in a law (in-  
14 cluding regulations), map, document, paper, or other  
15 record of the United States—

16 (A) to the Barataria Marsh Unit shall be  
17 considered to be a reference to the Barataria Pre-  
18 serve Unit; or

19 (B) to the Jean Lafitte National Historical  
20 Park shall be considered to be a reference to the  
21 Jean Lafitte National Historical Park and Pre-  
22 serve.

23 (2) CONFORMING AMENDMENTS.—Title IX of the  
24 National Parks and Recreation Act of 1978 (16  
25 U.S.C. 230 et seq.) is amended—

1           (A) by striking “Barataria Marsh Unit”  
2           each place it appears and inserting “Barataria  
3           Preserve Unit”; and

4           (B) by striking “Jean Lafitte National His-  
5           torical Park” each place it appears and insert-  
6           ing “Jean Lafitte National Historical Park and  
7           Preserve”.

8 **SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.**

9           (a) *DEFINITIONS.*—*In this section:*

10           (1) *MAP.*—*The term “map” means the map enti-*  
11           *tled “Minute Man National Historical Park Proposed*  
12           *Boundary”, numbered 406/81001, and dated July*  
13           *2007.*

14           (2) *PARK.*—*The term “Park” means the Minute*  
15           *Man National Historical Park in the State of Massa-*  
16           *chusetts.*

17           (3) *SECRETARY.*—*The term “Secretary” means*  
18           *the Secretary of the Interior.*

19           (b) *MINUTE MAN NATIONAL HISTORICAL PARK.*—

20           (1) *BOUNDARY ADJUSTMENT.*—

21           (A) *IN GENERAL.*—*The boundary of the*  
22           *Park is modified to include the area generally*  
23           *depicted on the map.*



1           (B) *AVAILABILITY OF MAP.*—*The map shall*  
2           *be on file and available for inspection in the ap-*  
3           *propriate offices of the National Park Service.*

4           (2) *ACQUISITION OF LAND.*—*The Secretary may*  
5           *acquire the land or an interest in the land described*  
6           *in paragraph (1)(A) by—*

7                   (A) *purchase from willing sellers with do-*  
8                   *nated or appropriated funds;*

9                   (B) *donation; or*

10                  (C) *exchange.*

11           (3) *ADMINISTRATION OF LAND.*—*The Secretary*  
12           *shall administer the land added to the Park under*  
13           *paragraph (1)(A) in accordance with applicable laws*  
14           *(including regulations).*

15           (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
16           *authorized to be appropriated such sums as are necessary*  
17           *to carry out this section.*

18 **SEC. 7107. EVERGLADES NATIONAL PARK.**

19           (a) *INCLUSION OF TARPON BASIN PROPERTY.*—

20                   (1) *DEFINITIONS.*—*In this subsection:*

21                           (A) *HURRICANE HOLE.*—*The term “Hurri-*  
22                           *cane Hole” means the natural salt-water body of*  
23                           *water within the Duesenbury Tracts of the east-*  
24                           *ern parcel of the Tarpon Basin boundary adjust-*  
25                           *ment and accessed by Duesenbury Creek.*

1           (B) *MAP.*—*The term “map” means the map*  
2           *entitled “Proposed Tarpon Basin Boundary Re-*  
3           *vision”, numbered 160/80,012, and dated May*  
4           *2008.*

5           (C) *SECRETARY.*—*The term “Secretary”*  
6           *means the Secretary of the Interior.*

7           (D) *TARPON BASIN PROPERTY.*—*The term*  
8           *“Tarpon Basin property” means land that—*

9                   (i) *is comprised of approximately 600*  
10                  *acres of land and water surrounding Hurri-*  
11                  *cane Hole, as generally depicted on the*  
12                  *map; and*

13                   (ii) *is located in South Key Largo.*

14           (2) *BOUNDARY REVISION.*—

15                   (A) *IN GENERAL.*—*The boundary of the Ev-*  
16                  *erglades National Park is adjusted to include the*  
17                  *Tarpon Basin property.*

18                   (B) *ACQUISITION AUTHORITY.*—*The Sec-*  
19                  *retary may acquire from willing sellers by dona-*  
20                  *tion, purchase with donated or appropriated*  
21                  *funds, or exchange, land, water, or interests in*  
22                  *land and water, within the area depicted on the*  
23                  *map, to be added to Everglades National Park.*

24                   (C) *AVAILABILITY OF MAP.*—*The map shall*  
25                  *be on file and available for public inspection in*

1           *the appropriate offices of the National Park*  
2           *Service.*

3           (D) *ADMINISTRATION.*—*Land added to Ev-*  
4           *erglades National Park by this section shall be*  
5           *administered as part of Everglades National*  
6           *Park in accordance with applicable laws (in-*  
7           *cluding regulations).*

8           (3) *HURRICANE HOLE.*—*The Secretary may*  
9           *allow use of Hurricane Hole by sailing vessels during*  
10          *emergencies, subject to such terms and conditions as*  
11          *the Secretary determines to be necessary.*

12          (4) *AUTHORIZATION OF APPROPRIATIONS.*—  
13          *There are authorized to be appropriated such sums as*  
14          *are necessary to carry out this subsection.*

15          (b) *LAND EXCHANGES.*—

16               (1) *DEFINITIONS.*—*In this subsection:*

17                   (A) *COMPANY.*—*The term “Company”*  
18                   *means Florida Power & Light Company.*

19                   (B) *FEDERAL LAND.*—*The term “Federal*  
20                   *Land” means the parcels of land that are—*

21                               (i) *owned by the United States;*

22                               (ii) *administered by the Secretary;*

23                               (iii) *located within the National Park;*

24                               *and*

1                   (iv) generally depicted on the map  
2                   as—

3                   (I) Tract A, which is adjacent to  
4                   the Tamiami Trail, U.S. Rt. 41; and

5                   (II) Tract B, which is located on  
6                   the eastern boundary of the National  
7                   Park.

8                   (C) MAP.—The term “map” means the map  
9                   prepared by the National Park Service, entitled  
10                  “Proposed Land Exchanges, Everglades National  
11                  Park”, numbered 160/60411A, and dated Sep-  
12                  tember 2008.

13                  (D) NATIONAL PARK.—The term “National  
14                  Park” means the Everglades National Park lo-  
15                  cated in the State.

16                  (E) NON-FEDERAL LAND.—The term “non-  
17                  Federal land” means the land in the State  
18                  that—

19                         (i) is owned by the State, the specific  
20                         area and location of which shall be deter-  
21                         mined by the State; or

22                         (ii)(I) is owned by the Company;

23                         (II) comprises approximately 320  
24                         acres; and

1                   (III) is located within the East Ever-  
2                   glades Acquisition Area, as generally de-  
3                   picted on the map as “Tract D”.

4                   (F) SECRETARY.—The term “Secretary”  
5                   means the Secretary of the Interior.

6                   (G) STATE.—The term “State” means the  
7                   State of Florida and political subdivisions of the  
8                   State, including the South Florida Water Man-  
9                   agement District.

10                  (2) LAND EXCHANGE WITH STATE.—

11                   (A) IN GENERAL.—Subject to the provisions  
12                   of this paragraph, if the State offers to convey to  
13                   the Secretary all right, title, and interest of the  
14                   State in and to specific parcels of non-Federal  
15                   land, and the offer is acceptable to the Secretary,  
16                   the Secretary may, subject to valid existing  
17                   rights, accept the offer and convey to the State  
18                   all right, title, and interest of the United States  
19                   in and to the Federal land generally depicted on  
20                   the map as “Tract A”.

21                   (B) CONDITIONS.—The land exchange under  
22                   subparagraph (A) shall be subject to such terms  
23                   and conditions as the Secretary may require.

24                   (C) VALUATION.—

1           (i) *IN GENERAL.*—*The values of the*  
2           *land involved in the land exchange under*  
3           *subparagraph (A) shall be equal.*

4           (ii) *EQUALIZATION.*—*If the values of*  
5           *the land are not equal, the values may be*  
6           *equalized by donation, payment using do-*  
7           *nated or appropriated funds, or the convey-*  
8           *ance of additional parcels of land.*

9           (D) *APPRAISALS.*—*Before the exchange of*  
10          *land under subparagraph (A), appraisals for the*  
11          *Federal and non-Federal land shall be conducted*  
12          *in accordance with the Uniform Appraisal*  
13          *Standards for Federal Land Acquisitions and*  
14          *the Uniform Standards of Professional Appraisal*  
15          *Practice.*

16          (E) *TECHNICAL CORRECTIONS.*—*Subject to*  
17          *the agreement of the State, the Secretary may*  
18          *make minor corrections to correct technical and*  
19          *clerical errors in the legal descriptions of the*  
20          *Federal and non-Federal land and minor adjust-*  
21          *ments to the boundaries of the Federal and non-*  
22          *Federal land.*

23          (F) *ADMINISTRATION OF LAND ACQUIRED*  
24          *BY SECRETARY.*—*Land acquired by the Sec-*  
25          *retary under subparagraph (A) shall—*

1                   (i) become part of the National Park;

2                   and

3                   (ii) be administered in accordance  
4                   with the laws applicable to the National  
5                   Park System.

6           (3) *LAND EXCHANGE WITH COMPANY.*—

7                   (A) *IN GENERAL.*—Subject to the provisions  
8                   of this paragraph, if the Company offers to con-  
9                   vey to the Secretary all right, title, and interest  
10                  of the Company in and to the non-Federal land  
11                  generally depicted on the map as “Tract D”, and  
12                  the offer is acceptable to the Secretary, the Sec-  
13                  retary may, subject to valid existing rights, ac-  
14                  cept the offer and convey to the Company all  
15                  right, title, and interest of the United States in  
16                  and to the Federal land generally depicted on the  
17                  map as “Tract B”, along with a perpetual ease-  
18                  ment on a corridor of land contiguous to Tract  
19                  B for the purpose of vegetation management.

20                  (B) *CONDITIONS.*—The land exchange under  
21                  subparagraph (A) shall be subject to such terms  
22                  and conditions as the Secretary may require.

23                  (C) *VALUATION.*—

24                         (i) *IN GENERAL.*—The values of the  
25                         land involved in the land exchange under

1           *subparagraph (A) shall be equal unless the*  
2           *non-Federal land is of higher value than the*  
3           *Federal land.*

4           (ii) *EQUALIZATION.*—*If the values of*  
5           *the land are not equal, the values may be*  
6           *equalized by donation, payment using do-*  
7           *nated or appropriated funds, or the convey-*  
8           *ance of additional parcels of land.*

9           (D) *APPRAISAL.*—*Before the exchange of*  
10          *land under subparagraph (A), appraisals for the*  
11          *Federal and non-Federal land shall be conducted*  
12          *in accordance with the Uniform Appraisal*  
13          *Standards for Federal Land Acquisitions and*  
14          *the Uniform Standards of Professional Appraisal*  
15          *Practice.*

16          (E) *TECHNICAL CORRECTIONS.*—*Subject to*  
17          *the agreement of the Company, the Secretary*  
18          *may make minor corrections to correct technical*  
19          *and clerical errors in the legal descriptions of the*  
20          *Federal and non-Federal land and minor adjust-*  
21          *ments to the boundaries of the Federal and non-*  
22          *Federal land.*

23          (F) *ADMINISTRATION OF LAND ACQUIRED*  
24          *BY SECRETARY.*—*Land acquired by the Sec-*  
25          *retary under subparagraph (A) shall—*



1                   (i) become part of the National Park;  
2                   and  
3                   (ii) be administered in accordance  
4                   with the laws applicable to the National  
5                   Park System.

6                   (4) *MAP.*—The map shall be on file and avail-  
7                   able for public inspection in the appropriate offices of  
8                   the National Park Service.

9                   (5) *BOUNDARY REVISION.*—On completion of the  
10                  land exchanges authorized by this subsection, the Sec-  
11                  retary shall adjust the boundary of the National Park  
12                  accordingly, including removing the land conveyed  
13                  out of Federal ownership.

14 **SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.**

15                  (a) *IN GENERAL.*—The Secretary of the Interior shall  
16                  authorize Ka ‘Ohana O Kalaupapa, a non-profit organiza-  
17                  tion consisting of patient residents at Kalaupapa National  
18                  Historical Park, and their family members and friends, to  
19                  establish a memorial at a suitable location or locations ap-  
20                  proved by the Secretary at Kalawao or Kalaupapa within  
21                  the boundaries of Kalaupapa National Historical Park lo-  
22                  cated on the island of Molokai, in the State of Hawaii, to  
23                  honor and perpetuate the memory of those individuals who  
24                  were forcibly relocated to Kalaupapa Peninsula from 1866  
25                  to 1969.

1       **(b) DESIGN.**—

2               **(1) IN GENERAL.**—*The memorial authorized by*  
3       *subsection (a) shall—*

4                       **(A)** *display in an appropriate manner the*  
5       *names of the first 5,000 individuals sent to the*  
6       *Kalaupapa Peninsula between 1866 and 1896,*  
7       *most of whom lived at Kalawao; and*

8                       **(B)** *display in an appropriate manner the*  
9       *names of the approximately 3,000 individuals*  
10       *who arrived at Kalaupapa in the second part of*  
11       *its history, when most of the community was*  
12       *concentrated on the Kalaupapa side of the penin-*  
13       *sula.*

14               **(2) APPROVAL.**—*The location, size, design, and*  
15       *inscriptions of the memorial authorized by subsection*  
16       *(a) shall be subject to the approval of the Secretary*  
17       *of the Interior.*

18       **(c) FUNDING.**—*Ka ‘Ohana O Kalaupapa, a nonprofit*  
19       *organization, shall be solely responsible for acceptance of*  
20       *contributions for and payment of the expenses associated*  
21       *with the establishment of the memorial.*

22       **SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECRE-**  
23       **ATION AREA.**

24       **(a) COOPERATIVE AGREEMENTS.**—*Section 1029(d) of*  
25       *the Omnibus Parks and Public Lands Management Act of*

1 1996 (16 U.S.C. 460kkk(d)) is amended by striking para-  
2 graph (3) and inserting the following:

3 “(3) AGREEMENTS.—

4 “(A) DEFINITION OF ELIGIBLE ENTITY.—In  
5 this paragraph, the term ‘eligible entity’  
6 means—

7 “(i) the Commonwealth of Massachu-  
8 setts;

9 “(ii) a political subdivision of the  
10 Commonwealth of Massachusetts; or

11 “(iii) any other entity that is a mem-  
12 ber of the Boston Harbor Islands Partner-  
13 ship described in subsection (e)(2).

14 “(B) AUTHORITY OF SECRETARY.—Subject  
15 to subparagraph (C), the Secretary may consult  
16 with an eligible entity on, and enter into with  
17 the eligible entity—

18 “(i) a cooperative management agree-  
19 ment to acquire from, and provide to, the  
20 eligible entity goods and services for the co-  
21 operative management of land within the  
22 recreation area; and

23 “(ii) notwithstanding section 6305 of  
24 title 31, United States Code, a cooperative  
25 agreement for the construction of recreation

1            *area facilities on land owned by an eligible*  
2            *entity for purposes consistent with the man-*  
3            *agement plan under subsection (f).*

4            “(C) *CONDITIONS.—The Secretary may*  
5            *enter into an agreement with an eligible entity*  
6            *under subparagraph (B) only if the Secretary*  
7            *determines that—*

8                    *“(i) appropriations for carrying out*  
9                    *the purposes of the agreement are available;*  
10                   *and*

11                   *“(ii) the agreement is in the best inter-*  
12                   *ests of the United States.”.*

13        (b) *TECHNICAL AMENDMENTS.—*

14            (1) *MEMBERSHIP.—Section 1029(e)(2)(B) of the*  
15            *Omnibus Parks and Public Lands Management Act of*  
16            *1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by*  
17            *striking “Coast Guard” and inserting “Coast*  
18            *Guard.”.*

19            (2) *DONATIONS.—Section 1029(e)(11) of the Om-*  
20            *nibus Parks and Public Lands Management Act of*  
21            *1996 (16 U.S.C. 460kkk(e)(11)) is amended by strik-*  
22            *ing “Notwithstanding” and inserting “Notwith-*  
23            *standing”.*

1 **SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK,**  
2 **NEW JERSEY.**

3 (a) *PURPOSES.*—*The purposes of this section are—*

4 (1) *to recognize and pay tribute to Thomas Alva*  
5 *Edison and his innovations; and*

6 (2) *to preserve, protect, restore, and enhance the*  
7 *Edison National Historic Site to ensure public use*  
8 *and enjoyment of the Site as an educational, sci-*  
9 *entific, and cultural center.*

10 (b) *ESTABLISHMENT.*—

11 (1) *IN GENERAL.*—*There is established the Thom-*  
12 *as Edison National Historical Park as a unit of the*  
13 *National Park System (referred to in this section as*  
14 *the “Historical Park”).*

15 (2) *BOUNDARIES.*—*The Historical Park shall be*  
16 *comprised of all property owned by the United States*  
17 *in the Edison National Historic Site as well as all*  
18 *property authorized to be acquired by the Secretary*  
19 *of the Interior (referred to in this section as the “Sec-*  
20 *retary”) for inclusion in the Edison National His-*  
21 *toric Site before the date of the enactment of this Act,*  
22 *as generally depicted on the map entitled the “Thom-*  
23 *as Edison National Historical Park”, numbered 403/*  
24 *80,000, and dated April 2008.*

1           (3) *MAP.*—*The map of the Historical Park shall*  
2 *be on file and available for public inspection in the*  
3 *appropriate offices of the National Park Service.*

4           (c) *ADMINISTRATION.*—

5           (1) *IN GENERAL.*—*The Secretary shall admin-*  
6 *ister the Historical Park in accordance with this sec-*  
7 *tion and with the provisions of law generally applica-*  
8 *ble to units of the National Park System, including*  
9 *the Acts entitled “An Act to establish a National Park*  
10 *Service, and for other purposes,” approved August 25,*  
11 *1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and “An Act*  
12 *to provide for the preservation of historic American*  
13 *sites, buildings, objects, and antiquities of national*  
14 *significance, and for other purposes,” approved Au-*  
15 *gust 21, 1935 (16 U.S.C. 461 et seq.).*

16           (2) *ACQUISITION OF PROPERTY.*—

17           (A) *REAL PROPERTY.*—*The Secretary may*  
18 *acquire land or interests in land within the*  
19 *boundaries of the Historical Park, from willing*  
20 *sellers only, by donation, purchase with donated*  
21 *or appropriated funds, or exchange.*

22           (B) *PERSONAL PROPERTY.*—*The Secretary*  
23 *may acquire personal property associated with,*  
24 *and appropriate for, interpretation of the His-*  
25 *torical Park.*

1           (3) *COOPERATIVE AGREEMENTS.*—*The Secretary*  
2           *may consult and enter into cooperative agreements*  
3           *with interested entities and individuals to provide for*  
4           *the preservation, development, interpretation, and use*  
5           *of the Historical Park.*

6           (4) *REPEAL OF SUPERSEDED LAW.*—*Public Law*  
7           *87–628 (76 Stat. 428), regarding the establishment*  
8           *and administration of the Edison National Historic*  
9           *Site, is repealed.*

10          (5) *REFERENCES.*—*Any reference in a law, map,*  
11          *regulation, document, paper, or other record of the*  
12          *United States to the “Edison National Historic Site”*  
13          *shall be deemed to be a reference to the “Thomas Edi-*  
14          *son National Historical Park”.*

15          (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
16          *authorized to be appropriated such sums as may be nec-*  
17          *essary to carry out this section.*

18 **SEC. 7111. WOMEN’S RIGHTS NATIONAL HISTORICAL PARK.**

19          (a) *VOTES FOR WOMEN TRAIL.*—*Title XVI of Public*  
20          *Law 96–607 (16 U.S.C. 410ll) is amended by adding at*  
21          *the end the following:*

22 **“SEC. 1602. VOTES FOR WOMEN TRAIL.**

23          “(a) *DEFINITIONS.*—*In this section:*

1           “(1) *PARK*.—The term ‘Park’ means the Wom-  
2           *en’s Rights National Historical Park established by*  
3           *section 1601.*

4           “(2) *SECRETARY*.—The term ‘Secretary’ means  
5           *the Secretary of the Interior, acting through the Di-*  
6           *rector of the National Park Service.*

7           “(3) *STATE*.—The term ‘State’ means the State  
8           *of New York.*

9           “(4) *TRAIL*.—The term ‘Trail’ means the Votes  
10          *for Women History Trail Route designated under*  
11          *subsection (b).*

12          “(b) *ESTABLISHMENT OF TRAIL ROUTE*.—The Sec-  
13          *retary, with concurrence of the agency having jurisdiction*  
14          *over the relevant roads, may designate a vehicular tour*  
15          *route, to be known as the ‘Votes for Women History Trail*  
16          *Route’, to link properties in the State that are historically*  
17          *and thematically associated with the struggle for women’s*  
18          *suffrage in the United States.*

19          “(c) *ADMINISTRATION*.—The Trail shall be adminis-  
20          *tered by the National Park Service through the Park.*

21          “(d) *ACTIVITIES*.—To facilitate the establishment of  
22          *the Trail and the dissemination of information regarding*  
23          *the Trail, the Secretary shall—*

24                  “(1) *produce and disseminate appropriate edu-*  
25                  *cational materials regarding the Trail, such as hand-*



1 *books, maps, exhibits, signs, interpretive guides, and*  
2 *electronic information;*

3 *“(2) coordinate the management, planning, and*  
4 *standards of the Trail in partnership with partici-*  
5 *pating properties, other Federal agencies, and State*  
6 *and local governments;*

7 *“(3) create and adopt an official, uniform sym-*  
8 *bol or device to mark the Trail; and*

9 *“(4) issue guidelines for the use of the symbol or*  
10 *device adopted under paragraph (3).*

11 *“(e) ELEMENTS OF TRAIL ROUTE.—Subject to the con-*  
12 *sent of the owner of the property, the Secretary may des-*  
13 *ignate as an official stop on the Trail—*

14 *“(1) all units and programs of the Park relating*  
15 *to the struggle for women’s suffrage;*

16 *“(2) other Federal, State, local, and privately*  
17 *owned properties that the Secretary determines have*  
18 *a verifiable connection to the struggle for women’s*  
19 *suffrage; and*

20 *“(3) other governmental and nongovernmental*  
21 *facilities and programs of an educational, commemo-*  
22 *rative, research, or interpretive nature that the Sec-*  
23 *retary determines to be directly related to the struggle*  
24 *for women’s suffrage.*

1       “(f) *COOPERATIVE AGREEMENTS AND MEMORANDA OF*  
2 *UNDERSTANDING.*—

3               “(1) *IN GENERAL.*—*To facilitate the establish-*  
4 *ment of the Trail and to ensure effective coordination*  
5 *of the Federal and non-Federal properties designated*  
6 *as stops along the Trail, the Secretary may enter into*  
7 *cooperative agreements and memoranda of under-*  
8 *standing with, and provide technical and financial*  
9 *assistance to, other Federal agencies, the State, local-*  
10 *ities, regional governmental bodies, and private enti-*  
11 *ties.*

12               “(2) *AUTHORIZATION OF APPROPRIATIONS.*—  
13 *There are authorized to be appropriated to the Sec-*  
14 *retary such sums as are necessary for the period of*  
15 *fiscal years 2009 through 2013 to provide financial*  
16 *assistance to cooperating entities pursuant to agree-*  
17 *ments or memoranda entered into under paragraph*  
18 *(1).”.*

19       “(b) *NATIONAL WOMEN’S RIGHTS HISTORY PROJECT*  
20 *NATIONAL REGISTRY.*—

21               “(1) *IN GENERAL.*—*The Secretary of the Interior*  
22 *(referred to in this section as the “Secretary”)* *may*  
23 *make annual grants to State historic preservation of-*  
24 *fices for not more than 5 years to assist the State his-*  
25 *toric preservation offices in surveying, evaluating,*

1 *and nominating to the National Register of Historic*  
2 *Places women’s rights history properties.*

3 (2) *ELIGIBILITY.—In making grants under*  
4 *paragraph (1), the Secretary shall give priority to*  
5 *grants relating to properties associated with the mul-*  
6 *tiple facets of the women’s rights movement, such as*  
7 *politics, economics, education, religion, and social*  
8 *and family rights.*

9 (3) *UPDATES.—The Secretary shall ensure that*  
10 *the National Register travel itinerary website entitled*  
11 *“Places Where Women Made History” is updated to*  
12 *contain—*

13 (A) *the results of the inventory conducted*  
14 *under paragraph (1); and*

15 (B) *any links to websites related to places*  
16 *on the inventory.*

17 (4) *COST-SHARING REQUIREMENT.—The Federal*  
18 *share of the cost of any activity carried out using any*  
19 *assistance made available under this subsection shall*  
20 *be 50 percent.*

21 (5) *AUTHORIZATION OF APPROPRIATIONS.—*  
22 *There is authorized to be appropriated to the Sec-*  
23 *retary to carry out this subsection \$1,000,000 for each*  
24 *of fiscal years 2009 through 2013.*

1       (c) *NATIONAL WOMEN’S RIGHTS HISTORY PROJECT*  
2 *PARTNERSHIPS NETWORK.*—

3           (1) *GRANTS.*—*The Secretary may make match-*  
4 *ing grants and give technical assistance for develop-*  
5 *ment of a network of governmental and nongovern-*  
6 *mental entities (referred to in this subsection as the*  
7 *“network”), the purpose of which is to provide inter-*  
8 *pretive and educational program development of na-*  
9 *tional women’s rights history, including historic pres-*  
10 *ervation.*

11           (2) *MANAGEMENT OF NETWORK.*—

12           (A) *IN GENERAL.*—*The Secretary shall,*  
13 *through a competitive process, designate a non-*  
14 *governmental managing network to manage the*  
15 *network.*

16           (B) *COORDINATION.*—*The nongovernmental*  
17 *managing entity designated under subparagraph*  
18 *(A) shall work in partnership with the Director*  
19 *of the National Park Service and State historic*  
20 *preservation offices to coordinate operation of the*  
21 *network.*

22           (3) *COST-SHARING REQUIREMENT.*—

23           (A) *IN GENERAL.*—*The Federal share of the*  
24 *cost of any activity carried out using any assist-*

1           *ance made available under this subsection shall*  
2           *be 50 percent.*

3           (B) *STATE HISTORIC PRESERVATION OF-*  
4           *FICES.—Matching grants for historic preserva-*  
5           *tion specific to the network may be made avail-*  
6           *able through State historic preservation offices.*

7           (4) *AUTHORIZATION OF APPROPRIATIONS.—*  
8           *There is authorized to be appropriated to the Sec-*  
9           *retary to carry out this subsection \$1,000,000 for each*  
10          *of fiscal years 2009 through 2013.*

11 **SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.**

12          (a) *DEFINITIONS.—In this section:*

13           (1) *HISTORIC SITE.—The term “historic site”*  
14           *means the Martin Van Buren National Historic Site*  
15           *in the State of New York established by Public Law*  
16           *93–486 (16 U.S.C. 461 note) on October 26, 1974.*

17           (2) *MAP.—The term “map” means the map enti-*  
18           *tled “Boundary Map, Martin Van Buren National*  
19           *Historic Site”, numbered “460/80801”, and dated*  
20           *January 2005.*

21           (3) *SECRETARY.—The term “Secretary” means*  
22           *the Secretary of the Interior.*

23          (b) *BOUNDARY ADJUSTMENTS TO THE HISTORIC*  
24          *SITE.—*



1           (1) *IN GENERAL.*—*The Palo Alto Battlefield Na-*  
 2           *tional Historic Site shall be known and designated as*  
 3           *the “Palo Alto Battlefield National Historical Park”.*

4           (2) *REFERENCES.*—*Any reference in a law, map,*  
 5           *regulation, document, paper, or other record of the*  
 6           *United States to the historic site referred to in sub-*  
 7           *section (a) shall be deemed to be a reference to the*  
 8           *Palo Alto Battlefield National Historical Park.*

9           (3) *CONFORMING AMENDMENTS.*—*The Palo Alto*  
 10           *Battlefield National Historic Site Act of 1991 (16*  
 11           *U.S.C. 461 note; Public Law 102–304) is amended—*

12                   (A) *by striking “National Historic Site”*  
 13                   *each place it appears and inserting “National*  
 14                   *Historical Park”;*

15                   (B) *in the heading for section 3, by striking*  
 16                   *“**NATIONAL HISTORIC SITE**” and inserting*  
 17                   *“**NATIONAL HISTORICAL PARK**”; and*

18                   (C) *by striking “historic site” each place it*  
 19                   *appears and inserting “historical park”.*

20           (b) *BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD*  
 21           *NATIONAL HISTORICAL PARK, TEXAS.*—*Section 3(b) of the*  
 22           *Palo Alto Battlefield National Historic Site Act of 1991 (16*  
 23           *U.S.C. 461 note; Public Law 102–304) (as amended by sub-*  
 24           *section (a)) is amended—*

1           (1) *in paragraph (1), by striking “(1) The his-*  
2 *torical park” and inserting the following:*

3           “*(1) IN GENERAL.—The historical park*”;

4           (2) *by redesignating paragraph (2) as para-*  
5 *graph (3);*

6           (3) *by inserting after paragraph (1) the fol-*  
7 *lowing:*

8           “*(2) ADDITIONAL LAND.—*

9           “*(A) IN GENERAL.—In addition to the land*  
10 *described in paragraph (1), the historical park*  
11 *shall consist of approximately 34 acres of land,*  
12 *as generally depicted on the map entitled ‘Palo*  
13 *Alto Battlefield NHS Proposed Boundary Ex-*  
14 *pansion’, numbered 469/80,012, and dated May*  
15 *21, 2008.*

16           “*(B) AVAILABILITY OF MAP.—The map de-*  
17 *scribed in subparagraph (A) shall be on file and*  
18 *available for public inspection in the appro-*  
19 *priate offices of the National Park Service.”; and*  
20           (4) *in paragraph (3) (as redesignated by para-*  
21 *graph (2))—*

22           “*(A) by striking “(3) Within” and inserting*  
23 *the following:*

24           “*(3) LEGAL DESCRIPTION.—Not later than*”;



1           (B) *in the second sentence, by striking*  
2           *“map referred to in paragraph (1)” and insert-*  
3           *ing “maps referred to in paragraphs (1) and*  
4           *(2)”.*

5 **SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HIS-**  
6           **TORICAL PARK.**

7           (a) *DESIGNATION.*—*The Abraham Lincoln Birthplace*  
8           *National Historic Site in the State of Kentucky shall be*  
9           *known and designated as the “Abraham Lincoln Birthplace*  
10           *National Historical Park”.*

11           (b) *REFERENCES.*—*Any reference in a law, map, regu-*  
12           *lation, document, paper, or other record of the United*  
13           *States to the Abraham Lincoln Birthplace National His-*  
14           *toric Site shall be deemed to be a reference to the “Abraham*  
15           *Lincoln Birthplace National Historical Park”.*

16 **SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.**

17           *Section 1106 of the National Parks and Recreation Act*  
18           *of 1978 (16 U.S.C. 460m–20) is amended in the first sen-*  
19           *tence by striking “may” and inserting “shall”.*

20 **SEC. 7116. TECHNICAL CORRECTIONS.**

21           (a) *GAYLORD NELSON WILDERNESS.*—

22           (1) *REDESIGNATION.*—*Section 140 of division E*  
23           *of the Consolidated Appropriations Act, 2005 (16*  
24           *U.S.C. 1132 note; Public Law 108–447), is amend-*  
25           *ed—*

1           (A) in subsection (a), by striking “Gaylord  
2           A. Nelson” and inserting “Gaylord Nelson”; and

3           (B) in subsection (c)(4), by striking “Gay-  
4           lord A. Nelson Wilderness” and inserting “Gay-  
5           lord Nelson Wilderness”.

6           (2) REFERENCES.—Any reference in a law, map,  
7           regulation, document, paper, or other record of the  
8           United States to the “Gaylord A. Nelson Wilderness”  
9           shall be deemed to be a reference to the “Gaylord Nel-  
10          son Wilderness”.

11          (b) ARLINGTON HOUSE LAND TRANSFER.—Section  
12          2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is  
13          amended by striking “the George Washington Memorial  
14          Parkway” and inserting “Arlington House, The Robert E.  
15          Lee Memorial,”.

16          (c) CUMBERLAND ISLAND WILDERNESS.—Section  
17          2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96  
18          Stat. 709) is amended by striking “numbered 640/20,038I,  
19          and dated September 2004” and inserting “numbered 640/  
20          20,038K, and dated September 2005”.

21          (d) PETRIFIED FOREST BOUNDARY.—Section 2(1) of  
22          the Petrified Forest National Park Expansion Act of 2004  
23          (16 U.S.C. 119 note; Public Law 108–430) is amended by  
24          striking “numbered 110/80,044, and dated July 2004” and

1 *inserting “numbered 110/80,045, and dated January*  
2 *2005”.*

3 *(e) COMMEMORATIVE WORKS ACT.—Chapter 89 of title*  
4 *40, United States Code, is amended—*

5 *(1) in section 8903(d), by inserting “Natural”*  
6 *before “Resources”;*

7 *(2) in section 8904(b), by inserting “Advisory”*  
8 *before “Commission”; and*

9 *(3) in section 8908(b)(1)—*

10 *(A) in the first sentence, by inserting “Ad-*  
11 *visory” before “Commission”; and*

12 *(B) in the second sentence, by striking*  
13 *“House Administration” and inserting “Natural*  
14 *Resources”.*

15 *(f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL*  
16 *HISTORIC TRAIL.—Section 5(a)(25)(A) of the National*  
17 *Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended*  
18 *by striking “The John Smith” and inserting “The Captain*  
19 *John Smith”.*

20 *(g) DELAWARE NATIONAL COASTAL SPECIAL RE-*  
21 *SOURCE STUDY.—Section 604 of the Delaware National*  
22 *Coastal Special Resources Study Act (Public Law 109–338;*  
23 *120 Stat. 1856) is amended by striking “under section*  
24 *605”.*

1       (h) *USE OF RECREATION FEES*.—Section 808(a)(1)(F)  
2 of the Federal Lands Recreation Enhancement Act (16  
3 U.S.C. 6807(a)(1)(F)) is amended by striking “section  
4 6(a)” and inserting “section 806(a)”.

5       (i) *CROSSROADS OF THE AMERICAN REVOLUTION NA-*  
6 *TIONAL HERITAGE AREA*.—Section 297F(b)(2)(A) of the  
7 Crossroads of the American Revolution National Heritage  
8 Area Act of 2006 (Public Law 109–338; 120 Stat. 1844)  
9 is amended by inserting “duties” before “of the”.

10       (j) *CUYAHOGA VALLEY NATIONAL PARK*.—Section  
11 474(12) of the Consolidated Natural Resources Act of 2008  
12 (Public Law 1110–229; 122 Stat. 827) is amended by strik-  
13 ing “Cayohoga” each place it appears and inserting “Cuya-  
14 hoga”.

15       (k) *PENNSYLVANIA AVENUE NATIONAL HISTORIC*  
16 *SITE*.—

17               (1) *NAME ON MAP*.—Section 313(d)(1)(B) of the  
18 Department of the Interior and Related Agencies Ap-  
19 propriations Act, 1996 (Public Law 104–134; 110  
20 Stat. 1321–199; 40 U.S.C. 872 note) is amended by  
21 striking “map entitled ‘Pennsylvania Avenue Na-  
22 tional Historic Park’, dated June 1, 1995, and num-  
23 bered 840–82441” and inserting “map entitled ‘Penn-  
24 sylvania Avenue National Historic Site’, dated Au-  
25 gust 25, 2008, and numbered 840–82441B”.



1           (2) *in subsection (b), by striking “Such agree-*  
2           *ments” and inserting:*

3           “*(d) CONDITIONS.—Cooperative agreements under this*  
4           *section*”;

5           (3) *by inserting before subsection (d) (as added*  
6           *by paragraph 2) the following:*

7           “*(c) COOPERATIVE AGREEMENTS.—The Secretary is*  
8           *authorized to enter into a cooperative agreement with a*  
9           *partner or partners, including the Wright Family Founda-*  
10          *tion, to operate and provide programming for Hawthorn*  
11          *Hill and charge reasonable fees notwithstanding any other*  
12          *provision of law, which may be used to defray the costs of*  
13          *park operation and programming.*”; *and*

14          (4) *by striking “Commission” and inserting*  
15          “*Aviation Heritage Foundation*”.

16          (c) *GRANT ASSISTANCE.—The Dayton Aviation Herit-*  
17          *age Preservation Act of 1992, is amended—*

18                 (1) *by redesignating subsection (b) of section 108*  
19                 *as subsection (c); and*

20                 (2) *by inserting after subsection (a) of section*  
21                 *108 the following new subsection:*

22                 “*(b) GRANT ASSISTANCE.—The Secretary is author-*  
23                 *ized to make grants to the parks’ partners, including the*  
24                 *Aviation Trail, Inc., the Ohio Historical Society, and Day-*  
25                 *ton History, for projects not requiring Federal involvement*

1 *other than providing financial assistance, subject to the*  
2 *availability of appropriations in advance identifying the*  
3 *specific partner grantee and the specific project. Projects*  
4 *funded through these grants shall be limited to construction*  
5 *and development on non-Federal property within the*  
6 *boundaries of the park. Any project funded by such a grant*  
7 *shall support the purposes of the park, shall be consistent*  
8 *with the park's general management plan, and shall en-*  
9 *hance public use and enjoyment of the park.”.*

10 (d) *NATIONAL AVIATION HERITAGE AREA.—Title V of*  
11 *division J of the Consolidated Appropriations Act, 2005 (16*  
12 *U.S.C. 461 note; Public Law 108–447), is amended—*

13 (1) *in section 503(3), by striking “104” and in-*  
14 *serting “504”;*

15 (2) *in section 503(4), by striking “106” and in-*  
16 *serting “506”;*

17 (3) *in section 504, by striking subsection (b)(2)*  
18 *and by redesignating subsection (b)(3) as subsection*  
19 *(b)(2); and*

20 (4) *in section 505(b)(1), by striking “106” and*  
21 *inserting “506”.*

22 **SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.**

23 *Public Law 87–213 (16 U.S.C. 461 note) is amended*  
24 *as follows:*

25 (1) *In the first section—*

1           (A) by striking “the Secretary of the Inte-  
2           rior” and inserting “(a) The Secretary of the In-  
3           terior”;

4           (B) by striking “476 acres” and inserting  
5           “646 acres”; and

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

7           “(b) The Secretary may acquire from willing sellers  
8           land comprising approximately 55 acres, as depicted on the  
9           map titled ‘Fort Davis Proposed Boundary Expansion’,  
10          numbered 418/80,045, and dated April 2008. The map shall  
11          be on file and available for public inspection in the appro-  
12          priate offices of the National Park Service. Upon acquisi-  
13          tion of the land, the land shall be incorporated into the Fort  
14          Davis National Historic Site.”.

15           (2) By repealing section 3.

16           ***Subtitle C—Special Resource***  
17           ***Studies***

18          ***SEC. 7201. WALNUT CANYON STUDY.***

19           (a) *DEFINITIONS.—In this section:*

20           (1) *MAP.—The term “map” means the map enti-*  
21           *tled “Walnut Canyon Proposed Study Area” and*  
22           *dated July 17, 2007.*

23           (2) *SECRETARIES.—The term “Secretaries”*  
24           *means the Secretary of the Interior and the Secretary*  
25           *of Agriculture, acting jointly.*



1           (3) *STUDY AREA.*—*The term “study area” means*  
2 *the area identified on the map as the “Walnut Can-*  
3 *yon Proposed Study Area”.*

4           (b) *STUDY.*—

5           (1) *IN GENERAL.*—*The Secretaries shall conduct*  
6 *a study of the study area to assess—*

7                   (A) *the suitability and feasibility of desig-*  
8 *nating all or part of the study area as an addi-*  
9 *tion to Walnut Canyon National Monument, in*  
10 *accordance with section 8(c) of Public Law 91-*  
11 *383 (16 U.S.C. 1a–5(c));*

12                   (B) *continued management of the study*  
13 *area by the Forest Service; or*

14                   (C) *any other designation or management*  
15 *option that would provide for—*

16                           (i) *protection of resources within the*  
17 *study area; and*

18                           (ii) *continued access to, and use of, the*  
19 *study area by the public.*

20           (2) *CONSULTATION.*—*The Secretaries shall pro-*  
21 *vide for public comment in the preparation of the*  
22 *study, including consultation with appropriate Fed-*  
23 *eral, State, and local governmental entities.*

24           (3) *REPORT.*—*Not later than 18 months after the*  
25 *date on which funds are made available to carry out*

1 *this section, the Secretaries shall submit to the Com-*  
2 *mittee on Energy and Natural Resources of the Sen-*  
3 *ate and the Committee on Natural Resources of the*  
4 *House of Representatives a report that describes—*

5 (A) *the results of the study; and*

6 (B) *any recommendations of the Secretaries.*

7 (4) *AUTHORIZATION OF APPROPRIATIONS.—*

8 *There are authorized to be appropriated such sums as*  
9 *are necessary to carry out this section.*

10 **SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.**

11 (a) *STUDY.—*

12 (1) *IN GENERAL.—The Secretary of the Interior*  
13 *(referred to in this section as the “Secretary”)* shall  
14 *conduct a special resource study of the Tule Lake Seg-*  
15 *regation Center to determine the national significance*  
16 *of the site and the suitability and feasibility of in-*  
17 *cluding the site in the National Park System.*

18 (2) *STUDY GUIDELINES.—The study shall be con-*  
19 *ducted in accordance with the criteria for the study*  
20 *of areas for potential inclusion in the National Park*  
21 *System under section 8 of Public Law 91–383 (16*  
22 *U.S.C. 1a–5).*

23 (3) *CONSULTATION.—In conducting the study,*  
24 *the Secretary shall consult with—*

25 (A) *Modoc County;*

- 1                   (B) *the State of California;*  
2                   (C) *appropriate Federal agencies;*  
3                   (D) *tribal and local government entities;*  
4                   (E) *private and nonprofit organizations;*  
5                   and  
6                   (F) *private landowners.*

7                   (4) *SCOPE OF STUDY.—The study shall include*  
8                   *an evaluation of—*

- 9                   (A) *the significance of the site as a part of*  
10                  *the history of World War II;*  
11                  (B) *the significance of the site as the site re-*  
12                  *lates to other war relocation centers;*  
13                  (C) *the historical resources of the site, in-*  
14                  *cluding the stockade, that are intact and in*  
15                  *place;*  
16                  (D) *the contributions made by the local ag-*  
17                  *ricultural community to the World War II effort;*  
18                  and  
19                  (E) *the potential impact of designation of*  
20                  *the site as a unit of the National Park System*  
21                  *on private landowners.*

22                  (b) *REPORT.—Not later than 3 years after the date*  
23                  *on which funds are made available to conduct the study*  
24                  *required under this section, the Secretary shall submit to*  
25                  *the Committee on Natural Resources of the House of Rep-*

1 *representatives and the Committee on Energy and Natural Re-*  
2 *sources of the Senate a report describing the findings, con-*  
3 *clusions, and recommendations of the study.*

4 **SEC. 7203. ESTATE GRANGE, ST. CROIX.**

5 (a) *STUDY.*—

6 (1) *IN GENERAL.*—*The Secretary of the Interior*  
7 *(referred to in this section as the “Secretary”), in*  
8 *consultation with the Governor of the Virgin Islands,*  
9 *shall conduct a special resource study of Estate*  
10 *Grange and other sites and resources associated with*  
11 *Alexander Hamilton’s life on St. Croix in the United*  
12 *States Virgin Islands.*

13 (2) *CONTENTS.*—*In conducting the study under*  
14 *paragraph (1), the Secretary shall evaluate—*

15 (A) *the national significance of the sites*  
16 *and resources; and*

17 (B) *the suitability and feasibility of desig-*  
18 *nating the sites and resources as a unit of the*  
19 *National Park System.*

20 (3) *CRITERIA.*—*The criteria for the study of*  
21 *areas for potential inclusion in the National Park*  
22 *System contained in section 8 of Public Law 91–383*  
23 *(16 U.S.C. 1a–5) shall apply to the study under*  
24 *paragraph (1).*

1           (4) *REPORT.*—Not later than 3 years after the  
2           date on which funds are first made available for the  
3           study under paragraph (1), the Secretary shall sub-  
4           mit to the Committee on Natural Resources of the  
5           House of Representatives and the Committee on En-  
6           ergy and Natural Resources of the Senate a report  
7           containing—

8                       (A) *the results of the study; and*

9                       (B) *any findings, conclusions, and rec-*  
10                      *ommendations of the Secretary.*

11           (b) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
12           authorized to be appropriated such sums as are necessary  
13           to carry out this section.

14   **SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.**

15           (a) *STUDY.*—

16                      (1) *IN GENERAL.*—Not later than 3 years after  
17                      the date on which funds are made available to carry  
18                      out this section, the Secretary of the Interior (referred  
19                      to in this section as the “Secretary”) shall complete  
20                      a special resource study of the Harriet Beecher Stowe  
21                      House in Brunswick, Maine, to evaluate—

22                               (A) *the national significance of the Harriet*  
23                               *Beecher Stowe House and surrounding land; and*

24                               (B) *the suitability and feasibility of desig-*  
25                               *nating the Harriet Beecher Stowe House and*



1           (1) *the national significance of the*  
2           *Shepherdstown battlefield and sites relating to the*  
3           *Shepherdstown battlefield; and*

4           (2) *the suitability and feasibility of adding the*  
5           *Shepherdstown battlefield and sites relating to the*  
6           *Shepherdstown battlefield as part of—*

7                   (A) *Harpers Ferry National Historical*  
8                   *Park; or*

9                   (B) *Antietam National Battlefield.*

10          (b) *CRITERIA.—In conducting the study authorized*  
11 *under subsection (a), the Secretary shall use the criteria for*  
12 *the study of areas for potential inclusion in the National*  
13 *Park System contained in section 8(c) of Public Law 91–*  
14 *383 (16 U.S.C. 1a–5(c)).*

15          (c) *REPORT.—Not later than 3 years after the date on*  
16 *which funds are made available to carry out this section,*  
17 *the Secretary shall submit to the Committee on Energy and*  
18 *Natural Resources of the Senate and the Committee on Nat-*  
19 *ural Resources of the House of Representatives a report con-*  
20 *taining the findings, conclusions, and recommendations of*  
21 *the study conducted under subsection (a).*

22          (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
23 *authorized to be appropriated such sums as are necessary*  
24 *to carry out this section.*

1 **SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.**

2 (a) *IN GENERAL.*—*The Secretary of the Interior (re-*  
3 *ferred to in this section as the “Secretary”)* shall conduct  
4 *a special resource study of the site of Green McAdoo School*  
5 *in Clinton, Tennessee, (referred to in this section as the*  
6 *“site”)* to evaluate—

7 (1) *the national significance of the site; and*

8 (2) *the suitability and feasibility of designating*  
9 *the site as a unit of the National Park System.*

10 (b) *CRITERIA.*—*In conducting the study under sub-*  
11 *section (a), the Secretary shall use the criteria for the study*  
12 *of areas for potential inclusion in the National Park Sys-*  
13 *tem under section 8(c) of Public Law 91–383 (16 U.S.C.*  
14 *1a–5(c)).*

15 (c) *CONTENTS.*—*The study authorized by this section*  
16 *shall—*

17 (1) *determine the suitability and feasibility of*  
18 *designating the site as a unit of the National Park*  
19 *System;*

20 (2) *include cost estimates for any necessary ac-*  
21 *quisition, development, operation, and maintenance*  
22 *of the site; and*

23 (3) *identify alternatives for the management, ad-*  
24 *ministration, and protection of the site.*

25 (d) *REPORT.*—*Not later than 3 years after the date*  
26 *on which funds are made available to carry out this section,*



1 *the Secretary shall submit to the Committee on Natural Re-*  
2 *sources of the House of Representatives and the Committee*  
3 *on Energy and Natural Resources of the Senate a report*  
4 *that describes—*

5           (1) *the findings and conclusions of the study;*

6       *and*

7           (2) *any recommendations of the Secretary.*

8 **SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.**

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 of the Harry S Truman Birthplace*  
12 *State Historic Site (referred to in this section as the “birth-*  
13 *place site”) in Lamar, Missouri, to determine—*

14           (1) *the suitability and feasibility of—*

15                   (A) *adding the birthplace site to the Harry*  
16 *S Truman National Historic Site; or*

17                   (B) *designating the birthplace site as a sep-*  
18 *arate unit of the National Park System; and*

19           (2) *the methods and means for the protection*  
20 *and interpretation of the birthplace site by the Na-*  
21 *tional Park Service, other Federal, State, or local gov-*  
22 *ernment entities, or private or nonprofit organiza-*  
23 *tions.*

24       (b) *STUDY REQUIREMENTS.—The Secretary shall con-*  
25 *duct the study required under subsection (a) in accordance*

1 *with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-*  
2 *5(c)).*

3 *(c) REPORT.—Not later than 3 years after the date on*  
4 *which funds are made available to carry out this section,*  
5 *the Secretary shall submit to the Committee on Natural Re-*  
6 *sources of the House of Representatives and the Committee*  
7 *on Energy and Natural Resources of the Senate a report*  
8 *containing—*

9 *(1) the results of the study conducted under sub-*  
10 *section (a); and*

11 *(2) any recommendations of the Secretary with*  
12 *respect to the birthplace site.*

13 **SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE**  
14 **STUDY.**

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 sites and resources at*  
18 *Matewan, West Virginia, associated with the Battle of*  
19 *Matewan (also known as the “Matewan Massacre”) of May*  
20 *19, 1920, to determine—*

21 *(1) the suitability and feasibility of designating*  
22 *certain historic areas of Matewan, West Virginia, as*  
23 *a unit of the National Park System; and*

24 *(2) the methods and means for the protection*  
25 *and interpretation of the historic areas by the Na-*

1        *tional Park Service, other Federal, State, or local gov-*  
2        *ernment entities, or private or nonprofit organiza-*  
3        *tions.*

4        *(b) STUDY REQUIREMENTS.—The Secretary shall con-*  
5        *duct the study required under subsection (a) in accordance*  
6        *with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–*  
7        *5(c)).*

8        *(c) REPORT.—Not later than 3 years after the date on*  
9        *which funds are made available to carry out this section,*  
10       *the Secretary shall submit to the Committee on Natural Re-*  
11       *sources of the House of Representatives and the Committee*  
12       *on Energy and Natural Resources of the Senate a report*  
13       *containing—*

14            *(1) the results of the study conducted under sub-*  
15        *section (a); and*

16            *(2) any recommendations of the Secretary with*  
17        *respect to the historic areas.*

18        **SEC. 7209. BUTTERFIELD OVERLAND TRAIL.**

19        *(a) IN GENERAL.—The Secretary of the Interior (re-*  
20        *ferred to in this section as the “Secretary”) shall conduct*  
21        *a special resource study along the route known as the “Ox-*  
22        *Bow Route” of the Butterfield Overland Trail (referred to*  
23        *in this section as the “route”) in the States of Missouri,*  
24        *Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Ari-*  
25        *zona, and California to evaluate—*

1           (1) *a range of alternatives for protecting and in-*  
2           *terpreting the resources of the route, including alter-*  
3           *natives for potential addition of the Trail to the Na-*  
4           *tional Trails System; and*

5           (2) *the methods and means for the protection*  
6           *and interpretation of the route by the National Park*  
7           *Service, other Federal, State, or local government en-*  
8           *tities, or private or nonprofit organizations.*

9           (b) *STUDY REQUIREMENTS.*—*The Secretary shall con-*  
10          *duct the study required under subsection (a) in accordance*  
11          *with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c))*  
12          *or section 5(b) of the National Trails System Act (16 U.S.C.*  
13          *1244(b)), as appropriate.*

14          (c) *REPORT.*—*Not later than 3 years after the date on*  
15          *which funds are made available to carry out this section,*  
16          *the Secretary shall submit to the Committee on Natural Re-*  
17          *sources of the House of Representatives and the Committee*  
18          *on Energy and Natural Resources of the Senate a report*  
19          *containing—*

20                 (1) *the results of the study conducted under sub-*  
21                 *section (a); and*

22                 (2) *any recommendations of the Secretary with*  
23                 *respect to the route.*

24          **SEC. 7210. COLD WAR SITES THEME STUDY.**

25                 (a) *DEFINITIONS.*—

1           (1) *ADVISORY COMMITTEE.*—*The term “Advisory*  
2 *Committee” means the Cold War Advisory Committee*  
3 *established under subsection (c).*

4           (2) *SECRETARY.*—*The term “Secretary” means*  
5 *the Secretary of the Interior.*

6           (3) *THEME STUDY.*—*The term “theme study”*  
7 *means the national historic landmark theme study*  
8 *conducted under subsection (b)(1).*

9           **(b) COLD WAR THEME STUDY.**—

10           (1) *IN GENERAL.*—*The Secretary shall conduct a*  
11 *national historic landmark theme study to identify*  
12 *sites and resources in the United States that are sig-*  
13 *nificant to the Cold War.*

14           (2) *RESOURCES.*—*In conducting the theme*  
15 *study, the Secretary shall consider—*

16                   (A) *the inventory of sites and resources as-*  
17 *sociated with the Cold War completed by the Sec-*  
18 *retary of Defense under section 8120(b)(9) of the*  
19 *Department of Defense Appropriations Act, 1991*  
20 *(Public Law 101–511; 104 Stat. 1906); and*

21                   (B) *historical studies and research of Cold*  
22 *War sites and resources, including—*

23                           (i) *intercontinental ballistic missiles;*

24                           (ii) *flight training centers;*

25                           (iii) *manufacturing facilities;*

1                   (iv) communications and command  
2                   centers (such as Cheyenne Mountain, Colo-  
3                   rado);

4                   (v) defensive radar networks (such as  
5                   the Distant Early Warning Line);

6                   (vi) nuclear weapons test sites (such as  
7                   the Nevada test site); and

8                   (vii) strategic and tactical aircraft.

9                   (3) CONTENTS.—The theme study shall in-  
10                  clude—

11                   (A) recommendations for commemorating  
12                   and interpreting sites and resources identified by  
13                   the theme study, including—

14                   (i) sites for which studies for potential  
15                   inclusion in the National Park System  
16                   should be authorized;

17                   (ii) sites for which new national his-  
18                   toric landmarks should be nominated; and

19                   (iii) other appropriate designations;

20                   (B) recommendations for cooperative agree-  
21                   ments with—

22                   (i) State and local governments;

23                   (ii) local historical organizations; and

24                   (iii) other appropriate entities; and

1           (C) *an estimate of the amount required to*  
2           *carry out the recommendations under subpara-*  
3           *graphs (A) and (B).*

4           (4) *CONSULTATION.—In conducting the theme*  
5           *study, the Secretary shall consult with—*

6                   (A) *the Secretary of the Air Force;*

7                   (B) *State and local officials;*

8                   (C) *State historic preservation offices; and*

9                   (D) *other interested organizations and indi-*  
10           *viduals.*

11           (5) *REPORT.—Not later than 3 years after the*  
12           *date on which funds are made available to carry out*  
13           *this section, the Secretary shall submit to the Com-*  
14           *mittee on Natural Resources of the House of Rep-*  
15           *resentatives and the Committee on Energy and Nat-*  
16           *ural Resources of the Senate a report that describes*  
17           *the findings, conclusions, and recommendations of the*  
18           *theme study.*

19           (c) *COLD WAR ADVISORY COMMITTEE.—*

20                   (1) *ESTABLISHMENT.—As soon as practicable*  
21           *after funds are made available to carry out this sec-*  
22           *tion, the Secretary shall establish an advisory com-*  
23           *mittee, to be known as the “Cold War Advisory Com-*  
24           *mittee”, to assist the Secretary in carrying out this*  
25           *section.*

1           (2) *COMPOSITION.*—*The Advisory Committee*  
2 *shall be composed of 9 members, to be appointed by*  
3 *the Secretary, of whom—*

4           (A) *3 shall have expertise in Cold War his-*  
5 *tory;*

6           (B) *2 shall have expertise in historic preser-*  
7 *vation;*

8           (C) *1 shall have expertise in the history of*  
9 *the United States; and*

10          (D) *3 shall represent the general public.*

11          (3) *CHAIRPERSON.*—*The Advisory Committee*  
12 *shall select a chairperson from among the members of*  
13 *the Advisory Committee.*

14          (4) *COMPENSATION.*—*A member of the Advisory*  
15 *Committee shall serve without compensation but may*  
16 *be reimbursed by the Secretary for expenses reason-*  
17 *ably incurred in the performance of the duties of the*  
18 *Advisory Committee.*

19          (5) *MEETINGS.*—*On at least 3 occasions, the Sec-*  
20 *retary (or a designee) shall meet and consult with the*  
21 *Advisory Committee on matters relating to the theme*  
22 *study.*

23          (d) *INTERPRETIVE HANDBOOK ON THE COLD WAR.*—  
24 *Not later than 4 years after the date on which funds are*



1 *made available to carry out this section, the Secretary*  
2 *shall—*

3           (1) *prepare and publish an interpretive hand-*  
4 *book on the Cold War; and*

5           (2) *disseminate information in the theme study*  
6 *by other appropriate means.*

7       (e) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
8 *authorized to be appropriated to carry out this section*  
9 *\$500,000.*

10 **SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.**

11       (a) *IN GENERAL.—The Secretary shall complete a spe-*  
12 *cial resource study of the site of the Battle of Camden fought*  
13 *in South Carolina on August 16, 1780, and the site of His-*  
14 *toric Camden, which is a National Park System Affiliated*  
15 *Area, to determine—*

16           (1) *the suitability and feasibility of designating*  
17 *the sites as a unit or units of the National Park Sys-*  
18 *tem; and*

19           (2) *the methods and means for the protection*  
20 *and interpretation of these sites by the National Park*  
21 *Service, other Federal, State, or local government en-*  
22 *tities or private or non-profit organizations.*

23       (b) *STUDY REQUIREMENTS.—The Secretary shall con-*  
24 *duct the study in accordance with section 8(c) of Public*  
25 *Law 91–383 (16 U.S.C. 1a–5(c)).*

1       (c) *REPORT.*—Not later than 3 years after the date on  
2 which funds are made available to carry out this section,  
3 the Secretary shall submit to the Committee on Natural Re-  
4 sources of the House of Representatives and the Committee  
5 on Energy and Natural Resources of the Senate a report  
6 containing—

7           (1) the results of the study; and

8           (2) any recommendations of the Secretary.

9 **SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.**

10       (a) *DEFINITIONS.*—In this section:

11           (1) *FORT SAN GERÓNIMO.*—The term “Fort San  
12 Gerónimo” (also known as “Fortín de San Gerónimo  
13 del Boquerón”) means the fort and grounds listed on  
14 the National Register of Historic Places and located  
15 near Old San Juan, Puerto Rico.

16           (2) *RELATED RESOURCES.*—The term “related  
17 resources” means other parts of the fortification sys-  
18 tem of old San Juan that are not included within the  
19 boundary of San Juan National Historic Site, such  
20 as sections of the City Wall or other fortifications.

21       (b) *STUDY.*—

22           (1) *IN GENERAL.*—The Secretary shall complete  
23 a special resource study of Fort San Gerónimo and  
24 other related resources, to determine—

1           (A) *the suitability and feasibility of includ-*  
2           *ing Fort San Gerónimo and other related re-*  
3           *sources in the Commonwealth of Puerto Rico as*  
4           *part of San Juan National Historic Site; and*

5           (B) *the methods and means for the protec-*  
6           *tion and interpretation of Fort San Gerónimo*  
7           *and other related resources by the National Park*  
8           *Service, other Federal, State, or local government*  
9           *entities or private or non-profit organizations.*

10          (2) *STUDY REQUIREMENTS.—The Secretary shall*  
11          *conduct the study in accordance with section 8(c) of*  
12          *Public Law 91–383 (16 U.S.C. 1a–5(c)).*

13          (c) *REPORT.—Not later than 3 years after the date on*  
14          *which funds are made available to carry out this section,*  
15          *the Secretary shall submit to the Committee on Natural Re-*  
16          *sources of the House of Representatives and the Committee*  
17          *on Energy and Natural Resources of the Senate a report*  
18          *containing—*

19               (1) *the results of the study; and*

20               (2) *any recommendations of the Secretary.*

1                   **Subtitle D—Program**  
2                   **Authorizations**

3 **SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PRO-**  
4                   **GRAM.**

5           (a) *PURPOSE.*—*The purpose of this section is to assist*  
6 *citizens, public and private institutions, and governments*  
7 *at all levels in planning, interpreting, and protecting sites*  
8 *where historic battles were fought on American soil during*  
9 *the armed conflicts that shaped the growth and development*  
10 *of the United States, in order that present and future gen-*  
11 *erations may learn and gain inspiration from the ground*  
12 *where Americans made their ultimate sacrifice.*

13           (b) *PRESERVATION ASSISTANCE.*—

14               (1) *IN GENERAL.*—*Using the established national*  
15 *historic preservation program to the extent prac-*  
16 *ticable, the Secretary of the Interior, acting through*  
17 *the American Battlefield Protection Program, shall*  
18 *encourage, support, assist, recognize, and work in*  
19 *partnership with citizens, Federal, State, local, and*  
20 *tribal governments, other public entities, educational*  
21 *institutions, and private nonprofit organizations in*  
22 *identifying, researching, evaluating, interpreting, and*  
23 *protecting historic battlefields and associated sites on*  
24 *a National, State, and local level.*

1           (2) *FINANCIAL ASSISTANCE.*—*To carry out para-*  
2 *graph (1), the Secretary may use a cooperative agree-*  
3 *ment, grant, contract, or other generally adopted*  
4 *means of providing financial assistance.*

5           (3) *AUTHORIZATION OF APPROPRIATIONS.*—  
6 *There are authorized to be appropriated \$3,000,000*  
7 *annually to carry out this subsection, to remain*  
8 *available until expended.*

9           (c) *BATTLEFIELD ACQUISITION GRANT PROGRAM.*—

10           (1) *DEFINITIONS.*—*In this subsection:*

11           (A) *BATTLEFIELD REPORT.*—*The term*  
12 *“Battlefield Report” means the document enti-*  
13 *tled “Report on the Nation’s Civil War Battle-*  
14 *fields”, prepared by the Civil War Sites Advisory*  
15 *Commission, and dated July 1993.*

16           (B) *ELIGIBLE ENTITY.*—*The term “eligible*  
17 *entity” means a State or local government.*

18           (C) *ELIGIBLE SITE.*—*The term “eligible*  
19 *site” means a site—*

20                   (i) *that is not within the exterior*  
21 *boundaries of a unit of the National Park*  
22 *System; and*

23                   (ii) *that is identified in the Battlefield*  
24 *Report.*

1           (D) *SECRETARY.*—*The term “Secretary”*  
2           *means the Secretary of the Interior, acting*  
3           *through the American Battlefield Protection Pro-*  
4           *gram.*

5           (2) *ESTABLISHMENT.*—*The Secretary shall estab-*  
6           *lish a battlefield acquisition grant program under*  
7           *which the Secretary may provide grants to eligible en-*  
8           *tities to pay the Federal share of the cost of acquiring*  
9           *interests in eligible sites for the preservation and pro-*  
10          *tection of those eligible sites.*

11          (3) *NONPROFIT PARTNERS.*—*An eligible entity*  
12          *may acquire an interest in an eligible site using a*  
13          *grant under this subsection in partnership with a*  
14          *nonprofit organization.*

15          (4) *NON-FEDERAL SHARE.*—*The non-Federal*  
16          *share of the total cost of acquiring an interest in an*  
17          *eligible site under this subsection shall be not less*  
18          *than 50 percent.*

19          (5) *LIMITATION ON LAND USE.*—*An interest in*  
20          *an eligible site acquired under this subsection shall be*  
21          *subject to section 6(f)(3) of the Land and Water Con-*  
22          *servation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).*

23          (6) *AUTHORIZATION OF APPROPRIATIONS.*—  
24          *There is authorized to be appropriated to the Sec-*  
25          *retary to provide grants under this subsection*

1       \$10,000,000 for each of fiscal years 2009 through  
2       2013.

3       **SEC. 7302. PRESERVE AMERICA PROGRAM.**

4       (a) *PURPOSE.*—*The purpose of this section is to au-*  
5       *thorize the Preserve America Program, including—*

6               (1) *the Preserve America grant program within*  
7       *the Department of the Interior;*

8               (2) *the recognition programs administered by the*  
9       *Advisory Council on Historic Preservation; and*

10              (3) *the related efforts of Federal agencies, work-*  
11       *ing in partnership with State, tribal, and local gov-*  
12       *ernments and the private sector, to support and pro-*  
13        *mote the preservation of historic resources.*

14       (b) *DEFINITIONS.*—*In this section:*

15              (1) *COUNCIL.*—*The term “Council” means the*  
16       *Advisory Council on Historic Preservation.*

17              (2) *HERITAGE TOURISM.*—*The term “heritage*  
18       *tourism” means the conduct of activities to attract*  
19       *and accommodate visitors to a site or area based on*  
20       *the unique or special aspects of the history, landscape*  
21       *(including trail systems), and culture of the site or*  
22       *area.*

23              (3) *PROGRAM.*—*The term “program” means the*  
24       *Preserve America Program established under sub-*  
25       *section (c)(1).*

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

3           (c) *ESTABLISHMENT.*—

4           (1) *IN GENERAL.*—*There is established in the De-*  
5 *partment of the Interior the Preserve America Pro-*  
6 *gram, under which the Secretary, in partnership with*  
7 *the Council, may provide competitive grants to*  
8 *States, local governments (including local govern-*  
9 *ments in the process of applying for designation as*  
10 *Preserve America Communities under subsection (d)),*  
11 *Indian tribes, communities designated as Preserve*  
12 *America Communities under subsection (d), State his-*  
13 *toric preservation offices, and tribal historic preserva-*  
14 *tion offices to support preservation efforts through*  
15 *heritage tourism, education, and historic preservation*  
16 *planning activities.*

17           (2) *ELIGIBLE PROJECTS.*—

18           (A) *IN GENERAL.*—*The following projects*  
19 *shall be eligible for a grant under this section:*

20           (i) *A project for the conduct of—*

21                   (I) *research on, and documenta-*  
22 *tion of, the history of a community;*  
23 *and*

24                   (II) *surveys of the historic re-*  
25 *sources of a community.*



1           (ii) *An education and interpretation*  
2           *project that conveys the history of a commu-*  
3           *nity or site.*

4           (iii) *A planning project (other than*  
5           *building rehabilitation) that advances eco-*  
6           *nomic development using heritage tourism*  
7           *and historic preservation.*

8           (iv) *A training project that provides*  
9           *opportunities for professional development*  
10           *in areas that would aid a community in*  
11           *using and promoting its historic resources.*

12           (v) *A project to support heritage tour-*  
13           *ism in a Preserve America Community des-*  
14           *ignated under subsection (d).*

15           (vi) *Other nonconstruction projects*  
16           *that identify or promote historic properties*  
17           *or provide for the education of the public*  
18           *about historic properties that are consistent*  
19           *with the purposes of this section.*

20           (B) *LIMITATION.—In providing grants*  
21           *under this section, the Secretary shall only pro-*  
22           *vide 1 grant to each eligible project selected for*  
23           *a grant.*

24           (3) *PREFERENCE.—In providing grants under*  
25           *this section, the Secretary may give preference to*

1 *projects that carry out the purposes of both the pro-*  
2 *gram and the Save America's Treasures Program.*

3 (4) *CONSULTATION AND NOTIFICATION.—*

4 (A) *CONSULTATION.—The Secretary shall*  
5 *consult with the Council in preparing the list of*  
6 *projects to be provided grants for a fiscal year*  
7 *under the program.*

8 (B) *NOTIFICATION.—Not later than 30 days*  
9 *before the date on which the Secretary provides*  
10 *grants for a fiscal year under the program, the*  
11 *Secretary shall submit to the Committee on En-*  
12 *ergy and Natural Resources of the Senate, the*  
13 *Committee on Appropriations of the Senate, the*  
14 *Committee on Natural Resources of the House of*  
15 *Representatives, and the Committee on Appro-*  
16 *priations of the House of Representatives a list*  
17 *of any eligible projects that are to be provided*  
18 *grants under the program for the fiscal year.*

19 (5) *COST-SHARING REQUIREMENT.—*

20 (A) *IN GENERAL.—The non-Federal share of*  
21 *the cost of carrying out a project provided a*  
22 *grant under this section shall be not less than 50*  
23 *percent of the total cost of the project.*

1           (B) *FORM OF NON-FEDERAL SHARE.*—*The*  
2           *non-Federal share required under subparagraph*  
3           *(A) shall be in the form of—*

4                     (i) *cash; or*

5                     (ii) *donated supplies and related serv-*  
6                     *ices, the value of which shall be determined*  
7                     *by the Secretary.*

8           (C) *REQUIREMENT.*—*The Secretary shall*  
9           *ensure that each applicant for a grant has the*  
10           *capacity to secure, and a feasible plan for secur-*  
11           *ing, the non-Federal share for an eligible project*  
12           *required under subparagraph (A) before a grant*  
13           *is provided to the eligible project under the pro-*  
14           *gram.*

15           (d) *DESIGNATION OF PRESERVE AMERICA COMMU-*  
16           *NITIES.*—

17                     (1) *APPLICATION.*—*To be considered for designa-*  
18                     *tion as a Preserve America Community, a commu-*  
19                     *nity, tribal area, or neighborhood shall submit to the*  
20                     *Council an application containing such information*  
21                     *as the Council may require.*

22                     (2) *CRITERIA.*—*To be designated as a Preserve*  
23                     *America Community under the program, a commu-*  
24                     *nity, tribal area, or neighborhood that submits an ap-*  
25                     *plication under paragraph (1) shall, as determined by*

1     *the Council, in consultation with the Secretary, meet*  
2     *criteria required by the Council and, in addition,*  
3     *consider—*

4             *(A) protection and celebration of the herit-*  
5             *age of the community, tribal area, or neighbor-*  
6             *hood;*

7             *(B) use of the historic assets of the commu-*  
8             *nity, tribal area, or neighborhood for economic*  
9             *development and community revitalization; and*

10            *(C) encouragement of people to experience*  
11            *and appreciate local historic resources through*  
12            *education and heritage tourism programs.*

13            *(3) LOCAL GOVERNMENTS PREVIOUSLY CER-*  
14            *TIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—*  
15            *The Council shall establish an expedited process for*  
16            *Preserve America Community designation for local*  
17            *governments previously certified for historic preserva-*  
18            *tion activities under section 101(c)(1) of the National*  
19            *Historic Preservation Act (16 U.S.C. 470a(c)(1)).*

20            *(4) GUIDELINES.—The Council, in consultation*  
21            *with the Secretary, shall establish any guidelines that*  
22            *are necessary to carry out this subsection.*

23            *(e) REGULATIONS.—The Secretary shall develop any*  
24            *guidelines and issue any regulations that the Secretary de-*  
25            *termines to be necessary to carry out this section.*

1       (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
2 *authorized to be appropriated to carry out this section*  
3 *\$25,000,000 for each fiscal year, to remain available until*  
4 *expended.*

5 **SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.**

6       (a) *PURPOSE.*—*The purpose of this section is to au-*  
7 *thorize within the Department of the Interior the Save*  
8 *America's Treasures Program, to be carried out by the Di-*  
9 *rector of the National Park Service, in partnership with—*

- 10           (1) *the National Endowment for the Arts;*  
11           (2) *the National Endowment for the Humanities;*  
12           (3) *the Institute of Museum and Library Serv-*  
13 *ices;*  
14           (4) *the National Trust for Historic Preservation;*  
15           (5) *the National Conference of State Historic*  
16 *Preservation Officers;*  
17           (6) *the National Association of Tribal Historic*  
18 *Preservation Officers; and*  
19           (7) *the President's Committee on the Arts and*  
20 *the Humanities.*

21       (b) *DEFINITIONS.*—*In this section:*

- 22           (1) *COLLECTION.*—*The term "collection" means*  
23 *a collection of intellectual and cultural artifacts, in-*  
24 *cluding documents, sculpture, and works of art.*

1           (2) *ELIGIBLE ENTITY*.—The term “eligible enti-  
2           ty” means a Federal entity, State, local, or tribal gov-  
3           ernment, educational institution, or nonprofit organi-  
4           zation.

5           (3) *HISTORIC PROPERTY*.—The term “historic  
6           property” has the meaning given the term in section  
7           301 of the National Historic Preservation Act (16  
8           U.S.C. 470w).

9           (4) *NATIONALLY SIGNIFICANT*.—The term “na-  
10           tionally significant” means a collection or historic  
11           property that meets the applicable criteria for na-  
12           tional significance, in accordance with regulations  
13           promulgated by the Secretary pursuant to section  
14           101(a)(2) of the National Historic Preservation Act  
15           (16 U.S.C. 470a(a)(2)).

16           (5) *PROGRAM*.—The term “program” means the  
17           Save America’s Treasures Program established under  
18           subsection (c)(1).

19           (6) *SECRETARY*.—The term “Secretary” means  
20           the Secretary of the Interior, acting through the Di-  
21           rector of the National Park Service.

22           (c) *ESTABLISHMENT*.—

23           (1) *IN GENERAL*.—There is established in the De-  
24           partment of the Interior the Save America’s Treasures  
25           program, under which the amounts made available to

1 *the Secretary under subsection (e) shall be used by the*  
2 *Secretary, in consultation with the organizations de-*  
3 *scribed in subsection (a), subject to paragraph*  
4 *(6)(A)(ii), to provide grants to eligible entities for*  
5 *projects to preserve nationally significant collections*  
6 *and historic properties.*

7 (2) *DETERMINATION OF GRANTS.—Of the*  
8 *amounts made available for grants under subsection*  
9 *(e), not less than 50 percent shall be made available*  
10 *for grants for projects to preserve collections and his-*  
11 *toric properties, to be distributed through a competi-*  
12 *tive grant process administered by the Secretary, sub-*  
13 *ject to the eligibility criteria established under para-*  
14 *graph (5).*

15 (3) *APPLICATIONS FOR GRANTS.—To be consid-*  
16 *ered for a competitive grant under the program an el-*  
17 *igible entity shall submit to the Secretary an applica-*  
18 *tion containing such information as the Secretary*  
19 *may require.*

20 (4) *COLLECTIONS AND HISTORIC PROPERTIES*  
21 *ELIGIBLE FOR COMPETITIVE GRANTS.—*

22 (A) *IN GENERAL.—A collection or historic*  
23 *property shall be provided a competitive grant*  
24 *under the program only if the Secretary deter-*

1           *mines that the collection or historic property*  
2           *is—*

3                     *(i) nationally significant; and*

4                     *(ii) threatened or endangered.*

5                     *(B) ELIGIBLE COLLECTIONS.—A determina-*  
6                     *tion by the Secretary regarding the national sig-*  
7                     *nificance of collections under subparagraph*  
8                     *(A)(i) shall be made in consultation with the or-*  
9                     *ganizations described in subsection (a), as ap-*  
10                    *propriate.*

11                    *(C) ELIGIBLE HISTORIC PROPERTIES.—To*  
12                    *be eligible for a competitive grant under the pro-*  
13                    *gram, a historic property shall, as of the date of*  
14                    *the grant application—*

15                             *(i) be listed in the National Register of*  
16                             *Historic Places at the national level of sig-*  
17                             *nificance; or*

18                             *(ii) be designated as a National His-*  
19                             *toric Landmark.*

20                    *(5) SELECTION CRITERIA FOR GRANTS.—*

21                             *(A) IN GENERAL.—The Secretary shall not*  
22                             *provide a grant under this section to a project*  
23                             *for an eligible collection or historic property un-*  
24                             *less the project—*



1           (i) *eliminates or substantially miti-*  
2           *gates the threat of destruction or deteriora-*  
3           *tion of the eligible collection or historic*  
4           *property;*

5           (ii) *has a clear public benefit; and*

6           (iii) *is able to be completed on schedule*  
7           *and within the budget described in the*  
8           *grant application.*

9           (B) *PREFERENCE.—In providing grants*  
10          *under this section, the Secretary may give pref-*  
11          *erence to projects that carry out the purposes of*  
12          *both the program and the Preserve America Pro-*  
13          *gram.*

14          (C) *LIMITATION.—In providing grants*  
15          *under this section, the Secretary shall only pro-*  
16          *vide 1 grant to each eligible project selected for*  
17          *a grant.*

18          (6) *CONSULTATION AND NOTIFICATION BY SEC-*  
19          *RETARY.—*

20                (A) *CONSULTATION.—*

21                (i) *IN GENERAL.—Subject to clause*  
22                *(ii), the Secretary shall consult with the or-*  
23                *ganizations described in subsection (a) in*  
24                *preparing the list of projects to be provided*

1           *grants for a fiscal year by the Secretary*  
2           *under the program.*

3           *(ii) LIMITATION.—If an entity de-*  
4           *scribed in clause (i) has submitted an ap-*  
5           *plication for a grant under the program,*  
6           *the entity shall be recused by the Secretary*  
7           *from the consultation requirements under*  
8           *that clause and paragraph (1).*

9           *(B) NOTIFICATION.—Not later than 30 days*  
10          *before the date on which the Secretary provides*  
11          *grants for a fiscal year under the program, the*  
12          *Secretary shall submit to the Committee on En-*  
13          *ergy and Natural Resources of the Senate, the*  
14          *Committee on Appropriations of the Senate, the*  
15          *Committee on Natural Resources of the House of*  
16          *Representatives, and the Committee on Appro-*  
17          *priations of the House of Representatives a list*  
18          *of any eligible projects that are to be provided*  
19          *grants under the program for the fiscal year.*

20          *(7) COST-SHARING REQUIREMENT.—*

21            *(A) IN GENERAL.—The non-Federal share of*  
22            *the cost of carrying out a project provided a*  
23            *grant under this section shall be not less than 50*  
24            *percent of the total cost of the project.*

1                   (B) *FORM OF NON-FEDERAL SHARE.*—*The*  
2                   *non-Federal share required under subparagraph*  
3                   *(A) shall be in the form of—*

4                               (i) *cash; or*

5                               (ii) *donated supplies or related serv-*  
6                               *ices, the value of which shall be determined*  
7                               *by the Secretary.*

8                   (C) *REQUIREMENT.*—*The Secretary shall*  
9                   *ensure that each applicant for a grant has the*  
10                   *capacity and a feasible plan for securing the*  
11                   *non-Federal share for an eligible project required*  
12                   *under subparagraph (A) before a grant is pro-*  
13                   *vided to the eligible project under the program.*

14                   (d) *REGULATIONS.*—*The Secretary shall develop any*  
15                   *guidelines and issue any regulations that the Secretary de-*  
16                   *termines to be necessary to carry out this section.*

17                   (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
18                   *authorized to be appropriated to carry out this section*  
19                   *\$50,000,000 for each fiscal year, to remain available until*  
20                   *expended.*

21 **SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.**

22                   *Section 4 of Public Law 106–45 (16 U.S.C. 461 note;*  
23                   *113 Stat. 226) is amended by striking “2009” and inserting*  
24                   *“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 Recreation*  
 13 *Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking*  
 14 *“ten years after the date of enactment of the Na Hoa Pili*  
 15 *O Kaloko-Honokohau Re-establishment Act of 1996” and*  
 16 *inserting “on December 31, 2018”.*

17 **SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COM-**  
 18 **MISSION.**

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. CONCESSIONS MANAGEMENT ADVISORY BOARD.**

23 *Section 409(d) of the National Park Service Conces-*  
 24 *sions Management Improvement Act of 1998 (16 U.S.C.*  
 25 *5958(d)) is amended in the first sentence by striking*  
 26 *“2008” and inserting “2009”.*

1 **SEC. 7404. ST. AUGUSTINE 450TH COMMEMORATION COM-**  
2 **MISSION.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *COMMEMORATION.—The term “commemora-*  
5 *tion” means the commemoration of the 450th anni-*  
6 *versary of the founding of the settlement of St. Augus-*  
7 *tine, Florida.*

8 (2) *COMMISSION.—The term “Commission”*  
9 *means the St. Augustine 450th Commemoration Com-*  
10 *mission established by subsection (b)(1).*

11 (3) *GOVERNOR.—The term “Governor” means*  
12 *the Governor of the State.*

13 (4) *SECRETARY.—The term “Secretary” means*  
14 *the Secretary of the Interior.*

15 (5) *STATE.—*

16 (A) *IN GENERAL.—The term “State” means*  
17 *the State of Florida.*

18 (B) *INCLUSION.—The term “State” includes*  
19 *agencies and entities of the State of Florida.*

20 (b) *ESTABLISHMENT.—*

21 (1) *IN GENERAL.—There is established a com-*  
22 *mission, to be known as the “St. Augustine 450th*  
23 *Commemoration Commission”.*

24 (2) *MEMBERSHIP.—*

25 (A) *COMPOSITION.—The Commission shall*  
26 *be composed of 14 members, of whom—*

1           (i) 3 members shall be appointed by  
2           the Secretary, after considering the rec-  
3           ommendations of the St. Augustine City  
4           Commission;

5           (ii) 3 members shall be appointed by  
6           the Secretary, after considering the rec-  
7           ommendations of the Governor;

8           (iii) 1 member shall be an employee of  
9           the National Park Service having experience  
10          relevant to the historical resources relating  
11          to the city of St. Augustine and the com-  
12          memoration, to be appointed by the Sec-  
13          retary;

14          (iv) 1 member shall be appointed by  
15          the Secretary, taking into consideration the  
16          recommendations of the Mayor of the city of  
17          St. Augustine;

18          (v) 1 member shall be appointed by the  
19          Secretary, after considering the rec-  
20          ommendations of the Chancellor of the Uni-  
21          versity System of Florida; and

22          (vi) 5 members shall be individuals  
23          who are residents of the State who have an  
24          interest in, support for, and expertise ap-  
25          propriate to the commemoration, to be ap-

1           *pointed by the Secretary, taking into con-*  
2           *sideration the recommendations of Members*  
3           *of Congress.*

4           (B) *TIME OF APPOINTMENT.*—*Each ap-*  
5           *pointment of an initial member of the Commis-*  
6           *sion shall be made before the expiration of the*  
7           *120-day period beginning on the date of enact-*  
8           *ment of this Act.*

9           (C) *TERM; VACANCIES.*—

10           (i) *TERM.*—*A member of the Commis-*  
11           *sion shall be appointed for the life of the*  
12           *Commission.*

13           (ii) *VACANCIES.*—

14           (I) *IN GENERAL.*—*A vacancy on*  
15           *the Commission shall be filled in the*  
16           *same manner in which the original ap-*  
17           *pointment was made.*

18           (II) *PARTIAL TERM.*—*A member*  
19           *appointed to fill a vacancy on the*  
20           *Commission shall serve for the remain-*  
21           *der of the term for which the prede-*  
22           *cessor of the member was appointed.*

23           (iii) *CONTINUATION OF MEMBER-*  
24           *SHIP.*—*If a member of the Commission was*  
25           *appointed to the Commission as Mayor of*

1           *the city of St. Augustine or as an employee*  
2           *of the National Park Service or the State*  
3           *University System of Florida, and ceases to*  
4           *hold such position, that member may con-*  
5           *tinue to serve on the Commission for not*  
6           *longer than the 30-day period beginning on*  
7           *the date on which that member ceases to*  
8           *hold the position.*

9           (3) *DUTIES.—The Commission shall—*

10           (A) *plan, develop, and carry out programs*  
11           *and activities appropriate for the commemora-*  
12           *tion;*

13           (B) *facilitate activities relating to the com-*  
14           *memoration throughout the United States;*

15           (C) *encourage civic, patriotic, historical,*  
16           *educational, artistic, religious, economic, and*  
17           *other organizations throughout the United States*  
18           *to organize and participate in anniversary ac-*  
19           *tivities to expand understanding and apprecia-*  
20           *tion of the significance of the founding and con-*  
21           *tinuing history of St. Augustine;*

22           (D) *provide technical assistance to States,*  
23           *localities, and nonprofit organizations to further*  
24           *the commemoration;*



1           (E) coordinate and facilitate for the public  
2           scholarly research on, publication about, and in-  
3           terpretation of, St. Augustine;

4           (F) ensure that the commemoration pro-  
5           vides a lasting legacy and long-term public ben-  
6           efit by assisting in the development of appro-  
7           priate programs; and

8           (G) help ensure that the observances of the  
9           foundation of St. Augustine are inclusive and  
10          appropriately recognize the experiences and her-  
11          itage of all individuals present when St. Augus-  
12          tine was founded.

13       (c) COMMISSION MEETINGS.—

14           (1) INITIAL MEETING.—Not later than 30 days  
15          after the date on which all members of the Commis-  
16          sion have been appointed, the Commission shall hold  
17          the initial meeting of the Commission.

18           (2) MEETINGS.—The Commission shall meet—

19                   (A) at least 3 times each year; or

20                   (B) at the call of the Chairperson or the  
21          majority of the members of the Commission.

22           (3) QUORUM.—A majority of the voting members  
23          shall constitute a quorum, but a lesser number may  
24          hold meetings.

25           (4) CHAIRPERSON AND VICE CHAIRPERSON.—

1           (A) *ELECTION.*—*The Commission shall elect*  
2           *the Chairperson and the Vice Chairperson of the*  
3           *Commission on an annual basis.*

4           (B) *ABSENCE OF THE CHAIRPERSON.*—*The*  
5           *Vice Chairperson shall serve as the Chairperson*  
6           *in the absence of the Chairperson.*

7           (5) *VOTING.*—*The Commission shall act only on*  
8           *an affirmative vote of a majority of the members of*  
9           *the Commission.*

10          (d) *COMMISSION POWERS.*—

11           (1) *GIFTS.*—*The Commission may solicit, accept,*  
12           *use, and dispose of gifts, bequests, or devises of money*  
13           *or other property for aiding or facilitating the work*  
14           *of the Commission.*

15           (2) *APPOINTMENT OF ADVISORY COMMITTEES.*—  
16           *The Commission may appoint such advisory commit-*  
17           *tees as the Commission determines to be necessary to*  
18           *carry out this section.*

19           (3) *AUTHORIZATION OF ACTION.*—*The Commis-*  
20           *sion may authorize any member or employee of the*  
21           *Commission to take any action that the Commission*  
22           *is authorized to take under this section.*

23           (4) *PROCUREMENT.*—

24           (A) *IN GENERAL.*—*The Commission may*  
25           *procure supplies, services, and property, and*

1           *make or enter into contracts, leases, or other*  
2           *legal agreements, to carry out this section (except*  
3           *that a contract, lease, or other legal agreement*  
4           *made or entered into by the Commission shall*  
5           *not extend beyond the date of termination of the*  
6           *Commission).*

7           (B) *LIMITATION.—The Commission may*  
8           *not purchase real property.*

9           (5) *POSTAL SERVICES.—The Commission may*  
10          *use the United States mails in the same manner and*  
11          *under the same conditions as other agencies of the*  
12          *Federal Government.*

13          (6) *GRANTS AND TECHNICAL ASSISTANCE.—The*  
14          *Commission may—*

15               (A) *provide grants in amounts not to exceed*  
16               *\$20,000 per grant to communities and nonprofit*  
17               *organizations for use in developing programs to*  
18               *assist in the commemoration;*

19               (B) *provide grants to research and scholarly*  
20               *organizations to research, publish, or distribute*  
21               *information relating to the early history of St.*  
22               *Augustine; and*

23               (C) *provide technical assistance to States,*  
24               *localities, and nonprofit organizations to further*  
25               *the commemoration.*

1       (e) *COMMISSION PERSONNEL MATTERS.*—

2               (1) *COMPENSATION OF MEMBERS.*—

3                       (A) *IN GENERAL.*—*Except as provided in*  
4                       *paragraph (2), a member of the Commission*  
5                       *shall serve without compensation.*

6                       (B) *FEDERAL EMPLOYEES.*—*A member of*  
7                       *the Commission who is an officer or employee of*  
8                       *the Federal Government shall serve without com-*  
9                       *penetration other than the compensation received*  
10                      *for the services of the member as an officer or*  
11                      *employee of the Federal Government.*

12                     (2) *TRAVEL EXPENSES.*—*A member of the Com-*  
13                     *mission shall be allowed travel expenses, including*  
14                     *per diem in lieu of subsistence, at rates authorized for*  
15                     *an employee of an agency under subchapter I of chap-*  
16                     *ter 57 of title 5, United States Code, while away from*  
17                     *the home or regular place of business of the member*  
18                     *in the performance of the duties of the Commission.*

19                     (3) *DIRECTOR AND STAFF.*—

20                               (A) *IN GENERAL.*—*The Chairperson of the*  
21                               *Commission may, without regard to the civil*  
22                               *service laws (including regulations), nominate*  
23                               *an executive director to enable the Commission*  
24                               *to perform the duties of the Commission.*

1           (B) *CONFIRMATION OF EXECUTIVE DIRECTOR.*—*The employment of an executive director*  
2           *shall be subject to confirmation by the Commis-*  
3           *sion.*

4           (4) *COMPENSATION.*—

5           (A) *IN GENERAL.*—*Except as provided in*  
6           *subparagraph (B), the Commission may fix the*  
7           *compensation of the executive director and other*  
8           *personnel without regard to the provisions of*  
9           *chapter 51 and subchapter III of chapter 53 of*  
10           *title 5, United States Code, relating to classifica-*  
11           *tion of positions and General Schedule pay rates.*

12           (B) *MAXIMUM RATE OF PAY.*—*The rate of*  
13           *pay for the executive director and other per-*  
14           *sonnel shall not exceed the rate payable for level*  
15           *V of the Executive Schedule under section 5316*  
16           *of title 5, United States Code.*

17           (5) *DETAIL OF GOVERNMENT EMPLOYEES.*—

18           (A) *FEDERAL EMPLOYEES.*—

19           (i) *DETAIL.*—*At the request of the*  
20           *Commission, the head of any Federal agen-*  
21           *cy may detail, on a reimbursable or nonre-*  
22           *imbursable basis, any of the personnel of the*  
23           *agency to the Commission to assist the*  
24

1           *Commission in carrying out the duties of*  
2           *the Commission under this section.*

3           (ii) *CIVIL SERVICE STATUS.*—*The de-*  
4           *tail of an employee under clause (i) shall be*  
5           *without interruption or loss of civil service*  
6           *status or privilege.*

7           (B) *STATE EMPLOYEES.*—*The Commission*  
8           *may—*

9                   (i) *accept the services of personnel de-*  
10                  *tailed from the State; and*

11                  (ii) *reimburse the State for services of*  
12                  *detailed personnel.*

13           (6) *PROCUREMENT OF TEMPORARY AND INTER-*  
14           *MITTENT SERVICES.*—*The Chairperson of the Com-*  
15           *mission may procure temporary and intermittent*  
16           *services in accordance with section 3109(b) of title 5,*  
17           *United States Code, at rates for individuals that do*  
18           *not exceed the daily equivalent of the annual rate of*  
19           *basic pay prescribed for level V of the Executive*  
20           *Schedule under section 5316 of such title.*

21           (7) *VOLUNTEER AND UNCOMPENSATED SERV-*  
22           *ICES.*—*Notwithstanding section 1342 of title 31,*  
23           *United States Code, the Commission may accept and*  
24           *use such voluntary and uncompensated services as the*  
25           *Commission determines to be necessary.*

1           (8) *SUPPORT SERVICES.*—

2                   (A) *IN GENERAL.*—*The Secretary shall pro-*  
3                   *vide to the Commission, on a reimbursable basis,*  
4                   *such administrative support services as the Com-*  
5                   *mission may request.*

6                   (B) *REIMBURSEMENT.*—*Any reimbursement*  
7                   *under this paragraph shall be credited to the ap-*  
8                   *propriation, fund, or account used for paying*  
9                   *the amounts reimbursed.*

10           (9) *FACA NONAPPLICABILITY.*—*Section 14(b) of*  
11           *the Federal Advisory Committee Act (5 U.S.C. App.)*  
12           *shall not apply to the Commission.*

13           (10) *NO EFFECT ON AUTHORITY.*—*Nothing in*  
14           *this subsection supersedes the authority of the State,*  
15           *the National Park Service, the city of St. Augustine,*  
16           *or any designee of those entities, with respect to the*  
17           *commemoration.*

18           (f) *PLANS; REPORTS.*—

19                   (1) *STRATEGIC PLAN.*—*The Commission shall*  
20                   *prepare a strategic plan for the activities of the Com-*  
21                   *mission carried out under this section.*

22                   (2) *FINAL REPORT.*—*Not later than September*  
23                   *30, 2015, the Commission shall complete and submit*  
24                   *to Congress a final report that contains—*

1           (A) a summary of the activities of the Com-  
2           mission;

3           (B) a final accounting of funds received and  
4           expended by the Commission; and

5           (C) the findings and recommendations of  
6           the Commission.

7           (g) AUTHORIZATION OF APPROPRIATIONS.—

8           (1) IN GENERAL.—There is authorized to be ap-  
9           propriated to the Commission to carry out this sec-  
10          tion \$500,000 for each of fiscal years 2009 through  
11          2015.

12          (2) AVAILABILITY.—Amounts made available  
13          under paragraph (1) shall remain available until De-  
14          cember 31, 2015.

15          (h) TERMINATION OF COMMISSION.—

16          (1) DATE OF TERMINATION.—The Commission  
17          shall terminate on December 31, 2015.

18          (2) TRANSFER OF DOCUMENTS AND MATE-  
19          RIALS.—Before the date of termination specified in  
20          paragraph (1), the Commission shall transfer all doc-  
21          uments and materials of the Commission to the Na-  
22          tional Archives or another appropriate Federal entity.



1                   **TITLE VIII—NATIONAL**  
2                   **HERITAGE AREAS**  
3       **Subtitle A—Designation of National**  
4                   **Heritage Areas**

5       **SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA,**  
6                   **COLORADO.**

7           (a) *DEFINITIONS.—In this section:*

8                   (1) *HERITAGE AREA.—The term “Heritage*  
9                   *Area” means the Sangre de Cristo National Heritage*  
10                   *Area established by subsection (b)(1).*

11                   (2) *MANAGEMENT ENTITY.—The term “manage-*  
12                   *ment entity” means the management entity for the*  
13                   *Heritage Area designated by subsection (b)(4).*

14                   (3) *MANAGEMENT PLAN.—The term “manage-*  
15                   *ment plan” means the management plan for the Her-*  
16                   *itage Area required under subsection (d).*

17                   (4) *MAP.—The term “map” means the map enti-*  
18                   *tled “Proposed Sangre De Cristo National Heritage*  
19                   *Area” and dated November 2005.*

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) *SANGRE DE CRISTO NATIONAL HERITAGE*  
25           *AREA.—*

1           (1) *ESTABLISHMENT.*—*There is established in*  
2 *the State the Sangre de Cristo National Heritage*  
3 *Area.*

4           (2) *BOUNDARIES.*—*The Heritage Area shall con-*  
5 *sist of—*

6                 (A) *the counties of Alamosa, Conejos, and*  
7 *Costilla; and*

8                 (B) *the Monte Vista National Wildlife Ref-*  
9 *uge, the Baca National Wildlife Refuge, the*  
10 *Great Sand Dunes National Park and Preserve,*  
11 *and other areas included in the map.*

12           (3) *MAP.*—*A map of the Heritage Area shall*  
13 *be—*

14                 (A) *included in the management plan; and*

15                 (B) *on file and available for public inspec-*  
16 *tion in the appropriate offices of the National*  
17 *Park Service.*

18           (4) *MANAGEMENT ENTITY.*—

19                 (A) *IN GENERAL.*—*The management entity*  
20 *for the Heritage Area shall be the Sangre de*  
21 *Cristo National Heritage Area Board of Direc-*  
22 *tors.*

23                 (B) *MEMBERSHIP REQUIREMENTS.*—*Mem-*  
24 *bers of the Board shall include representatives*  
25 *from a broad cross-section of the individuals,*

1            *agencies, organizations, and governments that*  
2            *were involved in the planning and development*  
3            *of the Heritage Area before the date of enactment*  
4            *of this Act.*

5            *(c) ADMINISTRATION.—*

6            *(1) AUTHORITIES.—For purposes of carrying out*  
7            *the management plan, the Secretary, acting through*  
8            *the management entity, may use amounts made*  
9            *available under this section to—*

10            *(A) make grants to the State or a political*  
11            *subdivision of the State, nonprofit organizations,*  
12            *and other persons;*

13            *(B) enter into cooperative agreements with,*  
14            *or provide technical assistance to, the State or a*  
15            *political subdivision of the State, nonprofit orga-*  
16            *nizations, and other interested parties;*

17            *(C) hire and compensate staff, which shall*  
18            *include individuals with expertise in natural,*  
19            *cultural, and historical resources protection, and*  
20            *heritage programming;*

21            *(D) obtain money or services from any*  
22            *source including any that are provided under*  
23            *any other Federal law or program;*

24            *(E) contract for goods or services; and*

1           (F) undertake to be a catalyst for any other  
2 activity that furthers the Heritage Area and is  
3 consistent with the approved management plan.

4       (2) DUTIES.—The management entity shall—

5           (A) in accordance with subsection (d), pre-  
6 pare and submit a management plan for the  
7 Heritage Area to the Secretary;

8           (B) assist units of local government, re-  
9 gional planning organizations, and nonprofit or-  
10 ganizations in carrying out the approved man-  
11 agement plan by—

12           (i) carrying out programs and projects  
13 that recognize, protect, and enhance impor-  
14 tant resource values in the Heritage Area;

15           (ii) establishing and maintaining in-  
16 terpretive exhibits and programs in the  
17 Heritage Area;

18           (iii) developing recreational and edu-  
19 cational opportunities in the Heritage Area;

20           (iv) increasing public awareness of,  
21 and appreciation for, natural, historical,  
22 scenic, and cultural resources of the Herit-  
23 age Area;

24           (v) protecting and restoring historic  
25 sites and buildings in the Heritage Area

1           *that are consistent with Heritage Area*  
2           *themes;*

3                     *(vi) ensuring that clear, consistent,*  
4                     *and appropriate signs identifying points of*  
5                     *public access, and sites of interest are posted*  
6                     *throughout the Heritage Area; and*

7                     *(vii) promoting a wide range of part-*  
8                     *nerships among governments, organizations,*  
9                     *and individuals to further the Heritage*  
10                    *Area;*

11                    *(C) consider the interests of diverse units of*  
12                    *government, businesses, organizations, and indi-*  
13                    *viduals in the Heritage Area in the preparation*  
14                    *and implementation of the management plan;*

15                    *(D) conduct meetings open to the public at*  
16                    *least semiannually regarding the development*  
17                    *and implementation of the management plan;*

18                    *(E) for any year that Federal funds have*  
19                    *been received under this section—*

20                             *(i) submit an annual report to the Sec-*  
21                             *retary that describes the activities, expenses,*  
22                             *and income of the management entity (in-*  
23                             *cluding grants to any other entities during*  
24                             *the year that the report is made);*

1           (ii) make available to the Secretary for  
2           audit all records relating to the expenditure  
3           of the funds and any matching funds;

4           (iii) require, with respect to all agree-  
5           ments authorizing expenditure of Federal  
6           funds by other organizations, that the orga-  
7           nizations receiving the funds make available  
8           to the Secretary for audit all records con-  
9           cerning the expenditure of the funds; and

10          (F) encourage by appropriate means eco-  
11          nomic viability that is consistent with the Herit-  
12          age Area.

13          (3) *PROHIBITION ON THE ACQUISITION OF REAL*  
14          *PROPERTY.*—The management entity shall not use  
15          Federal funds made available under this section to ac-  
16          quire real property or any interest in real property.

17          (4) *COST-SHARING REQUIREMENT.*—The Federal  
18          share of the cost of any activity carried out using any  
19          assistance made available under this section shall be  
20          50 percent.

21          (d) *MANAGEMENT PLAN.*—

22               (1) *IN GENERAL.*—Not later than 3 years after  
23          the date of enactment of this Act, the management en-  
24          tity shall submit to the Secretary for approval a pro-  
25          posed management plan for the Heritage Area.

1           (2) *REQUIREMENTS.*—*The management plan*  
2 *shall—*

3           (A) *incorporate an integrated and coopera-*  
4 *tive approach for the protection, enhancement,*  
5 *and interpretation of the natural, cultural, his-*  
6 *toric, scenic, and recreational resources of the*  
7 *Heritage Area;*

8           (B) *take into consideration State and local*  
9 *plans;*

10          (C) *include—*

11           (i) *an inventory of—*

12               (I) *the resources located in the*  
13 *core area described in subsection*  
14 *(b)(2); and*

15               (II) *any other property in the*  
16 *core area that—*

17                   (aa) *is related to the themes*  
18 *of the Heritage Area; and*

19                   (bb) *should be preserved, re-*  
20 *stored, managed, or maintained*  
21 *because of the significance of the*  
22 *property;*

23           (ii) *comprehensive policies, strategies*  
24 *and recommendations for conservation,*

1           *funding, management, and development of*  
2           *the Heritage Area;*

3                     *(iii) a description of actions that gov-*  
4                     *ernments, private organizations, and indi-*  
5                     *viduals have agreed to take to protect the*  
6                     *natural, historical and cultural resources of*  
7                     *the Heritage Area;*

8                     *(iv) a program of implementation for*  
9                     *the management plan by the management*  
10                    *entity that includes a description of—*

11                             *(I) actions to facilitate ongoing*  
12                             *collaboration among partners to pro-*  
13                             *mote plans for resource protection, res-*  
14                             *toration, and construction; and*

15                             *(II) specific commitments for im-*  
16                             *plementation that have been made by*  
17                             *the management entity or any govern-*  
18                             *ment, organization, or individual for*  
19                             *the first 5 years of operation;*

20                     *(v) the identification of sources of*  
21                     *funding for carrying out the management*  
22                     *plan;*

23                     *(vi) analysis and recommendations for*  
24                     *means by which local, State, and Federal*  
25                     *programs, including the role of the National*



1           *Park Service in the Heritage Area, may*  
2           *best be coordinated to carry out this section;*  
3           *and*

4                     *(vii) an interpretive plan for the Her-*  
5           *itage Area; and*

6           *(D) recommend policies and strategies for*  
7           *resource management that consider and detail*  
8           *the application of appropriate land and water*  
9           *management techniques, including the develop-*  
10          *ment of intergovernmental and interagency coop-*  
11          *erative agreements to protect the natural, histor-*  
12          *ical, cultural, educational, scenic, and rec-*  
13          *reational resources of the Heritage Area.*

14          *(3) DEADLINE.—If a proposed management plan*  
15          *is not submitted to the Secretary by the date that is*  
16          *3 years after the date of enactment of this Act, the*  
17          *management entity shall be ineligible to receive addi-*  
18          *tional funding under this section until the date that*  
19          *the Secretary receives and approves the management*  
20          *plan.*

21          *(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT*  
22          *PLAN.—*

23                     *(A) IN GENERAL.—Not later than 180 days*  
24           *after the date of receipt of the management plan*  
25           *under paragraph (1), the Secretary, in consulta-*

1            *tion with the State, shall approve or disapprove*  
2            *the management plan.*

3            *(B) CRITERIA FOR APPROVAL.—In deter-*  
4            *mining whether to approve the management*  
5            *plan, the Secretary shall consider whether—*

6                    *(i) the management entity is represent-*  
7                    *ative of the diverse interests of the Heritage*  
8                    *Area, including governments, natural and*  
9                    *historic resource protection organizations,*  
10                   *educational institutions, businesses, and*  
11                   *recreational organizations;*

12                   *(ii) the management entity has af-*  
13                   *forded adequate opportunity, including pub-*  
14                   *lic hearings, for public and governmental*  
15                   *involvement in the preparation of the man-*  
16                   *agement plan; and*

17                   *(iii) the resource protection and inter-*  
18                   *pretation strategies contained in the man-*  
19                   *agement plan, if implemented, would ade-*  
20                   *quately protect the natural, historical, and*  
21                   *cultural resources of the Heritage Area.*

22            *(C) ACTION FOLLOWING DISAPPROVAL.—If*  
23            *the Secretary disapproves the management plan*  
24            *under subparagraph (A), the Secretary shall—*

1           (i) *advise the management entity in*  
2           *writing of the reasons for the disapproval;*

3           (ii) *make recommendations for revi-*  
4           *sions to the management plan; and*

5           (iii) *not later than 180 days after the*  
6           *receipt of any proposed revision of the man-*  
7           *agement plan from the management entity,*  
8           *approve or disapprove the proposed revi-*  
9           *sion.*

10       (D) *AMENDMENTS.—*

11           (i) *IN GENERAL.—The Secretary shall*  
12           *approve or disapprove each amendment to*  
13           *the management plan that the Secretary de-*  
14           *termines make a substantial change to the*  
15           *management plan.*

16           (ii) *USE OF FUNDS.—The management*  
17           *entity shall not use Federal funds author-*  
18           *ized by this section to carry out any*  
19           *amendments to the management plan until*  
20           *the Secretary has approved the amend-*  
21           *ments.*

22       (e) *RELATIONSHIP TO OTHER FEDERAL AGENCIES.—*

23           (1) *IN GENERAL.—Nothing in this section affects*  
24           *the authority of a Federal agency to provide technical*  
25           *or financial assistance under any other law.*

1           (2) *CONSULTATION AND COORDINATION.*—*The*  
2           *head of any Federal agency planning to conduct ac-*  
3           *tivities that may have an impact on the Heritage*  
4           *Area is encouraged to consult and coordinate the ac-*  
5           *tivities with the Secretary and the management enti-*  
6           *ty to the maximum extent practicable.*

7           (3) *OTHER FEDERAL AGENCIES.*—*Nothing in*  
8           *this section—*

9                   (A) *modifies, alters, or amends any law or*  
10                  *regulation authorizing a Federal agency to man-*  
11                  *age Federal land under the jurisdiction of the*  
12                  *Federal agency;*

13                   (B) *limits the discretion of a Federal land*  
14                  *manager to implement an approved land use*  
15                  *plan within the boundaries of the Heritage Area;*  
16                  *or*

17                   (C) *modifies, alters, or amends any author-*  
18                  *ized use of Federal land under the jurisdiction of*  
19                  *a Federal agency.*

20           (f) *PRIVATE PROPERTY AND REGULATORY PROTEC-*  
21           *TIONS.*—*Nothing in this section—*

22                   (1) *abridges the rights of any property owner*  
23                  *(whether public or private), including the right to re-*  
24                  *frain from participating in any plan, project, pro-*  
25                  *gram, or activity conducted within the Heritage Area;*

1           (2) *requires any property owner to permit public*  
2 *access (including access by Federal, State, or local*  
3 *agencies) to the property of the property owner, or to*  
4 *modify public access or use of property of the prop-*  
5 *erty owner under any other Federal, State, or local*  
6 *law;*

7           (3) *alters any duly adopted land use regulation,*  
8 *approved land use plan, or other regulatory authority*  
9 *of any Federal, State or local agency, or conveys any*  
10 *land use or other regulatory authority to the manage-*  
11 *ment entity;*

12           (4) *authorizes or implies the reservation or ap-*  
13 *propriation of water or water rights;*

14           (5) *diminishes the authority of the State to man-*  
15 *age fish and wildlife, including the regulation of fish-*  
16 *ing and hunting within the Heritage Area; or*

17           (6) *creates any liability, or affects any liability*  
18 *under any other law, of any private property owner*  
19 *with respect to any person injured on the private*  
20 *property.*

21           (g) *EVALUATION; REPORT.—*

22           (1) *IN GENERAL.—Not later than 3 years before*  
23 *the date on which authority for Federal funding ter-*  
24 *minates for the Heritage Area, the Secretary shall—*

1           (A) *conduct an evaluation of the accom-*  
2           *plishments of the Heritage Area; and*

3           (B) *prepare a report in accordance with*  
4           *paragraph (3).*

5           (2) *EVALUATION.—An evaluation conducted*  
6           *under paragraph (1)(A) shall—*

7           (A) *assess the progress of the management*  
8           *entity with respect to—*

9                   (i) *accomplishing the purposes of this*  
10                   *section for the Heritage Area; and*

11                   (ii) *achieving the goals and objectives*  
12                   *of the approved management plan for the*  
13                   *Heritage Area;*

14           (B) *analyze the Federal, State, local, and*  
15           *private investments in the Heritage Area to de-*  
16           *termine the leverage and impact of the invest-*  
17           *ments; and*

18           (C) *review the management structure, part-*  
19           *nership relationships, and funding of the Herit-*  
20           *age Area for purposes of identifying the critical*  
21           *components for sustainability of the Heritage*  
22           *Area.*

23           (3) *REPORT.—*

24           (A) *IN GENERAL.—Based on the evaluation*  
25           *conducted under paragraph (1)(A), the Secretary*

1           *shall prepare a report that includes rec-*  
2           *ommendations for the future role of the National*  
3           *Park Service, if any, with respect to the Heritage*  
4           *Area.*

5           (B) *REQUIRED ANALYSIS.*—*If the report*  
6           *prepared under subparagraph (A) recommends*  
7           *that Federal funding for the Heritage Area be re-*  
8           *authorized, the report shall include an analysis*  
9           *of—*

10                   (i) *ways in which Federal funding for*  
11                   *the Heritage Area may be reduced or elimi-*  
12                   *nated; and*

13                   (ii) *the appropriate time period nec-*  
14                   *essary to achieve the recommended reduc-*  
15                   *tion or elimination.*

16           (C) *SUBMISSION TO CONGRESS.*—*On com-*  
17           *pletion of the report, the Secretary shall submit*  
18           *the report to—*

19                   (i) *the Committee on Energy and Nat-*  
20                   *ural Resources of the Senate; and*

21                   (ii) *the Committee on Natural Re-*  
22                   *sources of the House of Representatives.*

23           (h) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
24           *authorized to be appropriated to carry out this section*

1 \$10,000,000, of which not more than \$1,000,000 may be  
2 made available for any fiscal year.

3 (i) *TERMINATION OF AUTHORITY.*—The authority of  
4 the Secretary to provide assistance under this section termi-  
5 nates on the date that is 15 years after the date of enact-  
6 ment of this Act.

7 **SEC. 8002. CACHE LA POUFRE RIVER NATIONAL HERITAGE**  
8 **AREA, COLORADO.**

9 (a) *DEFINITIONS.*—In this section:

10 (1) *HERITAGE AREA.*—The term “Heritage  
11 Area” means the Cache La Poudre River National  
12 Heritage Area established by subsection (b)(1).

13 (2) *LOCAL COORDINATING ENTITY.*—The term  
14 “local coordinating entity” means the Poudre Herit-  
15 age Alliance, the local coordinating entity for the  
16 Heritage Area designated by subsection (b)(4).

17 (3) *MANAGEMENT PLAN.*—The term “manage-  
18 ment plan” means the management plan for the Her-  
19 itage Area required under subsection (d)(1).

20 (4) *MAP.*—The term “map” means the map enti-  
21 tled “Cache La Poudre River National Heritage  
22 Area”, numbered 960/80,003, and dated April, 2004.

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           (b) *CACHE LA POUFRE RIVER NATIONAL HERITAGE*  
4           *AREA.*—

5           (1) *ESTABLISHMENT.*—*There is established in*  
6           *the State the Cache La Poudre River National Herit-*  
7           *age Area.*

8           (2) *BOUNDARIES.*—*The Heritage Area shall con-*  
9           *sist of the area depicted on the map.*

10          (3) *MAP.*—*The map shall be on file and avail-*  
11          *able for public inspection in the appropriate offices*  
12          *of—*

13                   (A) *the National Park Service; and*

14                   (B) *the local coordinating entity.*

15          (4) *LOCAL COORDINATING ENTITY.*—*The local co-*  
16          *ordinating entity for the Heritage Area shall be the*  
17          *Poudre Heritage Alliance, a nonprofit organization*  
18          *incorporated in the State.*

19          (c) *ADMINISTRATION.*—

20           (1) *AUTHORITIES.*—*To carry out the manage-*  
21          *ment plan, the Secretary, acting through the local co-*  
22          *ordinating entity, may use amounts made available*  
23          *under this section—*

1           (A) to make grants to the State (including  
2           any political subdivision of the State), nonprofit  
3           organizations, and other individuals;

4           (B) to enter into cooperative agreements  
5           with, or provide technical assistance to, the State  
6           (including any political subdivision of the  
7           State), nonprofit organizations, and other inter-  
8           ested parties;

9           (C) to hire and compensate staff, which  
10          shall include individuals with expertise in nat-  
11          ural, cultural, and historical resource protection,  
12          and heritage programming;

13          (D) to obtain funds or services from any  
14          source, including funds or services that are pro-  
15          vided under any other Federal law or program;

16          (E) to enter into contracts for goods or serv-  
17          ices; and

18          (F) to serve as a catalyst for any other ac-  
19          tivity that—

20               (i) furthers the purposes and goals of  
21               the Heritage Area; and

22               (ii) is consistent with the approved  
23               management plan.

24          (2) *DUTIES.*—The local coordinating entity  
25          shall—

1           (A) *in accordance with subsection (d), pre-*  
2           *pare and submit to the Secretary a management*  
3           *plan for the Heritage Area;*

4           (B) *assist units of local government, re-*  
5           *gional planning organizations, and nonprofit or-*  
6           *ganizations in carrying out the approved man-*  
7           *agement plan by—*

8                   (i) *carrying out programs and projects*  
9                   *that recognize, protect, and enhance impor-*  
10                   *tant resource values located in the Heritage*  
11                   *Area;*

12                   (ii) *establishing and maintaining in-*  
13                   *terpretive exhibits and programs in the*  
14                   *Heritage Area;*

15                   (iii) *developing recreational and edu-*  
16                   *cational opportunities in the Heritage Area;*

17                   (iv) *increasing public awareness of,*  
18                   *and appreciation for, the natural, histor-*  
19                   *ical, scenic, and cultural resources of the*  
20                   *Heritage Area;*

21                   (v) *protecting and restoring historic*  
22                   *sites and buildings in the Heritage Area*  
23                   *that are consistent with Heritage Area*  
24                   *themes;*

1           (vi) ensuring that clear, consistent,  
2           and appropriate signs identifying points of  
3           public access, and sites of interest, are post-  
4           ed throughout the Heritage Area; and

5           (vii) promoting a wide range of part-  
6           nerships among governments, organizations,  
7           and individuals to further the Heritage  
8           Area;

9           (C) consider the interests of diverse units of  
10          government, businesses, organizations, and indi-  
11          viduals in the Heritage Area in the preparation  
12          and implementation of the management plan;

13          (D) conduct meetings open to the public at  
14          least semiannually regarding the development  
15          and implementation of the management plan;

16          (E) for any year for which Federal funds  
17          have been received under this section—

18               (i) submit an annual report to the Sec-  
19               retary that describes the activities, expenses,  
20               and income of the local coordinating entity  
21               (including grants to any other entities dur-  
22               ing the year that the report is made);

23               (ii) make available to the Secretary for  
24               audit all records relating to the expenditure  
25               of the funds and any matching funds; and

1                   (iii) require, with respect to all agree-  
2                   ments authorizing expenditure of Federal  
3                   funds by other organizations, that the orga-  
4                   nizations receiving the funds make available  
5                   to the Secretary for audit all records con-  
6                   cerning the expenditure of the funds; and

7                   (F) encourage by appropriate means eco-  
8                   nomic viability that is consistent with the Herit-  
9                   age Area.

10                  (3) *PROHIBITION ON THE ACQUISITION OF REAL*  
11                  *PROPERTY.*—The local coordinating entity shall not  
12                  use Federal funds made available under this section  
13                  to acquire real property or any interest in real prop-  
14                  erty.

15                  (d) *MANAGEMENT PLAN.*—

16                   (1) *IN GENERAL.*—Not later than 3 years after  
17                   the date of enactment of this Act, the local coordi-  
18                   nating entity shall submit to the Secretary for ap-  
19                   proval a proposed management plan for the Heritage  
20                   Area.

21                   (2) *REQUIREMENTS.*—The management plan  
22                   shall—

23                   (A) incorporate an integrated and coopera-  
24                   tive approach for the protection, enhancement,  
25                   and interpretation of the natural, cultural, his-

1           *toric, scenic, educational, and recreational re-*  
2           *sources of the Heritage Area;*

3           *(B) take into consideration State and local*  
4           *plans;*

5           *(C) include—*

6                 *(i) an inventory of the resources lo-*  
7                 *cated in the Heritage Area;*

8                 *(ii) comprehensive policies, strategies,*  
9                 *and recommendations for conservation,*  
10                *funding, management, and development of*  
11                *the Heritage Area;*

12                *(iii) a description of actions that gov-*  
13                *ernments, private organizations, and indi-*  
14                *viduals have agreed to take to protect the*  
15                *natural, cultural, historic, scenic, edu-*  
16                *cational, and recreational resources of the*  
17                *Heritage Area;*

18                *(iv) a program of implementation for*  
19                *the management plan by the local coordi-*  
20                *nating entity that includes a description*  
21                *of—*

22                         *(I) actions to facilitate ongoing*  
23                         *collaboration among partners to pro-*  
24                         *mote plans for resource protection, res-*  
25                         *toration, and construction; and*

1                   (II) *specific commitments for im-*  
2                   *plementation that have been made by*  
3                   *the local coordinating entity or any*  
4                   *government, organization, or indi-*  
5                   *vidual for the first 5 years of oper-*  
6                   *ation;*

7                   (v) *the identification of sources of*  
8                   *funding for carrying out the management*  
9                   *plan;*

10                  (vi) *analysis and recommendations for*  
11                  *means by which local, State, and Federal*  
12                  *programs, including the role of the National*  
13                  *Park Service in the Heritage Area, may*  
14                  *best be coordinated to carry out this section;*  
15                  *and*

16                  (vii) *an interpretive plan for the Her-*  
17                  *itage Area; and*

18                  (D) *recommend policies and strategies for*  
19                  *resource management that consider and detail*  
20                  *the application of appropriate land and water*  
21                  *management techniques, including the develop-*  
22                  *ment of intergovernmental and interagency coop-*  
23                  *erative agreements to protect the natural, cul-*  
24                  *tural, historic, scenic, educational, and rec-*  
25                  *reational resources of the Heritage Area.*

1           (3) *DEADLINE.*—*If a proposed management plan*  
2           *is not submitted to the Secretary by the date that is*  
3           *3 years after the date of enactment of this Act, the*  
4           *local coordinating entity shall be ineligible to receive*  
5           *additional funding under this section until the date*  
6           *on which the Secretary approves a management plan.*

7           (4) *APPROVAL OR DISAPPROVAL OF MANAGEMENT*  
8           *PLAN.*—

9           (A) *IN GENERAL.*—*Not later than 180 days*  
10          *after the date of receipt of the management plan*  
11          *under paragraph (1), the Secretary, in consulta-*  
12          *tion with the State, shall approve or disapprove*  
13          *the management plan.*

14          (B) *CRITERIA FOR APPROVAL.*—*In deter-*  
15          *mining whether to approve the management*  
16          *plan, the Secretary shall consider whether—*

17               (i) *the local coordinating entity is rep-*  
18               *resentative of the diverse interests of the*  
19               *Heritage Area, including governments, nat-*  
20               *ural and historic resource protection orga-*  
21               *nizations, educational institutions, busi-*  
22               *nesses, and recreational organizations;*

23               (ii) *the local coordinating entity has*  
24               *afforded adequate opportunity, including*  
25               *public hearings, for public and govern-*



1           *mental involvement in the preparation of*  
2           *the management plan; and*

3                     *(iii) the resource protection and inter-*  
4                     *pretation strategies contained in the man-*  
5                     *agement plan, if implemented, would ade-*  
6                     *quately protect the natural, cultural, his-*  
7                     *toric, scenic, educational, and recreational*  
8                     *resources of the Heritage Area.*

9           (C) *ACTION FOLLOWING DISAPPROVAL.—If*  
10           *the Secretary disapproves the management plan*  
11           *under subparagraph (A), the Secretary shall—*

12                     *(i) advise the local coordinating entity*  
13                     *in writing of the reasons for the dis-*  
14                     *approval;*

15                     *(ii) make recommendations for revi-*  
16                     *sions to the management plan; and*

17                     *(iii) not later than 180 days after the*  
18                     *date of receipt of any proposed revision of*  
19                     *the management plan from the local coordi-*  
20                     *nating entity, approve or disapprove the*  
21                     *proposed revision.*

22           (5) *AMENDMENTS.—*

23                     (A) *IN GENERAL.—The Secretary shall ap-*  
24                     *prove or disapprove each amendment to the*  
25                     *management plan that the Secretary determines*

1           *would make a substantial change to the manage-*  
2           *ment plan.*

3           (B) *USE OF FUNDS.*—*The local coordi-*  
4           *inating entity shall not use Federal funds author-*  
5           *ized to be appropriated by this section to carry*  
6           *out any amendments to the management plan*  
7           *until the Secretary has approved the amend-*  
8           *ments.*

9           (e) *RELATIONSHIP TO OTHER FEDERAL AGENCIES.*—

10           (1) *IN GENERAL.*—*Nothing in this section affects*  
11           *the authority of a Federal agency to provide technical*  
12           *or financial assistance under any other law (includ-*  
13           *ing regulations).*

14           (2) *CONSULTATION AND COORDINATION.*—*To the*  
15           *maximum extent practicable, the head of any Federal*  
16           *agency planning to conduct activities that may have*  
17           *an impact on the Heritage Area is encouraged to con-*  
18           *sult and coordinate the activities with the Secretary*  
19           *and the local coordinating entity.*

20           (3) *OTHER FEDERAL AGENCIES.*—*Nothing in*  
21           *this section—*

22           (A) *modifies, alters, or amends any law (in-*  
23           *cluding any regulation) authorizing a Federal*  
24           *agency to manage Federal land under the juris-*  
25           *isdiction of 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 Area;*  
4           *or*

5           (C) *modifies, alters, or amends any author-*  
6           *ized use of Federal land under the jurisdiction of*  
7           *a Federal agency.*

8           (f) *PRIVATE PROPERTY AND REGULATORY PROTEC-*  
9           *TIONS.—Nothing in this section—*

10           (1) *abridges the rights of any public or private*  
11           *property owner, including the right to refrain from*  
12           *participating in any plan, project, program, or activ-*  
13           *ity conducted within the Heritage Area;*

14           (2) *requires any property owner—*

15           (A) *to permit public access (including ac-*  
16           *cess by Federal, State, or local agencies) to the*  
17           *property of the property owner; or*

18           (B) *to modify public access or use of prop-*  
19           *erty of the property owner under any other Fed-*  
20           *eral, State, or local law;*

21           (3) *alters any duly adopted land use regulation,*  
22           *approved land use plan, or other regulatory authority*  
23           *of any Federal, State, or local agency;*

24           (4) *conveys any land use or other regulatory au-*  
25           *thority 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 man-*  
4 *age fish and wildlife, including the regulation of fish-*  
5 *ing and hunting within the Heritage Area; or*

6           (7) *creates any liability, or affects any liability*  
7 *under any other law (including regulations), of any*  
8 *private property owner with respect to any indi-*  
9 *vidual injured on the private property.*

10       (g) *EVALUATION; REPORT.—*

11           (1) *IN GENERAL.—Not later than 3 years before*  
12 *the date on which authority for Federal funding ter-*  
13 *minates for the Heritage Area, the Secretary shall—*

14                   (A) *conduct an evaluation of the accom-*  
15 *plishments of the Heritage Area; and*

16                   (B) *prepare a report in accordance with*  
17 *paragraph (3).*

18           (2) *EVALUATION.—An evaluation conducted*  
19 *under paragraph (1)(A) shall—*

20                   (A) *assess the progress of the local coordi-*  
21 *nating entity with respect to—*

22                           (i) *accomplishing the purposes of this*  
23 *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, part-  
9                   nership relationships, and funding of the Herit-  
10                  age Area to identify the critical components for  
11                  sustainability of the Heritage Area.

12                  (3) REPORT.—

13                  (A) IN GENERAL.—Based on the evaluation  
14                  conducted under paragraph (1)(A), the Secretary  
15                  shall prepare a report that includes rec-  
16                  ommendations for the future role of the National  
17                  Park Service, if any, with respect to the Heritage  
18                  Area.

19                  (B) REQUIRED ANALYSIS.—If the report  
20                  prepared under subparagraph (A) recommends  
21                  that Federal funding for the Heritage Area be re-  
22                  authorized, the report shall include an analysis  
23                  of—

1                   (i) ways in which Federal funding for  
2                   the Heritage Area may be reduced or elimi-  
3                   nated; 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 Nat-  
11                   ural Resources of the Senate; and

12                   (ii) the Committee on Natural Re-  
13                   sources of the House of Representatives.

14                   (h) FUNDING.—

15                   (1) AUTHORIZATION OF APPROPRIATIONS.—  
16                   There is authorized to be appropriated to carry out  
17                   this section \$10,000,000, of which not more than  
18                   \$1,000,000 may be made available for any fiscal year.

19                   (2) COST-SHARING REQUIREMENT.—The Federal  
20                   share of the cost of any activity carried out using any  
21                   assistance made available under this section shall be  
22                   50 percent.

23                   (i) TERMINATION OF AUTHORITY.—The authority of  
24                   the Secretary to provide assistance under this section termi-

1 *nates on the date that is 15 years after the date of enact-*  
2 *ment of this Act.*

3 (j) *CONFORMING AMENDMENT.*—*The Cache La Poudre*  
4 *River Corridor Act (16 U.S.C. 461 note; Public Law 104-*  
5 *323) is repealed.*

6 **SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLO-**  
7 **RADO.**

8 (a) *DEFINITIONS.*—*In this section:*

9 (1) *BOARD.*—*The term “Board” means the*  
10 *Board of Directors of the South Park National Herit-*  
11 *age Area, comprised initially of the individuals, agen-*  
12 *cies, organizations, and governments that were in-*  
13 *involved in the planning and development of the Herit-*  
14 *age Area before the date of enactment of this Act.*

15 (2) *HERITAGE AREA.*—*The term “Heritage*  
16 *Area” means the South Park National Heritage Area*  
17 *established by subsection (b)(1).*

18 (3) *MANAGEMENT ENTITY.*—*The term “manage-*  
19 *ment entity” means the management entity for the*  
20 *Heritage Area designated by subsection (b)(4)(A).*

21 (4) *MANAGEMENT PLAN.*—*The term “manage-*  
22 *ment plan” means the management plan for the Her-*  
23 *itage Area required by subsection (d).*

1           (5) *MAP.*—*The term “map” means the map enti-*  
2 *tled “South Park National Heritage Area Map (Pro-*  
3 *posed)”*, dated January 30, 2006.

4           (6) *PARTNER.*—*The term “partner” means a*  
5 *Federal, State, or local governmental entity, organi-*  
6 *zation, private industry, educational institution, or*  
7 *individual involved in the conservation, preservation,*  
8 *interpretation, development or promotion of heritage*  
9 *sites or resources of the Heritage Area.*

10          (7) *SECRETARY.*—*The term “Secretary” means*  
11 *the Secretary of the Interior.*

12          (8) *STATE.*—*The term “State” means the State*  
13 *of Colorado.*

14          (9) *TECHNICAL ASSISTANCE.*—*The term “tech-*  
15 *nical assistance” means any guidance, advice, help,*  
16 *or aid, other than financial assistance, provided by*  
17 *the Secretary.*

18        **(b) SOUTH PARK NATIONAL HERITAGE AREA.**—

19           (1) *ESTABLISHMENT.*—*There is established in*  
20 *the State the South Park National Heritage Area.*

21           (2) *BOUNDARIES.*—*The Heritage Area shall con-*  
22 *sist of the areas included in the map.*

23           (3) *MAP.*—*A map of the Heritage Area shall*  
24 *be—*

25                (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 Park County*  
7           *Tourism & Community Development Office, in*  
8           *conjunction with the South Park National Herit-*  
9           *age Area Board of Directors.*

10          (B) *MEMBERSHIP REQUIREMENTS.—Mem-*  
11          *bers of the Board shall include representatives*  
12          *from a broad cross-section of individuals, agen-*  
13          *cies, organizations, and governments that were*  
14          *involved in the planning and development of the*  
15          *Heritage Area before the date of enactment of*  
16          *this Act.*

17          (c) *ADMINISTRATION.—*

18           (1) *PROHIBITION ON THE ACQUISITION OF REAL*  
19           *PROPERTY.—The management entity shall not use*  
20           *Federal funds made available under this section to ac-*  
21           *quire real property or any interest in real property.*

22           (2) *AUTHORITIES.—For purposes of carrying out*  
23           *the management plan, the Secretary, acting through*  
24           *the management entity, may use amounts made*  
25           *available under this section to—*

1           (A) *make grants to the State or a political*  
2           *subdivision of the State, nonprofit organizations,*  
3           *and other persons;*

4           (B) *enter into cooperative agreements with,*  
5           *or provide technical assistance to, the State or a*  
6           *political subdivision of the State, nonprofit orga-*  
7           *nizations, and other interested parties;*

8           (C) *hire and compensate staff, which shall*  
9           *include individuals with expertise in natural,*  
10           *cultural, and historical resources protection,*  
11           *fundraising, heritage facility planning and de-*  
12           *velopment, and heritage tourism programming;*

13           (D) *obtain funds or services from any*  
14           *source, including funds or services that are pro-*  
15           *vided under any other Federal law or program;*

16           (E) *enter into contracts for goods or serv-*  
17           *ices; and*

18           (F) *to facilitate the conduct of other projects*  
19           *and activities that further the Heritage Area and*  
20           *are consistent with the approved management*  
21           *plan.*

22           (3) *DUTIES.—The management entity shall—*

23           (A) *in accordance with subsection (d), pre-*  
24           *pare and submit a management plan for the*  
25           *Heritage Area to the Secretary;*

1           (B) assist units of local government, local  
2           property owners and businesses, and nonprofit  
3           organizations in carrying out the approved man-  
4           agement plan by—

5                   (i) carrying out programs and projects  
6                   that recognize, protect, enhance, and pro-  
7                   mote important resource values in the Her-  
8                   itage Area;

9                   (ii) establishing and maintaining in-  
10                  terpretive exhibits and programs in the  
11                  Heritage Area;

12                  (iii) developing economic, recreational  
13                  and educational opportunities in the Herit-  
14                  age Area;

15                  (iv) increasing public awareness of,  
16                  and appreciation for, historical, cultural,  
17                  scenic, recreational, agricultural, and nat-  
18                  ural resources of the Heritage Area;

19                  (v) protecting and restoring historic  
20                  sites and buildings in the Heritage Area  
21                  that are consistent with Heritage Area  
22                  themes;

23                  (vi) ensuring that clear, consistent,  
24                  and appropriate signs identifying points of

1           *public access, and sites of interest are posted*  
2           *throughout the Heritage Area;*

3                     *(vii) promoting a wide range of part-*  
4                     *nerships among governments, organizations,*  
5                     *and individuals to further the Heritage*  
6                     *Area; and*

7                     *(viii) planning and developing new*  
8                     *heritage attractions, products and services;*

9                     *(C) consider the interests of diverse units of*  
10                    *government, businesses, organizations, and indi-*  
11                    *viduals in the Heritage Area in the preparation*  
12                    *and implementation of the management plan;*

13                    *(D) conduct meetings open to the public at*  
14                    *least semiannually regarding the development*  
15                    *and implementation of the management plan;*

16                    *(E) for any year for which Federal funds*  
17                    *have been received under this section—*

18                             *(i) submit to the Secretary an annual*  
19                             *report that describes the activities, expenses,*  
20                             *and income of the management entity (in-*  
21                             *cluding grants to any other entities during*  
22                             *the year that the report is made);*

23                             *(ii) make available to the Secretary for*  
24                             *audit all records relating to the expenditure*

1           *of the Federal funds and any matching*  
2           *funds; and*

3                     *(iii) require, with respect to all agree-*  
4                     *ments authorizing expenditure of Federal*  
5                     *funds by other organizations, that the orga-*  
6                     *nizations receiving the funds make available*  
7                     *to the Secretary for audit all records con-*  
8                     *cerning the expenditure of the funds; and*

9                     *(F) encourage by appropriate means eco-*  
10                    *nomically viable that is consistent with the Herit-*  
11                    *age Area.*

12           (4) *COST-SHARING REQUIREMENT.*—*The Federal*  
13           *share of the cost of any activity carried out using any*  
14           *assistance made available under this section shall be*  
15           *50 percent.*

16           (d) *MANAGEMENT PLAN.*—

17                     (1) *IN GENERAL.*—*Not later than 3 years after*  
18                     *the date of enactment of this Act, the management en-*  
19                     *tity, with public participation, shall submit to the*  
20                     *Secretary for approval a proposed management plan*  
21                     *for the Heritage Area.*

22                     (2) *REQUIREMENTS.*—*The management plan*  
23                     *shall—*

24                             (A) *incorporate an integrated and coopera-*  
25                             *tive approach for the protection, enhancement,*

1           *interpretation, development, and promotion of*  
2           *the historical, cultural, scenic, recreational, agri-*  
3           *cultural, and natural resources of the Heritage*  
4           *Area;*

5           *(B) take into consideration State and local*  
6           *plans;*

7           *(C) include—*

8                 *(i) an inventory of—*

9                         *(I) the resources located within*  
10                        *the areas included in the map; and*

11                        *(II) any other eligible and par-*  
12                        *ticipating property within the areas*  
13                        *included in the map that—*

14                                 *(aa) is related to the themes*  
15                                 *of the Heritage Area; and*

16                                 *(bb) should be preserved, re-*  
17                                 *stored, managed, maintained, de-*  
18                                 *veloped, or promoted because of*  
19                                 *the significance of the property;*

20                         *(ii) comprehensive policies, strategies,*  
21                         *and recommendations for conservation,*  
22                         *funding, management, development, and*  
23                         *promotion of the Heritage Area;*

24                                 *(iii) a description of actions that gov-*  
25                                 *ernments, private organizations, and indi-*

1            *viduals have agreed to take to manage pro-*  
2            *tect the historical, cultural, scenic, rec-*  
3            *reational, agricultural, and natural re-*  
4            *sources of the Heritage Area;*

5            *(iv) a program of implementation for*  
6            *the management plan by the management*  
7            *entity that includes a description of—*

8                    *(I) actions to facilitate ongoing*  
9                    *and effective collaboration among part-*  
10                   *ners to promote plans for resource pro-*  
11                   *tection, enhancement, interpretation,*  
12                   *restoration, and construction; and*

13                   *(II) specific commitments for im-*  
14                   *plementation that have been made by*  
15                   *the management entity or any govern-*  
16                   *ment, organization, or individual for*  
17                   *the first 5 years of operation;*

18            *(v) the identification of sources of*  
19            *funding for carrying out the management*  
20            *plan;*

21            *(vi) an analysis of and recommenda-*  
22            *tions for means by which Federal, State,*  
23            *and local programs, including the role of*  
24            *the National Park Service in the Heritage*

1           Area, may best be coordinated to carry out  
2           this section; and

3                   (vii) an interpretive plan for the Her-  
4           itage Area; and

5                   (D) recommend policies and strategies for  
6           resource management that consider and detail  
7           the application of appropriate land and water  
8           management techniques, including the develop-  
9           ment of intergovernmental and interagency coop-  
10          erative agreements to protect the historical, cul-  
11          tural, scenic, recreational, agricultural, and nat-  
12          ural resources of the Heritage Area.

13           (3) *DEADLINE.*—If a proposed management plan  
14          is not submitted to the Secretary by the date that is  
15          3 years after the date of enactment of this Act, the  
16          management entity shall be ineligible to receive addi-  
17          tional funding under this section until the date on  
18          which the Secretary receives and approves the man-  
19          agement plan.

20           (4) *APPROVAL OR DISAPPROVAL OF MANAGEMENT*  
21          *PLAN.*—

22                   (A) *IN GENERAL.*—Not later than 180 days  
23          after the date of receipt of the management plan  
24          under paragraph (1), the Secretary, in consulta-



1            *tion with the State, shall approve or disapprove*  
2            *the management plan.*

3            *(B) CRITERIA FOR APPROVAL.—In deter-*  
4            *mining whether to approve the management*  
5            *plan, the Secretary shall consider whether—*

6                    *(i) the management entity is represent-*  
7                    *ative of the diverse interests of the Heritage*  
8                    *Area, including governments, natural and*  
9                    *historical resource protection organizations,*  
10                   *educational institutions, local businesses*  
11                   *and industries, community organizations,*  
12                   *recreational organizations, and tourism or-*  
13                   *ganizations;*

14                   *(ii) the management entity has af-*  
15                   *forded adequate opportunity, including pub-*  
16                   *lic hearings, for public and governmental*  
17                   *involvement in the preparation of the man-*  
18                   *agement plan; and*

19                   *(iii) strategies contained in the man-*  
20                   *agement plan, if implemented, would ade-*  
21                   *quately balance the voluntary protection,*  
22                   *development, and interpretation of the nat-*  
23                   *ural, historical, cultural, scenic, rec-*  
24                   *reational, and agricultural resources of the*  
25                   *Heritage Area.*

1           (C) *ACTION FOLLOWING DISAPPROVAL.*—If  
2           the Secretary disapproves the management plan  
3           under subparagraph (A), the Secretary shall—

4                   (i) advise the management entity in  
5                   writing of the reasons for the disapproval;

6                   (ii) make recommendations for revi-  
7                   sions to the management plan; and

8                   (iii) not later than 180 days after the  
9                   receipt of any proposed revision of the man-  
10                  agement plan from the management entity,  
11                  approve or disapprove the proposed revi-  
12                  sion.

13          (D) *AMENDMENTS.*—

14                  (i) *IN GENERAL.*—The Secretary shall  
15                  approve or disapprove each amendment to  
16                  the management plan that the Secretary de-  
17                  termines makes a substantial change to the  
18                  management plan.

19                  (ii) *USE OF FUNDS.*—The management  
20                  entity shall not use Federal funds author-  
21                  ized by this section to carry out any  
22                  amendments to the management plan until  
23                  the Secretary has approved the amend-  
24                  ments.

25          (e) *RELATIONSHIP TO OTHER FEDERAL AGENCIES.*—

1           (1) *IN GENERAL.*—*Nothing in this section affects*  
2 *the authority of a Federal agency to provide technical*  
3 *or financial assistance under any other law.*

4           (2) *CONSULTATION AND COORDINATION.*—*The*  
5 *head of any Federal agency planning to conduct ac-*  
6 *tivities that may have an impact on the Heritage*  
7 *Area is encouraged to consult and coordinate the ac-*  
8 *tivities with the Secretary and the management enti-*  
9 *ty to the maximum extent practicable.*

10          (3) *OTHER FEDERAL AGENCIES.*—*Nothing in*  
11 *this section—*

12               (A) *modifies, alters, or amends any law or*  
13 *regulation authorizing a Federal agency to man-*  
14 *age Federal land under the jurisdiction of the*  
15 *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 Area;*  
19 *or*

20               (C) *modifies, alters, or amends any author-*  
21 *ized use of Federal land under the jurisdiction of*  
22 *a Federal agency.*

23          (f) *PRIVATE PROPERTY AND REGULATORY PROTEC-*  
24 *TIONS.*—*Nothing in this section—*

1           (1) *abridges the rights of any property owner*  
2           *(whether public or private), including the right to re-*  
3           *frain from participating in any plan, project, pro-*  
4           *gram, or activity conducted within the Heritage Area;*

5           (2) *requires any property owner to permit public*  
6           *access (including access by Federal, State, or local*  
7           *agencies) to the property of the property owner, or to*  
8           *modify public access or use of property of the prop-*  
9           *erty owner under any other Federal, State, or local*  
10          *law;*

11          (3) *alters any duly adopted land use regulation,*  
12          *approved land use plan, or other regulatory authority*  
13          *of any Federal, State or local agency, or conveys any*  
14          *land use or other regulatory authority to the manage-*  
15          *ment entity;*

16          (4) *authorizes or implies the reservation or ap-*  
17          *propriation of water or water rights;*

18          (5) *diminishes the authority of the State to man-*  
19          *age fish and wildlife, including the regulation of fish-*  
20          *ing and hunting within the Heritage Area; or*

21          (6) *creates any liability, or affects any liability*  
22          *under any other law, of any private property owner*  
23          *with respect to any person injured on the private*  
24          *property.*

25          (g) *EVALUATION; REPORT.—*

1           (1) *IN GENERAL.*—Not later than 3 years before  
2 the date on which authority for Federal funding ter-  
3 minates for the Heritage Area, the Secretary shall—

4           (A) conduct an evaluation of the accom-  
5 plishments of the Heritage Area; and

6           (B) prepare a report in accordance with  
7 paragraph (3).

8           (2) *EVALUATION.*—An evaluation conducted  
9 under paragraph (1)(A) shall—

10          (A) assess the progress of the management  
11 entity with respect to—

12           (i) accomplishing the purposes of this  
13 section for the Heritage Area; and

14           (ii) achieving the goals and objectives  
15 of the approved management plan for the  
16 Heritage Area;

17          (B) analyze the Federal, State, local, and  
18 private investments in the Heritage Area to de-  
19 termine the leverage and impact of the invest-  
20 ments; and

21          (C) review the management structure, part-  
22 nership relationships, and funding of the Herit-  
23 age Area for purposes of identifying the critical  
24 components for sustainability of the Heritage  
25 Area.

1           (3) *REPORT.*—

2                   (A) *IN GENERAL.*—*Based on the evaluation*  
3 *conducted under paragraph (1)(A), the Secretary*  
4 *shall prepare a report that includes rec-*  
5 *ommendations for the future role of the National*  
6 *Park Service, if any, with respect to the Heritage*  
7 *Area.*

8                   (B) *REQUIRED ANALYSIS.*—*If the report*  
9 *prepared under subparagraph (A) recommends*  
10 *that Federal funding for the Heritage Area be re-*  
11 *authorized, the report shall include an analysis*  
12 *of—*

13                           (i) *ways in which Federal funding for*  
14 *the Heritage Area may be reduced or elimi-*  
15 *nated; and*

16                           (ii) *the appropriate time period nec-*  
17 *essary to achieve the recommended reduc-*  
18 *tion or elimination.*

19                   (C) *SUBMISSION TO CONGRESS.*—*On com-*  
20 *pletion of the report, the Secretary shall submit*  
21 *the report to—*

22                           (i) *the Committee on Energy and Nat-*  
23 *ural Resources of the Senate; and*

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

1       (h) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
2 *authorized to be appropriated to carry out this section*  
3 *\$10,000,000, of which not more than \$1,000,000 may be*  
4 *made available for any fiscal year.*

5       (i) *TERMINATION OF AUTHORITY.*—*The authority of*  
6 *the Secretary to provide assistance under this section termi-*  
7 *nates on the date that is 15 years after the date of enact-*  
8 *ment of this Act.*

9       **SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA,**  
10                               **NORTH DAKOTA.**

11       (a) *DEFINITIONS.*—*In this section:*

12               (1) *HERITAGE AREA.*—*The term “Heritage*  
13 *Area” means the Northern Plains National Heritage*  
14 *Area established by subsection (b)(1).*

15               (2) *LOCAL COORDINATING ENTITY.*—*The term*  
16 *“local coordinating entity” means the Northern*  
17 *Plains Heritage Foundation, the local coordinating*  
18 *entity for the Heritage Area designated by subsection*  
19 *(c)(1).*

20               (3) *MANAGEMENT PLAN.*—*The term “manage-*  
21 *ment plan” means the management plan for the Her-*  
22 *itage Area required under subsection (d).*

23               (4) *SECRETARY.*—*The term “Secretary” means*  
24 *the Secretary of the Interior.*

1           (5) *STATE.*—*The term “State” means the State*  
2 *of North Dakota.*

3           (b) *ESTABLISHMENT.*—

4           (1) *IN GENERAL.*—*There is established the North-*  
5 *ern Plains National Heritage Area in the State of*  
6 *North Dakota.*

7           (2) *BOUNDARIES.*—*The Heritage Area shall con-*  
8 *sist of—*

9           (A) *a core area of resources in Burleigh,*  
10 *McLean, Mercer, Morton, and Oliver Counties in*  
11 *the State; and*

12           (B) *any sites, buildings, and districts with-*  
13 *in the core area recommended by the manage-*  
14 *ment plan for inclusion in the Heritage Area.*

15           (3) *MAP.*—*A map of the Heritage Area shall*  
16 *be—*

17           (A) *included in the management plan; and*

18           (B) *on file and available for public inspec-*  
19 *tion in the appropriate offices of the local coordi-*  
20 *inating entity and the National Park Service.*

21           (c) *LOCAL COORDINATING ENTITY.*—

22           (1) *IN GENERAL.*—*The local coordinating entity*  
23 *for the Heritage Area shall be the Northern Plains*  
24 *Heritage Foundation, a nonprofit corporation estab-*  
25 *lished under the laws of the State.*



1           (2) *DUTIES.*—*To further the purposes of the*  
2 *Heritage Area, the Northern Plains Heritage Founda-*  
3 *tion, as the local coordinating entity, shall—*

4                   (A) *prepare a management plan for the*  
5 *Heritage Area, and submit the management plan*  
6 *to the Secretary, in accordance with this section;*

7                   (B) *submit an annual report to the Sec-*  
8 *retary for each fiscal year for which the local co-*  
9 *ordinating entity receives Federal funds under*  
10 *this section, specifying—*

11                           (i) *the specific performance goals and*  
12 *accomplishments of the local coordinating*  
13 *entity;*

14                           (ii) *the expenses and income of the*  
15 *local coordinating entity;*

16                           (iii) *the amounts and sources of*  
17 *matching funds;*

18                           (iv) *the amounts leveraged with Fed-*  
19 *eral funds and sources of the leveraged*  
20 *funds; and*

21                           (v) *grants made to any other entities*  
22 *during the fiscal year;*

23                   (C) *make available for audit for each fiscal*  
24 *year for which the local coordinating entity re-*  
25 *ceives Federal funds under this section, all infor-*

1            *mation pertaining to the expenditure of the*  
2            *funds and any matching funds; and*

3            *(D) encourage economic viability and sus-*  
4            *tainability that is consistent with the purposes of*  
5            *the Heritage Area.*

6            *(3) AUTHORITIES.—For the purposes of pre-*  
7            *paring and implementing the approved management*  
8            *plan for the Heritage Area, the local coordinating en-*  
9            *tity may use Federal funds made available under this*  
10           *section to—*

11           *(A) make grants to political jurisdictions,*  
12           *nonprofit organizations, and other parties with-*  
13           *in the Heritage Area;*

14           *(B) enter into cooperative agreements with*  
15           *or provide technical assistance to political juris-*  
16           *dictions, nonprofit organizations, Federal agen-*  
17           *cies, and other interested parties;*

18           *(C) hire and compensate staff, including in-*  
19           *dividuals with expertise in—*

20           *(i) natural, historical, cultural, edu-*  
21           *cational, scenic, and recreational resource*  
22           *conservation;*

23           *(ii) economic and community develop-*  
24           *ment; and*

25           *(iii) heritage planning;*

1           (D) obtain funds or services from any  
2 source, including other Federal programs;

3           (E) contract for goods or services; and

4           (F) support activities of partners and any  
5 other activities that further the purposes of the  
6 Heritage Area and are consistent with the ap-  
7 proved management plan.

8           (4) *PROHIBITION ON ACQUISITION OF REAL*  
9 *PROPERTY.*—The local coordinating entity may not  
10 use Federal funds authorized to be appropriated  
11 under this section to acquire any interest in real  
12 property.

13           (5) *OTHER SOURCES.*—Nothing in this section  
14 precludes the local coordinating entity from using  
15 Federal funds from other sources for authorized pur-  
16 poses.

17           (d) *MANAGEMENT PLAN.*—

18           (1) *IN GENERAL.*—Not later than 3 years after  
19 the date of enactment of this Act, the local coordi-  
20 nating entity shall submit to the Secretary for ap-  
21 proval a proposed management plan for the Heritage  
22 Area.

23           (2) *REQUIREMENTS.*—The management plan for  
24 the Heritage Area shall—

1           (A) describe comprehensive policies, goals,  
2           strategies, and recommendations for telling the  
3           story of the heritage of the area covered by the  
4           Heritage Area and encouraging long-term re-  
5           source protection, enhancement, interpretation,  
6           funding, management, and development of the  
7           Heritage Area;

8           (B) include a description of actions and  
9           commitments that Federal, State, tribal, and  
10          local governments, private organizations, and  
11          citizens will take to protect, enhance, interpret,  
12          fund, manage, and develop the natural, histor-  
13          ical, cultural, educational, scenic, and rec-  
14          reational resources of the Heritage Area;

15          (C) specify existing and potential sources of  
16          funding or economic development strategies to  
17          protect, enhance, interpret, fund, manage, and  
18          develop the Heritage Area;

19          (D) include an inventory of the natural,  
20          historical, cultural, educational, scenic, and rec-  
21          reational resources of the Heritage Area relating  
22          to the national importance and themes of the  
23          Heritage Area that should be protected, en-  
24          hanced, interpreted, managed, funded, and devel-  
25          oped;

1           (E) recommend policies and strategies for  
2 resource management, including the development  
3 of intergovernmental and interagency agreements  
4 to protect, enhance, interpret, fund, manage, and  
5 develop the natural, historical, cultural, edu-  
6 cational, scenic, and recreational resources of the  
7 Heritage Area;

8           (F) describe a program for implementation  
9 for the management plan, including—

10                 (i) performance goals;

11                 (ii) plans for resource protection, en-  
12 hancement, interpretation, funding, man-  
13 agement, and development; and

14                 (iii) specific commitments for imple-  
15 mentation that have been made by the local  
16 coordinating entity or any Federal, State,  
17 tribal, or local government agency, organi-  
18 zation, business, or individual;

19           (G) include an analysis of, and rec-  
20 ommendations for, means by which Federal,  
21 State, tribal, and local programs may best be co-  
22 ordinated (including the role of the National  
23 Park Service and other Federal agencies associ-  
24 ated with the Heritage Area) to further the pur-  
25 poses of this section; and

1           (H) include a business plan that—

2                   (i) describes the role, operation, financ-  
3                   ing, and functions of the local coordinating  
4                   entity and of each of the major activities de-  
5                   scribed in the management plan; and

6                   (ii) provides adequate assurances that  
7                   the local coordinating entity has the part-  
8                   nerships and financial and other resources  
9                   necessary to implement the management  
10                  plan for the Heritage Area.

11       (3) *DEADLINE.*—

12           (A) *IN GENERAL.*—Not later than 3 years  
13           after the date on which funds are first made  
14           available to develop the management plan after  
15           designation of the Heritage Area, the local co-  
16           ordinating entity shall submit the management  
17           plan to the Secretary for approval.

18           (B) *TERMINATION OF FUNDING.*—If the  
19           management plan is not submitted to the Sec-  
20           retary in accordance with subparagraph (A), the  
21           local coordinating entity shall not qualify for  
22           any additional financial assistance under this  
23           section until such time as the management plan  
24           is submitted to and approved by the Secretary.

25       (4) *APPROVAL OF MANAGEMENT PLAN.*—

1           (A) *REVIEW.*—Not later than 180 days after  
2           receiving the plan, the Secretary shall review  
3           and approve or disapprove the management plan  
4           for the Heritage Area on the basis of the criteria  
5           established under subparagraph (B).

6           (B) *CRITERIA FOR APPROVAL.*—In deter-  
7           mining whether to approve a management plan  
8           for the Heritage Area, the Secretary shall con-  
9           sider whether—

10           (i) the local coordinating entity rep-  
11           resents the diverse interests of the Heritage  
12           Area, including Federal, State, tribal, and  
13           local governments, natural, and historic re-  
14           source protection organizations, educational  
15           institutions, businesses, recreational organi-  
16           zations, community residents, and private  
17           property owners;

18           (ii) the local coordinating entity—

19           (I) has afforded adequate oppor-  
20           tunity for public and Federal, State,  
21           tribal, and local governmental involve-  
22           ment (including through workshops  
23           and hearings) in the preparation of the  
24           management plan; and

1                   (II) provides for at least semi-  
2                   annual public meetings to ensure ade-  
3                   quate implementation of the manage-  
4                   ment plan;

5                   (iii) the resource protection, enhance-  
6                   ment, interpretation, funding, management,  
7                   and development strategies described in the  
8                   management plan, if implemented, would  
9                   adequately protect, enhance, interpret, fund,  
10                  manage, and develop the natural, historic,  
11                  cultural, educational, scenic, and rec-  
12                  reational resources of the Heritage Area;

13                  (iv) the management plan would not  
14                  adversely affect any activities authorized on  
15                  Federal land under public land laws or  
16                  land use plans;

17                  (v) the local coordinating entity has  
18                  demonstrated the financial capability, in  
19                  partnership with others, to carry out the  
20                  plan;

21                  (vi) the Secretary has received ade-  
22                  quate assurances from the appropriate  
23                  State, tribal, and local officials whose sup-  
24                  port is needed to ensure the effective imple-



1 *mentation of the State, tribal, and local ele-*  
2 *ments of the management plan; and*

3 *(vii) the management plan dem-*  
4 *onstrates partnerships among the local co-*  
5 *ordinating entity, Federal, State, tribal,*  
6 *and local governments, regional planning*  
7 *organizations, nonprofit organizations, or*  
8 *private sector parties for implementation of*  
9 *the management plan.*

10 *(C) DISAPPROVAL.—*

11 *(i) IN GENERAL.—If the Secretary dis-*  
12 *approves the management plan, the Sec-*  
13 *retary—*

14 *(I) shall advise the local coordi-*  
15 *nating entity in writing of the reasons*  
16 *for the disapproval; and*

17 *(II) may make recommendations*  
18 *to the local coordinating entity for re-*  
19 *visions to the management plan.*

20 *(ii) DEADLINE.—Not later than 180*  
21 *days after receiving a revised management*  
22 *plan, the Secretary shall approve or dis-*  
23 *approve the revised management plan.*

24 *(D) AMENDMENTS.—*

1           (i) *IN GENERAL.*—*An amendment to*  
2           *the management plan that substantially al-*  
3           *ters the purposes of the Heritage Area shall*  
4           *be reviewed by the Secretary and approved*  
5           *or disapproved in the same manner as the*  
6           *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) *AUTHORITIES.*—*The Secretary may—*

14               (i) *provide technical assistance under*  
15               *this section for the development and imple-*  
16               *mentation of the management plan; and*

17               (ii) *enter into cooperative agreements*  
18               *with interested parties to carry out this sec-*  
19               *tion.*

20          (e) *RELATIONSHIP TO OTHER FEDERAL AGENCIES.*—

21               (1) *IN GENERAL.*—*Nothing in this section affects*  
22               *the authority of a Federal agency to provide technical*  
23               *or financial assistance under any other law.*

24               (2) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

1           (A) *IN GENERAL.*—*On the request of the*  
2           *local coordinating entity, the Secretary may pro-*  
3           *vide financial assistance and, on a reimbursable*  
4           *or nonreimbursable basis, technical assistance to*  
5           *the local coordinating entity to develop and im-*  
6           *plement the management plan.*

7           (B) *COOPERATIVE AGREEMENTS.*—*The Sec-*  
8           *retary may enter into cooperative agreements*  
9           *with the local coordinating entity and other pub-*  
10          *lic or private entities to provide technical or fi-*  
11          *nancial assistance under subparagraph (A).*

12          (C) *PRIORITY.*—*In assisting the Heritage*  
13          *Area, the Secretary shall give priority to actions*  
14          *that assist in—*

15                 (i) *conserving the significant natural,*  
16                 *historic, cultural, and scenic resources of the*  
17                 *Heritage Area; and*

18                 (ii) *providing educational, interpre-*  
19                 *tive, and recreational opportunities con-*  
20                 *sistent with the purposes of the Heritage*  
21                 *Area.*

22          (3) *CONSULTATION AND COORDINATION.*—*To the*  
23          *maximum extent practicable, the head of any Federal*  
24          *agency planning to conduct activities that may have*  
25          *an impact on the Heritage Area is encouraged to con-*

1 *sult and coordinate the activities with the Secretary*  
2 *and the local coordinating entity.*

3 (4) *OTHER FEDERAL AGENCIES.—Nothing in*  
4 *this section—*

5 (A) *modifies or alters any laws (including*  
6 *regulations) authorizing a Federal agency to*  
7 *manage Federal land under the jurisdiction of*  
8 *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 Area;*  
12 *or*

13 (C) *modifies, alters, or amends any author-*  
14 *ized use of Federal land under the jurisdiction of*  
15 *a Federal agency.*

16 (f) *PRIVATE PROPERTY AND REGULATORY PROTEC-*  
17 *TIONS.—Nothing in this section—*

18 (1) *abridges the rights of any owner of public or*  
19 *private property, including the right to refrain from*  
20 *participating in any plan, project, program, or activ-*  
21 *ity conducted within the Heritage Area;*

22 (2) *requires any property owner to—*

23 (A) *permit public access (including access*  
24 *by Federal, State, or local agencies) to the prop-*  
25 *erty of the property owner; or*

1           (B) *modify public access to, or use of, the*  
2           *property of the property owner under any other*  
3           *Federal, State, or local law;*

4           (3) *alters any duly adopted land use regulation,*  
5           *approved land use plan, or other regulatory authority*  
6           *of any Federal, State, tribal, or local agency;*

7           (4) *conveys any land use or other regulatory au-*  
8           *thority to the local coordinating entity;*

9           (5) *authorizes or implies the reservation or ap-*  
10          *propriation of water or water rights;*

11          (6) *diminishes the authority of the State to man-*  
12          *age fish and wildlife, including the regulation of fish-*  
13          *ing and hunting within the Heritage Area; or*

14          (7) *creates any liability, or affects any liability*  
15          *under any other law, of any private property owner*  
16          *with respect to any person injured on the private*  
17          *property.*

18          (g) *EVALUATION; REPORT.—*

19               (1) *IN GENERAL.—Not later than 3 years before*  
20               *the date on which authority for Federal funding ter-*  
21               *minates for the Heritage Area under subsection (i),*  
22               *the Secretary shall—*

23                       (A) *conduct an evaluation of the accom-*  
24                       *plishments of the Heritage Area; and*

1           (B) prepare a report in accordance with  
2           paragraph (3).

3           (2) *EVALUATION.*—An evaluation conducted  
4           under paragraph (1)(A) shall—

5           (A) assess the progress of the local coordi-  
6           nating entity with respect to—

7           (i) accomplishing the purposes of this  
8           section for the Heritage Area; and

9           (ii) achieving the goals and objectives  
10          of the approved management plan for the  
11          Heritage Area;

12          (B) analyze the Federal, State, local, and  
13          private investments in the Heritage Area to de-  
14          termine the leverage and impact of the invest-  
15          ments; and

16          (C) review the management structure, part-  
17          nership relationships, and funding of the Herit-  
18          age Area for purposes of identifying the critical  
19          components for sustainability of the Heritage  
20          Area.

21          (3) *REPORT.*—

22          (A) *IN GENERAL.*—Based on the evaluation  
23          conducted under paragraph (1)(A), the Secretary  
24          shall prepare a report that includes rec-  
25          ommendations for the future role of the National

1           *Park Service, if any, with respect to the Heritage*  
2           *Area.*

3           (B) *REQUIRED ANALYSIS.*—*If the report*  
4           *prepared under subparagraph (A) recommends*  
5           *that Federal funding for the Heritage Area be re-*  
6           *authorized, the report shall include an analysis*  
7           *of—*

8                     *(i) ways in which Federal funding for*  
9                     *the Heritage Area may be reduced or elimi-*  
10                    *nated; and*

11                    *(ii) the appropriate time period nec-*  
12                    *essary to achieve the recommended reduc-*  
13                    *tion or elimination.*

14           (C) *SUBMISSION TO CONGRESS.*—*On com-*  
15           *pletion of the report, the Secretary shall submit*  
16           *the report to—*

17                    *(i) the Committee on Energy and Nat-*  
18                    *ural Resources of the Senate; and*

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

21           (h) *AUTHORIZATION OF APPROPRIATIONS.*—

22                    (1) *IN GENERAL.*—*There is authorized to be ap-*  
23                    *propriated to carry out this section \$10,000,000, of*  
24                    *which not more than \$1,000,000 may be made avail-*  
25                    *able for any fiscal year.*

1           (2) *COST-SHARING REQUIREMENT.*—

2                   (A) *IN GENERAL.*—*The Federal share of the*  
3           *total cost of any activity under this section shall*  
4           *be not more than 50 percent.*

5                   (B) *FORM.*—*The non-Federal contribution*  
6           *may be in the form of in-kind contributions of*  
7           *goods or services fairly valued.*

8           (i) *TERMINATION OF AUTHORITY.*—*The authority of*  
9           *the Secretary to provide assistance under this section termi-*  
10          *nates on the date that is 15 years after the date of enact-*  
11          *ment of this Act.*

12   **SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARY-**  
13                   **LAND.**

14          (a) *DEFINITIONS.*—*In this section:*

15                   (1) *HERITAGE AREA.*—*The term “Heritage*  
16           *Area” means the Baltimore National Heritage Area,*  
17           *established by subsection (b)(1).*

18                   (2) *LOCAL COORDINATING ENTITY.*—*The term*  
19           *“local coordinating entity” means the local coordi-*  
20           *nating entity for the Heritage Area designated by*  
21           *subsection (b)(4).*

22                   (3) *MANAGEMENT PLAN.*—*The term “manage-*  
23           *ment plan” means the management plan for the Her-*  
24           *itage Area required under subsection (c)(1)(A).*



1           (4) *MAP.*—*The term “map” means the map enti-*  
2 *tled “Baltimore National Heritage Area”, numbered*  
3 *T10/80,000, and dated October 2007.*

4           (5) *SECRETARY.*—*The term “Secretary” means*  
5 *the Secretary of the Interior.*

6           (6) *STATE.*—*The term “State” means the State*  
7 *of Maryland.*

8           (b) *BALTIMORE NATIONAL HERITAGE AREA.*—

9           (1) *ESTABLISHMENT.*—*There is established the*  
10 *Baltimore National Heritage Area in the State.*

11           (2) *BOUNDARIES.*—*The Heritage Area shall be*  
12 *comprised of the following areas, as described on the*  
13 *map:*

14                   (A) *The area encompassing the Baltimore*  
15 *City Heritage Area certified by the Maryland*  
16 *Heritage Areas Authority in October 2001 as*  
17 *part of the Baltimore City Heritage Area Man-*  
18 *agement Action Plan.*

19                   (B) *The Mount Auburn Cemetery.*

20                   (C) *The Cylburn Arboretum.*

21                   (D) *The Middle Branch of the Patapsco*  
22 *River and surrounding shoreline, including—*

23                           (i) *the Cruise Maryland Terminal;*

24                           (ii) *new marina construction;*

- 1                   (iii) *the National Aquarium Aquatic*  
2                   *Life Center;*  
3                   (iv) *the Westport Redevelopment;*  
4                   (v) *the Gwynns Falls Trail;*  
5                   (vi) *the Baltimore Rowing Club; and*  
6                   (vii) *the Masonville Cove Environ-*  
7                   *mental Center.*

8                   (3) *AVAILABILITY OF MAP.*—*The map shall be on*  
9                   *file and available for public inspection in the appro-*  
10                  *priate offices of the National Park Service and the*  
11                  *Baltimore Heritage Area Association.*

12                  (4) *LOCAL COORDINATING ENTITY.*—*The Balti-*  
13                  *more Heritage Area Association shall be the local co-*  
14                  *ordinating entity for the Heritage Area.*

15                  (c) *DUTIES AND AUTHORITIES OF LOCAL COORDI-*  
16                  *NATING ENTITY.*—

17                  (1) *DUTIES OF THE LOCAL COORDINATING ENTI-*  
18                  *TY.*—*To further the purposes of the Heritage Area, the*  
19                  *local coordinating entity shall—*

20                         (A) *prepare, and submit to the Secretary,*  
21                         *in accordance with subsection (d), 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            *ganizations in implementing the approved man-*  
2            *agement plan by—*

3                    *(i) carrying out programs and projects*  
4                    *that recognize, protect, and enhance impor-*  
5                    *tant resource values within the Heritage*  
6                    *Area;*

7                    *(ii) establishing and maintaining in-*  
8                    *terpretive exhibits and programs within the*  
9                    *Heritage Area;*

10                   *(iii) developing recreational and edu-*  
11                   *cational opportunities in the Heritage Area;*

12                   *(iv) increasing public awareness of,*  
13                   *and appreciation for, natural, historic, sce-*  
14                   *nic, and cultural resources of the Heritage*  
15                   *Area;*

16                   *(v) protecting and restoring historic*  
17                   *sites and buildings in the Heritage Area*  
18                   *that are consistent with the themes of the*  
19                   *Heritage Area;*

20                   *(vi) ensuring that signs identifying*  
21                   *points of public access and sites of interest*  
22                   *are posted throughout the Heritage Area;*  
23                   *and*

24                   *(vii) promoting a wide range of part-*  
25                   *nerships among governments, organizations,*

1           *and individuals to further the purposes of*  
2           *the Heritage Area;*

3           *(C) consider the interests of diverse units of*  
4           *government, businesses, organizations, and indi-*  
5           *viduals in the Heritage Area in the preparation*  
6           *and implementation of the management plan;*

7           *(D) conduct meetings open to the public at*  
8           *least semiannually regarding the development*  
9           *and implementation of the management plan;*

10          *(E) submit an annual report to the Sec-*  
11          *retary for each fiscal year for which the local co-*  
12          *ordinating entity receives Federal funds under*  
13          *this section specifying—*

14                 *(i) the accomplishments of the local co-*  
15                 *ordinating entity;*

16                 *(ii) the expenses and income of the*  
17                 *local coordinating entity;*

18                 *(iii) the amounts and sources of*  
19                 *matching funds;*

20                 *(iv) the amounts leveraged with Fed-*  
21                 *eral funds and sources of the leveraged*  
22                 *funds; and*

23                 *(v) grants made to any other entities*  
24                 *during the fiscal year;*

1           (F) make available for audit for each fiscal  
2           year for which the local coordinating entity re-  
3           ceives Federal funds under this section, all infor-  
4           mation pertaining to the expenditure of the  
5           funds and any matching funds;

6           (G) require in all agreements authorizing  
7           expenditures of Federal funds by other organiza-  
8           tions, that the receiving organizations make  
9           available for audit all records and other infor-  
10          mation pertaining to the expenditure of the  
11          funds; and

12          (H) encourage, by appropriate means, eco-  
13          nomic development that is consistent with the  
14          purposes of the Heritage Area.

15          (2) *AUTHORITIES.*—The local coordinating enti-  
16          ty may, subject to the prior approval of the Secretary,  
17          for the purposes of preparing and implementing the  
18          management plan, use Federal funds made available  
19          under this section to—

20               (A) make grants to the State, political sub-  
21               divisions of the State, nonprofit organizations,  
22               and other persons;

23               (B) enter into cooperative agreements with,  
24               or provide technical assistance to, the State, po-  
25               litical subdivisions of the State, nonprofit orga-

1           nizations, Federal agencies, and other interested  
2           parties;

3           (C) hire and compensate staff;

4           (D) obtain funds or services from any  
5           source, including funds and services provided  
6           under any other Federal law or program;

7           (E) contract for goods or services; and

8           (F) support activities of partners and any  
9           other activities that further the purposes of the  
10          Heritage Area and are consistent with the ap-  
11          proved management plan.

12          (3) *PROHIBITION ON ACQUISITION OF REAL*  
13          *PROPERTY.*—The local coordinating entity may not  
14          use Federal funds received under this section to ac-  
15          quire any interest in real property.

16          (d) *MANAGEMENT PLAN.*—

17               (1) *IN GENERAL.*—Not later than 3 years after  
18               the date on which funds are made available to develop  
19               the management plan, the local coordinating entity  
20               shall submit to the Secretary for approval a proposed  
21               management plan for the Heritage Area.

22               (2) *REQUIREMENTS.*—The management plan for  
23               the Heritage Area shall—

24                       (A) describe comprehensive policies, goals,  
25                       strategies, and recommendations for telling the

1 *story of the heritage of the region and encour-*  
2 *aging long-term resource protection, enhance-*  
3 *ment, interpretation, funding, management, and*  
4 *development of the Heritage Area;*

5 *(B) take into consideration existing State,*  
6 *county, and local plans in the development and*  
7 *implementation of the management plan;*

8 *(C) include a description of actions and*  
9 *commitments that governments, private organi-*  
10 *zations, and citizens plan to take to protect, en-*  
11 *hance, and interpret the natural, historic, scenic,*  
12 *and cultural resources of the Heritage Area;*

13 *(D) specify existing and potential sources of*  
14 *funding or economic development strategies to*  
15 *protect, enhance, interpret, fund, manage, and*  
16 *develop the Heritage Area;*

17 *(E) include an inventory of the natural,*  
18 *historic, cultural, educational, scenic, and rec-*  
19 *reational resources of the Heritage Area relating*  
20 *to the stories and themes of the region that*  
21 *should be protected, enhanced, managed, or devel-*  
22 *oped;*

23 *(F) recommend policies and strategies for*  
24 *resource management including, the development*  
25 *of intergovernmental and interagency agreements*

1           to protect the natural, historic, cultural, edu-  
2           cational, scenic, and recreational resources of the  
3           Heritage Area;

4           (G) describe a program for implementation  
5           of the management plan, including—

6                   (i) performance goals;

7                   (ii) plans for resource protection, en-  
8                   hancement, and interpretation; and

9                   (iii) specific commitments for imple-  
10                  mentation that have been made by the local  
11                  coordinating entity or any government, or-  
12                  ganization, business, or individual;

13          (H) include an analysis of, and rec-  
14          ommendations for, ways in which Federal, State,  
15          tribal, and local programs may best be coordi-  
16          nated (including the role of the National Park  
17          Service and other Federal agencies associated  
18          with the Heritage Area) to further the purposes  
19          of this section;

20          (I) include an interpretive plan for the Her-  
21          itage Area; and

22          (J) include a business plan that—

23                   (i) describes the role, operation, financ-  
24                   ing, and functions of the local coordinating



1            *entity and of each of the major activities de-*  
2            *scribed in the management plan; 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 manage-*  
9            *ment plan is not submitted to the Secretary in ac-*  
10           *cordance with this section, the local coordinating enti-*  
11           *ty shall not qualify for additional financial assistance*  
12           *under this section until the management plan is sub-*  
13           *mitted to, and approved by, the Secretary.*

14            (4) *APPROVAL OF MANAGEMENT PLAN.—*

15                    *(A) REVIEW.—Not later than 180 days after*  
16            *the date on which the Secretary receives the*  
17            *management plan, the Secretary shall approve or*  
18            *disapprove the management plan.*

19                    *(B) CONSULTATION REQUIRED.—The Sec-*  
20            *retary shall consult with the Governor of the*  
21            *State and any tribal government in which the*  
22            *Heritage Area is located before approving the*  
23            *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 Heritage*  
6                   *Area, including governments, natural and*  
7                   *historic resource protection organizations,*  
8                   *educational institutions, businesses, commu-*  
9                   *nity residents, and recreational organiza-*  
10                  *tions;*

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 on*  
23                  *Federal or tribal land under applicable*  
24                  *laws or land use plans;*

1           (v) the Secretary has received adequate  
2           assurances from the appropriate State, trib-  
3           al, and local officials whose support is need-  
4           ed to ensure the effective implementation of  
5           the State, tribal, and local aspects of the  
6           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 dis-  
13           approves 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 shall*  
4           *be reviewed by the Secretary and approved*  
5           *or disapproved in the same manner as the*  
6           *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 SECRETARY.*—

14           (1) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

15           (A) *IN GENERAL.*—*On the request of the*  
16           *local coordinating entity, the Secretary may pro-*  
17           *vide technical and financial assistance, on a re-*  
18           *imbursable or nonreimbursable basis (as deter-*  
19           *mined by the Secretary), to the local coordi-*  
20           *nating entity to develop and implement the*  
21           *management plan.*

22           (B) *COOPERATIVE AGREEMENTS.*—*The Sec-*  
23           *retary may enter into cooperative agreements*  
24           *with the local coordinating entity and other pub-*

1            *lic or private entities to provide technical or fi-*  
2            *nancial assistance under subparagraph (A).*

3            *(C) PRIORITY.—In assisting the Heritage*  
4            *Area, the Secretary shall give priority to actions*  
5            *that assist in—*

6                    *(i) conserving the significant natural,*  
7                    *historic, cultural, and scenic resources of the*  
8                    *Heritage Area; and*

9                    *(ii) providing educational, interpre-*  
10                   *tive, and recreational opportunities con-*  
11                   *sistent with the purposes of the Heritage*  
12                   *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 accom-*  
19                    *plishments of the Heritage Area; and*

20                    *(ii) prepare a report with rec-*  
21                    *ommendations for the future role of the Na-*  
22                    *tional Park Service, if any, with respect to*  
23                    *the Heritage Area, in accordance with sub-*  
24                    *paragraph (C).*

1                   (B) *EVALUATION.*—*An evaluation conducted*  
2                   *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; and*

7                   (II) *achieving the goals and objec-*  
8                   *tives of the approved management plan*  
9                   *for the Heritage Area;*

10                  (ii) *analyze the Federal, State, local,*  
11                  *and private investments in the Heritage*  
12                  *Area to determine the leverage and impact*  
13                  *of the investments; and*

14                  (iii) *review the management structure,*  
15                  *partnership relationships, and funding of*  
16                  *the Heritage Area for purposes of identi-*  
17                  *fying the critical components for sustain-*  
18                  *ability of the Heritage Area.*

19                  (C) *REPORT.*—

20                  (i) *IN GENERAL.*—*Based on the evalua-*  
21                  *tion conducted under subparagraph (A)(i),*  
22                  *the Secretary shall prepare a report that in-*  
23                  *cludes recommendations for the future role*  
24                  *of the National Park Service, if any, with*  
25                  *respect to the Heritage Area.*

1           (ii) *REQUIRED ANALYSIS.*—If the re-  
2           port prepared under this subparagraph rec-  
3           ommends that Federal funding for the Her-  
4           itage Area be reauthorized, the report shall  
5           include an analysis of—

6                   (I) *ways in which Federal fund-*  
7                   *ing for the Heritage Area may be re-*  
8                   *duced or eliminated; and*

9                   (II) *the appropriate time period*  
10                  *necessary to achieve the recommended*  
11                  *reduction or elimination.*

12          (iii) *SUBMISSION TO CONGRESS.*—On  
13          completion of a report under this subpara-  
14          graph, the Secretary shall submit the report  
15          to—

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

18                   (II) *the Committee on Natural*  
19                   *Resources of the House of Representa-*  
20                   *tives.*

21          (f) *RELATIONSHIP TO OTHER FEDERAL AGENCIES.*—

22                  (1) *IN GENERAL.*—Nothing in this section affects  
23          the authority of a Federal agency to provide technical  
24          or financial assistance under any other law.

1           (2) *CONSULTATION AND COORDINATION.*—*To the*  
2           *maximum extent practicable, the head of any Federal*  
3           *agency planning to conduct activities that may have*  
4           *an impact on the Heritage Area is encouraged to con-*  
5           *sult and coordinate the activities with the Secretary*  
6           *and the local coordinating entity.*

7           (3) *OTHER FEDERAL AGENCIES.*—*Nothing in*  
8           *this section—*

9                   (A) *modifies, alters, or amends any laws*  
10                   *(including regulations) authorizing a Federal*  
11                   *agency to manage Federal land under the juris-*  
12                   *isdiction of the Federal agency;*

13                   (B) *limits the discretion of a Federal land*  
14                   *manager to implement an approved land use*  
15                   *plan within the boundaries of the Heritage Area;*  
16                   *or*

17                   (C) *modifies, alters, or amends any author-*  
18                   *ized use of Federal land under the jurisdiction of*  
19                   *a Federal agency.*

20           (g) *PROPERTY OWNERS AND REGULATORY PROTEC-*  
21           *TIONS.*—*Nothing in this section—*

22                   (1) *abridges the rights of any owner of public or*  
23                   *private property, including the right to refrain from*  
24                   *participating in any plan, project, program, or activ-*  
25                   *ity conducted within the Heritage Area;*



1           (2) *requires any property owner to—*

2                   (A) *permit public access (including Federal,*  
3                   *tribal, State, or local government access) to the*  
4                   *property; or*

5                   (B) *modify any provisions of Federal, trib-*  
6                   *al, State, or local law with regard to public ac-*  
7                   *cess or use of private land;*

8           (3) *alters any duly adopted land use regulations,*  
9           *approved land use plan, or any other regulatory au-*  
10           *thority of any Federal, State, or local agency, or trib-*  
11           *al government;*

12           (4) *conveys any land use or other regulatory au-*  
13           *thority to the local coordinating entity;*

14           (5) *authorizes or implies the reservation or ap-*  
15           *propriation of water or water rights;*

16           (6) *diminishes the authority of the State to man-*  
17           *age fish and wildlife, including the regulation of fish-*  
18           *ing and hunting within the Heritage Area; or*

19           (7) *creates any liability, or affects any liability*  
20           *under any other law, of any private property owner*  
21           *with respect to any person injured on the private*  
22           *property.*

23           (h) *AUTHORIZATION OF APPROPRIATIONS.—*

24                   (1) *IN GENERAL.—There is authorized to be ap-*  
25                   *propriated to carry out this section \$10,000,000, of*

1     *which not more than \$1,000,000 may be made avail-*  
2     *able for any fiscal year.*

3             (2) *COST-SHARING REQUIREMENT.*—

4                 (A) *IN GENERAL.*—*The Federal share of the*  
5                 *total cost of any activity under this section shall*  
6                 *be not more than 50 percent.*

7                 (B) *FORM.*—*The non-Federal contribu-*  
8                 *tion—*

9                     (i) *shall be from non-Federal sources;*

10                    *and*

11                    (ii) *may be in the form of in-kind con-*  
12                    *tributions of goods or services fairly valued.*

13             (i) *TERMINATION OF EFFECTIVENESS.*—*The authority*  
14     *of the Secretary to provide assistance under this section ter-*  
15     *minates on the date that is 15 years after the date of enact-*  
16     *ment of this Act.*

17     **SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA,**  
18             **MASSACHUSETTS AND NEW HAMPSHIRE.**

19             (a) *PURPOSES.*—*The purposes of this section are—*

20                 (1) *to foster a close working relationship between*  
21     *the Secretary and all levels of government, the private*  
22     *sector, and local communities in the States of Massa-*  
23     *chusetts and New Hampshire;*

1           (2) *to assist the entities described in paragraph*  
2 *(1) to preserve the special historic identity of the Her-*  
3 *itage Area; and*

4           (3) *to manage, preserve, protect, and interpret*  
5 *the cultural, historic, and natural resources of the*  
6 *Heritage Area for the educational and inspirational*  
7 *benefit of future generations.*

8           (b) *DEFINITIONS.—In this section:*

9           (1) *HERITAGE AREA.—The term “Heritage*  
10 *Area” means the Freedom’s Way National Heritage*  
11 *Area established by subsection (c)(1).*

12           (2) *LOCAL COORDINATING ENTITY.—The term*  
13 *“local coordinating entity” means the local coordi-*  
14 *nating entity for the Heritage Area designated by*  
15 *subsection (c)(4).*

16           (3) *MANAGEMENT PLAN.—The term “manage-*  
17 *ment plan” means the management plan for the Her-*  
18 *itage Area required under subsection (d)(1)(A).*

19           (4) *MAP.—The term “map” means the map enti-*  
20 *tled “Freedom’s Way National Heritage Area”, num-*  
21 *bered T04/80,000, and dated July 2007.*

22           (5) *SECRETARY.—The term “Secretary” means*  
23 *the Secretary of the Interior.*

24           (c) *ESTABLISHMENT.—*

1           (1) *IN GENERAL.*—*There is established the Free-*  
2 *dom’s Way National Heritage Area in the States of*  
3 *Massachusetts and New Hampshire.*

4           (2) *BOUNDARIES.*—

5           (A) *IN GENERAL.*—*The boundaries of the*  
6 *Heritage Area shall be as generally depicted on*  
7 *the map.*

8           (B) *REVISION.*—*The boundaries of the Her-*  
9 *itage Area may be revised if the revision is—*

10           (i) *proposed in the management plan;*

11           (ii) *approved by the Secretary in ac-*  
12 *cordance with subsection (e)(4); and*

13           (iii) *placed on file in accordance with*  
14 *paragraph (3).*

15           (3) *AVAILABILITY OF MAP.*—*The map shall be on*  
16 *file and available for public inspection in the appro-*  
17 *priate offices of the National Park Service and the*  
18 *local coordinating entity.*

19           (4) *LOCAL COORDINATING ENTITY.*—*The Free-*  
20 *dom’s Way Heritage Association, Inc., shall be the*  
21 *local coordinating entity for the Heritage Area.*

22           (d) *DUTIES AND AUTHORITIES OF LOCAL COORDI-*  
23 *NATING ENTITY.*—

1           (1) *DUTIES OF THE LOCAL COORDINATING ENTI-*  
2           *TY.—To further the purposes of the Heritage Area, the*  
3           *local coordinating entity shall—*

4                   (A) *prepare, and submit to the Secretary,*  
5                   *in accordance with subsection (e), a management*  
6                   *plan for the Heritage Area;*

7                   (B) *assist units of local government, re-*  
8                   *gional planning organizations, and nonprofit or-*  
9                   *ganizations in implementing the approved man-*  
10                  *agement plan by—*

11                           (i) *carrying out programs and projects*  
12                           *that recognize and protect important re-*  
13                           *source values within the Heritage Area;*

14                           (ii) *establishing and maintaining in-*  
15                           *terpretive exhibits and programs within the*  
16                           *Heritage Area;*

17                           (iii) *developing recreational and edu-*  
18                           *cational opportunities in the Heritage Area;*

19                           (iv) *increasing public awareness of,*  
20                           *and appreciation for, natural, historic, and*  
21                           *cultural resources of the Heritage Area;*

22                           (v) *protecting and restoring historic*  
23                           *buildings in the Heritage Area that are con-*  
24                           *sistent with the themes of the Heritage Area;*  
25                           *and*

1                   (vi) ensuring that signs identifying  
2                   points of public access and sites of interest  
3                   are posted throughout the Heritage Area;

4                   (C) consider the interests of diverse units of  
5                   government, businesses, organizations, and indi-  
6                   viduals in the Heritage Area in the preparation  
7                   and implementation of the management plan;

8                   (D) conduct meetings open to the public at  
9                   least quarterly regarding the development and  
10                  implementation of the management plan;

11                  (E) submit an annual report to the Sec-  
12                  retary for each fiscal year for which the local co-  
13                  ordinating entity receives Federal funds under  
14                  this section specifying—

15                         (i) the accomplishments of the local co-  
16                         ordinating entity;

17                         (ii) the expenses and income of the  
18                         local coordinating entity;

19                         (iii) the amounts and sources of  
20                         matching funds;

21                         (iv) the amounts leveraged with Fed-  
22                         eral funds and sources of the leveraged  
23                         funds; and

24                         (v) grants made to any other entities  
25                         during the fiscal year;

1           (F) make available for audit for each fiscal  
2           year for which the local coordinating entity re-  
3           ceives Federal funds under this section, all infor-  
4           mation pertaining to the expenditure of the  
5           funds and any matching funds;

6           (G) require in all agreements authorizing  
7           expenditures of Federal funds by other organiza-  
8           tions, that the receiving organizations make  
9           available for audit all records and other infor-  
10          mation pertaining to the expenditure of the  
11          funds; and

12          (H) encourage, by appropriate means, eco-  
13          nomic development that is consistent with the  
14          purposes of the Heritage Area.

15          (2) *AUTHORITIES.*—The local coordinating enti-  
16          ty may, subject to the prior approval of the Secretary,  
17          for the purposes of preparing and implementing the  
18          management plan, use Federal funds made available  
19          under this section to—

20               (A) make grants to the States of Massachu-  
21               setts and New Hampshire, political subdivisions  
22               of the States, nonprofit organizations, and other  
23               persons;

24               (B) enter into cooperative agreements with,  
25               or provide technical assistance to, the States of

1           *Massachusetts and New Hampshire, political*  
2           *subdivisions of the States, nonprofit organiza-*  
3           *tions, Federal agencies, and other interested par-*  
4           *ties;*

5           *(C) hire and compensate staff;*

6           *(D) obtain funds or services from any*  
7           *source, including funds and services provided*  
8           *under any other Federal law or program;*

9           *(E) contract for goods or services; and*

10          *(F) support activities of partners and any*  
11          *other activities that further the purposes of the*  
12          *Heritage Area and are consistent with the ap-*  
13          *proved management plan.*

14          (3) *PROHIBITION ON ACQUISITION OF REAL*  
15          *PROPERTY.—The local coordinating entity may not*  
16          *use Federal funds received under this section to ac-*  
17          *quire any interest in real property.*

18          (4) *USE OF FUNDS FOR NON-FEDERAL PROP-*  
19          *ERTY.—The local coordinating entity may use Fed-*  
20          *eral funds made available under this section to assist*  
21          *non-Federal property that is—*

22                  *(A) described in the management plan; or*

23                  *(B) listed, or eligible for listing, on the Na-*  
24                  *tional Register of Historic Places.*

25          (e) *MANAGEMENT PLAN.—*



1           (1) *IN GENERAL.*—Not later than 3 years after  
2           the date on which funds are made available to develop  
3           the management plan, the local coordinating entity  
4           shall submit to the Secretary for approval a proposed  
5           management plan for the Heritage Area.

6           (2) *REQUIREMENTS.*—The management plan for  
7           the Heritage Area shall—

8                   (A) describe comprehensive policies, goals,  
9                   strategies, and recommendations for the con-  
10                  servation, funding, management, and develop-  
11                  ment of the Heritage Area;

12                  (B) take into consideration existing State,  
13                  county, and local plans in the development and  
14                  implementation of the management plan;

15                  (C) provide a framework for coordination of  
16                  the plans considered under subparagraph (B) to  
17                  present a unified historic preservation and inter-  
18                  pretation plan;

19                  (D) contain the contributions of residents,  
20                  public agencies, and private organizations with-  
21                  in the Heritage Area;

22                  (E) include a description of actions and  
23                  commitments that governments, private organi-  
24                  zations, and citizens plan to take to protect, en-

1            *hance, and interpret the natural, historic, scenic,*  
2            *and cultural resources of the Heritage Area;*

3            *(F) specify existing and potential sources of*  
4            *funding or economic development strategies to*  
5            *conserve, manage, and develop the Heritage*  
6            *Area;*

7            *(G) include an inventory of the natural,*  
8            *historic, and recreational resources of the Herit-*  
9            *age Area, including a list of properties that—*

10            *(i) are related to the themes of the Her-*  
11            *itage Area; and*

12            *(ii) should be conserved, restored, man-*  
13            *aged, developed, or maintained;*

14            *(H) recommend policies and strategies for*  
15            *resource management that—*

16            *(i) apply appropriate land and water*  
17            *management techniques;*

18            *(ii) include the development of inter-*  
19            *governmental and interagency agreements*  
20            *to protect the natural, historic, and cultural*  
21            *resources of the Heritage Area; and*

22            *(iii) support economic revitalization*  
23            *efforts;*

24            *(I) describe a program for implementation*  
25            *of the management plan, including—*

1                   (i) *restoration and construction plans*  
2                   or goals;

3                   (ii) *a program of public involvement;*

4                   (iii) *annual work plans; and*

5                   (iv) *annual reports;*

6                   (J) *include an analysis of, and rec-*  
7                   *ommendations for, ways in which Federal, State,*  
8                   *tribal, and local programs may best be coordi-*  
9                   *nated (including the role of the National Park*  
10                  *Service and other Federal agencies associated*  
11                  *with the Heritage Area) to further the purposes*  
12                  *of this section;*

13                  (K) *include an interpretive plan for the*  
14                  *Heritage Area; and*

15                  (L) *include a business plan that—*

16                         (i) *describes the role, operation, financ-*  
17                         *ing, and functions of the local coordinating*  
18                         *entity and of each of the major activities de-*  
19                         *scribed in the management plan; and*

20                         (ii) *provides adequate assurances that*  
21                         *the local coordinating entity has the part-*  
22                         *nerships and financial and other resources*  
23                         *necessary to implement the management*  
24                         *plan for the Heritage Area.*

1           (3) *TERMINATION OF FUNDING.*—*If the manage-*  
2           *ment plan is not submitted to the Secretary in ac-*  
3           *cordance with this section, the local coordinating enti-*  
4           *ty shall not qualify for additional financial assistance*  
5           *under this section until the management plan is sub-*  
6           *mitted to, and approved by, the Secretary.*

7           (4) *APPROVAL OF MANAGEMENT PLAN.*—

8           (A) *REVIEW.*—*Not later than 180 days after*  
9           *the date on which the Secretary receives the*  
10           *management plan, the Secretary 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 local coordinating entity rep-*  
16                   *resents the diverse interests of the Heritage*  
17                   *Area, including governments, natural and*  
18                   *historic resource protection organizations,*  
19                   *educational institutions, businesses, commu-*  
20                   *nity residents, and recreational organiza-*  
21                   *tions;*

22                   (ii) *the local coordinating entity has*  
23                   *afforded adequate opportunity for public*  
24                   *and governmental involvement (including*

1           *through workshops and public meetings) in*  
2           *the preparation of the management plan;*

3                     *(iii) the resource protection and inter-*  
4                     *pretation strategies described in the man-*  
5                     *agement plan, if implemented, would ade-*  
6                     *quately protect the natural, historic, and*  
7                     *cultural resources of the Heritage Area;*

8                     *(iv) the management plan would not*  
9                     *adversely affect any activities authorized on*  
10                    *Federal or tribal land under applicable*  
11                    *laws or land use plans;*

12                    *(v) the Secretary has received adequate*  
13                    *assurances from the appropriate State, trib-*  
14                    *al, and local officials whose support is need-*  
15                    *ed to ensure the effective implementation of*  
16                    *the State, tribal, and local aspects of the*  
17                    *management plan; and*

18                    *(vi) the local coordinating entity has*  
19                    *demonstrated the financial capability, in*  
20                    *partnership with others, to carry out the*  
21                    *management plan.*

22            (C) *ACTION FOLLOWING DISAPPROVAL.—*

23                    (i) *IN GENERAL.—If the Secretary dis-*  
24                    *approves the management plan, the Sec-*  
25                    *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                  (D) AMENDMENTS.—

12                  (i) IN GENERAL.—An amendment to  
13                  the management plan that substantially al-  
14                  ters the purposes of the Heritage Area shall  
15                  be reviewed by the Secretary and approved  
16                  or disapproved in the same manner as the  
17                  original management plan.

18                  (ii) IMPLEMENTATION.—The local co-  
19                  ordinating entity shall not use Federal  
20                  funds authorized to be appropriated by this  
21                  section to implement an amendment to the  
22                  management plan until the Secretary ap-  
23                  proves the amendment.

24                  (f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

25                         (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

1           (A) *IN GENERAL.*—On the request of the  
2           local coordinating entity, the Secretary may pro-  
3           vide technical and financial assistance, on a re-  
4           imbursable or nonreimbursable basis (as deter-  
5           mined by the Secretary), to the local coordi-  
6           nating entity to develop and implement the  
7           management plan.

8           (B) *COOPERATIVE AGREEMENTS.*—The Sec-  
9           retary may enter into cooperative agreements  
10          with the local coordinating entity and other pub-  
11          lic or private entities to provide technical or fi-  
12          nancial assistance under subparagraph (A).

13          (C) *PRIORITY.*—In assisting the Heritage  
14          Area, the Secretary shall give priority to actions  
15          that assist in—

16               (i) conserving the significant natural,  
17               historic, and cultural resources of the Herit-  
18               age Area; and

19               (ii) providing educational, interpre-  
20               tive, and recreational opportunities con-  
21               sistent with the purposes of the Heritage  
22               Area.

23          (2) *EVALUATION; REPORT.*—

24               (A) *IN GENERAL.*—Not later than 3 years  
25          before the date on which authority for Federal

1           *funding terminates for the Heritage Area under*  
2           *subsection (j), the Secretary shall—*

3                     *(i) conduct an evaluation of the accom-*  
4                     *plishments of the Heritage Area; and*

5                     *(ii) prepare a report with rec-*  
6                     *ommendations for the future role of the Na-*  
7                     *tional Park Service, if any, with respect to*  
8                     *the Heritage Area, in accordance with sub-*  
9                     *paragraph (C).*

10           *(B) EVALUATION.—An evaluation conducted*  
11           *under subparagraph (A)(i) shall—*

12                     *(i) assess the progress of the local co-*  
13                     *ordinating entity with respect to—*

14                             *(I) accomplishing the purposes of*  
15                             *this section for the Heritage Area; and*

16                             *(II) achieving the goals and objec-*  
17                             *tives of the approved management plan*  
18                             *for the Heritage Area;*

19                     *(ii) analyze the Federal, State, local,*  
20                     *and private investments in the Heritage*  
21                     *Area to determine the leverage and impact*  
22                     *of the investments; and*

23                     *(iii) review the management structure,*  
24                     *partnership relationships, and funding of*  
25                     *the Heritage Area for purposes of identi-*



1 *fyng the critical components for sustain-*  
2 *ability of the Heritage Area.*

3 *(C) REPORT.—*

4 *(i) IN GENERAL.—Based on the evalua-*  
5 *tion conducted under subparagraph (A)(i),*  
6 *the Secretary shall prepare a report that in-*  
7 *cludes recommendations for the future role*  
8 *of the National Park Service, if any, with*  
9 *respect to the Heritage Area.*

10 *(ii) REQUIRED ANALYSIS.—If the re-*  
11 *port prepared under this subparagraph rec-*  
12 *ommends that Federal funding for the Her-*  
13 *itage Area be reauthorized, the report shall*  
14 *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 report*  
24 *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 Representa-*  
5                   *tives.*

6           (g) *RELATIONSHIP TO OTHER FEDERAL AGENCIES.—*

7               (1) *IN GENERAL.—Nothing in this section affects*  
8               *the authority of a Federal agency to provide technical*  
9               *or financial assistance under any other law.*

10              (2) *CONSULTATION AND COORDINATION.—To the*  
11              *maximum extent practicable, the head of any Federal*  
12              *agency planning to conduct activities that may have*  
13              *an impact on the Heritage Area is encouraged to con-*  
14              *sult and coordinate the activities with the Secretary*  
15              *and the local coordinating entity.*

16              (3) *OTHER FEDERAL AGENCIES.—Nothing in*  
17              *this section—*

18                   (A) *modifies, alters, or amends any laws*  
19                   *(including regulations) authorizing a Federal*  
20                   *agency to manage Federal land under the juris-*  
21                   *isdiction of the Federal agency;*

22                   (B) *limits the discretion of a Federal land*  
23                   *manager to implement an approved land use*  
24                   *plan within the boundaries of the Heritage Area;*  
25                   *or*

1           (C) *modifies, alters, or amends any author-*  
2           *ized use of Federal land under the jurisdiction of*  
3           *a Federal agency.*

4       (h) *PROPERTY OWNERS AND REGULATORY PROTEC-*  
5 *TIONS.—Nothing in this section—*

6           (1) *abridges the rights of any owner of public or*  
7           *private property, including the right to refrain from*  
8           *participating in any plan, project, program, or activ-*  
9           *ity conducted within the Heritage Area;*

10          (2) *requires any property owner to—*

11           (A) *permit public access (including Federal,*  
12           *tribal, State, or local government access) to the*  
13           *property; or*

14           (B) *modify any provisions of Federal, trib-*  
15           *al, State, or local law with regard to public ac-*  
16           *cess or use of private land;*

17           (3) *alters any duly adopted land use regulations,*  
18           *approved land use plan, or any other regulatory au-*  
19           *thority of any Federal, State, or local agency, or trib-*  
20           *al government;*

21           (4) *conveys any land use or other regulatory au-*  
22           *thority to the local coordinating entity;*

23           (5) *authorizes or implies the reservation or ap-*  
24           *propriation of water or water rights;*

1           (6) *diminishes the authority of the States of*  
2           *Massachusetts and New Hampshire to manage fish*  
3           *and wildlife, including the regulation of fishing and*  
4           *hunting within the Heritage Area; or*

5           (7) *creates any liability, or affects any liability*  
6           *under any other law, of any private property owner*  
7           *with respect to any person injured on the private*  
8           *property.*

9           (i) *AUTHORIZATION OF APPROPRIATIONS.—*

10           (1) *IN GENERAL.—There is authorized to be ap-*  
11           *propriated to carry out this section \$10,000,000, of*  
12           *which not more than \$1,000,000 may be made avail-*  
13           *able for any fiscal year.*

14           (2) *AVAILABILITY.—Funds made available under*  
15           *paragraph (1) shall remain available until expended.*

16           (3) *COST-SHARING REQUIREMENT.—*

17           (A) *IN GENERAL.—The Federal share of the*  
18           *total cost of any activity under this section shall*  
19           *be not more than 50 percent.*

20           (B) *FORM.—The non-Federal contribution*  
21           *may be in the form of in-kind contributions of*  
22           *goods or services fairly valued.*

23           (j) *TERMINATION OF FINANCIAL ASSISTANCE.—The*  
24           *authority of the Secretary to provide financial assistance*

1 *under this section terminates on the date that is 15 years*  
2 *after the date of enactment of this Act.*

3 **SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.**

4 (a) *DEFINITIONS.—In this section:*

5 (1) *HERITAGE AREA.—The term “Heritage*  
6 *Area” means the Mississippi Hills National Heritage*  
7 *Area established by subsection (b)(1).*

8 (2) *LOCAL COORDINATING ENTITY.—The term*  
9 *“local coordinating entity” means the local coordi-*  
10 *nating entity for Heritage Area designated by sub-*  
11 *section (b)(3)(A).*

12 (3) *MANAGEMENT PLAN.—The term “manage-*  
13 *ment plan” means the management plan for the Her-*  
14 *itage Area required under subsection (c)(1)(A).*

15 (4) *SECRETARY.—The term “Secretary” means*  
16 *the Secretary of the Interior.*

17 (5) *STATE.—The term “State” means the State*  
18 *of Mississippi.*

19 (b) *MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—*

20 (1) *ESTABLISHMENT.—There is established the*  
21 *Mississippi Hills National Heritage Area in the*  
22 *State.*

23 (2) *BOUNDARIES.—*

24 (A) *AFFECTED COUNTIES.—The Heritage*  
25 *Area shall consist of all, or portions of, as speci-*

1 *fied by the boundary description in subpara-*  
2 *graph (B), Alcorn, Attala, Benton, Calhoun,*  
3 *Carroll, Chickasaw, Choctaw, Clay, DeSoto, Gre-*  
4 *nada, Holmes, Itawamba, Lafayette, Lee,*  
5 *Lowndes, Marshall, Monroe, Montgomery,*  
6 *Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss,*  
7 *Tate, Tippah, Tishomingo, Union, Webster, Win-*  
8 *ston, and Yalobusha Counties in the State.*

9 (B) *BOUNDARY DESCRIPTION.—The Herit-*  
10 *age Area shall have the following boundary de-*  
11 *scription:*

12 (i) *traveling counterclockwise, the Her-*  
13 *itage Area shall be bounded to the west by*  
14 *U.S. Highway 51 from the Tennessee State*  
15 *line until it intersects Interstate 55 (at*  
16 *Geeslin Corner approximately 1/2 mile due*  
17 *north of Highway Interchange 208);*

18 (ii) *from this point, Interstate 55 shall*  
19 *be the western boundary until it intersects*  
20 *with Mississippi Highway 12 at Highway*  
21 *Interchange 156, the intersection of which*  
22 *shall be the southwest terminus of the Herit-*  
23 *age Area;*

24 (iii) *from the southwest terminus, the*  
25 *boundary shall—*

1                   (I) extend east along Mississippi  
2                   Highway 12 until it intersects U.S.  
3                   Highway 51;

4                   (II) follow Highway 51 south  
5                   until it is intersected again by High-  
6                   way 12;

7                   (III) extend along Highway 12  
8                   into downtown Kosciusko where it  
9                   intersects Mississippi Highway 35;

10                  (IV) follow Highway 35 south  
11                  until it is intersected by Mississippi  
12                  Highway 14; and

13                  (V) extend along Highway 14  
14                  until it reaches the Alabama State  
15                  line, the intersection of which shall be  
16                  the southeast terminus of the Heritage  
17                  Area;

18                  (iv) from the southeast terminus, the  
19                  boundary of the Heritage Area shall follow  
20                  the Mississippi-Alabama State line until it  
21                  reaches the Mississippi-Tennessee State line,  
22                  the intersection of which shall be the north-  
23                  east terminus of the Heritage Area; and

24                  (v) the boundary shall extend due west  
25                  until it reaches U.S. Highway 51, the inter-

1            *section of which shall be the northwest ter-*  
2            *minus of the Heritage Area.*

3            (3) *LOCAL COORDINATING ENTITY.—*

4            (A) *IN GENERAL.—The local coordinating*  
5            *entity for the Heritage Area shall be the Mis-*  
6            *issippi Hills Heritage Area Alliance, a non-*  
7            *profit organization registered by the State, with*  
8            *the cooperation and support of the University of*  
9            *Mississippi.*

10           (B) *BOARD OF DIRECTORS.—*

11           (i) *IN GENERAL.—The local coordi-*  
12           *nating entity shall be governed by a Board*  
13           *of Directors comprised of not more than 30*  
14           *members.*

15           (ii) *COMPOSITION.—Members of the*  
16           *Board of Directors shall consist of—*

17           (I) *not more than 1 representative*  
18           *from each of the counties described in*  
19           *paragraph (2)(A); and*

20           (II) *any ex-officio members that*  
21           *may be appointed by the Board of Di-*  
22           *rectors, as the Board of Directors deter-*  
23           *mines to be necessary.*

24           (c) *DUTIES AND AUTHORITIES OF LOCAL COORDI-*  
25           *NATING ENTITY.—*



1           (1) *DUTIES OF THE LOCAL COORDINATING ENTI-*  
2           *TY.—To further the purposes of the Heritage Area, the*  
3           *local coordinating entity shall—*

4                   (A) *prepare, and submit to the Secretary,*  
5                   *in accordance with subsection (d), a manage-*  
6                   *ment plan for the Heritage Area;*

7                   (B) *assist units of local government, re-*  
8                   *gional planning organizations, and nonprofit or-*  
9                   *ganizations in implementing the approved man-*  
10                  *agement plan by—*

11                           (i) *establishing and maintaining inter-*  
12                           *pretive exhibits and programs within the*  
13                           *Heritage Area;*

14                           (ii) *developing recreational opportuni-*  
15                           *ties in the Heritage Area;*

16                           (iii) *increasing public awareness of,*  
17                           *and appreciation for, natural, historical,*  
18                           *cultural, archaeological, and recreational*  
19                           *resources of the Heritage Area;*

20                           (iv) *restoring historic sites and build-*  
21                           *ings in the Heritage Area that are con-*  
22                           *sistent with the themes of the Heritage Area;*  
23                           *and*

1           (v) carrying out any other activity  
2           that the local coordinating entity deter-  
3           mines to be consistent with this section;

4           (C) conduct meetings open to the public at  
5           least annually regarding the development and  
6           implementation of the management plan;

7           (D) submit an annual report to the Sec-  
8           retary for each fiscal year for which the local co-  
9           ordinating entity receives Federal funds under  
10          this section specifying—

11           (i) the accomplishments of the local co-  
12          ordinating entity;

13           (ii) the expenses and income of the  
14          local coordinating entity;

15           (iii) the amounts and sources of  
16          matching funds;

17           (iv) the amounts leveraged with Fed-  
18          eral funds and sources of the leveraged  
19          funds; and

20           (v) grants made to any other entities  
21          during the fiscal year;

22          (E) make available for audit for each fiscal  
23          year for which the local coordinating entity re-  
24          ceives Federal funds under this section, all infor-

1            *mation pertaining to the expenditure of the*  
2            *funds and any matching funds;*

3            *(F) require in all agreements authorizing*  
4            *expenditures of Federal funds by other organiza-*  
5            *tions, that the receiving organizations make*  
6            *available for audit all records and other infor-*  
7            *mation pertaining to the expenditure of the*  
8            *funds; and*

9            *(G) ensure that each county included in the*  
10           *Heritage Area is appropriately represented on*  
11           *any oversight advisory committee established*  
12           *under this section to coordinate the Heritage*  
13           *Area.*

14           *(2) AUTHORITIES.—The local coordinating enti-*  
15           *ty may, subject to the prior approval of the Secretary,*  
16           *for the purposes of preparing and implementing the*  
17           *management plan, use Federal funds made available*  
18           *under this section to—*

19           *(A) make grants and loans to the State, po-*  
20           *litical subdivisions of the State, nonprofit orga-*  
21           *nizations, and other persons;*

22           *(B) enter into cooperative agreements with,*  
23           *or provide technical assistance to, the State, po-*  
24           *litical subdivisions of the State, nonprofit orga-*  
25           *nizations, and other organizations;*

1           (C) hire and compensate staff;

2           (D) obtain funds or services from any  
3 source, including funds and services provided  
4 under any other Federal law or program; and

5           (E) contract for goods or services.

6           (3) *PROHIBITION ON ACQUISITION OF REAL*  
7 *PROPERTY.*—The local coordinating entity may not  
8 use Federal funds received under this section to ac-  
9 quire any interest in real property.

10          (d) *MANAGEMENT PLAN.*—

11           (1) *IN GENERAL.*—Not later than 3 years after  
12 the date on which funds are made available to develop  
13 the management plan, the local coordinating entity  
14 shall submit to the Secretary for approval a proposed  
15 management plan for the Heritage Area.

16           (2) *REQUIREMENTS.*—The management plan for  
17 the Heritage Area shall—

18           (A) provide recommendations for the preser-  
19 vation, conservation, enhancement, funding,  
20 management, interpretation, development, and  
21 promotion of the cultural, historical, archae-  
22 ological, natural, and recreational resources of  
23 the Heritage Area;

24           (B) specify existing and potential sources of  
25 funding or economic development strategies to

1           *protect, enhance, interpret, fund, manage, and*  
2           *develop the Heritage Area;*

3           (C) *include—*

4                 (i) *an inventory of the natural, histor-*  
5                 *ical, cultural, archaeological, and rec-*  
6                 *reational resources of the Heritage Area;*  
7                 *and*

8                 (ii) *an analysis of how Federal, State,*  
9                 *tribal, and local programs may best be co-*  
10                 *ordinated to promote and carry out this sec-*  
11                 *tion;*

12           (D) *provide recommendations for edu-*  
13           *cational and interpretive programs to provide*  
14           *information to the public on the resources of the*  
15           *Heritage Area; and*

16           (E) *involve residents of affected commu-*  
17           *nities and tribal and local governments.*

18           (3) *TERMINATION OF FUNDING.—If the manage-*  
19           *ment plan is not submitted to the Secretary in ac-*  
20           *cordance with this subsection, the local coordinating*  
21           *entity shall not qualify for additional financial as-*  
22           *sistance under this section until the management plan*  
23           *is submitted to, and approved by, the Secretary.*

24           (4) *APPROVAL OF MANAGEMENT PLAN.—*

1           (A) *REVIEW.*—Not later than 180 days after  
2           the date on which the Secretary receives the  
3           management plan, the Secretary shall approve or  
4           disapprove the management plan.

5           (B) *CONSULTATION REQUIRED.*—The Sec-  
6           retary shall consult with the Governor of the  
7           State and any tribal government in which the  
8           Heritage Area is located before approving the  
9           management plan.

10          (C) *CRITERIA FOR APPROVAL.*—In deter-  
11          mining whether to approve the management  
12          plan, the Secretary shall consider whether—

13               (i) the local coordinating entity rep-  
14               resents the diverse interests of the Heritage  
15               Area, including governments, natural and  
16               historical resource protection organizations,  
17               educational institutions, businesses, commu-  
18               nity residents, and recreational organiza-  
19               tions;

20               (ii) the local coordinating entity has  
21               afforded adequate opportunity for public  
22               and governmental involvement (including  
23               through workshops and public meetings) in  
24               the preparation of the management plan;

1           (iii) *the resource protection and inter-*  
2           *pretation strategies described in the man-*  
3           *agement plan, if implemented, would ade-*  
4           *quately protect the natural, historical, cul-*  
5           *tural, archaeological, and recreational re-*  
6           *sources of the Heritage Area;*

7           (iv) *the management plan would not*  
8           *adversely affect any activities authorized on*  
9           *Federal or tribal land under applicable*  
10          *laws or land use plans;*

11          (v) *the Secretary has received adequate*  
12          *assurances from the appropriate State, trib-*  
13          *al, and local officials whose support is need-*  
14          *ed to ensure the effective implementation of*  
15          *the State, tribal, and local aspects of the*  
16          *management plan; and*

17          (vi) *the local coordinating entity has*  
18          *demonstrated the financial capability, in*  
19          *partnership with others, to carry out the*  
20          *management plan.*

21          (D) *ACTION FOLLOWING DISAPPROVAL.—*

22               (i) *IN GENERAL.—If the Secretary dis-*  
23               *approves the management plan, the Sec-*  
24               *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) *REVIEW; AMENDMENTS.*—

12          (i) *IN GENERAL.*—After approval by  
13          the Secretary of the management plan, the  
14          Alliance shall periodically—

15               (I) review the management plan;  
16               and

17               (II) submit to the Secretary, for  
18               review and approval by the Secretary,  
19               any recommendations for revisions to  
20               the management plan.

21          (ii) *IN GENERAL.*—An amendment to  
22          the management plan that substantially al-  
23          ters the purposes of the Heritage Area shall  
24          be reviewed by the Secretary and approved



1           or disapproved in the same manner as the  
2           original management plan.

3           (iii) *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) *DUTIES AND AUTHORITIES OF THE SECRETARY.*—

10           (1) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

11           (A) *IN GENERAL.*—On the request of the  
12           local coordinating entity, the Secretary may pro-  
13           vide technical and financial assistance, on a re-  
14           imbursable or nonreimbursable basis (as deter-  
15           mined by the Secretary), to the local coordi-  
16           nating entity to develop and implement the  
17           management plan.

18           (B) *COOPERATIVE AGREEMENTS.*—The Sec-  
19           retary may enter into cooperative agreements  
20           with the local coordinating entity and other pub-  
21           lic or private entities to provide technical or fi-  
22           nancial assistance under subparagraph (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           *historical, cultural, archaeological, and rec-*  
3           *reational resources of the Heritage Area;*  
4           *and*

5           (ii) *providing educational, interpre-*  
6           *tive, and recreational opportunities con-*  
7           *sistent with the purposes of the Heritage*  
8           *Area.*

9           (2) *EVALUATION; REPORT.—*

10           (A) *IN GENERAL.—Not later than 3 years*  
11           *before the date on which authority for Federal*  
12           *funding terminates for the Heritage Area under*  
13           *subsection (i), the Secretary shall—*

14           (i) *conduct an evaluation of the accom-*  
15           *plishments of the Heritage Area; and*

16           (ii) *prepare a report with rec-*  
17           *ommendations for the future role of the Na-*  
18           *tional Park Service, if any, with respect to*  
19           *the Heritage Area, in accordance with sub-*  
20           *paragraph (C).*

21           (B) *EVALUATION.—An evaluation conducted*  
22           *under subparagraph (A)(i) shall—*

23           (i) *assess the progress of the local co-*  
24           *ordinating entity with respect to—*

1                   (I) accomplishing the purposes of  
2                   this section for the Heritage Area; and

3                   (II) achieving the goals and objec-  
4                   tives of the approved management plan  
5                   for the Heritage Area;

6                   (ii) analyze the Federal, State, local,  
7                   and private investments in the Heritage  
8                   Area to determine the leverage and impact  
9                   of the investments; and

10                  (iii) review the management structure,  
11                  partnership relationships, and funding of  
12                  the Heritage Area for purposes of identi-  
13                  fying the critical components for sustain-  
14                  ability of the Heritage Area.

15                  (C) REPORT.—

16                   (i) IN GENERAL.—Based on the evalua-  
17                   tion conducted under subparagraph (A)(i),  
18                   the Secretary shall prepare a report that in-  
19                   cludes recommendations for the future role  
20                   of the National Park Service, if any, with  
21                   respect to the Heritage Area.

22                   (ii) REQUIRED ANALYSIS.—If the re-  
23                   port prepared under this subparagraph rec-  
24                   ommends that Federal funding for the Her-

1            *itage Area be reauthorized, the report shall*  
2            *include an analysis of—*

3                    *(I) ways in which Federal fund-*  
4                    *ing for the Heritage Area may be re-*  
5                    *duced or eliminated; and*

6                    *(II) the appropriate time period*  
7                    *necessary to achieve the recommended*  
8                    *reduction or elimination.*

9                    *(iii) SUBMISSION TO CONGRESS.—On*  
10                  *completion of a report under this subpara-*  
11                  *graph, the Secretary shall submit the report*  
12                  *to—*

13                    *(I) the Committee on Energy and*  
14                    *Natural Resources of the Senate; and*

15                    *(II) the Committee on Natural*  
16                    *Resources of the House of Representa-*  
17                    *tives.*

18                  *(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—*

19                    *(1) IN GENERAL.—Nothing in this section affects*  
20                    *the authority of a Federal agency to provide technical*  
21                    *or financial assistance under any other law.*

22                    *(2) CONSULTATION AND COORDINATION.—To the*  
23                    *maximum extent practicable, the head of any Federal*  
24                    *agency planning to conduct activities that may have*  
25                    *an impact on the Heritage Area is encouraged to con-*

1 *sult and coordinate the activities with the Secretary*  
2 *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 *isdiction 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 Area;*  
12 *or*

13 (C) *modifies, alters, or amends any author-*  
14 *ized use of Federal land under the jurisdiction of*  
15 *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 pub-*  
20 *lic or private property, including the right to re-*  
21 *frain from participating in any plan, project,*  
22 *program, or activity conducted within the Herit-*  
23 *age 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 to  
16          manage fish and wildlife, including the regula-  
17          tion of fishing and hunting within the Heritage  
18          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 in  
24          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 ap-  
10          propriated to carry out this section \$10,000,000, of  
11          which not more than \$1,000,000 may be made avail-  
12          able 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 the  
18               total cost of any activity under this section shall  
19               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

24                       (ii) may be in the form of in-kind con-  
25                       tributions of goods or services fairly valued.

1       (i) *TERMINATION OF FINANCIAL ASSISTANCE.*—*The*  
2 *authority of the Secretary to provide financial assistance*  
3 *under this section terminates on the date that is 15 years*  
4 *after the date of enactment of this Act.*

5 **SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.**

6       (a) *DEFINITIONS.*—*In this section:*

7           (1) *BOARD.*—*The term “Board” means the*  
8 *Board of Directors of the local coordinating entity.*

9           (2) *HERITAGE AREA.*—*The term “Heritage*  
10 *Area” means the Mississippi Delta National Heritage*  
11 *Area established by subsection (b)(1).*

12           (3) *LOCAL COORDINATING ENTITY.*—*The term*  
13 *“local coordinating entity” means the local coordi-*  
14 *nating entity for the Heritage Area designated by*  
15 *subsection (b)(4)(A).*

16           (4) *MANAGEMENT PLAN.*—*The term “manage-*  
17 *ment plan” means the management plan for the Her-*  
18 *itage Area developed under subsection (d).*

19           (5) *MAP.*—*The term “map” means the map enti-*  
20 *tled “Mississippi Delta National Heritage Area”,*  
21 *numbered T13/80,000, and dated April 2008.*

22           (6) *SECRETARY.*—*The term “Secretary” means*  
23 *the Secretary of the Interior.*

24           (7) *STATE.*—*The term “State” means the State*  
25 *of Mississippi.*



1       **(b) ESTABLISHMENT.**—

2               **(1) ESTABLISHMENT.**—*There is established in*  
3 *the State the Mississippi Delta National Heritage*  
4 *Area.*

5               **(2) BOUNDARIES.**—*The Heritage Area shall in-*  
6 *clude all counties in the State that contain land lo-*  
7 *cated in the alluvial floodplain of the Mississippi*  
8 *Delta, including Bolivar, Carroll, Coahoma, Desoto,*  
9 *Holmes, Humphreys, Issaquena, Leflore, Panola,*  
10 *Quitman, Sharkey, Sunflower, Tallahatchie, Tate,*  
11 *Tunica, Warren, Washington, and Yazoo Counties in*  
12 *the State, as depicted on the map.*

13               **(3) AVAILABILITY OF MAP.**—*The map shall be on*  
14 *file and available for public inspection in the office*  
15 *of the Director of the National Park Service.*

16               **(4) LOCAL COORDINATING ENTITY.**—

17                       **(A) DESIGNATION.**—*The Mississippi Delta*  
18 *National Heritage Area Partnership shall be the*  
19 *local coordinating entity for the Heritage Area.*

20                       **(B) BOARD OF DIRECTORS.**—

21                               **(i) COMPOSITION.**—

22                                       **(I) IN GENERAL.**—*The local co-*  
23 *ordinating entity shall be governed by*  
24 *a Board of Directors composed of 15*  
25 *members, of whom—*

1           (aa) 1 member shall be ap-  
2           pointed by Delta State Univer-  
3           sity;

4           (bb) 1 member shall be ap-  
5           pointed by Mississippi Valley  
6           State University;

7           (cc) 1 member shall be ap-  
8           pointed by Alcorn State Univer-  
9           sity;

10          (dd) 1 member shall be ap-  
11          pointed by the Delta Foundation;

12          (ee) 1 member shall be ap-  
13          pointed by the Smith Robertson  
14          Museum;

15          (ff) 1 member shall be ap-  
16          pointed from the office of the Gov-  
17          ernor of the State;

18          (gg) 1 member shall be ap-  
19          pointed by Delta Council;

20          (hh) 1 member shall be ap-  
21          pointed from the Mississippi Arts  
22          Commission;

23          (ii) 1 member shall be ap-  
24          pointed from the Mississippi De-  
25          partment of Archives and History;

1                   (jj) 1 member shall be ap-  
2                   pointed from the Mississippi Hu-  
3                   manities Council; and

4                   (kk) up to 5 additional mem-  
5                   bers shall be appointed for stag-  
6                   gered 1- and 2-year terms by  
7                   County boards in the Heritage  
8                   Area.

9                   (II) RESIDENCY REQUIRE-  
10                  MENTS.—At least 7 members of the  
11                  Board shall reside in the Heritage  
12                  Area.

13               (ii) OFFICERS.—

14                   (I) IN GENERAL.—At the initial  
15                   meeting of the Board, the members of  
16                   the Board shall appoint a Chairperson,  
17                   Vice Chairperson, and Secretary/Treas-  
18                   urer.

19                   (II) DUTIES.—

20                   (aa) CHAIRPERSON.—The  
21                   duties of the Chairperson shall in-  
22                   clude—

23                           (AA) presiding over  
24                           meetings of the Board;

1                    *(BB) executing docu-*  
2                    *ments of the Board; and*

3                    *(CC) coordinating ac-*  
4                    *tivities of the Heritage Area*  
5                    *with Federal, State, local,*  
6                    *and nongovernmental offi-*  
7                    *cial.*

8                    *(bb) VICE CHAIRPERSON.—*  
9                    *The Vice Chairperson shall act as*  
10                    *Chairperson in the absence or dis-*  
11                    *ability of the Chairperson.*

12                    *(iii) MANAGEMENT AUTHORITY.—*

13                    *(I) IN GENERAL.—The Board*  
14                    *shall—*

15                    *(aa) exercise all corporate*  
16                    *powers of the local coordinating*  
17                    *entity;*

18                    *(bb) manage the activities*  
19                    *and affairs of the local coordi-*  
20                    *nating entity; and*

21                    *(cc) subject to any limita-*  
22                    *tions in the articles and bylaws of*  
23                    *the local coordinating entity, this*  
24                    *section, and any other applicable*  
25                    *Federal or State law, establish the*

1                    *policies of the local coordinating*  
2                    *entity.*

3                    *(II) STAFF.—The Board shall*  
4                    *have the authority to employ any serv-*  
5                    *ices and staff that are determined to be*  
6                    *necessary by a majority vote of the*  
7                    *Board.*

8                    *(iv) BYLAWS.—*

9                    *(I) IN GENERAL.—The Board may*  
10                   *amend or repeal the bylaws of the local*  
11                   *coordinating entity at any meeting of*  
12                   *the Board by a majority vote of the*  
13                   *Board.*

14                   *(II) NOTICE.—The Board shall*  
15                   *provide notice of any meeting of the*  
16                   *Board at which an amendment to the*  
17                   *bylaws is to be considered that includes*  
18                   *the text or a summary of the proposed*  
19                   *amendment.*

20                   *(v) MINUTES.—Not later than 60 days*  
21                   *after a meeting of the Board, the Board*  
22                   *shall distribute the minutes of the meeting*  
23                   *among all Board members and the county*  
24                   *supervisors in each county within the Her-*  
25                   *itage Area.*

1       (c) *DUTIES AND AUTHORITIES OF LOCAL COORDI-*  
2 *NATING ENTITY.—*

3           (1) *DUTIES OF THE LOCAL COORDINATING ENTI-*  
4 *TY.—To further the purposes of the Heritage Area, the*  
5 *local coordinating entity shall—*

6           (A) *prepare, and submit to the Secretary,*  
7 *in accordance with subsection (d), 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, protect, and enhance impor-*  
15 *tant resource values within the Heritage*  
16 *Area;*

17           (ii) *establishing and maintaining in-*  
18 *terpretive exhibits and programs within the*  
19 *Heritage Area;*

20           (iii) *developing recreational and edu-*  
21 *cational opportunities in the Heritage Area;*

22           (iv) *increasing public awareness of,*  
23 *and appreciation for, natural, historic, sce-*  
24 *nic, and cultural resources of the Heritage*  
25 *Area;*

1           (v) *protecting and restoring historic*  
2           *sites and buildings in the Heritage Area*  
3           *that are consistent with the themes of the*  
4           *Heritage Area;*

5           (vi) *ensuring that signs identifying*  
6           *points of public access and sites of interest*  
7           *are posted throughout the Heritage Area;*  
8           *and*

9           (vii) *promoting a wide range of part-*  
10          *nerships among governments, organizations,*  
11          *and individuals to further the purposes of*  
12          *the Heritage Area;*

13          (C) *consider the interests of diverse units of*  
14          *government, businesses, organizations, and indi-*  
15          *viduals in the Heritage Area in the preparation*  
16          *and implementation of the management plan;*

17          (D) *conduct meetings open to the public at*  
18          *least semiannually regarding the development*  
19          *and implementation of the management plan;*

20          (E) *submit an annual report to the Sec-*  
21          *retary for each fiscal year for which the local co-*  
22          *ordinating entity receives Federal funds under*  
23          *this section specifying—*

24                  (i) *the accomplishments of the local co-*  
25                  *ordinating entity;*

1                   (ii) the expenses and income of the  
2                   local coordinating entity;

3                   (iii) the amounts and sources of  
4                   matching funds;

5                   (iv) the amounts leveraged with Fed-  
6                   eral funds and sources of the leveraged  
7                   funds; and

8                   (v) grants made to any other entities  
9                   during the fiscal year;

10                  (F) make available for audit for each fiscal  
11                  year for which the local coordinating entity re-  
12                  ceives Federal funds under this section, all infor-  
13                  mation pertaining to the expenditure of the  
14                  funds and any matching funds;

15                  (G) require in all agreements authorizing  
16                  expenditures of Federal funds by other organiza-  
17                  tions, that the receiving organizations make  
18                  available for audit all records and other infor-  
19                  mation pertaining to the expenditure of the  
20                  funds; and

21                  (H) encourage, by appropriate means, eco-  
22                  nomic development that is consistent with the  
23                  purposes of the Heritage Area.

24                  (2) *AUTHORITIES.*—The local coordinating enti-  
25                  ty may, subject to the prior approval of the Secretary,



1 *for the purposes of preparing and implementing the*  
2 *management plan, use Federal funds made available*  
3 *under this section to—*

4 *(A) make grants to the State, political sub-*  
5 *divisions of the State, nonprofit organizations,*  
6 *and other persons;*

7 *(B) enter into cooperative agreements with,*  
8 *or provide technical assistance to, the State, po-*  
9 *litical subdivisions of the State, nonprofit orga-*  
10 *nizations, Federal agencies, and other interested*  
11 *parties;*

12 *(C) hire and compensate staff;*

13 *(D) obtain funds or services from any*  
14 *source, including funds and services provided*  
15 *under any other Federal law or program;*

16 *(E) contract for goods or services; and*

17 *(F) support activities of partners and any*  
18 *other activities that further the purposes of the*  
19 *Heritage Area and are consistent with the ap-*  
20 *proved management plan.*

21 *(3) PROHIBITION ON ACQUISITION OF REAL*  
22 *PROPERTY.—The local coordinating entity may not*  
23 *use Federal funds received under this section to ac-*  
24 *quire any interest in real property.*

25 *(d) MANAGEMENT PLAN.—*

1           (1) *IN GENERAL.*—Not later than 3 years after  
2           the date on which funds are made available to develop  
3           the management plan, the local coordinating entity  
4           shall submit to the Secretary for approval a proposed  
5           management plan for the Heritage Area.

6           (2) *REQUIREMENTS.*—The management plan for  
7           the Heritage Area shall—

8                   (A) describe comprehensive policies, goals,  
9                   strategies, and recommendations for telling the  
10                  story of the heritage of the region and encour-  
11                  aging long-term resource protection, enhance-  
12                  ment, interpretation, funding, management, and  
13                  development of the Heritage Area;

14                  (B) take into consideration existing State,  
15                  county, and local plans in the development and  
16                  implementation of the management plan;

17                  (C) include a description of actions and  
18                  commitments that governments, private organi-  
19                  zations, and citizens plan to take to protect, en-  
20                  hance, and interpret the cultural, historical, ar-  
21                  chaeological, natural, and recreational resources  
22                  of the Heritage Area;

23                  (D) specify existing and potential sources of  
24                  funding or economic development strategies to

1           *protect, enhance, interpret, fund, manage, and*  
2           *develop the Heritage Area;*

3           *(E) include an inventory of the cultural,*  
4           *historical, archaeological, natural, and rec-*  
5           *reational resources of the Heritage Area relating*  
6           *to the stories and themes of the region that*  
7           *should be protected, enhanced, managed, or devel-*  
8           *oped;*

9           *(F) recommend policies and strategies for*  
10          *resource management including, the development*  
11          *of intergovernmental and interagency agreements*  
12          *to protect the natural, historic, cultural, edu-*  
13          *cational, scenic, and recreational resources of the*  
14          *Heritage Area;*

15          *(G) describe a program for implementation*  
16          *of the management plan, including—*

17                  *(i) performance goals;*

18                  *(ii) plans for resource protection, en-*  
19                  *hancement, and interpretation; and*

20                  *(iii) specific commitments for imple-*  
21                  *mentation that have been made by the local*  
22                  *coordinating entity or any government, or-*  
23                  *ganization, business, or individual;*

24          *(H) include an analysis of, and rec-*  
25          *ommendations for, ways in which Federal, State,*

1           tribal, and local programs may best be coordi-  
2           nated (including the role of the National Park  
3           Service and other Federal agencies associated  
4           with the Heritage Area) to further the purposes  
5           of this section;

6           (I) include an interpretive plan for the Her-  
7           itage Area; and

8           (J) include a business plan that—

9           (i) describes the role, operation, financ-  
10          ing, and functions of the local coordinating  
11          entity and of each of the major activities de-  
12          scribed in the management plan; and

13          (ii) provides adequate assurances that  
14          the local coordinating entity has the part-  
15          nerships and financial and other resources  
16          necessary to implement the management  
17          plan for the Heritage Area.

18          (3) *TERMINATION OF FUNDING.*—If the manage-  
19          ment plan is not submitted to the Secretary in ac-  
20          cordance with this subsection, the local coordinating  
21          entity shall not qualify for additional financial as-  
22          sistance under this section until the management plan  
23          is submitted to, and approved by, the Secretary.

24          (4) *APPROVAL OF MANAGEMENT PLAN.*—

1           (A) *REVIEW.*—Not later than 180 days after  
2           the date on which the Secretary receives the  
3           management plan, the Secretary shall approve or  
4           disapprove the management plan.

5           (B) *CONSULTATION REQUIRED.*—The Sec-  
6           retary shall consult with the Governor of the  
7           State and any tribal government in which the  
8           Heritage Area is located before approving the  
9           management plan.

10          (C) *CRITERIA FOR APPROVAL.*—In deter-  
11          mining whether to approve the management  
12          plan, the Secretary shall consider whether—

13               (i) the local coordinating entity rep-  
14               resents the diverse interests of the Heritage  
15               Area, including governments, natural and  
16               historic resource protection organizations,  
17               educational institutions, businesses, commu-  
18               nity residents, and recreational organiza-  
19               tions;

20               (ii) the local coordinating entity has  
21               afforded adequate opportunity for public  
22               and governmental involvement (including  
23               through workshops and public meetings) in  
24               the preparation of the management plan;

1           (iii) *the resource protection and inter-*  
2           *pretation strategies described in the man-*  
3           *agement plan, if implemented, would ade-*  
4           *quately protect the cultural, historical, ar-*  
5           *chaeological, natural, and recreational re-*  
6           *sources of the Heritage Area;*

7           (iv) *the management plan would not*  
8           *adversely affect any activities authorized on*  
9           *Federal or tribal land under applicable*  
10          *laws or land use plans;*

11          (v) *the Secretary has received adequate*  
12          *assurances from the appropriate State, trib-*  
13          *al, and local officials whose support is need-*  
14          *ed to ensure the effective implementation of*  
15          *the State, tribal, and local aspects of the*  
16          *management plan; and*

17          (vi) *the local coordinating entity has*  
18          *demonstrated the financial capability, in*  
19          *partnership with others, to carry out the*  
20          *management plan.*

21          (D) *ACTION FOLLOWING DISAPPROVAL.—*

22               (i) *IN GENERAL.—If the Secretary dis-*  
23               *approves the management plan, the Sec-*  
24               *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 shall  
15                  be reviewed by the Secretary and approved  
16                  or disapproved in the same manner as the  
17                  original management plan.

18                  (ii) *IMPLEMENTATION.*—The local co-  
19                  ordinating entity shall not use Federal  
20                  funds authorized to be appropriated by this  
21                  section to implement an amendment to the  
22                  management plan until the Secretary ap-  
23                  proves the amendment.

24                  (e) *DUTIES AND AUTHORITIES OF THE SECRETARY.*—

25                         (1) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

1           (A) *IN GENERAL.*—On the request of the  
2           local coordinating entity, the Secretary may pro-  
3           vide technical and financial assistance, on a re-  
4           imbursable or nonreimbursable basis (as deter-  
5           mined by the Secretary), to the local coordi-  
6           nating entity to develop and implement the  
7           management plan.

8           (B) *COOPERATIVE AGREEMENTS.*—The Sec-  
9           retary may enter into cooperative agreements  
10          with the local coordinating entity and other pub-  
11          lic or private entities to provide technical or fi-  
12          nancial assistance under subparagraph (A).

13          (C) *PRIORITY.*—In assisting the Heritage  
14          Area, the Secretary shall give priority to actions  
15          that assist in—

16                 (i) conserving the significant cultural,  
17                 historical, archaeological, natural, and rec-  
18                 reational resources of the Heritage Area;  
19                 and

20                 (ii) providing educational, interpre-  
21                 tive, and recreational opportunities con-  
22                 sistent with the purposes of the Heritage  
23                 Area.

24          (D) *PROHIBITION OF CERTAIN REQUIRE-*  
25          *MENTS.*—The Secretary may not, as a condition



1           *of the provision of technical or financial assist-*  
2           *ance under this subsection, require any recipient*  
3           *of the assistance to impose or modify any land*  
4           *use restriction or zoning ordinance.*

5           (2) *EVALUATION; REPORT.*—

6                 (A) *IN GENERAL.*—*Not later than 3 years*  
7                 *before the date on which authority for Federal*  
8                 *funding terminates for the Heritage Area under*  
9                 *subsection (i), the Secretary shall—*

10                         (i) *conduct an evaluation of the accom-*  
11                         *plishments of the Heritage Area; and*

12                         (ii) *prepare a report with rec-*  
13                         *ommendations for the future role of the Na-*  
14                         *tional Park Service, if any, with respect to*  
15                         *the Heritage Area, in accordance with sub-*  
16                         *paragraph (C).*

17                 (B) *EVALUATION.*—*An evaluation conducted*  
18                 *under subparagraph (A)(i) shall—*

19                         (i) *assess the progress of the local co-*  
20                         *ordinating entity with respect to—*

21   (I) *accomplishing the purposes of*  
22   *this section for the Heritage Area; and*

23   (II) *achieving the goals and objec-*  
24   *tives of the approved management plan*  
25   *for the Heritage Area;*

1           (ii) analyze the Federal, State, local,  
2           and private investments in the Heritage  
3           Area to determine the leverage and impact  
4           of the investments; and

5           (iii) review the management structure,  
6           partnership relationships, and funding of  
7           the Heritage Area for purposes of identi-  
8           fying the critical components for sustain-  
9           ability of the Heritage Area.

10       (C) REPORT.—

11           (i) IN GENERAL.—Based on the evalua-  
12           tion conducted under subparagraph (A)(i),  
13           the Secretary shall prepare a report that in-  
14           cludes recommendations for the future role  
15           of the National Park Service, if any, with  
16           respect to the Heritage Area.

17           (ii) REQUIRED ANALYSIS.—If the re-  
18           port prepared under this subparagraph rec-  
19           ommends that Federal funding for the Her-  
20           itage Area be reauthorized, the report shall  
21           include an analysis of—

22                   (I) ways in which Federal fund-  
23                   ing for the Heritage Area may be re-  
24                   duced or eliminated; and

1                   (II) *the appropriate time period*  
2                   *necessary to achieve the recommended*  
3                   *reduction or elimination.*

4                   (iii) *SUBMISSION TO CONGRESS.—On*  
5                   *completion of a report under this subpara-*  
6                   *graph, the Secretary shall submit the report*  
7                   *to—*

8                   (I) *the Committee on Energy and*  
9                   *Natural Resources of the Senate; and*

10                   (II) *the Committee on Natural*  
11                   *Resources of the House of Representa-*  
12                   *tives.*

13               (f) *RELATIONSHIP TO OTHER FEDERAL AGENCIES.—*

14                   (1) *IN GENERAL.—Nothing in this section affects*  
15                   *the authority of a Federal agency to provide technical*  
16                   *or financial assistance under any other law.*

17                   (2) *CONSULTATION AND COORDINATION.—To the*  
18                   *maximum extent practicable, the head of any Federal*  
19                   *agency planning to conduct activities that may have*  
20                   *an impact on the Heritage Area is encouraged to con-*  
21                   *sult and coordinate the activities with the Secretary*  
22                   *and the local coordinating entity.*

23                   (3) *OTHER FEDERAL AGENCIES.—Nothing in*  
24                   *this section—*

1           (A) *modifies, alters, or amends any laws*  
2           *(including regulations) authorizing a Federal*  
3           *agency to manage Federal land under the juris-*  
4           *isdiction 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 Area;*  
8           *or*

9           (C) *modifies, alters, or amends any author-*  
10          *ized use of Federal land under the jurisdiction of*  
11          *a Federal agency.*

12          (g) *PROPERTY OWNERS AND REGULATORY PROTEC-*  
13          *TIONS.—Nothing in this section—*

14           (1) *abridges the rights of any owner of public or*  
15           *private property, 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 to—*

19           (A) *permit public access (including Federal,*  
20           *tribal, State, or local government access) to the*  
21           *property; or*

22           (B) *modify any provisions of Federal, trib-*  
23           *al, State, or local law with regard to public ac-*  
24           *cess or use of private land;*

1           (3) *alters any duly adopted land use regulations,*  
2 *approved land use plan, or any other regulatory au-*  
3 *thority of any Federal, State, or local agency, or trib-*  
4 *al government;*

5           (4) *conveys any land use or other regulatory au-*  
6 *thority to the local coordinating entity;*

7           (5) *authorizes or implies the reservation or ap-*  
8 *propriation of water or water rights;*

9           (6) *diminishes the authority of the State to man-*  
10 *age fish and wildlife, including the regulation of fish-*  
11 *ing and hunting within the Heritage Area;*

12           (7) *creates any liability, or affects any liability*  
13 *under any other law, of any private property owner*  
14 *with respect to any person injured on the private*  
15 *property;*

16           (8) *restricts an Indian tribe from protecting cul-*  
17 *tural or religious sites on tribal land; or*

18           (9) *diminishes the trust responsibilities of gov-*  
19 *ernment-to-government obligations of the United*  
20 *States of any federally recognized Indian tribe.*

21 *(h) AUTHORIZATION OF APPROPRIATIONS.—*

22           (1) *IN GENERAL.—There is authorized to be ap-*  
23 *propriated to carry out this section \$10,000,000, of*  
24 *which not more than \$1,000,000 may be made avail-*  
25 *able for any fiscal year.*

1           (2) *COST-SHARING REQUIREMENT.*—

2                   (A) *IN GENERAL.*—*The Federal share of the*  
3           *total cost of any activity under this section shall*  
4           *be not more than 50 percent.*

5                   (B) *FORM.*—*The non-Federal contribu-*  
6           *tion—*

7                           (i) *shall be from non-Federal sources;*

8                           *and*

9                           (ii) *may be in the form of in-kind con-*  
10           *tributions of goods or services fairly valued.*

11           (i) *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. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA,**  
16                   **ALABAMA.**

17           (a) *PURPOSES.*—*The purposes of this section are—*

18                   (1) *to preserve, support, conserve, and interpret*  
19           *the legacy of the region represented by the Heritage*  
20           *Area as described in the feasibility study prepared by*  
21           *the National Park Service;*

22                   (2) *to promote heritage, cultural, and rec-*  
23           *reational tourism, and to develop educational and*  
24           *cultural programs for visitors and the general public;*

1           (3) to recognize and interpret important events  
2           and geographic locations representing key develop-  
3           ments in the growth of the United States, including  
4           the Native American, Colonial American, European  
5           American, and African American heritage;

6           (4) to recognize and interpret the manner by  
7           which the distinctive geography of the region has  
8           shaped the development of the settlement, defense,  
9           transportation, commerce, and culture of the region;

10          (5) to provide a cooperative management frame-  
11          work to foster a close working relationship with all  
12          levels of government, the private sector, and the local  
13          communities in the region to identify, preserve, inter-  
14          pret, and develop the historical, cultural, scenic, and  
15          natural resources of the region for the educational  
16          and inspirational benefit of current and future gen-  
17          erations; and

18          (6) to provide appropriate linkages between  
19          units of the National Park System and communities,  
20          governments, and organizations within the Heritage  
21          Area.

22          (b) *DEFINITIONS.*—In this section:

23                 (1) *HERITAGE AREA.*—The term “Heritage  
24                 Area” means the Muscle Shoals National Heritage  
25                 Area established by subsection (c)(1).

1           (2) *LOCAL COORDINATING ENTITY.*—*The term*  
2           *“local coordinating entity” means the Muscle Shoals*  
3           *Regional Center, the local coordinating entity for the*  
4           *Heritage Area designated by subsection (c)(4).*

5           (3) *MANAGEMENT PLAN.*—*The term “manage-*  
6           *ment plan” means the plan for the Heritage Area re-*  
7           *quired under subsection (d)(1)(A).*

8           (4) *MAP.*—*The term “map” means the map enti-*  
9           *tled “Muscle Shoals National Heritage Area”, num-*  
10          *bered T08/80,000, and dated October 2007.*

11          (5) *STATE.*—*The term “State” means the State*  
12          *of Alabama.*

13          (c) *ESTABLISHMENT.*—

14               (1) *IN GENERAL.*—*There is established the Mus-*  
15               *cle Shoals National Heritage Area in the State.*

16               (2) *BOUNDARIES.*—*The Heritage Area shall be*  
17               *comprised of the following areas, as depicted on the*  
18               *map:*

19                       (A) *The Counties of Colbert, Franklin, Lau-*  
20                       *derdale, Lawrence, Limestone, and Morgan, Ala-*  
21                       *bama.*

22                       (B) *The Wilson Dam.*

23                       (C) *The Handy Home.*

24                       (D) *The birthplace of Helen Keller.*



1           (3) *AVAILABILITY MAP.*—*The map shall be on*  
2 *file and available for public inspection in the appro-*  
3 *priate offices of the National Park Service and the*  
4 *local coordinating entity.*

5           (4) *LOCAL COORDINATING ENTITY.*—*The Muscle*  
6 *Shoals Regional Center shall be the local coordinating*  
7 *entity for the Heritage Area.*

8           (d) *DUTIES AND AUTHORITIES OF LOCAL COORDI-*  
9 *NATING ENTITY.*—

10           (1) *DUTIES OF THE LOCAL COORDINATING ENTI-*  
11 *TY.*—*To further the purposes of the Heritage Area, the*  
12 *local coordinating entity shall—*

13                   (A) *prepare, and submit to the Secretary,*  
14 *in accordance with subsection (e), a management*  
15 *plan for the Heritage Area;*

16                   (B) *submit an annual report to the Sec-*  
17 *retary for each fiscal year for which the local co-*  
18 *ordinating entity receives Federal funds under*  
19 *this section specifying—*

20                           (i) *the accomplishments of the local co-*  
21 *ordinating 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           (C) make available for audit for each fiscal  
7           year for which the local coordinating entity re-  
8           ceives Federal funds under this section, all infor-  
9           mation pertaining to the expenditure of the  
10          funds and any matching funds;

11          (D) encourage, by appropriate means, eco-  
12          nomic development that is consistent with the  
13          purposes of the Heritage Area; and

14          (E) serve as a catalyst for the implementa-  
15          tion of projects and programs among diverse  
16          partners in the Heritage Area.

17          (2) *AUTHORITIES.*—The local coordinating enti-  
18          ty may, subject to the prior approval of the Secretary,  
19          for the purposes of preparing and implementing the  
20          management plan, use Federal funds made available  
21          under this section to—

22               (A) make grants to the State, political sub-  
23               divisions of the State, nonprofit organizations,  
24               and other persons;

1           (B) enter into cooperative agreements with,  
2           or provide technical assistance to, the State, po-  
3           litical subdivisions of the State, nonprofit orga-  
4           nizations, Federal agencies, and other interested  
5           parties;

6           (C) hire and compensate staff, including in-  
7           dividuals with expertise in—

8                   (i) natural, historical, cultural, edu-  
9                   cational, scenic, and recreational resource  
10                  conservation;

11                  (ii) economic and community develop-  
12                  ment; and

13                  (iii) heritage planning;

14           (D) obtain funds or services from any  
15           source, including funds and services provided  
16           under any other Federal law or program;

17           (E) contract for goods or services; and

18           (F) support activities of partners and any  
19           other activities that further the purposes of the  
20           Heritage Area and are consistent with the ap-  
21           proved management plan.

22           (3) *PROHIBITION ON ACQUISITION OF REAL*  
23           *PROPERTY.*—The local coordinating entity may not  
24           use Federal funds received under this section to ac-  
25           quire any interest in real property.

1       (e) *MANAGEMENT PLAN.*—

2             (1) *IN GENERAL.*—Not later than 3 years after  
3       the date on which funds are made available to develop  
4       the management plan, the local coordinating entity  
5       shall submit to the Secretary for approval a proposed  
6       management plan for the Heritage Area.

7             (2) *REQUIREMENTS.*—The management plan for  
8       the Heritage Area shall—

9             (A) describe comprehensive policies, goals,  
10       strategies, and recommendations for telling the  
11       story of the heritage of the area covered by the  
12       Heritage Area and encouraging long-term re-  
13       source protection, enhancement, interpretation,  
14       funding, management, and development of the  
15       Heritage Area;

16            (B) include a description of actions and  
17       commitments that Federal, State, tribal, and  
18       local governments, private organizations, and  
19       citizens plan to take to protect, enhance, inter-  
20       pret, fund, manage, and develop the natural, his-  
21       toric, cultural, educational, scenic, and rec-  
22       reational resources of the Heritage Area;

23            (C) specify existing and potential sources of  
24       funding or economic development strategies to

1           *protect, enhance, interpret, fund, manage, and*  
2           *develop the Heritage Area;*

3           *(D) include an inventory of the natural,*  
4           *historic, cultural, educational, scenic, and rec-*  
5           *reational resources of the Heritage Area relating*  
6           *to the stories and themes of the Heritage Area*  
7           *that should be protected, enhanced, interpreted,*  
8           *managed, funded, or developed;*

9           *(E) recommend policies and strategies for*  
10          *resource management, including the development*  
11          *of intergovernmental and interagency agreements*  
12          *to protect, enhance, interpret, fund, manage, and*  
13          *develop the natural, historic, cultural, edu-*  
14          *cational, scenic, and recreational resources of the*  
15          *Heritage Area;*

16          *(F) describe a program for implementation*  
17          *of the management plan, including—*

18                  *(i) performance goals;*

19                  *(ii) plans for resource protection, en-*  
20                  *hancement, interpretation, funding, man-*  
21                  *agement, and development; and*

22                  *(iii) specific commitments for imple-*  
23                  *mentation that have been made by the local*  
24                  *coordinating entity or any Federal, State,*

1           tribal, or local government agency, organi-  
2           zation, business, or individual;

3           (G) include an analysis of, and rec-  
4           ommendations for, ways in which Federal, State,  
5           tribal, and local programs may best be coordi-  
6           nated (including the role of the National Park  
7           Service and other Federal agencies associated  
8           with the Heritage Area) to further the purposes  
9           of this section; and

10           (H) include a business plan that—

11           (i) describes the role, operation, financ-  
12           ing, and functions of the local coordinating  
13           entity and of each of the major activities de-  
14           scribed in the management plan; and

15           (ii) provides adequate assurances that  
16           the local coordinating entity has the part-  
17           nerships and financial and other resources  
18           necessary to implement the management  
19           plan for the Heritage Area.

20           (3) *TERMINATION OF FUNDING.*—If the manage-  
21           ment plan is not submitted to the Secretary by the  
22           date that is 3 years after the date on which funds are  
23           first made available to develop the management plan,  
24           the local coordinating entity shall not qualify for ad-  
25           ditional financial assistance under this section until

1 *the management plan is submitted to, and approved*  
2 *by, the Secretary.*

3 (4) *APPROVAL OF MANAGEMENT PLAN.—*

4 (A) *REVIEW.—Not later than 180 days after*  
5 *the date on which the Secretary receives the*  
6 *management plan, the Secretary shall approve or*  
7 *disapprove the management plan.*

8 (B) *CONSULTATION REQUIRED.—The Sec-*  
9 *retary shall consult with the Governor of the*  
10 *State in which the Heritage Area is located be-*  
11 *fore approving the management plan.*

12 (C) *CRITERIA FOR APPROVAL.—In deter-*  
13 *mining whether to approve the management*  
14 *plan, the Secretary shall consider whether—*

15 (i) *the local coordinating entity rep-*  
16 *resents the diverse interests of the Heritage*  
17 *Area, including Federal, State, tribal, and*  
18 *local governments, natural and historic re-*  
19 *source protection organizations, educational*  
20 *institutions, businesses, community resi-*  
21 *dents, recreational organizations, and pri-*  
22 *vate property owners;*

23 (ii) *the local coordinating entity—*

24 (I) *has afforded adequate oppor-*  
25 *tunity for public and Federal, State,*

1           tribal, and local governmental involve-  
2           ment (including through workshops  
3           and public meetings) in the prepara-  
4           tion of the management plan; and

5                     (ii) provides for at least semi-  
6           annual public meetings to ensure ade-  
7           quate implementation of the manage-  
8           ment plan;

9                     (iii) the resource protection, enhance-  
10          ment, interpretation, funding, management,  
11          and development strategies described in the  
12          management plan, if implemented, would  
13          adequately protect, enhance, interpret, fund,  
14          manage, and develop the natural, historic,  
15          cultural, scenic, and recreational resources  
16          of the Heritage Area;

17                    (iv) the management plan would not  
18          adversely affect any activities authorized on  
19          Federal land under applicable laws or land  
20          use plans;

21                    (v) the Secretary has received adequate  
22          assurances from the appropriate State, trib-  
23          al, and local officials whose support is need-  
24          ed to ensure the effective implementation of



1           *the State, tribal, and local aspects of the*  
2           *management plan;*

3                     *(vi) the local coordinating entity has*  
4                     *demonstrated the financial capability, in*  
5                     *partnership with others, to carry out the*  
6                     *management plan; and*

7                     *(vii) the management plan dem-*  
8                     *onstrates partnerships among the local co-*  
9                     *ordinating entity, Federal, State, tribal,*  
10                    *and local governments, regional planning*  
11                    *organizations, nonprofit organizations, and*  
12                    *private sector parties for implementation of*  
13                    *the management plan.*

14           *(D) DISAPPROVAL.—*

15                    *(i) IN GENERAL.—If the Secretary dis-*  
16                    *approves the management plan, the Sec-*  
17                    *retary—*

18                             *(I) shall advise the local coordi-*  
19                             *nating entity in writing of the reasons*  
20                             *for the disapproval; and*

21                             *(II) may make recommendations*  
22                             *to the local coordinating entity for re-*  
23                             *visions to the management plan.*

24                    *(ii) DEADLINE.—Not later than 180*  
25                    *days after receiving a revised management*

1            *plan, the Secretary shall approve or dis-*  
2            *approve the revised management plan.*

3            *(E) AMENDMENTS.—*

4                    *(i) IN GENERAL.—An amendment to*  
5                    *the management plan that substantially al-*  
6                    *ters the purposes of the Heritage Area shall*  
7                    *be reviewed by the Secretary and approved*  
8                    *or disapproved in the same manner as the*  
9                    *original management plan.*

10                   *(ii) IMPLEMENTATION.—The local co-*  
11                   *ordinating entity shall not use Federal*  
12                   *funds authorized by this section to imple-*  
13                   *ment an amendment to the management*  
14                   *plan until the Secretary approves the*  
15                   *amendment.*

16            *(F) AUTHORITIES.—The Secretary may—*

17                   *(i) provide technical assistance under*  
18                   *the authority of this section for the develop-*  
19                   *ment and implementation of the manage-*  
20                   *ment plan; and*

21                   *(ii) enter into cooperative agreements*  
22                   *with interested parties to carry out this sec-*  
23                   *tion.*

24            *(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—*

25                   *(1) TECHNICAL AND FINANCIAL ASSISTANCE.—*

1           (A) *IN GENERAL.*—*On the request of the*  
2           *local coordinating entity, the Secretary may pro-*  
3           *vide technical and financial assistance, on a re-*  
4           *imbursable or nonreimbursable basis (as deter-*  
5           *mined by the Secretary), to the local coordi-*  
6           *inating entity to develop and implement the*  
7           *management plan.*

8           (B) *COOPERATIVE AGREEMENTS.*—*The Sec-*  
9           *retary may enter into cooperative agreements*  
10           *with the local coordinating entity and other pub-*  
11           *lic or private entities to provide technical or fi-*  
12           *nanacial assistance under subparagraph (A).*

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 (j), the Secretary shall—*

18                   (i) *conduct an evaluation of the accom-*  
19                   *plishments of the Heritage Area; and*

20                   (ii) *prepare a report with rec-*  
21                   *ommendations for the future role of the Na-*  
22                   *tional Park Service, if any, with respect to*  
23                   *the Heritage Area, in accordance with sub-*  
24                   *paragraph (C).*

1                   (B) *EVALUATION.*—*An evaluation conducted*  
2                   *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; and*

7                   (II) *achieving the goals and objec-*  
8                   *tives of the approved management plan*  
9                   *for the Heritage Area;*

10                  (ii) *analyze the Federal, State, tribal,*  
11                  *local, and private investments in the Herit-*  
12                  *age Area to determine the leverage and im-*  
13                  *pect of the investments; and*

14                  (iii) *review the management structure,*  
15                  *partnership relationships, and funding of*  
16                  *the Heritage Area for purposes of identi-*  
17                  *fying the critical components for sustain-*  
18                  *ability of the Heritage Area.*

19                  (C) *REPORT.*—

20                  (i) *IN GENERAL.*—*Based on the evalua-*  
21                  *tion conducted under subparagraph (A)(i),*  
22                  *the Secretary shall prepare a report that in-*  
23                  *cludes recommendations for the future role*  
24                  *of the National Park Service, if any, with*  
25                  *respect to the Heritage Area.*

1           (ii) *REQUIRED ANALYSIS.*—If the re-  
2           port prepared under this subparagraph rec-  
3           ommends that Federal funding for the Her-  
4           itage Area be reauthorized, the report shall  
5           include an analysis of—

6                   (I) *ways in which Federal fund-*  
7                   *ing for the Heritage Area may be re-*  
8                   *duced or eliminated; and*

9                   (II) *the appropriate time period*  
10                  *necessary to achieve the recommended*  
11                  *reduction or elimination.*

12          (iii) *SUBMISSION TO CONGRESS.*—On  
13          completion of a report under this subpara-  
14          graph, the Secretary shall submit the report  
15          to—

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

18                   (II) *the Committee on Natural*  
19                   *Resources of the House of Representa-*  
20                   *tives.*

21          (g) *RELATIONSHIP TO OTHER FEDERAL AGENCIES.*—

22                  (1) *IN GENERAL.*—Nothing in this section affects  
23          the authority of a Federal agency to provide technical  
24          or financial assistance under any other law.

1           (2) *CONSULTATION AND COORDINATION.*—*To the*  
2           *maximum extent practicable, the head of any Federal*  
3           *agency planning to conduct activities that may have*  
4           *an impact on the Heritage Area is encouraged to con-*  
5           *sult and coordinate the activities with the Secretary*  
6           *and the local coordinating entity to the maximum ex-*  
7           *tent practicable.*

8           (3) *OTHER FEDERAL AGENCIES.*—*Nothing in*  
9           *this section—*

10           (A) *modifies, alters, or amends any laws*  
11           *(including regulations) authorizing a Federal*  
12           *agency to manage Federal land under the juris-*  
13           *isdiction of the Federal agency;*

14           (B) *limits the discretion of a Federal land*  
15           *manager to implement an approved land use*  
16           *plan within the boundaries of the Heritage Area;*  
17           *or*

18           (C) *modifies, alters, or amends any author-*  
19           *ized use of Federal land under the jurisdiction of*  
20           *a Federal agency.*

21           (h) *PROPERTY OWNERS AND REGULATORY PROTEC-*  
22           *TIONS.*—*Nothing in this section—*

23           (1) *abridges the rights of any owner of public or*  
24           *private property, including the right to refrain from*

1 *participating in any plan, project, program, or activ-*  
2 *ity conducted within the Heritage Area;*

3 *(2) requires any property owner to—*

4 *(A) permit public access (including Federal,*  
5 *tribal, State, or local government access) to the*  
6 *property; or*

7 *(B) modify any provisions of Federal, trib-*  
8 *al, State, or local law with regard to public ac-*  
9 *cess or use of private land;*

10 *(3) alters any duly adopted land use regulations,*  
11 *approved land use plan, or any other regulatory au-*  
12 *thority of any Federal, State, or local agency, or trib-*  
13 *al government;*

14 *(4) conveys any land use or other regulatory au-*  
15 *thority to the local coordinating entity;*

16 *(5) authorizes or implies the reservation or ap-*  
17 *propriation of water or water rights;*

18 *(6) diminishes the authority of the State to man-*  
19 *age fish and wildlife, including the regulation of fish-*  
20 *ing and hunting within the Heritage Area; or*

21 *(7) creates any liability, or affects any liability*  
22 *under any other law, of any private property owner*  
23 *with respect to any person injured on the private*  
24 *property.*

25 *(i) AUTHORIZATION OF APPROPRIATIONS.—*

1           (1) *IN GENERAL.*—*There is authorized to be ap-*  
2           *propriated to carry out this section \$10,000,000, of*  
3           *which not more than \$1,000,000 may be made avail-*  
4           *able for any fiscal year.*

5           (2) *AVAILABILITY.*—*Funds made available under*  
6           *paragraph (1) shall remain available until expended.*

7           (3) *COST-SHARING REQUIREMENT.*—

8                   (A) *IN GENERAL.*—*The Federal share of the*  
9                   *total cost of any activity under this section shall*  
10                  *be not more than 50 percent.*

11                   (B) *FORM.*—*The non-Federal contribution*  
12                   *may be in the form of in-kind contributions of*  
13                   *goods or services fairly valued.*

14           (4) *USE OF FEDERAL FUNDS FROM OTHER*  
15           *SOURCES.*—*Nothing in this section precludes the local*  
16           *coordinating entity from using Federal funds avail-*  
17           *able under provisions of law other than this section*  
18           *for the purposes for which those funds were author-*  
19           *ized.*

20           (j) *TERMINATION OF EFFECTIVENESS.*—*The authority*  
21           *of the Secretary to provide financial assistance under this*  
22           *section terminates on the date that is 15 years after the*  
23           *date of enactment of this Act.*



1 **SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL**  
2 **HERITAGE AREA, ALASKA.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *HERITAGE AREA.—The term “Heritage*  
5 *Area” means the Kenai Mountains-Turnagain Arm*  
6 *National Heritage Area established by subsection*  
7 *(b)(1).*

8 (2) *LOCAL COORDINATING ENTITY.—The term*  
9 *“local coordinating entity” means the Kenai Moun-*  
10 *tains-Turnagain Arm Corridor Communities Associa-*  
11 *tion.*

12 (3) *MANAGEMENT PLAN.—The term “manage-*  
13 *ment plan” means the plan prepared by the local co-*  
14 *ordinating entity for the Heritage Area that specifies*  
15 *actions, policies, strategies, performance goals, and*  
16 *recommendations to meet the goals of the Heritage*  
17 *Area, in accordance with this section.*

18 (4) *MAP.—The term “map” means the map enti-*  
19 *tled “Proposed Kenai Mountains-Turnagain Arm*  
20 *NHA” and dated August 7, 2007.*

21 (5) *SECRETARY.—The term “Secretary” means*  
22 *the Secretary of the Interior.*

23 (b) *DESIGNATION OF THE KENAI MOUNTAINS-*  
24 *TURNAGAIN ARM NATIONAL HERITAGE AREA.—*

1           (1) *ESTABLISHMENT.*—*There is established the*  
2           *Kenai Mountains-Turnagain Arm National Heritage*  
3           *Area.*

4           (2) *BOUNDARIES.*—*The Heritage Area shall be*  
5           *comprised of the land in the Kenai Mountains and*  
6           *upper Turnagain Arm region, as generally depicted*  
7           *on the map.*

8           (3) *AVAILABILITY OF MAP.*—*The map shall be on*  
9           *file and available for public inspection in—*

10           (A) *the appropriate offices of the Forest*  
11           *Service, Chugach National Forest;*

12           (B) *the Alaska Regional Office of the Na-*  
13           *tional Park Service; and*

14           (C) *the office of the Alaska State Historic*  
15           *Preservation Officer.*

16           (c) *MANAGEMENT PLAN.*—

17           (1) *LOCAL COORDINATING ENTITY.*—*The local co-*  
18           *ordinating entity, in partnership with other inter-*  
19           *ested parties, shall develop a management plan for the*  
20           *Heritage Area in accordance with this section.*

21           (2) *REQUIREMENTS.*—*The management plan for*  
22           *the Heritage Area shall—*

23           (A) *describe comprehensive policies, goals,*  
24           *strategies, and recommendations for use in—*

1           (i) *telling the story of the heritage of*  
2           *the area covered by the Heritage Area; and*

3           (ii) *encouraging long-term resource*  
4           *protection, enhancement, interpretation,*  
5           *funding, management, and development of*  
6           *the Heritage Area;*

7           (B) *include a description of actions and*  
8           *commitments that the Federal Government,*  
9           *State, tribal, and local governments, private or-*  
10          *ganizations, and citizens will take to protect, en-*  
11          *hance, interpret, fund, manage, and develop the*  
12          *natural, historical, cultural, educational, scenic,*  
13          *and recreational resources of the Heritage Area;*

14          (C) *specify existing and potential sources of*  
15          *funding or economic development strategies to*  
16          *protect, enhance, interpret, fund, manage, and*  
17          *develop the Heritage Area;*

18          (D) *include an inventory of the natural,*  
19          *historical, cultural, educational, scenic, and rec-*  
20          *reational resources of the Heritage Area relating*  
21          *to the national importance and themes of the*  
22          *Heritage Area that should be protected, en-*  
23          *hanced, interpreted, managed, funded, and devel-*  
24          *oped;*

1           (E) recommend policies and strategies for  
2           resource management, including the development  
3           of intergovernmental and interagency agreements  
4           to protect, enhance, interpret, fund, manage, and  
5           develop the natural, historical, cultural, edu-  
6           cational, scenic, and recreational resources of the  
7           Heritage Area;

8           (F) describe a program for implementation  
9           for the management plan, including—

10                   (i) performance goals;

11                   (ii) plans for resource protection, en-  
12                   hancement, interpretation, funding, man-  
13                   agement, and development; and

14                   (iii) specific commitments for imple-  
15                   mentation that have been made by the local  
16                   coordinating entity or any Federal, State,  
17                   tribal, or local government agency, organi-  
18                   zation, business, or individual;

19           (G) include an analysis of, and rec-  
20           ommendations for, means by which Federal,  
21           State, tribal, and local programs may best be co-  
22           ordinated (including the role of the National  
23           Park Service, the Forest Service, and other Fed-  
24           eral agencies associated with the Heritage Area)  
25           to further the purposes of this section; and

1           (H) include a business plan that—

2                   (i) describes the role, operation, financ-  
3                   ing, and functions of the local coordinating  
4                   entity and each of the major activities con-  
5                   tained in the management plan; and

6                   (ii) provides adequate assurances that  
7                   the local coordinating entity has the part-  
8                   nerships and financial and other resources  
9                   necessary to implement the management  
10                  plan for the Heritage Area.

11       (3) *DEADLINE.*—

12           (A) *IN GENERAL.*—Not later than 3 years  
13           after the date on which funds are first made  
14           available to develop the management plan after  
15           the date of enactment of this Act, the local co-  
16           ordinating entity shall submit the management  
17           plan to the Secretary for approval.

18           (B) *TERMINATION OF FUNDING.*—If the  
19           management plan is not submitted to the Sec-  
20           retary in accordance with subparagraph (A), the  
21           local coordinating entity shall not qualify for  
22           any additional financial assistance under this  
23           section until such time as the management plan  
24           is submitted to and approved by the Secretary.

25       (4) *APPROVAL OF MANAGEMENT PLAN.*—

1           (A) *REVIEW.*—Not later than 180 days after  
2           receiving the management plan under paragraph  
3           (3), the Secretary shall review and approve or  
4           disapprove the management plan for a Heritage  
5           Area on the basis of the criteria established  
6           under subparagraph (C).

7           (B) *CONSULTATION.*—The Secretary shall  
8           consult with the Governor of the State in which  
9           the Heritage Area is located before approving a  
10          management plan for the Heritage Area.

11          (C) *CRITERIA FOR APPROVAL.*—In deter-  
12          mining whether to approve a management plan  
13          for the Heritage Area, the Secretary shall con-  
14          sider whether—

15               (i) the local coordinating entity rep-  
16               resents the diverse interests of the Heritage  
17               Area, including the Federal Government,  
18               State, tribal, and local governments, nat-  
19               ural and historical resource protection orga-  
20               nizations, educational institutions, busi-  
21               nesses, recreational organizations, commu-  
22               nity residents, and private property owners;

23               (ii) the local coordinating entity—

24                       (I) has afforded adequate oppor-  
25                       tunity for public and Federal, State,

1            *tribal, and local governmental involve-*  
2            *ment (including through workshops*  
3            *and hearings) in the preparation of the*  
4            *management plan; and*

5                    *(II) provides for at least semi-*  
6            *annual public meetings to ensure ade-*  
7            *quate implementation of the manage-*  
8            *ment plan;*

9                    *(iii) the resource protection, enhance-*  
10          *ment, interpretation, funding, management,*  
11          *and development strategies described in the*  
12          *management plan, if implemented, would*  
13          *adequately protect, enhance, interpret, fund,*  
14          *manage, and develop the natural, historical,*  
15          *cultural, educational, scenic, and rec-*  
16          *reational resources of the Heritage Area;*

17                    *(iv) the management plan would not*  
18          *adversely affect any activities authorized on*  
19          *Federal land under public land laws or*  
20          *land use plans;*

21                    *(v) the local coordinating entity has*  
22          *demonstrated the financial capability, in*  
23          *partnership with other interested parties, to*  
24          *carry out the plan;*

1           (vi) *the Secretary has received adequate*  
2           *assurances from the appropriate*  
3           *State, tribal, and local officials whose support*  
4           *is needed to ensure the effective implementation*  
5           *of the State, tribal, and local elements*  
6           *of the management plan; and*

7           (vii) *the management plan demonstrates*  
8           *partnerships among the local coordinating*  
9           *entity, Federal Government, State, tribal, and*  
10           *local governments, regional planning*  
11           *organizations, nonprofit organizations, or*  
12           *private sector parties for implementation*  
13           *of the management plan.*

14           (D) *DISAPPROVAL.—*

15           (i) *IN GENERAL.—If the Secretary dis-*  
16           *approves the management plan, the Secretary—*  
17           *retary—*

18                   (I) *shall advise the local coordi-*  
19                   *nating entity in writing of the reasons*  
20                   *for the disapproval; and*

21                   (II) *may make recommendations*  
22                   *to the local coordinating entity for re-*  
23                   *visions to the management plan.*

24           (ii) *DEADLINE.—Not later than 180*  
25           *days after receiving a revised management*



1            *plan, the Secretary shall approve or dis-*  
2            *approve the revised management plan.*

3            *(E) AMENDMENTS.—*

4                    *(i) IN GENERAL.—An amendment to*  
5                    *the management plan that substantially al-*  
6                    *ters the purposes of the Heritage Area shall*  
7                    *be reviewed by the Secretary and approved*  
8                    *or disapproved in the same manner as the*  
9                    *original management plan.*

10                   *(ii) IMPLEMENTATION.—The local co-*  
11                   *ordinating entity shall not use Federal*  
12                   *funds authorized by this section to imple-*  
13                   *ment an amendment to the management*  
14                   *plan until the Secretary approves the*  
15                   *amendment.*

16            *(F) AUTHORITIES.—The Secretary may—*

17                    *(i) provide technical assistance under*  
18                    *the authority of this section for the develop-*  
19                    *ment and implementation of the manage-*  
20                    *ment plan; and*

21                    *(ii) enter into cooperative agreements*  
22                    *with interested parties to carry out this sec-*  
23                    *tion.*

24            *(d) EVALUATION; REPORT.—*

1           (1) *IN GENERAL.*—Not later than 3 years before  
2           the date on which authority for Federal funding ter-  
3           minates for the Heritage Area under this section, the  
4           Secretary shall—

5                   (A) conduct an evaluation of the accom-  
6                   plishments of the Heritage Area; and

7                   (B) prepare a report in accordance with  
8                   paragraph (3).

9           (2) *EVALUATION.*—An evaluation conducted  
10          under paragraph (1)(A) shall—

11                   (A) assess the progress of the local coordi-  
12                   nating entity with respect to—

13                           (i) accomplishing the purposes of the  
14                           authorizing legislation for the Heritage  
15                           Area; and

16                           (ii) achieving the goals and objectives  
17                           of the approved management plan for the  
18                           Heritage Area;

19                   (B) analyze the Federal, State, tribal, local,  
20                   and private investments in the Heritage Area to  
21                   determine the impact of the investments; and

22                   (C) review the management structure, part-  
23                   nership relationships, and funding of the Herit-  
24                   age Area for purposes of identifying the critical

1           *components for sustainability of the Heritage*  
2           *Area.*

3           (3) *REPORT.—Based on the evaluation conducted*  
4           *under paragraph (1)(A), the Secretary shall submit to*  
5           *the Committee on Energy and Natural Resources of*  
6           *the Senate and the Committee on Natural Resources*  
7           *of the House of Representatives a report that includes*  
8           *recommendations for the future role of the National*  
9           *Park Service, if any, with respect to the Heritage*  
10          *Area.*

11          (e) *LOCAL COORDINATING ENTITY.—*

12           (1) *DUTIES.—To further the purposes of the*  
13           *Heritage Area, in addition to developing the manage-*  
14           *ment plan for the Heritage Area under subsection (c),*  
15           *the local coordinating entity shall—*

16                   (A) *serve to facilitate and expedite the im-*  
17                   *plementation of projects and programs among*  
18                   *diverse partners in the Heritage Area;*

19                   (B) *submit an annual report to the Sec-*  
20                   *retary for each fiscal year for which the local co-*  
21                   *ordinating entity receives Federal funds under*  
22                   *this section, specifying—*

23                           (i) *the specific performance goals and*  
24                           *accomplishments of the local coordinating*  
25                           *entity;*

1                   (ii) the expenses and income of the  
2                   local coordinating entity;

3                   (iii) the amounts and sources of  
4                   matching funds;

5                   (iv) the amounts leveraged with Fed-  
6                   eral funds and sources of the leveraging;  
7                   and

8                   (v) grants made to any other entities  
9                   during the fiscal year;

10                  (C) make available for audit for each fiscal  
11                  year for which the local coordinating entity re-  
12                  ceives Federal funds under this section, all infor-  
13                  mation pertaining to the expenditure of the  
14                  funds and any matching funds; and

15                  (D) encourage economic viability and sus-  
16                  tainability that is consistent with the purposes of  
17                  the Heritage Area.

18                  (2) *AUTHORITIES.*—For the purpose of pre-  
19                  paring and implementing the approved management  
20                  plan for the Heritage Area under subsection (c), the  
21                  local coordinating entity may use Federal funds made  
22                  available under this section—

23                         (A) to make grants to political jurisdictions,  
24                         nonprofit organizations, and other parties with-  
25                         in the Heritage Area;

1           (B) to enter into cooperative agreements  
2           with or provide technical assistance to political  
3           jurisdictions, nonprofit organizations, Federal  
4           agencies, and other interested parties;

5           (C) to hire and compensate staff, including  
6           individuals with expertise in—

7                   (i) natural, historical, cultural, edu-  
8                   cational, scenic, and recreational resource  
9                   conservation;

10                   (ii) economic and community develop-  
11                   ment; and

12                   (iii) heritage planning;

13           (D) to obtain funds or services from any  
14           source, including other Federal programs;

15           (E) to enter into contracts for goods or serv-  
16           ices; and

17           (F) to support activities of partners and  
18           any other activities that further the purposes of  
19           the Heritage Area and are consistent with the  
20           approved management plan.

21           (3) *PROHIBITION ON ACQUISITION OF REAL*  
22           *PROPERTY.*—The local coordinating entity may not  
23           use Federal funds authorized under this section to ac-  
24           quire any interest in real property.

25           (f) *RELATIONSHIP TO OTHER FEDERAL AGENCIES.*—

1           (1) *IN GENERAL.*—*Nothing in this section affects*  
2 *the authority of a Federal agency to provide technical*  
3 *or financial assistance under any other provision of*  
4 *law.*

5           (2) *CONSULTATION AND COORDINATION.*—*The*  
6 *head of any Federal agency planning to conduct ac-*  
7 *tivities that may have an impact on a Heritage Area*  
8 *is encouraged to consult and coordinate the activities*  
9 *with the Secretary and the local coordinating entity,*  
10 *to the maximum extent practicable.*

11           (3) *OTHER FEDERAL AGENCIES.*—*Nothing in*  
12 *this section—*

13                   (A) *modifies, alters, or amends any law (in-*  
14 *cluding a regulation) authorizing a Federal*  
15 *agency to manage Federal land under the juris-*  
16 *isdiction 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 a Heritage Area;*  
20 *or*

21                   (C) *modifies, alters, or amends any author-*  
22 *ized use of Federal land under the jurisdiction of*  
23 *a Federal agency.*

24           (g) *PRIVATE PROPERTY AND REGULATORY PROTEC-*  
25 *TIONS.*—*Nothing in this section—*

1           (1) *abridges the rights of any property owner*  
2           *(whether public or private), including the right to re-*  
3           *frain from participating in any plan, project, pro-*  
4           *gram, or activity conducted within the Heritage Area;*

5           (2) *requires any property owner to permit public*  
6           *access (including access by Federal, State, tribal, or*  
7           *local agencies) to the property of the property owner,*  
8           *or to modify public access or use of property of the*  
9           *property owner under any other Federal, State, trib-*  
10          *al, or local law;*

11          (3) *alters any duly adopted land use regulation,*  
12          *approved land use plan, or other regulatory authority*  
13          *(such as the authority to make safety improvements*  
14          *or increase the capacity of existing roads or to con-*  
15          *struct new roads) of any Federal, State, tribal, or*  
16          *local agency, or conveys any land use or other regu-*  
17          *latory authority to any local coordinating entity, in-*  
18          *cluding development and management of energy or*  
19          *water or water-related infrastructure;*

20          (4) *authorizes or implies the reservation or ap-*  
21          *propriation of water or water rights;*

22          (5) *diminishes the authority of any State to*  
23          *manage fish and wildlife, including the regulation of*  
24          *fishing and hunting within the Heritage Area; or*

1           (6) *creates any liability, or affects any liability*  
2           *under any other law, of any private property owner*  
3           *with respect to any person injured on the private*  
4           *property.*

5           (h) *FUNDING.—*

6           (1) *AUTHORIZATION OF APPROPRIATIONS.—Sub-*  
7           *ject to paragraph (2), there is authorized to be appro-*  
8           *priated to carry out this section \$1,000,000 for each*  
9           *fiscal year, to remain available until expended.*

10          (2) *LIMITATION ON TOTAL AMOUNTS APPRO-*  
11          *PRIATED.—Not more than a total of \$10,000,000 may*  
12          *be made available to carry out this section.*

13          (3) *COST-SHARING.—*

14           (A) *IN GENERAL.—The Federal share of the*  
15           *total cost of any activity carried out under this*  
16           *section shall not exceed 50 percent.*

17           (B) *FORM OF NON-FEDERAL SHARE.—The*  
18           *non-Federal share of the cost of any activity car-*  
19           *ried out under this section may be provided in*  
20           *the form of in-kind contributions of goods or*  
21           *services fairly valued.*

22          (i) *TERMINATION OF AUTHORITY.—The authority of*  
23          *the Secretary to provide financial assistance under this sec-*  
24          *tion terminates on the date that is 15 years after the date*  
25          *of enactment of this Act.*



## ***Subtitle B—Studies***

### **SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.**

(a) *DEFINITIONS.—In this section:*

(1) *CORRIDOR.—The term “Corridor” means the Chattahoochee Trace National Heritage Corridor.*

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

(3) *STUDY AREA.—The term “study area” means the study area described in subsection (b)(2).*

(b) *STUDY.—*

(1) *IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.*

(2) *STUDY AREA.—The study area includes—*

(A) *the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled “Chattahoochee Trace National Heritage Corridor, Alabama/Georgia”, numbered T05/80000, and dated July 2007; and*

1           (B) any other areas in the State of Ala-  
2           bama or Georgia that—

3                 (i) have heritage aspects that are simi-  
4                 lar to the areas depicted on the map de-  
5                 scribed in subparagraph (A); and

6                 (ii) are adjacent to, or in the vicinity  
7                 of, those areas.

8           (3) REQUIREMENTS.—The study shall include  
9           analysis, documentation, and determinations on  
10          whether the study area—

11                 (A) has an assemblage of natural, historic,  
12                 and cultural resources that—

13                 (i) represent distinctive aspects of the  
14                 heritage of the United States;

15                 (ii) are worthy of recognition, con-  
16                 servation, interpretation, and continuing  
17                 use; and

18                 (iii) would be best managed—

19                         (I) through partnerships among  
20                         public and private entities; and

21                         (II) by linking diverse and some-  
22                         times noncontiguous resources and ac-  
23                         tive communities;

1           (B) reflects traditions, customs, beliefs, and  
2           folklore that are a valuable part of the story of  
3           the United States;

4           (C) provides—

5                 (i) outstanding opportunities to con-  
6                 serve natural, historic, cultural, or scenic  
7                 features; and

8                 (ii) outstanding recreational and edu-  
9                 cational opportunities;

10          (D) contains resources that—

11                 (i) are important to any identified  
12                 themes of the study area; and

13                 (ii) retain a degree of integrity capable  
14                 of supporting interpretation;

15          (E) includes residents, business interests,  
16          nonprofit organizations, and State and local  
17          governments that—

18                 (i) are involved in the planning of the  
19                 Corridor;

20                 (ii) have developed a conceptual finan-  
21                 cial plan that outlines the roles of all par-  
22                 ticipants in the Corridor, including the  
23                 Federal Government; and

24                 (iii) have demonstrated support for the  
25                 designation of the Corridor;

1           (F) has a potential management entity to  
2           work in partnership with the individuals and  
3           entities described in subparagraph (E) to develop  
4           the Corridor while encouraging State and local  
5           economic activity; and

6           (G) has a conceptual boundary map that is  
7           supported by the public.

8           (c) *REPORT.*—Not later than the 3rd fiscal year after  
9           the date on which funds are first made available to carry  
10          out this section, the Secretary shall submit to the Committee  
11          on Natural Resources of the House of Representatives and  
12          the Committee on Energy and Natural Resources of the Sen-  
13          ate a report that describes—

14               (1) the findings of the study; and

15               (2) any conclusions and recommendations of the  
16          Secretary.

17 **SEC. 8102. NORTHERN NECK, VIRGINIA.**

18          (a) *DEFINITIONS.*—In this section:

19               (1) *PROPOSED HERITAGE AREA.*—The term  
20          “proposed Heritage Area” means the proposed North-  
21          ern Neck National Heritage Area.

22               (2) *STATE.*—The term “State” means the State  
23          of Virginia.

24               (3) *STUDY AREA.*—The term “study area” means  
25          the area that is comprised of—

1           (A) *the area of land located between the Po-*  
2           *tomac and Rappahannock rivers of the eastern*  
3           *coastal region of the State;*

4           (B) *Westmoreland, Northumberland, Rich-*  
5           *mond, King George, and Lancaster Counties of*  
6           *the State; and*

7           (C) *any other area that—*

8                 (i) *has heritage aspects that are simi-*  
9                 *lar to the heritage aspects of the areas de-*  
10                *scribed in subparagraph (A) or (B); and*

11               (ii) *is located adjacent to, or in the vi-*  
12                *cinity of, those areas.*

13       (b) *STUDY.—*

14           (1) *IN GENERAL.—In accordance with para-*  
15           *graphs (2) and (3), the Secretary, in consultation*  
16           *with appropriate State historic preservation officers,*  
17           *State historical societies, and other appropriate orga-*  
18           *nizations, shall conduct a study to determine the suit-*  
19           *ability and feasibility of designating the study area*  
20           *as the Northern Neck National Heritage Area.*

21           (2) *REQUIREMENTS.—The study shall include*  
22           *analysis, documentation, and determinations on*  
23           *whether the study area—*

24                 (A) *has an assemblage of natural, historical,*  
25                 *cultural, educational, scenic, or recreational re-*

1           *sources that together are nationally important to*  
2           *the heritage of the United States;*

3           *(B) represents distinctive aspects of the her-*  
4           *itage of the United States worthy of recognition,*  
5           *conservation, interpretation, and continuing use;*

6           *(C) is best managed as such an assemblage*  
7           *through partnerships among public and private*  
8           *entities at the local or regional level;*

9           *(D) reflects traditions, customs, beliefs, and*  
10          *folklife that are a valuable part of the heritage*  
11          *of the United States;*

12          *(E) provides outstanding opportunities to*  
13          *conserve natural, historical, cultural, or scenic*  
14          *features;*

15          *(F) provides outstanding recreational or*  
16          *educational opportunities;*

17          *(G) contains resources and has traditional*  
18          *uses that have national importance;*

19          *(H) includes residents, business interests,*  
20          *nonprofit organizations, and appropriate Fed-*  
21          *eral agencies and State and local governments*  
22          *that are involved in the planning of, and have*  
23          *demonstrated significant support for, the des-*  
24          *ignation and management of the proposed Herit-*  
25          *age Area;*

1           (I) has a proposed local coordinating entity  
2           that is responsible for preparing and imple-  
3           menting the management plan developed for the  
4           proposed Heritage Area;

5           (J) with respect to the designation of the  
6           study area, has the support of the proposed local  
7           coordinating entity and appropriate Federal  
8           agencies and State and local governments, each  
9           of which has documented the commitment of the  
10          entity to work in partnership with each other en-  
11          tity to protect, enhance, interpret, fund, manage,  
12          and develop the resources located in the study  
13          area;

14          (K) through the proposed local coordinating  
15          entity, has developed a conceptual financial plan  
16          that outlines the roles of all participants (includ-  
17          ing the Federal Government) in the management  
18          of the proposed Heritage Area;

19          (L) has a proposal that is consistent with  
20          continued economic activity within the area; and

21          (M) has a conceptual boundary map that is  
22          supported by the public and appropriate Federal  
23          agencies.

1           (3) *ADDITIONAL CONSULTATION REQUIRE-*  
2 *MENT.—In conducting the study under paragraph*  
3 *(1), the Secretary shall—*

4                   (A) *consult with the managers of any Fed-*  
5 *eral land located within the study area; and*

6                   (B) *before making any determination with*  
7 *respect to the designation of the study area, se-*  
8 *cure the concurrence of each manager with re-*  
9 *spect to each finding of the study.*

10       (c) *DETERMINATION.—*

11           (1) *IN GENERAL.—The Secretary, in consultation*  
12 *with the Governor of the State, shall review, comment*  
13 *on, and determine if the study area meets each re-*  
14 *quirement described in subsection (b)(2) for designa-*  
15 *tion as a national heritage area.*

16           (2) *REPORT.—*

17                   (A) *IN GENERAL.—Not later than 3 fiscal*  
18 *years after the date on which funds are first*  
19 *made available to carry out the study, the Sec-*  
20 *retary shall submit a report describing the find-*  
21 *ings, conclusions, and recommendations of the*  
22 *study to—*

23                           (i) *the Committee on Energy and Nat-*  
24 *ural Resources of the Senate; and*



1                   (ii) *the Committee on Natural Re-*  
2                   *sources of the House of Representatives.*

3                   (B) *REQUIREMENTS.—*

4                   (i) *IN GENERAL.—The report shall con-*  
5                   *tain—*

6                               (I) *any comments that the Sec-*  
7                               *retary has received from the Governor*  
8                               *of the State relating to the designation*  
9                               *of the study area as a national herit-*  
10                              *age area; and*

11                             (II) *a finding as to whether the*  
12                             *study area meets each requirement de-*  
13                             *scribed in subsection (b)(2) for des-*  
14                             *ignation as a national heritage area.*

15                   (ii) *DISAPPROVAL.—If the Secretary*  
16                   *determines that the study area does not*  
17                   *meet any requirement described in sub-*  
18                   *section (b)(2) for designation as a national*  
19                   *heritage area, the Secretary shall include in*  
20                   *the report a description of each reason for*  
21                   *the determination.*

1    ***Subtitle C—Amendments Relating***  
2    ***to National Heritage Corridors***

3    **SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY**  
4                   **NATIONAL HERITAGE CORRIDOR.**

5           (a) *TERMINATION OF AUTHORITY.*—Section 106(b) of  
6    the Quinebaug and Shetucket Rivers Valley National Herit-  
7    age Corridor Act of 1994 (16 U.S.C. 461 note; Public Law  
8    103–449) is amended by striking “September 30, 2009” and  
9    inserting “September 30, 2015”.

10          (b) *EVALUATION; REPORT.*—Section 106 of the  
11    Quinebaug and Shetucket Rivers Valley National Heritage  
12    Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–  
13    449) is amended by adding at the end the following:

14           “(c) *EVALUATION; REPORT.*—

15                   “(1) *IN GENERAL.*—Not later than 3 years before  
16    the date on which authority for Federal funding ter-  
17    minates for the Corridor, the Secretary shall—

18                           “(A) conduct an evaluation of the accom-  
19                           plishments of the Corridor; and

20                           “(B) prepare a report in accordance with  
21                           paragraph (3).

22                   “(2) *EVALUATION.*—An evaluation conducted  
23    under paragraph (1)(A) shall—

24                           “(A) assess the progress of the management  
25                           entity with respect to—

1                   “(i) accomplishing the purposes of this  
2                   title for the Corridor; and

3                   “(ii) achieving the goals and objectives  
4                   of the management plan for the Corridor;

5                   “(B) analyze the Federal, State, local, and  
6                   private investments in the Corridor to determine  
7                   the leverage and impact of the investments; and

8                   “(C) review the management structure,  
9                   partnership relationships, and funding of the  
10                  Corridor for purposes of identifying the critical  
11                  components for sustainability of the Corridor.

12                  “(3) REPORT.—

13                  “(A) IN GENERAL.—Based on the evalua-  
14                  tion conducted under paragraph (1)(A), the Sec-  
15                  retary shall prepare a report that includes rec-  
16                  ommendations for the future role of the National  
17                  Park Service, if any, with respect to the Cor-  
18                  ridor.

19                  “(B) REQUIRED ANALYSIS.—If the report  
20                  prepared under subparagraph (A) recommends  
21                  that Federal funding for the Corridor be reau-  
22                  thorized, the report shall include an analysis  
23                  of—

1                   “(i) ways in which Federal funding for  
2                   the Corridor may be reduced or eliminated;  
3                   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           (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 109(a) of the Quinebaug and Shetucket Rivers Valley Na-  
16 tional Heritage Corridor Act of 1994 (16 U.S.C. 461 note;  
17 Public Law 103–449) is amended by striking  
18 “\$10,000,000” and inserting “\$15,000,000”.

19 **SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE**  
20 **CORRIDOR.**

21           The Delaware and Lehigh National Heritage Corridor  
22 Act of 1988 (16 U.S.C. 461 note; Public Law 100–692) is  
23 amended—

24           (1) in section 9—

1                   (A) by striking “The Commission” and in-  
2                   serting the following:

3                   “(a) *IN GENERAL.—The Commission*”; and

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

5                   “(b) *CORPORATION AS LOCAL COORDINATING ENTI-*  
6 *TY.—Beginning on the date of enactment of the Omnibus*  
7 *Public Land Management Act of 2009, the Corporation*  
8 *shall be the local coordinating entity for the Corridor.*

9                   “(c) *IMPLEMENTATION OF MANAGEMENT PLAN.—The*  
10 *Corporation shall assume the duties of the Commission for*  
11 *the implementation of the Plan.*

12                   “(d) *USE OF FUNDS.—The Corporation may use Fed-*  
13 *eral funds made available under this Act—*

14                   “(1) to make grants to, and enter into coopera-  
15                   tive agreements with, the Federal Government, the  
16                   Commonwealth, political subdivisions of the Common-  
17                   wealth, nonprofit organizations, and individuals;

18                   “(2) to hire, train, and compensate staff; and

19                   “(3) to enter into contracts for goods and serv-  
20                   ices.

21                   “(e) *RESTRICTION ON USE OF FUNDS.—The Corpora-*  
22 *tion may not use Federal funds made available under this*  
23 *Act to acquire land or an interest in land.”;*

24                   (2) in section 10—

1           (A) *in the first sentence of subsection (c), by*  
2           *striking “shall assist the Commission” and in-*  
3           *serting “shall, on the request of the Corporation,*  
4           *assist”;*

5           (B) *in subsection (d)—*

6           (i) *by striking “Commission” each*  
7           *place it appears and inserting “Corpora-*  
8           *tion”;*

9           (ii) *by striking “The Secretary” and*  
10          *inserting the following:*

11          “(1) *IN GENERAL.—The Secretary*”; *and*

12          (iii) *by adding at the end the fol-*  
13          *lowing:*

14          “(2) *COOPERATIVE AGREEMENTS.—The Sec-*  
15          *retary may enter into cooperative agreements with the*  
16          *Corporation and other public or private entities for*  
17          *the purpose of providing technical assistance and*  
18          *grants under paragraph (1).*

19          “(3) *PRIORITY.—In providing assistance to the*  
20          *Corporation under paragraph (1), the Secretary shall*  
21          *give priority to activities that assist in—*

22                 “(A) *conserving the significant natural, his-*  
23                 *toric, cultural, and scenic resources of the Cor-*  
24                 *ridor; and*

1           “(B) providing educational, interpretive,  
2           and recreational opportunities consistent with  
3           the purposes of the Corridor.”; and

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

5           “(e) *TRANSITION MEMORANDUM OF UNDER-*  
6 *STANDING.—The Secretary shall enter into a memorandum*  
7 *of understanding with the Corporation to ensure—*

8           “(1) appropriate transition of management of  
9           the Corridor from the Commission to the Corporation;  
10          and

11          “(2) coordination regarding the implementation  
12          of the Plan.”;

13          (3) in section 11, in the matter preceding para-  
14          graph (1), by striking “directly affecting”;

15          (4) in section 12—

16                 (A) in subsection (a), by striking “Commis-  
17                 sion” each place it appears and inserting “Cor-  
18                 poration”;

19                 (B) in subsection (c)(1), by striking “2007”  
20                 and inserting “2012”; and

21                 (C) by adding at the end the following:

22                 “(d) *TERMINATION OF ASSISTANCE.—The authority of*  
23 *the Secretary to provide financial assistance under this Act*  
24 *terminates on the date that is 5 years after the date of en-*  
25 *actment of this subsection.”; and*

1           (5) in section 14—

2                   (A) by redesignating paragraphs (4), (5),  
3           and (6) as paragraphs (5), (6), and (7), respec-  
4           tively; and

5                   (B) by inserting after paragraph (3) the fol-  
6           lowing:

7                   “(4) the term ‘Corporation’ means the Delaware  
8           & Lehigh National Heritage Corridor, Incorporated,  
9           an organization described in section 501(c)(3), and  
10           exempt from Federal tax under section 501(a), of the  
11           Internal Revenue Code of 1986;”.

12 **SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE COR-**  
13 **RIDOR.**

14           *The Erie Canalway National Heritage Corridor Act*  
15 *(16 U.S.C. 461 note; Public Law 106–554) is amended—*

16           (1) in section 804—

17                   (A) in subsection (b)—

18                           (i) in the matter preceding paragraph  
19                           (1), by striking “27” and inserting “at least  
20                           21 members, but not more than 27”;

21                           (ii) in paragraph (2), by striking “En-  
22                           vironment” and inserting “Environ-  
23                           mental”; and

24                           (iii) in paragraph (3)—



1                   (I) in the matter preceding sub-  
2                   paragraph (A), by striking “19”;

3                   (II) by striking subparagraph  
4                   (A);

5                   (III) by redesignating subpara-  
6                   graphs (B) and (C) as subparagraphs  
7                   (A) and (B), respectively;

8                   (IV) in subparagraph (B) (as re-  
9                   designated by subclause (III)), by  
10                  striking the second sentence; and

11                  (V) by inserting after subpara-  
12                  graph (B) (as redesignated by sub-  
13                  clause (III)) the following:

14                  “(C) The remaining members shall be—

15                         “(i) appointed by the Secretary, based  
16                         on recommendations from each member of  
17                         the House of Representatives, the district of  
18                         which encompasses the Corridor; and

19                         “(ii) persons that are residents of, or  
20                         employed within, the applicable congres-  
21                         sional districts.”;

22                  (B) in subsection (f), by striking “Fourteen  
23                  members of the Commission” and inserting “A  
24                  majority of the serving Commissioners”;

1           (C) in subsection (g), by striking “14 of its  
2           members” and inserting “a majority of the serv-  
3           ing Commissioners”;

4           (D) in subsection (h), by striking paragraph  
5           (4) and inserting the following:

6           “(4)(A) to appoint any staff that may be nec-  
7           essary to carry out the duties of the Commission, sub-  
8           ject to the provisions of title 5, United States Code,  
9           relating to appointments in the competitive service;  
10          and

11          “(B) to fix the compensation of the staff, in ac-  
12          cordance with the provisions of chapter 51 and sub-  
13          chapter III of chapter 53 of title 5, United States  
14          Code, relating to the classification of positions and  
15          General Schedule pay rates;” and

16          (E) in subsection (j), by striking “10 years”  
17          and inserting “15 years”;

18          (2) in section 807—

19               (A) in subsection (e), by striking “with re-  
20               gard to the preparation and approval of the  
21               Canalway Plan”; and

22               (B) by adding at the end the following:

23           “(f) OPERATIONAL ASSISTANCE.—Subject to the avail-  
24           ability of appropriations, the Superintendent of Saratoga  
25           National Historical Park may, on request, provide to public

1 *and private organizations in the Corridor (including the*  
 2 *Commission) any operational assistance that is appro-*  
 3 *priate to assist with the implementation of the Canalway*  
 4 *Plan.”; and*

5 *(3) in section 810(a)(1), in the first sentence, by*  
 6 *striking “any fiscal year” and inserting “any fiscal*  
 7 *year, to remain available until expended”.*

8 **SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY**  
 9 **NATIONAL HERITAGE CORRIDOR.**

10 *Section 3(b)(2) of Public Law 99–647 (16 U.S.C. 461*  
 11 *note; 100 Stat. 3626, 120 Stat. 1857) is amended—*

12 *(1) by striking “shall be the the” and inserting*  
 13 *“shall be the”; and*

14 *(2) by striking “Directors from Massachusetts*  
 15 *and Rhode Island;” and inserting “Directors from*  
 16 *Massachusetts and Rhode Island, ex officio, or their*  
 17 *delegates;”.*

18 ***Subtitle D—Effect of Title***

19 **SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVI-**  
 20 **TIES.**

21 *Nothing in this title shall be construed as affecting ac-*  
 22 *cess for recreational activities otherwise allowed by law or*  
 23 *regulation, including hunting, fishing, or trapping.*

1 **TITLE IX—BUREAU OF RECLAMA-**  
2 **TION AUTHORIZATIONS**  
3 **Subtitle A—Feasibility Studies**

4 **SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS,**  
5 **IDAHO.**

6 (a) *IN GENERAL.*—*The Secretary of the Interior, act-*  
7 *ing through the Bureau of Reclamation, may conduct feasi-*  
8 *bility studies on projects that address water shortages with-*  
9 *in the Snake, Boise, and Payette River systems in the State*  
10 *of Idaho, and are considered appropriate for further study*  
11 *by the Bureau of Reclamation Boise Payette water storage*  
12 *assessment report issued during 2006.*

13 (b) *BUREAU OF RECLAMATION.*—*A study conducted*  
14 *under this section shall comply with Bureau of Reclamation*  
15 *policy standards and guidelines for studies.*

16 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
17 *authorized to be appropriated to the Secretary of the Inte-*  
18 *rior to carry out this section \$3,000,000.*

19 (d) *TERMINATION OF EFFECTIVENESS.*—*The authority*  
20 *provided by this section terminates on the date that is 10*  
21 *years after the date of enactment of this Act.*

22 **SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.**

23 (a) *DEFINITIONS.*—*In this section:*

24 (1) *APPRAISAL REPORT.*—*The term “appraisal*  
25 *report” means the appraisal report concerning the*

1 *augmentation alternatives for the Sierra Vista Sub-*  
2 *watershed in the State of Arizona, dated June 2007*  
3 *and prepared by the Bureau of Reclamation.*

4 (2) *PRINCIPLES AND GUIDELINES.*—*The term*  
5 *“principles and guidelines” means the report entitled*  
6 *“Economic and Environmental Principles and*  
7 *Guidelines for Water and Related Land Resources*  
8 *Implementation Studies” issued on March 10, 1983,*  
9 *by the Water Resources Council established under title*  
10 *I of the Water Resources Planning Act (42 U.S.C.*  
11 *1962a et seq.).*

12 (3) *SECRETARY.*—*The term “Secretary” means*  
13 *the Secretary of the Interior.*

14 (b) *SIERRA VISTA SUBWATERSHED FEASIBILITY*  
15 *STUDY.*—

16 (1) *STUDY.*—

17 (A) *IN GENERAL.*—*In accordance with the*  
18 *reclamation laws and the principles and guide-*  
19 *lines, the Secretary, acting through the Commis-*  
20 *sioner of Reclamation, may complete a feasi-*  
21 *bility study of alternatives to augment the water*  
22 *supplies within the Sierra Vista Subwatershed*  
23 *in the State of Arizona that are identified as ap-*  
24 *propriate for further study in the appraisal re-*  
25 *port.*

1           (B) *INCLUSIONS.*—*In evaluating the feasi-*  
2 *bility of alternatives under subparagraph (A),*  
3 *the Secretary shall—*

4           (i) *include—*

5                 (I) *any required environmental*  
6 *reviews;*

7                 (II) *the construction costs and*  
8 *projected operations, maintenance, and*  
9 *replacement costs for each alternative;*  
10 *and*

11                 (III) *the economic feasibility of*  
12 *each alternative;*

13           (ii) *take into consideration the ability*  
14 *of Federal, tribal, State, and local govern-*  
15 *ment sources and private sources to fund*  
16 *capital construction costs and annual oper-*  
17 *ation, maintenance, energy, and replace-*  
18 *ment costs;*

19           (iii) *establish the basis for—*

20                 (I) *any cost-sharing allocations;*

21 *and*

22                 (II) *anticipated repayment, if*  
23 *any, of Federal contributions; and*

24           (iv) *perform a cost-benefit analysis.*

25           (2) *COST SHARING REQUIREMENT.*—

1           (A) *IN GENERAL.*—*The Federal share of the*  
2           *total costs of the study under paragraph (1) shall*  
3           *not exceed 45 percent.*

4           (B) *FORM OF NON-FEDERAL SHARE.*—*The*  
5           *non-Federal share required under subparagraph*  
6           *(A) may be in the form of any in-kind service*  
7           *that the Secretary determines would contribute*  
8           *substantially toward the conduct and completion*  
9           *of the study under paragraph (1).*

10          (3) *STATEMENT OF CONGRESSIONAL INTENT RE-*  
11          *LATING TO COMPLETION OF STUDY.*—*It is the intent*  
12          *of Congress that the Secretary complete the study*  
13          *under paragraph (1) by a date that is not later than*  
14          *30 months after the date of enactment of this Act.*

15          (4) *AUTHORIZATION OF APPROPRIATIONS.*—  
16          *There is authorized to be appropriated to the Sec-*  
17          *retary to carry out this subsection \$1,260,000.*

18          (c) *WATER RIGHTS.*—*Nothing in this section affects—*

19                 (1) *any valid or vested water right in existence*  
20                 *on the date of enactment of this Act; or*

21                 (2) *any application for water rights pending be-*  
22                 *fore the date of enactment of this Act.*

23 **SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.**

24          (a) *FEASIBILITY STUDY, PROJECT DEVELOPMENT,*  
25          *COST SHARE.*—

1           (1) *IN GENERAL.*—*The Secretary of the Interior*  
2           *(hereinafter referred to as “Secretary”), in consulta-*  
3           *tion and cooperation with the City of San Diego and*  
4           *the Sweetwater Authority, is authorized to undertake*  
5           *a study to determine the feasibility of constructing a*  
6           *four reservoir intertie system to improve water stor-*  
7           *age opportunities, water supply reliability, and water*  
8           *yield of the existing non-Federal water storage sys-*  
9           *tem. The feasibility study shall document the Sec-*  
10          *retary’s engineering, environmental, and economic in-*  
11          *vestigation of the proposed reservoir and intertie*  
12          *project taking into consideration the range of poten-*  
13          *tial solutions and the circumstances and needs of the*  
14          *area to be served by the proposed reservoir and*  
15          *intertie project, the potential benefits to the people of*  
16          *that service area, and improved operations of the pro-*  
17          *posed reservoir and intertie system. The Secretary*  
18          *shall indicate in the feasibility report required under*  
19          *paragraph (4) whether the proposed reservoir and*  
20          *intertie project is recommended for construction.*

21          (2) *FEDERAL COST SHARE.*—*The Federal share*  
22          *of the costs of the feasibility study shall not exceed 50*  
23          *percent of the total study costs. The Secretary may*  
24          *accept as part of the non-Federal cost share, any con-*  
25          *tribution of such in-kind services by the City of San*



1 *Diego and the Sweetwater Authority that the Sec-*  
2 *retary determines will contribute toward the conduct*  
3 *and completion of the study.*

4 (3) *COOPERATION.*—*The Secretary shall consult*  
5 *and cooperate with appropriate State, regional, and*  
6 *local authorities in implementing this subsection.*

7 (4) *FEASIBILITY REPORT.*—*The Secretary shall*  
8 *submit to Congress a feasibility report for the project*  
9 *the Secretary recommends, and to seek, as the Sec-*  
10 *retary deems appropriate, specific authority to de-*  
11 *velop and construct any recommended project. This*  
12 *report shall include—*

13 (A) *good faith letters of intent by the City*  
14 *of San Diego and the Sweetwater Authority and*  
15 *its non-Federal partners to indicate that they*  
16 *have committed to share the allocated costs as de-*  
17 *termined by the Secretary; and*

18 (B) *a schedule identifying the annual oper-*  
19 *ation, maintenance, and replacement costs that*  
20 *should be allocated to the City of San Diego and*  
21 *the Sweetwater Authority, as well as the current*  
22 *and expected financial capability to pay oper-*  
23 *ation, maintenance, and replacement costs.*

24 (b) *FEDERAL RECLAMATION PROJECTS.*—*Nothing in*  
25 *this section shall supersede or amend the provisions of Fed-*

1 *eral Reclamation laws or laws associated with any project*  
 2 *or any portion of any project constructed under any author-*  
 3 *ity of Federal Reclamation laws.*

4 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 5 *authorized to be appropriated to the Secretary \$3,000,000*  
 6 *for the Federal cost share of the study authorized in sub-*  
 7 *section (a).*

8 (d) *SUNSET.—The authority of the Secretary to carry*  
 9 *out any provisions of this section shall terminate 10 years*  
 10 *after the date of the enactment of this Act.*

## 11 ***Subtitle B—Project Authorizations***

### 12 ***SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CON-*** 13 ***SERVATION PROJECT, OREGON.***

14 (a) *DEFINITIONS.—In this section:*

15 (1) *DISTRICT.—The term “District” means the*  
 16 *Tumalo Irrigation District, Oregon.*

17 (2) *PROJECT.—The term “Project” means the*  
 18 *Tumalo Irrigation District Water Conservation*  
 19 *Project authorized under subsection (b)(1).*

20 (3) *SECRETARY.—The term “Secretary” means*  
 21 *the Secretary of the Interior.*

22 (b) *AUTHORIZATION TO PLAN, DESIGN AND CON-*  
 23 *STRUCT THE TUMALO WATER CONSERVATION PROJECT.—*

24 (1) *AUTHORIZATION.—The Secretary, in co-*  
 25 *operation with the District—*

1           (A) *may participate in the planning, de-*  
2           *sign, and construction of the Tumalo Irrigation*  
3           *District Water Conservation Project in Deschutes*  
4           *County, Oregon; and*

5           (B) *for purposes of planning and designing*  
6           *the Project, shall take into account any appro-*  
7           *priate studies and reports prepared by the Dis-*  
8           *trict.*

9           (2) *COST-SHARING REQUIREMENT.—*

10          (A) *FEDERAL SHARE.—The Federal share*  
11          *of the total cost of the Project shall be 25 percent,*  
12          *which shall be nonreimbursable to the United*  
13          *States.*

14          (B) *CREDIT TOWARD NON-FEDERAL*  
15          *SHARE.—The Secretary shall credit toward the*  
16          *non-Federal share of the Project any amounts*  
17          *that the District provides toward the design,*  
18          *planning, and construction before the date of en-*  
19          *actment of this Act.*

20          (3) *TITLE.—The District shall hold title to any*  
21          *facilities constructed under this section.*

22          (4) *OPERATION AND MAINTENANCE COSTS.—The*  
23          *District shall pay the operation and maintenance*  
24          *costs of the Project.*



1 *cover up to 55,000 acre-feet of water per year, as sub-*  
2 *stantially described in the California Environmental*  
3 *Quality Act, Final Environmental Impact Report for*  
4 *the Madera Irrigation District Water Supply En-*  
5 *hancement Project, September 2005.*

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

8 (4) *TOTAL COST.*—*The term “total cost” means*  
9 *all reasonable costs, such as the planning, design, per-*  
10 *mitting, and construction of the Project and the ac-*  
11 *quisition costs of lands used or acquired by the Dis-*  
12 *trict for the Project.*

13 (b) *PROJECT FEASIBILITY.*—

14 (1) *PROJECT FEASIBLE.*—*Pursuant to the Rec-*  
15 *lamation Act of 1902 (32 Stat. 388) and Acts amend-*  
16 *atory thereof and supplemental thereto, the Project is*  
17 *feasible and no further studies or actions regarding*  
18 *feasibility are necessary.*

19 (2) *APPLICABILITY OF OTHER LAWS.*—*The Sec-*  
20 *retary shall implement the authority provided in this*  
21 *section in accordance with all applicable Federal*  
22 *laws, including the National Environmental Policy*  
23 *Act of 1969 (42 U.S.C. 4321 et seq.) and the Endan-*  
24 *gered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C.*  
25 *460 et seq.).*

1       (c) *COOPERATIVE AGREEMENT.*—All final planning  
2 and design and the construction of the Project authorized  
3 by this section shall be undertaken in accordance with a  
4 cooperative agreement between the Secretary and the Dis-  
5 trict for the Project. Such cooperative agreement shall set  
6 forth in a manner acceptable to the Secretary and the Dis-  
7 trict the responsibilities of the District for participating,  
8 which shall include—

9           (1) *engineering and design;*

10          (2) *construction; and*

11          (3) *the administration of contracts pertaining to*  
12 *any of the foregoing.*

13       (d) *AUTHORIZATION FOR THE MADERA WATER SUP-*  
14 *PLY AND ENHANCEMENT PROJECT.*—

15           (1) *AUTHORIZATION OF CONSTRUCTION.*—The  
16 Secretary, acting pursuant to the Federal reclamation  
17 laws (Act of June 17, 1902; 32 Stat. 388), and Acts  
18 amendatory thereof or supplementary thereto, is au-  
19 thorized to enter into a cooperative agreement through  
20 the Bureau of Reclamation with the District for the  
21 support of the final design and construction of the  
22 Project.

23           (2) *TOTAL COST.*—The total cost of the Project  
24 for the purposes of determining the Federal cost share  
25 shall not exceed \$90,000,000.

1           (3) *COST SHARE.*—*The Federal share of the cap-*  
2           *ital costs of the Project shall be provided on a nonre-*  
3           *imbursable basis and shall not exceed 25 percent of*  
4           *the total cost. Capital, planning, design, permitting,*  
5           *construction, and land acquisition costs incurred by*  
6           *the District prior to the date of the enactment of this*  
7           *Act shall be considered a portion of the non-Federal*  
8           *cost share.*

9           (4) *CREDIT FOR NON-FEDERAL WORK.*—*The Dis-*  
10          *trict shall receive credit toward the non-Federal share*  
11          *of the cost of the Project for—*

12                   (A) *in-kind services that the Secretary de-*  
13                   *termines would contribute substantially toward*  
14                   *the completion of the project;*

15                   (B) *reasonable costs incurred by the District*  
16                   *as a result of participation in the planning, de-*  
17                   *sign, permitting, and construction of the Project;*  
18                   *and*

19                   (C) *the acquisition costs of lands used or ac-*  
20                   *quired by the District for the Project.*

21          (5) *LIMITATION.*—*The Secretary shall not pro-*  
22          *vide funds for the operation or maintenance of the*  
23          *Project authorized by this subsection. The operation,*  
24          *ownership, and maintenance of the Project shall be*  
25          *the sole responsibility of the District.*





1           (1) *AUTHORITY*.—The term “Authority” means  
2           the Eastern New Mexico Rural Water Authority, an  
3           entity formed under State law for the purposes of  
4           planning, financing, developing, and operating the  
5           System.

6           (2) *ENGINEERING REPORT*.—The term “engineer-  
7           ing report” means the report entitled “Eastern New  
8           Mexico Rural Water System Preliminary Engineer-  
9           ing Report” and dated October 2006.

10          (3) *PLAN*.—The term “plan” means the oper-  
11          ation, maintenance, and replacement plan required  
12          by subsection (c)(2).

13          (4) *SECRETARY*.—The term “Secretary” means  
14          the Secretary of the Interior.

15          (5) *STATE*.—The term “State” means the State  
16          of New Mexico.

17          (6) *SYSTEM*.—

18                (A) *IN GENERAL*.—The term “System”  
19                means the Eastern New Mexico Rural Water  
20                System, a water delivery project designed to de-  
21                liver approximately 16,500 acre-feet of water per  
22                year from the Ute Reservoir to the cities of Clo-  
23                vis, Elida, Grady, Melrose, Portales, and Texico  
24                and other locations in Curry, Roosevelt, and  
25                Quay Counties in the State.

1           (B) *INCLUSIONS.*—*The term “System” in-*  
2           *cludes the major components and associated in-*  
3           *frastructure identified as the “Best Technical Al-*  
4           *ternative” in the engineering report.*

5           (7) *UTE RESERVOIR.*—*The term “Ute Reservoir”*  
6           *means the impoundment of water created in 1962 by*  
7           *the construction of the Ute Dam on the Canadian*  
8           *River, located approximately 32 miles upstream of*  
9           *the border between New Mexico and Texas.*

10          (b) *EASTERN NEW MEXICO RURAL WATER SYSTEM.*—

11           (1) *FINANCIAL ASSISTANCE.*—

12           (A) *IN GENERAL.*—*The Secretary may pro-*  
13           *vide financial and technical assistance to the*  
14           *Authority to assist in planning, designing, con-*  
15           *ducting related preconstruction activities for,*  
16           *and constructing the System.*

17           (B) *USE.*—

18           (i) *IN GENERAL.*—*Any financial as-*  
19           *istance provided under subparagraph (A)*  
20           *shall be obligated and expended only in ac-*  
21           *cordance with a cooperative agreement en-*  
22           *tered into under subsection (d)(1)(B).*

23           (ii) *LIMITATIONS.*—*Financial assist-*  
24           *ance provided under clause (i) shall not be*  
25           *used—*

1                   (I) *for any activity that is incon-*  
2                   *sistent with constructing the System;*  
3                   *or*

4                   (II) *to plan or construct facilities*  
5                   *used to supply irrigation water for ir-*  
6                   *rigated agricultural purposes.*

7                   (2) *COST-SHARING REQUIREMENT.—*

8                   (A) *IN GENERAL.—The Federal share of the*  
9                   *total cost of any activity or construction carried*  
10                  *out using amounts made available under this*  
11                  *section shall be not more than 75 percent of the*  
12                  *total cost of the System.*

13                  (B) *SYSTEM DEVELOPMENT COSTS.—For*  
14                  *purposes of subparagraph (A), the total cost of*  
15                  *the System shall include any costs incurred by*  
16                  *the Authority or the State on or after October 1,*  
17                  *2003, for the development of the System.*

18                  (3) *LIMITATION.—No amounts made available*  
19                  *under this section may be used for the construction of*  
20                  *the System until—*

21                         (A) *a plan is developed under subsection*  
22                         *(c)(2); and*

23                         (B) *the Secretary and the Authority have*  
24                         *complied with any requirements of the National*

1           *Environmental Policy Act of 1969 (42 U.S.C.*  
2           *4321 et seq.) applicable to the System.*

3           (4) *TITLE TO PROJECT WORKS.—Title to the in-*  
4           *frastructure of the System shall be held by the Author-*  
5           *ity or as may otherwise be specified under State law.*

6           (c) *OPERATION, MAINTENANCE, AND REPLACEMENT*  
7           *COSTS.—*

8           (1) *IN GENERAL.—The Authority shall be re-*  
9           *sponsible for the annual operation, maintenance, and*  
10           *replacement costs associated with the System.*

11           (2) *OPERATION, MAINTENANCE, AND REPLACE-*  
12           *MENT PLAN.—The Authority, in consultation with the*  
13           *Secretary, shall develop an operation, maintenance,*  
14           *and replacement plan that establishes the rates and*  
15           *fees for beneficiaries of the System in the amount nec-*  
16           *essary to ensure that the System is properly main-*  
17           *tained and capable of delivering approximately*  
18           *16,500 acre-feet of water per year.*

19           (d) *ADMINISTRATIVE PROVISIONS.—*

20           (1) *COOPERATIVE AGREEMENTS.—*

21           (A) *IN GENERAL.—The Secretary may enter*  
22           *into any contract, grant, cooperative agreement,*  
23           *or other agreement that is necessary to carry out*  
24           *this section.*

1                   (B) *COOPERATIVE AGREEMENT FOR PROVI-*  
2                   *SION OF FINANCIAL ASSISTANCE.—*

3                   (i) *IN GENERAL.—The Secretary shall*  
4                   *enter into a cooperative agreement with the*  
5                   *Authority to provide financial assistance*  
6                   *and any other assistance requested by the*  
7                   *Authority for planning, design, related*  
8                   *preconstruction activities, and construction*  
9                   *of the System.*

10                  (ii) *REQUIREMENTS.—The cooperative*  
11                  *agreement entered into under clause (i)*  
12                  *shall, at a minimum, specify the respon-*  
13                  *sibilities of the Secretary and the Authority*  
14                  *with respect to—*

15                         (I) *ensuring that the cost-share re-*  
16                         *quirements established by subsection*  
17                         *(b)(2) are met;*

18                         (II) *completing the planning and*  
19                         *final design of the System;*

20                         (III) *any environmental and cul-*  
21                         *tural resource compliance activities re-*  
22                         *quired for the System; and*

23                         (IV) *the construction of the Sys-*  
24                         *tem.*

1           (2) *TECHNICAL ASSISTANCE.*—*At the request of*  
2 *the Authority, the Secretary may provide to the Au-*  
3 *thority any technical assistance that is necessary to*  
4 *assist the Authority in planning, designing, con-*  
5 *structing, and operating the System.*

6           (3) *BIOLOGICAL ASSESSMENT.*—*The Secretary*  
7 *shall consult with the New Mexico Interstate Stream*  
8 *Commission and the Authority in preparing any bio-*  
9 *logical assessment under the Endangered Species Act*  
10 *of 1973 (16 U.S.C. 1531 et seq.) that may be required*  
11 *for planning and constructing the System.*

12           (4) *EFFECT.*—*Nothing in this section—*

13                 (A) *affects or preempts—*

14                         (i) *State water law; or*

15                         (ii) *an interstate compact relating to*  
16 *the allocation of water; or*

17                 (B) *confers on any non-Federal entity the*  
18 *ability to exercise any Federal rights to—*

19                         (i) *the water of a stream; or*

20                         (ii) *any groundwater resource.*

21           (e) *AUTHORIZATION OF APPROPRIATIONS.*—

22                 (1) *IN GENERAL.*—*In accordance with the ad-*  
23 *justment carried out under paragraph (2), there is*  
24 *authorized to be appropriated to the Secretary to*

1     *carry out this section an amount not greater than*  
2     *\$327,000,000.*

3             (2) *ADJUSTMENT.*—*The amount made available*  
4     *under paragraph (1) shall be adjusted to reflect*  
5     *changes in construction costs occurring after January*  
6     *1, 2007, as indicated by engineering cost indices ap-*  
7     *plicable to the types of construction necessary to carry*  
8     *out this section.*

9             (3) *NONREIMBURSABLE AMOUNTS.*—*Amounts*  
10    *made available to the Authority in accordance with*  
11    *the cost-sharing requirement under subsection (b)(2)*  
12    *shall be nonreimbursable and nonreturnable to the*  
13    *United States.*

14            (4) *AVAILABILITY OF FUNDS.*—*At the end of each*  
15    *fiscal year, any unexpended funds appropriated pur-*  
16    *suant to this section shall be retained for use in fu-*  
17    *ture fiscal years consistent with this section.*

18 **SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT**  
19                    **PROJECT, CALIFORNIA.**

20            (a) *IN GENERAL.*—*The Reclamation Wastewater and*  
21    *Groundwater Study and Facilities Act (Public Law 102–*  
22    *575, title XVI; 43 U.S.C. 390h et seq.) is amended by add-*  
23    *ing at the end the following:*

1 **“SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT**  
 2 **PROJECT, CALIFORNIA.**

3 “(a) *AUTHORIZATION.*—*The Secretary, in cooperation*  
 4 *with the Rancho California Water District, California, may*  
 5 *participate in the design, planning, and construction of*  
 6 *permanent facilities for water recycling, demineralization,*  
 7 *and desalination, and distribution of non-potable water*  
 8 *supplies in Southern Riverside County, California.*

9 “(b) *COST SHARING.*—*The Federal share of the cost of*  
 10 *the project described in subsection (a) shall not exceed 25*  
 11 *percent of the total cost of the project or \$20,000,000, which-*  
 12 *ever is less.*

13 “(c) *LIMITATION.*—*Funds provided by the Secretary*  
 14 *under this section shall not be used for operation or mainte-*  
 15 *nance of the project described in subsection (a).”*

16 (b) *CLERICAL AMENDMENT.*—*The table of items in sec-*  
 17 *tion 2 of Public Law 102–575 is amended by inserting after*  
 18 *the last item the following:*

“*Sec. 1649. Rancho California Water District Project, California.*”.

19 **SEC. 9105. JACKSON GULCH REHABILITATION PROJECT,**  
 20 **COLORADO.**

21 (a) *DEFINITIONS.*—*In this section:*

22 (1) *ASSESSMENT.*—*The term “assessment”*  
 23 *means the engineering document that is—*

24 (A) *entitled “Jackson Gulch Inlet Canal*  
 25 *Project, Jackson Gulch Outlet Canal Project,*



1           *Jackson Gulch Operations Facilities Project:*  
2           *Condition Assessment and Recommendations for*  
3           *Rehabilitation”;*

4                     (B) *dated February 2004; and*

5                     (C) *on file with the Bureau of Reclamation.*

6           (2) *DISTRICT.*—*The term “District” means the*  
7           *Mancos Water Conservancy District established under*  
8           *the Water Conservancy Act (Colo. Rev. Stat. 37–45–*  
9           *101 et seq.).*

10           (3) *PROJECT.*—*The term “Project” means the*  
11           *Jackson Gulch rehabilitation project, a program for*  
12           *the rehabilitation of the Jackson Gulch Canal system*  
13           *and other infrastructure in the State, as described in*  
14           *the assessment.*

15           (4) *SECRETARY.*—*The term “Secretary” means*  
16           *the Secretary of the Interior, acting through the Com-*  
17           *missioner of Reclamation.*

18           (5) *STATE.*—*The term “State” means the State*  
19           *of Colorado.*

20           (b) *AUTHORIZATION OF JACKSON GULCH REHABILI-*  
21           *TATION PROJECT.*—

22                     (1) *IN GENERAL.*—*Subject to the reimbursement*  
23           *requirement described in paragraph (3), the Secretary*  
24           *shall pay the Federal share of the total cost of car-*  
25           *rying out the Project.*

1           (2) *USE OF EXISTING INFORMATION.*—*In pre-*  
2 *paring any studies relating to the Project, the Sec-*  
3 *retary shall, to the maximum extent practicable, use*  
4 *existing studies, including engineering and resource*  
5 *information provided by, or at the direction of—*

6                   (A) *Federal, State, or local agencies; and*

7                   (B) *the District.*

8           (3) *REIMBURSEMENT REQUIREMENT.*—

9                   (A) *AMOUNT.*—*The Secretary shall recover*  
10 *from the District as reimbursable expenses the*  
11 *lesser of—*

12                           (i) *the amount equal to 35 percent of*  
13 *the cost of the Project; or*

14                           (ii) *\$2,900,000.*

15                   (B) *MANNER.*—*The Secretary shall recover*  
16 *reimbursable expenses under subparagraph (A)—*

17                           (i) *in a manner agreed to by the Sec-*  
18 *retary and the District;*

19                           (ii) *over a period of 15 years; and*

20                           (iii) *with no interest.*

21                   (C) *CREDIT.*—*In determining the exact*  
22 *amount of reimbursable expenses to be recovered*  
23 *from the District, the Secretary shall credit the*  
24 *District for any amounts it paid before the date*  
25 *of enactment of this Act for engineering work*

1           *and improvements directly associated with the*  
2           *Project.*

3           (4) *PROHIBITION ON OPERATION AND MAINTENANCE COSTS.*—*The District shall be responsible for*  
4           *the operation and maintenance of any facility con-*  
5           *structed or rehabilitated under this section.*

7           (5) *LIABILITY.*—*The United States shall not be*  
8           *liable for damages of any kind arising out of any act,*  
9           *omission, or occurrence relating to a facility rehabili-*  
10          *tated or constructed under this section.*

11          (6) *EFFECT.*—*An activity provided Federal*  
12          *funding under this section shall not be considered a*  
13          *supplemental or additional benefit under—*

14                 (A) *the reclamation laws; or*

15                 (B) *the Act of August 11, 1939 (16 U.S.C.*  
16                 *590y et seq.).*

17          (7) *AUTHORIZATION OF APPROPRIATIONS.*—  
18          *There is authorized to be appropriated to the Sec-*  
19          *retary to pay the Federal share of the total cost of*  
20          *carrying out the Project \$8,250,000.*

21 **SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.**

22          (a) *FINDINGS AND PURPOSE.*—

23                 (1) *FINDINGS.*—*Congress finds that—*

24                         (A) *drought, population increases, and envi-*  
25                         *ronmental needs are exacerbating water supply*

1            *issues across the western United States, includ-*  
2            *ing the Rio Grande Basin in New Mexico;*

3            *(B) a report developed by the Bureau of*  
4            *Reclamation and the Bureau of Indian Affairs*  
5            *in 2000 identified a serious need for the rehabili-*  
6            *tation and repair of irrigation infrastructure of*  
7            *the Rio Grande Pueblos;*

8            *(C) inspection of existing irrigation infra-*  
9            *structure of the Rio Grande Pueblos shows that*  
10           *many key facilities, such as diversion structures*  
11           *and main conveyance ditches, are unsafe and*  
12           *barely, if at all, operable;*

13           *(D) the benefits of rehabilitating and re-*  
14           *pairing irrigation infrastructure of the Rio*  
15           *Grande Pueblos include—*

16                    *(i) water conservation;*

17                    *(ii) extending available water supplies;*

18                    *(iii) increased agricultural produc-*  
19                    *tivity;*

20                    *(iv) economic benefits;*

21                    *(v) safer facilities; and*

22                    *(vi) the preservation of the culture of*  
23                    *Indian Pueblos in the State;*

24            *(E) certain Indian Pueblos in the Rio*  
25            *Grande Basin receive water from facilities oper-*

1            *ated or owned by the Bureau of Reclamation;*  
2            *and*

3            *(F) rehabilitation and repair of irrigation*  
4            *infrastructure of the Rio Grande Pueblos would*  
5            *improve—*

6            *(i) overall water management by the*  
7            *Bureau of Reclamation; and*

8            *(ii) the ability of the Bureau of Rec-*  
9            *lamation to help address potential water*  
10           *supply conflicts in the Rio Grande Basin.*

11           *(2) PURPOSE.—The purpose of this section is to*  
12           *direct the Secretary—*

13           *(A) to assess the condition of the irrigation*  
14           *infrastructure of the Rio Grande Pueblos;*

15           *(B) to establish priorities for the rehabilita-*  
16           *tion of irrigation infrastructure of the Rio*  
17           *Grande Pueblos in accordance with specified cri-*  
18           *teria; and*

19           *(C) to implement projects to rehabilitate*  
20           *and improve the irrigation infrastructure of the*  
21           *Rio Grande Pueblos.*

22           *(b) DEFINITIONS.—In this section:*

23           *(1) 2004 AGREEMENT.—The term “2004 Agree-*  
24           *ment” means the agreement entitled “Agreement By*  
25           *and Between the United States of America and the*

1 *Middle Rio Grande Conservancy District, Providing*  
2 *for the Payment of Operation and Maintenance*  
3 *Charges on Newly Reclaimed Pueblo Indian Lands in*  
4 *the Middle Rio Grande Valley, New Mexico” and exe-*  
5 *cuted in September 2004 (including any successor*  
6 *agreements and amendments to the agreement).*

7 (2) *DESIGNATED ENGINEER.*—*The term “des-*  
8 *ignated engineer” means a Federal employee des-*  
9 *ignated under the Act of February 14, 1927 (69 Stat.*  
10 *1098, chapter 138) to represent the United States in*  
11 *any action involving the maintenance, rehabilitation,*  
12 *or preservation of the condition of any irrigation*  
13 *structure or facility on land located in the Six Middle*  
14 *Rio Grande Pueblos.*

15 (3) *DISTRICT.*—*The term “District” means the*  
16 *Middle Rio Grande Conservancy District, a political*  
17 *subdivision of the State established in 1925.*

18 (4) *PUEBLO IRRIGATION INFRASTRUCTURE.*—*The*  
19 *term “Pueblo irrigation infrastructure” means any*  
20 *diversion structure, conveyance facility, or drainage*  
21 *facility that is—*

22 (A) *in existence as of the date of enactment*  
23 *of this Act; and*

24 (B) *located on land of a Rio Grande Pueblo*  
25 *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 is*  
5                   *served.*

6                   (5) *RIO GRANDE BASIN.*—*The term “Rio Grande*  
7                   *Basin” means the headwaters of the Rio Chama and*  
8                   *the Rio Grande Rivers (including any tributaries)*  
9                   *from the State line between Colorado and New Mexico*  
10                   *downstream to the elevation corresponding with the*  
11                   *spillway crest of Elephant Butte Dam at 4,457.3 feet*  
12                   *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 rec-*  
18                   *ognized Indian tribes published by the Secretary*  
19                   *in accordance with section 104 of the Federally*  
20                   *Recognized Indian Tribe List Act of 1994 (25*  
21                   *U.S.C. 479a–1).*

22                   (7) *SECRETARY.*—*The term “Secretary” means*  
23                   *the Secretary of the Interior, acting through the Com-*  
24                   *missioner 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 Felipe,*  
4 *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 State*  
9 *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 recon-*  
23 *struct 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 to*  
3           *participate in—*

4                     *(i) the conduct of the study under sub-*  
5                     *paragraph (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 de-*  
15                                    *scribed 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 on*  
23    *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 sub-*  
3           *paragraph (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 benefits*  
21                    *that the repair, rehabilitation, or recon-*  
22                    *struction 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 ap-  
3                   plicable river basin if the Pueblo irrigation  
4                   infrastructure is repaired, rehabilitated, or  
5                   reconstructed; and

6                   (v) the overall benefits of the project to  
7                   efficient water operations on the land of the  
8                   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 Natural  
15                  Resources Conservation Service, and the Chief of En-  
16                  gineers to evaluate the extent to which programs  
17                  under the jurisdiction of the respective agencies may  
18                  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 ap-  
3                   propriately coordinated with the repair, re-  
4                   habilitation, or reconstruction of Pueblo ir-  
5                   rigation infrastructure to improve the effi-  
6                   cient use of water in the Rio Grande Basin.

7                   (4) *REPORT.*—Not later than 2 years after the  
8                   date of enactment of this Act, the Secretary shall sub-  
9                   mit to the Committee on Energy and Natural Re-  
10                  sources of the Senate and the Committee on Resources  
11                  of the House of Representatives a report that in-  
12                  cludes—

13                   (A) the list of projects recommended for im-  
14                   plementation under paragraph (1)(A)(ii); and

15                   (B) any findings of the Secretary with re-  
16                   spect to—

17                   (i) the study conducted under para-  
18                   graph (1)(A)(i);

19                   (ii) the consideration of the factors  
20                   under paragraph (2)(B); and

21                   (iii) the consultations under paragraph  
22                   (3).

23                  (5) *PERIODIC REVIEW.*—Not later than 4 years  
24                  after the date on which the Secretary submits the re-  
25                  port under paragraph (4) and every 4 years there-

1     *after, the Secretary, in consultation with each Rio*  
2     *Grande Pueblo, shall—*

3             *(A) review the report submitted under para-*  
4             *graph (4); and*

5             *(B) update the list of projects described in*  
6             *paragraph (4)(A) in accordance with each factor*  
7             *described in paragraph (2)(B), as the Secretary*  
8             *determines to be appropriate.*

9     *(d) IRRIGATION INFRASTRUCTURE GRANTS.—*

10            *(1) IN GENERAL.—The Secretary may provide*  
11            *grants to, and enter into contracts or other agree-*  
12            *ments with, the Rio Grande Pueblos to plan, design,*  
13            *construct, or otherwise implement projects to repair,*  
14            *rehabilitate, reconstruct, or replace Pueblo irrigation*  
15            *infrastructure that are recommended for implementa-*  
16            *tion under subsection (c)(1)(A)(ii)—*

17                    *(A) to increase water use efficiency and ag-*  
18                    *ricultural productivity for the benefit of a Rio*  
19                    *Grande Pueblo;*

20                    *(B) to conserve water; or*

21                    *(C) to otherwise enhance water management*  
22                    *or help avert water supply conflicts in the Rio*  
23                    *Grande Basin.*

24            *(2) LIMITATION.—Assistance provided under*  
25            *paragraph (1) shall not be used for—*

1           (A) *the repair, rehabilitation, or reconstruc-*  
2           *tion of any major impoundment structure; or*

3           (B) *any on-farm improvements.*

4           (3) *CONSULTATION.—In carrying out a project*  
5           *under paragraph (1), the Secretary shall—*

6           (A) *consult with, and obtain the approval*  
7           *of, the applicable Rio Grande Pueblo;*

8           (B) *consult with the Director of the Bureau*  
9           *of Indian Affairs; and*

10          (C) *as appropriate, coordinate the project*  
11          *with any work being conducted under the irriga-*  
12          *tion operations and maintenance program of the*  
13          *Bureau of Indian Affairs.*

14          (4) *COST-SHARING REQUIREMENT.—*

15           (A) *FEDERAL SHARE.—*

16           (i) *IN GENERAL.—Except as provided*  
17           *in clause (ii), the Federal share of the total*  
18           *cost of carrying out a project under para-*  
19           *graph (1) shall be not more than 75 percent.*

20           (ii) *EXCEPTION.—The Secretary may*  
21           *waive or limit the non-Federal share re-*  
22           *quired under clause (i) if the Secretary de-*  
23           *termines, based on a demonstration of fi-*  
24           *nancial hardship by the Rio Grande Pueblo,*

1           *that the Rio Grande Pueblo is unable to*  
2           *contribute the required non-Federal share.*

3           *(B) DISTRICT CONTRIBUTIONS.—*

4                   *(i) IN GENERAL.—The Secretary may*  
5                   *accept from the District a partial or total*  
6                   *contribution toward the non-Federal share*  
7                   *required for a project carried out under*  
8                   *paragraph (1) on land located in any of the*  
9                   *Six Middle Rio Grande Pueblos if the Sec-*  
10                  *retary determines that the project is a spe-*  
11                  *cial project.*

12                   *(ii) LIMITATION.—Nothing in clause*  
13                   *(i) requires the District to contribute to the*  
14                   *non-Federal share of the cost of a project*  
15                   *carried out under paragraph (1).*

16           *(C) STATE CONTRIBUTIONS.—*

17                   *(i) IN GENERAL.—The Secretary may*  
18                   *accept from the State a partial or total con-*  
19                   *tribution toward the non-Federal share for*  
20                   *a project carried out under paragraph (1).*

21                   *(ii) LIMITATION.—Nothing in clause*  
22                   *(i) requires the State to contribute to the*  
23                   *non-Federal share of the cost of a project*  
24                   *carried out under paragraph (1).*

1           (D) *FORM OF NON-FEDERAL SHARE.*—*The*  
2           *non-Federal share under subparagraph (A)(i)*  
3           *may be in the form of in-kind contributions, in-*  
4           *cluding the contribution of any valuable asset or*  
5           *service that the Secretary determines would sub-*  
6           *stantially contribute to a project carried out*  
7           *under paragraph (1).*

8           (5) *OPERATION AND MAINTENANCE.*—*The Sec-*  
9           *retary may not use any amount made available*  
10          *under subsection (g)(2) to carry out the operation or*  
11          *maintenance of any project carried out under para-*  
12          *graph (1).*

13          (e) *EFFECT ON EXISTING AUTHORITY AND RESPON-*  
14          *SIBILITIES.*—*Nothing in this section—*

15                 (1) *affects any existing project-specific funding*  
16                 *authority; or*

17                 (2) *limits or absolves the United States from any*  
18                 *responsibility to any Rio Grande Pueblo (including*  
19                 *any responsibility arising from a trust relationship*  
20                 *or from any Federal law (including regulations), Ex-*  
21                 *ecutive order, or agreement between the Federal Gov-*  
22                 *ernment and any Rio Grande Pueblo).*

23          (f) *EFFECT ON PUEBLO WATER RIGHTS OR STATE*  
24          *WATER LAW.*—



1           (1) *PUEBLO WATER RIGHTS*.—*Nothing in this*  
 2 *section (including the implementation of any project*  
 3 *carried out in accordance with this section) affects the*  
 4 *right of any Pueblo to receive, divert, store, or claim*  
 5 *a right to water, including the priority of right and*  
 6 *the quantity of water associated with the water right*  
 7 *under Federal or State law.*

8           (2) *STATE WATER LAW*.—*Nothing in this section*  
 9 *preempts or affects—*

10                   (A) *State water law; or*

11                   (B) *an interstate compact governing water.*

12           (g) *AUTHORIZATION OF APPROPRIATIONS*.—

13           (1) *STUDY*.—*There is authorized to be appro-*  
 14 *priated to carry out subsection (c) \$4,000,000.*

15           (2) *PROJECTS*.—*There is authorized to be appro-*  
 16 *priated to carry out subsection (d) \$6,000,000 for*  
 17 *each of fiscal years 2010 through 2019.*

18 **SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH**  
 19 **PROGRAMS.**

20           (a) *DEFINITIONS*.—*Section 2 of Public Law 106–392*  
 21 *(114 Stat. 1602) is amended—*

22                   (1) *in paragraph (5), by inserting “, rehabilita-*  
 23 *tion, and repair” after “and replacement”; and*

24                   (2) *in paragraph (6), by inserting “those for*  
 25 *protection of critical habitat, those for preventing en-*

1        *trainment of fish in water diversions,” after*  
2        *“instream flows,”.*

3        (b) *AUTHORIZATION TO FUND RECOVERY PRO-*  
4 *GRAMS.—Section 3 of Public Law 106–392 (114 Stat. 1603;*  
5 *120 Stat. 290) is amended—*

6            (1) *in subsection (a)—*

7                    (A) *in paragraph (1), by striking*  
8                    *“\$61,000,000” and inserting “\$88,000,000”;*

9                    (B) *in paragraph (2), by striking “2010”*  
10                   *and inserting “2023”; and*

11                   (C) *in paragraph (3), by striking “2010”*  
12                   *and inserting “2023”;*

13            (2) *in subsection (b)—*

14                    (A) *in the matter preceding paragraph (1),*  
15                    *by striking “\$126,000,000” and inserting*  
16                    *“\$209,000,000”;*

17                    (B) *in paragraph (1)—*

18                            (i) *by striking “\$108,000,000” and in-*  
19                            *serting “\$179,000,000”; and*

20                            (ii) *by striking “2010” and inserting*  
21                            *“2023”; and*

22                    (C) *in paragraph (2)—*

23                            (i) *by striking “\$18,000,000” and in-*  
24                            *serting “\$30,000,000”; and*

1                   (ii) by striking “2010” and inserting  
2                   “2023”; and  
3                   (3) in subsection (c)(4), by striking  
4                   “\$31,000,000” and inserting “\$87,000,000”.

5 **SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.**

6 (a) *DEFINITIONS.*—*In this section:*

7                   (1) *DISTRICT.*—*The term “District” means the*  
8 *Fallbrook Public Utility District, San Diego County,*  
9 *California.*

10                   (2) *PROJECT.*—*The term “Project” means the*  
11 *impoundment, recharge, treatment, and other facili-*  
12 *ties the construction, operation, watershed manage-*  
13 *ment, and maintenance of which is authorized under*  
14 *subsection (b).*

15                   (3) *SECRETARY.*—*The term “Secretary” means*  
16 *the Secretary of the Interior.*

17 (b) *AUTHORIZATION FOR CONSTRUCTION OF SANTA*  
18 *MARGARITA RIVER PROJECT.*—

19                   (1) *AUTHORIZATION.*—*The Secretary, acting*  
20 *pursuant to Federal reclamation law (the Act of June*  
21 *17, 1902 (32 Stat. 388, chapter 1093), and Acts sup-*  
22 *plemental to and amendatory of that Act (43 U.S.C.*  
23 *371 et seq.), to the extent that law is not inconsistent*  
24 *with this section, may construct, operate, and main-*  
25 *tain the Project substantially in accordance with the*

1 *final feasibility report and environmental reviews for*  
2 *the Project and this section.*

3 (2) *CONDITIONS.—The Secretary may construct*  
4 *the Project only after the Secretary determines that*  
5 *the following conditions have occurred:*

6 (A)(i) *The District and the Secretary of the*  
7 *Navy have entered into contracts under sub-*  
8 *sections (c)(2) and (e) of section 9 of the Rec-*  
9 *lamation Project Act of 1939 (43 U.S.C. 485h)*  
10 *to repay to the United States equitable and ap-*  
11 *propriate portions, as determined by the Sec-*  
12 *retary, of the actual costs of constructing, oper-*  
13 *ating, and maintaining the Project.*

14 (ii) *As an alternative to a repayment con-*  
15 *tract with the Secretary of the Navy described in*  
16 *clause (i), the Secretary may allow the Secretary*  
17 *of the Navy to satisfy all or a portion of the re-*  
18 *payment obligation for construction of the*  
19 *Project on the payment of the share of the Sec-*  
20 *retary of the Navy prior to the initiation of con-*  
21 *struction, subject to a final cost allocation as de-*  
22 *scribed in subsection (c).*

23 (B) *The officer or agency of the State of*  
24 *California authorized by law to grant permits*  
25 *for the appropriation of water has granted the*

1            *permits to the Bureau of Reclamation for the*  
2            *benefit of the Secretary of the Navy and the Dis-*  
3            *trict as permittees for rights to the use of water*  
4            *for storage and diversion as provided in this sec-*  
5            *tion, including approval of all requisite changes*  
6            *in points of diversion and storage, and purposes*  
7            *and places of use.*

8            *(C)(i) The District has agreed—*

9                    *(I) to not assert against the United*  
10                   *States any prior appropriative right the*  
11                   *District may have to water in excess of the*  
12                   *quantity deliverable to the District under*  
13                   *this section; and*

14                   *(II) to share in the use of the waters*  
15                   *impounded by the Project on the basis of*  
16                   *equal priority and in accordance with the*  
17                   *ratio prescribed in subsection (d)(2).*

18            *(ii) The agreement and waiver under clause*  
19            *(i) and the changes in points of diversion and*  
20            *storage under subparagraph (B)—*

21                   *(I) shall become effective and binding*  
22                   *only when the Project has been completed*  
23                   *and put into operation; and*

1                   (II) may be varied by agreement be-  
2                   tween the District and the Secretary of the  
3                   Navy.

4                   (D) The Secretary has determined that the  
5                   Project has completed applicable economic, envi-  
6                   ronmental, and engineering feasibility studies.

7                   (c) COSTS.—

8                   (1) IN GENERAL.—As determined by a final cost  
9                   allocation after completion of the construction of the  
10                  Project, the Secretary of the Navy shall be responsible  
11                  to pay upfront or repay to the Secretary only that  
12                  portion of the construction, operation, and mainte-  
13                  nance costs of the Project that the Secretary and the  
14                  Secretary of the Navy determine reflects the extent to  
15                  which the Department of the Navy benefits from the  
16                  Project.

17                  (2) OTHER CONTRACTS.—Notwithstanding para-  
18                  graph (1), the Secretary may enter into a contract  
19                  with the Secretary of the Navy for the impoundment,  
20                  storage, treatment, and carriage of prior rights water  
21                  for domestic, municipal, fish and wildlife, industrial,  
22                  and other beneficial purposes using Project facilities.

23                  (d) OPERATION; YIELD ALLOTMENT; DELIVERY.—

24                  (1) OPERATION.—The Secretary, the District, or  
25                  a third party (consistent with subsection (f)) may op-

1        *erate the Project, subject to a memorandum of agree-*  
2        *ment between the Secretary, the Secretary of the*  
3        *Navy, and the District and under regulations satis-*  
4        *factory to the Secretary of the Navy with respect to*  
5        *the share of the Project of the Department of the*  
6        *Navy.*

7            (2) *YIELD ALLOTMENT.—Except as otherwise*  
8        *agreed between the parties, the Secretary of the Navy*  
9        *and the District shall participate in the Project yield*  
10       *on the basis of equal priority and in accordance with*  
11       *the following ratio:*

12            (A) *60 percent of the yield of the Project is*  
13        *allotted to the Secretary of the Navy.*

14            (B) *40 percent of the yield of the Project is*  
15        *allotted to the District.*

16            (3) *CONTRACTS FOR DELIVERY OF EXCESS*  
17        *WATER.—*

18            (A) *EXCESS WATER AVAILABLE TO OTHER*  
19        *PERSONS.—If the Secretary of the Navy certifies*  
20        *to the official agreed on to administer the Project*  
21        *that the Department of the Navy does not have*  
22        *immediate need for any portion of the 60 percent*  
23        *of the yield of the Project allotted to the Sec-*  
24        *retary of the Navy under paragraph (2), the offi-*

1           *cial may enter into temporary contracts for the*  
2           *sale and delivery of the excess water.*

3           (B) *FIRST RIGHT FOR EXCESS WATER.*—  
4           *The first right to excess water made available*  
5           *under subparagraph (A) shall be given the Dis-*  
6           *trict, if otherwise consistent with the laws of the*  
7           *State of California.*

8           (C) *CONDITION OF CONTRACTS.*—*Each con-*  
9           *tract entered into under subparagraph (A) for*  
10           *the sale and delivery of excess water shall include*  
11           *a condition that the Secretary of the Navy has*  
12           *the right to demand the water, without charge*  
13           *and without obligation on the part of the United*  
14           *States, after 30 days notice.*

15           (D) *MODIFICATION OF RIGHTS AND OBLIGA-*  
16           *TIONS.*—*The rights and obligations of the United*  
17           *States and the District regarding the ratio,*  
18           *amounts, definition of Project yield, and pay-*  
19           *ment for excess water may be modified by an*  
20           *agreement between the parties.*

21           (4) *CONSIDERATION.*—

22           (A) *DEPOSIT OF FUNDS.*—

23           (i) *IN GENERAL.*—*Amounts paid to the*  
24           *United States under a contract entered into*  
25           *under paragraph (3) shall be—*



1                   (I) deposited in the special ac-  
2                   count established for the Department of  
3                   the Navy under section 2667(e)(1) of  
4                   title 10, United States Code; and

5                   (II) shall be available for the pur-  
6                   poses specified in section 2667(e)(1)(C)  
7                   of that title.

8                   (ii)                   EXCEPTION.—Section  
9                   2667(e)(1)(D) of title 10, United States  
10                  Code, shall not apply to amounts deposited  
11                  in the special account pursuant to this  
12                  paragraph.

13                  (B) IN-KIND CONSIDERATION.—In lieu of  
14                  monetary consideration under subparagraph (A),  
15                  or in addition to monetary consideration, the  
16                  Secretary of the Navy may accept in-kind con-  
17                  sideration in a form and quantity that is accept-  
18                  able to the Secretary of the Navy, including—

19                         (i) maintenance, protection, alteration,  
20                         repair, improvement, or restoration (includ-  
21                         ing environmental restoration) of property  
22                         or facilities of the Department of the Navy;

23                         (ii) construction of new facilities for  
24                         the Department of the Navy;

1                   (iii) provision of facilities for use by  
2                   the Department of the Navy;

3                   (iv) facilities operation support for the  
4                   Department of the Navy; and

5                   (v) provision of such other services as  
6                   the Secretary of the Navy considers appro-  
7                   priate.

8                   (C) *RELATION TO OTHER LAWS.*—Sections  
9                   2662 and 2802 of title 10, United States Code,  
10                  shall not apply to any new facilities the con-  
11                  struction of which is accepted as in-kind consid-  
12                  eration under this paragraph.

13                  (D) *CONGRESSIONAL NOTIFICATION.*—If the  
14                  in-kind consideration proposed to be provided  
15                  under a contract to be entered into under para-  
16                  graph (3) has a value in excess of \$500,000, the  
17                  contract may not be entered into until the earlier  
18                  of—

19                         (i) the end of the 30-day period begin-  
20                         ning on the date on which the Secretary of  
21                         the Navy submits to the Committee on  
22                         Armed Services of the Senate and the Com-  
23                         mittee on Armed Services of the House of  
24                         Representatives a report describing the con-

1           *tract and the form and quantity of the in-*  
2           *kind consideration; or*

3                     *(ii) the end of the 14-day period begin-*  
4                     *ning on the date on which a copy of the re-*  
5                     *port referred to in clause (i) is provided in*  
6                     *an electronic medium pursuant to section*  
7                     *480 of title 10, United States Code.*

8       *(e) REPAYMENT OBLIGATION OF THE DISTRICT.—*

9           *(1) DETERMINATION.—*

10                    *(A) IN GENERAL.—Except as otherwise pro-*  
11                    *vided in this paragraph, the general repayment*  
12                    *obligation of the District shall be determined by*  
13                    *the Secretary consistent with subsections (c)(2)*  
14                    *and (e) of section 9 of the Reclamation Project*  
15                    *Act of 1939 (43 U.S.C. 485h) to repay to the*  
16                    *United States equitable and appropriate por-*  
17                    *tions, as determined by the Secretary, of the ac-*  
18                    *tual costs of constructing, operating, and main-*  
19                    *taining the Project.*

20                    *(B) GROUNDWATER.—For purposes of cal-*  
21                    *culating interest and determining the time when*  
22                    *the repayment obligation of the District to the*  
23                    *United States commences, the pumping and*  
24                    *treatment of groundwater from the Project shall*

1           *be deemed equivalent to the first use of water*  
2           *from a water storage project.*

3           (C) *CONTRACTS FOR DELIVERY OF EXCESS*  
4           *WATER.—There shall be no repayment obligation*  
5           *under this subsection for water delivered to the*  
6           *District under a contract described in subsection*  
7           *(d)(3).*

8           (2) *MODIFICATION OF RIGHTS AND OBLIGATION*  
9           *BY AGREEMENT.—The rights and obligations of the*  
10           *United States and the District regarding the repay-*  
11           *ment obligation of the District may be modified by an*  
12           *agreement between the parties.*

13           (f) *TRANSFER OF CARE, OPERATION, AND MAINTENANCE.—*

14           (1) *IN GENERAL.—The Secretary may transfer to*  
15           *the District, or a mutually agreed upon third party,*  
16           *the care, operation, and maintenance of the Project*  
17           *under conditions that are—*

18           (A) *satisfactory to the Secretary and the*  
19           *District; and*

20           (B) *with respect to the portion of the*  
21           *Project that is located within the boundaries of*  
22           *Camp Pendleton, satisfactory to the Secretary,*  
23           *the District, and the Secretary of the Navy.*

24           (2) *EQUITABLE CREDIT.—*

1           (A) *IN GENERAL.*—*In the event of a transfer*  
2           *under paragraph (1), the District shall be enti-*  
3           *tled to an equitable credit for the costs associated*  
4           *with the proportionate share of the Secretary of*  
5           *the operation and maintenance of the Project.*

6           (B) *APPLICATION.*—*The amount of costs de-*  
7           *scribed in subparagraph (A) shall be applied*  
8           *against the indebtedness of the District to the*  
9           *United States.*

10       (g) *SCOPE OF SECTION.*—

11           (1) *IN GENERAL.*—*Except as otherwise provided*  
12           *in this section, for the purpose of this section, the*  
13           *laws of the State of California shall apply to the*  
14           *rights of the United States pertaining to the use of*  
15           *water under this section.*

16           (2) *LIMITATIONS.*—*Nothing in this section—*

17           (A) *provides a grant or a relinquishment by*  
18           *the United States of any rights to the use of*  
19           *water that the United States acquired according*  
20           *to the laws of the State of California, either as*  
21           *a result of the acquisition of the land comprising*  
22           *Camp Joseph H. Pendleton and adjoining naval*  
23           *installations, and the rights to the use of water*  
24           *as a part of that acquisition, or through actual*

1           *use or prescription or both since the date of that*  
2           *acquisition, if any;*

3           *(B) creates any legal obligation to store any*  
4           *water in the Project, to the use of which the*  
5           *United States has those rights;*

6           *(C) requires the division under this section*  
7           *of water to which the United States has those*  
8           *rights; or*

9           *(D) constitutes a recognition of, or an ad-*  
10          *mission by the United States that, the District*  
11          *has any rights to the use of water in the Santa*  
12          *Margarita River, which rights, if any, exist only*  
13          *by virtue of the laws of the State of California.*

14          *(h) LIMITATIONS ON OPERATION AND ADMINISTRA-*  
15          *TION.—Unless otherwise agreed by the Secretary of the*  
16          *Navy, the Project—*

17                 *(1) shall be operated in a manner which allows*  
18                 *the free passage of all of the water to the use of which*  
19                 *the United States is entitled according to the laws of*  
20                 *the State of California either as a result of the acqui-*  
21                 *sition of the land comprising Camp Joseph H. Pen-*  
22                 *dleton and adjoining naval installations, and the*  
23                 *rights to the use of water as a part of those acquisi-*  
24                 *tions, or through actual use or prescription, or both,*  
25                 *since the date of that acquisition, if any; and*

1           (2) *shall not be administered or operated in any*  
2           *way that will impair or deplete the quantities of*  
3           *water the use of which the United States would be en-*  
4           *titled under the laws of the State of California had*  
5           *the Project not been built.*

6           (i) *REPORTS TO CONGRESS.*—*Not later than 2 years*  
7           *after the date of the enactment of this Act and periodically*  
8           *thereafter, the Secretary and the Secretary of the Navy shall*  
9           *each submit to the appropriate committees of Congress re-*  
10          *ports that describe whether the conditions specified in sub-*  
11          *section (b)(2) have been met and if so, the manner in which*  
12          *the conditions were met.*

13          (j) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
14          *authorized to be appropriated to carry out this section—*

15                 (1) *\$60,000,000, as adjusted to reflect the engi-*  
16                 *neering costs indices for the construction cost of the*  
17                 *Project; and*

18                 (2) *such sums as are necessary to operate and*  
19                 *maintain the Project.*

20          (k) *SUNSET.*—*The authority of the Secretary to com-*  
21          *plete construction of the Project shall terminate on the date*  
22          *that is 10 years after the date of enactment of this Act.*

23          **SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.**

24                 (a) *IN GENERAL.*—*The Reclamation Wastewater and*  
25                 *Groundwater Study and Facilities Act (Public Law 102—*

1 575, title XVI; 43 U.S.C. 390h et seq.) (as amended by sec-  
2 tion 9104(a)) is amended by adding at the end the fol-  
3 lowing:

4 **“SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT**  
5 **PROJECTS, CALIFORNIA.**

6 “(a) *AUTHORIZATION.*—The Secretary, in cooperation  
7 with the Elsinore Valley Municipal Water District, Cali-  
8 fornia, may participate in the design, planning, and con-  
9 struction of permanent facilities needed to establish recycled  
10 water distribution and wastewater treatment and reclama-  
11 tion facilities that will be used to treat wastewater and pro-  
12 vide recycled water in the Elsinore Valley Municipal Water  
13 District, California.

14 “(b) *COST SHARING.*—The Federal share of the cost of  
15 each project described in subsection (a) shall not exceed 25  
16 percent of the total cost of the project.

17 “(c) *LIMITATION.*—Funds provided by the Secretary  
18 under this section shall not be used for operation or mainte-  
19 nance of the projects described in subsection (a).

20 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
21 authorized to be appropriated to carry out this section  
22 \$12,500,000.”.

23 (b) *CLERICAL AMENDMENT.*—The table of sections in  
24 section 2 of Public Law 102–575 (as amended by section



1 9104(b)) is amended by inserting after the item relating  
 2 to section 1649 the following:

“Sec. 1650. *Elsinore Valley Municipal Water District Projects, California.*”.

3 **SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.**

4 (a) *PROJECT AUTHORIZATION.*—*The Reclamation*  
 5 *Wastewater and Groundwater Study and Facilities Act*  
 6 *(Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.)*  
 7 *(as amended by section 9109(a)) is amended by adding at*  
 8 *the end the following:*

9 **“SEC. 1651. NORTH BAY WATER REUSE PROGRAM.**

10 “(a) *DEFINITIONS.*—*In this section:*

11 “(1) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*  
 12 *ty’ means a member agency of the North Bay Water*  
 13 *Reuse Authority of the State located in the North San*  
 14 *Pablo Bay watershed in—*

15 “(A) *Marin County;*

16 “(B) *Napa County;*

17 “(C) *Solano County; or*

18 “(D) *Sonoma County.*

19 “(2) *WATER RECLAMATION AND REUSE*  
 20 *PROJECT.*—*The term ‘water reclamation and reuse*  
 21 *project’ means a project carried out by the Secretary*  
 22 *and an eligible entity in the North San Pablo Bay*  
 23 *watershed relating to—*

24 “(A) *water quality improvement;*

25 “(B) *wastewater treatment;*

1           “(C) *water reclamation and reuse;*

2           “(D) *groundwater recharge and protection;*

3           “(E) *surface water augmentation; or*

4           “(F) *other related improvements.*

5           “(3) *STATE.—The term ‘State’ means the State*  
6 *of California.*

7           “(b) *NORTH BAY WATER REUSE PROGRAM.—*

8           “(1) *IN GENERAL.—Contingent upon a finding*  
9 *of feasibility, the Secretary, acting through a coopera-*  
10 *tive agreement with the State or a subdivision of the*  
11 *State, is authorized to enter into cooperative agree-*  
12 *ments with eligible entities for the planning, design,*  
13 *and construction of water reclamation and reuse fa-*  
14 *cilities and recycled water conveyance and distribu-*  
15 *tion systems.*

16           “(2) *COORDINATION WITH OTHER FEDERAL*  
17 *AGENCIES.—In carrying out this section, the Sec-*  
18 *retary and the eligible entity shall, to the maximum*  
19 *extent practicable, use the design work and environ-*  
20 *mental evaluations initiated by—*

21           “(A) *non-Federal entities; and*

22           “(B) *the Corps of Engineers in the San*  
23 *Pablo Bay Watershed of the State.*

24           “(3) *PHASED PROJECT.—A cooperative agree-*  
25 *ment described in paragraph (1) shall require that*

1     *the North Bay Water Reuse Program carried out*  
2     *under this section shall consist of 2 phases as follows:*

3             “(A) *FIRST PHASE.—During the first*  
4             *phase, the Secretary and an eligible entity shall*  
5             *complete the planning, design, and construction*  
6             *of the main treatment and main conveyance sys-*  
7             *tems.*

8             “(B) *SECOND PHASE.—During the second*  
9             *phase, the Secretary and an eligible entity shall*  
10            *complete the planning, design, and construction*  
11            *of the sub-regional distribution systems.*

12            “(4) *COST SHARING.—*

13            “(A) *FEDERAL SHARE.—The Federal share*  
14            *of the cost of the first phase of the project author-*  
15            *ized by this section shall not exceed 25 percent*  
16            *of the total cost of the first phase of the project.*

17            “(B) *FORM OF NON-FEDERAL SHARE.—The*  
18            *non-Federal share may be in the form of any in-*  
19            *kind services that the Secretary determines*  
20            *would contribute substantially toward the com-*  
21            *pletion of the water reclamation and reuse*  
22            *project, including—*

23            “(i) *reasonable costs incurred by the el-*  
24            *igible entity relating to the planning, de-*

1           *sign, and construction of the water reclama-*  
2           *tion and reuse project; and*

3                   “(ii) *the acquisition costs of land ac-*  
4                   *quired for the project that is—*

5                           “(I) *used for planning, design,*  
6                           *and construction of the water reclama-*  
7                           *tion and reuse project facilities; and*

8                           “(II) *owned by an eligible entity*  
9                           *and directly related to the project.*

10                   “(C) *LIMITATION.—The Secretary shall not*  
11                   *provide funds for the operation and maintenance*  
12                   *of the project authorized by this section.*

13                   “(5) *EFFECT.—Nothing in this section—*

14                           “(A) *affects or preempts—*

15                                   “(i) *State water law; or*

16                                   “(ii) *an interstate compact relating to*  
17                                   *the allocation of water; or*

18                           “(B) *confers on any non-Federal entity the*  
19                           *ability to exercise any Federal right to—*

20                                   “(i) *the water of a stream; or*

21                                   “(ii) *any groundwater resource.*

22                   “(6) *AUTHORIZATION OF APPROPRIATIONS.—*

23                   *There is authorized to be appropriated for the Federal*  
24                   *share of the total cost of the first phase of the project*

1 authorized by this section \$25,000,000, to remain  
2 available until expended.”.

3 (b) *CONFORMING AMENDMENT.*—The table of sections  
4 in section 2 of Public Law 102–575 (as amended by section  
5 9109(b)) is amended by inserting after the item relating  
6 to section 1650 the following:

“Sec. 1651. North Bay water reuse program.”.

7 **SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM**  
8 **PROJECT, CALIFORNIA.**

9 (a) *PRADO BASIN NATURAL TREATMENT SYSTEM*  
10 *PROJECT.*—

11 (1) *IN GENERAL.*—The Reclamation Wastewater  
12 and Groundwater Study and Facilities Act (Public  
13 Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as  
14 amended by section 9110(a)) is amended by adding  
15 at the end the following:

16 **“SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM**  
17 **PROJECT.**

18 “(a) *IN GENERAL.*—The Secretary, in cooperation  
19 with the Orange County Water District, shall participate  
20 in the planning, design, and construction of natural treat-  
21 ment systems and wetlands for the flows of the Santa Ana  
22 River, California, and its tributaries into the Prado Basin.

23 “(b) *COST SHARING.*—The Federal share of the cost of  
24 the project described in subsection (a) shall not exceed 25  
25 percent of the total cost of the project.



1 *Utilities Agency, and the Santa Ana Watershed Project Au-*  
 2 *thority and acting under the Federal reclamation laws,*  
 3 *shall participate in the design, planning, and construction*  
 4 *of the Lower Chino Dairy Area desalination demonstration*  
 5 *and reclamation project.*

6 “(b) *COST SHARING.*—*The Federal share of the cost of*  
 7 *the project described in subsection (a) shall not exceed—*

8 “(1) *25 percent of the total cost of the project; or*

9 “(2) *\$26,000,000.*

10 “(c) *LIMITATION.*—*Funds provided by the Secretary*  
 11 *shall not be used for operation or maintenance of the project*  
 12 *described in subsection (a).*

13 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
 14 *are authorized to be appropriated such sums as are nec-*  
 15 *essary to carry out this section.*

16 “(e) *SUNSET OF AUTHORITY.*—*This section shall have*  
 17 *no effect after the date that is 10 years after the date of*  
 18 *the enactment of this section.”.*

19 (2) *CONFORMING AMENDMENT.*—*The table of sec-*  
 20 *tions in section 2 of Public Law 102–575 (43 U.S.C.*  
 21 *prec. 371) (as amended by subsection (a)(2)) is*  
 22 *amended by inserting after the last item the following:*

“1653. *Lower Chino dairy area desalination demonstration and reclamation*  
*project.”.*

23 (c) *ORANGE COUNTY REGIONAL WATER RECLAMATION*  
 24 *PROJECT.*—*Section 1624 of the Reclamation Wastewater*

1 *and Groundwater Study and Facilities Act (Public Law*  
 2 *102–575, title XVI; 43 U.S.C. 390h–12j) is amended—*

3 *(1) in the section heading, by striking the words*  
 4 *“**PHASE 1 OF THE**”; and*

5 *(2) in subsection (a), by striking “phase 1 of”.*

6 **SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALI-**  
 7 **FORNIA.**

8 *(a) DEFINITIONS.—In this section:*

9 *(1) DISTRICT.—The term “District” means the*  
 10 *Western Municipal Water District, Riverside County,*  
 11 *California.*

12 *(2) PROJECT.—*

13 *(A) IN GENERAL.—The term “Project”*  
 14 *means the Riverside-Corona Feeder Project.*

15 *(B) INCLUSIONS.—The term “Project” in-*  
 16 *cludes—*

17 *(i) 20 groundwater wells;*

18 *(ii) groundwater treatment facilities;*

19 *(iii) water storage and pumping facili-*  
 20 *ties; and*

21 *(iv) 28 miles of pipeline in San*  
 22 *Bernardino and Riverside Counties in the*  
 23 *State of California.*

24 *(C) SECRETARY.—The term “Secretary”*  
 25 *means the Secretary of the Interior.*



1       **(b) PLANNING, DESIGN, AND CONSTRUCTION OF RIV-**  
2 **ERSIDE-CORONA FEEDER.—**

3           **(1) IN GENERAL.—***The Secretary, in cooperation*  
4 *with the District, may participate in the planning,*  
5 *design, and construction of the Project.*

6           **(2) AGREEMENTS AND REGULATIONS.—***The Sec-*  
7 *retary may enter into such agreements and promul-*  
8 *gate such regulations as are necessary to carry out*  
9 *this subsection.*

10          **(3) FEDERAL SHARE.—**

11           **(A) PLANNING, DESIGN, CONSTRUCTION.—**  
12 *The Federal share of the cost to plan, design, and*  
13 *construct the Project shall not exceed the lesser*  
14 *of—*

15                   **(i)** *an amount equal to 25 percent of*  
16 *the total cost of the Project; and*

17                   **(ii)** *\$26,000,000.*

18           **(B) STUDIES.—***The Federal share of the*  
19 *cost to complete the necessary planning studies*  
20 *associated with the Project—*

21                   **(i)** *shall not exceed an amount equal to*  
22 *50 percent of the total cost of the studies;*  
23 *and*

24                   **(ii)** *shall be included as part of the*  
25 *limitation described in subparagraph (A).*

1           (4) *IN-KIND SERVICES.*—*The non-Federal share*  
 2           *of the cost of the Project may be provided in cash or*  
 3           *in kind.*

4           (5) *LIMITATION.*—*Funds provided by the Sec-*  
 5           *retary under this subsection shall not be used for op-*  
 6           *eration or maintenance of the Project.*

7           (6) *AUTHORIZATION OF APPROPRIATIONS.*—  
 8           *There is authorized to be appropriated to the Sec-*  
 9           *retary to carry out this subsection the lesser of—*

10                   (A) *an amount equal to 25 percent of the*  
 11                   *total cost of the Project; and*

12                   (B) *\$26,000,000.*

13 **SEC. 9113. GREAT PROJECT, CALIFORNIA.**

14           (a) *IN GENERAL.*—*The Reclamation Wastewater and*  
 15           *Groundwater Study and Facilities Act (title XVI of Public*  
 16           *Law 102–575; 43 U.S.C. 390h et seq.) (as amended by sec-*  
 17           *tion 9111(b)(1)) is amended by adding at the end the fol-*  
 18           *lowing:*

19 **“SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION,**  
 20                   **REUSE, AND TREATMENT PROJECT.**

21           “(a) *AUTHORIZATION.*—*The Secretary, in cooperation*  
 22           *with the City of Oxnard, California, may participate in*  
 23           *the design, planning, and construction of Phase I perma-*  
 24           *nent facilities for the GREAT project to reclaim, reuse, and*  
 25           *treat impaired water in the area of Oxnard, California.*

1       “(b) *COST SHARE.*—*The Federal share of the costs of*  
 2 *the project described in subsection (a) shall not exceed 25*  
 3 *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 de-*  
 10 *scribed 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 in*  
 16 *section 2 of the Reclamation Projects Authorization and Ad-*  
 17 *justment Act of 1992 (as amended by section 9111(b)(2))*  
 18 *is amended by inserting after the last item the following:*

“*Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment*  
*project.”.*

19 **SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.**

20       “(a) *IN GENERAL.*—*The Reclamation Wastewater and*  
 21 *Groundwater Study and Facilities Act (Public Law 102–*  
 22 *575, title XVI; 43 U.S.C. 390h et seq.) (as amended by sec-*  
 23 *tion 9113(a)) is amended by adding at the end the fol-*  
 24 *lowing:*

1 **“SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RE-**  
2 **NEWAL PROJECT.**

3 “(a) *AUTHORIZATION.*—*The Secretary, in cooperation*  
4 *with the Yucaipa Valley Water District, may participate*  
5 *in the design, planning, and construction of projects to treat*  
6 *impaired surface water, reclaim and reuse impaired*  
7 *groundwater, and provide brine disposal within the Santa*  
8 *Ana Watershed as described in the report submitted under*  
9 *section 1606.*

10 “(b) *COST SHARING.*—*The Federal share of the cost of*  
11 *the project described in subsection (a) shall not exceed 25*  
12 *percent of the total cost of the project.*

13 “(c) *LIMITATION.*—*Funds provided by the Secretary*  
14 *shall not be used for operation or maintenance of the project*  
15 *described in subsection (a).*

16 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
17 *authorized to be appropriated to carry out this section*  
18 *\$20,000,000.*

19 **“SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA,**  
20 **WATER RECYCLING AND REUSE PROJECT.**

21 “(a) *AUTHORIZATION.*—*The Secretary, in cooperation*  
22 *with the City of Corona Water Utility, California, is au-*  
23 *thorized to participate in the design, planning, and con-*  
24 *struction of, and land acquisition for, a project to reclaim*  
25 *and reuse wastewater, including degraded groundwaters,*

1 *within and outside of the service area of the City of Corona*  
 2 *Water Utility, California.*

3 “(b) *COST SHARE.*—*The Federal share of the cost of*  
 4 *the project authorized by this section shall not exceed 25*  
 5 *percent of the total cost of the project.*

6 “(c) *LIMITATION.*—*The Secretary shall not provide*  
 7 *funds for the operation and maintenance of the project au-*  
 8 *thorized by this section.”.*

9 (b) *CONFORMING AMENDMENTS.*—*The table of sections*  
 10 *in section 2 of Public Law 102–575 (as amended by section*  
 11 *9114(b)) is amended by inserting after the last item the fol-*  
 12 *lowing:*

“*Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.*

“*Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.”.*

13 **SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.**

14 (a) *COST SHARE.*—*The first section of Public Law 87–*  
 15 *590 (76 Stat. 389) is amended in the second sentence of*  
 16 *subsection (c) by inserting after “cost thereof,” the fol-*  
 17 *lowing: “or in the case of the Arkansas Valley Conduit, pay-*  
 18 *ment in an amount equal to 35 percent of the cost of the*  
 19 *conduit that is comprised of revenue generated by payments*  
 20 *pursuant to a repayment contract and revenue that may*  
 21 *be derived from contracts for the use of Fryingpan-Arkansas*  
 22 *project excess capacity or exchange contracts using*  
 23 *Fryingpan-Arkansas project facilities.”.*

1       **(b) RATES.**—*Section 2(b) of Public Law 87–590 (76*  
 2 *Stat. 390) is amended—*

3           *(1) by striking “(b) Rates” and inserting the fol-*  
 4 *lowing:*

5       **“(b) RATES.**—

6           **“(1) IN GENERAL.—Rates”;** and

7           **(2) by adding at the end the following:**

8           **“(2) RUEDI DAM AND RESERVOIR, FOUNTAIN**  
 9 **VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT**  
 10 **PUEBLO DAM AND RESERVOIR.—**

11           **“(A) IN GENERAL.—***Notwithstanding the*  
 12 *reclamation laws, until the date on which the*  
 13 *payments for the Arkansas Valley Conduit under*  
 14 *paragraph (3) begin, any revenue that may be*  
 15 *derived from contracts for the use of Fryingpan-*  
 16 *Arkansas project excess capacity or exchange*  
 17 *contracts using Fryingpan-Arkansas project fa-*  
 18 *ilities shall be credited towards payment of the*  
 19 *actual cost of Ruedi Dam and Reservoir, the*  
 20 *Fountain Valley Pipeline, and the South Outlet*  
 21 *Works at Pueblo Dam and Reservoir plus inter-*  
 22 *est in an amount determined in accordance with*  
 23 *this section.*

24           **“(B) EFFECT.—***Nothing in the Federal rec-*  
 25 *lamation law (the Act of June 17, 1902 (32 Stat.*

1           388, chapter 1093), and Acts supplemental to  
2           and amendatory of that Act (43 U.S.C. 371 et  
3           seq.)) prohibits the concurrent crediting of rev-  
4           enue (with interest as provided under this sec-  
5           tion) towards payment of the Arkansas Valley  
6           Conduit as provided under this paragraph.

7           “(3) ARKANSAS VALLEY CONDUIT.—

8                   “(A) USE OF REVENUE.—Notwithstanding  
9                   the reclamation laws, any revenue derived from  
10                   contracts for the use of Fryingpan-Arkansas  
11                   project excess capacity or exchange contracts  
12                   using Fryingpan-Arkansas project facilities shall  
13                   be credited towards payment of the actual cost of  
14                   the Arkansas Valley Conduit plus interest in an  
15                   amount determined in accordance with this sec-  
16                   tion.

17                   “(B) ADJUSTMENT OF RATES.—Any rates  
18                   charged under this section for water for munic-  
19                   ipal, domestic, or industrial use or for the use of  
20                   facilities for the storage or delivery of water shall  
21                   be adjusted to reflect the estimated revenue de-  
22                   rived from contracts for the use of Fryingpan-  
23                   Arkansas project excess capacity or exchange  
24                   contracts using Fryingpan-Arkansas project fa-  
25                   cilities.”.

1       (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section 7  
2 of Public Law 87–590 (76 Stat. 393) is amended—

3               (1) by striking “SEC. 7. There is hereby” and in-  
4       serting the following:

5       **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6               “(a) *IN GENERAL.*—There is”; and

7               (2) by adding at the end the following:

8               “(b) *ARKANSAS VALLEY CONDUIT.*—

9               “(1) *IN GENERAL.*—Subject to annual appro-  
10       priations and paragraph (2), there are authorized to  
11       be appropriated such sums as are necessary for the  
12       construction of the Arkansas Valley Conduit.

13              “(2) *LIMITATION.*—Amounts made available  
14       under paragraph (1) shall not be used for the oper-  
15       ation or maintenance of the Arkansas Valley Con-  
16       duit.”.

17       ***Subtitle C—Title Transfers and***  
18       ***Clarifications***

19       ***SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FA-***  
20       ***CILITIES.***

21              (a) *DEFINITIONS.*—In this section:

22              (1) *AGREEMENT.*—The term “Agreement” means  
23       the agreement numbered 06–AG–60–2115 and entitled  
24       “Agreement Between the United States of America  
25       and McGee Creek Authority for the Purpose of Defini-



1        *ing Responsibilities Related to and Implementing the*  
 2        *Title Transfer of Certain Facilities at the McGee*  
 3        *Creek Project, Oklahoma”.*

4            (2) *AUTHORITY.*—*The term “Authority” means*  
 5        *the McGee Creek Authority located in Oklahoma City,*  
 6        *Oklahoma.*

7            (3) *SECRETARY.*—*The term “Secretary” means*  
 8        *the Secretary of the Interior.*

9        (b) *CONVEYANCE OF MCGEE CREEK PROJECT PIPE-*  
 10       *LINE AND ASSOCIATED FACILITIES.*—

11            (1) *AUTHORITY TO CONVEY.*—

12            (A) *IN GENERAL.*—*In accordance with all*  
 13        *applicable laws and consistent with any terms*  
 14        *and conditions provided in the Agreement, the*  
 15        *Secretary may convey to the Authority all right,*  
 16        *title, and interest of the United States in and to*  
 17        *the pipeline and any associated facilities de-*  
 18        *scribed in the Agreement, including—*

19            (i) *the pumping plant;*

20            (ii) *the raw water pipeline from the*  
 21        *McGee Creek pumping plant to the rate of*  
 22        *flow control station at Lake Atoka;*

23            (iii) *the surge tank;*

24            (iv) *the regulating tank;*

1           (v) *the McGee Creek operation and*  
2           *maintenance complex, maintenance shop,*  
3           *and pole barn; and*

4           (vi) *any other appurtenances, ease-*  
5           *ments, and fee title land associated with the*  
6           *facilities described in clauses (i) through*  
7           *(v), in accordance with the Agreement.*

8           (B) *EXCLUSION OF MINERAL ESTATE FROM*  
9           *CONVEYANCE.—*

10           (i) *IN GENERAL.—The mineral estate*  
11           *shall be excluded from the conveyance of*  
12           *any land or facilities under subparagraph*  
13           *(A).*

14           (ii) *MANAGEMENT.—Any mineral in-*  
15           *terests retained by the United States under*  
16           *this section shall be managed—*

17                   (I) *consistent with Federal law;*  
18                   *and*

19                   (II) *in a manner that would not*  
20                   *interfere with the purposes for which*  
21                   *the McGee Creek Project was author-*  
22                   *ized.*

23           (C) *COMPLIANCE WITH AGREEMENT; APPLI-*  
24           *CABLE LAW.—*

1           (i) *AGREEMENT.*—All parties to the  
2           conveyance under subparagraph (A) shall  
3           comply with the terms and conditions of the  
4           Agreement, to the extent consistent with this  
5           section.

6           (ii) *APPLICABLE LAW.*—Before any  
7           conveyance under subparagraph (A), the  
8           Secretary shall complete any actions re-  
9           quired under—

10                   (I) *the National Environmental*  
11                   *Policy Act of 1969 (42 U.S.C. 4321 et*  
12                   *seq.);*

13                   (II) *the Endangered Species Act*  
14                   *of 1973 (16 U.S.C. 1531 et seq.);*

15                   (III) *the National Historic Pres-*  
16                   *ervation Act (16 U.S.C. 470 et seq.);*  
17                   and

18                   (IV) *any other applicable laws.*

19           (2) *OPERATION OF TRANSFERRED FACILITIES.*—

20                   (A) *IN GENERAL.*—On the conveyance of the  
21                   land and facilities under paragraph (1)(A), the  
22                   Authority shall comply with all applicable Fed-  
23                   eral, State, and local laws (including regula-  
24                   tions) in the operation of any transferred facili-  
25                   ties.

1                   (B)    OPERATION    AND    MAINTENANCE  
2                   COSTS.—

3                   (i) *IN GENERAL.*—*After the conveyance*  
4                   *of the land and facilities under paragraph*  
5                   *(1)(A) and consistent with the Agreement,*  
6                   *the Authority shall be responsible for all du-*  
7                   *ties and costs associated with the operation,*  
8                   *replacement, maintenance, enhancement,*  
9                   *and betterment of the transferred land and*  
10                   *facilities.*

11                   (ii) *LIMITATION ON FUNDING.*—*The*  
12                   *Authority shall not be eligible to receive any*  
13                   *Federal funding to assist in the operation,*  
14                   *replacement, maintenance, enhancement,*  
15                   *and betterment of the transferred land and*  
16                   *facilities, except for funding that would be*  
17                   *available to any comparable entity that is*  
18                   *not subject to reclamation laws.*

19                   (3) *RELEASE FROM LIABILITY.*—

20                   (A) *IN GENERAL.*—*Effective beginning on*  
21                   *the date of the conveyance of the land and facili-*  
22                   *ties under paragraph (1)(A), the United States*  
23                   *shall not be liable for damages of any kind aris-*  
24                   *ing out of any act, omission, or occurrence relat-*  
25                   *ing to any land or facilities conveyed, except for*

1           *damages caused by acts of negligence committed*  
2           *by the United States (including any employee or*  
3           *agent of the United States) before the date of the*  
4           *conveyance.*

5           *(B) NO ADDITIONAL LIABILITY.—Nothing in*  
6           *this paragraph adds to any liability that the*  
7           *United States may have under chapter 171 of*  
8           *title 28, United States Code.*

9           *(4) CONTRACTUAL OBLIGATIONS.—*

10           *(A) IN GENERAL.—Except as provided in*  
11           *subparagraph (B), any rights and obligations*  
12           *under the contract numbered 0–07–50–X0822*  
13           *and dated October 11, 1979, between the Author-*  
14           *ity and the United States for the construction,*  
15           *operation, and maintenance of the McGee Creek*  
16           *Project, shall remain in full force and effect.*

17           *(B) AMENDMENTS.—With the consent of the*  
18           *Authority, the Secretary may amend the contract*  
19           *described in subparagraph (A) to reflect the con-*  
20           *veyance of the land and facilities under para-*  
21           *graph (1)(A).*

22           *(5) APPLICABILITY OF THE RECLAMATION*  
23           *LAWS.—Notwithstanding the conveyance of the land*  
24           *and facilities under paragraph (1)(A), the reclama-*

1        *tion laws shall continue to apply to any project water*  
 2        *provided to the Authority.*

3    **SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO,**  
 4                                    **TITLE CLARIFICATION.**

5        (a) *PURPOSE.*—*The purpose of this section is to direct*  
 6        *the Secretary of the Interior to issue a quitclaim deed con-*  
 7        *veying any right, title, and interest the United States may*  
 8        *have in and to Tingley Beach, San Gabriel Park, or the*  
 9        *BioPark Parcels to the City, thereby removing a potential*  
 10       *cloud on the City’s title to these lands.*

11       (b) *DEFINITIONS.*—*In this section:*

12            (1) *CITY.*—*The term “City” means the City of*  
 13        *Albuquerque, New Mexico.*

14            (2) *BIOPARK PARCELS.*—*The term “BioPark*  
 15        *Parcels” means a certain area of land containing*  
 16        *19.16 acres, more or less, situated within the Town of*  
 17        *Albuquerque Grant, in Projected Section 13, Town-*  
 18        *ship 10 North, Range 2 East, N.M.P.M., City of Albu-*  
 19        *querque, Bernalillo County, New Mexico, comprised of*  
 20        *the following platted tracts and lot, and MRGCD*  
 21        *tracts:*

22                    (A) *Tracts A and B, Albuquerque Biological*  
 23        *Park, as the same are shown and designated on*  
 24        *the Plat of Tracts A & B, Albuquerque Biological*  
 25        *Park, recorded in the Office of the County Clerk*

1           *of Bernalillo County, New Mexico on February*  
2           *11, 1994 in Book 94C, Page 44; containing*  
3           *17.9051 acres, more or less.*

4           *(B) Lot B-1, Roger Cox Addition, as the*  
5           *same is shown and designated on the Plat of*  
6           *Lots B-1 and B-2 Roger Cox Addition, recorded*  
7           *in the Office of the County Clerk of Bernalillo*  
8           *County, New Mexico on October 3, 1985 in Book*  
9           *C28, Page 99; containing 0.6289 acres, more or*  
10          *less.*

11          *(C) Tract 361 of MRGCD Map 38, bounded*  
12          *on the north by Tract A, Albuquerque Biological*  
13          *Park, on the east by the westerly right-of-way of*  
14          *Central Avenue, on the south by Tract 332B*  
15          *MRGCD Map 38, and on the west by Tract B,*  
16          *Albuquerque Biological Park; containing 0.30*  
17          *acres, more or less.*

18          *(D) Tract 332B of MRGCD Map 38; bound-*  
19          *ed on the north by Tract 361, MRGCD Map 38,*  
20          *on the west by Tract 32A-1-A, MRGCD Map*  
21          *38, and on the south and east by the westerly*  
22          *right-of-way of Central Avenue; containing 0.25*  
23          *acres, more or less.*

24          *(E) Tract 331A-1A of MRGCD Map 38,*  
25          *bounded on the west by Tract B, Albuquerque*

1            *Biological Park, on the east by Tract 332B,*  
2            *MRGCD Map 38, and on the south by the west-*  
3            *erly right-of-way of Central Avenue and Tract A,*  
4            *Albuquerque Biological Park; containing 0.08*  
5            *acres, more or less.*

6            (3) *MIDDLE RIO GRANDE CONSERVANCY DIS-*  
7            *TRICT.—The terms “Middle Rio Grande Conservancy*  
8            *District” and “MRGCD” mean a political subdivi-*  
9            *sion of the State of New Mexico, created in 1925 to*  
10           *provide and maintain flood protection and drainage,*  
11           *and maintenance of ditches, canals, and distribution*  
12           *systems for irrigation and water delivery and oper-*  
13           *ations in the Middle Rio Grande Valley.*

14           (4) *MIDDLE RIO GRANDE PROJECT.—The term*  
15           *“Middle Rio Grande Project” means the works associ-*  
16           *ated with water deliveries and operations in the Rio*  
17           *Grande basin as authorized by the Flood Control Act*  
18           *of 1948 (Public Law 80–858; 62 Stat. 1175) and the*  
19           *Flood Control Act of 1950 (Public Law 81–516; 64*  
20           *Stat. 170).*

21           (5) *SAN GABRIEL PARK.—The term “San Gabriel*  
22           *Park” means the tract of land containing 40.2236*  
23           *acres, more or less, situated within Section 12 and*  
24           *Section 13, T10N, R2E, N.M.P.M., City of Albu-*  
25           *querque, Bernalillo County, New Mexico, and de-*



1 *scribed by New Mexico State Plane Grid Bearings*  
2 *(Central Zone) and ground distances in a Special*  
3 *Warranty Deed conveying the property from MRGCD*  
4 *to the City, dated November 25, 1997.*

5 (6) *TINGLEY BEACH.—The term “Tingley*  
6 *Beach” means the tract of land containing 25.2005*  
7 *acres, more or less, situated within Section 13 and*  
8 *Section 24, T10N, R2E, and secs. 18 and 19, T10N,*  
9 *R3E, N.M.P.M., City of Albuquerque, Bernalillo*  
10 *County, New Mexico, and described by New Mexico*  
11 *State Plane Grid Bearings (Central Zone) and*  
12 *ground distances in a Special Warranty Deed con-*  
13 *veying the property from MRGCD to the City, dated*  
14 *November 25, 1997.*

15 (c) *CLARIFICATION OF PROPERTY INTEREST.—*

16 (1) *REQUIRED ACTION.—The Secretary of the In-*  
17 *terior shall issue a quitclaim deed conveying any*  
18 *right, title, and interest the United States may have*  
19 *in and to Tingley Beach, San Gabriel Park, and the*  
20 *BioPark Parcels to the City.*

21 (2) *TIMING.—The Secretary shall carry out the*  
22 *action in paragraph (1) as soon as practicable after*  
23 *the date of enactment of this Act and in accordance*  
24 *with all applicable law.*



1     *States and the District, entitled “Agreement Between*  
2     *the United States and the Goleta Water District to*  
3     *Transfer Title of the Federally Owned Distribution*  
4     *System to the Goleta Water District”.*

5             (2) *DISTRICT.*—*The term “District” means the*  
6     *Goleta Water District, located in Santa Barbara*  
7     *County, California.*

8             (3) *GOLETA WATER DISTRIBUTION SYSTEM.*—*The*  
9     *term “Goleta Water Distribution System” means the*  
10    *facilities constructed by the United States to enable*  
11    *the District to convey water to its water users, and*  
12    *associated lands, as described in Appendix A of the*  
13    *Agreement.*

14            (4) *SECRETARY.*—*The term “Secretary” means*  
15    *the Secretary of the Interior.*

16            (b) *CONVEYANCE OF THE GOLETA WATER DISTRIBUTION*  
17    *SYSTEM.*—*The Secretary is authorized to convey to*  
18    *the District all right, title, and interest of the United States*  
19    *in and to the Goleta Water Distribution System of the*  
20    *Cachuma Project, California, subject to valid existing rights*  
21    *and consistent with the terms and conditions set forth in*  
22    *the Agreement.*

23            (c) *LIABILITY.*—*Effective upon the date of the convey-*  
24    *ance authorized by subsection (b), the United States shall*  
25    *not be held liable by any court for damages of any kind*

1 *arising out of any act, omission, or occurrence relating to*  
2 *the lands, buildings, or facilities conveyed under this sec-*  
3 *tion, except for damages caused by acts of negligence com-*  
4 *mitted by the United States or by its employees or agents*  
5 *prior to the date of conveyance. Nothing in this section in-*  
6 *creases the liability of the United States beyond that pro-*  
7 *vided in chapter 171 of title 28, United States Code (popu-*  
8 *larly known as the Federal Tort Claims Act).*

9       *(d) BENEFITS.—After conveyance of the Goleta Water*  
10 *Distribution System under this section—*

11           *(1) such distribution system shall not be consid-*  
12 *ered to be a part of a Federal reclamation project;*  
13 *and*

14           *(2) the District shall not be eligible to receive*  
15 *any benefits with respect to any facility comprising*  
16 *the Goleta Water Distribution System, except benefits*  
17 *that would be available to a similarly situated entity*  
18 *with respect to property that is not part of a Federal*  
19 *reclamation project.*

20       *(e) COMPLIANCE WITH OTHER LAWS.—*

21           *(1) COMPLIANCE WITH ENVIRONMENTAL AND*  
22 *HISTORIC PRESERVATION LAWS.—Prior to any con-*  
23 *veyance under this section, the Secretary shall com-*  
24 *plete all actions required under the National Envi-*  
25 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et*

1       *seq.*), the *Endangered Species Act of 1973* (16 U.S.C.  
2       1531 *et seq.*), the *National Historic Preservation Act*  
3       (16 U.S.C. 470 *et seq.*), and all other applicable laws.

4               (2) *COMPLIANCE BY THE DISTRICT.*—Upon the  
5       conveyance of the *Goleta Water Distribution System*  
6       under this section, the District shall comply with all  
7       applicable Federal, State, and local laws and regula-  
8       tions in its operation of the facilities that are trans-  
9       ferred.

10              (3) *APPLICABLE AUTHORITY.*—All provisions of  
11       Federal reclamation law (the Act of June 17, 1902  
12       (43 U.S.C. 371 *et seq.*) and Acts supplemental to and  
13       amendatory of that Act) shall continue to be applica-  
14       ble to project water provided to the District.

15              (f) *REPORT.*—If, 12 months after the date of the enact-  
16       ment of this Act, the Secretary has not completed the con-  
17       veyance required under subsection (b), the Secretary shall  
18       complete a report that states the reason the conveyance has  
19       not been completed and the date by which the conveyance  
20       shall be completed. The Secretary shall submit a report re-  
21       quired under this subsection to Congress not later than 14  
22       months after the date of the enactment of this Act.

1       ***Subtitle D—San Gabriel Basin***  
2                   ***Restoration Fund***

3   **SEC. 9301. RESTORATION FUND.**

4       *Section 110 of division B of the Miscellaneous Appro-*  
5 *priations Act, 2001 (114 Stat. 2763A–222), as enacted into*  
6 *law by section 1(a)(4) of the Consolidated Appropriations*  
7 *Act, 2001 (Public Law 106–554, as amended by Public Law*  
8 *107–66), is further amended—*

9           (1) *in subsection (a)(3)(B), by inserting after*  
10 *clause (iii) the following:*

11                   “(iv) *NON-FEDERAL MATCH.—After*  
12 *\$85,000,000 has cumulatively been appro-*  
13 *priated under subsection (d)(1), the remain-*  
14 *der of Federal funds appropriated under*  
15 *subsection (d) shall be subject to the fol-*  
16 *lowing matching requirement:*

17                           “(I) *SAN GABRIEL BASIN WATER*  
18 *QUALITY AUTHORITY.—The San Ga-*  
19 *briel Basin Water Quality Authority*  
20 *shall be responsible for providing a 35*  
21 *percent non-Federal match for Federal*  
22 *funds made available to the Authority*  
23 *under this Act.*

24                           “(II) *CENTRAL BASIN MUNICIPAL*  
25 *WATER DISTRICT.—The Central Basin*

1                    *Municipal Water District shall be re-*  
2                    *sponsible for providing a 35 percent*  
3                    *non-Federal match for Federal funds*  
4                    *made available to the District under*  
5                    *this Act.”;*

6                    *(2) in subsection (a), by adding at the end the*  
7                    *following:*

8                    *“(4) INTEREST ON FUNDS IN RESTORATION*  
9                    *FUND.—No amounts appropriated above the cumu-*  
10                    *lative amount of \$85,000,000 to the Restoration Fund*  
11                    *under subsection (d)(1) shall be invested by the Sec-*  
12                    *retary of the Treasury in interest-bearing securities of*  
13                    *the United States.”; and*

14                    *(3) by amending subsection (d) to read as fol-*  
15                    *lows:*

16                    *“(d) AUTHORIZATION OF APPROPRIATIONS.—*

17                    *“(1) IN GENERAL.—There is authorized to be ap-*  
18                    *propriated to the Restoration Fund established under*  
19                    *subsection (a) \$146,200,000. Such funds shall remain*  
20                    *available until expended.*

21                    *“(2) SET-ASIDE.—Of the amounts appropriated*  
22                    *under paragraph (1), no more than \$21,200,000 shall*  
23                    *be made available to carry out the Central Basin*  
24                    *Water Quality Project.”.*

1 ***Subtitle E—Lower Colorado River***  
2 ***Multi-Species Conservation Pro-***  
3 ***gram***

4 ***SEC. 9401. DEFINITIONS.***

5 *In this subtitle:*

6 (1) *LOWER COLORADO RIVER MULTI-SPECIES*  
7 *CONSERVATION PROGRAM.—The term “Lower Colo-*  
8 *rado River Multi-Species Conservation Program” or*  
9 *“LCR MSCP” means the cooperative effort on the*  
10 *Lower Colorado River between Federal and non-Fed-*  
11 *eral entities in Arizona, California, and Nevada ap-*  
12 *proved by the Secretary of the Interior on April 2,*  
13 *2005.*

14 (2) *LOWER COLORADO RIVER.—The term “Lower*  
15 *Colorado River” means the segment of the Colorado*  
16 *River within the planning area as provided in section*  
17 *2(B) of the Implementing Agreement, a Program Doc-*  
18 *ument.*

19 (3) *PROGRAM DOCUMENTS.—The term “Program*  
20 *Documents” means the Habitat Conservation Plan,*  
21 *Biological Assessment and Biological and Conference*  
22 *Opinion, Environmental Impact Statement/Environ-*  
23 *mental Impact Report, Funding and Management*  
24 *Agreement, Implementing Agreement, and Section*  
25 *10(a)(1)(B) Permit issued and, as applicable, exe-*



1        *cuted in connection with the LCR MSCP, and any*  
2        *amendments or successor documents that are devel-*  
3        *oped consistent with existing agreements and applica-*  
4        *ble law.*

5            (4) *SECRETARY.*—*The term “Secretary” means*  
6        *the Secretary of the Interior.*

7            (5) *STATE.*—*The term “State” means each of the*  
8        *States of Arizona, California, and Nevada.*

9        **SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.**

10        (a) *IMPLEMENTATION.*—*The Secretary is authorized to*  
11        *manage and implement the LCR MSCP in accordance with*  
12        *the Program Documents.*

13        (b) *WATER ACCOUNTING.*—*The Secretary is authorized*  
14        *to enter into an agreement with the States providing for*  
15        *the use of water from the Lower Colorado River for habitat*  
16        *creation and maintenance in accordance with the Program*  
17        *Documents.*

18        **SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.**

19        (a) *IN GENERAL.*—*Due to the unique conditions of the*  
20        *Colorado River, any party to the Funding and Management*  
21        *Agreement or the Implementing Agreement, and any per-*  
22        *mittee under the Section 10(a)(1)(B) Permit, may com-*  
23        *mence a civil action in United States district court to adju-*  
24        *dicate, confirm, validate or decree the rights and obligations*  
25        *of the parties under those Program Documents.*

1       **(b) JURISDICTION.**—*The district court shall have juris-*  
2 *isdiction over such actions and may issue such orders, judg-*  
3 *ments, and decrees as are consistent with the court’s exercise*  
4 *of jurisdiction under this section.*

5       **(c) UNITED STATES AS DEFENDANT.**—

6           **(1) IN GENERAL.**—*The United States or any*  
7 *agency of the United States may be named as a de-*  
8 *fendant in such actions.*

9           **(2) SOVEREIGN IMMUNITY.**—*Subject to para-*  
10 *graph (3), the sovereign immunity of the United*  
11 *States is waived for purposes of actions commenced*  
12 *pursuant to this section.*

13           **(3) NONWAIVER FOR CERTAIN CLAIMS.**—*Nothing*  
14 *in this section waives the sovereign immunity of the*  
15 *United States to claims for money damages, monetary*  
16 *compensation, the provision of indemnity, or any*  
17 *claim seeking money from the United States.*

18       **(d) RIGHTS UNDER FEDERAL AND STATE LAW.**—

19           **(1) IN GENERAL.**—*Except as specifically pro-*  
20 *vided in this section, nothing in this section limits*  
21 *any rights or obligations of any party under Federal*  
22 *or State law.*

23           **(2) APPLICABILITY TO LOWER COLORADO RIVER**  
24 **MULTI-SPECIES CONSERVATION PROGRAM.**—*This sec-*  
25 *tion—*

1           (A) shall apply only to the Lower Colorado  
2           River Multi-Species Conservation Program; and

3           (B) shall not affect the terms of, or rights  
4           or obligations under, any other conservation  
5           plan created pursuant to any Federal or State  
6           law.

7           (e) *VENUE*.—Any suit pursuant to this section may  
8           be brought in any United States district court in the State  
9           in which any non-Federal party to the suit is situated.

10   **SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.**

11           (a) *IN GENERAL*.—There is authorized to be appro-  
12           priated to the Secretary such sums as may be necessary to  
13           meet the obligations of the Secretary under the Program  
14           Documents, to remain available until expended.

15           (b) *NON-REIMBURSABLE AND NON-RETURNABLE*.—All  
16           amounts appropriated to and expended by the Secretary for  
17           the LCR MSCP shall be non-reimbursable and non-return-  
18           able.

19           ***Subtitle F—Secure Water***

20   **SEC. 9501. FINDINGS.**

21           Congress finds that—

22           (1) adequate and safe supplies of water are fun-  
23           damental to the health, economy, security, and ecol-  
24           ogy of the United States;

1           (2) *systematic data-gathering with respect to,*  
2           *and research and development of, the water resources*  
3           *of the United States will help ensure the continued ex-*  
4           *istence of sufficient quantities of water to support—*

5                     (A) *increasing populations;*

6                     (B) *economic growth;*

7                     (C) *irrigated agriculture;*

8                     (D) *energy production; and*

9                     (E) *the protection of aquatic ecosystems;*

10           (3) *global climate change poses a significant*  
11           *challenge to the protection and use of the water re-*  
12           *sources of the United States due to an increased un-*  
13           *certainty with respect to the timing, form, and geo-*  
14           *graphical distribution of precipitation, which may*  
15           *have a substantial effect on the supplies of water for*  
16           *agricultural, hydroelectric power, industrial, domestic*  
17           *supply, and environmental needs;*

18           (4) *although States bear the primary responsi-*  
19           *bility and authority for managing the water resources*  
20           *of the United States, the Federal Government should*  
21           *support the States, as well as regional, local, and*  
22           *tribal governments, by carrying out—*

23                     (A) *nationwide data collection and moni-*  
24                     *toring activities;*

25                     (B) *relevant research; and*

1           (C) activities to increase the efficiency of the  
2           use of water in the United States;

3           (5) Federal agencies that conduct water manage-  
4           ment and related activities have a responsibility—

5           (A) to take a lead role in assessing risks to  
6           the water resources of the United States (includ-  
7           ing risks posed by global climate change); and

8           (B) to develop strategies—

9           (i) to mitigate the potential impacts of  
10           each risk described in subparagraph (A);  
11           and

12           (ii) to help ensure that the long-term  
13           water resources management of the United  
14           States is sustainable and will ensure sus-  
15           tainable quantities of water;

16           (6) it is critical to continue and expand research  
17           and monitoring efforts—

18           (A) to improve the understanding of the  
19           variability of the water cycle; and

20           (B) to provide basic information nec-  
21           essary—

22           (i) to manage and efficiently use the  
23           water resources of the United States; and

24           (ii) to identify new supplies of water  
25           that are capable of being reclaimed; and

1           (7) *the study of water use is vital—*

2                   (A) *to the understanding of the impacts of*  
3           *human activity on water and ecological re-*  
4           *sources; and*

5                   (B) *to the assessment of whether available*  
6           *surface and groundwater supplies will be avail-*  
7           *able to meet the future needs of the United*  
8           *States.*

9   **SEC. 9502. DEFINITIONS.**

10    *In this section:*

11           (1) *ADMINISTRATOR.—The term “Adminis-*  
12           *trator” means the Administrator of the National Oce-*  
13           *anic and Atmospheric Administration.*

14           (2) *ADVISORY COMMITTEE.—The term “Advisory*  
15           *Committee” means the National Advisory Committee*  
16           *on Water Information established—*

17                   (A) *under the Office of Management and*  
18           *Budget Circular 92–01; and*

19                   (B) *to coordinate water data collection ac-*  
20           *tivities.*

21           (3) *ASSESSMENT PROGRAM.—The term “assess-*  
22           *ment program” means the water availability and use*  
23           *assessment program established by the Secretary*  
24           *under section 9508(a).*

1           (4) *CLIMATE DIVISION*.—The term “climate divi-  
2           sion” means 1 of the 359 divisions in the United  
3           States that represents 2 or more regions located with-  
4           in a State that are as climatically homogeneous as  
5           possible, as determined by the Administrator.

6           (5) *COMMISSIONER*.—The term “Commissioner”  
7           means the Commissioner of Reclamation.

8           (6) *DIRECTOR*.—The term “Director” means the  
9           Director of the United States Geological Survey.

10          (7) *ELIGIBLE APPLICANT*.—The term “eligible  
11          applicant” means any State, Indian tribe, irrigation  
12          district, water district, or other organization with  
13          water or power delivery authority.

14          (8) *FEDERAL POWER MARKETING ADMINISTRA-*  
15          *TION*.—The term “Federal Power Marketing Adminis-

16          tration” means—

17                 (A) the Bonneville Power Administration;

18                 (B) the Southeastern Power Administration;

19                 (C) the Southwestern Power Administra-  
20                 tion; and

21                 (D) the Western Area Power Administra-  
22                 tion.

23          (9) *HYDROLOGIC ACCOUNTING UNIT*.—The term  
24          “hydrologic accounting unit” means 1 of the 352

1 *river basin hydrologic accounting units used by the*  
2 *United States Geological Survey.*

3 (10) *INDIAN TRIBE.*—*The term “Indian tribe”*  
4 *has the meaning given the term in section 4 of the In-*  
5 *dian Self-Determination and Education Assistance*  
6 *Act (25 U.S.C. 450b).*

7 (11) *MAJOR AQUIFER SYSTEM.*—*The term*  
8 *“major aquifer system” means a groundwater system*  
9 *that is—*

10 (A) *identified as a significant groundwater*  
11 *system by the Director; and*

12 (B) *included in the Groundwater Atlas of*  
13 *the United States, published by the United*  
14 *States Geological Survey.*

15 (12) *MAJOR RECLAMATION RIVER BASIN.*—

16 (A) *IN GENERAL.*—*The term “major rec-*  
17 *lamation river basin” means each major river*  
18 *system (including tributaries)—*

19 (i) *that is located in a service area of*  
20 *the Bureau of Reclamation; and*

21 (ii) *at which is located a federally au-*  
22 *thorized project of the Bureau of Reclama-*  
23 *tion.*

24 (B) *INCLUSIONS.*—*The term “major rec-*  
25 *lamation river basin” includes—*



- 1                   (i) *the Colorado River*;
- 2                   (ii) *the Columbia River*;
- 3                   (iii) *the Klamath River*;
- 4                   (iv) *the Missouri River*;
- 5                   (v) *the Rio Grande*;
- 6                   (vi) *the Sacramento River*;
- 7                   (vii) *the San Joaquin River*; and
- 8                   (viii) *the Truckee River*.

9                   (13) *NON-FEDERAL PARTICIPANT*.—*The term*  
10                   “*non-Federal participant*” *means—*

- 11                   (A) *a State, regional, or local authority*;
- 12                   (B) *an Indian tribe or tribal organization*;
- 13                   or
- 14                   (C) *any other qualifying entity, such as a*  
15                   *water conservation district, water conservancy*  
16                   *district, or rural water district or association, or*  
17                   *a nongovernmental organization*.

18                   (14) *PANEL*.—*The term “panel” means the cli-*  
19                   *mate change and water intragovernmental panel es-*  
20                   *tablished by the Secretary under section 9506(a)*.

21                   (15) *PROGRAM*.—*The term “program” means the*  
22                   *regional integrated sciences and assessments pro-*  
23                   *gram—*

- 24                   (A) *established by the Administrator*; and

1           (B) that is comprised of 8 regional pro-  
2           grams that use advances in integrated climate  
3           sciences to assist decisionmaking processes.

4           (16) *SECRETARY.*—

5           (A) *IN GENERAL.*—*Except as provided in*  
6           *subparagraph (B), the term “Secretary” means*  
7           *the Secretary of the Interior.*

8           (B) *EXCEPTIONS.*—*The term “Secretary”*  
9           *means—*

10           (i) *in the case of sections 9503, 9504,*  
11           *and 9509, the Secretary of the Interior (act-*  
12           *ing through the Commissioner); and*

13           (ii) *in the case of sections 9507 and*  
14           *9508, the Secretary of the Interior (acting*  
15           *through the Director).*

16           (17) *SERVICE AREA.*—*The term “service area”*  
17           *means any area that encompasses a watershed that*  
18           *contains a federally authorized reclamation project*  
19           *that is located in any State or area described in the*  
20           *first section of the Act of June 17, 1902 (43 U.S.C.*  
21           *391).*

22 **SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER**  
23 **PROGRAM.**

24           (a) *IN GENERAL.*—*The Secretary shall establish a cli-*  
25 *mate change adaptation program—*

1           (1) *to coordinate with the Administrator and*  
2 *other appropriate agencies to assess each effect of, and*  
3 *risk resulting from, global climate change with respect*  
4 *to the quantity of water resources located in a service*  
5 *area; and*

6           (2) *to ensure, to the maximum extent possible,*  
7 *that strategies are developed at watershed and aquifer*  
8 *system scales to address potential water shortages,*  
9 *conflicts, and other impacts to water users located at,*  
10 *and the environment of, each service area.*

11       (b) *REQUIRED ELEMENTS.—In carrying out the pro-*  
12 *gram described in subsection (a), the Secretary shall—*

13           (1) *coordinate with the United States Geological*  
14 *Survey, the National Oceanic and Atmospheric Ad-*  
15 *ministration, the program, and each appropriate*  
16 *State water resource agency, to ensure that the Sec-*  
17 *retary has access to the best available scientific infor-*  
18 *mation with respect to presently observed and pro-*  
19 *jected future impacts of global climate change on*  
20 *water resources;*

21           (2) *assess specific risks to the water supply of*  
22 *each major reclamation river basin, including any*  
23 *risk relating to—*

24                   (A) *a change in snowpack;*

1           (B) changes in the timing and quantity of  
2 runoff;

3           (C) changes in groundwater recharge and  
4 discharge; and

5           (D) any increase in—

6                 (i) the demand for water as a result of  
7 increasing temperatures; and

8                 (ii) the rate of reservoir evaporation;

9           (3) with respect to each major reclamation river  
10 basin, analyze the extent to which changes in the  
11 water supply of the United States will impact—

12                 (A) the ability of the Secretary to deliver  
13 water to the contractors of the Secretary;

14                 (B) hydroelectric power generation facili-  
15 ties;

16                 (C) recreation at reclamation facilities;

17                 (D) fish and wildlife habitat;

18                 (E) applicable species listed as an endan-  
19 gered, threatened, or candidate species under the  
20 Endangered Species Act of 1973 (16 U.S.C. 1531  
21 et seq.);

22                 (F) water quality issues (including salinity  
23 levels of each major reclamation river basin);

24                 (G) flow and water dependent ecological re-  
25 siliency; and

1                   (H) flood control management;  
2                   (4) in consultation with appropriate non-Federal  
3 participants, consider and develop appropriate strate-  
4 gies to mitigate each impact of water supply changes  
5 analyzed by the Secretary under paragraph (3), in-  
6 cluding strategies relating to—

7                   (A) the modification of any reservoir stor-  
8 age or operating guideline in existence as of the  
9 date of enactment of this Act;

10                   (B) the development of new water manage-  
11 ment, operating, or habitat restoration plans;

12                   (C) water conservation;

13                   (D) improved hydrologic models and other  
14 decision support systems; and

15                   (E) groundwater and surface water storage  
16 needs; and

17                   (5) in consultation with the Director, the Ad-  
18 ministrators, the Secretary of Agriculture (acting  
19 through the Chief of the Natural Resources Conserva-  
20 tion Service), and applicable State water resource  
21 agencies, develop a monitoring plan to acquire and  
22 maintain water resources data—

23                   (A) to strengthen the understanding of  
24 water supply trends; and

1                   (B) to assist in each assessment and anal-  
2                   ysis conducted by the Secretary under para-  
3                   graphs (2) and (3).

4           (c) *REPORTING.*—Not later than 2 years after the date  
5 of enactment of this Act, and every 5 years thereafter, the  
6 Secretary shall submit to the appropriate committees of  
7 Congress a report that describes—

8                   (1) each effect of, and risk resulting from, global  
9                   climate change with respect to the quantity of water  
10                  resources located in each major reclamation river  
11                  basin;

12                  (2) the impact of global climate change with re-  
13                  spect to the operations of the Secretary in each major  
14                  reclamation river basin;

15                  (3) each mitigation and adaptation strategy con-  
16                  sidered and implemented by the Secretary to address  
17                  each effect of global climate change described in para-  
18                  graph (1);

19                  (4) each coordination activity conducted by the  
20                  Secretary with—

21                         (A) the Director;

22                         (B) the Administrator;

23                         (C) the Secretary of Agriculture (acting  
24                         through the Chief of the Natural Resources Con-  
25                         servation Service); or

1                   (D) any appropriate State water resource  
2                   agency; and

3                   (5) the implementation by the Secretary of the  
4                   monitoring plan developed under subsection (b)(5).

5                   (d) *FEASIBILITY STUDIES.*—

6                   (1) *AUTHORITY OF SECRETARY.*—The Secretary,  
7                   in cooperation with any non-Federal participant,  
8                   may conduct 1 or more studies to determine the feasi-  
9                   bility and impact on ecological resiliency of imple-  
10                  menting each mitigation and adaptation strategy de-  
11                  scribed in subsection (c)(3), including the construc-  
12                  tion of any water supply, water management, envi-  
13                  ronmental, or habitat enhancement water infrastruc-  
14                  ture that the Secretary determines to be necessary to  
15                  address the effects of global climate change on water  
16                  resources located in each major reclamation river  
17                  basin.

18                  (2) *COST SHARING.*—

19                         (A) *FEDERAL SHARE.*—

20                                 (i) *IN GENERAL.*—Except as provided  
21                                 in clause (ii), the Federal share of the cost  
22                                 of a study described in paragraph (1) shall  
23                                 not exceed 50 percent of the cost of the  
24                                 study.

1                   (ii) *EXCEPTION RELATING TO FINAN-*  
2                   *CIAL HARDSHIP.*—*The Secretary may in-*  
3                   *crease the Federal share of the cost of a*  
4                   *study described in paragraph (1) to exceed*  
5                   *50 percent of the cost of the study if the Sec-*  
6                   *retary determines that, due to a financial*  
7                   *hardship, the non-Federal participant of the*  
8                   *study is unable to contribute an amount*  
9                   *equal to 50 percent of the cost of the study.*

10                  (B) *NON-FEDERAL SHARE.*—*The non-Fed-*  
11                  *eral share of the cost of a study described in*  
12                  *paragraph (1) may be provided in the form of*  
13                  *any in-kind services that substantially contribute*  
14                  *toward the completion of the study, as deter-*  
15                  *mined by the Secretary.*

16                  (e) *NO EFFECT ON EXISTING AUTHORITY.*—*Nothing*  
17                  *in this section amends or otherwise affects any existing au-*  
18                  *thority under reclamation laws that govern the operation*  
19                  *of any Federal reclamation project.*

20                  (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
21                  *authorized to be appropriated such sums as are necessary*  
22                  *to carry out this section for each of fiscal years 2009*  
23                  *through 2023, to remain available until expended.*



1 **SEC. 9504. WATER MANAGEMENT IMPROVEMENT.**

2 (a) *AUTHORIZATION OF GRANTS AND COOPERATIVE*  
3 *AGREEMENTS.*—

4 (1) *AUTHORITY OF SECRETARY.*—*The Secretary*  
5 *may provide any grant to, or enter into an agreement*  
6 *with, any eligible applicant to assist the eligible ap-*  
7 *plicant in planning, designing, or constructing any*  
8 *improvement—*

9 (A) *to conserve water;*

10 (B) *to increase water use efficiency;*

11 (C) *to facilitate water markets;*

12 (D) *to enhance water management, includ-*  
13 *ing increasing the use of renewable energy in the*  
14 *management and delivery of water;*

15 (E) *to accelerate the adoption and use of*  
16 *advanced water treatment technologies to in-*  
17 *crease water supply;*

18 (F) *to prevent the decline of species that the*  
19 *United States Fish and Wildlife Service and Na-*  
20 *tional Marine Fisheries Service have proposed*  
21 *for listing under the Endangered Species Act of*  
22 *1973 (16 U.S.C. 1531 et seq.) (or candidate spe-*  
23 *cies that are being considered by those agencies*  
24 *for such listing but are not yet the subject of a*  
25 *proposed rule);*

1           (G) to accelerate the recovery of threatened  
2 species, endangered species, and designated crit-  
3 ical habitats that are adversely affected by Fed-  
4 eral reclamation projects or are subject to a re-  
5 covery plan or conservation plan under the En-  
6 dangered Species Act of 1973 (16 U.S.C. 1531 et  
7 seq.) under which the Commissioner of Reclama-  
8 tion has implementation responsibilities; or

9           (H) to carry out any other activity—

10           (i) to address any climate-related im-  
11 pact to the water supply of the United  
12 States that increases ecological resiliency to  
13 the impacts of climate change; or

14           (ii) to prevent any water-related crisis  
15 or conflict at any watershed that has a  
16 nexus to a Federal reclamation project lo-  
17 cated in a service area.

18           (2) APPLICATION.—To be eligible to receive a  
19 grant, or enter into an agreement with the Secretary  
20 under paragraph (1), an eligible applicant shall—

21           (A) be located within the States and areas  
22 referred to in the first section of the Act of June  
23 17, 1902 (43 U.S.C. 391); and

24           (B) submit to the Secretary an application  
25 that includes a proposal of the improvement or

1           *activity to be planned, designed, constructed, or*  
2           *implemented by the eligible applicant.*

3           (3) *REQUIREMENTS OF GRANTS AND COOPERA-*  
4           *TIVE AGREEMENTS.—*

5           (A) *COMPLIANCE WITH REQUIREMENTS.—*

6           *Each grant and agreement entered into by the*  
7           *Secretary with any eligible applicant under*  
8           *paragraph (1) shall be in compliance with each*  
9           *requirement described in subparagraphs (B)*  
10          *through (F).*

11          (B) *AGRICULTURAL OPERATIONS.—In car-*  
12          *rying out paragraph (1), the Secretary shall not*  
13          *provide a grant, or enter into an agreement, for*  
14          *an improvement to conserve irrigation water un-*  
15          *less the eligible applicant agrees not—*

16                  (i) *to use any associated water savings*  
17                  *to increase the total irrigated acreage of the*  
18                  *eligible applicant; or*

19                  (ii) *to otherwise increase the consump-*  
20                  *tive use of water in the operation of the eli-*  
21                  *gible applicant, as determined pursuant to*  
22                  *the law of the State in which the operation*  
23                  *of the eligible applicant is located.*

24          (C) *NONREIMBURSABLE FUNDS.—Any*  
25          *funds provided by the Secretary to an eligible*

1            *applicant through a grant or agreement under*  
2            *paragraph (1) shall be nonreimbursable.*

3            *(D) TITLE TO IMPROVEMENTS.—If an in-*  
4            *frastructure improvement to a federally owned*  
5            *facility is the subject of a grant or other agree-*  
6            *ment entered into between the Secretary and an*  
7            *eligible applicant under paragraph (1), the Fed-*  
8            *eral Government shall continue to hold title to*  
9            *the facility and improvements to the facility.*

10           *(E) COST SHARING.—*

11           *(i) FEDERAL SHARE.—The Federal*  
12           *share of the cost of any infrastructure im-*  
13           *provement or activity that is the subject of*  
14           *a grant or other agreement entered into be-*  
15           *tween the Secretary and an eligible appli-*  
16           *cant under paragraph (1) shall not exceed*  
17           *50 percent of the cost of the infrastructure*  
18           *improvement or activity.*

19           *(ii) CALCULATION OF NON-FEDERAL*  
20           *SHARE.—In calculating the non-Federal*  
21           *share of the cost of an infrastructure im-*  
22           *provement or activity proposed by an eligi-*  
23           *ble applicant through an application sub-*  
24           *mitted by the eligible applicant under para-*  
25           *graph (2), the Secretary shall—*

1                   (I) *consider the value of any in-*  
2                   *kind services that substantially con-*  
3                   *tributes toward the completion of the*  
4                   *improvement or activity, as deter-*  
5                   *mined by the Secretary; and*

6                   (II) *not consider any other*  
7                   *amount that the eligible applicant re-*  
8                   *ceives from a Federal agency.*

9                   (iii) *MAXIMUM AMOUNT.—The amount*  
10                  *provided to an eligible applicant through a*  
11                  *grant or other agreement under paragraph*  
12                  *(1) shall be not more than \$5,000,000.*

13                  (iv) *OPERATION AND MAINTENANCE*  
14                  *COSTS.—The non-Federal share of the cost*  
15                  *of operating and maintaining any infra-*  
16                  *structure improvement that is the subject of*  
17                  *a grant or other agreement entered into be-*  
18                  *tween the Secretary and an eligible appli-*  
19                  *cant under paragraph (1) shall be 100 per-*  
20                  *cent.*

21                  (F) *LIABILITY.—*

22                  (i) *IN GENERAL.—Except as provided*  
23                  *under chapter 171 of title 28, United States*  
24                  *Code (commonly known as the “Federal*  
25                  *Tort Claims Act”), the United States shall*

1           *not be liable for monetary damages of any*  
2           *kind for any injury arising out of an act,*  
3           *omission, or occurrence that arises in rela-*  
4           *tion to any facility created or improved*  
5           *under this section, the title of which is not*  
6           *held by the United States.*

7           (ii) *TORT CLAIMS ACT.*—*Nothing in*  
8           *this section increases the liability of the*  
9           *United States beyond that provided in*  
10          *chapter 171 of title 28, United States Code*  
11          *(commonly known as the “Federal Tort*  
12          *Claims Act”).*

13       (b) *RESEARCH AGREEMENTS.*—

14           (1) *AUTHORITY OF SECRETARY.*—*The Secretary*  
15          *may enter into 1 or more agreements with any uni-*  
16          *versity, nonprofit research institution, or organiza-*  
17          *tion with water or power delivery authority to fund*  
18          *any research activity that is designed—*

19                   (A) *to conserve water resources;*

20                   (B) *to increase the efficiency of the use of*  
21                   *water resources; or*

22                   (C) *to enhance the management of water re-*  
23                   *sources, including increasing the use of renew-*  
24                   *able energy in the management and delivery of*  
25                   *water.*

1           (2) *TERMS AND CONDITIONS OF SECRETARY.*—

2                   (A) *IN GENERAL.*—*An agreement entered*  
3                   *into between the Secretary and any university,*  
4                   *institution, or organization described in para-*  
5                   *graph (1) shall be subject to such terms and con-*  
6                   *ditions as the Secretary determines to be appro-*  
7                   *priate.*

8                   (B) *AVAILABILITY.*—*The agreements under*  
9                   *this subsection shall be available to all Reclama-*  
10                  *tion projects and programs that may benefit*  
11                  *from project-specific or programmatic coopera-*  
12                  *tive research and development.*

13                  (c) *MUTUAL BENEFIT.*—*Grants or other agreements*  
14                  *made under this section may be for the mutual benefit of*  
15                  *the United States and the entity that is provided the grant*  
16                  *or enters into the cooperative agreement.*

17                  (d) *RELATIONSHIP TO PROJECT-SPECIFIC AUTHOR-*  
18                  *ITY.*—*This section shall not supersede any existing project-*  
19                  *specific funding authority.*

20                  (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
21                  *authorized to be appropriated to carry out this section*  
22                  *\$200,000,000, to remain available until expended.*

23 **SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.**

24                  (a) *DUTY OF SECRETARY OF ENERGY.*—*The Secretary*  
25                  *of Energy, in consultation with the Administrator of each*

1 *Federal Power Marketing Administration, shall assess each*  
2 *effect of, and risk resulting from, global climate change with*  
3 *respect to water supplies that are required for the genera-*  
4 *tion of hydroelectric power at each Federal water project*  
5 *that is applicable to a Federal Power Marketing Adminis-*  
6 *tration.*

7 (b) *ACCESS TO APPROPRIATE DATA.—*

8 (1) *IN GENERAL.—In carrying out each assess-*  
9 *ment under subsection (a), the Secretary of Energy*  
10 *shall consult with the United States Geological Sur-*  
11 *vey, the National Oceanic and Atmospheric Adminis-*  
12 *tration, the program, and each appropriate State*  
13 *water resource agency, to ensure that the Secretary of*  
14 *Energy has access to the best available scientific in-*  
15 *formation with respect to presently observed impacts*  
16 *and projected future impacts of global climate change*  
17 *on water supplies that are used to produce hydro-*  
18 *electric power.*

19 (2) *ACCESS TO DATA FOR CERTAIN ASSESS-*  
20 *MENTS.—In carrying out each assessment under sub-*  
21 *section (a), with respect to the Bonneville Power Ad-*  
22 *ministration and the Western Area Power Adminis-*  
23 *tration, the Secretary of Energy shall consult with the*  
24 *Commissioner to access data and other information*  
25 *that—*



1                   (A) is collected by the Commissioner; and

2                   (B) the Secretary of Energy determines to  
3                   be necessary for the conduct of the assessment.

4           (c) *REPORT*.—Not later than 2 years after the date of  
5 enactment of this Act, and every 5 years thereafter, the Sec-  
6 retary of Energy shall submit to the appropriate committees  
7 of Congress a report that describes—

8                   (1) each effect of, and risk resulting from, global  
9 climate change with respect to—

10                   (A) water supplies used for hydroelectric  
11 power generation; and

12                   (B) power supplies marketed by each Fed-  
13 eral Power Marketing Administration, pursuant  
14 to—

15                           (i) long-term power contracts;

16                           (ii) contingent capacity contracts; and

17                           (iii) short-term sales; and

18                   (2) each recommendation of the Administrator of  
19 each Federal Power Marketing Administration relat-  
20 ing to any change in any operation or contracting  
21 practice of each Federal Power Marketing Adminis-  
22 tration to address each effect and risk described in  
23 paragraph (1), including the use of purchased power  
24 to meet long-term commitments of each Federal Power  
25 Marketing Administration.

1       (d) *AUTHORITY.*—*The Secretary of Energy may enter*  
2 *into contracts, grants, or other agreements with appropriate*  
3 *entities to carry out this section.*

4       (e) *COSTS.*—

5           (1) *NONREIMBURSABLE.*—*Any costs incurred by*  
6 *the Secretary of Energy in carrying out this section*  
7 *shall be nonreimbursable.*

8           (2) *PMA COSTS.*—*Each Federal Power Mar-*  
9 *keting Administration shall incur costs in carrying*  
10 *out this section only to the extent that appropriated*  
11 *funds are provided by the Secretary of Energy for*  
12 *that purpose.*

13       (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
14 *authorized to be appropriated such sums as are necessary*  
15 *to carry out this section for each of fiscal years 2009*  
16 *through 2023, to remain available until expended.*

17 **SEC. 9506. CLIMATE CHANGE AND WATER**  
18 **INTRAGOVERNMENTAL PANEL.**

19       (a) *ESTABLISHMENT.*—*The Secretary and the Admin-*  
20 *istrator shall establish and lead a climate change and water*  
21 *intragovernmental panel—*

22           (1) *to review the current scientific understanding*  
23 *of each impact of global climate change on the quan-*  
24 *tity and quality of freshwater resources of the United*  
25 *States; and*

1           (2) *to develop any strategy that the panel deter-*  
2 *mines to be necessary to improve observational capa-*  
3 *bilities, expand data acquisition, or take other ac-*  
4 *tions—*

5                   (A) *to increase the reliability and accuracy*  
6 *of modeling and prediction systems to benefit*  
7 *water managers at the Federal, State, and local*  
8 *levels; and*

9                   (B) *to increase the understanding of the im-*  
10 *pacts of climate change on aquatic ecosystems.*

11 (b) *MEMBERSHIP.—The panel shall be comprised 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 Envi-*  
17 *ronment);*

18                   (5) *the Commissioner;*

19                   (6) *the Secretary of the Army, acting through the*  
20 *Chief of Engineers;*

21                   (7) *the Administrator of the Environmental Pro-*  
22 *tection 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 panel*

1 *shall consult with State water resource agencies, the Advi-*  
2 *sory Committee, drinking water utilities, water research or-*  
3 *ganizations, and relevant water user, environmental, and*  
4 *other nongovernmental organizations—*

5           (1) *to assess the extent to which the conduct of*  
6 *measures of streamflow, groundwater levels, soil mois-*  
7 *ture, evapotranspiration rates, evaporation rates,*  
8 *snowpack levels, precipitation amounts, flood risk,*  
9 *and glacier mass is necessary to improve the under-*  
10 *standing of the Federal Government and the States*  
11 *with respect to each impact of global climate change*  
12 *on water resources;*

13           (2) *to identify data gaps in current water moni-*  
14 *toring networks that must be addressed to improve the*  
15 *capability of the Federal Government and the States*  
16 *to measure, analyze, and predict changes to the qual-*  
17 *ity and quantity of water resources, including flood*  
18 *risks, that are directly or indirectly affected by global*  
19 *climate change;*

20           (3) *to establish data management and commu-*  
21 *nication protocols and standards to increase the qual-*  
22 *ity and efficiency by which each Federal agency ac-*  
23 *quires and reports relevant data;*

1           (4) to consider options for the establishment of a  
2 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 agency  
8 and any other public or private entity for each  
9 nationally significant freshwater watershed and  
10 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 de-  
15 veloped under paragraph (5) to water resource man-  
16 agement problems identified by the panel, including  
17 the need to maintain or improve ecological resiliency  
18 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 the  
21 appropriate committees of Congress a report that describes  
22 the review conducted, and the strategy developed, by the  
23 panel under subsection (a).

24          (e) *DEMONSTRATION, RESEARCH, AND METHODOLOGY*  
25 *DEVELOPMENT PROJECTS.*—

1           (1) *AUTHORITY OF SECRETARY.*—*The Secretary,*  
2           *in consultation with the panel and the Advisory Com-*  
3           *mittee, may provide grants to, or enter into any con-*  
4           *tract, cooperative agreement, interagency agreement,*  
5           *or other transaction with, an appropriate entity to*  
6           *carry out any demonstration, research, or method-*  
7           *ology development project that the Secretary deter-*  
8           *mines to be necessary to assist in the implementation*  
9           *of the strategy developed by the panel under sub-*  
10          *section (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 develop-*  
15                *ment 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 \$1,000,000.*

20                (B) *REPORT.*—*An appropriate entity that*  
21                *receives funds from a grant, contract, cooperative*  
22                *agreement, interagency agreement, or other*  
23                *transaction entered into between the Secretary*  
24                *and the appropriate entity under paragraph (1)*  
25                *shall submit to the Secretary a report describing*

1           *the results of the demonstration, research, or*  
2           *methodology development project conducted by*  
3           *the appropriate entity.*

4           (f) *AUTHORIZATION OF APPROPRIATIONS.—*

5                 (1) *IN GENERAL.—There is authorized to be ap-*  
6                 *propriated to carry out subsections (a) through (d)*  
7                 *\$2,000,000 for each of fiscal years 2009 through 2011,*  
8                 *to remain available until expended.*

9                 (2) *DEMONSTRATION, RESEARCH, AND METHOD-*  
10                 *LOGY DEVELOPMENT PROJECTS.—There is author-*  
11                 *ized to be appropriated to carry out subsection (e)*  
12                 *\$10,000,000 for the period of fiscal years 2009*  
13                 *through 2013, to remain available until expended.*

14 **SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES**

15                         **GEOLOGICAL SURVEY.**

16           (a) *NATIONAL STREAMFLOW INFORMATION PRO-*  
17 *GRAM.—*

18                 (1) *IN GENERAL.—The Secretary, in consultation*  
19                 *with the Advisory Committee and the Panel and con-*  
20                 *sistent with this section, shall proceed with implemen-*  
21                 *tation of the national streamflow information pro-*  
22                 *gram, as reviewed by the National Research Council*  
23                 *in 2004.*

1           (2) *REQUIREMENTS.*—*In conducting the na-*  
2 *tional streamflow information program, the Secretary*  
3 *shall—*

4           (A) *measure streamflow and related envi-*  
5 *ronmental variables in nationally significant*  
6 *watersheds—*

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 changes*  
21 *in streamflow; and*

22           (ii) *the conduct of assessments to deter-*  
23 *mine the extent to which each long-term*  
24 *change monitored under clause (i) is related*  
25 *to global climate change;*



1           (D) integrate the national streamflow infor-  
2           mation program with data collection activities of  
3           Federal agencies and appropriate State water re-  
4           source agencies (including the National Inte-  
5           grated 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 in-  
16           formation collected under the national  
17           streamflow information program to assess wheth-  
18           er the objectives of the national streamflow infor-  
19           mation program are being adequately addressed.

20           (3) *IMPROVED METHODOLOGIES.*—The Secretary  
21           shall—

22                   (A) improve methodologies relating to the  
23                   analysis and delivery of data; and

24                   (B) investigate, develop, and implement  
25                   new methodologies and technologies to estimate

1           or measure streamflow in a more cost-efficient  
2           manner.

3           (4) *NETWORK ENHANCEMENT.*—

4                   (A) *IN GENERAL.*—Not later than 10 years  
5           after the date of enactment of this Act, in accord-  
6           ance with subparagraph (B), the Secretary  
7           shall—

8                           (i) increase the number of streamgages  
9                           funded by the national streamflow informa-  
10                          tion program to a quantity of not less than  
11                          4,700 sites; and

12                           (ii) ensure all streamgages are flood-  
13                          hardened and equipped with water-quality  
14                          sensors and modernized telemetry.

15                   (B) *REQUIREMENTS OF SITES.*—Each site  
16           described in subparagraph (A) shall conform  
17           with the National Streamflow Information Pro-  
18           gram plan as reviewed by the National Research  
19           Council.

20           (5) *FEDERAL SHARE.*—The Federal share of the  
21           national streamgaging network established pursuant  
22           to this subsection shall be 100 percent of the cost of  
23           carrying out the national streamgaging network.

24           (6) *AUTHORIZATION OF APPROPRIATIONS.*—

1           (A) *IN GENERAL.*—*Except as provided in*  
2           *subparagraph (B), there are authorized to be ap-*  
3           *propriated such sums as are necessary to operate*  
4           *the national streamflow information program for*  
5           *the period of fiscal years 2009 through 2023, to*  
6           *remain available until expended.*

7           (B) *NETWORK ENHANCEMENT FUNDING.*—  
8           *There is authorized to be appropriated to carry*  
9           *out the network enhancements described in para-*  
10          *graph (4) \$10,000,000 for each of fiscal years*  
11          *2009 through 2019, to remain available until ex-*  
12          *pended.*

13          (b) *NATIONAL GROUNDWATER RESOURCES MONI-*  
14          *TORING.*—

15               (1) *IN GENERAL.*—*The Secretary shall develop a*  
16               *systematic groundwater monitoring program for each*  
17               *major aquifer system located in the United States.*

18               (2) *PROGRAM ELEMENTS.*—*In developing the*  
19               *monitoring program described in paragraph (1), the*  
20               *Secretary shall—*

21                       (A) *establish appropriate criteria for moni-*  
22                       *toring wells to ensure the acquisition of long-*  
23                       *term, high-quality data sets, including, to the*  
24                       *maximum extent possible, the inclusion of real-*  
25                       *time instrumentation and reporting;*

1           (B) *in coordination with the Advisory Com-*  
2           *mittee and State and local water resource agen-*  
3           *cies—*

4                   (i) *assess the current scope of ground-*  
5                   *water monitoring based on the access avail-*  
6                   *ability and capability of each monitoring*  
7                   *well in existence as of the date of enactment*  
8                   *of this Act; and*

9                   (ii) *develop and carry out a moni-*  
10                   *toring plan that maximizes coverage for*  
11                   *each major aquifer system that is located in*  
12                   *the United States; and*

13           (C) *prior to initiating any specific moni-*  
14           *toring activities within a State after the date of*  
15           *enactment of this Act, consult and coordinate*  
16           *with the applicable State water resource agency*  
17           *with jurisdiction over the aquifer that is the sub-*  
18           *ject of the monitoring activities, and comply*  
19           *with all applicable laws (including regulations)*  
20           *of the State.*

21           (3) *PROGRAM OBJECTIVES.—In carrying out the*  
22           *monitoring program described in paragraph (1), the*  
23           *Secretary shall—*

1           (A) provide data that is necessary for the  
2           improvement of understanding with respect to  
3           surface water and groundwater interactions;

4           (B) by expanding the network of monitoring  
5           wells to reach each climate division, support the  
6           groundwater climate response network to im-  
7           prove the understanding of the effects of global  
8           climate change on groundwater recharge and  
9           availability; and

10          (C) support the objectives of the assessment  
11          program.

12          (4) *IMPROVED METHODOLOGIES.*—The Secretary  
13          shall—

14               (A) improve methodologies relating to the  
15               analysis and delivery of data; and

16               (B) investigate, develop, and implement  
17               new methodologies and technologies to estimate  
18               or measure groundwater recharge, discharge, and  
19               storage in a more cost-efficient manner.

20          (5) *FEDERAL SHARE.*—The Federal share of the  
21          monitoring program described in paragraph (1) may  
22          be 100 percent of the cost of carrying out the moni-  
23          toring program.

24          (6) *PRIORITY.*—In selecting monitoring activi-  
25          ties consistent with the monitoring program described

1 *in paragraph (1), the Secretary shall give priority to*  
2 *those activities for which a State or local govern-*  
3 *mental entity agrees to provide for a substantial*  
4 *share of the cost of establishing or operating a moni-*  
5 *toring well or other measuring device to carry out a*  
6 *monitoring activity.*

7 (7) *AUTHORIZATION OF APPROPRIATIONS.—*

8 *There are authorized to be appropriated such sums as*  
9 *are necessary to carry out this subsection for the pe-*  
10 *riod of fiscal years 2009 through 2023, to remain*  
11 *available until expended.*

12 (c) *BRACKISH GROUNDWATER ASSESSMENT.—*

13 (1) *STUDY.—The Secretary, in consultation with*  
14 *State and local water resource agencies, shall conduct*  
15 *a study of available data and other relevant informa-*  
16 *tion—*

17 (A) *to identify significant brackish ground-*  
18 *water resources located in the United States; and*

19 (B) *to consolidate any available data relat-*  
20 *ing to each groundwater resource identified*  
21 *under subparagraph (A).*

22 (2) *REPORT.—Not later than 2 years after the*  
23 *date of enactment of this Act, the Secretary shall sub-*  
24 *mit to the appropriate committees of Congress a re-*  
25 *port that includes—*

1 (A) a description of each—

2 (i) significant brackish aquifer that is  
3 located in the United States (including 1 or  
4 more maps of each significant brackish aq-  
5 uifer that is located in the United States);

6 (ii) data gap that is required to be ad-  
7 dressed to fully characterize each brackish  
8 aquifer described in clause (i); and

9 (iii) current use of brackish ground-  
10 water that is supplied by each brackish aq-  
11 uifer described in clause (i); and

12 (B) a summary of the information available  
13 as of the date of enactment of this Act with re-  
14 spect to each brackish aquifer described in sub-  
15 paragraph (A)(i) (including the known level of  
16 total dissolved solids in each brackish aquifer).

17 (3) *AUTHORIZATION OF APPROPRIATIONS.*—

18 *There is authorized to be appropriated to carry out*  
19 *this subsection \$3,000,000 for the period of fiscal*  
20 *years 2009 through 2011, to remain available until*  
21 *expended.*

22 (d) *IMPROVED WATER ESTIMATION, MEASUREMENT,*  
23 *AND MONITORING TECHNOLOGIES.*—

24 (1) *AUTHORITY OF SECRETARY.*—*The Secretary*  
25 *may provide grants on a nonreimbursable basis to*

1 *appropriate entities with expertise in water resource*  
2 *data acquisition and reporting, including Federal*  
3 *agencies, the Water Resources Research Institutes and*  
4 *other academic institutions, and private entities, to—*

5 *(A) investigate, develop, and implement new*  
6 *methodologies and technologies to estimate or*  
7 *measure water resources data in a cost-efficient*  
8 *manner; and*

9 *(B) improve methodologies relating to the*  
10 *analysis and delivery of data.*

11 *(2) PRIORITY.—In providing grants to appro-*  
12 *prate entities under paragraph (1), the Secretary*  
13 *shall give priority to appropriate entities that pro-*  
14 *pose the development of new methods and technologies*  
15 *for—*

16 *(A) predicting and measuring streamflows;*

17 *(B) estimating changes in the storage of*  
18 *groundwater;*

19 *(C) improving data standards and methods*  
20 *of analysis (including the validation of data en-*  
21 *tered into geographic information system data-*  
22 *bases);*

23 *(D) measuring precipitation and potential*  
24 *evapotranspiration; and*



1           (E) *water withdrawals, return flows, and*  
2           *consumptive use.*

3           (3) *PARTNERSHIPS.—In recognition of the value*  
4           *of collaboration to foster innovation and enhance re-*  
5           *search and development efforts, the Secretary shall en-*  
6           *courage partnerships, including public-private part-*  
7           *nerships, between and among Federal agencies, aca-*  
8           *demie institutions, and private entities to promote the*  
9           *objectives described in paragraph (1).*

10           (4) *AUTHORIZATION OF APPROPRIATIONS.—*  
11           *There is authorized to be appropriated to carry out*  
12           *this subsection \$5,000,000 for each of fiscal years*  
13           *2009 through 2019.*

14 **SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS-**  
15 **SESSMENT PROGRAM.**

16           (a) *ESTABLISHMENT.—The Secretary, in coordination*  
17           *with the Advisory Committee and State and local water re-*  
18           *source agencies, shall establish a national assessment pro-*  
19           *gram to be known as the “national water availability and*  
20           *use assessment program”—*

21                   (1) *to provide a more accurate assessment of the*  
22                   *status of the water resources of the United States;*

23                   (2) *to assist in the determination of the quantity*  
24                   *of water that is available for beneficial uses;*

1           (3) to assist in the determination of the quality  
2 of the water resources of the United States;

3           (4) to identify long-term trends in water avail-  
4 ability;

5           (5) to use each long-term trend described in  
6 paragraph (4) to provide a more accurate assessment  
7 of the change in the availability of water in the  
8 United States; and

9           (6) to develop the basis for an improved ability  
10 to forecast the availability of water for future eco-  
11 nomic, energy production, and environmental uses.

12 (b) *PROGRAM ELEMENTS.*—

13           (1) *WATER USE.*—*In carrying out the assessment*  
14 *program, the Secretary shall conduct any appropriate*  
15 *activity to carry out an ongoing assessment of water*  
16 *use in hydrologic accounting units and major aquifer*  
17 *systems located in the United States, including—*

18                   (A) *the maintenance of a comprehensive na-*  
19 *tional water use inventory to enhance the level of*  
20 *understanding with respect to the effects of spa-*  
21 *tial and temporal patterns of water use on the*  
22 *availability and sustainable use of water re-*  
23 *sources;*

24                   (B) *the incorporation of water use science*  
25 *principles, with an emphasis on applied research*

1           *and statistical estimation techniques in the as-*  
2           *essment of water use;*

3           *(C) the integration of any dataset main-*  
4           *tained by any other Federal or State agency into*  
5           *the dataset maintained by the Secretary; and*

6           *(D) a focus on the scientific integration of*  
7           *any data relating to water use, water flow, or*  
8           *water quality to generate relevant information*  
9           *relating to the impact of human activity on*  
10          *water and ecological resources.*

11          (2) *WATER AVAILABILITY.—In carrying out the*  
12          *assessment program, the Secretary shall conduct an*  
13          *ongoing assessment of water availability by—*

14                 *(A) developing and evaluating nationally*  
15                 *consistent indicators that reflect each status and*  
16                 *trend relating to the availability of water re-*  
17                 *sources in the United States, including—*

18                         *(i) surface water indicators, such as*  
19                         *streamflow and surface water storage meas-*  
20                         *ures (including lakes, reservoirs, perennial*  
21                         *snowfields, and glaciers);*

22                         *(ii) groundwater indicators, including*  
23                         *groundwater level measurements and*  
24                         *changes in groundwater levels due to—*

25                                 *(I) natural recharge;*

- 1                    (II) *withdrawals;*  
2                    (III) *saltwater intrusion;*  
3                    (IV) *mine dewatering;*  
4                    (V) *land drainage;*  
5                    (VI) *artificial recharge; and*  
6                    (VII) *other relevant factors, as de-*  
7                    *termined by the Secretary; and*  
8                    (iii) *impaired surface water and*  
9                    *groundwater supplies that are known, acces-*  
10                    *sible, and used to meet ongoing water de-*  
11                    *mands;*  
12                    (B) *maintaining a national database of*  
13                    *water availability data that—*  
14                    (i) *is comprised of maps, reports, and*  
15                    *other forms of interpreted data;*  
16                    (ii) *provides electronic access to the*  
17                    *archived data of the national database; and*  
18                    (iii) *provides for real-time data collec-*  
19                    *tion; and*  
20                    (C) *developing and applying predictive*  
21                    *modeling tools that integrate groundwater, sur-*  
22                    *face water, and ecological systems.*  
23                    (c) *GRANT PROGRAM.—*

1           (1) *AUTHORITY OF SECRETARY.*—*The Secretary*  
2           *may provide grants to State water resource agencies*  
3           *to assist State water resource agencies in—*

4                   (A) *developing water use and availability*  
5                   *datasets that are integrated with each appro-*  
6                   *priate dataset developed or maintained by the*  
7                   *Secretary; or*

8                   (B) *integrating any water use or water*  
9                   *availability dataset of the State water resource*  
10                  *agency into each appropriate dataset developed*  
11                  *or maintained by the Secretary.*

12           (2) *CRITERIA.*—*To be eligible to receive a grant*  
13           *under paragraph (1), a State water resource agency*  
14           *shall demonstrate to the Secretary that the water use*  
15           *and availability dataset proposed to be established or*  
16           *integrated by the State water resource agency—*

17                   (A) *is in compliance with each quality and*  
18                   *conformity standard established by the Secretary*  
19                   *to ensure that the data will be capable of inte-*  
20                   *gration with any national dataset; and*

21                   (B) *will enhance the ability of the officials*  
22                   *of the State or the State water resource agency*  
23                   *to carry out each water management and regu-*  
24                   *latory responsibility of the officials of the State*

1           *in accordance with each applicable law of the*  
2           *State.*

3           (3) *MAXIMUM AMOUNT.*—*The amount of a grant*  
4           *provided to a State water resource agency under*  
5           *paragraph (1) shall be an amount not more than*  
6           *\$250,000.*

7           (d) *REPORT.*—*Not later than December 31, 2012, and*  
8           *every 5 years thereafter, the Secretary shall submit to the*  
9           *appropriate committees of Congress a report that provides*  
10          *a detailed assessment of—*

11           (1) *the current availability of water resources in*  
12          *the United States, including—*

13                   (A) *historic trends and annual updates of*  
14                   *river basin inflows and outflows;*

15                   (B) *surface water storage;*

16                   (C) *groundwater reserves; and*

17                   (D) *estimates of undeveloped potential re-*  
18                   *sources (including saline and brackish water and*  
19                   *wastewater);*

20           (2) *significant trends affecting water avail-*  
21          *ability, including each documented or projected im-*  
22          *act to the availability of water as a result of global*  
23          *climate change;*

24           (3) *the withdrawal and use of surface water and*  
25          *groundwater by various sectors, including—*

1           (A) *the agricultural sector;*

2           (B) *municipalities;*

3           (C) *the industrial sector;*

4           (D) *thermoelectric power generators; and*

5           (E) *hydroelectric power generators;*

6           (4) *significant trends relating to each water use*  
7 *sector, including significant changes in water use due*  
8 *to the development of new energy supplies;*

9           (5) *significant water use conflicts or shortages*  
10 *that have occurred or are occurring; and*

11           (6) *each factor that has caused, or is causing, a*  
12 *conflict or shortage described in paragraph (5).*

13       (e) *AUTHORIZATION OF APPROPRIATIONS.—*

14           (1) *IN GENERAL.—There is authorized to be ap-*  
15 *propriated to carry out subsections (a), (b), and (d)*  
16 *\$20,000,000 for each of fiscal years 2009 through*  
17 *2023, to remain available until expended.*

18           (2) *GRANT PROGRAM.—There is authorized to be*  
19 *appropriated to carry out subsection (c) \$12,500,000*  
20 *for the period of fiscal years 2009 through 2013, to*  
21 *remain available until expended.*

22 **SEC. 9509. RESEARCH AGREEMENT AUTHORITY.**

23       *The Secretary may enter into contracts, grants, or co-*  
24 *operative agreements, for periods not to exceed 5 years, to*  
25 *carry out research within the Bureau of Reclamation.*

1 **SEC. 9510. EFFECT.**

2 (a) *IN GENERAL.*—*Nothing in this subtitle supersedes*  
 3 *or limits any existing authority provided, or responsibility*  
 4 *conferred, by any provision of law.*

5 (b) *EFFECT ON STATE WATER LAW.*—

6 (1) *IN GENERAL.*—*Nothing in this subtitle pre-*  
 7 *empts or affects any—*

8 (A) *State water law; or*

9 (B) *interstate compact governing water.*

10 (2) *COMPLIANCE REQUIRED.*—*The Secretary*  
 11 *shall comply with applicable State water laws in car-*  
 12 *rying out this subtitle.*

13 ***Subtitle G—Aging Infrastructure***14 **SEC. 9601 DEFINITIONS.**

15 *In this subtitle:*

16 (1) *INSPECTION.*—*The term “inspection” means*  
 17 *an inspection of a project facility carried out by the*  
 18 *Secretary—*

19 (A) *to assess and determine the general con-*  
 20 *dition of the project facility; and*

21 (B) *to estimate the value of property, and*  
 22 *the size of the population, that would be at risk*  
 23 *if the project facility fails, is breached, or other-*  
 24 *wise allows flooding to occur.*

25 (2) *PROJECT FACILITY.*—*The term “project facil-*  
 26 *ity” means any part or incidental feature of a*



1 *project, excluding high- and significant-hazard dams,*  
2 *constructed under the Federal reclamation law (the*  
3 *Act of June 17, 1902 (32 Stat. 388, chapter 1093),*  
4 *and Acts supplemental to and amendatory of that Act*  
5 *(43 U.S.C. 371 et seq.).*

6 (3) *RESERVED WORKS.—The term “reserved*  
7 *works” mean any project facility at which the Sec-*  
8 *retary carries out the operation and maintenance of*  
9 *the project facility.*

10 (4) *SECRETARY.—The term “Secretary” means*  
11 *the Secretary of the Interior, acting through the Com-*  
12 *missioner of Reclamation.*

13 (5) *TRANSFERRED WORKS.—The term “trans-*  
14 *ferred works” means a project facility, the operation*  
15 *and maintenance of which is carried out by a non-*  
16 *Federal entity, under the provisions of a formal oper-*  
17 *ation and maintenance transfer contract.*

18 (6) *TRANSFERRED WORKS OPERATING ENTITY.—*  
19 *The term “transferred works operating entity” means*  
20 *the organization which is contractually responsible*  
21 *for operation and maintenance of transferred works.*

22 (7) *EXTRAORDINARY OPERATION AND MAINTEN-*  
23 *NANCE WORK.—The term “extraordinary operation*  
24 *and maintenance work” means major, nonrecurring*

1 *maintenance to Reclamation-owned or operated facili-*  
2 *ties, or facility components, that is—*

3 *(A) intended to ensure the continued safe,*  
4 *dependable, and reliable delivery of authorized*  
5 *project benefits; and*

6 *(B) greater than 10 percent of the contrac-*  
7 *tor's or the transferred works operating entity's*  
8 *annual operation and maintenance budget for*  
9 *the facility, or greater than \$100,000.*

10 **SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FA-**  
11 **CILITIES AND TECHNICAL ASSISTANCE TO**  
12 **TRANSFERRED WORKS OPERATING ENTITIES.**

13 *(a) GUIDELINES AND INSPECTIONS.—*

14 *(1) DEVELOPMENT OF GUIDELINES.—Not later*  
15 *than 1 year after the date of enactment of this Act,*  
16 *the Secretary in consultation with transferred works*  
17 *operating entities shall develop, consistent with exist-*  
18 *ing transfer contracts, specific inspection guidelines*  
19 *for project facilities which are in proximity to urban-*  
20 *ized areas and which could pose a risk to public safe-*  
21 *ty or property damage if such project facilities were*  
22 *to fail.*

23 *(2) CONDUCT OF INSPECTIONS.—Not later than*  
24 *3 years after the date of enactment of this Act, the*  
25 *Secretary shall conduct inspections of those project fa-*

1 *cilities, which are in proximity to urbanized areas*  
2 *and which could pose a risk to public safety or prop-*  
3 *erty damage if such facilities were to fail, using such*  
4 *specific inspection guidelines and criteria developed*  
5 *pursuant to paragraph (1). In selecting project facili-*  
6 *ties to inspect, the Secretary shall take into account*  
7 *the potential magnitude of public safety and economic*  
8 *damage posed by each project facility.*

9 (3) *TREATMENT OF COSTS.—The costs incurred*  
10 *by the Secretary in conducting these inspections shall*  
11 *be nonreimbursable.*

12 (b) *USE OF INSPECTION DATA.—The Secretary shall*  
13 *use the data collected through the conduct of the inspections*  
14 *under subsection (a)(2) to—*

15 (1) *provide recommendations to the transferred*  
16 *works operating entities for improvement of operation*  
17 *and maintenance processes, operating procedures in-*  
18 *cluding operation guidelines consistent with existing*  
19 *transfer contracts, and structural modifications to*  
20 *those transferred works;*

21 (2) *determine an appropriate inspection fre-*  
22 *quency for such nondam project facilities which shall*  
23 *not exceed 6 years; and*

24 (3) *provide, upon request of transferred work op-*  
25 *erating entities, local governments, or State agencies,*

1 *information regarding potential hazards posed by ex-*  
2 *isting or proposed residential, commercial, industrial*  
3 *or public-use development adjacent to project facili-*  
4 *ties.*

5 *(c) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS*  
6 *OPERATING ENTITIES.—*

7 *(1) AUTHORITY OF SECRETARY TO PROVIDE*  
8 *TECHNICAL ASSISTANCE.—The Secretary is author-*  
9 *ized, at the request of a transferred works operating*  
10 *entity in proximity to an urbanized area, to provide*  
11 *technical assistance to accomplish the following, if*  
12 *consistent with existing transfer contracts:*

13 *(A) Development of documented operating*  
14 *procedures for a project facility.*

15 *(B) Development of documented emergency*  
16 *notification and response procedures for a*  
17 *project facility.*

18 *(C) Development of facility inspection cri-*  
19 *teria for a project facility.*

20 *(D) Development of a training program on*  
21 *operation and maintenance requirements and*  
22 *practices for a project facility for a transferred*  
23 *works operating entity's workforce.*

1           (E) *Development of a public outreach plan*  
2           *on the operation and risks associated with a*  
3           *project facility.*

4           (F) *Development of any other plans or doc-*  
5           *umentation which, in the judgment of the Sec-*  
6           *retary, will contribute to public safety and the*  
7           *sage operation of a project facility.*

8           (2) *COSTS.—The Secretary is authorized to pro-*  
9           *vide, on a non-reimbursable basis, up to 50 percent*  
10           *of the cost of such technical assistance, with the bal-*  
11           *ance of such costs being advanced by the transferred*  
12           *works operating entity or other non-Federal source.*  
13           *The non-Federal 50 percent minimum cost share for*  
14           *such technical assistance may be in the form of in-*  
15           *lieu contributions of resources by the transferred*  
16           *works operating entity or other non-Federal source.*

17 **SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE**  
18           **WORK PERFORMED BY THE SEC-**  
19           **RETARY.**

20           (a) *IN GENERAL.—The Secretary or the transferred*  
21           *works operating entity may carry out, in accordance with*  
22           *subsection (b) and consistent with existing transfer con-*  
23           *tracts, any extraordinary operation and maintenance work*  
24           *on a project facility that the Secretary determines to be rea-*

1 *sonably required to preserve the structural safety of the*  
2 *project facility.*

3 (b) *REIMBURSEMENT OF COSTS ARISING FROM EX-*  
4 *TRAORDINARY OPERATION AND MAINTENANCE WORK.—*

5 (1) *TREATMENT OF COSTS.—For reserved works,*  
6 *costs incurred by the Secretary in conducting extraor-*  
7 *dinary operation and maintenance work will be allo-*  
8 *cated to the authorized reimbursable purposes of the*  
9 *project and shall be repaid within 50 years, with in-*  
10 *terest, from the year in which work undertaken pur-*  
11 *suant to this subtitle is substantially complete.*

12 (2) *AUTHORITY OF SECRETARY.—For transferred*  
13 *works, the Secretary is authorized to advance the costs*  
14 *incurred by the transferred works operating entity in*  
15 *conducting extraordinary operation and maintenance*  
16 *work and negotiate appropriate 50-year repayment*  
17 *contracts with project beneficiaries providing for the*  
18 *return of reimbursable costs, with interest, under this*  
19 *subsection: Provided, however, That no contract en-*  
20 *tered into pursuant to this subtitle shall be deemed to*  
21 *be a new or amended contract for the purposes of sec-*  
22 *tion 203(a) of the Reclamation Reform Act of 1982*  
23 *(43 U.S.C. 390cc(a)).*

24 (3) *DETERMINATION OF INTEREST RATE.—The*  
25 *interest rate used for computing interest on work in*

1     *progress and interest on the unpaid balance of the re-*  
2     *imbursable costs of extraordinary operation and*  
3     *maintenance work authorized by this subtitle shall be*  
4     *determined by the Secretary of the Treasury, as of the*  
5     *beginning of the fiscal year in which extraordinary*  
6     *operation and maintenance work is commenced, on*  
7     *the basis of average market yields on outstanding*  
8     *marketable obligations of the United States with the*  
9     *remaining periods of maturity comparable to the ap-*  
10    *plicable reimbursement period of the project, adjusted*  
11    *to the nearest  $\frac{1}{8}$  of 1 percent on the unamortized bal-*  
12    *ance of any portion of the loan.*

13    (c) *EMERGENCY EXTRAORDINARY OPERATION AND*  
14 *MAINTENANCE WORK.—*

15           (1) *IN GENERAL.—The Secretary or the trans-*  
16    *ferred works operating entity shall carry out any*  
17    *emergency extraordinary operation and maintenance*  
18    *work on a project facility that the Secretary deter-*  
19    *mines to be necessary to minimize the risk of immi-*  
20    *nent harm to public health or safety, or property.*

21           (2) *REIMBURSEMENT.—The Secretary may ad-*  
22    *vance funds for emergency extraordinary operation*  
23    *and maintenance work and shall seek reimbursement*  
24    *from the transferred works operating entity or benefi-*  
25    *ting entity upon receiving a written assurance from*

1     *the governing body of such entity that it will nego-*  
2     *tiate a contract pursuant to section 9603 for repay-*  
3     *ment of costs incurred by the Secretary in under-*  
4     *taking such work.*

5             (3) *FUNDING.*—*If the Secretary determines that*  
6     *a project facility inspected and maintained pursuant*  
7     *to the guidelines and criteria set forth in section*  
8     *9602(a) requires extraordinary operation and main-*  
9     *tenance pursuant to paragraph (1), the Secretary*  
10    *may provide Federal funds on a nonreimbursable*  
11    *basis sufficient to cover 35 percent of the cost of the*  
12    *extraordinary operation and maintenance allocable to*  
13    *the transferred works operating entity, which is need-*  
14    *ed to minimize the risk of imminent harm. The re-*  
15    *maining share of the Federal funds advanced by the*  
16    *Secretary for such work shall be repaid under sub-*  
17    *section (b).*

18    **SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY**  
19             **WATER WORKS ACT.**

20             *Nothing in this subtitle shall preclude a transferred*  
21    *works operating entity from applying and receiving a loan-*  
22    *guarantee pursuant to the Twenty-First Century Water*  
23    *Works Act (43 U.S.C. 2401 et seq.).*



1 **SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated such sums as*  
3 *are necessary to carry out this subtitle.*

4 **TITLE X—WATER SETTLEMENTS**

5 **Subtitle A—San Joaquin River**

6 **Restoration Settlement**

7 **PART I—SAN JOAQUIN RIVER RESTORATION**

8 **SETTLEMENT ACT**

9 **SEC. 10001. SHORT TITLE.**

10 *This part may be cited as the “San Joaquin River*  
11 *Restoration Settlement Act”.*

12 **SEC. 10002. PURPOSE.**

13 *The purpose of this part is to authorize implementa-*  
14 *tion of the Settlement.*

15 **SEC. 10003. DEFINITIONS.**

16 *In this part:*

17 *(1) The terms “Friant Division long-term con-*  
18 *tractors”, “Interim Flows”, “Restoration Flows”,*  
19 *“Recovered Water Account”, “Restoration Goal”, and*  
20 *“Water Management Goal” have the meanings given*  
21 *the terms in the Settlement.*

22 *(2) The term “Secretary” means the Secretary of*  
23 *the Interior.*

24 *(3) The term “Settlement” means the Stipulation*  
25 *of Settlement dated September 13, 2006, in the litiga-*  
26 *tion entitled Natural Resources Defense Council, et al.*

1 *v. Kirk Rodgers, et al., United States District Court,*  
2 *Eastern District of California, No. CIV. S-88-1658-*  
3 *LKK/GGH.*

4 **SEC. 10004. IMPLEMENTATION OF SETTLEMENT.**

5 (a) *IN GENERAL.*—*The Secretary of the Interior is*  
6 *hereby authorized and directed to implement the terms and*  
7 *conditions of the Settlement in cooperation with the State*  
8 *of California, including the following measures as these*  
9 *measures are prescribed in the Settlement:*

10 (1) *Design and construct channel and structural*  
11 *improvements as described in paragraph 11 of the*  
12 *Settlement, provided, however, that the Secretary*  
13 *shall not make or fund any such improvements to fa-*  
14 *cilities or property of the State of California without*  
15 *the approval of the State of California and the State's*  
16 *agreement in 1 or more memoranda of understanding*  
17 *to participate where 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 ac-*  
21 *quire water as described in paragraph 13 of the Set-*  
22 *tlement, provided, however, such acquisitions shall*  
23 *only be made from willing sellers and not through*  
24 *eminent domain.*

1           (4) *Implement the terms and conditions of para-*  
2 *graph 16 of the Settlement related to recirculation, re-*  
3 *capture, reuse, exchange, or transfer of water released*  
4 *for Restoration Flows or Interim Flows, for the pur-*  
5 *pose of accomplishing the Water Management Goal of*  
6 *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 of*  
18 *Water Resources of the State of California for the*  
19 *coordinated operation of the Central Valley*  
20 *Project and the State Water Project as author-*  
21 *ized by Congress in section 2(d) of the Act of Au-*  
22 *gust 26, 1937 (50 Stat. 850, 100 Stat. 3051), in-*  
23 *cluding any agreement to resolve conflicts aris-*  
24 *ing from said Agreement.*

1           (5) *Develop and implement the Recovered Water*  
2 *Account as specified in paragraph 16(b) of the Settle-*  
3 *ment, including the pricing and payment crediting*  
4 *provisions described in paragraph 16(b)(3) of the Set-*  
5 *tlement, provided that all other provisions of Federal*  
6 *reclamation law shall remain applicable.*

7           (b) *AGREEMENTS.—*

8           (1) *AGREEMENTS WITH THE STATE.—In order to*  
9 *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 au-*  
14 *thorized to enter into contracts, memoranda of under-*  
15 *standing, financial assistance agreements, cost shar-*  
16 *ing agreements, and other appropriate agreements*  
17 *with State, tribal, and local governmental agencies,*  
18 *and with private parties, including agreements re-*  
19 *lated to construction, improvement, and operation*  
20 *and maintenance of facilities, subject to any terms*  
21 *and conditions that the Secretary deems necessary to*  
22 *achieve the purposes of the Settlement.*

23           (c) *ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL*  
24 *FUNDS.—The Secretary is authorized to accept and expend*

1 *non-Federal funds in order to facilitate implementation of*  
2 *the Settlement.*

3 (d) *MITIGATION OF IMPACTS.—Prior to the implemen-*  
4 *tation of decisions or agreements to construct, improve, op-*  
5 *erate, or maintain facilities that the Secretary determines*  
6 *are needed to implement the Settlement, the Secretary shall*  
7 *identify—*

8 (1) *the impacts associated with such actions; and*

9 (2) *the measures which shall be implemented to*  
10 *mitigate impacts on adjacent and downstream water*  
11 *users and landowners.*

12 (e) *DESIGN AND ENGINEERING STUDIES.—The Sec-*  
13 *retary is authorized to conduct any design or engineering*  
14 *studies that are necessary to implement the Settlement.*

15 (f) *EFFECT ON CONTRACT WATER ALLOCATIONS.—Ex-*  
16 *cept as otherwise provided in this section, the implementa-*  
17 *tion of the Settlement and the reintroduction of California*  
18 *Central Valley Spring Run Chinook salmon pursuant to*  
19 *the Settlement and section 10011, shall not result in the*  
20 *involuntary reduction in contract water allocations to Cen-*  
21 *tral Valley Project long-term contractors, other than Friant*  
22 *Division long-term contractors.*

23 (g) *EFFECT ON EXISTING WATER CONTRACTS.—Ex-*  
24 *cept as provided in the Settlement and this part, nothing*  
25 *in this part shall modify or amend the rights and obliga-*

1 *tions of the parties to any existing water service, repay-*  
2 *ment, purchase, or exchange contract.*

3 *(h) INTERIM FLOWS.—*

4 *(1) STUDY REQUIRED.—Prior to releasing any*  
5 *Interim Flows under the Settlement, the Secretary*  
6 *shall prepare an analysis in compliance with the Na-*  
7 *tional Environmental Policy Act of 1969 (42 U.S.C.*  
8 *4321 et seq.), including at a minimum—*

9 *(A) an analysis of channel conveyance ca-*  
10 *pacities and potential for levee or groundwater*  
11 *seepage;*

12 *(B) a description of the associated seepage*  
13 *monitoring program;*

14 *(C) an evaluation of—*

15 *(i) possible impacts associated with the*  
16 *release of Interim Flows; and*

17 *(ii) mitigation measures for those im-*  
18 *acts that are determined to be significant;*

19 *(D) a description of the associated flow*  
20 *monitoring program; and*

21 *(E) an analysis of the likely Federal costs,*  
22 *if any, of any fish screens, fish bypass facilities,*  
23 *fish salvage facilities, and related operations on*  
24 *the San Joaquin River south of the confluence*  
25 *with the Merced River required under the En-*

1           *dangered Species Act of 1973 (16 U.S.C. 1531 et*  
2           *seq.) as a result of the Interim Flows.*

3           (2) *CONDITIONS FOR RELEASE.—The Secretary*  
4           *is authorized to release Interim Flows to the extent*  
5           *that such flows would not—*

6                     (A) *impede or delay completion of the meas-*  
7                     *ures specified in Paragraph 11(a) of the Settle-*  
8                     *ment; or*

9                     (B) *exceed existing downstream channel ca-*  
10                    *pacities.*

11           (3) *SEEPAGE IMPACTS.—The Secretary shall re-*  
12           *duce Interim Flows to the extent necessary to address*  
13           *any material adverse impacts to third parties from*  
14           *groundwater seepage caused by such flows that the*  
15           *Secretary identifies based on the monitoring program*  
16           *of the Secretary.*

17           (4) *TEMPORARY FISH BARRIER PROGRAM.—The*  
18           *Secretary, in consultation with the California De-*  
19           *partment of Fish and Game, shall evaluate the effec-*  
20           *tiveness of the Hills Ferry barrier in preventing the*  
21           *unintended upstream migration of anadromous fish*  
22           *in the San Joaquin River and any false migratory*  
23           *pathways. If that evaluation determines that any*  
24           *such migration past the barrier is caused by the in-*  
25           *troduction of the Interim Flows and that the presence*

1 *of such fish will result in the imposition of additional*  
2 *regulatory actions against third parties, the Secretary*  
3 *is authorized to assist the Department of Fish and*  
4 *Game in making improvements to the barrier. From*  
5 *funding made available in accordance with section*  
6 *10009, if third parties along the San Joaquin River*  
7 *south of its confluence with the Merced River are re-*  
8 *quired to install fish screens or fish bypass facilities*  
9 *due to the release of Interim Flows in order to comply*  
10 *with the Endangered Species Act of 1973 (16 U.S.C.*  
11 *1531 et seq.), the Secretary shall bear the costs of the*  
12 *installation of such screens or facilities if such costs*  
13 *would be borne by the Federal Government under sec-*  
14 *tion 10009(a)(3), except to the extent that such costs*  
15 *are already or are further willingly borne by the*  
16 *State of California or by the third parties.*

17 *(i) FUNDING AVAILABILITY.—*

18 *(1) IN GENERAL.—Funds shall be collected in the*  
19 *San Joaquin River Restoration Fund through October*  
20 *1, 2019, and thereafter, with substantial amounts*  
21 *available through October 1, 2019, pursuant to section*  
22 *10009 for implementation of the Settlement and parts*  
23 *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 section*  
15          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.—Sub-*  
21          *ject to section 10006(b), nothing in this part shall modify*  
22          *or amend the rights and obligations under the Purchase*  
23          *Contract between Miller and Lux and the United States and*  
24          *the Second Amended Exchange Contract between the United*  
25          *States, Department of the Interior, Bureau of Reclamation*

1 *and Central California Irrigation District, San Luis Canal*  
2 *Company, Firebaugh Canal Water District and Columbia*  
3 *Canal Company.*

4 **SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY;**  
5 **TITLE TO FACILITIES.**

6 (a) *TITLE TO FACILITIES.*—Unless acquired pursuant  
7 to subsection (b), title to any facility or facilities, stream  
8 channel, levees, or other real property modified or improved  
9 in the course of implementing the Settlement authorized by  
10 this part, and title to any modifications or improvements  
11 of such facility or facilities, stream channel, levees, or other  
12 real property—

13 (1) *shall remain in the owner of the property;*  
14 *and*

15 (2) *shall not be transferred to the United States*  
16 *on account of such modifications or improvements.*

17 (b) *ACQUISITION OF PROPERTY.*—

18 (1) *IN GENERAL.*—The Secretary is authorized to  
19 acquire through purchase from willing sellers any  
20 property, interests in property, or options to acquire  
21 real property needed to implement the Settlement au-  
22 thorized by this part.

23 (2) *APPLICABLE LAW.*—The Secretary is author-  
24 ized, but not required, to exercise all of the authorities  
25 provided in section 2 of the Act of August 26, 1937

1       (50 Stat. 844, chapter 832), to carry out the measures  
2       authorized in this section and section 10004.

3       (c) *DISPOSAL OF PROPERTY.*—

4             (1) *IN GENERAL.*—Upon the Secretary's deter-  
5       mination that retention of title to property or inter-  
6       ests in property acquired pursuant to this part is no  
7       longer needed to be held by the United States for the  
8       furtherance of the Settlement, the Secretary is author-  
9       ized to dispose of such property or interest in prop-  
10      erty on such terms and conditions as the Secretary  
11      deems appropriate and in the best interest of the  
12      United States, including possible transfer of such  
13      property to the State of California.

14            (2) *RIGHT OF FIRST REFUSAL.*—In the event the  
15      Secretary determines that property acquired pursuant  
16      to this part through the exercise of its eminent do-  
17      main authority is no longer necessary for implemen-  
18      tation of the Settlement, the Secretary shall provide  
19      a right of first refusal to the property owner from  
20      whom the property was initially acquired, or his or  
21      her successor in interest, on the same terms and con-  
22      ditions as the property is being offered to other par-  
23      ties.

24            (3) *DISPOSITION OF PROCEEDS.*—Proceeds from  
25      the disposal by sale or transfer of any such property

1        *or interests in such property shall be deposited in the*  
2        *fund established by section 10009(c).*

3        (d) *GROUNDWATER BANK.*—*Nothing in this part au-*  
4        *thorizes the Secretary to operate a groundwater bank along*  
5        *or adjacent to the San Joaquin River upstream of the con-*  
6        *fluence with the Merced River, and any such groundwater*  
7        *bank shall be operated by a non-Federal entity.*

8        **SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.**

9        (a) *APPLICABLE LAW.*—

10            (1) *IN GENERAL.*—*In undertaking the measures*  
11        *authorized by this part, the Secretary and the Sec-*  
12        *retary of Commerce shall comply with all applicable*  
13        *Federal and State laws, rules, and regulations, in-*  
14        *cluding the National Environmental Policy Act of*  
15        *1969 (42 U.S.C. 4321 et seq.) and the Endangered*  
16        *Species Act of 1973 (16 U.S.C. 1531 et seq.), as nec-*  
17        *essary.*

18            (2) *ENVIRONMENTAL REVIEWS.*—*The Secretary*  
19        *and the Secretary of Commerce are authorized and*  
20        *directed to initiate and expeditiously complete appli-*  
21        *cable environmental reviews and consultations as*  
22        *may be necessary to effectuate the purposes of the Set-*  
23        *tlement.*

24        (b) *EFFECT ON STATE LAW.*—*Nothing in this part*  
25        *shall preempt State law or modify any existing obligation*

1 *of the United States under Federal reclamation law to oper-*  
2 *ate the Central Valley Project in conformity with State law.*

3 *(c) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—*

4 *(1) DEFINITION OF ENVIRONMENTAL REVIEW.—*

5 *For purposes of this subsection, the term “environ-*  
6 *mental review” includes any consultation and plan-*  
7 *ning necessary to comply with subsection (a).*

8 *(2) PARTICIPATION IN ENVIRONMENTAL REVIEW*

9 *PROCESS.—In undertaking the measures authorized*  
10 *by section 10004, and for which environmental review*  
11 *is required, the Secretary may provide funds made*  
12 *available under this part to affected Federal agencies,*  
13 *State agencies, local agencies, and Indian tribes if the*  
14 *Secretary determines that such funds are necessary to*  
15 *allow the Federal agencies, State agencies, local agen-*  
16 *cies, or Indian tribes to effectively participate in the*  
17 *environmental review process.*

18 *(3) LIMITATION.—Funds may be provided under*  
19 *paragraph (2) only to support activities that directly*  
20 *contribute to the implementation of the terms and*  
21 *conditions of the Settlement.*

22 *(d) NONREIMBURSABLE FUNDS.—The United States’*  
23 *share of the costs of implementing this part shall be nonre-*  
24 *imbursable under Federal reclamation law, provided that*  
25 *nothing in this subsection shall limit or be construed to*

1 *limit the use of the funds assessed and collected pursuant*  
2 *to sections 3406(c)(1) and 3407(d)(2) of the Reclamation*  
3 *Projects Authorization and Adjustment Act of 1992 (Public*  
4 *Law 102–575; 106 Stat. 4721, 4727), for implementation*  
5 *of the Settlement, nor shall it be construed to limit or mod-*  
6 *ify existing or future Central Valley Project ratesetting poli-*  
7 *cies.*

8 **SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT**  
9 **IMPROVEMENT ACT.**

10 *Congress hereby finds and declares that the Settlement*  
11 *satisfies and discharges all of the obligations of the Sec-*  
12 *retary contained in section 3406(c)(1) of the Reclamation*  
13 *Projects Authorization and Adjustment Act of 1992 (Public*  
14 *Law 102–575; 106 Stat. 4721), provided, however, that—*

15 *(1) the Secretary shall continue to assess and col-*  
16 *lect the charges provided in section 3406(c)(1) of the*  
17 *Reclamation Projects Authorization and Adjustment*  
18 *Act of 1992 (Public Law 102–575; 106 Stat. 4721),*  
19 *as provided in the Settlement; and*

20 *(2) those assessments and collections shall con-*  
21 *tinue to be counted toward the requirements of the*  
22 *Secretary contained in section 3407(c)(2) of the Rec-*  
23 *lamation Projects Authorization and Adjustment Act*  
24 *of 1992 (Public Law 102–575; 106 Stat. 4726).*

1 **SEC. 10008. NO PRIVATE RIGHT OF ACTION.**

2 (a) *IN GENERAL.*—*Nothing in this part confers upon*  
3 *any person or entity not a party to the Settlement a private*  
4 *right of action or claim for relief to interpret or enforce*  
5 *the provisions of this part or the Settlement.*

6 (b) *APPLICABLE LAW.*—*This section shall not alter or*  
7 *curtail any right of action or claim for relief under any*  
8 *other applicable law.*

9 **SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.**

10 (a) *IMPLEMENTATION COSTS.*—

11 (1) *IN GENERAL.*—*The costs of implementing the*  
12 *Settlement shall be covered by payments or in-kind*  
13 *contributions made by Friant Division contractors*  
14 *and other non-Federal parties, including the funds*  
15 *provided in subparagraphs (A) through (D) of sub-*  
16 *section (c)(1), estimated to total \$440,000,000, of*  
17 *which the non-Federal payments are estimated to*  
18 *total \$200,000,000 (at October 2006 price levels) and*  
19 *the amount from repaid Central Valley Project cap-*  
20 *ital obligations is estimated to total \$240,000,000, the*  
21 *additional Federal appropriation of \$250,000,000 au-*  
22 *thorized pursuant to subsection (b)(1), and such addi-*  
23 *tional funds authorized pursuant to subsection (b)(2);*  
24 *provided however, that the costs of implementing the*  
25 *provisions of section 10004(a)(1) shall be shared by*  
26 *the State of California pursuant to the terms of a*

1 *memorandum of understanding executed by the State*  
2 *of California and the Parties to the Settlement on*  
3 *September 13, 2006, which includes at least*  
4 *\$110,000,000 of State funds.*

5 (2) *ADDITIONAL AGREEMENTS.—*

6 (A) *IN GENERAL.—The Secretary shall enter*  
7 *into 1 or more agreements to fund or implement*  
8 *improvements on a project-by-project basis with*  
9 *the State of California.*

10 (B) *REQUIREMENTS.—Any agreements en-*  
11 *tered into under subparagraph (A) shall provide*  
12 *for recognition of either monetary or in-kind*  
13 *contributions toward the State of California's*  
14 *share of the cost of implementing the provisions*  
15 *of section 10004(a)(1).*

16 (3) *LIMITATION.—Except as provided in the Set-*  
17 *tlement, to the extent that costs incurred solely to im-*  
18 *plement this Settlement would not otherwise have*  
19 *been incurred by any entity or public or local agency*  
20 *or subdivision of the State of California, such costs*  
21 *shall not be borne by any such entity, agency, or sub-*  
22 *division of the State of California, unless such costs*  
23 *are incurred on a voluntary basis.*

24 (b) *AUTHORIZATION OF APPROPRIATIONS.—*



1           (1) *IN GENERAL.*—*In addition to the funding*  
2 *provided in subsection (c), there are also authorized*  
3 *to be appropriated not to exceed \$250,000,000 (at Oc-*  
4 *tober 2006 price levels) to implement this part and*  
5 *the Settlement, to be available until expended; pro-*  
6 *vided however, that the Secretary is authorized to*  
7 *spend such additional appropriations only in*  
8 *amounts equal to the amount of funds deposited in*  
9 *the San Joaquin River Restoration Fund (not includ-*  
10 *ing payments under subsection (c)(1)(B) and proceeds*  
11 *under subsection (c)(1)(C)), the amount of in-kind*  
12 *contributions, and other non-Federal payments actu-*  
13 *ally committed to the implementation of this part or*  
14 *the Settlement.*

15           (2) *USE OF THE CENTRAL VALLEY PROJECT RES-*  
16 *TORATION FUND.*—*The Secretary is authorized to use*  
17 *monies from the Central Valley Project Restoration*  
18 *Fund created under section 3407 of the Reclamation*  
19 *Projects Authorization and Adjustment Act of 1992*  
20 *(Public Law 102–575; 106 Stat. 4727) for purposes*  
21 *of this part in an amount not to exceed \$2,000,000*  
22 *(October 2006 price levels) in any fiscal year.*

23 *(c) FUND.*—

24           (1) *IN GENERAL.*—*There is hereby established*  
25 *within the Treasury of the United States a fund, to*

1 *be known as the San Joaquin River Restoration*  
2 *Fund, into which the following funds shall be depos-*  
3 *ited and used solely for the purpose of implementing*  
4 *the Settlement except as otherwise provided in sub-*  
5 *sections (a) and (b) of section 10203:*

6 *(A) All payments received pursuant to sec-*  
7 *tion 3406(c)(1) of the Reclamation Projects Au-*  
8 *thorization and Adjustment Act of 1992 (Public*  
9 *Law 102–575; 106 Stat. 4721).*

10 *(B) The construction cost component (not*  
11 *otherwise needed to cover operation and mainte-*  
12 *nance costs) of payments made by Friant Divi-*  
13 *sion, Hidden Unit, and Buchanan Unit long-*  
14 *term contractors pursuant to long-term water*  
15 *service contracts or pursuant to repayment con-*  
16 *tracts, including repayment contracts executed*  
17 *pursuant to section 10010. The construction cost*  
18 *repayment obligation assigned such contractors*  
19 *under such contracts shall be reduced by the*  
20 *amount paid pursuant to this paragraph and*  
21 *the appropriate share of the existing Federal in-*  
22 *vestment in the Central Valley Project to be re-*  
23 *covered by the Secretary pursuant to Public Law*  
24 *99–546 (100 Stat. 3050) shall be reduced by an*  
25 *equivalent sum.*

1           (C) *Proceeds from the sale of water pursu-*  
2           *ant to the Settlement, or from the sale of prop-*  
3           *erty or interests in property as provided in sec-*  
4           *tion 10005.*

5           (D) *Any non-Federal funds, including State*  
6           *cost-sharing funds, contributed to the United*  
7           *States for implementation of the Settlement,*  
8           *which the Secretary may expend without further*  
9           *appropriation for the purposes for which contrib-*  
10          *uted.*

11          (2) *AVAILABILITY.—All funds deposited into the*  
12          *Fund pursuant to subparagraphs (A), (B), and (C) of*  
13          *paragraph (1) are authorized for appropriation to*  
14          *implement the Settlement and this part, in addition*  
15          *to the authorization provided in subsections (a) and*  
16          *(b) of section 10203, except that \$88,000,000 of such*  
17          *funds are available for expenditure without further*  
18          *appropriation; provided that after October 1, 2019,*  
19          *all funds in the Fund shall be available for expendi-*  
20          *ture without further appropriation.*

21          (d) *LIMITATION ON CONTRIBUTIONS.—Payments made*  
22          *by long-term contractors who receive water from the Friant*  
23          *Division and Hidden and Buchanan Units of the Central*  
24          *Valley Project pursuant to sections 3406(c)(1) and*  
25          *3407(d)(2) of the Reclamation Projects Authorization and*

1 *Adjustment Act of 1992 (Public Law 102–575; 106 Stat.*  
2 *4721, 4727) and payments made pursuant to paragraph*  
3 *16(b)(3) of the Settlement and subsection (c)(1)(B) shall be*  
4 *the limitation of such entities’ direct financial contribution*  
5 *to the Settlement, subject to the terms and conditions of*  
6 *paragraph 21 of the Settlement.*

7       *(e) NO ADDITIONAL EXPENDITURES REQUIRED.—*  
8 *Nothing in this part shall be construed to require a Federal*  
9 *official to expend Federal funds not appropriated by Con-*  
10 *gress, or to seek the appropriation of additional funds by*  
11 *Congress, for the implementation of the Settlement.*

12       *(f) REACH 4B.—*

13             *(1) STUDY.—*

14                     *(A) IN GENERAL.—In accordance with the*  
15 *Settlement and the memorandum of under-*  
16 *standing executed pursuant to paragraph 6 of*  
17 *the Settlement, the Secretary shall conduct a*  
18 *study that specifies—*

19                             *(i) the costs of undertaking any work*  
20 *required under paragraph 11(a)(3) of the*  
21 *Settlement to increase the capacity of reach*  
22 *4B prior to reinitiation of Restoration*  
23 *Flows;*

24                             *(ii) the impacts associated with re-*  
25 *initiation of such flows; and*

1                   (iii) measures that shall be imple-  
2                   mented to mitigate impacts.

3                   (B) *DEADLINE.*—The study under subpara-  
4                   graph (A) shall be completed prior to restoration  
5                   of any flows other than Interim Flows.

6                   (2) *REPORT.*—

7                   (A) *IN GENERAL.*—The Secretary shall file  
8                   a report with Congress not later than 90 days  
9                   after issuing a determination, as required by the  
10                  Settlement, on whether to expand channel con-  
11                  veyance capacity to 4500 cubic feet per second in  
12                  reach 4B of the San Joaquin River, or use an  
13                  alternative route for pulse flows, that—

14                  (i) explains whether the Secretary has  
15                  decided to expand Reach 4B capacity to  
16                  4500 cubic feet per second; and

17                  (ii) addresses the following matters:

18                         (I) The basis for the Secretary's  
19                         determination, whether set out in envi-  
20                         ronmental review documents or other-  
21                         wise, as to whether the expansion of  
22                         Reach 4B would be the preferable  
23                         means to achieve the Restoration Goal  
24                         as provided in the Settlement, includ-  
25                         ing how different factors were assessed

1           *such as comparative biological and*  
2           *habitat benefits, comparative costs, rel-*  
3           *ative availability of State cost-sharing*  
4           *funds, and the comparative benefits*  
5           *and impacts on water temperature,*  
6           *water supply, private property, and*  
7           *local and downstream flood control.*

8                   (II) *The Secretary's final cost es-*  
9                   *timate for expanding Reach 4B capac-*  
10                  *ity to 4500 cubic feet per second, or*  
11                  *any alternative route selected, as well*  
12                  *as the alternative cost estimates pro-*  
13                  *vided by the State, by the Restoration*  
14                  *Administrator, and by the other par-*  
15                  *ties to the Settlement.*

16                   (III) *The Secretary's plan for*  
17                  *funding the costs of expanding Reach*  
18                  *4B or any alternative route selected,*  
19                  *whether by existing Federal funds pro-*  
20                  *vided under this subtitle, by non-Fed-*  
21                  *eral funds, by future Federal appro-*  
22                  *priations, or some combination of such*  
23                  *sources.*

24                   (B) *DETERMINATION REQUIRED.—The Sec-*  
25                  *retary shall, to the extent feasible, make the de-*

1           *termination in subparagraph (A) prior to under-*  
2           *taking any substantial construction work to in-*  
3           *crease capacity in reach 4B.*

4           (3) *COSTS.—If the Secretary’s estimated Federal*  
5           *cost for expanding reach 4B in paragraph (2), in*  
6           *light of the Secretary’s funding plan set out in that*  
7           *paragraph, would exceed the remaining Federal fund-*  
8           *ing authorized by this part (including all funds re-*  
9           *allocated, all funds dedicated, and all new funds au-*  
10           *thorized by this part and separate from all commit-*  
11           *ments of State and other non-Federal funds and in-*  
12           *kind commitments), then before the Secretary com-*  
13           *mences actual construction work in reach 4B (other*  
14           *than planning, design, feasibility, or other prelimi-*  
15           *nary measures) to expand capacity to 4500 cubic feet*  
16           *per second to implement this Settlement, Congress*  
17           *must have increased the applicable authorization ceil-*  
18           *ing provided by this part in an amount at least suffi-*  
19           *cient to cover the higher estimated Federal costs.*

20 **SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION**  
21           **OF REPAYMENT OF CONSTRUCTION COSTS.**

22           (a) *CONVERSION OF CONTRACTS.—*

23           (1) *The Secretary is authorized and directed to*  
24           *convert, prior to December 31, 2010, all existing long-*  
25           *term contracts with the following Friant Division,*

1 *Hidden Unit, and Buchanan Unit contractors, en-*  
2 *tered under subsection (e) of section 9 of the Act of*  
3 *August 4, 1939 (53 Stat. 1196), to contracts under*  
4 *subsection (d) of section 9 of said Act (53 Stat. 1195),*  
5 *under mutually agreeable terms and conditions:*  
6 *Arvin-Edison Water Storage District; Delano-*  
7 *Earlimart Irrigation District; Exeter Irrigation Dis-*  
8 *trict; Fresno Irrigation District; Ivanhoe Irrigation*  
9 *District; Lindmore Irrigation District; Lindsay-*  
10 *Strathmore Irrigation District; Lower Tule River Ir-*  
11 *rigation District; Orange Cove Irrigation District;*  
12 *Porterville Irrigation District; Saucelito Irrigation*  
13 *District; Shafter-Wasco Irrigation District; Southern*  
14 *San Joaquin Municipal Utility District; Stone Cor-*  
15 *ral Irrigation District; Tea Pot Dome Water District;*  
16 *Terra Bella Irrigation District; Tulare Irrigation*  
17 *District; Madera Irrigation District; and Chowchilla*  
18 *Water District. Upon request of the contractor, the*  
19 *Secretary is authorized to convert, prior to December*  
20 *31, 2010, other existing long-term contracts with*  
21 *Friant Division contractors entered under subsection*  
22 *(e) of section 9 of the Act of August 4, 1939 (53 Stat.*  
23 *1196), to contracts under subsection (d) of section 9*  
24 *of said Act (53 Stat. 1195), under mutually agreeable*  
25 *terms and conditions.*



1           (2) *Upon request of the contractor, the Secretary*  
2           *is further authorized to convert, prior to December 31,*  
3           *2010, any existing Friant Division long-term con-*  
4           *tract entered under subsection (c)(2) of section 9 of*  
5           *the Act of August 4, 1939 (53 Stat. 1194), to a con-*  
6           *tract under subsection (c)(1) of section 9 of said Act,*  
7           *under mutually agreeable terms and conditions.*

8           (3) *All such contracts entered into pursuant to*  
9           *paragraph (1) shall—*

10           (A) *require the repayment, either in lump*  
11           *sum or by accelerated prepayment, of the re-*  
12           *maining amount of construction costs identified*  
13           *in the Central Valley Project Schedule of Irriga-*  
14           *tion Capital Rates by Contractor 2007 Irriga-*  
15           *tion Water Rates, dated January 25, 2007, as*  
16           *adjusted to reflect payments not reflected in such*  
17           *schedule, and properly assignable for ultimate*  
18           *return by the contractor, no later than January*  
19           *31, 2011, or if made in approximately equal an-*  
20           *nual installments, no later than January 31,*  
21           *2014; such amount to be discounted by  $\frac{1}{2}$  the*  
22           *Treasury Rate. An estimate of the remaining*  
23           *amount of construction costs as of January 31,*  
24           *2011, as adjusted, shall be provided by the Sec-*

1           *retary to each contractor no later than June 30,*  
2           *2010;*

3           *(B) require that, notwithstanding subsection*  
4           *(c)(2), construction costs or other capitalized*  
5           *costs incurred after the effective date of the con-*  
6           *tract or not reflected in the schedule referenced in*  
7           *subparagraph (A), and properly assignable to*  
8           *such contractor, shall be repaid in not more than*  
9           *5 years after notification of the allocation if such*  
10           *amount is a result of a collective annual alloca-*  
11           *tion of capital costs to the contractors exercising*  
12           *contract conversions under this subsection of less*  
13           *than \$5,000,000. If such amount is \$5,000,000*  
14           *or greater, such cost shall be repaid as provided*  
15           *by applicable Reclamation law, provided that*  
16           *the reference to the amount of \$5,000,000 shall*  
17           *not be a precedent in any other context;*

18           *(C) provide that power revenues will not be*  
19           *available to aid in repayment of construction*  
20           *costs allocated to irrigation under the contract;*  
21           *and*

22           *(D) conform to the Settlement and this part*  
23           *and shall continue so long as the contractor pays*  
24           *applicable charges, consistent with subsection*  
25           *(c)(2) and applicable law.*

1           (4) *All such contracts entered into pursuant to*  
2 *paragraph (2) shall—*

3           (A) *require the repayment in lump sum of*  
4 *the remaining amount of construction costs iden-*  
5 *tified in the most current version of the Central*  
6 *Valley Project Schedule of Municipal and Indus-*  
7 *trial Water Rates, as adjusted to reflect pay-*  
8 *ments not reflected in such schedule, and prop-*  
9 *erly assignable for ultimate return by the con-*  
10 *tractor, no later than January 31, 2014. An esti-*  
11 *mate of the remaining amount of construction*  
12 *costs as of January 31, 2014, as adjusted, shall*  
13 *be provided by the Secretary to each contractor*  
14 *no later than June 30, 2013;*

15           (B) *require that, notwithstanding subsection*  
16 *(c)(2), construction costs or other capitalized*  
17 *costs incurred after the effective date of the con-*  
18 *tract or not reflected in the schedule referenced in*  
19 *subparagraph (A), and properly assignable to*  
20 *such contractor, shall be repaid in not more than*  
21 *5 years after notification of the allocation if such*  
22 *amount is a result of a collective annual alloca-*  
23 *tion of capital costs to the contractors exercising*  
24 *contract conversions under this subsection of less*  
25 *than \$5,000,000. If such amount is \$5,000,000*

1           or greater, such cost shall be repaid as provided  
2           by applicable Reclamation law, provided that  
3           the reference to the amount of \$5,000,000 shall  
4           not be a precedent in any other context; and

5           (C) conform to the Settlement and this part  
6           and shall continue so long as the contractor pays  
7           applicable charges, consistent with subsection  
8           (c)(2) and applicable law.

9           (b) *FINAL ADJUSTMENT.*—The amounts paid pursuant  
10          to subsection (a) shall be subject to adjustment following  
11          a final cost allocation by the Secretary upon completion  
12          of the construction of the Central Valley Project. In the  
13          event that the final cost allocation indicates that the costs  
14          properly assignable to the contractor are greater than what  
15          has been paid by the contractor, the contractor shall be obli-  
16          gated to pay the remaining allocated costs. The term of such  
17          additional repayment contract shall be no less than 1 year  
18          and no more than 10 years, however, mutually agreeable  
19          provisions regarding the rate of repayment of such amount  
20          may be developed by the parties. In the event that the final  
21          cost allocation indicates that the costs properly assignable  
22          to the contractor are less than what the contractor has paid,  
23          the Secretary is authorized and directed to credit such over-  
24          payment as an offset against any outstanding or future ob-  
25          ligation of the contractor.

1       (c) *APPLICABILITY OF CERTAIN PROVISIONS.*—

2           (1) *Notwithstanding any repayment obligation*  
3 *under subsection (a)(3)(B) or subsection (b), upon a*  
4 *contractor's compliance with and discharge of the ob-*  
5 *ligation of repayment of the construction costs as pro-*  
6 *vided in subsection (a)(3)(A), the provisions of section*  
7 *213(a) and (b) of the Reclamation Reform Act of*  
8 *1982 (96 Stat. 1269) shall apply to lands in such dis-*  
9 *trict.*

10          (2) *Notwithstanding any repayment obligation*  
11 *under paragraph (3)(B) or (4)(B) of subsection (a),*  
12 *or subsection (b), upon a contractor's compliance with*  
13 *and discharge of the obligation of repayment of the*  
14 *construction costs as provided in paragraphs (3)(A)*  
15 *and (4)(A) of subsection (a), the Secretary shall waive*  
16 *the pricing provisions of section 3405(d) of the Rec-*  
17 *lamation Projects Authorization and Adjustment Act*  
18 *of 1992 (Public Law 102–575) for such contractor,*  
19 *provided that such contractor shall continue to pay*  
20 *applicable operation and maintenance costs and other*  
21 *charges applicable to such repayment contracts pursu-*  
22 *ant to the then-current rate-setting policy and appli-*  
23 *cable law.*

24          (3) *Provisions of the Settlement applying to*  
25 *Friant Division, Hidden Unit, and Buchanan Unit*

1 *long-term water service contracts shall also apply to*  
2 *contracts executed pursuant to this section.*

3 *(d) REDUCTION OF CHARGE FOR THOSE CONTRACTS*  
4 *CONVERTED PURSUANT TO SUBSECTION (A)(1).—*

5 *(1) At the time all payments by the contractor*  
6 *required by subsection (a)(3)(A) have been completed,*  
7 *the Secretary shall reduce the charge mandated in sec-*  
8 *tion 10007(1) of this part, from 2020 through 2039,*  
9 *to offset the financing costs as defined in section*  
10 *10010(d)(3). The reduction shall be calculated at the*  
11 *time all payments by the contractor required by sub-*  
12 *section (a)(3)(A) have been completed. The calculation*  
13 *shall remain fixed from 2020 through 2039 and shall*  
14 *be based upon anticipated average annual water de-*  
15 *liveries, as mutually agreed upon by the Secretary*  
16 *and the contractor, for the period from 2020 through*  
17 *2039, and the amounts of such reductions shall be dis-*  
18 *counted using the Treasury Rate; provided, that such*  
19 *charge shall not be reduced to less than \$4.00 per acre*  
20 *foot of project water delivered; provided further, that*  
21 *such reduction shall be implemented annually unless*  
22 *the Secretary determines, based on the availability of*  
23 *other monies, that the charges mandated in section*  
24 *10007(1) are otherwise needed to cover ongoing fed-*  
25 *eral costs of the Settlement, including any federal op-*

1 *eration and maintenance costs of facilities that the*  
2 *Secretary determines are needed to implement the*  
3 *Settlement. If the Secretary determines that such*  
4 *charges are necessary to cover such ongoing federal*  
5 *costs, the Secretary shall, instead of making the re-*  
6 *duction in such charges, reduce the contractor's oper-*  
7 *ation and maintenance obligation by an equivalent*  
8 *amount, and such amount shall not be recovered by*  
9 *the United States from any Central Valley Project*  
10 *contractor, provided nothing herein shall affect the ob-*  
11 *ligation of the contractor to make payments pursuant*  
12 *to a transfer agreement with a non-federal operating*  
13 *entity.*

14 *(2) If the calculated reduction in paragraph (1),*  
15 *taking into consideration the minimum amount re-*  
16 *quired, does not result in the contractor offsetting its*  
17 *financing costs, the Secretary is authorized and di-*  
18 *rected to reduce, after October 1, 2019, any out-*  
19 *standing or future obligations of the contractor to the*  
20 *Bureau of Reclamation, other than the charge assessed*  
21 *and collected under section 3407(d) of Public law*  
22 *102–575, by the amount of such deficiency, with such*  
23 *amount indexed to 2020 using the Treasury Rate and*  
24 *such amount shall not be recovered by the United*  
25 *States from any Central Valley Project contractor,*

1 *provided nothing herein shall affect the obligation of*  
2 *the contractor to make payments pursuant to a trans-*  
3 *fer agreement with a non-Federal operating entity.*

4 *(3) Financing costs, for the purposes of this sub-*  
5 *section, shall be computed as the difference of the net*  
6 *present value of the construction cost identified in*  
7 *subsection (a)(3)(A) using the full Treasury Rate as*  
8 *compared to using one half of the Treasury Rate and*  
9 *applying those rates against a calculated average an-*  
10 *nuual capital repayment through 2030.*

11 *(4) Effective in 2040, the charge shall revert to*  
12 *the amount called for in section 10007(1) of this part.*

13 *(5) For purposes of this section, “Treasury Rate”*  
14 *shall be defined as the 20 year Constant Maturity*  
15 *Treasury (CMT) rate published by the United States*  
16 *Department of the Treasury as of October 1, 2010.*

17 *(e) SATISFACTION OF CERTAIN PROVISIONS.—*

18 *(1) IN GENERAL.—Upon the first release of In-*  
19 *terim Flows or Restoration Flows, pursuant to para-*  
20 *graphs 13 or 15 of the Settlement, any short- or long-*  
21 *term agreement, to which 1 or more long-term Friant*  
22 *Division, Hidden Unit, or Buchanan Unit contractor*  
23 *that converts its contract pursuant to subsection (a)*  
24 *is a party, providing for the transfer or exchange of*  
25 *water not released as Interim Flows or Restoration*



1 *Flows shall be deemed to satisfy the provisions of sub-*  
2 *section 3405(a)(1)(A) and (I) of the Reclamation*  
3 *Projects Authorization and Adjustment Act of 1992*  
4 *(Public Law 102–575) without the further concur-*  
5 *rence of the Secretary as to compliance with said sub-*  
6 *sections if the contractor provides, not later than 90*  
7 *days before commencement of any such transfer or ex-*  
8 *change for a period in excess of 1 year, and not later*  
9 *than 30 days before commencement of any proposed*  
10 *transfer or exchange with duration of less than 1*  
11 *year, written notice to the Secretary stating how the*  
12 *proposed transfer or exchange is intended to reduce,*  
13 *avoid, or mitigate impacts to water deliveries caused*  
14 *by the Interim Flows or Restoration Flows or is in-*  
15 *tended to otherwise facilitate the Water Management*  
16 *Goal, as described in the Settlement. The Secretary*  
17 *shall promptly make such notice publicly available.*

18 (2) *DETERMINATION OF REDUCTIONS TO WATER*  
19 *DELIVERIES.—Water transferred or exchanged under*  
20 *an agreement that meets the terms of this subsection*  
21 *shall not be counted as a replacement or an offset for*  
22 *purposes of determining reductions to water deliveries*  
23 *to any Friant Division long-term contractor except as*  
24 *provided in paragraph 16(b) of the Settlement. The*  
25 *Secretary shall, at least annually, make publicly*

1     *available a compilation of the number of transfer or*  
2     *exchange agreements exercising the provisions of this*  
3     *subsection to reduce, avoid, or mitigate impacts to*  
4     *water deliveries caused by the Interim Flows or Res-*  
5     *toration Flows or to facilitate the Water Management*  
6     *Goal, as well as the volume of water transferred or ex-*  
7     *changed under such agreements.*

8             (3) *STATE LAW.—Nothing in this subsection al-*  
9     *ters State law or permit conditions, including any*  
10    *applicable geographical restrictions on the place of*  
11    *use of water transferred or exchanged pursuant to this*  
12    *subsection.*

13            (f) *CERTAIN REPAYMENT OBLIGATIONS NOT AL-*  
14    *TERED.—Implementation of the provisions of this section*  
15    *shall not alter the repayment obligation of any other long-*  
16    *term water service or repayment contractor receiving water*  
17    *from the Central Valley Project, or shift any costs that*  
18    *would otherwise have been properly assignable to the Friant*  
19    *contractors absent this section, including operations and*  
20    *maintenance costs, construction costs, or other capitalized*  
21    *costs incurred after the date of enactment of this Act, to*  
22    *other such contractors.*

23            (g) *STATUTORY INTERPRETATION.—Nothing in this*  
24    *part shall be construed to affect the right of any Friant*  
25    *Division, Hidden Unit, or Buchanan Unit long-term con-*

1 tractor to use a particular type of financing to make the  
2 payments required in paragraph (3)(A) or (4)(A) of sub-  
3 section (a).

4 **SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN**  
5 **CHINOOK SALMON.**

6 (a) *FINDING.*—Congress finds that the implementation  
7 of the Settlement to resolve 18 years of contentious litigation  
8 regarding restoration of the San Joaquin River and the re-  
9 introduction of the California Central Valley Spring Run  
10 Chinook salmon is a unique and unprecedented cir-  
11 cumstance that requires clear expressions of Congressional  
12 intent regarding how the provisions of the Endangered Spe-  
13 cies Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to  
14 achieve the goals of restoration of the San Joaquin River  
15 and the successful reintroduction of California Central Val-  
16 ley Spring Run Chinook salmon.

17 (b) *REINTRODUCTION IN THE SAN JOAQUIN RIVER.*—  
18 California Central Valley Spring Run Chinook salmon  
19 shall be reintroduced in the San Joaquin River below  
20 Friant Dam pursuant to section 10(j) of the Endangered  
21 Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement,  
22 provided that the Secretary of Commerce finds that a per-  
23 mit for the reintroduction of California Central Valley  
24 Spring Run Chinook salmon may be issued pursuant to sec-

1 *tion 10(a)(1)(A) of the Endangered Species Act of 1973 (16*  
2 *U.S.C. 1539(a)(1)(A)).*

3 *(c) FINAL RULE.—*

4 *(1) DEFINITION OF THIRD PARTY.—For the pur-*  
5 *pose of this subsection, the term “third party” means*  
6 *persons or entities diverting or receiving water pursu-*  
7 *ant to applicable State and Federal laws and shall*  
8 *include Central Valley Project contractors outside of*  
9 *the Friant Division of the Central Valley Project and*  
10 *the State Water Project.*

11 *(2) ISSUANCE.—The Secretary of Commerce shall*  
12 *issue a final rule pursuant to section 4(d) of the En-*  
13 *dangered Species Act of 1973 (16 U.S.C. 1533(d))*  
14 *governing the incidental take of reintroduced Cali-*  
15 *fornia Central Valley Spring Run Chinook salmon*  
16 *prior to the reintroduction.*

17 *(3) REQUIRED COMPONENTS.—The rule issued*  
18 *under paragraph (2) shall provide that the reintro-*  
19 *duction will not impose more than de minimus: water*  
20 *supply reductions, additional storage releases, or by-*  
21 *pass flows on unwilling third parties due to such re-*  
22 *introduction.*

23 *(4) APPLICABLE LAW.—Nothing in this section—*  
24 *(A) diminishes the statutory or regulatory*  
25 *protections provided in the Endangered Species*

1           *Act of 1973 for any species listed pursuant to*  
2           *section 4 of the Endangered Species Act of 1973*  
3           *(16 U.S.C. 1533) other than the reintroduced*  
4           *population of California Central Valley Spring*  
5           *Run Chinook salmon, including protections pur-*  
6           *suant to existing biological opinions or new bio-*  
7           *logical opinions issued by the Secretary or Sec-*  
8           *retary of Commerce; or*

9           *(B) precludes the Secretary or Secretary of*  
10          *Commerce from imposing protections under the*  
11          *Endangered Species Act of 1973 (16 U.S.C. 1531*  
12          *et seq.) for other species listed pursuant to sec-*  
13          *tion 4 of that Act (16 U.S.C. 1533) because those*  
14          *protections provide incidental benefits to such re-*  
15          *introduced California Central Valley Spring*  
16          *Run Chinook salmon.*

17          *(d) REPORT.—*

18           *(1) IN GENERAL.—Not later than December 31,*  
19           *2024, the Secretary of Commerce shall report to Con-*  
20           *gress on the progress made on the reintroduction set*  
21           *forth in this section and the Secretary's plans for fu-*  
22           *ture implementation of this section.*

23           *(2) INCLUSIONS.—The report under paragraph*  
24           *(1) shall include—*

1           (A) an assessment of the major challenges, if  
2           any, to successful reintroduction;

3           (B) an evaluation of the effect, if any, of the  
4           reintroduction on the existing population of  
5           California Central Valley Spring Run Chinook  
6           salmon existing on the Sacramento River or its  
7           tributaries; and

8           (C) an assessment regarding the future of  
9           the reintroduction.

10       (e) *FERC PROJECTS.*—

11           (1) *IN GENERAL.*—With regard to California  
12           Central Valley Spring Run Chinook salmon reintro-  
13           duced pursuant to the Settlement, the Secretary of  
14           Commerce shall exercise its authority under section  
15           18 of the Federal Power Act (16 U.S.C. 811) by re-  
16           serving its right to file prescriptions in proceedings  
17           for projects licensed by the Federal Energy Regulatory  
18           Commission on the Calaveras, Stanislaus, Tuolumne,  
19           Merced, and San Joaquin rivers and otherwise con-  
20           sistent with subsection (c) until after the expiration  
21           of the term of the Settlement, December 31, 2025, or  
22           the expiration of the designation made pursuant to  
23           subsection (b), whichever ends first.

24           (2) *EFFECT OF SUBSECTION.*—Nothing in this  
25           subsection shall preclude the Secretary of Commerce

1 *from imposing prescriptions pursuant to section 18 of*  
 2 *the Federal Power Act (16 U.S.C. 811) solely for other*  
 3 *anadromous fish species because those prescriptions*  
 4 *provide incidental benefits to such reintroduced Cali-*  
 5 *fornia Central Valley Spring Run Chinook salmon.*

6 (f) *EFFECT OF SECTION.*—*Nothing in this section is*  
 7 *intended or shall be construed—*

8 (1) *to modify the Endangered Species Act of*  
 9 *1973 (16 U.S.C. 1531 et seq.) or the Federal Power*  
 10 *Act (16 U.S.C. 791a et seq.); or*

11 (2) *to establish a precedent with respect to any*  
 12 *other application of the Endangered Species Act of*  
 13 *1973 (16 U.S.C. 1531 et seq.) or the Federal Power*  
 14 *Act (16 U.S.C. 791a et seq.).*

15 **PART II—STUDY TO DEVELOP WATER PLAN;**

16 **REPORT**

17 **SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.**

18 (a) *PLAN.*—

19 (1) *GRANT.*—*To the extent that funds are made*  
 20 *available in advance for this purpose, the Secretary*  
 21 *of the Interior, acting through the Bureau of Rec-*  
 22 *lamation, shall provide direct financial assistance to*  
 23 *the California Water Institute, located at California*  
 24 *State University, Fresno, California, to conduct a*  
 25 *study regarding the coordination and integration of*

1 *sub-regional integrated regional water management*  
2 *plans into a unified Integrated Regional Water Man-*  
3 *agement Plan for the subject counties in the hydro-*  
4 *logic basins that would address issues related to—*

5 *(A) water quality;*

6 *(B) water supply (both surface, ground*  
7 *water banking, and brackish water desalination);*

8 *(C) water conveyance;*

9 *(D) water reliability;*

10 *(E) water conservation and efficient use (by*  
11 *distribution systems and by end users);*

12 *(F) flood control;*

13 *(G) water resource-related environmental*  
14 *enhancement; and*

15 *(H) population growth.*

16 *(2) STUDY AREA.—The study area referred to in*  
17 *paragraph (1) is the proposed study area of the San*  
18 *Joaquin River Hydrologic Region and Tulare Lake*  
19 *Hydrologic Region, as defined by California Depart-*  
20 *ment of Water Resources Bulletin 160–05, volume 3,*  
21 *chapters 7 and 8, including Kern, Tulare, Kings,*  
22 *Fresno, Madera, Merced, Stanislaus, and San Joa-*  
23 *quin counties in California.*

24 *(b) USE OF PLAN.—The Integrated Regional Water*  
25 *Management Plan developed for the 2 hydrologic basins*



1 *under subsection (a) shall serve as a guide for the counties*  
2 *in the study area described in subsection (a)(2) to use as*  
3 *a mechanism to address and solve long-term water needs*  
4 *in a sustainable and equitable manner.*

5 *(c) REPORT.—The Secretary shall ensure that a report*  
6 *containing the results of the Integrated Regional Water*  
7 *Management Plan for the hydrologic regions is submitted*  
8 *to the Committee on Energy and Natural Resources of the*  
9 *Senate and the Committee on Natural Resources of the*  
10 *House of Representatives not later than 24 months after fi-*  
11 *nancial assistance is made available to the California*  
12 *Water Institute under subsection (a)(1).*

13 *(d) AUTHORIZATION OF APPROPRIATIONS.—There are*  
14 *authorized to be appropriated to carry out this section*  
15 *\$1,000,000 to remain available until expended.*

16 **PART III—FRIANT DIVISION IMPROVEMENTS**

17 **SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.**

18 *(a) The Secretary of the Interior (hereafter referred to*  
19 *as the “Secretary”) is authorized and directed to conduct*  
20 *feasibility studies in coordination with appropriate Fed-*  
21 *eral, State, regional, and local authorities on the following*  
22 *improvements and facilities in the Friant Division, Central*  
23 *Valley Project, California:*

24 *(1) Restoration of the capacity of the Friant-*  
25 *Kern Canal and Madera Canal to such capacity as*

1        *previously designed and constructed by the Bureau of*  
2        *Reclamation.*

3            (2) *Reverse flow pump-back facilities on the*  
4        *Friant-Kern Canal, with reverse-flow capacity of ap-*  
5        *proximately 500 cubic feet per second at the Poso and*  
6        *Shafter Check Structures and approximately 300*  
7        *cubic feet per second at the Woollomes Check Struc-*  
8        *ture.*

9            (b) *Upon completion of and consistent with the appli-*  
10       *cable feasibility studies, the Secretary is authorized to con-*  
11       *struct the improvements and facilities identified in sub-*  
12       *section (a) in accordance with all applicable Federal and*  
13       *State laws.*

14           (c) *The costs of implementing this section shall be in*  
15       *accordance with section 10203, and shall be a nonreimburs-*  
16       *able Federal expenditure.*

17       **SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.**

18           (a) *AUTHORIZATION.*—*The Secretary is authorized to*  
19       *provide financial assistance to local agencies within the*  
20       *Central Valley Project, California, for the planning, design,*  
21       *environmental compliance, and construction of local facili-*  
22       *ties to bank water underground or to recharge groundwater,*  
23       *and that recover such water, provided that the project meets*  
24       *the criteria in subsection (b). The Secretary is further au-*  
25       *thorized to require that any such local agency receiving fi-*

1 *financial assistance under the terms of this section submit*  
2 *progress reports and accountings to the Secretary, as the*  
3 *Secretary deems appropriate, which such reports shall be*  
4 *publicly available.*

5 (b) *CRITERIA.*—

6 (1) *A project shall be eligible for Federal finan-*  
7 *cial assistance under subsection (a) only if all or a*  
8 *portion of the project is designed to reduce, avoid, or*  
9 *offset the quantity of the expected water supply im-*  
10 *pacts to Friant Division long-term contractors caused*  
11 *by the Interim or Restoration Flows authorized in*  
12 *part I of this subtitle, and such quantities have not*  
13 *already been reduced, avoided, or offset by other pro-*  
14 *grams or projects.*

15 (2) *Federal financial assistance shall only apply*  
16 *to the portion of a project that the local agency des-*  
17 *ignates as reducing, avoiding, or offsetting the ex-*  
18 *pected water supply impacts caused by the Interim or*  
19 *Restoration Flows authorized in part I of this sub-*  
20 *title, consistent with the methodology developed pursu-*  
21 *ant to paragraph (3)(C).*

22 (3) *No Federal financial assistance shall be pro-*  
23 *vided by the Secretary under this part for construc-*  
24 *tion of a project under subsection (a) unless the Sec-*  
25 *retary—*

1           (A) determines that appropriate planning,  
2           design, and environmental compliance activities  
3           associated with such a project have been com-  
4           pleted, and that the Secretary has been offered  
5           the opportunity to participate in the project at  
6           a price that is no higher than the local agency's  
7           own costs, in order to secure necessary storage,  
8           extraction, and conveyance rights for water that  
9           may be needed to meet the Restoration Goal as  
10          described in part I of this subtitle, where such  
11          project has capacity beyond that designated for  
12          the purposes in paragraph (2) or where it is fea-  
13          sible to expand such project to allow participa-  
14          tion by the Secretary;

15          (B) determines, based on information avail-  
16          able at the time, that the local agency has the fi-  
17          nancial capability and willingness to fund its  
18          share of the project's construction and all oper-  
19          ation and maintenance costs on an annual basis;

20          (C) determines that a method acceptable to  
21          the Secretary has been developed for quantifying  
22          the benefit, in terms of reduction, avoidance, or  
23          offset of the water supply impacts expected to be  
24          caused by the Interim or Restoration Flows au-  
25          thorized in part I of this subtitle, that will result

1           *from the project, and for ensuring appropriate*  
2           *adjustment in the recovered water account pur-*  
3           *suant to section 10004(a)(5); and*

4           *(D) has entered into a cost-sharing agree-*  
5           *ment with the local agency which commits the*  
6           *local agency to funding its share of the project's*  
7           *construction costs on an annual basis.*

8           *(c) GUIDELINES.—Within 1 year from the date of en-*  
9           *actment of this part, the Secretary shall develop, in con-*  
10          *sultation with the Friant Division long-term contractors,*  
11          *proposed guidelines for the application of the criteria de-*  
12          *finied in subsection (b), and will make the proposed guide-*  
13          *lines available for public comment. Such guidelines may*  
14          *consider prioritizing the distribution of available funds to*  
15          *projects that provide the broadest benefit within the affected*  
16          *area and the equitable allocation of funds. Upon adoption*  
17          *of such guidelines, the Secretary shall implement such as-*  
18          *sistance program, subject to the availability of funds appro-*  
19          *priated for such purpose.*

20          *(d) COST SHARING.—The Federal financial assistance*  
21          *provided to local agencies under subsection (a) shall not ex-*  
22          *ceed—*

23                  *(1) 50 percent of the costs associated with plan-*  
24                  *ning, design, and environmental compliance activities*  
25                  *associated with such a project; and*

1           (2) 50 percent of the costs associated with con-  
2           struction of any such project.

3           (e) *PROJECT OWNERSHIP.*—

4           (1) Title to, control over, and operation of,  
5           projects funded under subsection (a) shall remain in  
6           one or more non-Federal local agencies. Nothing in  
7           this part authorizes the Secretary to operate a  
8           groundwater bank along or adjacent to the San Joa-  
9           quin River upstream of the confluence with the  
10          Merced River, and any such groundwater bank shall  
11          be operated by a non-Federal entity. All projects  
12          funded pursuant to this subsection shall comply with  
13          all applicable Federal and State laws, including pro-  
14          visions of California water law.

15          (2) All operation, maintenance, and replacement  
16          and rehabilitation costs of such projects shall be the  
17          responsibility of the local agency. The Secretary shall  
18          not provide funding for any operation, maintenance,  
19          or replacement and rehabilitation costs of projects  
20          funded under subsection (a).

21 **SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.**

22          (a) The Secretary is authorized and directed to use  
23          monies from the fund established under section 10009 to  
24          carry out the provisions of section 10201(a)(1), in an  
25          amount not to exceed \$35,000,000.

1       (b) *In addition to the funds made available pursuant*  
2 *to subsection (a), the Secretary is also authorized to expend*  
3 *such additional funds from the fund established under sec-*  
4 *tion 10009 to carry out the purposes of section 10201(a)(2),*  
5 *if such facilities have not already been authorized and fund-*  
6 *ed under the plan provided for pursuant to section*  
7 *10004(a)(4), in an amount not to exceed \$17,000,000, pro-*  
8 *vided that the Secretary first determines that such expendi-*  
9 *ture will not conflict with or delay his implementation of*  
10 *actions required by part I of this subtitle. Notice of the Sec-*  
11 *retary's determination shall be published not later than his*  
12 *submission of the report to Congress required by section*  
13 *10009(f)(2).*

14       (c) *In addition to funds made available in subsections*  
15 *(a) and (b), there are authorized to be appropriated*  
16 *\$50,000,000 (October 2008 price levels) to carry out the*  
17 *purposes of this part which shall be non-reimbursable.*

18       ***Subtitle B—Northwestern New***  
19       ***Mexico Rural Water Projects***

20       ***SEC. 10301. SHORT TITLE.***

21       *This subtitle may be cited as the “Northwestern New*  
22 *Mexico Rural Water Projects Act”.*

23       ***SEC. 10302. DEFINITIONS.***

24       *In this subtitle:*

1           (1) *AAMODT ADJUDICATION.*—*The term “Aamodt*  
2 *adjudication” means the general stream adjudication*  
3 *that is the subject of the civil action entitled “State*  
4 *of New Mexico, ex rel. State Engineer and United*  
5 *States of America, Pueblo de Nambe, Pueblo de*  
6 *Pojoaque, Pueblo de San Ildefonso, and Pueblo de*  
7 *Tesuque v. R. Lee Aamodt, et al.”, No. 66 CV 6639*  
8 *MV/LCS (D.N.M.).*

9           (2) *ABEYTA ADJUDICATION.*—*The term “Abeyta*  
10 *adjudication” means the general stream adjudication*  
11 *that is the subject of the civil actions entitled “State*  
12 *of New Mexico v. Abeyta and State of New Mexico v.*  
13 *Arrellano”, Civil Nos. 7896–BB (D.N.M) and 7939–*  
14 *BB (D.N.M.) (consolidated).*

15           (3) *ACRE-FEET.*—*The term “acre-feet” means*  
16 *acre-feet per year.*

17           (4) *AGREEMENT.*—*The term “Agreement” means*  
18 *the agreement among the State of New Mexico, the*  
19 *Nation, and the United States setting forth a stipu-*  
20 *lated and binding agreement signed by the State of*  
21 *New Mexico and the Nation on April 19, 2005.*

22           (5) *ALLOTTEE.*—*The term “allottee” means a*  
23 *person that holds a beneficial real property interest in*  
24 *a Navajo allotment that—*



1           (A) is located within the Navajo Reserva-  
2           tion or the State of New Mexico;

3           (B) is held in trust by the United States;  
4           and

5           (C) was originally granted to an individual  
6           member of the Nation by public land order or  
7           otherwise.

8           (6) *ANIMAS-LA PLATA PROJECT*.—The term  
9           “Animas-La Plata Project” has the meaning given  
10          the term in section 3 of Public Law 100–585 (102  
11          Stat. 2973), including Ridges Basin Dam, Lake  
12          Nighthorse, the Navajo Nation Municipal Pipeline,  
13          and any other features or modifications made pursu-  
14          ant to the Colorado Ute Settlement Act Amendments  
15          of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

16          (7) *CITY*.—The term “City” means the city of  
17          Gallup, New Mexico, or a designee of the City, with  
18          authority to provide water to the Gallup, New Mexico  
19          service area.

20          (8) *COLORADO RIVER COMPACT*.—The term “Col-  
21          orado River Compact” means the Colorado River  
22          Compact of 1922 as approved by Congress in the Act  
23          of December 21, 1928 (45 Stat. 1057) and by the  
24          Presidential Proclamation of June 25, 1929 (46 Stat.  
25          3000).

1           (9) *COLORADO RIVER SYSTEM.*—*The term “Colorado River System” has the same meaning given the*  
2 *term in Article II(a) of the Colorado River Compact.*

3           (10) *COMPACT.*—*The term “Compact” means the*  
4 *Upper Colorado River Basin Compact as consented to*  
5 *by the Act of April 6, 1949 (63 Stat. 31, chapter 48).*

6           (11) *CONTRACT.*—*The term “Contract” means*  
7 *the contract between the United States and the Nation*  
8 *setting forth certain commitments, rights, and obliga-*  
9 *tions of the United States and the Nation, as de-*  
10 *scribed in paragraph 6.0 of the Agreement.*

11           (12) *DEPLETION.*—*The term “depletion” means*  
12 *the depletion of the flow of the San Juan River*  
13 *stream system in the State of New Mexico by a par-*  
14 *ticular use of water (including any depletion incident*  
15 *to the use) and represents the diversion from the*  
16 *stream system by the use, less return flows to the*  
17 *stream system from the use.*

18           (13) *DRAFT IMPACT STATEMENT.*—*The term*  
19 *“Draft Impact Statement” means the draft environ-*  
20 *mental impact statement prepared by the Bureau of*  
21 *Reclamation for the Project dated March 2007.*

22           (14) *FUND.*—*The term “Fund” means the Rec-*  
23 *lamation Waters Settlements Fund established by sec-*  
24 *tion 10501(a).*

1           (15) *HYDROLOGIC DETERMINATION.*—*The term*  
2           *“hydrologic determination” means the hydrologic de-*  
3           *termination entitled “Water Availability from Navajo*  
4           *Reservoir and the Upper Colorado River Basin for*  
5           *Use in New Mexico,” prepared by the Bureau of Rec-*  
6           *lamation pursuant to section 11 of the Act of June*  
7           *13, 1962 (Public Law 87–483; 76 Stat. 99), and*  
8           *dated May 23, 2007.*

9           (16) *LOWER BASIN.*—*The term “Lower Basin”*  
10          *has the same meaning given the term in Article II(g)*  
11          *of the Colorado River Compact.*

12          (17) *NATION.*—*The term “Nation” means the*  
13          *Navajo Nation, a body politic and federally-recog-*  
14          *nized Indian nation as provided for in section 101(2)*  
15          *of the Federally Recognized Indian Tribe List of 1994*  
16          *(25 U.S.C. 497a(2)), also known variously as the*  
17          *“Navajo Tribe,” the “Navajo Tribe of Arizona, New*  
18          *Mexico & Utah,” and the “Navajo Tribe of Indians”*  
19          *and other similar names, and includes all bands of*  
20          *Navajo Indians and chapters of the Navajo Nation.*

21          (18) *NAVAJO-GALLUP WATER SUPPLY PROJECT;*  
22          *PROJECT.*—*The term “Navajo-Gallup Water Supply*  
23          *Project” or “Project” means the Navajo-Gallup Water*  
24          *Supply Project authorized under section 10602(a), as*

1 *described as the preferred alternative in the Draft Im-*  
2  *pact Statement.*

3 (19) *NAVAJO INDIAN IRRIGATION PROJECT.*—*The*  
4 *term “Navajo Indian Irrigation Project” means the*  
5 *Navajo Indian irrigation project authorized by sec-*  
6 *tion 2 of Public Law 87–483 (76 Stat. 96).*

7 (20) *NAVAJO RESERVOIR.*—*The term “Navajo*  
8 *Reservoir” means the reservoir created by the im-*  
9 *poundment of the San Juan River at Navajo Dam,*  
10 *as authorized by the Act of April 11, 1956 (commonly*  
11 *known as the “Colorado River Storage Project Act”)*  
12 *(43 U.S.C. 620 et seq.).*

13 (21) *NAVAJO NATION MUNICIPAL PIPELINE; PIPE-*  
14 *LINE.*—*The term “Navajo Nation Municipal Pipe-*  
15 *line” or “Pipeline” means the pipeline used to convey*  
16 *the water of the Animas-La Plata Project of the Nav-*  
17 *ajo Nation from the City of Farmington, New Mexico,*  
18 *to communities of the Navajo Nation located in close*  
19 *proximity to the San Juan River Valley in the State*  
20 *of New Mexico (including the City of Shiprock), as*  
21 *authorized by section 15(b) of the Colorado Ute In-*  
22 *dian Water Rights Settlement Act of 1988 (Public*  
23 *Law 100–585; 102 Stat. 2973; 114 Stat. 2763A–263).*

24 (22) *NON-NAVAJO IRRIGATION DISTRICTS.*—*The*  
25 *term “Non-Navajo Irrigation Districts” means—*

1           (A) *the Hammond Conservancy District;*  
2           (B) *the Bloomfield Irrigation District; and*  
3           (C) *any other community ditch organiza-*  
4           *tion in the San Juan River basin in the State*  
5           *of New Mexico.*

6           (23) *PARTIAL FINAL DECREE.*—*The term “Par-*  
7           *tial Final Decree” means a final and binding judg-*  
8           *ment and decree entered by a court in the stream ad-*  
9           *judication, setting forth the rights of the Nation to use*  
10           *and administer waters of the San Juan River Basin*  
11           *in New Mexico, as set forth in Appendix 1 of the*  
12           *Agreement.*

13           (24) *PROJECT PARTICIPANTS.*—*The term*  
14           *“Project Participants” means the City, the Nation,*  
15           *and the Jicarilla Apache Nation.*

16           (25) *SAN JUAN RIVER BASIN RECOVERY IMPLE-*  
17           *MENTATION PROGRAM.*—*The term “San Juan River*  
18           *Basin Recovery Implementation Program” means the*  
19           *intergovernmental program established pursuant to*  
20           *the cooperative agreement dated October 21, 1992 (in-*  
21           *cluding any amendments to the program).*

22           (26) *SECRETARY.*—*The term “Secretary” means*  
23           *the Secretary of the Interior, acting through the Com-*  
24           *missioner of Reclamation or any other designee.*

1           (27) *STREAM ADJUDICATION.*—*The term “stream*  
2 *adjudication” means the general stream adjudication*  
3 *that is the subject of New Mexico v. United States, et*  
4 *al., No. 75–185 (11th Jud. Dist., San Juan County,*  
5 *New Mexico) (involving claims to waters of the San*  
6 *Juan River and the tributaries of that river).*

7           (28) *SUPPLEMENTAL PARTIAL FINAL DECREE.*—  
8 *The term “Supplemental Partial Final Decree”*  
9 *means a final and binding judgment and decree en-*  
10 *tered by a court in the stream adjudication, setting*  
11 *forth certain water rights of the Nation, as set forth*  
12 *in Appendix 2 of the Agreement.*

13           (29) *TRUST FUND.*—*The term “Trust Fund”*  
14 *means the Navajo Nation Water Resources Develop-*  
15 *ment Trust Fund established by section 10702(a).*

16           (30) *UPPER BASIN.*—*The term “Upper Basin”*  
17 *has the same meaning given the term in Article II(f)*  
18 *of the Colorado River Compact.*

19 **SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

20           (a) *EFFECT OF EXECUTION OF AGREEMENT.*—*The*  
21 *execution of the Agreement under section 10701(a)(2) shall*  
22 *not constitute a major Federal action under the National*  
23 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

24           (b) *COMPLIANCE WITH ENVIRONMENTAL LAWS.*—*In*  
25 *carrying out this subtitle, the Secretary shall comply with*

1 *each law of the Federal Government relating to the protec-*  
2 *tion of the environment, including—*

3           (1) *the National Environmental Policy Act of*  
4 *1969 (42 U.S.C. 4321 et seq.); and*

5           (2) *the Endangered Species Act of 1973 (16*  
6 *U.S.C. 1531 et seq.).*

7 **SEC. 10304. NO REALLOCATION OF COSTS.**

8           (a) *EFFECT OF ACT.*—*Notwithstanding any other pro-*  
9 *vision of law, the Secretary shall not reallocate or reassign*  
10 *any costs of projects that have been authorized under the*  
11 *Act of April 11, 1956 (commonly known as the “Colorado*  
12 *River Storage Project Act”)* (43 U.S.C. 620 et seq.), *as of*  
13 *the date of enactment of this Act because of—*

14           (1) *the authorization of the Navajo-Gallup Water*  
15 *Supply Project under this subtitle; or*

16           (2) *the changes in the uses of the water diverted*  
17 *by the Navajo Indian Irrigation Project or the waters*  
18 *stored in the Navajo Reservoir authorized under this*  
19 *subtitle.*

20           (b) *USE OF POWER REVENUES.*—*Notwithstanding*  
21 *any other provision of law, no power revenues under the*  
22 *Act of April 11, 1956 (commonly known as the “Colorado*  
23 *River Storage Project Act”)* (43 U.S.C. 620 et seq.), *shall*  
24 *be used to pay or reimburse any costs of the Navajo Indian*  
25 *Irrigation Project or Navajo-Gallup Water Supply Project.*

1 **SEC. 10305. INTEREST RATE.**

2 *Notwithstanding any other provision of law, the inter-*  
 3 *est rate applicable to any repayment contract entered into*  
 4 *under section 10604 shall be equal to the discount rate for*  
 5 *Federal water resources planning, as determined by the Sec-*  
 6 *retary.*

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

9 **SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STOR-**  
 10 **AGE PROJECT ACT.**

11 *(a) PARTICIPATING PROJECTS.—Paragraph (2) of the*  
 12 *first section of the Act of April 11, 1956 (commonly known*  
 13 *as the “Colorado River Storage Project Act”) (43 U.S.C.*  
 14 *620(2)) is amended by inserting “the Navajo-Gallup Water*  
 15 *Supply Project,” after “Fruitland Mesa,”.*

16 *(b) NAVAJO RESERVOIR WATER BANK.—The Act of*  
 17 *April 11, 1956 (commonly known as the “Colorado River*  
 18 *Storage Project Act”) is amended—*

19 *(1) by redesignating section 16 (43 U.S.C. 620o)*  
 20 *as section 17; and*

21 *(2) by inserting after section 15 (43 U.S.C.*  
 22 *620n) the following:*

23 *“SEC. 16. (a) The Secretary of the Interior may create*  
 24 *and operate within the available capacity of Navajo Res-*  
 25 *ervoir a top water bank.*



1       “(b) Water made available for the top water bank in  
2 accordance with subsections (c) and (d) shall not be subject  
3 to section 11 of Public Law 87–483 (76 Stat. 99).

4       “(c) The top water bank authorized under subsection  
5 (a) shall be operated in a manner that—

6           “(1) is consistent with applicable law, except  
7 that, notwithstanding any other provision of law,  
8 water for purposes other than irrigation may be  
9 stored in the Navajo Reservoir pursuant to the rules  
10 governing the top water bank established under this  
11 section; and

12           “(2) does not impair the ability of the Secretary  
13 of the Interior to deliver water under contracts en-  
14 tered into under—

15           “(A) Public Law 87–483 (76 Stat. 96); and

16           “(B) New Mexico State Engineer File Nos.  
17       2847, 2848, 2849, and 2917.

18       “(d)(1) The Secretary of the Interior, in cooperation  
19 with the State of New Mexico (acting through the Interstate  
20 Stream Commission), shall develop any terms and proce-  
21 dures for the storage, accounting, and release of water in  
22 the top water bank that are necessary to comply with sub-  
23 section (c).

24       “(2) The terms and procedures developed under para-  
25 graph (1) shall include provisions requiring that—

1           “(A) the storage of banked water shall be subject  
2 to approval under State law by the New Mexico State  
3 Engineer to ensure that impairment of any existing  
4 water right does not occur, including storage of water  
5 under New Mexico State Engineer File No. 2849;

6           “(B) water in the top water bank be subject to  
7 evaporation and other losses during storage;

8           “(C) water in the top water bank be released for  
9 delivery to the owner or assigns of the banked water  
10 on request of the owner, subject to reasonable sched-  
11 uling requirements for making the release;

12           “(D) water in the top water bank be the first  
13 water spilled or released for flood control purposes in  
14 anticipation of a spill, on the condition that top  
15 water bank water shall not be released or included for  
16 purposes of calculating whether a release should occur  
17 for purposes of satisfying the flow recommendations of  
18 the San Juan River Basin Recovery Implementation  
19 Program; and

20           “(E) water eligible for banking in the top water  
21 bank shall be water that otherwise would have been  
22 diverted and beneficially used in New Mexico that  
23 year.

24           “(e) The Secretary of the Interior may charge fees to  
25 water users that use the top water bank in amounts suffi-

1 *cient to cover the costs incurred by the United States in*  
 2 *administering the water bank.”.*

3 **SEC. 10402. AMENDMENTS TO PUBLIC LAW 87-483.**

4 *(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public*  
 5 *Law 87-483 (76 Stat. 96) is amended by striking section*  
 6 *2 and inserting the following:*

7 *“SEC. 2. (a) In accordance with the Act of April 11,*  
 8 *1956 (commonly known as the ‘Colorado River Storage*  
 9 *Project Act’) (43 U.S.C. 620 et seq.), the Secretary of the*  
 10 *Interior is authorized to construct, operate, and maintain*  
 11 *the Navajo Indian Irrigation Project to provide irrigation*  
 12 *water to a service area of not more than 110,630 acres of*  
 13 *land.*

14 *“(b)(1) Subject to paragraph (2), the average annual*  
 15 *diversion by the Navajo Indian Irrigation Project from the*  
 16 *Navajo Reservoir over any consecutive 10-year period shall*  
 17 *be the lesser of—*

18 *“(A) 508,000 acre-feet per year; or*

19 *“(B) the quantity of water necessary to supply*  
 20 *an average depletion of 270,000 acre-feet per year.*

21 *“(2) The quantity of water diverted for any 1 year*  
 22 *shall not exceed the average annual diversion determined*  
 23 *under paragraph (1) by more than 15 percent.*

24 *“(c) In addition to being used for irrigation, the water*  
 25 *diverted by the Navajo Indian Irrigation Project under sub-*

1 *section (b) may be used within the area served by Navajo*  
2 *Indian Irrigation Project facilities for the following pur-*  
3 *poses:*

4           “(1) *Aquaculture purposes, including the rearing*  
5 *of fish in support of the San Juan River Basin Re-*  
6 *covery Implementation Program authorized by Public*  
7 *Law 106–392 (114 Stat. 1602).*

8           “(2) *Domestic, industrial, or commercial pur-*  
9 *poses relating to agricultural production and proc-*  
10 *essing.*

11           “(3)(A) *The generation of hydroelectric power as*  
12 *an incident to the diversion of water by the Navajo*  
13 *Indian Irrigation Project for authorized purposes.*

14           “(B) *Notwithstanding any other provision of*  
15 *law—*

16           “(i) *any hydroelectric power generated*  
17 *under this paragraph shall be used or marketed*  
18 *by the Navajo Nation;*

19           “(ii) *the Navajo Nation shall retain any*  
20 *revenues from the sale of the hydroelectric power;*  
21 *and*

22           “(iii) *the United States shall have no trust*  
23 *obligation to monitor, administer, or account for*  
24 *the revenues received by the Navajo Nation, or*  
25 *the expenditure of the revenues.*

1           “(4) *The implementation of the alternate water*  
2           *source provisions described in subparagraph 9.2 of the*  
3           *agreement executed under section 10701(a)(2) of the*  
4           *Northwestern New Mexico Rural Water Projects Act.*

5           “(d) *The Navajo Indian Irrigation Project water di-*  
6           *verted under subsection (b) may be transferred to areas lo-*  
7           *cated within or outside the area served by Navajo Indian*  
8           *Irrigation Project facilities, and within or outside the*  
9           *boundaries of the Navajo Nation, for any beneficial use in*  
10          *accordance with—*

11           “(1) *the agreement executed under section*  
12          *10701(a)(2) of the Northwestern New Mexico Rural*  
13          *Water Projects Act;*

14           “(2) *the contract executed under section*  
15          *10604(a)(2)(B) of that Act; and*

16           “(3) *any other applicable law.*

17          “(e) *The Secretary may use the capacity of the Navajo*  
18          *Indian Irrigation Project works to convey water supplies*  
19          *for—*

20           “(1) *the Navajo-Gallup Water Supply Project*  
21          *under section 10602 of the Northwestern New Mexico*  
22          *Rural Water Projects Act; or*

23           “(2) *other nonirrigation purposes authorized*  
24          *under subsection (c) or (d).*

1       “(f)(1) *Repayment of the costs of construction of the*  
2 *project (as authorized in subsection (a)) shall be in accord-*  
3 *ance with the Act of April 11, 1956 (commonly known as*  
4 *the ‘Colorado River Storage Project Act’) (43 U.S.C. 620*  
5 *et seq.), including section 4(d) of that Act.*

6       “(2) *The Secretary shall not reallocate, or require re-*  
7 *payment of, construction costs of the Navajo Indian Irriga-*  
8 *tion Project because of the conveyance of water supplies for*  
9 *nonirrigation purposes under subsection (e).”.*

10       (b) *RUNOFF ABOVE NAVAJO DAM.—Section 11 of Pub-*  
11 *lic Law 87–483 (76 Stat. 100) is amended by adding at*  
12 *the end the following:*

13       “(d)(1) *For purposes of implementing in a year of pro-*  
14 *spective shortage the water allocation procedures established*  
15 *by subsection (a), the Secretary of the Interior shall deter-*  
16 *mine the quantity of any shortages and the appropriate ap-*  
17 *portionment of water using the normal diversion require-*  
18 *ments on the flow of the San Juan River originating above*  
19 *Navajo Dam based on the following criteria:*

20               “(A) *The quantity of diversion or water delivery*  
21 *for the current year anticipated to be necessary to ir-*  
22 *rigate land in accordance with cropping plans pre-*  
23 *pared by contractors.*

24               “(B) *The annual diversion or water delivery de-*  
25 *mands for the current year anticipated for non-irri-*

1     *gation uses under water delivery contracts, including*  
2     *contracts authorized by the Northwestern New Mexico*  
3     *Rural Water Projects Act, but excluding any current*  
4     *demand for surface water for placement into aquifer*  
5     *storage for future recovery and use.*

6             *“(C) An annual normal diversion demand of*  
7     *135,000 acre-feet for the initial stage of the San*  
8     *Juan-Chama Project authorized by section 8, which*  
9     *shall be the amount to which any shortage is applied.*

10            *“(2) The Secretary shall not include in the normal di-*  
11 *version requirements—*

12             *“(A) the quantity of water that reliably can be*  
13     *anticipated to be diverted or delivered under a con-*  
14     *tract from inflows to the San Juan River arising*  
15     *below Navajo Dam under New Mexico State Engineer*  
16     *File No. 3215; or*

17             *“(B) the quantity of water anticipated to be sup-*  
18     *plied through reuse.*

19            *“(e)(1) If the Secretary determines that there is a*  
20 *shortage of water under subsection (a), the Secretary shall*  
21 *respond to the shortage in the Navajo Reservoir water sup-*  
22 *ply by curtailing releases and deliveries in the following*  
23 *order:*

24             *“(A) The demand for delivery for uses in the*  
25     *State of Arizona under the Navajo-Gallup Water Sup-*

1 *ply Project authorized by section 10603 of the North-*  
2 *western New Mexico Rural Water Projects Act, ex-*  
3 *cluding the quantity of water anticipated to be di-*  
4 *verted for the uses from inflows to the San Juan*  
5 *River that arise below Navajo Dam in accordance*  
6 *with New Mexico State Engineer File No. 3215.*

7 “(B) *The demand for delivery for uses allocated*  
8 *under paragraph 8.2 of the agreement executed under*  
9 *section 10701(a)(2) of the Northwestern New Mexico*  
10 *Rural Water Projects Act, excluding the quantity of*  
11 *water anticipated to be diverted for such uses under*  
12 *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 (commonly*  
3 *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 vol-*  
6 *ume 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 File*  
18 *No. 3215 shall be distributed, to the maximum extent water*  
19 *is available, in proportionate amounts to the diversion de-*  
20 *mands of contractors and subcontractors of the Navajo Res-*  
21 *ervoir water supply that are diverting water below Navajo*  
22 *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 otherwise*  
4 *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”)*  
14 *(82 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, chapter*  
26 *48);*



- 1           (A) *without further appropriation; and*  
2           (B) *in addition to amounts appropriated*  
3           *pursuant to any authorization contained in any*  
4           *other provision of law.*

5       (c) *EXPENDITURES FROM FUND.—*

6           (1) *IN GENERAL.—*

7           (A) *EXPENDITURES.—Subject to subpara-*  
8           *graph (B), for each of fiscal years 2020 through*  
9           *2034, the Secretary may expend from the Fund*  
10           *an amount not to exceed \$120,000,000, plus the*  
11           *interest accrued in the Fund, for the fiscal year*  
12           *in which expenditures are made pursuant to*  
13           *paragraphs (2) and (3).*

14           (B) *ADDITIONAL EXPENDITURES.—The Sec-*  
15           *retary may expend more than \$120,000,000 for*  
16           *any fiscal year if such amounts are available in*  
17           *the Fund due to expenditures not reaching*  
18           *\$120,000,000 for prior fiscal years.*

19           (2) *AUTHORITY.—The Secretary may expend*  
20           *money from the Fund to implement a settlement*  
21           *agreement approved by Congress that resolves, in*  
22           *whole or in part, litigation involving the United*  
23           *States, if the settlement agreement or implementing*  
24           *legislation requires the Bureau of Reclamation to pro-*

1 *vide financial assistance for, or plan, design, and*  
2 *construct—*

3 *(A) water supply infrastructure; or*

4 *(B) a project—*

5 *(i) to rehabilitate a water delivery sys-*  
6 *tem to conserve water; or*

7 *(ii) to restore fish and wildlife habitat*  
8 *or otherwise improve environmental condi-*  
9 *tions associated with or affected by, or lo-*  
10 *cated within the same river basin as, a Fed-*  
11 *eral reclamation project that is in existence*  
12 *on the date of enactment of this Act.*

13 *(3) USE FOR COMPLETION OF PROJECT AND*  
14 *OTHER SETTLEMENTS.—*

15 *(A) PRIORITIES.—*

16 *(i) FIRST PRIORITY.—*

17 *(I) IN GENERAL.—The first pri-*  
18 *ority for expenditure of amounts in the*  
19 *Fund during the entire period in*  
20 *which the Fund is in existence shall be*  
21 *for the purposes described in, and in*  
22 *the order of, clauses (i) through (iv) of*  
23 *subparagraph (B).*

24 *(II) RESERVED AMOUNTS.—The*  
25 *Secretary shall reserve and use*

1                   *amounts deposited into the Fund in*  
2                   *accordance with subclause (I).*

3                   *(ii) OTHER PURPOSES.—Any amounts*  
4                   *in the Fund that are not needed for the pur-*  
5                   *poses described in subparagraph (B) may be*  
6                   *used for other purposes authorized in para-*  
7                   *graph (2).*

8                   *(B) COMPLETION OF PROJECT.—*

9                   *(i) NAVAJO-GALLUP WATER SUPPLY*  
10                  *PROJECT.—*

11                  *(I) IN GENERAL.—Subject to sub-*  
12                  *clause (II), effective beginning January*  
13                  *1, 2020, if, in the judgment of the Sec-*  
14                  *retary on an annual basis the deadline*  
15                  *described in section 10701(e)(1)(A)(ix)*  
16                  *is unlikely to be met because a suffi-*  
17                  *cient amount of funding is not other-*  
18                  *wise available through appropriations*  
19                  *made available pursuant to section*  
20                  *10609(a), the Secretary shall expend*  
21                  *from the Fund such amounts on an*  
22                  *annual basis consistent with para-*  
23                  *graphs (1) and (2), as are necessary to*  
24                  *pay the Federal share of the costs, and*  
25                  *substantially complete as expeditiously*

1 *as practicable, the construction of the*  
2 *water supply infrastructure authorized*  
3 *as part of the Project.*

4 *(II) MAXIMUM AMOUNT.—*

5 *(aa) IN GENERAL.—Except*  
6 *as provided under item (bb), the*  
7 *amount expended under subclause*  
8 *(I) shall not exceed \$500,000,000*  
9 *for the period of fiscal years 2020*  
10 *through 2029.*

11 *(bb) EXCEPTION.—The limi-*  
12 *tation on the expenditure amount*  
13 *under item (aa) may be exceeded*  
14 *during the entire period in which*  
15 *the Fund is in existence if such*  
16 *additional funds can be expended*  
17 *without limiting the amounts*  
18 *identified in clauses (i) through*  
19 *(iv).*

20 *(ii) OTHER NEW MEXICO SETTLE-*  
21 *MENTS.—*

22 *(I) IN GENERAL.—Subject to sub-*  
23 *clause (II), effective beginning January*  
24 *1, 2020, in addition to the funding*  
25 *made available under clause (i), if in*

1           *the judgment of the Secretary on an*  
2           *annual basis a sufficient amount of*  
3           *funding is not otherwise available*  
4           *through annual appropriations, the*  
5           *Secretary shall expend from the Fund*  
6           *such amounts on an annual basis con-*  
7           *sistent with paragraphs (1) and (2), as*  
8           *are necessary to pay the Federal share*  
9           *of the remaining costs of implementing*  
10          *the Indian water rights settlement*  
11          *agreements entered into by the State of*  
12          *New Mexico in the Aamodt adjudica-*  
13          *tion and the Abeyta adjudication, if*  
14          *such settlements are subsequently ap-*  
15          *proved and authorized by an Act of*  
16          *Congress and the implementation pe-*  
17          *riod has not already expired.*

18                 (II) *MAXIMUM AMOUNT.*—*The*  
19                 *amount expended under subclause (I)*  
20                 *shall not exceed \$250,000,000.*

21                 (iii) *MONTANA SETTLEMENTS.*—

22                         (I) *IN GENERAL.*—*Subject to sub-*  
23                         *clause (II), effective beginning January*  
24                         *1, 2020, in addition to funding made*  
25                         *available pursuant to clauses (i) and*



1                   (ii), if in the judgment of the Secretary  
2                   on an annual basis a sufficient  
3                   amount of funding is not otherwise  
4                   available through annual appropria-  
5                   tions, the Secretary shall expend from  
6                   the Fund such amounts on an annual  
7                   basis consistent with paragraphs (1)  
8                   and (2), as are necessary to pay the  
9                   Federal share of the remaining costs of  
10                  implementing Indian water rights set-  
11                  tlement agreements entered into by the  
12                  State of Montana with the Blackfeet  
13                  Tribe, the Crow Tribe, or the Gros  
14                  Ventre and Assiniboine Tribes of the  
15                  Fort Belknap Indian Reservation in  
16                  the judicial proceeding entitled “In re  
17                  the General Adjudication of All the  
18                  Rights to Use Surface and Ground-  
19                  water in the State of Montana”, if a  
20                  settlement or settlements are subse-  
21                  quently approved and authorized by an  
22                  Act of Congress and the implementa-  
23                  tion period has not already expired.

24                                   (II) MAXIMUM AMOUNT.—

1           (aa) *IN GENERAL.*—*Except*  
2           *as provided under item (bb), the*  
3           *amount expended under subclause*  
4           *(I) shall not exceed \$350,000,000*  
5           *for the period of fiscal years 2020*  
6           *through 2029.*

7           (bb) *EXCEPTION.*—*The limi-*  
8           *tation on the expenditure amount*  
9           *under item (aa) may be exceeded*  
10           *during the entire period in which*  
11           *the Fund is in existence if such*  
12           *additional funds can be expended*  
13           *without limiting the amounts*  
14           *identified in clause (i), (ii), and*  
15           *(iv).*

16           (cc) *OTHER FUNDING.*—*The*  
17           *Secretary shall ensure that any*  
18           *funding under this clause shall be*  
19           *provided in a manner that does*  
20           *not limit the funding available*  
21           *pursuant to clauses (i) and (ii).*

22           (iv) *ARIZONA SETTLEMENT.*—

23           (I) *IN GENERAL.*—*Subject to sub-*  
24           *clause (II), effective beginning January*  
25           *1, 2020, in addition to funding made*

1           *available pursuant to clauses (i), (ii),*  
2           *and (iii), if in the judgment of the Sec-*  
3           *retary on an annual basis a sufficient*  
4           *amount of funding is not otherwise*  
5           *available through annual appropria-*  
6           *tions, the Secretary shall expend from*  
7           *the Fund such amounts on an annual*  
8           *basis consistent with paragraphs (1)*  
9           *and (2), as are necessary to pay the*  
10          *Federal share of the remaining costs of*  
11          *implementing an Indian water rights*  
12          *settlement agreement entered into by*  
13          *the State of Arizona with the Navajo*  
14          *Nation to resolve the water rights*  
15          *claims of the Nation in the Lower Col-*  
16          *orado River basin in Arizona, if a set-*  
17          *tlement is subsequently approved and*  
18          *authorized by an Act of Congress and*  
19          *the implementation period has not al-*  
20          *ready expired.*

21                   (II) *MAXIMUM AMOUNT.—*

22                           (aa) *IN GENERAL.—Except*  
23                           *as provided under item (bb), the*  
24                           *amount expended under subclause*  
25                           *(I) shall not exceed \$100,000,000*

1 *for the period of fiscal years 2020*  
2 *through 2029.*

3 *(bb) EXCEPTION.—The limi-*  
4 *tation on the expenditure amount*  
5 *under item (aa) may be exceeded*  
6 *during the entire period in which*  
7 *the Fund is in existence if such*  
8 *additional funds can be expended*  
9 *without limiting the amounts*  
10 *identified in clauses (i) through*  
11 *(iii).*

12 *(cc) OTHER FUNDING.—The*  
13 *Secretary shall ensure that any*  
14 *funding under this clause shall be*  
15 *provided in a manner that does*  
16 *not limit the funding available*  
17 *pursuant to clauses (i) and (ii).*

18 *(C) REVERSION.—If the settlements de-*  
19 *scribed in clauses (ii) through (iv) of subpara-*  
20 *graph (B) have not been approved and author-*  
21 *ized by an Act of Congress by December 31,*  
22 *2019, the amounts reserved for the settlements*  
23 *shall no longer be reserved by the Secretary pur-*  
24 *suant to subparagraph (A)(i) and shall revert to*

1           *the Fund for any authorized use, as determined*  
2           *by the Secretary.*

3           (d) *INVESTMENT OF AMOUNTS.—*

4           (1) *IN GENERAL.—The Secretary shall invest*  
5           *such portion of the Fund as is not, in the judgment*  
6           *of the Secretary, required to meet current with-*  
7           *drawals.*

8           (2) *CREDITS TO FUND.—The interest on, and the*  
9           *proceeds from the sale or redemption of, any obliga-*  
10           *tions held in the Fund shall be credited to, and form*  
11           *a part of, the Fund.*

12           (e) *TRANSFERS OF AMOUNTS.—*

13           (1) *IN GENERAL.—The amounts required to be*  
14           *transferred to the Fund under this section shall be*  
15           *transferred at least monthly from the general fund of*  
16           *the Treasury to the Fund on the basis of estimates*  
17           *made by the Secretary of the Treasury.*

18           (2) *ADJUSTMENTS.—Proper adjustment shall be*  
19           *made in amounts subsequently transferred to the ex-*  
20           *tent prior estimates were in excess of or less than the*  
21           *amounts required to be transferred.*

22           (f) *TERMINATION.—On September 30, 2034—*

23           (1) *the Fund shall terminate; and*

1           (2) *the unexpended and unobligated balance of*  
2           *the Fund shall be transferred to the appropriate fund*  
3           *of the Treasury.*

4           **PART III—NAVAJO-GALLUP WATER SUPPLY**

5                           **PROJECT**

6           **SEC. 10601. PURPOSES.**

7           *The purposes of this part are—*

8                   (1) *to authorize the Secretary to construct, oper-*  
9                   *ate, and maintain the Navajo-Gallup Water Supply*  
10                  *Project;*

11                  (2) *to allocate the capacity of the Project among*  
12                  *the Nation, the City, and the Jicarilla Apache Na-*  
13                  *tion; and*

14                  (3) *to authorize the Secretary to enter into*  
15                  *Project repayment contracts with the City and the*  
16                  *Jicarilla Apache Nation.*

17           **SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER**  
18                           **SUPPLY PROJECT.**

19           (a) *IN GENERAL.—The Secretary, acting through the*  
20           *Commissioner of Reclamation, is authorized to design, con-*  
21           *struct, operate, and maintain the Project in substantial ac-*  
22           *cordance with the preferred alternative in the Draft Impact*  
23           *Statement.*

24           (b) *PROJECT FACILITIES.—To provide for the delivery*  
25           *of San Juan River water to Project Participants, the Sec-*

1 *retary may construct, operate, and maintain the Project fa-*  
2 *cilities described in the preferred alternative in the Draft*  
3 *Impact Statement, including:*

4           (1) *A pumping plant on the San Juan River in*  
5 *the vicinity of Kirtland, New Mexico.*

6           (2)(A) *A main pipeline from the San Juan*  
7 *River near Kirtland, New Mexico, to Shiprock, New*  
8 *Mexico, and Gallup, New Mexico, which follows*  
9 *United States Highway 491.*

10           (B) *Any pumping plants associated with the*  
11 *pipeline authorized under subparagraph (A).*

12           (3)(A) *A main pipeline from Cutter Reservoir to*  
13 *Ojo Encino, New Mexico, which follows United States*  
14 *Highway 550.*

15           (B) *Any pumping plants associated with the*  
16 *pipeline authorized under subparagraph (A).*

17           (4)(A) *Lateral pipelines from the main pipelines*  
18 *to Nation communities in the States of New Mexico*  
19 *and Arizona.*

20           (B) *Any pumping plants associated with the*  
21 *pipelines authorized under subparagraph (A).*

22           (5) *Any water regulation, storage or treatment*  
23 *facility, service connection to an existing public water*  
24 *supply system, power substation, power distribution*  
25 *works, or other appurtenant works (including a*

1 *building or access road) that is related to the Project*  
2 *facilities authorized by paragraphs (1) through (4),*  
3 *including power transmission facilities and associated*  
4 *wheeling services to connect Project facilities to exist-*  
5 *ing high-voltage transmission facilities and deliver*  
6 *power to the Project.*

7 *(c) ACQUISITION OF LAND.—*

8 *(1) IN GENERAL.—The Secretary is authorized to*  
9 *acquire any land or interest in land that is necessary*  
10 *to construct, operate, and maintain the Project facili-*  
11 *ties authorized under subsection (b).*

12 *(2) LAND OF THE PROJECT PARTICIPANTS.—As a*  
13 *condition of construction of the facilities authorized*  
14 *under this part, the Project Participants shall provide*  
15 *all land or interest in land, as appropriate, that the*  
16 *Secretary identifies as necessary for acquisition under*  
17 *this subsection at no cost to the Secretary.*

18 *(3) LIMITATION.—The Secretary may not con-*  
19 *demn water rights for purposes of the Project.*

20 *(d) CONDITIONS.—*

21 *(1) IN GENERAL.—Except as provided in para-*  
22 *graph (2), the Secretary shall not commence construc-*  
23 *tion of the facilities authorized under subsection (b)*  
24 *until such time as—*



1           (A) *the Secretary executes the Agreement*  
2           *and the Contract;*

3           (B) *the contracts authorized under section*  
4           *10604 are executed;*

5           (C) *the Secretary—*

6                 (i) *completes an environmental impact*  
7                 *statement for the Project; and*

8                 (ii) *has issued a record of decision that*  
9                 *provides for a preferred alternative; and*

10           (D) *the Secretary has entered into an agree-*  
11           *ment with the State of New Mexico under which*  
12           *the State of New Mexico will provide a share of*  
13           *the construction costs of the Project of not less*  
14           *than \$50,000,000, except that the State of New*  
15           *Mexico shall receive credit for funds the State*  
16           *has contributed to construct water conveyance fa-*  
17           *ilities to the Project Participants to the extent*  
18           *that the facilities reduce the cost of the Project as*  
19           *estimated in the Draft Impact Statement.*

20           (2) *EXCEPTION.—If the Jicarilla Apache Nation*  
21           *elects not to enter into a contract pursuant to section*  
22           *10604, the Secretary, after consulting with the Na-*  
23           *tion, the City, and the State of New Mexico acting*  
24           *through the Interstate Stream Commission, may make*  
25           *appropriate modifications to the scope of the Project*

1 *and proceed with Project construction if all other con-*  
2 *ditions for construction have been satisfied.*

3 (3) *EFFECT OF INDIAN SELF-DETERMINATION*  
4 *AND EDUCATION ASSISTANCE ACT.—The Indian Self-*  
5 *Determination and Education Assistance Act (25*  
6 *U.S.C. 450 et seq.) shall not apply to the design, con-*  
7 *struction, operation, maintenance, or replacement of*  
8 *the Project.*

9 (e) *POWER.—The Secretary shall reserve, from existing*  
10 *reservations of Colorado River Storage Project power for*  
11 *Bureau of Reclamation projects, up to 26 megawatts of*  
12 *power for use by the Project.*

13 (f) *CONVEYANCE OF TITLE TO PROJECT FACILITIES.—*

14 (1) *IN GENERAL.—The Secretary is authorized to*  
15 *enter into separate agreements with the City and the*  
16 *Nation and, on entering into the agreements, shall*  
17 *convey title to each Project facility or section of a*  
18 *Project facility authorized under subsection (b) (in-*  
19 *cluding any appropriate interests in land) to the City*  
20 *and the Nation after—*

21 (A) *completion of construction of a Project*  
22 *facility or a section of a Project facility that is*  
23 *operating and delivering water; and*

1           *(B) execution of a Project operations agree-*  
2           *ment approved by the Secretary and the Project*  
3           *Participants that sets forth—*

4                     *(i) any terms and conditions that the*  
5                     *Secretary determines are necessary—*

6                             *(I) to ensure the continuation of*  
7                             *the intended benefits of the Project; and*

8                             *(II) to fulfill the purposes of this*  
9                             *part;*

10                    *(ii) requirements acceptable to the Sec-*  
11                    *retary and the Project Participants for—*

12                             *(I) the distribution of water under*  
13                             *the Project or section of a Project facil-*  
14                             *ity; and*

15                             *(II) the allocation and payment of*  
16                             *annual operation, maintenance, and*  
17                             *replacement costs of the Project or sec-*  
18                             *tion of a Project facility based on the*  
19                             *proportionate uses of Project facilities;*  
20                             *and*

21                             *(iii) conditions and requirements ac-*  
22                             *ceptable to the Secretary and the Project*  
23                             *Participants for operating and maintaining*  
24                             *each Project facility on completion of the*

1           *conveyance of title, including the require-*  
2           *ment that the City and the Nation shall—*

3                     *(I) comply with—*

4                             *(aa) the Compact; and*

5                             *(bb) other applicable law;*

6                     *and*

7                     *(II) be responsible for—*

8                             *(aa) the operation, mainte-*  
9                             *nance, and replacement of each*  
10                            *Project facility; and*

11                            *(bb) the accounting and*  
12                            *management of water conveyance*  
13                            *and Project finances, as necessary*  
14                            *to administer and fulfill the con-*  
15                            *ditions of the Contract executed*  
16                            *under section 10604(a)(2)(B).*

17           (2) *EFFECT OF CONVEYANCE.—The conveyance*  
18           *of title to each Project facility shall not affect the ap-*  
19           *plication of the Endangered Species Act of 1973 (16*  
20           *U.S.C. 1531 et seq.) relating to the use of the water*  
21           *associated with the Project.*

22           (3) *LIABILITY.—*

23                     (A) *IN GENERAL.—Effective on the date of*  
24                     *the conveyance authorized by this subsection, the*  
25                     *United States shall not be held liable by any*

1           *court for damages of any kind arising out of any*  
2           *act, omission, or occurrence relating to the land,*  
3           *buildings, or facilities conveyed under this sub-*  
4           *section, other than damages caused by acts of*  
5           *negligence committed by the United States, or by*  
6           *employees or agents of the United States, prior*  
7           *to the date of conveyance.*

8           *(B) TORT CLAIMS.—Nothing in this section*  
9           *increases the liability of the United States be-*  
10          *yond the liability provided in chapter 171 of*  
11          *title 28, United States Code (commonly known*  
12          *as the “Federal Tort Claims Act”).*

13          *(4) NOTICE OF PROPOSED CONVEYANCE.—Not*  
14          *later than 45 days before the date of a proposed con-*  
15          *veyance of title to any Project facility, the Secretary*  
16          *shall submit to the Committee on Resources of the*  
17          *House of Representatives and to the Committee on*  
18          *Energy and Natural Resources of the Senate notice of*  
19          *the conveyance of each Project facility.*

20          *(g) COLORADO RIVER STORAGE PROJECT POWER.—*  
21          *The conveyance of Project facilities under subsection (f)*  
22          *shall not affect the availability of Colorado River Storage*  
23          *Project power to the Project under subsection (e).*

24          *(h) REGIONAL USE OF PROJECT FACILITIES.—*

1           (1) *IN GENERAL.*—Subject to paragraph (2),  
2           Project facilities constructed under subsection (b) may  
3           be used to treat and convey non-Project water or  
4           water that is not allocated by subsection 10603(b)  
5           if—

6                   (A) capacity is available without impairing  
7                   any water delivery to a Project Participant; and

8                   (B) the unallocated or non-Project water  
9                   beneficiary—

10                           (i) has the right to use the water;

11                           (ii) agrees to pay the operation, main-  
12                           tenance, and replacement costs assignable to  
13                           the beneficiary for the use of the Project fa-  
14                           cilities; and

15                           (iii) agrees to pay an appropriate fee  
16                           that may be established by the Secretary to  
17                           assist in the recovery of any capital cost al-  
18                           locable to that use.

19           (2) *EFFECT OF PAYMENTS.*—Any payments to  
20           the United States or the Nation for the use of unused  
21           capacity under this subsection or for water under any  
22           subcontract with the Nation or the Jicarilla Apache  
23           Nation shall not alter the construction repayment re-  
24           quirements or the operation, maintenance, and re-

1        *placement payment requirements of the Project Par-*  
2        *ticipants.*

3    **SEC. 10603. DELIVERY AND USE OF NAVAJO-GALLUP WATER**  
4                    **SUPPLY PROJECT WATER.**

5        *(a) USE OF PROJECT WATER.—*

6                *(1) IN GENERAL.—In accordance with this sub-*  
7        *title and other applicable law, water supply from the*  
8        *Project shall be used for municipal, industrial, com-*  
9        *mmercial, domestic, and stock watering purposes.*

10              *(2) USE ON CERTAIN LAND.—*

11                    *(A) IN GENERAL.—Subject to subparagraph*  
12        *(B), the Nation may use Project water alloca-*  
13        *tions on—*

14                      *(i) land held by the United States in*  
15        *trust for the Nation and members of the Na-*  
16        *tion; and*

17                      *(ii) land held in fee by the Nation.*

18                    *(B) TRANSFER.—The Nation may transfer*  
19        *the purposes and places of use of the allocated*  
20        *water in accordance with the Agreement and ap-*  
21        *plicable law.*

22              *(3) HYDROELECTRIC POWER.—*

23                    *(A) IN GENERAL.—Hydroelectric power*  
24        *may be generated as an incident to the delivery*

1           *of Project water for authorized purposes under*  
2           *paragraph (1).*

3           (B)    *ADMINISTRATION.—Notwithstanding*  
4           *any other provision of law—*

5                   (i) *any hydroelectric power generated*  
6                   *under this paragraph shall be used or mar-*  
7                   *keted by the Nation;*

8                   (ii) *the Nation shall retain any reve-*  
9                   *nuces from the sale of the hydroelectric*  
10                  *power; and*

11                  (iii) *the United States shall have no*  
12                  *trust obligation or other obligation to mon-*  
13                  *itor, administer, or account for the revenues*  
14                  *received by the Nation, or the expenditure of*  
15                  *the revenues.*

16       (4) *STORAGE.—*

17           (A) *IN GENERAL.—Subject to subparagraph*  
18           *(B), any water contracted for delivery under*  
19           *paragraph (1) that is not needed for current*  
20           *water demands or uses may be delivered by the*  
21           *Project for placement in underground storage in*  
22           *the State of New Mexico for future recovery and*  
23           *use.*

24           (B) *STATE APPROVAL.—Delivery of water*  
25           *under subparagraph (A) is subject to—*



1                   (i) approval by the State of New Mex-  
2                   ico under applicable provisions of State law  
3                   relating to aquifer storage and recovery;  
4                   and

5                   (ii) the provisions of the Agreement  
6                   and this subtitle.

7           (b) *PROJECT WATER AND CAPACITY ALLOCATIONS.*—

8                   (1) *DIVERSION.*—Subject to availability and  
9                   consistent with Federal and State law, the Project  
10                  may divert from the Navajo Reservoir and the San  
11                  Juan River a quantity of water to be allocated and  
12                  used consistent with the Agreement and this subtitle,  
13                  that does not exceed in any 1 year, the lesser of—

14                           (A) 37,760 acre-feet of water; or

15                           (B) the quantity of water necessary to sup-  
16                          ply a depletion from the San Juan River of  
17                          35,890 acre-feet.

18                  (2) *PROJECT DELIVERY CAPACITY ALLOCA-*  
19                  *TIONS.*—

20                           (A) *IN GENERAL.*—The capacity of the  
21                          Project shall be allocated to the Project Partici-  
22                          pants in accordance with subparagraphs (B)  
23                          through (E), other provisions of this subtitle, and  
24                          other applicable law.

1           (B) *DELIVERY CAPACITY ALLOCATION TO*  
2           *THE CITY.*—*The Project may deliver at the point*  
3           *of diversion from the San Juan River not more*  
4           *than 7,500 acre-feet of water in any 1 year for*  
5           *which the City has secured rights for the use of*  
6           *the City.*

7           (C) *DELIVERY CAPACITY ALLOCATION TO*  
8           *NAVAJO NATION COMMUNITIES IN NEW MEXICO.*—  
9           *For use by the Nation in the State of New Mex-*  
10          *ico, the Project may deliver water out of the*  
11          *water rights held by the Secretary for the Nation*  
12          *and confirmed under this subtitle, at the points*  
13          *of diversion from the San Juan River or at Nav-*  
14          *ajo Reservoir in any 1 year, the lesser of—*

15                   (i) *22,650 acre-feet of water; or*

16                   (ii) *the quantity of water necessary to*  
17                   *supply a depletion from the San Juan*  
18                   *River of 20,780 acre-feet of water.*

19          (D) *DELIVERY CAPACITY ALLOCATION TO*  
20          *NAVAJO NATION COMMUNITIES IN ARIZONA.*—  
21          *Subject to subsection (c), the Project may deliver*  
22          *at the point of diversion from the San Juan*  
23          *River not more than 6,411 acre-feet of water in*  
24          *any 1 year for use by the Nation in the State*  
25          *of Arizona.*

1           (E) *DELIVERY CAPACITY ALLOCATION TO*  
2           *JICARILLA APACHE NATION.*—*The Project may*  
3           *deliver at Navajo Reservoir not more than 1,200*  
4           *acre-feet of water in any 1 year of the water*  
5           *rights of the Jicarilla Apache Nation, held by the*  
6           *Secretary and confirmed by the Jicarilla Apache*  
7           *Tribe Water Rights Settlement Act (Public Law*  
8           *102–441; 106 Stat. 2237), for use by the*  
9           *Jicarilla Apache Nation in the southern portion*  
10           *of the Jicarilla Apache Nation Reservation in*  
11           *the State of New Mexico.*

12           (3) *USE IN EXCESS OF DELIVERY CAPACITY AL-*  
13           *LOCATION QUANTITY.*—*Notwithstanding each delivery*  
14           *capacity allocation quantity limit described in sub-*  
15           *paragraphs (B), (C), and (E) of paragraph (2), the*  
16           *Secretary may authorize a Project Participant to ex-*  
17           *ceed the delivery capacity allocation quantity limit of*  
18           *that Project Participant if—*

19                   (A) *delivery capacity is available without*  
20                   *impairing any water delivery to any other*  
21                   *Project Participant; and*

22                   (B) *the Project Participant benefitting from*  
23                   *the increased allocation of delivery capacity—*

24                           (i) *has the right under applicable law*  
25                           *to use the additional water;*

1           (ii) agrees to pay the operation, main-  
2           tenance, and replacement costs relating to  
3           the additional use of any Project facility;  
4           and

5           (iii) agrees, if the Project title is held  
6           by the Secretary, to pay a fee established by  
7           the Secretary to assist in recovering capital  
8           costs relating to that additional use.

9           (c) *CONDITIONS FOR USE IN ARIZONA.*—

10           (1) *REQUIREMENTS.*—Project water shall not be  
11           delivered for use by any community of the Nation lo-  
12           cated in the State of Arizona under subsection  
13           (b)(2)(D) until—

14           (A) the Nation and the State of Arizona  
15           have entered into a water rights settlement agree-  
16           ment approved by an Act of Congress that settles  
17           and waives the Nation’s claims to water in the  
18           Lower Basin and the Little Colorado River  
19           Basin in the State of Arizona, including those of  
20           the United States on the Nation’s behalf; and

21           (B) the Secretary and the Navajo Nation  
22           have entered into a Navajo Reservoir water sup-  
23           ply delivery contract for the physical delivery  
24           and diversion of water via the Project from the

1           *San Juan River system to supply uses in the*  
2           *State of Arizona.*

3           (2) *ACCOUNTING OF USES IN ARIZONA.—*

4                   (A) *IN GENERAL.—Pursuant to paragraph*  
5           (1) *and notwithstanding any other provision of*  
6           *law, water may be diverted by the Project from*  
7           *the San Juan River in the State of New Mexico*  
8           *in accordance with an appropriate permit issued*  
9           *under New Mexico law for use in the State of Ar-*  
10          *izona within the Navajo Reservation in the*  
11          *Lower Basin; provided that any depletion of*  
12          *water that results from the diversion of water by*  
13          *the Project from the San Juan River in the State*  
14          *of New Mexico for uses within the State of Ari-*  
15          *zona (including depletion incidental to the diver-*  
16          *sion, impounding, or conveyance of water in the*  
17          *State of New Mexico for uses in the State of Ari-*  
18          *zona) shall be administered and accounted for as*  
19          *either—*

20                           (i) *a part of, and charged against, the*  
21                           *available consumptive use apportionment*  
22                           *made to the State of Arizona by Article*  
23                           *III(a) of the Compact and to the Upper*  
24                           *Basin by Article III(a) of the Colorado*  
25                           *River Compact, in which case any water so*

1           *diverted by the Project into the Lower*  
2           *Basin for use within the State of Arizona*  
3           *shall not be credited as water reaching Lee*  
4           *Ferry pursuant to Article III(c) and III(d)*  
5           *of the Colorado River Compact; or*

6                     *(ii) subject to subparagraph (B), a*  
7                     *part of, and charged against, the consump-*  
8                     *tive use apportionment made to the Lower*  
9                     *Basin by Article III(a) of the Colorado*  
10                    *River Compact, in which case it shall—*

11                             *(I) be a part of the Colorado*  
12                             *River water that is apportioned to the*  
13                             *State of Arizona in Article II(B) of the*  
14                             *Consolidated Decree of the Supreme*  
15                             *Court of the United States in Arizona*  
16                             *v. California (547 U.S. 150) (as may*  
17                             *be amended or supplemented);*

18                             *(II) be credited as water reaching*  
19                             *Lee Ferry pursuant to Article III(c)*  
20                             *and III(d) of the Colorado River Com-*  
21                             *pact; and*

22                             *(III) be accounted as the water*  
23                             *identified in section 104(a)(1)(B)(ii) of*  
24                             *the Arizona Water Settlements Act,*  
25                             *(118 Stat. 3478).*

1           (B) *LIMITATION.*—*Notwithstanding sub-*  
2 *paragraph (A)(ii), no water diverted by the*  
3 *Project shall be accounted for pursuant to sub-*  
4 *paragraph (A)(ii) until such time that—*

5           *(i) the Secretary has developed and, as*  
6 *necessary and appropriate, modified, in*  
7 *consultation with the Upper Colorado River*  
8 *Commission and the Governors' Representa-*  
9 *tives on Colorado River Operations from*  
10 *each State signatory to the Colorado River*  
11 *Compact, all operational and decisional cri-*  
12 *teria, policies, contracts, guidelines or other*  
13 *documents that control the operations of the*  
14 *Colorado River System reservoirs and diver-*  
15 *sion works, so as to adjust, account for, and*  
16 *offset the diversion of water apportioned to*  
17 *the State of Arizona, pursuant to the Boul-*  
18 *der Canyon Project Act (43 U.S.C. 617 et*  
19 *seq.), from a point of diversion on the San*  
20 *Juan River in New Mexico; provided that*  
21 *all such modifications shall be consistent*  
22 *with the provisions of this Section, and the*  
23 *modifications made pursuant to this clause*  
24 *shall be applicable only for the duration of*

1           *any such diversions pursuant to section*  
2           *10603(c)(2)(A)(ii); and*

3                     *(ii) Article II(B) of the Decree of the*  
4           *Supreme Court of the United States in Ari-*  
5           *zona v. California (547 U.S. 150 as may be*  
6           *amended or supplemented) is administered*  
7           *so that diversions from the main stream for*  
8           *the Central Arizona Project, as served under*  
9           *existing contracts with the United States by*  
10          *diversion works heretofore constructed, shall*  
11          *be limited and reduced to offset any diver-*  
12          *sions made pursuant to section*  
13          *10603(c)(2)(A)(ii) of this Act. This clause*  
14          *shall not affect, in any manner, the amount*  
15          *of water apportioned to Arizona pursuant*  
16          *to the Boulder Canyon Project Act (43*  
17          *U.S.C. 617 et seq.), or amend any provi-*  
18          *sions of said decree or the Colorado River*  
19          *Basin Project Act (43 U.S.C. 1501 et. seq.).*

20          (3) *UPPER BASIN PROTECTIONS.—*

21                     (A) *CONSULTATIONS.—Henceforth, in any*  
22          *consultation pursuant to 16 U.S.C. 1536(a) with*  
23          *respect to water development in the San Juan*  
24          *River Basin, the Secretary shall confer with the*  
25          *States of Colorado and New Mexico, consistent*



1           *with the provisions of section 5 of the “Prin-*  
2           *ciples for Conducting Endangered Species Act*  
3           *Section 7 Consultations on Water Development*  
4           *and Water Management Activities Affecting En-*  
5           *dangered Fish Species in the San Juan River*  
6           *Basin” as adopted by the Coordination Com-*  
7           *mittee, San Juan River Basin Recovery Imple-*  
8           *mentation Program, on June 19, 2001, and as*  
9           *may be amended or modified.*

10           (B) *PRESERVATION OF EXISTING RIGHTS.—*  
11           *Rights to the consumptive use of water available*  
12           *to the Upper Basin from the Colorado River Sys-*  
13           *tem under the Colorado River Compact and the*  
14           *Compact shall not be reduced or prejudiced by*  
15           *any use of water pursuant to subsection*  
16           *10603(c). Nothing in this Act shall be construed*  
17           *so as to impair, conflict with, or otherwise*  
18           *change the duties and powers of the Upper Colo-*  
19           *rado River Commission.*

20           (d) *FORBEARANCE.—*

21           (1) *IN GENERAL.—*Subject to paragraphs (2) and  
22           (3), during any year in which a shortage to the nor-  
23           mal diversion requirement for any use relating to the  
24           Project within the State of Arizona occurs (as deter-  
25           mined under section 11 of Public Law 87–483 (76

1     *Stat. 99)), the Nation may temporarily forbear the*  
2     *delivery of the water supply of the Navajo Reservoir*  
3     *for uses in the State of New Mexico under the appor-*  
4     *tionments of water to the Navajo Indian Irrigation*  
5     *Project and the normal diversion requirements of the*  
6     *Project to allow an equivalent quantity of water to be*  
7     *delivered from the Navajo Reservoir water supply for*  
8     *municipal and domestic uses of the Nation in the*  
9     *State of Arizona under the Project.*

10           (2) *LIMITATION OF FORBEARANCE.*—*The Nation*  
11     *may forebear the delivery of water under paragraph*  
12     *(1) of a quantity not exceeding the quantity of the*  
13     *shortage to the normal diversion requirement for any*  
14     *use relating to the Project within the State of Ari-*  
15     *zona.*

16           (3) *EFFECT.*—*The forbearance of the delivery of*  
17     *water under paragraph (1) shall be subject to the re-*  
18     *quirements in subsection (c).*

19     (e) *EFFECT.*—*Nothing in this subtitle—*

20           (1) *authorizes the marketing, leasing, or transfer*  
21     *of the water supplies made available to the Nation*  
22     *under the Contract to non-Navajo water users in*  
23     *States other than the State of New Mexico; or*

24           (2) *authorizes the forbearance of water uses in*  
25     *the State of New Mexico to allow uses of water in*

1 *other States other than as authorized under subsection*  
2 *(d).*

3 *(f) COLORADO RIVER COMPACTS.—Notwithstanding*  
4 *any other provision of law—*

5 *(1) water may be diverted by the Project from*  
6 *the San Juan River in the State of New Mexico for*  
7 *use within New Mexico in the lower basin, as that*  
8 *term is used in the Colorado River Compact;*

9 *(2) any water diverted under paragraph (1)*  
10 *shall be a part of, and charged against, the consump-*  
11 *tive use apportionment made to the State of New*  
12 *Mexico by Article III(a) of the Compact and to the*  
13 *upper basin by Article III(a) of the Colorado River*  
14 *Compact; and*

15 *(3) any water so diverted by the Project into the*  
16 *lower basin within the State of New Mexico shall not*  
17 *be credited as water reaching Lee Ferry pursuant to*  
18 *Articles III(c) and III(d) of the Colorado River Com-*  
19 *pact.*

20 *(g) PAYMENT OF OPERATION, MAINTENANCE, AND RE-*  
21 *PLACEMENT COSTS.—*

22 *(1) IN GENERAL.—The Secretary is authorized to*  
23 *pay the operation, maintenance, and replacement*  
24 *costs of the Project allocable to the Project Partici-*  
25 *pants under section 10604 until the date on which the*

1     *Secretary declares any section of the Project to be sub-*  
2     *stantially complete and delivery of water generated*  
3     *by, and through, that section of the Project can be*  
4     *made to a Project participant.*

5             (2) *PROJECT PARTICIPANT PAYMENTS.*—*Begin-*  
6     *ning on the date described in paragraph (1), each*  
7     *Project Participant shall pay all allocated operation,*  
8     *maintenance, and replacement costs for that substan-*  
9     *tially completed section of the Project, in accordance*  
10    *with contracts entered into pursuant to section 10604,*  
11    *except as provided in section 10604(f).*

12            (h) *NO PRECEDENT.*—*Nothing in this Act shall be con-*  
13    *strued as authorizing or establishing a precedent for any*  
14    *type of transfer of Colorado River System water between*  
15    *the Upper Basin and Lower Basin. Nor shall anything in*  
16    *this Act be construed as expanding the Secretary’s authority*  
17    *in the Upper Basin.*

18            (i) *UNIQUE SITUATION.*—*Diversions by the Project*  
19    *consistent with this section address critical tribal and non-*  
20    *Indian water supply needs under unique circumstances,*  
21    *which include, among other things—*

22                    (1) *the intent to benefit an American Indian*  
23                    *tribe;*

24                    (2) *the Navajo Nation’s location in both the*  
25                    *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 available*  
9           *for developing a firm, sustainable supply of munic-*  
10          *ipal water for the Navajo Nation at Window Rock in*  
11          *the State of Arizona; and*

12          (6) *the limited volume of water to be diverted by*  
13          *the Project to supply municipal uses in the Window*  
14          *Rock area in the State of Arizona.*

15          (j) *CONSENSUS.*—*Congress notes the consensus of the*  
16          *Governors' Representatives on Colorado River Operations*  
17          *of the States that are signatory to the Colorado River Com-*  
18          *pact regarding the diversions authorized for the Project*  
19          *under this section.*

20          (k) *EFFICIENT USE.*—*The diversions and uses author-*  
21          *ized for the Project under this Section represent unique and*  
22          *efficient uses of Colorado River apportionments in a man-*  
23          *ner that Congress has determined would be consistent with*  
24          *the obligations of the United States to 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 extent  
10 that any provision of the Contract conflicts  
11 with this subtitle, Congress approves, rati-  
12 fies, and confirms the Contract.

13 (ii) *AMENDMENTS.*—To the extent any  
14 amendment is executed to make the Con-  
15 tract consistent with this subtitle, that  
16 amendment is authorized, ratified, and con-  
17 firmed.

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 subtitle).

24 (3) *NONREIMBURSABILITY OF ALLOCATED*  
25 *COSTS.*—The following costs shall be nonreimbursable

1 *and not subject to repayment by the Nation or any*  
2 *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 of*  
7 *the Navajo Indian Irrigation Project that may*  
8 *otherwise be allocable to the Nation for use of*  
9 *any facility of the Navajo Indian Irrigation*  
10 *Project to convey water to each Navajo commu-*  
11 *nity under the Project.*

12 *(C) Any costs relating to the construction of*  
13 *Navajo Dam that may otherwise be allocable to*  
14 *the Nation for water deliveries under the Con-*  
15 *tract.*

16 *(4) OPERATION, MAINTENANCE, AND REPLACE-*  
17 *MENT OBLIGATION.—Subject to subsection (f), the*  
18 *Contract shall include provisions under which the Na-*  
19 *tion 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 a*  
24 *term of years, canceled, terminated, or rescinded only*  
25 *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 enter*  
4 *into a repayment contract with the City that requires*  
5 *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 pay*  
11 *the operation, maintenance, and replacement*  
12 *costs of the Project that are allocable to the City.*

13       **(2) CONTRACT PREPAYMENT.**—

14           **(A) IN GENERAL.**—*The contract authorized*  
15 *under paragraph (1) may allow the City to sat-*  
16 *isfy the repayment obligation of the City for con-*  
17 *struction costs of the Project on the payment of*  
18 *the share of the City prior to the initiation of*  
19 *construction.*

20           **(B) AMOUNT.**—*The amount of the share of*  
21 *the City described in subparagraph (A) shall be*  
22 *determined by agreement between the Secretary*  
23 *and the City.*

24           **(C) REPAYMENT OBLIGATION.**—*Any repay-*  
25 *ment obligation established by the Secretary and*



1           *the City pursuant to subparagraph (A) shall be*  
2           *subject to a final cost allocation by the Secretary*  
3           *on project completion and to the limitations set*  
4           *forth in paragraph (3).*

5           (3) *SHARE OF CONSTRUCTION COSTS.—*

6                   (A) *IN GENERAL.—Subject to subparagraph*  
7                   *(B), the Secretary shall determine the share of*  
8                   *the construction costs of the Project allocable to*  
9                   *the City and establish the percentage of the allo-*  
10                   *cated construction costs that the City shall be re-*  
11                   *quired to repay pursuant to the contract entered*  
12                   *into under paragraph (1), based on the ability of*  
13                   *the City to pay.*

14                   (B) *MINIMUM PERCENTAGE.—Notwith-*  
15                   *standing subparagraph (A), the repayment obli-*  
16                   *gation of the City shall be at least 25 percent of*  
17                   *the construction costs of the Project that are allo-*  
18                   *cable to the City, but shall in no event exceed 35*  
19                   *percent.*

20           (4) *EXCESS CONSTRUCTION COSTS.—Any con-*  
21           *struction costs of the Project allocable to the City in*  
22           *excess of the repayment obligation of the City, as de-*  
23           *termined under paragraph (3), shall be nonreimburs-*  
24           *able.*

1           (5) *GRANT FUNDS.*—*A grant from any other*  
2           *Federal source shall not be credited toward the*  
3           *amount required to be repaid by the City under a re-*  
4           *payment contract.*

5           (6) *TITLE TRANSFER.*—*If title is transferred to*  
6           *the City prior to repayment under section 10602(f),*  
7           *the City shall be required to provide assurances satis-*  
8           *factory to the Secretary of fulfillment of the remain-*  
9           *ing repayment obligation of the City.*

10          (7) *WATER DELIVERY SUBCONTRACT.*—*The Sec-*  
11          *retary shall not enter into a contract under para-*  
12          *graph (1) with the City until the City has secured a*  
13          *water supply for the City's portion of the Project de-*  
14          *scribed in section 10603(b)(2)(B), by entering into, as*  
15          *approved by the Secretary, a water delivery sub-*  
16          *contract for a period of not less than 40 years begin-*  
17          *ning on the date on which the construction of any fa-*  
18          *ility of the Project serving the City is completed,*  
19          *with—*

20                    (A) *the Nation, as authorized by the Con-*  
21                    *tract;*

22                    (B) *the Jicarilla Apache Nation, as author-*  
23                    *ized by the settlement contract between the*  
24                    *United States and the Jicarilla Apache Tribe,*  
25                    *authorized by the Jicarilla Apache Tribe Water*

1           *Rights Settlement Act (Public Law 102–441; 106*  
2           *Stat. 2237); or*

3                     *(C) an acquired alternate source of water,*  
4           *subject to approval of the Secretary and the*  
5           *State of New Mexico, acting through the New*  
6           *Mexico Interstate Stream Commission and the*  
7           *New Mexico State Engineer.*

8           *(c) JICARILLA APACHE NATION CONTRACT.—*

9                     *(1) CONTRACT AUTHORIZATION.—Consistent*  
10          *with this subtitle, the Secretary is authorized to enter*  
11          *into a repayment contract with the Jicarilla Apache*  
12          *Nation that requires the Jicarilla Apache Nation—*

13                     *(A) to repay, within a 50-year period, the*  
14          *share of any construction cost of the Jicarilla*  
15          *Apache Nation relating to the Project, with in-*  
16          *terest as provided under section 10305; and*

17                     *(B) consistent with section 10603(g), to pay*  
18          *the operation, maintenance, and replacement*  
19          *costs of the Project that are allocable to the*  
20          *Jicarilla Apache Nation.*

21                     *(2) CONTRACT PREPAYMENT.—*

22                     *(A) IN GENERAL.—The contract authorized*  
23          *under paragraph (1) may allow the Jicarilla*  
24          *Apache Nation to satisfy the repayment obliga-*  
25          *tion of the Jicarilla Apache Nation for construc-*

1            *tion costs of the Project on the payment of the*  
2            *share of the Jicarilla Apache Nation prior to the*  
3            *initiation of construction.*

4            *(B) AMOUNT.—The amount of the share of*  
5            *Jicarilla Apache Nation described in subpara-*  
6            *graph (A) shall be determined by agreement be-*  
7            *tween the Secretary and the Jicarilla Apache*  
8            *Nation.*

9            *(C) REPAYMENT OBLIGATION.—Any repay-*  
10           *ment obligation established by the Secretary and*  
11           *the Jicarilla Apache Nation pursuant to sub-*  
12           *paragraph (A) shall be subject to a final cost al-*  
13           *location by the Secretary on project completion*  
14           *and to the limitations set forth in paragraph (3).*

15           *(3) SHARE OF CONSTRUCTION COSTS.—*

16           *(A) IN GENERAL.—Subject to subparagraph*  
17           *(B), the Secretary shall determine the share of*  
18           *the construction costs of the Project allocable to*  
19           *the Jicarilla Apache Nation and establish the*  
20           *percentage of the allocated construction costs of*  
21           *the Jicarilla Apache Nation that the Jicarilla*  
22           *Apache Nation shall be required to repay based*  
23           *on the ability of the Jicarilla Apache Nation to*  
24           *pay.*

1           (B) *MINIMUM PERCENTAGE.*—Notwith-  
2           standing subparagraph (A), the repayment obli-  
3           gation of the Jicarilla Apache Nation shall be at  
4           least 25 percent of the construction costs of the  
5           Project that are allocable to the Jicarilla Apache  
6           Nation, but shall in no event exceed 35 percent.

7           (4) *EXCESS CONSTRUCTION COSTS.*—Any con-  
8           struction costs of the Project allocable to the Jicarilla  
9           Apache Nation in excess of the repayment obligation  
10          of the Jicarilla Apache Nation as determined under  
11          paragraph (3), shall be nonreimbursable.

12          (5) *GRANT FUNDS.*—A grant from any other  
13          Federal source shall not be credited toward the share  
14          of the Jicarilla Apache Nation of construction costs.

15          (6) *NAVAJO INDIAN IRRIGATION PROJECT*  
16          *COSTS.*—The Jicarilla Apache Nation shall have no  
17          obligation to repay any Navajo Indian Irrigation  
18          Project construction costs that might otherwise be al-  
19          locable to the Jicarilla Apache Nation for use of the  
20          Navajo Indian Irrigation Project facilities to convey  
21          water to the Jicarilla Apache Nation, and any such  
22          costs shall be nonreimbursable.

23          (d) *CAPITAL COST ALLOCATIONS.*—

24                 (1) *IN GENERAL.*—For purposes of estimating  
25                 the capital repayment requirements of the Project

1 *Participants under this section, the Secretary shall*  
2 *review and, as appropriate, update the Draft Impact*  
3 *Statement allocating capital construction costs for the*  
4 *Project.*

5 (2) *FINAL COST ALLOCATION.*—*The repayment*  
6 *contracts entered into with Project Participants*  
7 *under this section shall require that the Secretary*  
8 *perform a final cost allocation when construction of*  
9 *the Project is determined to be substantially complete.*

10 (3) *REPAYMENT OBLIGATION.*—*The Secretary*  
11 *shall determine the repayment obligation of the*  
12 *Project Participants based on the final cost allocation*  
13 *identifying reimbursable and nonreimbursable capital*  
14 *costs of the Project consistent with this subtitle.*

15 (e) *OPERATION, MAINTENANCE, AND REPLACEMENT*  
16 *COST ALLOCATIONS.*—*For purposes of determining the op-*  
17 *eration, maintenance, and replacement obligations of the*  
18 *Project Participants under this section, the Secretary shall*  
19 *review and, as appropriate, update the Draft Impact State-*  
20 *ment that allocates operation, maintenance, and replace-*  
21 *ment costs for the Project.*

22 (f) *TEMPORARY WAIVERS OF PAYMENTS.*—

23 (1) *IN GENERAL.*—*On the date on which the Sec-*  
24 *retary declares a section of the Project to be substan-*  
25 *tially complete and delivery of water generated by*

1 *and through that section of the Project can be made*  
2 *to the Nation, the Secretary may waive, for a period*  
3 *of not more than 10 years, the operation, mainte-*  
4 *nance, and replacement costs allocable to the Nation*  
5 *for that section of the Project that the Secretary deter-*  
6 *mines are in excess of the ability of the Nation to*  
7 *pay.*

8 (2) *SUBSEQUENT PAYMENT BY NATION.—After a*  
9 *waiver under paragraph (1), the Nation shall pay all*  
10 *allocated operation, maintenance, and replacement*  
11 *costs of that section of the Project.*

12 (3) *PAYMENT BY UNITED STATES.—Any oper-*  
13 *ation, maintenance, or replacement costs waived by*  
14 *the Secretary under paragraph (1) shall be paid by*  
15 *the United States and shall be nonreimbursable.*

16 (4) *EFFECT ON CONTRACTS.—Failure of the Sec-*  
17 *retary to waive costs under paragraph (1) because of*  
18 *a lack of availability of Federal funding to pay the*  
19 *costs under paragraph (3) shall not alter the obliga-*  
20 *tions of the Nation or the United States under a re-*  
21 *payment contract.*

22 (5) *TERMINATION OF AUTHORITY.—The author-*  
23 *ity of the Secretary to waive costs under paragraph*  
24 *(1) with respect to a Project facility transferred to the*

1        *Nation under section 10602(f) shall terminate on the*  
2        *date on which the Project facility is transferred.*

3        *(g) PROJECT CONSTRUCTION COMMITTEE.—The Sec-*  
4        *retary shall facilitate the formation of a project construc-*  
5        *tion committee with the Project Participants and the State*  
6        *of New Mexico—*

7            *(1) to review cost factors and budgets for con-*  
8            *struction and operation and maintenance activities;*

9            *(2) to improve construction management through*  
10          *enhanced communication; and*

11          *(3) to seek additional ways to reduce overall*  
12          *Project costs.*

13        **SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.**

14          *(a) USE OF NAVAJO NATION PIPELINE.—In addition*  
15          *to use of the Navajo Nation Municipal Pipeline to convey*  
16          *the Animas-La Plata Project water of the Nation, the Na-*  
17          *tion may use the Navajo Nation Municipal Pipeline to con-*  
18          *vey non-Animas La Plata Project water for municipal and*  
19          *industrial purposes.*

20          *(b) CONVEYANCE OF TITLE TO PIPELINE.—*

21            *(1) IN GENERAL.—On completion of the Navajo*  
22          *Nation Municipal Pipeline, the Secretary may enter*  
23          *into separate agreements with the City of Farm-*  
24          *ington, New Mexico and the Nation to convey title to*  
25          *each portion of the Navajo Nation Municipal Pipeline*



1 *facility or section of the Pipeline to the City of Farm-*  
2 *ington and the Nation after execution of a Project op-*  
3 *erations agreement approved by the Secretary, the*  
4 *Nation, and the City of Farmington that sets forth*  
5 *any terms and conditions that the Secretary deter-*  
6 *mines are necessary.*

7 (2) *CONVEYANCE TO THE CITY OF FARMINGTON*  
8 *OR NAVAJO NATION.—In conveying title to the Navajo*  
9 *Nation Municipal Pipeline under this subsection, the*  
10 *Secretary shall convey—*

11 (A) *to the City of Farmington, the facilities*  
12 *and any land or interest in land acquired by the*  
13 *United States for the construction, operation,*  
14 *and maintenance of the Pipeline that are located*  
15 *within the corporate boundaries of the City; and*

16 (B) *to the Nation, the facilities and any*  
17 *land or interests in land acquired by the United*  
18 *States for the construction, operation, and main-*  
19 *tenance of the Pipeline that are located outside*  
20 *the corporate boundaries of the City of Farm-*  
21 *ington.*

22 (3) *EFFECT OF CONVEYANCE.—The conveyance*  
23 *of title to the Pipeline shall not affect the application*  
24 *of the Endangered Species Act of 1973 (16 U.S.C.*

1     *1531 et seq.) relating to the use of water associated*  
2     *with the Animas-La Plata Project.*

3             (4) *LIABILITY.—*

4                 (A) *IN GENERAL.—Effective on the date of*  
5                 *the conveyance authorized by this subsection, the*  
6                 *United States shall not be held liable by any*  
7                 *court for damages of any kind arising out of any*  
8                 *act, omission, or occurrence relating to the land,*  
9                 *buildings, or facilities conveyed under this sub-*  
10                *section, other than damages caused by acts of*  
11                *negligence committed by the United States or by*  
12                *employees or agents of the United States prior to*  
13                *the date of conveyance.*

14                (B) *TORT CLAIMS.—Nothing in this sub-*  
15                *section increases the liability of the United*  
16                *States beyond the liability provided under chap-*  
17                *ter 171 of title 28, United States Code (com-*  
18                *monly known as the “Federal Tort Claims Act”).*

19             (5) *NOTICE OF PROPOSED CONVEYANCE.—Not*  
20             *later than 45 days before the date of a proposed con-*  
21             *veyance of title to the Pipeline, the Secretary shall*  
22             *submit to the Committee on Natural Resources of the*  
23             *House of Representatives and the Committee on En-*  
24             *ergy and Natural Resources of the Senate, notice of*  
25             *the conveyance of the Pipeline.*

1 **SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.**

2 (a) *CONJUNCTIVE GROUNDWATER DEVELOPMENT*  
3 *PLAN.*—Not later than 1 year after the date of enactment  
4 of this Act, the Nation, in consultation with the Secretary,  
5 shall complete a conjunctive groundwater development plan  
6 for the wells described in subsections (b) and (c).

7 (b) *WELLS IN THE SAN JUAN RIVER BASIN.*—In ac-  
8 cordance with the conjunctive groundwater development  
9 plan, the Secretary may construct or rehabilitate wells and  
10 related pipeline facilities to provide capacity for the diver-  
11 sion and distribution of not more than 1,670 acre-feet of  
12 groundwater in the San Juan River Basin in the State of  
13 New Mexico for municipal and domestic uses.

14 (c) *WELLS IN THE LITTLE COLORADO AND RIO*  
15 *GRANDE BASINS.*—

16 (1) *IN GENERAL.*—In accordance with the  
17 Project and conjunctive groundwater development  
18 plan for the Nation, the Secretary may construct or  
19 rehabilitate wells and related pipeline facilities to  
20 provide capacity for the diversion and distribution  
21 of—

22 (A) not more than 680 acre-feet of ground-  
23 water in the Little Colorado River Basin in the  
24 State of New Mexico;

1           (B) not more than 80 acre-feet of ground-  
2           water in the Rio Grande Basin in the State of  
3           New Mexico; and

4           (C) not more than 770 acre-feet of ground-  
5           water in the Little Colorado River Basin in the  
6           State of Arizona.

7           (2) USE.—Groundwater diverted and distributed  
8           under paragraph (1) shall be used for municipal and  
9           domestic uses.

10          (d) ACQUISITION OF LAND.—

11           (1) IN GENERAL.—Except as provided in para-  
12           graph (2), the Secretary may acquire any land or in-  
13           terest in land that is necessary for the construction,  
14           operation, and maintenance of the wells and related  
15           pipeline facilities authorized under subsections (b)  
16           and (c).

17           (2) LIMITATION.—Nothing in this subsection au-  
18           thorizes the Secretary to condemn water rights for the  
19           purposes described in paragraph (1).

20          (e) CONDITION.—The Secretary shall not commence  
21          any construction activity relating to the wells described in  
22          subsections (b) and (c) until the Secretary executes the  
23          Agreement.

24          (f) CONVEYANCE OF WELLS.—

1           (1) *IN GENERAL.*—*On the determination of the*  
2           *Secretary that the wells and related facilities are sub-*  
3           *stantially complete and delivery of water generated by*  
4           *the wells can be made to the Nation, an agreement*  
5           *with the Nation shall be entered into, to convey to the*  
6           *Nation title to—*

7                   (A) *any well or related pipeline facility*  
8                   *constructed or rehabilitated under subsections (a)*  
9                   *and (b) after the wells and related facilities have*  
10                  *been completed; and*

11                  (B) *any land or interest in land acquired*  
12                  *by the United States for the construction, oper-*  
13                  *ation, and maintenance of the well or related*  
14                  *pipeline facility.*

15           (2) *OPERATION, MAINTENANCE, AND REPLACE-*  
16           *MENT.*—

17                   (A) *IN GENERAL.*—*The Secretary is author-*  
18                   *ized to pay operation and maintenance costs for*  
19                   *the wells and related pipeline facilities author-*  
20                   *ized under this subsection until title to the facili-*  
21                   *ties is conveyed to the Nation.*

22                   (B) *SUBSEQUENT ASSUMPTION BY NA-*  
23                   *TION.*—*On completion of a conveyance of title*  
24                   *under paragraph (1), the Nation shall assume all*

1           *responsibility for the operation and maintenance*  
2           *of the well or related pipeline facility conveyed.*

3           (3) *EFFECT OF CONVEYANCE.*—*The conveyance*  
4           *of title to the Nation of the conjunctive use wells*  
5           *under paragraph (1) shall not affect the application*  
6           *of the Endangered Species Act of 1973 (16 U.S.C.*  
7           *1531 et seq.).*

8           (g) *USE OF PROJECT FACILITIES.*—*The capacities of*  
9           *the treatment facilities, main pipelines, and lateral pipe-*  
10          *lines of the Project authorized by section 10602(b) may be*  
11          *used to treat and convey groundwater to Nation commu-*  
12          *nities if the Nation provides for payment of the operation,*  
13          *maintenance, and replacement costs associated with the use*  
14          *of the facilities or pipelines.*

15          (h) *LIMITATIONS.*—*The diversion and use of ground-*  
16          *water by wells constructed or rehabilitated under this sec-*  
17          *tion shall be made in a manner consistent with applicable*  
18          *Federal and State law.*

19   **SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION**  
20                    **PROJECTS.**

21          (a) *REHABILITATION.*—*Subject to subsection (b), the*  
22          *Secretary shall rehabilitate—*

23                  (1) *the Fruitland-Cambridge Irrigation Project*  
24                  *to serve not more than 3,335 acres of land, which*

1       *shall be considered to be the total serviceable area of*  
2       *the project; and*

3               (2) *the Hogback-Cudei Irrigation Project to serve*  
4       *not more than 8,830 acres of land, which shall be con-*  
5       *sidered to be the total serviceable area of the project.*

6       (b) *CONDITION.—The Secretary shall not commence*  
7       *any construction activity relating to the rehabilitation of*  
8       *the Fruitland-Cambridge Irrigation Project or the Hogback-*  
9       *Cudei Irrigation Project under subsection (a) until the Sec-*  
10       *retary executes the Agreement.*

11       (c) *OPERATION, MAINTENANCE, AND REPLACEMENT*  
12       *OBLIGATION.—The Nation shall continue to be responsible*  
13       *for the operation, maintenance, and replacement of each fa-*  
14       *cility rehabilitated under this section.*

15       **SEC. 10608. OTHER IRRIGATION PROJECTS.**

16       (a) *IN GENERAL.—Not later than 2 years after the*  
17       *date of enactment of this Act, the Secretary, in consultation*  
18       *with the State of New Mexico (acting through the Interstate*  
19       *Stream Commission) and the Non-Navajo Irrigation Dis-*  
20       *tricts that elect to participate, shall—*

21               (1) *conduct a study of Non-Navajo Irrigation*  
22       *District diversion and ditch facilities; and*

23               (2) *based on the study, identify and prioritize a*  
24       *list of projects, with associated cost estimates, that are*  
25       *recommended to be implemented to repair, rehabili-*

1        *tate, or reconstruct irrigation diversion and ditch fa-*  
2        *cilities to improve water use efficiency.*

3        *(b) GRANTS.—The Secretary may provide grants to,*  
4        *and enter into cooperative agreements with, the Non-Navajo*  
5        *Irrigation Districts to plan, design, or otherwise implement*  
6        *the projects identified under subsection (a)(2).*

7        *(c) COST-SHARING.—*

8            *(1) FEDERAL SHARE.—The Federal share of the*  
9        *total cost of carrying out a project under subsection*  
10       *(b) shall be not more than 50 percent, and shall be*  
11       *nonreimbursable.*

12           *(2) FORM.—The non-Federal share required*  
13       *under paragraph (1) may be in the form of in-kind*  
14       *contributions, including the contribution of any valu-*  
15       *able asset or service that the Secretary determines*  
16       *would substantially contribute to a project carried out*  
17       *under subsection (b).*

18           *(3) STATE CONTRIBUTION.—The Secretary may*  
19       *accept from the State of New Mexico a partial or total*  
20       *contribution toward the non-Federal share for a*  
21       *project carried out under subsection (b).*

22       **SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.**

23        *(a) AUTHORIZATION OF APPROPRIATIONS FOR NAV-*  
24        *AJO-GALLUP WATER SUPPLY PROJECT.—*



1           (1) *IN GENERAL.*—*There is authorized to be ap-*  
2 *propriated to the Secretary to plan, design, and con-*  
3 *struct the Project \$870,000,000 for the period of fiscal*  
4 *years 2009 through 2024, to remain available until*  
5 *expended.*

6           (2) *ADJUSTMENTS.*—*The amount under para-*  
7 *graph (1) shall be adjusted by such amounts as may*  
8 *be required by reason of changes since 2007 in con-*  
9 *struction costs, as indicated by engineering cost indi-*  
10 *ces applicable to the types of construction involved.*

11           (3) *USE.*—*In addition to the uses authorized*  
12 *under paragraph (1), amounts made available under*  
13 *that paragraph may be used for the conduct of related*  
14 *activities to comply with Federal environmental laws.*

15           (4) *OPERATION AND MAINTENANCE.*—

16           (A) *IN GENERAL.*—*There are authorized to*  
17 *be appropriated such sums as are necessary to*  
18 *operate and maintain the Project consistent with*  
19 *this subtitle.*

20           (B) *EXPIRATION.*—*The authorization under*  
21 *subparagraph (A) shall expire 10 years after the*  
22 *year the Secretary declares the Project to be sub-*  
23 *stantially complete.*

24           (b) *APPROPRIATIONS FOR CONJUNCTIVE USE*  
25 *WELLS.*—

1           (1) *SAN JUAN WELLS.*—*There is authorized to be*  
2           *appropriated to the Secretary for the construction or*  
3           *rehabilitation and operation and maintenance of con-*  
4           *junctive use wells under section 10606(b) \$30,000,000,*  
5           *as adjusted under paragraph (3), for the period of fis-*  
6           *cal years 2009 through 2019.*

7           (2) *WELLS IN THE LITTLE COLORADO AND RIO*  
8           *GRANDE BASINS.*—*There are authorized to be appro-*  
9           *priated to the Secretary for the construction or reha-*  
10          *bilitation and operation and maintenance of conjunc-*  
11          *tive use wells under section 10606(c) such sums as are*  
12          *necessary for the period of fiscal years 2009 through*  
13          *2024.*

14          (3) *ADJUSTMENTS.*—*The amount under para-*  
15          *graph (1) shall be adjusted by such amounts as may*  
16          *be required by reason of changes since 2008 in con-*  
17          *struction costs, as indicated by engineering cost indi-*  
18          *ces applicable to the types of construction or rehabili-*  
19          *tation involved.*

20          (4) *NONREIMBURSABLE EXPENDITURES.*—  
21          *Amounts made available under paragraphs (1) and*  
22          *(2) shall be nonreimbursable to the United States.*

23          (5) *USE.*—*In addition to the uses authorized*  
24          *under paragraphs (1) and (2), amounts made avail-*  
25          *able under that paragraph may be used for the con-*

1 *duct of related activities to comply with Federal envi-*  
2 *ronmental laws.*

3 (6) *LIMITATION.*—*Appropriations authorized*  
4 *under paragraph (1) shall not be used for operation*  
5 *or maintenance of any conjunctive use wells at a time*  
6 *in excess of 3 years after the well is declared substan-*  
7 *tially complete.*

8 (c) *SAN JUAN RIVER IRRIGATION PROJECTS.*—

9 (1) *IN GENERAL.*—*There are authorized to be ap-*  
10 *propriated to the Secretary—*

11 (A) *to carry out section 10607(a)(1), not*  
12 *more than \$7,700,000, as adjusted under para-*  
13 *graph (2), for the period of fiscal years 2009*  
14 *through 2016, to remain available until ex-*  
15 *pended; and*

16 (B) *to carry out section 10607(a)(2), not*  
17 *more than \$15,400,000, as adjusted under para-*  
18 *graph (2), for the period of fiscal years 2009*  
19 *through 2019, to remain available until ex-*  
20 *pended.*

21 (2) *ADJUSTMENT.*—*The amounts made available*  
22 *under paragraph (1) shall be adjusted by such*  
23 *amounts as may be required by reason of changes*  
24 *since January 1, 2004, in construction costs, as indi-*

1 *cated by engineering cost indices applicable to the*  
2 *types of construction involved in the rehabilitation.*

3 (3) *NONREIMBURSABLE EXPENDITURES.—*  
4 *Amounts made available under this subsection shall*  
5 *be nonreimbursable to the United States.*

6 (d) *OTHER IRRIGATION PROJECTS.—There are author-*  
7 *ized to be appropriated to the Secretary to carry out section*  
8 *10608 \$11,000,000 for the period of fiscal years 2009*  
9 *through 2019.*

10 (e) *CULTURAL RESOURCES.—*

11 (1) *IN GENERAL.—The Secretary may use not*  
12 *more than 2 percent of amounts made available under*  
13 *subsections (a), (b), and (c) for the survey, recovery,*  
14 *protection, preservation, and display of archaeological*  
15 *resources in the area of a Project facility or conjunc-*  
16 *tive use well.*

17 (2) *NONREIMBURSABLE EXPENDITURES.—Any*  
18 *amounts made available under paragraph (1) shall be*  
19 *nonreimbursable.*

20 (f) *FISH AND WILDLIFE FACILITIES.—*

21 (1) *IN GENERAL.—In association with the devel-*  
22 *opment of the Project, the Secretary may use not*  
23 *more than 4 percent of amounts made available under*  
24 *subsections (a), (b), and (c) to purchase land and con-*  
25 *struct and maintain facilities to mitigate the loss of,*

1     *and improve conditions for the propagation of, fish*  
2     *and wildlife if any such purchase, construction, or*  
3     *maintenance will not affect the operation of any*  
4     *water project or use of water.*

5             (2) *NONREIMBURSABLE EXPENDITURES.—Any*  
6     *amounts expended under paragraph (1) shall be non-*  
7     *reimbursable.*

8     ***PART IV—NAVAJO NATION WATER RIGHTS***

9     ***SEC. 10701. AGREEMENT.***

10     *(a) AGREEMENT APPROVAL.—*

11             (1) *APPROVAL BY CONGRESS.—Except to the ex-*  
12     *tent that any provision of the Agreement conflicts*  
13     *with this subtitle, Congress approves, ratifies, and*  
14     *confirms the Agreement (including any amendments*  
15     *to the Agreement that are executed to make the Agree-*  
16     *ment consistent with this subtitle).*

17             (2) *EXECUTION BY SECRETARY.—The Secretary*  
18     *shall enter into the Agreement to the extent that the*  
19     *Agreement does not conflict with this subtitle, includ-*  
20     *ing—*

21                 (A) *any exhibits to the Agreement requiring*  
22     *the signature of the Secretary; and*

23                 (B) *any amendments to the Agreement nec-*  
24     *essary to make the Agreement consistent with*  
25     *this subtitle.*

1           (3) *AUTHORITY OF SECRETARY.*—*The Secretary*  
2           *may carry out any action that the Secretary deter-*  
3           *mines is necessary or appropriate to implement the*  
4           *Agreement, the Contract, and this section.*

5           (4) *ADMINISTRATION OF NAVAJO RESERVOIR RE-*  
6           *LEASES.*—*The State of New Mexico may administer*  
7           *water that has been released from storage in Navajo*  
8           *Reservoir in accordance with subparagraph 9.1 of the*  
9           *Agreement.*

10          (b) *WATER AVAILABLE UNDER CONTRACT.*—

11           (1) *QUANTITIES OF WATER AVAILABLE.*—

12           (A) *IN GENERAL.*—*Water shall be made*  
13           *available annually under the Contract for*  
14           *projects in the State of New Mexico supplied*  
15           *from the Navajo Reservoir and the San Juan*  
16           *River (including tributaries of the River) under*  
17           *New Mexico State Engineer File Numbers 2849,*  
18           *2883, and 3215 in the quantities described in*  
19           *subparagraph (B).*

20           (B) *WATER QUANTITIES.*—*The quantities of*  
21           *water referred to in subparagraph (A) are as fol-*  
22           *lows:*

	<i>Diver- sion (acre- feet/ year)</i>	<i>Deple- tion (acre- feet/ year)</i>
<i>Navajo Indian Irrigation Project</i>	508,000	270,000
<i>Navajo-Gallup Water Supply Project</i>	22,650	20,780
<i>Animas-La Plata Project</i>	4,680	2,340
<i>Total</i>	535,330	293,120

1                   (C) *MAXIMUM QUANTITY.*—*A diversion of*  
2                   *water to the Nation under the Contract for a*  
3                   *project described in subparagraph (B) shall not*  
4                   *exceed the quantity of water necessary to supply*  
5                   *the amount of depletion for the project.*

6                   (D) *TERMS, CONDITIONS, AND LIMITA-*  
7                   *TIONS.*—*The diversion and use of water under*  
8                   *the Contract shall be subject to and consistent*  
9                   *with the terms, conditions, and limitations of the*  
10                   *Agreement, this subtitle, and any other applica-*  
11                   *ble law.*

12                   (2) *AMENDMENTS TO CONTRACT.*—*The Secretary,*  
13                   *with the consent of the Nation, may amend the Con-*  
14                   *tract if the Secretary determines that the amendment*  
15                   *is—*

16                   (A) *consistent with the Agreement; and*

17                   (B) *in the interest of conserving water or*  
18                   *facilitating beneficial use by the Nation or a sub-*  
19                   *contractor of the Nation.*

1           (3) *RIGHTS OF THE NATION.*—*The Nation may,*  
2           *under the Contract—*

3                   (A) *use tail water, wastewater, and return*  
4                   *flows attributable to a use of the water by the*  
5                   *Nation or a subcontractor of the Nation if—*

6                           (i) *the depletion of water does not ex-*  
7                           *ceed the quantities described in paragraph*  
8                           *(1); and*

9                           (ii) *the use of tail water, wastewater,*  
10                          *or return flows is consistent with the terms,*  
11                          *conditions, and limitations of the Agree-*  
12                          *ment, and any other applicable law; and*

13                   (B) *change a point of diversion, change a*  
14                   *purpose or place of use, and transfer a right for*  
15                   *depletion under this subtitle (except for a point*  
16                   *of diversion, purpose or place of use, or right for*  
17                   *depletion for use in the State of Arizona under*  
18                   *section 10603(b)(2)(D)), to another use, purpose,*  
19                   *place, or depletion in the State of New Mexico to*  
20                   *meet a water resource or economic need of the*  
21                   *Nation if—*

22                           (i) *the change or transfer is subject to*  
23                           *and consistent with the terms of the Agree-*  
24                           *ment, the Partial Final Decree described in*



1           *paragraph 3.0 of the Agreement, the Con-*  
2           *tract, and any other applicable law; and*

3                     *(ii) a change or transfer of water use*  
4           *by the Nation does not alter any obligation*  
5           *of the United States, the Nation, or another*  
6           *party to pay or repay project construction,*  
7           *operation, maintenance, or replacement*  
8           *costs under this subtitle and the Contract.*

9        *(c) SUBCONTRACTS.—*

10           *(1) IN GENERAL.—*

11                     *(A) SUBCONTRACTS BETWEEN NATION AND*  
12           *THIRD PARTIES.—The Nation may enter into*  
13           *subcontracts for the delivery of Project water*  
14           *under the Contract to third parties for any bene-*  
15           *ficial use in the State of New Mexico (on or off*  
16           *land held by the United States in trust for the*  
17           *Nation or a member of the Nation or land held*  
18           *in fee by the Nation).*

19                     *(B) APPROVAL REQUIRED.—A subcontract*  
20           *entered into under subparagraph (A) shall not be*  
21           *effective until approved by the Secretary in ac-*  
22           *cordance with this subsection and the Contract.*

23                     *(C) SUBMITTAL.—The Nation shall submit*  
24           *to the Secretary for approval or disapproval any*  
25           *subcontract entered into under this subsection.*

1           (D) *DEADLINE.*—*The Secretary shall ap-*  
2 *prove or disapprove a subcontract submitted to*  
3 *the Secretary under subparagraph (C) not later*  
4 *than the later of—*

5                 (i) *the date that is 180 days after the*  
6 *date on which the subcontract is submitted*  
7 *to the Secretary; and*

8                 (ii) *the date that is 60 days after the*  
9 *date on which a subcontractor complies*  
10 *with—*

11                         (I) *section 102(2)(C) of the Na-*  
12 *tional Environmental Policy Act of*  
13 *1969 (42 U.S.C. 4332(2)(C)); and*

14                         (II) *any other requirement of Fed-*  
15 *eral law.*

16           (E) *ENFORCEMENT.*—*A party to a sub-*  
17 *contract may enforce the deadline described in*  
18 *subparagraph (D) under section 1361 of title 28,*  
19 *United States Code.*

20           (F) *COMPLIANCE WITH OTHER LAW.*—*A*  
21 *subcontract described in subparagraph (A) shall*  
22 *comply with the Agreement, the Partial Final*  
23 *Decree described in paragraph 3.0 of the Agree-*  
24 *ment, and any other applicable law.*

1           (G) *NO LIABILITY.*—*The Secretary shall not*  
2           *be liable to any party, including the Nation, for*  
3           *any term of, or any loss or other detriment re-*  
4           *sulting from, a lease, contract, or other agree-*  
5           *ment entered into pursuant to this subsection.*

6           (2) *ALIENATION.*—

7           (A) *PERMANENT ALIENATION.*—*The Nation*  
8           *shall not permanently alienate any right granted*  
9           *to the Nation under the Contract.*

10          (B) *MAXIMUM TERM.*—*The term of any*  
11          *water use subcontract (including a renewal)*  
12          *under this subsection shall be not more than 99*  
13          *years.*

14          (3) *NONINTERCOURSE ACT COMPLIANCE.*—*This*  
15          *subsection—*

16                (A) *provides congressional authorization for*  
17                *the subcontracting rights of the Nation; and*

18                (B) *is deemed to fulfill any requirement*  
19                *that may be imposed by section 2116 of the Re-*  
20                *vised Statutes (25 U.S.C. 177).*

21          (4) *FORFEITURE.*—*The nonuse of the water sup-*  
22          *ply secured by a subcontractor of the Nation under*  
23          *this subsection shall not result in forfeiture, abandon-*  
24          *ment, relinquishment, or other loss of any part of a*

1 *right decreed to the Nation under the Contract or this*  
2 *section.*

3 (5) *NO PER CAPITA PAYMENTS.*—*No part of the*  
4 *revenue from a water use subcontract under this sub-*  
5 *section shall be distributed to any member of the Na-*  
6 *tion on a per capita basis.*

7 (d) *WATER LEASES NOT REQUIRING SUB-*  
8 *CONTRACTS.*—

9 (1) *AUTHORITY OF NATION.*—

10 (A) *IN GENERAL.*—*The Nation may lease,*  
11 *contract, or otherwise transfer to another party*  
12 *or to another purpose or place of use in the State*  
13 *of New Mexico (on or off land that is held by the*  
14 *United States in trust for the Nation or a mem-*  
15 *ber of the Nation or held in fee by the Nation)*  
16 *a water right that—*

17 (i) *is decreed to the Nation under the*  
18 *Agreement; and*

19 (ii) *is not subject to the Contract.*

20 (B) *COMPLIANCE WITH OTHER LAW.*—*In*  
21 *carrying out an action under this subsection, the*  
22 *Nation shall comply with the Agreement, the*  
23 *Partial Final Decree described in paragraph 3.0*  
24 *of the Agreement, the Supplemental Partial*

1           *Final Decree described in paragraph 4.0 of the*  
2           *Agreement, and any other applicable law.*

3           (2) *ALIENATION; MAXIMUM TERM.—*

4                 (A) *ALIENATION.—The Nation shall not*  
5                 *permanently alienate any right granted to the*  
6                 *Nation under the Agreement.*

7                 (B) *MAXIMUM TERM.—The term of any*  
8                 *water use lease, contract, or other arrangement*  
9                 *(including a renewal) under this subsection shall*  
10                *be not more than 99 years.*

11           (3) *NO LIABILITY.—The Secretary shall not be*  
12           *liable to any party, including the Nation, for any*  
13           *term of, or any loss or other detriment resulting from,*  
14           *a lease, contract, or other agreement entered into pur-*  
15           *suant to this subsection.*

16           (4) *NONINTERCOURSE ACT COMPLIANCE.—This*  
17           *subsection—*

18                 (A) *provides congressional authorization for*  
19                 *the lease, contracting, and transfer of any water*  
20                 *right described in paragraph (1)(A); and*

21                 (B) *is deemed to fulfill any requirement*  
22                 *that may be imposed by the provisions of section*  
23                 *2116 of the Revised Statutes (25 U.S.C. 177).*

24           (5) *FORFEITURE.—The nonuse of a water right*  
25           *of the Nation by a lessee or contractor to the Nation*

1 *under this subsection shall not result in forfeiture,*  
2 *abandonment, relinquishment, or other loss of any*  
3 *part of a right decreed to the Nation under the Con-*  
4 *tract or this section.*

5 *(e) NULLIFICATION.—*

6 *(1) DEADLINES.—*

7 *(A) IN GENERAL.—In carrying out this sec-*  
8 *tion, the following deadlines apply with respect*  
9 *to implementation of the Agreement:*

10 *(i) AGREEMENT.—Not later than De-*  
11 *cember 31, 2010, the Secretary shall execute*  
12 *the Agreement.*

13 *(ii) CONTRACT.—Not later than De-*  
14 *cember 31, 2010, the Secretary and the Na-*  
15 *tion shall execute the Contract.*

16 *(iii) PARTIAL FINAL DECREE.—Not*  
17 *later than December 31, 2013, the court in*  
18 *the stream adjudication shall have entered*  
19 *the Partial Final Decree described in para-*  
20 *graph 3.0 of the Agreement.*

21 *(iv) FRUITLAND-CAMBRIDGE IRRIGA-*  
22 *TION PROJECT.—Not later than December*  
23 *31, 2016, the rehabilitation construction of*  
24 *the Fruitland-Cambridge Irrigation Project*

1 *authorized under section 10607(a)(1) shall*  
2 *be completed.*

3 *(v) SUPPLEMENTAL PARTIAL FINAL DE-*  
4 *CREE.—Not later than December 31, 2016,*  
5 *the court in the stream adjudication shall*  
6 *enter the Supplemental Partial Final De-*  
7 *cree described in subparagraph 4.0 of the*  
8 *Agreement.*

9 *(vi) HOGBACK-CUDEI IRRIGATION*  
10 *PROJECT.—Not later than December 31,*  
11 *2019, the rehabilitation construction of the*  
12 *Hogback-Cudei Irrigation Project author-*  
13 *ized under section 10607(a)(2) shall be com-*  
14 *pleted.*

15 *(vii) TRUST FUND.—Not later than*  
16 *December 31, 2019, the United States shall*  
17 *make all deposits into the Trust Fund*  
18 *under section 10702.*

19 *(viii) CONJUNCTIVE WELLS.—Not later*  
20 *than December 31, 2019, the funds author-*  
21 *ized to be appropriated under section*  
22 *10609(b)(1) for the conjunctive use wells au-*  
23 *thorized under section 10606(b) should be*  
24 *appropriated.*

1                   *(ix) NAVAJO-GALLUP WATER SUPPLY*  
2                   *PROJECT.—Not later than December 31,*  
3                   *2024, the construction of all Project facili-*  
4                   *ties shall be completed.*

5                   *(B) EXTENSION.—A deadline described in*  
6                   *subparagraph (A) may be extended if the Nation,*  
7                   *the United States (acting through the Secretary),*  
8                   *and the State of New Mexico (acting through the*  
9                   *New Mexico Interstate Stream Commission)*  
10                  *agree that an extension is reasonably necessary.*

11                  *(2) REVOCABILITY OF AGREEMENT, CONTRACT*  
12                  *AND AUTHORIZATIONS.—*

13                  *(A) PETITION.—If the Nation determines*  
14                  *that a deadline described in paragraph (1)(A) is*  
15                  *not substantially met, the Nation may submit to*  
16                  *the court in the stream adjudication a petition*  
17                  *to enter an order terminating the Agreement and*  
18                  *Contract.*

19                  *(B) TERMINATION.—On issuance of an*  
20                  *order to terminate the Agreement and Contract*  
21                  *under subparagraph (A)—*

22                         *(i) the Trust Fund shall be terminated;*  
23                         *(ii) the balance of the Trust Fund shall*  
24                         *be deposited in the general fund of the*  
25                         *Treasury;*



1                   (iii) the authorizations for construction  
2                   and rehabilitation of water projects under  
3                   this subtitle shall be revoked and any Fed-  
4                   eral activity related to that construction  
5                   and rehabilitation shall be suspended; and

6                   (iv) this part and parts I and III shall  
7                   be null and void.

8                   (3) *CONDITIONS NOT CAUSING NULLIFICATION OF*  
9                   *SETTLEMENT.—*

10                   (A) *IN GENERAL.—If a condition described*  
11                   *in subparagraph (B) occurs, the Agreement and*  
12                   *Contract shall not be nullified or terminated.*

13                   (B) *CONDITIONS.—The conditions referred*  
14                   *to in subparagraph (A) are as follows:*

15                   (i) *A lack of right to divert at the ca-*  
16                   *pacities of conjunctive use wells constructed*  
17                   *or rehabilitated under section 10606.*

18                   (ii) *A failure—*

19                   (I) *to determine or resolve an ac-*  
20                   *counting of the use of water under this*  
21                   *subtitle in the State of Arizona;*

22                   (II) *to obtain a necessary water*  
23                   *right for the consumptive use of water*  
24                   *in Arizona;*

1                   (III) to contract for the delivery of  
2                   water for use in Arizona; or

3                   (IV) to construct and operate a  
4                   lateral facility to deliver water to a  
5                   community of the Nation in Arizona,  
6                   under the Project.

7           (f) *EFFECT ON RIGHTS OF INDIAN TRIBES.*—

8                   (1) *IN GENERAL.*—*Except as provided in para-*  
9                   *graph (2), nothing in the Agreement, the Contract, or*  
10                   *this section quantifies or adversely affects the land*  
11                   *and water rights, or claims or entitlements to water,*  
12                   *of any Indian tribe or community other than the*  
13                   *rights, claims, or entitlements of the Nation in, to,*  
14                   *and from the San Juan River Basin in the State of*  
15                   *New Mexico.*

16                   (2) *EXCEPTION.*—*The right of the Nation to use*  
17                   *water under water rights the Nation has in other*  
18                   *river basins in the State of New Mexico shall be*  
19                   *forborne to the extent that the Nation supplies the*  
20                   *uses for which the water rights exist by diversions of*  
21                   *water from the San Juan River Basin under the*  
22                   *Project consistent with subparagraph 9.13 of the*  
23                   *Agreement.*

1 **SEC. 10702. TRUST FUND.**

2 (a) *ESTABLISHMENT.*—*There is established in the*  
3 *Treasury a fund to be known as the “Navajo Nation Water*  
4 *Resources Development Trust Fund”, consisting of—*

5 (1) *such amounts as are appropriated to the*  
6 *Trust Fund under subsection (f); and*

7 (2) *any interest earned on investment of*  
8 *amounts in the Trust Fund under subsection (d).*

9 (b) *USE OF FUNDS.*—*The Nation may use amounts*  
10 *in the Trust Fund—*

11 (1) *to investigate, construct, operate, maintain,*  
12 *or replace water project facilities, including facilities*  
13 *conveyed to the Nation under this subtitle and facili-*  
14 *ties owned by the United States for which the Nation*  
15 *is responsible for operation, maintenance, and re-*  
16 *placement costs; and*

17 (2) *to investigate, implement, or improve a*  
18 *water conservation measure (including a metering or*  
19 *monitoring activity) necessary for the Nation to make*  
20 *use of a water right of the Nation under the Agree-*  
21 *ment.*

22 (c) *MANAGEMENT.*—*The Secretary shall manage the*  
23 *Trust Fund, invest amounts in the Trust Fund pursuant*  
24 *to subsection (d), and make amounts available from the*  
25 *Trust Fund for distribution to the Nation in accordance*

1 *with the American Indian Trust Fund Management Reform*  
2 *Act of 1994 (25 U.S.C. 4001 et seq.).*

3 (d) *INVESTMENT OF THE TRUST FUND.—Beginning*  
4 *on October 1, 2019, the Secretary shall invest amounts in*  
5 *the Trust Fund in accordance with—*

6 (1) *the Act of April 1, 1880 (25 U.S.C. 161);*

7 (2) *the first section of the Act of June 24, 1938*  
8 *(25 U.S.C. 162a); and*

9 (3) *the American Indian Trust Fund Manage-*  
10 *ment Reform Act of 1994 (25 U.S.C. 4001 et seq.).*

11 (e) *CONDITIONS FOR EXPENDITURES AND WITH-*  
12 *DRAWALS.—*

13 (1) *TRIBAL MANAGEMENT PLAN.—*

14 (A) *IN GENERAL.—Subject to paragraph*  
15 *(7), on approval by the Secretary of a tribal*  
16 *management plan in accordance with the Amer-*  
17 *ican Indian Trust Fund Management Reform*  
18 *Act of 1994 (25 U.S.C. 4001 et seq.), the Nation*  
19 *may withdraw all or a portion of the amounts*  
20 *in the Trust Fund.*

21 (B) *REQUIREMENTS.—In addition to any*  
22 *requirements under the American Indian Trust*  
23 *Fund Management Reform Act of 1994 (25*  
24 *U.S.C. 4001 et seq.), the tribal management plan*  
25 *shall require that the Nation only use amounts*

1           *in the Trust Fund for the purposes described in*  
2           *subsection (b), including the identification of*  
3           *water conservation measures to be implemented*  
4           *in association with the agricultural water use of*  
5           *the Nation.*

6           (2) *ENFORCEMENT.*—*The Secretary may take ju-*  
7           *dicial or administrative action to enforce the provi-*  
8           *sions of any tribal management plan to ensure that*  
9           *any amounts withdrawn from the Trust Fund are*  
10          *used in accordance with this subtitle.*

11          (3) *NO LIABILITY.*—*Neither the Secretary nor the*  
12          *Secretary of the Treasury shall be liable for the ex-*  
13          *penditure or investment of any amounts withdrawn*  
14          *from the Trust Fund by the Nation.*

15          (4) *EXPENDITURE PLAN.*—

16                (A) *IN GENERAL.*—*The Nation shall submit*  
17                *to the Secretary for approval an expenditure*  
18                *plan for any portion of the amounts in the Trust*  
19                *Fund made available under this section that the*  
20                *Nation does not withdraw under this subsection.*

21                (B) *DESCRIPTION.*—*The expenditure plan*  
22                *shall describe the manner in which, and the pur-*  
23                *poses for which, funds of the Nation remaining*  
24                *in the Trust Fund will be used.*

1           (C) *APPROVAL.*—*On receipt of an expendi-*  
2           *ture plan under subparagraph (A), the Secretary*  
3           *shall approve the plan if the Secretary deter-*  
4           *mines that the plan is reasonable and consistent*  
5           *with this subtitle.*

6           (5) *ANNUAL REPORT.*—*The Nation shall submit*  
7           *to the Secretary an annual report that describes any*  
8           *expenditures from the Trust Fund during the year*  
9           *covered by the report.*

10           (6) *LIMITATION.*—*No portion of the amounts in*  
11           *the Trust Fund shall be distributed to any Nation*  
12           *member on a per capita basis.*

13           (7) *CONDITIONS.*—*Any amount authorized to be*  
14           *appropriated to the Trust Fund under subsection (f)*  
15           *shall not be available for expenditure or with-*  
16           *drawal—*

17                   (A) *before December 31, 2019; and*

18                   (B) *until the date on which the court in the*  
19           *stream adjudication has entered—*

20                           (i) *the Partial Final Decree; and*

21                           (ii) *the Supplemental Partial Final*  
22           *Decree.*

23           (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
24           *authorized to be appropriated for deposit in the Trust*  
25           *Fund—*

1           (1) \$6,000,000 for each of fiscal years 2010  
2           through 2014; and

3           (2) \$4,000,000 for each of fiscal years 2015  
4           through 2019.

5 **SEC. 10703. WAIVERS AND RELEASES.**

6           (a) *CLAIMS BY THE NATION AND THE UNITED*  
7 *STATES.*—*In return for recognition of the Nation’s water*  
8 *rights and other benefits, including but not limited to the*  
9 *commitments by other parties, as set forth in the Agreement*  
10 *and this subtitle, the Nation, on behalf of itself and members*  
11 *of the Nation (other than members in the capacity of the*  
12 *members as allottees), and the United States acting in its*  
13 *capacity as trustee for the Nation, shall execute a waiver*  
14 *and release of—*

15           (1) *all claims for water rights in, or for waters*  
16 *of, the San Juan River Basin in the State of New*  
17 *Mexico that the Nation, or the United States as trust-*  
18 *ee for the Nation, asserted, or could have asserted, in*  
19 *any proceeding, including but not limited to the*  
20 *stream adjudication, up to and including the effective*  
21 *date described in subsection (e), except to the extent*  
22 *that such rights are recognized in the Agreement or*  
23 *this subtitle;*

24           (2) *all claims for damages, losses, or injuries to*  
25 *water rights or claims of interference with, diversion,*

1     *or taking of water (including but not limited to*  
2     *claims for injury to lands resulting from such dam-*  
3     *ages, losses, injuries, interference with, diversion, or*  
4     *taking) in the San Juan River Basin in the State of*  
5     *New Mexico that accrued at any time up to and in-*  
6     *cluding the effective date described in subsection (e);*

7             *(3) all claims of any damage, loss, or injury or*  
8     *for injunctive or other relief because of the condition*  
9     *of or changes in water quality related to, or arising*  
10    *out of, the exercise of water rights; and*

11            *(4) all claims against the State of New Mexico,*  
12    *its agencies, or employees relating to the negotiation*  
13    *or the adoption of the Agreement.*

14    **(b) CLAIMS BY THE NATION AGAINST THE UNITED**  
15    **STATES.**—*The Nation, on behalf of itself and its members*  
16    *(other than in the capacity of the members as allottees),*  
17    *shall execute a waiver and release of—*

18            *(1) all claims against the United States, its*  
19    *agencies, or employees relating to claims for water*  
20    *rights in or waters of the San Juan River Basin in*  
21    *the State of New Mexico that the United States, act-*  
22    *ing in its capacity as trustee for the Nation, asserted,*  
23    *or could have asserted, in any proceeding, including*  
24    *but not limited to the stream adjudication;*



1           (2) *all claims against the United States, its*  
2 *agencies, or employees relating to damages, losses, or*  
3 *injuries to water, water rights, land, or natural re-*  
4 *sources due to loss of water or water rights (including*  
5 *but not limited to damages, losses, or injuries to hunt-*  
6 *ing, fishing, gathering, or cultural rights due to loss*  
7 *of water or water rights; claims relating to inference*  
8 *with, diversion, or taking of water or water rights; or*  
9 *claims relating to failure to protect, acquire, replace,*  
10 *or develop water or water rights) in the San Juan*  
11 *River Basin in the State of New Mexico that first ac-*  
12 *crued at any time up to and including the effective*  
13 *date described in subsection (e);*

14           (3) *all claims against the United States, its*  
15 *agencies, or employees relating to the pending litiga-*  
16 *tion of claims relating to the Nation's water rights in*  
17 *the stream adjudication; and*

18           (4) *all claims against the United States, its*  
19 *agencies, or employees relating to the negotiation, exe-*  
20 *cution, or the adoption of the Agreement, the decrees,*  
21 *the Contract, or this subtitle.*

22           (c) *RESERVATION OF CLAIMS.—Notwithstanding the*  
23 *waivers and releases authorized in this subtitle, the Nation*  
24 *on behalf of itself and its members (including members in*  
25 *the capacity of the members as allottees) and the United*

1 *States acting in its capacity as trustee for the Nation and*  
2 *allottees, retain—*

3           (1) *all claims for water rights or injuries to*  
4 *water rights arising out of activities occurring outside*  
5 *the San Juan River Basin in the State of New Mex-*  
6 *ico, subject to paragraphs 8.0, 9.3, 9.12, 9.13, and*  
7 *13.9 of the Agreement;*

8           (2) *all claims for enforcement of the Agreement,*  
9 *the Contract, the Partial Final Decree, the Supple-*  
10 *mental Partial Final Decree, or this subtitle, through*  
11 *any legal and equitable remedies available in any*  
12 *court of competent jurisdiction;*

13           (3) *all rights to use and protect water rights ac-*  
14 *quired pursuant to State law after the date of enact-*  
15 *ment of this Act;*

16           (4) *all claims relating to activities affecting the*  
17 *quality of water not related to the exercise of water*  
18 *rights, including but not limited to any claims the*  
19 *Nation might have under—*

20                   (A) *the Comprehensive Environmental Re-*  
21 *sponse, Compensation, and Liability Act of 1980*  
22 *(42 U.S.C. 9601 et seq.);*

23                   (B) *the Safe Drinking Water Act (42 U.S.C.*  
24 *300f et seq.); and*

1           (C) *the Federal Water Pollution Control Act*  
2           (33 U.S.C. 1251 et seq.);

3           (5) *all claims relating to damages, losses, or in-*  
4 *juries to land or natural resources not due to loss of*  
5 *water or water rights; and*

6           (6) *all rights, remedies, privileges, immunities,*  
7 *and powers not specifically waived and released*  
8 *under the terms of the Agreement or this subtitle.*

9           (d) *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 this*  
14 *Act and ending on the earlier of—*

15                   (A) *March 1, 2025; or*

16                   (B) *the effective date described in subsection*  
17 *(e).*

18           (2) *EFFECT OF SUBSECTION.—Nothing in this*  
19 *subsection revives any claim or tolls any period of*  
20 *limitation or time-based equitable defense that ex-*  
21 *pired before the date of enactment of this Act.*

22           (3) *LIMITATION.—Nothing in this section pre-*  
23 *cludes the tolling of any period of limitations or any*  
24 *time-based equitable defense under any other applica-*  
25 *ble law.*

1       (e) *EFFECTIVE DATE.*—

2           (1) *IN GENERAL.*—*The waivers and releases de-*  
3 *scribed in subsections (a) and (b) shall be effective on*  
4 *the date on which the Secretary publishes in the Fed-*  
5 *eral Register a statement of findings documenting*  
6 *that each of the deadlines described in section*  
7 *10701(e)(1) have been met.*

8           (2) *DEADLINE.*—*If the deadlines described in*  
9 *section 10701(e)(1)(A) have not been met by the later*  
10 *of March 1, 2025, or the date of any extension under*  
11 *section 10701(e)(1)(B)—*

12                   (A) *the waivers and releases described in*  
13 *subsections (a) and (b) shall be of no effect; 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 Nation.*

20 ***Subtitle C—Shoshone-Paiute Tribes***  
21 ***of the Duck Valley Reservation***  
22 ***Water Rights Settlement***

23 **SEC. 10801. FINDINGS.**

24       *Congress finds that—*

1           (1) *it is the policy of the United States, in ac-*  
2 *cordance with the trust responsibility of the United*  
3 *States to Indian tribes, to promote Indian self-deter-*  
4 *mination and economic self-sufficiency and to settle*  
5 *Indian water rights claims without lengthy and costly*  
6 *litigation, if practicable;*

7           (2) *quantifying rights to water and development*  
8 *of facilities needed to use tribal water supplies is es-*  
9 *sential to the development of viable Indian reserva-*  
10 *tion economies and the establishment of a permanent*  
11 *reservation homeland;*

12           (3) *uncertainty concerning the extent of the Sho-*  
13 *shone-Paiute Tribes' water rights has resulted in lim-*  
14 *ited access to water and inadequate financial re-*  
15 *sources necessary to achieve self-determination and*  
16 *self-sufficiency;*

17           (4) *in 2006, the Tribes, the State of Idaho, the*  
18 *affected individual water users, and the United States*  
19 *resolved all tribal claims to water rights in the Snake*  
20 *River Basin Adjudication through a consent decree*  
21 *entered by the District Court of the Fifth Judicial*  
22 *District of the State of Idaho, requiring no further*  
23 *Federal action to quantify the Tribes' water rights in*  
24 *the State of Idaho;*

1           (5) *as of the date of enactment of this Act, pro-*  
2 *ceedings to determine the extent and nature of the*  
3 *water rights of the Tribes in the East Fork of the*  
4 *Owyhee River in Nevada are pending before the Ne-*  
5 *vada State Engineer;*

6           (6) *final resolution of the Tribes' water claims in*  
7 *the East Fork of the Owyhee River adjudication*  
8 *will—*

9                   (A) *take many years;*

10                   (B) *entail great expense;*

11                   (C) *continue to limit the access of the Tribes*  
12 *to water, with economic and social consequences;*

13                   (D) *prolong uncertainty relating to the*  
14 *availability of water supplies; and*

15                   (E) *seriously impair long-term economic*  
16 *planning and development for all parties to the*  
17 *litigation;*

18           (7) *after many years of negotiation, the Tribes,*  
19 *the State, and the upstream water users have entered*  
20 *into a settlement agreement to resolve permanently all*  
21 *water rights of the Tribes in the State; and*

22           (8) *the Tribes also seek to resolve certain water-*  
23 *related claims for damages against the United States.*

24 **SEC. 10802. PURPOSES.**

25           *The purposes of this subtitle are—*

1           (1) *to resolve outstanding issues with respect to*  
2 *the East Fork of the Owyhee River in the State in*  
3 *such a manner as to provide important benefits to—*

4                   (A) *the United States;*

5                   (B) *the State;*

6                   (C) *the Tribes; and*

7                   (D) *the upstream water users;*

8           (2) *to achieve a fair, equitable, and final settle-*  
9 *ment of all claims of the Tribes, members of the*  
10 *Tribes, and the United States on behalf of the Tribes*  
11 *and members of Tribes to the waters of the East Fork*  
12 *of the Owyhee River in the State;*

13           (3) *to ratify and provide for the enforcement of*  
14 *the Agreement among the parties to the litigation;*

15           (4) *to resolve the Tribes' water-related claims for*  
16 *damages against the United States;*

17           (5) *to require the Secretary to perform all obli-*  
18 *gations of the Secretary under the Agreement and this*  
19 *subtitle; and*

20           (6) *to authorize the actions and appropriations*  
21 *necessary to meet the obligations of the United States*  
22 *under the Agreement and this subtitle.*

23 **SEC. 10803. DEFINITIONS.**

24 *In this subtitle:*

1           (1) *AGREEMENT.*—*The term “Agreement” means*  
2 *the agreement entitled the “Agreement to Establish*  
3 *the Relative Water Rights of the Shoshone-Paiute*  
4 *Tribes of the Duck Valley Reservation and the Up-*  
5 *stream Water Users, East Fork Owyhee River” and*  
6 *signed in counterpart between, on, or about Sep-*  
7 *tember 22, 2006, and January 15, 2007 (including*  
8 *all attachments to that Agreement).*

9           (2) *DEVELOPMENT FUND.*—*The term “Develop-*  
10 *ment Fund” means the Shoshone-Paiute Tribes Water*  
11 *Rights Development Fund established by section*  
12 *10807(b)(1).*

13           (3) *EAST FORK OF THE OWYHEE RIVER.*—*The*  
14 *term “East Fork of the Owyhee River” means the por-*  
15 *tion of the east fork of the Owyhee River that is lo-*  
16 *cated in the State.*

17           (4) *MAINTENANCE FUND.*—*The term “Mainte-*  
18 *nance Fund” means the Shoshone-Paiute Tribes Op-*  
19 *eration and Maintenance Fund established by section*  
20 *10807(c)(1).*

21           (5) *RESERVATION.*—*The term “Reservation”*  
22 *means the Duck Valley Reservation established by the*  
23 *Executive order dated April 16, 1877, as adjusted*  
24 *pursuant to the Executive order dated May 4, 1886,*  
25 *and Executive order numbered 1222 and dated July*



1       *1, 1910, for use and occupation by the Western Sho-*  
 2       *shones and the Paddy Cap Band of Paiutes.*

3               (6) *SECRETARY.*—*The term “Secretary” means*  
 4       *the Secretary of the Interior.*

5               (7) *STATE.*—*The term “State” means the State*  
 6       *of Nevada.*

7               (8) *TRIBAL WATER RIGHTS.*—*The term “tribal*  
 8       *water rights” means rights of the Tribes described in*  
 9       *the Agreement relating to water, including ground-*  
 10       *water, storage water, and surface water.*

11              (9) *TRIBES.*—*The term “Tribes” means the Sho-*  
 12       *shone-Paiute Tribes of the Duck Valley Reservation.*

13              (10) *UPSTREAM WATER USER.*—*The term “up-*  
 14       *stream water user” means a non-Federal water user*  
 15       *that—*

16                       (A) *is located upstream from the Reserva-*  
 17       *tion on the East Fork of the Owyhee River; and*

18                       (B) *is a signatory to the Agreement as a*  
 19       *party to the East Fork of the Owyhee River ad-*  
 20       *judication.*

21       **SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION**  
 22                       **OF AGREEMENT; AUTHORIZATION.**

23              (a) *IN GENERAL.*—*Except as provided in subsection*  
 24       *(c) and except to the extent that the Agreement otherwise*

1 *conflicts with provisions of this subtitle, the Agreement is*  
2 *approved, ratified, and confirmed.*

3       (b) *SECRETARIAL AUTHORIZATION.—The Secretary is*  
4 *authorized and directed to execute the Agreement as ap-*  
5 *proved by Congress.*

6       (c) *EXCEPTION FOR TRIBAL WATER MARKETING.—*  
7 *Notwithstanding any language in the Agreement to the con-*  
8 *trary, nothing in this subtitle authorizes the Tribes to use*  
9 *or authorize others to use tribal water rights off the Reserva-*  
10 *tion, other than use for storage at Wild Horse Reservoir*  
11 *for use on tribal land and for the allocation of 265 acre*  
12 *feet to upstream water users under the Agreement, or use*  
13 *on tribal land off the Reservation.*

14       (d) *ENVIRONMENTAL COMPLIANCE.—Execution of the*  
15 *Agreement by the Secretary under this section shall not con-*  
16 *stitute major Federal action under the National Environ-*  
17 *mental Policy Act (42 U.S.C. 4321 et seq.). The Secretary*  
18 *shall carry out all environmental compliance required by*  
19 *Federal law in implementing the Agreement.*

20       (e) *PERFORMANCE OF OBLIGATIONS.—The Secretary*  
21 *and any other head of a Federal agency obligated under*  
22 *the Agreement shall perform actions necessary to carry out*  
23 *an obligation under the Agreement in accordance with this*  
24 *subtitle.*

1 **SEC. 10805. TRIBAL WATER RIGHTS.**

2 (a) *IN GENERAL.*—Tribal water rights shall be held  
3 in trust by the United States for the benefit of the Tribes.

4 (b) *ADMINISTRATION.*—

5 (1) *ENACTMENT OF WATER CODE.*—Not later  
6 than 3 years after the date of enactment of this Act,  
7 the Tribes, in accordance with provisions of the  
8 Tribes' constitution and subject to the approval of the  
9 Secretary, shall enact a water code to administer trib-  
10 al water rights.

11 (2) *INTERIM ADMINISTRATION.*—The Secretary  
12 shall regulate the tribal water rights during the pe-  
13 riod beginning on the date of enactment of this Act  
14 and ending on the date on which the Tribes enact a  
15 water code under paragraph (1).

16 (c) *TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.*—  
17 The tribal water rights shall not be subject to loss by aban-  
18 donment, forfeiture, or nonuse.

19 **SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.**

20 (a) *STATUS OF THE DUCK VALLEY INDIAN IRRIGATION*  
21 *PROJECT.*—Nothing in this subtitle shall affect the status  
22 of the Duck Valley Indian Irrigation Project under Federal  
23 law.

24 (b) *CAPITAL COSTS NONREIMBURSABLE.*—The capital  
25 costs associated with the Duck Valley Indian Irrigation  
26 Project as of the date of enactment of this Act, including

1 *any capital cost incurred with funds distributed under this*  
 2 *subtitle for the Duck Valley Indian Irrigation Project, shall*  
 3 *be nonreimbursable.*

4 **SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.**

5 (a) *DEFINITION OF FUNDS.*—*In this section, the term*  
 6 *“Funds” means—*

7 (1) *the Development Fund; and*

8 (2) *the Maintenance Fund.*

9 (b) *DEVELOPMENT FUND.*—

10 (1) *ESTABLISHMENT.*—*There is established in*  
 11 *the Treasury of the United States a fund to be known*  
 12 *as the “Shoshone-Paiute Tribes Water Rights Devel-*  
 13 *opment Fund”.*

14 (2) *USE OF FUNDS.*—

15 (A) *PRIORITY USE OF FUNDS FOR REHA-*  
 16 *BILITATION.*—*The Tribes shall use amounts in*  
 17 *the Development Fund to—*

18 (i) *rehabilitate the Duck Valley Indian*  
 19 *Irrigation Project; or*

20 (ii) *for other purposes under subpara-*  
 21 *graph (B), provided that the Tribes have*  
 22 *given written notification to the Secretary*  
 23 *that—*

1                   (I) *the Duck Valley Indian Irriga-*  
2                   *tion Project has been rehabilitated to*  
3                   *an acceptable condition; or*

4                   (II) *sufficient funds will remain*  
5                   *available from the Development Fund*  
6                   *to rehabilitate the Duck Valley Indian*  
7                   *Irrigation Project to an acceptable con-*  
8                   *dition after expending funds for other*  
9                   *purposes under subparagraph (B).*

10                   (B) *OTHER USES OF FUNDS.—Once the*  
11                   *Tribes have provided written notification as pro-*  
12                   *vided in subparagraph (A)(ii)(I) or (A)(ii)(II),*  
13                   *the Tribes may use amounts from the Develop-*  
14                   *ment Fund for any of the following purposes:*

15                   (i) *To expand the Duck Valley Indian*  
16                   *Irrigation Project.*

17                   (ii) *To pay or reimburse costs incurred*  
18                   *by the Tribes in acquiring land and water*  
19                   *rights.*

20                   (iii) *For purposes of cultural preserva-*  
21                   *tion.*

22                   (iv) *To restore or improve fish or wild-*  
23                   *life habitat.*

1           (v) *For fish or wildlife production,*  
2           *water resource development, or agricultural*  
3           *development.*

4           (vi) *For water resource planning and*  
5           *development.*

6           (vii) *To pay the costs of—*

7                   (I) *designing and constructing*  
8                   *water supply and sewer systems for*  
9                   *tribal communities, including a water*  
10                   *quality testing laboratory;*

11                   (II) *other appropriate water-re-*  
12                   *lated projects and other related eco-*  
13                   *nomie development projects;*

14                   (III) *the development of a water*  
15                   *code; and*

16                   (IV) *other costs of implementing*  
17                   *the Agreement.*

18           (3) *AUTHORIZATION OF APPROPRIATIONS.—*

19           *There is authorized to be appropriated to the Sec-*  
20           *retary for deposit in the Development Fund*  
21           *\$9,000,000 for each of fiscal years 2010 through 2014.*

22           (c) *MAINTENANCE FUND.—*

23                   (1) *ESTABLISHMENT.—There is established in*  
24                   *the Treasury of the United States a fund to be known*

1       *as the “Shoshone-Paiute Tribes Operation and Main-*  
2       *tenance Fund”.*

3               (2) *USE OF FUNDS.—The Tribes shall use*  
4       *amounts in the Maintenance Fund to pay or provide*  
5       *reimbursement for—*

6                   (A) *operation, maintenance, and replace-*  
7       *ment costs of the Duck Valley Indian Irrigation*  
8       *Project and other water-related projects funded*  
9       *under this subtitle; or*

10                  (B) *operation, maintenance, and replace-*  
11       *ment costs of water supply and sewer systems for*  
12       *tribal communities, including the operation and*  
13       *maintenance costs of a water quality testing lab-*  
14       *oratory.*

15               (3) *AUTHORIZATION OF APPROPRIATIONS.—*  
16       *There is authorized to be appropriated to the Sec-*  
17       *retary for deposit in the Maintenance Fund*  
18       *\$3,000,000 for each of fiscal years 2010 through 2014.*

19               (d) *AVAILABILITY OF AMOUNTS FROM FUNDS.—*  
20       *Amounts made available under subsections (b)(3) and (c)(3)*  
21       *shall be available for expenditure or withdrawal only after*  
22       *the effective date described in section 10808(d).*

23               (e) *ADMINISTRATION OF FUNDS.—Upon completion of*  
24       *the actions described in section 10808(d), the Secretary, in*  
25       *accordance with the American Indian Trust Fund Manage-*

1 *ment Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall*  
2 *manage the Funds, including by investing amounts from*  
3 *the Funds in accordance with the Act of April 1, 1880 (25*  
4 *U.S.C. 161), and the first section of the Act of June 24,*  
5 *1938 (25 U.S.C. 162a).*

6 (f) *EXPENDITURES AND WITHDRAWAL.—*

7 (1) *TRIBAL MANAGEMENT PLAN.—*

8 (A) *IN GENERAL.—The Tribes may with-*  
9 *draw all or part of amounts in the Funds on ap-*  
10 *proval by the Secretary of a tribal management*  
11 *plan as described in the American Indian Trust*  
12 *Fund Management Reform Act of 1994 (25*  
13 *U.S.C. 4001 et seq.).*

14 (B) *REQUIREMENTS.—In addition to the*  
15 *requirements under the American Indian Trust*  
16 *Fund Management Reform Act of 1994 (25*  
17 *U.S.C. 4001 et seq.), the tribal management plan*  
18 *shall require that the Tribes spend any amounts*  
19 *withdrawn from the Funds in accordance with*  
20 *the purposes described in subsection (b)(2) or*  
21 *(c)(2).*

22 (C) *ENFORCEMENT.—The Secretary may*  
23 *take judicial or administrative action to enforce*  
24 *the provisions of any tribal management plan to*  
25 *ensure that any amounts withdrawn from the*



1           *Funds under the plan are used in accordance*  
2           *with this subtitle and the Agreement.*

3           (D) *LIABILITY.*—*If the Tribes exercise the*  
4           *right to withdraw amounts from the Funds, nei-*  
5           *ther the Secretary nor the Secretary of the Treas-*  
6           *ury shall retain any liability for the expenditure*  
7           *or investment of the amounts.*

8           (2) *EXPENDITURE PLAN.*—

9           (A) *IN GENERAL.*—*The Tribes shall submit*  
10          *to the Secretary for approval an expenditure*  
11          *plan for any portion of the amounts in the*  
12          *Funds that the Tribes do not withdraw under the*  
13          *tribal management plan.*

14          (B) *DESCRIPTION.*—*The expenditure plan*  
15          *shall describe the manner in which, and the pur-*  
16          *poses for which, amounts of the Tribes remaining*  
17          *in the Funds will be used.*

18          (C) *APPROVAL.*—*On receipt of an expendi-*  
19          *ture plan under subparagraph (A), the Secretary*  
20          *shall approve the plan if the Secretary deter-*  
21          *mines that the plan is reasonable and consistent*  
22          *with this subtitle and the Agreement.*

23          (D) *ANNUAL REPORT.*—*For each Fund, the*  
24          *Tribes shall submit to the Secretary an annual*

1           *report that describes all expenditures from the*  
2           *Fund during the year covered by the report.*

3           (3) *FUNDING AGREEMENT.*—*Notwithstanding*  
4           *any other provision of this subtitle, on receipt of a re-*  
5           *quest from the Tribes, the Secretary shall include an*  
6           *amount from funds made available under this section*  
7           *in the funding agreement of the Tribes under title IV*  
8           *of the Indian Self-Determination and Education As-*  
9           *sistance Act (25 U.S.C. 458aa et seq.), for use in ac-*  
10           *cordance with subsections (b)(2) and (c)(2). No*  
11           *amount made available under this subtitle may be re-*  
12           *quested until the waivers under section 10808(a) take*  
13           *effect.*

14           (g) *NO PER CAPITA PAYMENTS.*—*No amount from the*  
15           *Funds (including any interest income that would have ac-*  
16           *rued to the Funds after the effective date) shall be distrib-*  
17           *uted to a member of the Tribes on a per capita basis.*

18 **SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.**

19           (a) *WAIVER AND RELEASE OF CLAIMS BY TRIBES AND*  
20           *UNITED STATES ACTING AS TRUSTEE FOR TRIBES.*—*In re-*  
21           *turn for recognition of the Tribes' water rights and other*  
22           *benefits as set forth in the Agreement and this subtitle, the*  
23           *Tribes, on behalf of themselves and their members, and the*  
24           *United States acting in its capacity as trustee for the Tribes*  
25           *are authorized to execute a waiver and release of—*

1           (1) *all claims for water rights in the State of Ne-*  
2 *vada that the Tribes, or the United States acting in*  
3 *its capacity as trustee for the Tribes, asserted, or*  
4 *could have asserted, in any proceeding, including*  
5 *pending proceedings before the Nevada State Engineer*  
6 *to determine the extent and nature of the water rights*  
7 *of the Tribes in the East Fork of the Owyhee River*  
8 *in Nevada, up to and including the effective date, ex-*  
9 *cept to the extent that such rights are recognized in*  
10 *the Agreement or this subtitle; and*

11           (2) *all claims for damages, losses or injuries to*  
12 *water rights or claims of interference with, diversion*  
13 *or taking of water rights (including claims for injury*  
14 *to lands resulting from such damages, losses, injuries,*  
15 *interference with, diversion, or taking of water rights)*  
16 *within the State of Nevada that accrued at any time*  
17 *up to and including the effective date.*

18           (b) *WAIVER AND RELEASE OF CLAIMS BY TRIBES*  
19 *AGAINST UNITED STATES.—The Tribes, on behalf of them-*  
20 *selves and their members, are authorized to execute a waiver*  
21 *and release of—*

22           (1) *all claims against the United States, its*  
23 *agencies, or employees, relating in any manner to*  
24 *claims for water rights in or water of the States of*  
25 *Nevada and Idaho that the United States acting in*

1 *its capacity as trustee for the Tribes asserted, or could*  
2 *have asserted, in any proceeding, including pending*  
3 *proceedings before the Nevada State Engineer to de-*  
4 *termine the extent and nature of the water rights of*  
5 *the Tribes in the East Fork of the Owyhee River in*  
6 *Nevada, and the Snake River Basin Adjudication in*  
7 *Idaho;*

8 (2) *all claims against the United States, its*  
9 *agencies, or employees relating in any manner to*  
10 *damages, losses, or injuries to water, water rights,*  
11 *land, or other resources due to loss of water or water*  
12 *rights (including damages, losses or injuries to fishing*  
13 *and other similar rights due to loss of water or water*  
14 *rights; claims relating to interference with, diversion*  
15 *or taking of water; or claims relating to failure to*  
16 *protect, acquire, replace, or develop water, water*  
17 *rights or water infrastructure) within the States of*  
18 *Nevada and Idaho that first accrued at any time up*  
19 *to and including the effective date;*

20 (3) *all claims against the United States, its*  
21 *agencies, or employees relating to the operation,*  
22 *maintenance, or rehabilitation of the Duck Valley In-*  
23 *Indian Irrigation Project that first accrued at any time*  
24 *up to and including the date upon which the Tribes*  
25 *notify the Secretary as provided in section*

1     10807(b)(2)(A)(ii)(I) *that the rehabilitation of the*  
2     *Duck Valley Indian Irrigation Project under this sub-*  
3     *title to an acceptable level has been accomplished;*

4             (4) *all claims against the United States, its*  
5     *agencies, or employees relating in any manner to the*  
6     *litigation of claims relating to the Tribes' water*  
7     *rights in pending proceedings before the Nevada State*  
8     *Engineer to determine the extent and nature of the*  
9     *water rights of the Tribes in the East Fork of the*  
10    *Owyhee River in Nevada or the Snake River Basin*  
11    *Adjudication in Idaho; and*

12            (5) *all claims against the United States, its*  
13    *agencies, or employees relating in any manner to the*  
14    *negotiation, execution, or adoption of the Agreement,*  
15    *exhibits thereto, the decree referred to in subsection*  
16    *(d)(2), or this subtitle.*

17    (c) *RESERVATION OF RIGHTS AND RETENTION OF*  
18    *CLAIMS.—Notwithstanding the waivers and releases author-*  
19    *ized in this subtitle, the Tribes on their own behalf and the*  
20    *United States acting in its capacity as trustee for the Tribes*  
21    *retain—*

22            (1) *all claims for enforcement of the Agreement,*  
23    *the decree referred to in subsection (d)(2), or this sub-*  
24    *title, through such legal and equitable remedies as*

1     *may be available in the decree court or the appro-*  
2     *priate Federal court;*

3             *(2) all rights to acquire a water right in a State*  
4     *to the same extent as any other entity in the State,*  
5     *in accordance with State law, and to use and protect*  
6     *water rights acquired after the date of enactment of*  
7     *this Act;*

8             *(3) all claims relating to activities affecting the*  
9     *quality of water including any claims the Tribes*  
10    *might have under the Comprehensive Environmental*  
11    *Response, Compensation, and Liability Act of 1980*  
12    *(42 U.S.C. 9601 et seq.) (including claims for dam-*  
13    *ages to natural resources), the Safe Drinking Water*  
14    *Act (42 U.S.C. 300f et seq.), the Federal Water Pollu-*  
15    *tion Control Act (33 U.S.C. 1251 et seq.), and the reg-*  
16    *ulations implementing those Acts; and*

17             *(4) all rights, remedies, privileges, immunities,*  
18    *and powers not specifically waived and released pur-*  
19    *suant to this subtitle.*

20             *(d) EFFECTIVE DATE.—Notwithstanding anything in*  
21    *the Agreement to the contrary, the waivers by the Tribes,*  
22    *or the United States on behalf of the Tribes, under this sec-*  
23    *tion shall take effect on the date on which the Secretary*  
24    *publishes in the Federal Register a statement of findings*  
25    *that includes a finding that—*

1           (1) *the Agreement and the waivers and releases*  
2           *authorized and set forth in subsections (a) and (b)*  
3           *have been executed by the parties and the Secretary;*

4           (2) *the Fourth Judicial District Court, Elko*  
5           *County, Nevada, has issued a judgment and decree*  
6           *consistent with the Agreement from which no further*  
7           *appeal can be taken; and*

8           (3) *the amounts authorized under subsections*  
9           *(b)(3) and (c)(3) of section 10807 have been appro-*  
10          *priated.*

11          (e) *FAILURE TO PUBLISH STATEMENT OF FIND-*  
12          *INGS.—If the Secretary does not publish a statement of*  
13          *findings under subsection (d) by March 31, 2016—*

14               (1) *the Agreement and this subtitle shall not take*  
15               *effect; and*

16               (2) *any funds that have been appropriated under*  
17               *this subtitle shall immediately revert to the general*  
18               *fund of the United States Treasury.*

19          (f) *TOLLING OF CLAIMS.—*

20               (1) *IN GENERAL.—Each applicable period of*  
21               *limitation and time-based equitable defense relating*  
22               *to a claim described in this section shall be tolled for*  
23               *the period beginning on the date of enactment of this*  
24               *Act and ending on the date on which the amounts au-*

1 *thorized to be appropriated under subsections (b)(3)*  
2 *and (c)(3) of section 10807 are appropriated.*

3 (2) *EFFECT OF SUBPARAGRAPH.—Nothing in*  
4 *this subparagraph revives any claim or tolls any pe-*  
5 *riod of limitation or time-based equitable defense that*  
6 *expired before the date of enactment of this Act.*

7 **SEC. 10809. MISCELLANEOUS.**

8 (a) *GENERAL DISCLAIMER.—The parties to the Agree-*  
9 *ment expressly reserve all rights not specifically granted,*  
10 *recognized, or relinquished by—*

11 (1) *the settlement described in the Agreement; or*  
12 (2) *this subtitle.*

13 (b) *LIMITATION OF CLAIMS AND RIGHTS.—Nothing in*  
14 *this subtitle—*

15 (1) *establishes a standard for quantifying—*

16 (A) *a Federal reserved water right;*

17 (B) *an aboriginal claim; or*

18 (C) *any other water right claim of an In-*  
19 *Indian tribe in a judicial or administrative pro-*  
20 *ceeding;*

21 (2) *affects the ability of the United States, acting*  
22 *in its sovereign capacity, to take actions authorized*  
23 *by law, including any laws relating to health, safety,*  
24 *or the environment, including the Comprehensive En-*  
25 *vironmental Response, Compensation, and Liability*



1 *Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drink-*  
2 *ing Water Act (42 U.S.C. 300f et seq.), the Federal*  
3 *Water Pollution Control Act (33 U.S.C. 1251 et seq.),*  
4 *the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)*  
5 *(commonly known as the “Resource Conservation and*  
6 *Recovery Act of 1976”), and the regulations imple-*  
7 *menting those Acts;*

8 (3) *affects the ability of the United States to take*  
9 *actions, acting in its capacity as trustee for any other*  
10 *Tribe, Pueblo, or allottee;*

11 (4) *waives any claim of a member of the Tribes*  
12 *in an individual capacity that does not derive from*  
13 *a right of the Tribes; or*

14 (5) *limits the right of a party to the Agreement*  
15 *to litigate any issue not resolved by the Agreement or*  
16 *this subtitle.*

17 (c) *ADMISSION AGAINST INTEREST.—Nothing in this*  
18 *subtitle constitutes an admission against interest by a*  
19 *party in any legal proceeding.*

20 (d) *RESERVATION.—The Reservation shall be—*

21 (1) *considered to be the property of the Tribes;*  
22 *and*

23 (2) *permanently held in trust by the United*  
24 *States for the sole use and benefit of the Tribes.*

25 (e) *JURISDICTION.—*

1           (1) *SUBJECT MATTER JURISDICTION.*—*Nothing*  
2           *in the Agreement or this subtitle restricts, enlarges, or*  
3           *otherwise determines the subject matter jurisdiction of*  
4           *any Federal, State, or tribal court.*

5           (2) *CIVIL OR REGULATORY JURISDICTION.*—  
6           *Nothing in the Agreement or this subtitle impairs or*  
7           *impedes the exercise of any civil or regulatory author-*  
8           *ity of the United States, the State, or the Tribes.*

9           (3) *CONSENT TO JURISDICTION.*—*The United*  
10          *States consents to jurisdiction in a proper forum for*  
11          *purposes of enforcing the provisions of the Agreement.*

12          (4) *EFFECT OF SUBSECTION.*—*Nothing in this*  
13          *subsection confers jurisdiction on any State court*  
14          *to—*

15                 (A) *interpret Federal law regarding the*  
16                 *health, safety, or the environment or determine*  
17                 *the duties of the United States or other parties*  
18                 *pursuant to such Federal law; or*

19                 (B) *conduct judicial review of a Federal*  
20                 *agency action.*

1 **TITLE XI—UNITED STATES GEO-**  
2 **LOGICAL SURVEY AUTHOR-**  
3 **IZATIONS**

4 **SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEO-**  
5 **LOGIC MAPPING ACT OF 1992.**

6 (a) *FINDINGS.*—Section 2(a) of the National Geologic  
7 Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

8 (1) by striking paragraph (1) and inserting the  
9 following:

10 “(1) although significant progress has been made  
11 in the production of geologic maps since the establish-  
12 ment of the national cooperative geologic mapping  
13 program in 1992, no modern, digital, geologic map  
14 exists for approximately 75 percent of the United  
15 States;” and

16 (2) in paragraph (2)—

17 (A) in subparagraph (C), by inserting  
18 “homeland and” after “planning for”;

19 (B) in subparagraph (E), by striking “pre-  
20 dicting” and inserting “identifying”;

21 (C) in subparagraph (I), by striking “and”  
22 after the semicolon at the end;

23 (D) by redesignating subparagraph (J) as  
24 subparagraph (K); and

1                   (E) by inserting after subparagraph (I) the  
2                   following:

3                   “(J) recreation and public awareness; and”;  
4                   and

5                   (3) in paragraph (9), by striking “important”  
6                   and inserting “available”.

7                   (b) *PURPOSE*.—Section 2(b) of the National Geologic  
8                   Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by  
9                   inserting “and management” before the period at the end.

10                  (c) *DEADLINES FOR ACTIONS BY THE UNITED STATES*  
11                  *GEOLOGICAL SURVEY*.—Section 4(b)(1) of the National  
12                  Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is  
13                  amended in the second sentence—

14                   (1) in subparagraph (A), by striking “not later  
15                   than” and all that follows through the semicolon and  
16                   inserting “not later than 1 year after the date of en-  
17                   actment of the Omnibus Public Land Management  
18                   Act of 2009;”;

19                   (2) in subparagraph (B), by striking “not later  
20                   than” and all that follows through “in accordance”  
21                   and inserting “not later than 1 year after the date of  
22                   enactment of the Omnibus Public Land Management  
23                   Act of 2009 in accordance”; and

24                   (3) in the matter preceding clause (i) of subpara-  
25                   graph (C), by striking “not later than” and all that

1 follows through “submit” and inserting “submit bien-  
2 nially”.

3 (d) *GEOLOGIC MAPPING PROGRAM OBJECTIVES*.—Sec-  
4 tion 4(c)(2) of the National Geologic Mapping Act of 1992  
5 (43 U.S.C. 31c(e)(2)) is amended—

6 (1) by striking “geophysical-map data base, geo-  
7 chemical-map data base, and a”; and

8 (2) by striking “provide” and inserting “pro-  
9 vides”.

10 (e) *GEOLOGIC MAPPING PROGRAM COMPONENTS*.—  
11 Section 4(d)(1)(B)(ii) of the National Geologic Mapping  
12 Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

13 (1) in subclause (I), by striking “and” after the  
14 semicolon at the end;

15 (2) in subclause (II), by striking the period at  
16 the end and inserting “; and”; and

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

18 “(III) the needs of land manage-  
19 ment agencies of the Department of the  
20 Interior.”.

21 (f) *GEOLOGIC MAPPING ADVISORY COMMITTEE*.—

22 (1) *MEMBERSHIP*.—Section 5(a) of the National  
23 Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is  
24 amended—

25 (A) in paragraph (2)—

1           (i) by inserting “the Secretary of the  
2           Interior or a designee from a land manage-  
3           ment agency of the Department of the Inte-  
4           rior,” after “Administrator of the Environ-  
5           mental Protection Agency or a designee,”;

6           (ii) by inserting “and” after “Energy  
7           or a designee,”; and

8           (iii) by striking “, and the Assistant to  
9           the President for Science and Technology or  
10          a designee”; and

11         (B) in paragraph (3)—

12           (i) by striking “Not later than” and  
13           all that follows through “consultation” and  
14           inserting “In consultation”;

15           (ii) by striking “Chief Geologist, as  
16           Chairman” and inserting “Associate Direc-  
17           tor for Geology, as Chair”; and

18           (iii) by striking “one representative  
19           from the private sector” and inserting “2  
20           representatives from the private sector”.

21         (2) *DUTIES.*—Section 5(b) of the National Geo-  
22         logic Mapping Act of 1992 (43 U.S.C. 31d(b)) is  
23         amended—

24           (A) in paragraph (2), by striking “and” at  
25           the end;

1           (B) by redesignating paragraph (3) as  
2           paragraph (4); and

3           (C) by inserting after paragraph (2) the fol-  
4           lowing:

5           “(3) provide a scientific overview of geologic  
6           maps (including maps of geologic-based hazards) used  
7           or disseminated by Federal agencies for regulation or  
8           land-use planning; and”.

9           (3) *CONFORMING AMENDMENT.*—Section 5(a)(1)  
10          of the National Geologic Mapping Act of 1992 (43  
11          U.S.C. 31d(a)(1)) is amended by striking “10-mem-  
12          ber” and inserting “11-member”.

13          (g) *FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATA-*  
14          *BASE.*—Section 7(a) of the National Geologic Mapping Act  
15          of 1992 (43 U.S.C. 31f(a)) is amended—

16                 (1) in paragraph (1), by striking “geologic map”  
17                 and inserting “geologic-map”; and

18                 (2) in paragraph (2), by striking subparagraph  
19                 (A) and inserting the following:

20                         “(A) all maps developed with funding pro-  
21                         vided by the National Cooperative Geologic Map-  
22                         ping Program, including under the Federal,  
23                         State, and education components;”.

24          (h) *BIENNIAL REPORT.*—Section 8 of the National  
25          Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended

1 by striking “Not later” and all that follows through “bien-  
 2 nially” and inserting “Not later than 3 years after the date  
 3 of enactment of the Omnibus Public Land Management Act  
 4 of 2009 and biennially”.

5 (i) *AUTHORIZATION OF APPROPRIATIONS; ALLOCA-*  
 6 *TION.*—Section 9 of the National Geologic Mapping Act of  
 7 1992 (43 U.S.C. 31h) is amended—

8 (1) by striking subsection (a) and inserting the  
 9 following:

10 “(a) *IN GENERAL.*—There is authorized to be appro-  
 11 priated to carry out this Act \$64,000,000 for each of fiscal  
 12 years 2009 through 2018.”; and

13 (2) in subsection (b)—

14 (A) in the matter preceding paragraph (1),  
 15 by striking “2000” and inserting “2005”;

16 (B) in paragraph (1), by striking “48” and  
 17 inserting “50”; and

18 (C) in paragraph (2), by striking 2 and in-  
 19 serting “4”.

20 **SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.**

21 (a) *IN GENERAL.*—The Secretary of the Interior, act-  
 22 ing through the Director of the United States Geological  
 23 Survey (referred to in this section as the “Secretary”), in  
 24 coordination with the State of New Mexico (referred to in  
 25 this section as the “State”) and any other entities that the



1 *Secretary determines to be appropriate (including other*  
2 *Federal agencies and institutions of higher education),*  
3 *shall, in accordance with this section and any other appli-*  
4 *cable law, conduct a study of water resources in the State,*  
5 *including—*

6           (1) *a survey of groundwater resources, including*  
7 *an analysis of—*

8                   (A) *aquifers in the State, including the*  
9 *quantity of water in the aquifers;*

10                  (B) *the availability of groundwater re-*  
11 *sources for human use;*

12                  (C) *the salinity of groundwater resources;*

13                  (D) *the potential of the groundwater re-*  
14 *sources to recharge;*

15                  (E) *the interaction between groundwater*  
16 *and surface water;*

17                  (F) *the susceptibility of the aquifers to con-*  
18 *tamination; and*

19                  (G) *any other relevant criteria; and*

20           (2) *a characterization of surface and bedrock ge-*  
21 *ology, including the effect of the geology on ground-*  
22 *water yield and quality.*

23           (b) *STUDY AREAS.—The study carried out under sub-*  
24 *section (a) shall include the Estancia Basin, Salt Basin,*

1 *Tularosa Basin, Hueco Basin, and middle Rio Grande*  
 2 *Basin in the State.*

3 (c) *REPORT.*—*Not later than 2 years after the date of*  
 4 *enactment of this Act, the Secretary shall submit to the*  
 5 *Committee on Energy and Natural Resources of the Senate*  
 6 *and the Committee on Resources of the House of Representa-*  
 7 *tives a report that describes the results of the study.*

8 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 9 *authorized to be appropriated such sums as are necessary*  
 10 *to carry out this section.*

## 11 **TITLE XII—OCEANS**

### 12 **Subtitle A—Ocean Exploration**

#### 13 **PART I—EXPLORATION**

##### 14 **SEC. 12001. PURPOSE.**

15 *The purpose of this part is to establish the national*  
 16 *ocean exploration program and the national undersea re-*  
 17 *search program within the National Oceanic and Atmos-*  
 18 *pheric Administration.*

##### 19 **SEC. 12002. PROGRAM ESTABLISHED.**

20 *The Administrator of the National Oceanic and At-*  
 21 *mospheric Administration shall, in consultation with the*  
 22 *National Science Foundation and other appropriate Fed-*  
 23 *eral agencies, establish a coordinated national ocean explo-*  
 24 *ration program within the National Oceanic and Atmos-*  
 25 *pheric Administration that promotes collaboration with*

1 *other Federal ocean and undersea research and exploration*  
2 *programs. To the extent appropriate, the Administrator*  
3 *shall seek to facilitate coordination of data and information*  
4 *management systems, outreach and education programs to*  
5 *improve public understanding of ocean and coastal re-*  
6 *sources, and development and transfer of technologies to fa-*  
7 *cilitate ocean and undersea research and exploration.*

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 regions,*  
20 *with a focus on deep water marine systems that hold*  
21 *potential for important scientific discoveries, such as*  
22 *hydrothermal vent communities and seamounts;*

23               *(3) conduct scientific voyages to locate, define,*  
24 *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, com-*  
5 *petitive process for merit-based peer-review and ap-*  
6 *proval 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 collec-*  
13 *tion 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 en-*  
18 *hance the scientific and technical expertise and rel-*  
19 *evance 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 knowledge*  
23 *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 National*  
5 *Oceanic and Atmospheric Administration, in coordination*  
6 *with the National Science Foundation, the National Aero-*  
7 *nautics and Space Administration, the United States Geo-*  
8 *logical Survey, the Department of the Navy, the Mineral*  
9 *Management Service, and relevant governmental, non-gov-*  
10 *ernmental, academic, industry, and other experts, shall con-*  
11 *vene an ocean exploration and undersea research technology*  
12 *and infrastructure task force to develop and implement a*  
13 *strategy—*

14 (1) *to facilitate transfer of new exploration and*  
15 *undersea research technology to the programs author-*  
16 *ized under this part and part II of this subtitle;*

17 (2) *to improve availability of communications*  
18 *infrastructure, including satellite capabilities, to such*  
19 *programs;*

20 (3) *to develop an integrated, workable, and com-*  
21 *prehensive data management information processing*  
22 *system that will make information on unique and sig-*  
23 *nificant features obtained by such programs available*  
24 *for research and management purposes;*

25 (4) *to conduct public outreach activities that im-*  
26 *prove the public understanding of ocean science, re-*

1 *sources, and processes, in conjunction with relevant*  
2 *programs of the National Oceanic and Atmospheric*  
3 *Administration, the National Science Foundation,*  
4 *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 co-*  
11 *ordinate the development of agency budgets and identify the*  
12 *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 areas*  
20 *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, marine,*  
23 *and Great Lakes science, exploration, and discovery;*

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 14  
7           of the Federal Advisory Committee Act (5 U.S.C. App.)  
8           shall not apply to the Board appointed under subsection  
9           (a).

10          (c) *APPLICATION WITH OUTER CONTINENTAL SHELF*  
11          *LANDS ACT.*—Nothing in part supersedes, or limits the au-  
12          thority of the Secretary of the Interior under the Outer Con-  
13          tinental Shelf Lands Act (43 U.S.C. 1331 et seq.).

14          **SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.**

15          There are authorized to be appropriated to the Na-  
16          tional Oceanic and Atmospheric Administration to carry  
17          out this part—

18                 (1) \$33,550,000 for fiscal year 2009;

19                 (2) \$36,905,000 for fiscal year 2010;

20                 (3) \$40,596,000 for fiscal year 2011;

21                 (4) \$44,655,000 for fiscal year 2012;

22                 (5) \$49,121,000 for fiscal year 2013;

23                 (6) \$54,033,000 for fiscal year 2014; and

24                 (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 National*  
8 *Oceanic and Atmospheric Administration shall establish*  
9 *and maintain an undersea research program and shall des-*  
10 *ignate 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, in-*  
22 *formation, and expertise to support undersea research*  
23 *efforts by these organizations;*

24 *(2) enter into partnerships, as appropriate and*  
25 *using existing authorities, with the private sector to*



1       *achieve the goals of the program and to promote tech-*  
2       *nological advancement of the marine industry; and*  
3               *(3) coordinate the development of agency budgets*  
4       *and identify the items in their annual budget that*  
5       *support the activities described in paragraphs (1) and*  
6       *(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 overall*  
15       *direction of the program in coordination with a Council*  
16       *of Center Directors comprised of the directors of the extra-*  
17       *mural regional centers and the National Institute for Un-*  
18       *dersea Science and Technology. The Director shall publish*  
19       *a draft program direction document not later than 1 year*  
20       *after the date of enactment of this Act in the Federal Reg-*  
21       *ister for a public comment period of not less than 120 days.*  
22       *The Director shall publish a final program direction, in-*  
23       *cluding responses to the comments received during the pub-*  
24       *lic comment period, in the Federal Register within 90 days*  
25       *after the close of the comment period. The program director*

1 *shall update the program direction, with opportunity for*  
2 *public comment, at least every 5 years.*

3 **SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND**  
4 **TECHNOLOGY PROGRAMS.**

5 *(a) IN GENERAL.—The following research, exploration,*  
6 *education, and technology programs shall be conducted*  
7 *through the network of regional centers and the National*  
8 *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 to*  
12 *support the National Oceanic and Atmospheric Ad-*  
13 *ministration's research mission and programs.*

14 *(3) Undersea science-based education and out-*  
15 *reach programs to enrich ocean science education and*  
16 *public awareness of the oceans and Great Lakes.*

17 *(4) Development, testing, and transition of ad-*  
18 *vanced undersea technology associated with ocean ob-*  
19 *servatories, submersibles, advanced diving tech-*  
20 *nologies, remotely operated vehicles, autonomous un-*  
21 *derwater vehicles, and new sampling and sensing*  
22 *technologies.*

23 *(5) Discovery, study, and development of natural*  
24 *resources and products from ocean, coastal, and*  
25 *aquatic systems.*

1       (b) *OPERATIONS.*—*The Director of the program,*  
2 *through operation of the extramural regional centers and*  
3 *the National Institute for Undersea Science and Tech-*  
4 *nology, shall leverage partnerships and cooperative research*  
5 *with academia and private industry.*

6 **SEC. 12106. COMPETITIVENESS.**

7       (a) *DISCRETIONARY FUND.*—*The Program shall allo-*  
8 *cate no more than 10 percent of its annual budget to a dis-*  
9 *cretionary fund that may be used only for program admin-*  
10 *istration and priority undersea research projects identified*  
11 *by the Director but not covered by funding available from*  
12 *centers.*

13       (b) *COMPETITIVE SELECTION.*—*The Administrator*  
14 *shall conduct an initial competition to select the regional*  
15 *centers that will participate in the program 90 days after*  
16 *the publication of the final program direction under section*  
17 *12104 and every 5 years thereafter. Funding for projects*  
18 *conducted through the regional centers shall be awarded*  
19 *through a competitive, merit-reviewed process on the basis*  
20 *of their relevance to the goals of the program and their tech-*  
21 *nical feasibility.*

22 **SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.**

23       *There are authorized to be appropriated to the Na-*  
24 *tional Oceanic and Atmospheric Administration—*

25               (1) *for fiscal year 2009—*

1           (A) \$13,750,000 for the regional centers, of  
2           which 50 percent shall be for West Coast regional  
3           centers and 50 percent shall be for East Coast re-  
4           gional centers; and

5           (B) \$5,500,000 for the National Technology  
6           Institute;

7           (2) for fiscal year 2010—

8           (A) \$15,125,000 for the regional centers, of  
9           which 50 percent shall be for West Coast regional  
10          centers and 50 percent shall be for East Coast re-  
11          gional centers; and

12          (B) \$6,050,000 for the National Technology  
13          Institute;

14          (3) for fiscal year 2011—

15          (A) \$16,638,000 for the regional centers, of  
16          which 50 percent shall be for West Coast regional  
17          centers and 50 percent shall be for East Coast re-  
18          gional centers; and

19          (B) \$6,655,000 for the National Technology  
20          Institute;

21          (4) for fiscal year 2012—

22          (A) \$18,301,000 for the regional centers, of  
23          which 50 percent shall be for West Coast regional  
24          centers and 50 percent shall be for East Coast re-  
25          gional centers; and

1           (B) \$7,321,000 for the National Technology  
2           Institute;

3           (5) for fiscal year 2013—

4           (A) \$20,131,000 for the regional centers, of  
5           which 50 percent shall be for West Coast regional  
6           centers and 50 percent shall be for East Coast re-  
7           gional centers; and

8           (B) \$8,053,000 for the National Technology  
9           Institute;

10          (6) for fiscal year 2014—

11          (A) \$22,145,000 for the regional centers, of  
12          which 50 percent shall be for West Coast regional  
13          centers and 50 percent shall be for East Coast re-  
14          gional centers; and

15          (B) \$8,859,000 for the National Technology  
16          Institute; and

17          (7) for fiscal year 2015—

18          (A) \$24,359,000 for the regional centers, of  
19          which 50 percent shall be for West Coast regional  
20          centers and 50 percent shall be for East Coast re-  
21          gional centers; and

22          (B) \$9,744,000 for the National Technology  
23          Institute.

1       ***Subtitle B—Ocean and Coastal***  
2               ***Mapping Integration Act***

3 **SEC. 12201. SHORT TITLE.**

4       *This subtitle may be cited as the “Ocean and Coastal*  
5 *Mapping Integration Act”.*

6 **SEC. 12202. ESTABLISHMENT OF PROGRAM.**

7       (a) *IN GENERAL.*—*The President, in coordination*  
8 *with the Interagency Committee on Ocean and Coastal*  
9 *Mapping and affected coastal states, shall establish a pro-*  
10 *gram to develop a coordinated and comprehensive Federal*  
11 *ocean and coastal mapping plan for the Great Lakes and*  
12 *coastal state waters, the territorial sea, the exclusive eco-*  
13 *nomie zone, and the continental shelf of the United States*  
14 *that enhances ecosystem approaches in decision-making for*  
15 *conservation and management of marine resources and*  
16 *habitats, establishes research and mapping priorities, sup-*  
17 *ports the siting of research and other platforms, and ad-*  
18 *vances ocean and coastal science.*

19       (b) *MEMBERSHIP.*—*The Committee shall be comprised*  
20 *of high-level representatives of the Department of Com-*  
21 *merce, through the National Oceanic and Atmospheric Ad-*  
22 *ministration, the Department of the Interior, the National*  
23 *Science Foundation, the Department of Defense, the Envi-*  
24 *ronmental Protection Agency, the Department of Homeland*  
25 *Security, the National Aeronautics and Space Administra-*

1 *tion, and other appropriate Federal agencies involved in*  
2 *ocean and coastal mapping.*

3 *(c) PROGRAM PARAMETERS.—In developing such a*  
4 *program, the President, through the Committee, shall—*

5 *(1) identify all Federal and federally-funded pro-*  
6 *grams conducting shoreline delineation and ocean or*  
7 *coastal mapping, noting geographic coverage, fre-*  
8 *quency, spatial coverage, resolution, and subject mat-*  
9 *ter focus of the data and location of data archives;*

10 *(2) facilitate cost-effective, cooperative mapping*  
11 *efforts that incorporate policies for contracting with*  
12 *non-governmental entities among all Federal agencies*  
13 *conducting ocean and coastal mapping, by increasing*  
14 *data sharing, developing appropriate data acquisition*  
15 *and metadata standards, and facilitating the inter-*  
16 *operability of in situ data collection systems, data*  
17 *processing, archiving, and distribution of data prod-*  
18 *ucts;*

19 *(3) facilitate the adaptation of existing tech-*  
20 *nologies as well as foster expertise in new ocean and*  
21 *coastal mapping technologies, including through re-*  
22 *search, development, and training conducted among*  
23 *Federal agencies and in cooperation with non-govern-*  
24 *mental entities;*

1           (4) *develop standards and protocols for testing*  
2 *innovative experimental mapping technologies and*  
3 *transferring new technologies between the Federal*  
4 *Government, coastal state, and non-governmental en-*  
5 *tities;*

6           (5) *provide for the archiving, management, and*  
7 *distribution of data sets through a national registry*  
8 *as well as provide mapping products and services to*  
9 *the general public in service of statutory require-*  
10 *ments;*

11           (6) *develop data standards and protocols con-*  
12 *sistent with standards developed by the Federal Geo-*  
13 *graphic Data Committee for use by Federal, coastal*  
14 *state, and other entities in mapping and otherwise*  
15 *documenting locations of federally permitted activi-*  
16 *ties, living and nonliving coastal and marine re-*  
17 *sources, marine ecosystems, sensitive habitats, sub-*  
18 *merged cultural resources, undersea cables, offshore*  
19 *aquaculture projects, offshore energy projects, and any*  
20 *areas designated for purposes of environmental pro-*  
21 *tection or conservation and management of living and*  
22 *nonliving coastal and marine resources;*

23           (7) *identify the procedures to be used for coordi-*  
24 *nating the collection and integration of Federal ocean*



1 *and coastal mapping data with coastal state and*  
2 *local government programs;*

3 *(8) facilitate, to the extent practicable, the collec-*  
4 *tion of real-time tide data and the development of hy-*  
5 *drodynamic models for coastal areas to allow for the*  
6 *application of V-datum tools that will facilitate the*  
7 *seamless integration of onshore and offshore maps and*  
8 *charts;*

9 *(9) establish a plan for the acquisition and col-*  
10 *lection of ocean and coastal mapping data; and*

11 *(10) set forth a timetable for completion and im-*  
12 *plementation of the plan.*

13 **SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND**  
14 **COASTAL MAPPING.**

15 *(a) IN GENERAL.—The Administrator of the National*  
16 *Oceanic and Atmospheric Administration, within 30 days*  
17 *after the date of enactment of this Act, shall convene or uti-*  
18 *lize an existing interagency committee on ocean and coastal*  
19 *mapping to implement section 12202.*

20 *(b) MEMBERSHIP.—The committee shall be comprised*  
21 *of senior representatives from Federal agencies with ocean*  
22 *and coastal mapping and surveying responsibilities. The*  
23 *representatives shall be high-ranking officials of their re-*  
24 *spective agencies or departments and, whenever possible, the*  
25 *head of the portion of the agency or department that is most*

1 *relevant to the purposes of this subtitle. Membership shall*  
2 *include senior representatives from the National Oceanic*  
3 *and Atmospheric Administration, the Chief of Naval Oper-*  
4 *ations, the United States Geological Survey, the Minerals*  
5 *Management Service, the National Science Foundation, the*  
6 *National Geospatial-Intelligence Agency, the United States*  
7 *Army Corps of Engineers, the Coast Guard, the Environ-*  
8 *mental Protection Agency, the Federal Emergency Manage-*  
9 *ment Agency, the National Aeronautics and Space Admin-*  
10 *istration, and other appropriate Federal agencies involved*  
11 *in ocean and coastal mapping.*

12 (c) *CO-CHAIRMEN.—The Committee shall be co-chaired*  
13 *by the representative of the Department of Commerce and*  
14 *a representative of the Department of the Interior.*

15 (d) *SUBCOMMITTEE.—The co-chairmen shall establish*  
16 *a subcommittee to carry out the day-to-day work of the*  
17 *Committee, comprised of senior representatives of any mem-*  
18 *ber agency of the committee. Working groups may be formed*  
19 *by the full Committee to address issues of short duration.*  
20 *The subcommittee shall be chaired by the representative*  
21 *from the National Oceanic and Atmospheric Administra-*  
22 *tion. The chairmen of the Committee may create such addi-*  
23 *tional subcommittees and working groups as may be needed*  
24 *to carry out the work of Committee.*

1       (e) *MEETINGS.*—*The committee shall meet on a quar-*  
2 *terly basis, but each subcommittee and each working group*  
3 *shall meet on an as-needed basis.*

4       (f) *COORDINATION.*—*The committee shall coordinate*  
5 *activities when appropriate, with—*

6           (1) *other Federal efforts, including the Digital*  
7 *Coast, Geospatial One-Stop, and the Federal Geo-*  
8 *graphic Data Committee;*

9           (2) *international mapping activities;*

10          (3) *coastal states;*

11          (4) *user groups through workshops and other ap-*  
12 *propriate mechanisms; and*

13          (5) *representatives of nongovernmental entities.*

14       (g) *ADVISORY PANEL.*—*The Administrator may con-*  
15 *vene an ocean and coastal mapping advisory panel con-*  
16 *sisting of representatives from non-governmental entities to*  
17 *provide input regarding activities of the committee in con-*  
18 *sultation with the interagency committee.*

19 **SEC. 12204. BIENNIAL REPORTS.**

20       *No later than 18 months after the date of enactment*  
21 *of this Act, and biennially thereafter, the co-chairmen of*  
22 *the Committee shall transmit to the Committees on Com-*  
23 *merce, Science, and Transportation and Energy and Nat-*  
24 *ural Resources of the Senate and the Committee on Natural*

1 *Resources of the House of Representatives a report detailing*  
2 *progress made in implementing this subtitle, including—*

3           (1) *an inventory of ocean and coastal mapping*  
4 *data within the territorial sea and the exclusive eco-*  
5 *nomie zone and throughout the Continental Shelf of*  
6 *the United States, noting the age and source of the*  
7 *survey and the spatial resolution (metadata) of the*  
8 *data;*

9           (2) *identification of priority areas in need of*  
10 *survey coverage using present technologies;*

11           (3) *a resource plan that identifies when priority*  
12 *areas in need of modern ocean and coastal mapping*  
13 *surveys can be accomplished;*

14           (4) *the status of efforts to produce integrated dig-*  
15 *ital maps of ocean and coastal areas;*

16           (5) *a description of any products resulting from*  
17 *coordinated mapping efforts under this subtitle that*  
18 *improve public understanding of the coasts and*  
19 *oceans, or regulatory decisionmaking;*

20           (6) *documentation of minimum and desired*  
21 *standards for data acquisition and integrated*  
22 *metadata;*

23           (7) *a statement of the status of Federal efforts to*  
24 *leverage mapping technologies, coordinate mapping*  
25 *activities, share expertise, and exchange data;*

1           (8) a statement of resource requirements for or-  
2           ganizations to meet the goals of the program, includ-  
3           ing technology needs for data acquisition, processing,  
4           and distribution systems;

5           (9) a statement of the status of efforts to declas-  
6           sify data gathered by the Navy, the National  
7           Geospatial-Intelligence Agency, and other agencies to  
8           the extent possible without jeopardizing national secu-  
9           rity, and make it available to partner agencies and  
10          the public;

11          (10) a resource plan for a digital coast inte-  
12          grated mapping pilot project for the northern Gulf of  
13          Mexico that will—

14                (A) cover the area from the authorized  
15                coastal counties through the territorial sea;

16                (B) identify how such a pilot project will le-  
17                verage public and private mapping data and re-  
18                sources, such as the United States Geological  
19                Survey National Map, to result in an oper-  
20                ational coastal change assessment program for  
21                the subregion;

22          (11) the status of efforts to coordinate Federal  
23          programs with coastal state and local government  
24          programs and leverage those programs;

1           (12) a description of efforts of Federal agencies  
2           to increase contracting with nongovernmental entities;  
3           and

4           (13) an inventory and description of any new  
5           Federal or federally funded programs conducting  
6           shoreline delineation and ocean or coastal mapping  
7           since the previous reporting cycle.

8 **SEC. 12205. PLAN.**

9           (a) *IN GENERAL.*—Not later than 6 months after the  
10          date of enactment of this Act, the Administrator, in con-  
11          sultation with the Committee, shall develop and submit to  
12          the Congress a plan for an integrated ocean and coastal  
13          mapping initiative within the National Oceanic and At-  
14          mospheric Administration.

15          (b) *PLAN REQUIREMENTS.*—The plan shall—

16               (1) identify and describe all ocean and coastal  
17               mapping programs within the agency, including those  
18               that conduct mapping or related activities in the  
19               course of existing missions, such as hydrographic sur-  
20               veys, ocean exploration projects, living marine re-  
21               source conservation and management programs,  
22               coastal zone management projects, and ocean and  
23               coastal observations and science projects;

24               (2) establish priority mapping programs and es-  
25               tablish and periodically update priorities for geo-

1 *graphic areas in surveying and mapping across all*  
2 *missions of the National Oceanic and Atmospheric*  
3 *Administration, as well as minimum data acquisition*  
4 *and metadata standards for those programs;*

5 *(3) encourage the development of innovative*  
6 *ocean and coastal mapping technologies and applica-*  
7 *tions, through research and development through co-*  
8 *operative or other agreements with joint or coopera-*  
9 *tive research institutes or centers and with other non-*  
10 *governmental entities;*

11 *(4) document available and developing tech-*  
12 *nologies, best practices in data processing and dis-*  
13 *tribution, and leveraging opportunities with other*  
14 *Federal agencies, coastal states, and non-govern-*  
15 *mental entities;*

16 *(5) identify training, technology, and other re-*  
17 *source requirements for enabling the National Oceanic*  
18 *and Atmospheric Administration's programs, vessels,*  
19 *and aircraft to support a coordinated ocean and*  
20 *coastal mapping program;*

21 *(6) identify a centralized mechanism or office for*  
22 *coordinating data collection, processing, archiving,*  
23 *and dissemination activities of all such mapping pro-*  
24 *grams within the National Oceanic and Atmospheric*  
25 *Administration that meets Federal mandates for data*

1 *accuracy and accessibility and designate a repository*  
2 *that is responsible for archiving and managing the*  
3 *distribution of all ocean and coastal mapping data to*  
4 *simplify the provision of services to benefit Federal*  
5 *and coastal state programs; and*

6 *(7) set forth a timetable for implementation and*  
7 *completion of the plan, including a schedule for sub-*  
8 *mission to the Congress of periodic progress reports*  
9 *and recommendations for integrating approaches de-*  
10 *veloped under the initiative into the interagency pro-*  
11 *gram.*

12 *(c) NOAA JOINT OCEAN AND COASTAL MAPPING CEN-*  
13 *TERS.—The Administrator may maintain and operate up*  
14 *to 3 joint ocean and coastal mapping centers, including a*  
15 *joint hydrographic center, which shall each be co-located*  
16 *with an institution of higher education. The centers shall*  
17 *serve as hydrographic centers of excellence and may conduct*  
18 *activities necessary to carry out the purposes of this subtitle,*  
19 *including—*

20 *(1) research and development of innovative ocean*  
21 *and coastal mapping technologies, equipment, and*  
22 *data products;*

23 *(2) mapping of the United States Outer Conti-*  
24 *ental Shelf and other regions;*



1           (3) *data processing for nontraditional data and*  
2           *uses;*

3           (4) *advancing the use of remote sensing tech-*  
4           *nologies, for related issues, including mapping and*  
5           *assessment of essential fish habitat and of coral re-*  
6           *sources, ocean observations, and ocean exploration;*  
7           *and*

8           (5) *providing graduate education and training*  
9           *in ocean and coastal mapping sciences for members*  
10          *of the National Oceanic and Atmospheric Administra-*  
11          *tion Commissioned Officer Corps, personnel of other*  
12          *agencies with ocean and coastal mapping programs,*  
13          *and civilian personnel.*

14          (d) *NOAA REPORT.—The Administrator shall con-*  
15          *tinue developing a strategy for expanding contracting with*  
16          *non-governmental entities to minimize duplication and*  
17          *take maximum advantage of nongovernmental capabilities*  
18          *in fulfilling the Administration's mapping and charting re-*  
19          *sponsibilities. Within 120 days after the date of enactment*  
20          *of this Act, the Administrator shall transmit a report de-*  
21          *scribing the strategy developed under this subsection to the*  
22          *Committee on Commerce, Science, and Transportation of*  
23          *the Senate and the Committee on Natural Resources of the*  
24          *House of Representatives.*

1 **SEC. 12206. EFFECT ON OTHER LAWS.**

2 *Nothing in this subtitle shall be construed to supersede*  
3 *or alter the existing authorities of any Federal agency with*  
4 *respect to ocean and coastal mapping.*

5 **SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.**

6 *(a) IN GENERAL.—In addition to the amounts author-*  
7 *ized by section 306 of the Hydrographic Services Improve-*  
8 *ment Act of 1998 (33 U.S.C. 892d), there are authorized*  
9 *to be appropriated to the Administrator to carry out this*  
10 *subtitle—*

- 11 *(1) \$26,000,000 for fiscal year 2009;*  
12 *(2) \$32,000,000 for fiscal year 2010;*  
13 *(3) \$38,000,000 for fiscal year 2011; and*  
14 *(4) \$45,000,000 for each of fiscal years 2012*  
15 *through 2015.*

16 *(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—*  
17 *Of the amounts appropriated pursuant to subsection (a),*  
18 *the following amounts shall be used to carry out section*  
19 *12205(c) of this subtitle:*

- 20 *(1) \$11,000,000 for fiscal year 2009.*  
21 *(2) \$12,000,000 for fiscal year 2010.*  
22 *(3) \$13,000,000 for fiscal year 2011.*  
23 *(4) \$15,000,000 for each of fiscal years 2012*  
24 *through 2015.*

25 *(c) COOPERATIVE AGREEMENTS.—To carry out inter-*  
26 *agency activities under section 12203 of this subtitle, the*

1 *head of any department or agency may execute a coopera-*  
2 *tive agreement with the Administrator, including those au-*  
3 *thorized by section 5 of the Act of August 6, 1947 (33 U.S.C.*  
4 *883e).*

5 **SEC. 12208. DEFINITIONS.**

6 *In this subtitle:*

7 (1) *ADMINISTRATOR.*—*The term “Adminis-*  
8 *trator” means the Administrator of the National*  
9 *Oceanic and Atmospheric Administration.*

10 (2) *COASTAL STATE.*—*The term “coastal state”*  
11 *has the meaning given that term by section 304(4) of*  
12 *the Coastal Zone Management Act of 1972 (16 U.S.C.*  
13 *1453(4)).*

14 (3) *COMMITTEE.*—*The term “Committee” means*  
15 *the Interagency Ocean and Coastal Mapping Com-*  
16 *mittee established by section 12203.*

17 (4) *EXCLUSIVE ECONOMIC ZONE.*—*The term “ex-*  
18 *clusive economic zone” means the exclusive economic*  
19 *zone of the United States established by Presidential*  
20 *Proclamation No. 5030, of March 10, 1983.*

21 (5) *OCEAN AND COASTAL MAPPING.*—*The term*  
22 *“ocean and coastal mapping” means the acquisition,*  
23 *processing, and management of physical, biological,*  
24 *geological, chemical, and archaeological characteris-*  
25 *tics and boundaries of ocean and coastal areas, re-*

1 *sources, and sea beds through the use of acoustics, sat-*  
2 *ellites, aerial photogrammetry, light and imaging, di-*  
3 *rect sampling, and other mapping technologies.*

4 (6) *TERRITORIAL SEA.*—*The term “territorial*  
5 *sea” means the belt of sea measured from the baseline*  
6 *of the United States determined in accordance with*  
7 *international law, as set forth in Presidential Procla-*  
8 *mation Number 5928, dated December 27, 1988.*

9 (7) *NONGOVERNMENTAL ENTITIES.*—*The term*  
10 *“nongovernmental entities” includes nongovernmental*  
11 *organizations, members of the academic community,*  
12 *and private sector organizations that provide prod-*  
13 *ucts and services associated with measuring, locating,*  
14 *and preparing maps, charts, surveys, aerial photo-*  
15 *graphs, satellite imagines, or other graphical or dig-*  
16 *ital presentations depicting natural or manmade*  
17 *physical features, phenomena, and legal boundaries of*  
18 *the Earth.*

19 (8) *OUTER CONTINENTAL SHELF.*—*The term*  
20 *“Outer Continental Shelf” means all submerged lands*  
21 *lying seaward and outside of lands beneath navigable*  
22 *waters (as that term is defined in section 2 of the*  
23 *Submerged Lands Act (43 U.S.C. 1301)), and of*  
24 *which the subsoil and seabed appertain to the United*  
25 *States and are subject to its jurisdiction and control.*

1 ***Subtitle C—Integrated Coastal and***  
2 ***Ocean Observation System Act of***  
3 ***2009***

4 ***SEC. 12301. SHORT TITLE.***

5 *This subtitle may be cited as the “Integrated Coastal*  
6 *and Ocean Observation System Act of 2009”.*

7 ***SEC. 12302. PURPOSES.***

8 *The purposes of this subtitle are to—*

9 *(1) establish a national integrated System of*  
10 *ocean, coastal, and Great Lakes observing systems,*  
11 *comprised of Federal and non-Federal components co-*  
12 *ordinated at the national level by the National Ocean*  
13 *Research Leadership Council and at the regional level*  
14 *by a network of regional information coordination en-*  
15 *tities, and that includes in situ, remote, and other*  
16 *coastal and ocean observation, technologies, and data*  
17 *management and communication systems, and is de-*  
18 *signed to address regional and national needs for*  
19 *ocean information, to gather specific data on key*  
20 *coastal, ocean, and Great Lakes variables, and to en-*  
21 *sure timely and sustained dissemination and avail-*  
22 *ability of these data to—*

23 *(A) support national defense, marine com-*  
24 *merce, navigation safety, weather, climate, and*  
25 *marine forecasting, energy siting and produc-*

1            *tion, economic development, ecosystem-based ma-*  
2            *rine, coastal, and Great Lakes resource manage-*  
3            *ment, public safety, and public outreach training*  
4            *and education;*

5            *(B) promote greater public awareness and*  
6            *stewardship of the Nation's ocean, coastal, and*  
7            *Great Lakes resources and the general public*  
8            *welfare; and*

9            *(C) enable advances in scientific under-*  
10           *standing to support the sustainable use, con-*  
11           *servation, management, and understanding of*  
12           *healthy ocean, coastal, and Great Lakes re-*  
13           *sources;*

14           *(2) improve the Nation's capability to measure,*  
15           *track, explain, and predict events related directly and*  
16           *indirectly to weather and climate change, natural cli-*  
17           *mate variability, and interactions between the oceanic*  
18           *and atmospheric environments, including the Great*  
19           *Lakes; and*

20           *(3) authorize activities to promote basic and ap-*  
21           *plied research to develop, test, and deploy innovations*  
22           *and improvements in coastal and ocean observation*  
23           *technologies, modeling systems, and other scientific*  
24           *and technological capabilities to improve our concep-*  
25           *tual understanding of weather and climate, ocean-at-*

1 *mosphere dynamics, global climate change, physical,*  
2 *chemical, and biological dynamics of the ocean, coast-*  
3 *al and Great Lakes environments, and to conserve*  
4 *healthy and restore degraded coastal ecosystems.*

5 **SEC. 12303. DEFINITIONS.**

6 *In this subtitle:*

7 (1) *ADMINISTRATOR.*—*The term “Adminis-*  
8 *trator” means the Under Secretary of Commerce for*  
9 *Oceans and Atmosphere in the Under Secretary’s ca-*  
10 *capacity as Administrator of the National Oceanic and*  
11 *Atmospheric Administration.*

12 (2) *COUNCIL.*—*The term “Council” means the*  
13 *National Ocean Research Leadership Council estab-*  
14 *lished by section 7902 of title 10, United States Code.*

15 (3) *FEDERAL ASSETS.*—*The term “Federal as-*  
16 *sets” means all relevant non-classified civilian coastal*  
17 *and ocean observations, technologies, and related mod-*  
18 *eling, research, data management, basic and applied*  
19 *technology research and development, and public edu-*  
20 *cation and outreach programs, that are managed by*  
21 *member agencies of the Council.*

22 (4) *INTERAGENCY OCEAN OBSERVATION COM-*  
23 *MITTEE.*—*The term “Interagency Ocean Observation*  
24 *Committee” means the committee established under*  
25 *section 12304(c)(2).*

1           (5) *NON-FEDERAL ASSETS.*—*The term “non-Federal*  
2 *assets” means all relevant coastal and ocean ob-*  
3 *servaion technologies, related basic and applied tech-*  
4 *nology research and development, and public edu-*  
5 *caion and outreach programs that are integrated*  
6 *into the System and are managed through States, re-*  
7 *gional organizations, universities, nongovernmental*  
8 *organizations, or the private sector.*

9           (6) *REGIONAL INFORMATION COORDINATION EN-*  
10 *TITIES.*—

11           (A) *IN GENERAL.*—*The term “regional in-*  
12 *formaion coordination entity” means an orga-*  
13 *nizational body that is certified or established by*  
14 *contract or memorandum by the lead Federal*  
15 *agency designated in section 12304(c)(3) of this*  
16 *subtle and coordinates State, Federal, local,*  
17 *and private interests at a regional level with the*  
18 *responsibility of engaging the private and public*  
19 *sectors in designing, operating, and improving*  
20 *regional coastal and ocean observing systems in*  
21 *order to ensure the provision of data and infor-*  
22 *maion that meet the needs of user groups from*  
23 *the respective regions.*

24           (B) *CERTAIN INCLUDED ASSOCIATIONS.*—  
25 *The term “regional informaion coordination en-*





1           (1) *IN GENERAL.*—*In order to fulfill the purposes*  
2 *of this subtitle, the System shall be national in scope*  
3 *and consist of—*

4                   (A) *Federal assets to fulfill national and*  
5 *international observation missions and prior-*  
6 *ities;*

7                   (B) *non-Federal assets, including a network*  
8 *of regional information coordination entities*  
9 *identified under subsection (c)(4), to fulfill re-*  
10 *gional observation missions and priorities;*

11                   (C) *data management, communication, and*  
12 *modeling systems for the timely integration and*  
13 *dissemination of data and information products*  
14 *from the System;*

15                   (D) *a research and development program*  
16 *conducted under the guidance of the Council,*  
17 *consisting of—*

18                           (i) *basic and applied research and*  
19 *technology development to improve under-*  
20 *standing of coastal and ocean systems and*  
21 *their relationships to human activities and*  
22 *to ensure improvement of operational assets*  
23 *and products, including related infrastruc-*  
24 *ture, observing technologies, and informa-*

1            *tion and data processing and management*  
2            *technologies; and*

3            *(ii) large scale computing resources*  
4            *and research to advance modeling of coastal*  
5            *and ocean processes.*

6            (2) *ENHANCING ADMINISTRATION AND MANAGE-*  
7            *MENT.—The head of each Federal agency that has ad-*  
8            *ministrative jurisdiction over a Federal asset shall*  
9            *support the purposes of this subtitle and may take ap-*  
10           *propriate actions to enhance internal agency admin-*  
11           *istration and management to better support, inte-*  
12           *grate, finance, and utilize observation data, products,*  
13           *and services developed under this section to further its*  
14           *own agency mission and responsibilities.*

15           (3) *AVAILABILITY OF DATA.—The head of each*  
16           *Federal agency that has administrative jurisdiction*  
17           *over a Federal asset shall make available data that*  
18           *are produced by that asset and that are not otherwise*  
19           *restricted for integration, management, and dissemi-*  
20           *nation by the System.*

21           (4) *NON-FEDERAL ASSETS.—Non-Federal assets*  
22           *shall be coordinated, as appropriate, by the Inter-*  
23           *agency Ocean Observing Committee or by regional in-*  
24           *formation coordination entities.*

1       (c) *POLICY OVERSIGHT, ADMINISTRATION, AND RE-*  
2 *GIONAL COORDINATION.*—

3           (1) *COUNCIL FUNCTIONS.*—*The Council shall*  
4 *serve as the policy and coordination oversight body*  
5 *for all aspects of the System. In carrying out its re-*  
6 *sponsibilities under this subtitle, the Council shall—*

7                   (A) *approve and adopt comprehensive Sys-*  
8 *tem budgets developed and maintained by the*  
9 *Interagency Ocean Observation Committee to*  
10 *support System operations, including operations*  
11 *of both Federal and non-Federal assets;*

12                   (B) *ensure coordination of the System with*  
13 *other domestic and international earth observing*  
14 *activities including the Global Ocean Observing*  
15 *System and the Global Earth Observing System*  
16 *of Systems, and provide, as appropriate, support*  
17 *for and representation on United States delega-*  
18 *tions to international meetings on coastal and*  
19 *ocean observing programs; and*

20                   (C) *encourage coordinated intramural and*  
21 *extramural research and technology development,*  
22 *and a process to transition developing technology*  
23 *and methods into operations of the System.*

24           (2) *INTERAGENCY OCEAN OBSERVATION COM-*  
25 *MITTEE.*—*The Council shall establish or designate an*

1 *Interagency Ocean Observation Committee which*  
2 *shall—*

3 *(A) prepare annual and long-term plans for*  
4 *consideration and approval by the Council for*  
5 *the integrated design, operation, maintenance,*  
6 *enhancement and expansion of the System to*  
7 *meet the objectives of this subtitle and the System*  
8 *Plan;*

9 *(B) develop and transmit to Congress at the*  
10 *time of submission of the President's annual*  
11 *budget request an annual coordinated, com-*  
12 *prehensive budget to operate all elements of the*  
13 *System identified in subsection (b), and to en-*  
14 *sure continuity of data streams from Federal*  
15 *and non-Federal assets;*

16 *(C) establish required observation data vari-*  
17 *ables to be gathered by both Federal and non-*  
18 *Federal assets and identify, in consultation with*  
19 *regional information coordination entities, pri-*  
20 *orities for System observations;*

21 *(D) establish protocols and standards for*  
22 *System data processing, management, and com-*  
23 *munication;*

24 *(E) develop contract certification standards*  
25 *and compliance procedures for all non-Federal*

1        *assets, including regional information coordina-*  
2        *tion entities, to establish eligibility for integra-*  
3        *tion into the System and to ensure compliance*  
4        *with all applicable standards and protocols es-*  
5        *tablished by the Council, and ensure that re-*  
6        *gional observations are integrated into the Sys-*  
7        *tem on a sustained basis;*

8                *(F) identify gaps in observation coverage or*  
9                *needs for capital improvements of both Federal*  
10               *assets and non-Federal assets;*

11               *(G) subject to the availability of appropria-*  
12               *tions, establish through one or more partici-*  
13               *pating Federal agencies, in consultation with the*  
14               *System advisory committee established under*  
15               *subsection (d), a competitive matching grant or*  
16               *other programs—*

17                        *(i) to promote intramural and extra-*  
18                        *mural research and development of new, in-*  
19                        *novative, and emerging observation tech-*  
20                        *nologies including testing and field trials;*  
21                        *and*

22                        *(ii) to facilitate the migration of new,*  
23                        *innovative, and emerging scientific and*  
24                        *technological advances from research and*  
25                        *development to operational deployment;*

1           (H) periodically review and recommend to  
2           the Council, in consultation with the Adminis-  
3           trator, revisions to the System Plan;

4           (I) ensure collaboration among Federal  
5           agencies participating in the activities of the  
6           Committee; and

7           (J) perform such additional duties as the  
8           Council may delegate.

9           (3) *LEAD FEDERAL AGENCY.*—The National Oce-  
10          anic and Atmospheric Administration shall function  
11          as the lead Federal agency for the implementation  
12          and administration of the System, in consultation  
13          with the Council, the Interagency Ocean Observation  
14          Committee, other Federal agencies that maintain por-  
15          tions of the System, and the regional information co-  
16          ordination entities, and shall—

17               (A) establish an Integrated Ocean Observing  
18               Program Office within the National Oceanic and  
19               Atmospheric Administration utilizing to the ex-  
20               tent necessary, personnel from member agencies  
21               participating on the Interagency Ocean Observa-  
22               tion Committee, to oversee daily operations and  
23               coordination of the System;

1           (B) *implement policies, protocols, and*  
2           *standards approved by the Council and delegated*  
3           *by the Interagency Ocean Observing Committee;*

4           (C) *promulgate program guidelines to cer-*  
5           *tify and integrate non-Federal assets, including*  
6           *regional information coordination entities, into*  
7           *the System to provide regional coastal and ocean*  
8           *observation data that meet the needs of user*  
9           *groups from the respective regions;*

10          (D) *have the authority to enter into and*  
11          *oversee contracts, leases, grants or cooperative*  
12          *agreements with non-Federal assets, including*  
13          *regional information coordination entities, to*  
14          *support the purposes of this subtitle on such*  
15          *terms as the Administrator deems appropriate;*

16          (E) *implement a merit-based, competitive*  
17          *funding process to support non-Federal assets,*  
18          *including the development and maintenance of a*  
19          *network of regional information coordination en-*  
20          *tities, and develop and implement a process for*  
21          *the periodic review and evaluation of all non-*  
22          *Federal assets, including regional information*  
23          *coordination entities;*

24          (F) *provide opportunities for competitive*  
25          *contracts and grants for demonstration projects*



1           *to design, develop, integrate, deploy, and support*  
2           *components of the System;*

3           *(G) establish efficient and effective adminis-*  
4           *trative procedures for allocation of funds among*  
5           *contractors, grantees, and non-Federal assets, in-*  
6           *cluding regional information coordination enti-*  
7           *ties in a timely manner, and contingent on ap-*  
8           *propriations according to the budget adopted by*  
9           *the Council;*

10           *(H) develop and implement a process for*  
11           *the periodic review and evaluation of regional*  
12           *information coordination entities;*

13           *(I) formulate an annual process by which*  
14           *gaps in observation coverage or needs for capital*  
15           *improvements of Federal assets and non-Federal*  
16           *assets of the System are identified by the re-*  
17           *gional information coordination entities, the Ad-*  
18           *ministrator, or other members of the System and*  
19           *transmitted to the Interagency Ocean Observing*  
20           *Committee;*

21           *(J) develop and be responsible for a data*  
22           *management and communication system, in ac-*  
23           *cordance with standards and protocols estab-*  
24           *lished by the Council, by which all data collected*  
25           *by the System regarding ocean and coastal*

1           *waters of the United States including the Great*  
2           *Lakes, are processed, stored, integrated, and*  
3           *made available to all end-user communities;*

4           (K) *implement a program of public edu-*  
5           *cation and outreach to improve public awareness*  
6           *of global climate change and effects on the ocean,*  
7           *coastal, and Great Lakes environment;*

8           (L) *report annually to the Interagency*  
9           *Ocean Observing Committee on the accomplish-*  
10           *ments, operational needs, and performance of the*  
11           *System to contribute to the annual and long-*  
12           *term plans developed pursuant to subsection*  
13           *(c)(2)(A)(i); and*

14           (M) *develop a plan to efficiently integrate*  
15           *into the System new, innovative, or emerging*  
16           *technologies that have been demonstrated to be*  
17           *useful to the System and which will fulfill the*  
18           *purposes of this subtitle and the System Plan.*

19           (4) *REGIONAL INFORMATION COORDINATION EN-*  
20           *TITIES.—*

21           (A) *IN GENERAL.—To be certified or estab-*  
22           *lished under this subtitle, a regional information*  
23           *coordination entity shall be certified or estab-*  
24           *lished by contract or agreement by the Adminis-*  
25           *trator, and shall agree to meet the certification*

1        *standards and compliance procedure guidelines*  
2        *issued by the Administrator and information*  
3        *needs of user groups in the region while adhering*  
4        *to national standards and shall—*

5                *(i) demonstrate an organizational*  
6                *structure capable of gathering required Sys-*  
7                *tem observation data, supporting and inte-*  
8                *grating all aspects of coastal and ocean ob-*  
9                *servicing and information programs within a*  
10               *region and that reflects the needs of State*  
11               *and local governments, commercial inter-*  
12               *ests, and other users and beneficiaries of the*  
13               *System and other requirements specified*  
14               *under this subtitle and the System Plan;*

15               *(ii) identify gaps in observation cov-*  
16               *erage needs for capital improvements of*  
17               *Federal assets and non-Federal assets of the*  
18               *System, or other recommendations to assist*  
19               *in the development of the annual and long-*  
20               *term plans created pursuant to subsection*  
21               *(c)(2)(A)(i) and transmit such information*  
22               *to the Interagency Ocean Observing Com-*  
23               *mittee via the Program Office;*

24               *(iii) develop and operate under a stra-*  
25               *tegic operational plan that will ensure the*

1           *efficient and effective administration of pro-*  
2           *grams and assets to support daily data ob-*  
3           *servations for integration into the System,*  
4           *pursuant to the standards approved by the*  
5           *Council;*

6           *(iv) work cooperatively with govern-*  
7           *mental and non-governmental entities at all*  
8           *levels to identify and provide information*  
9           *products of the System for multiple users*  
10          *within the service area of the regional infor-*  
11          *mation coordination entities; and*

12          *(v) comply with all financial oversight*  
13          *requirements established by the Adminis-*  
14          *trator, including requirements relating to*  
15          *audits.*

16          *(B) PARTICIPATION.—For the purposes of*  
17          *this subtitle, employees of Federal agencies may*  
18          *participate in the functions of the regional infor-*  
19          *mation coordination entities.*

20          *(d) SYSTEM ADVISORY COMMITTEE.—*

21           *(1) IN GENERAL.—The Administrator shall es-*  
22           *tablish or designate a System advisory committee,*  
23           *which shall provide advice as may be requested by the*  
24           *Administrator or the Interagency Ocean Observing*  
25           *Committee.*

1           (2) *PURPOSE.*—*The purpose of the System advisory*  
2           *committee is to advise the Administrator and the*  
3           *Interagency Ocean Observing Committee on—*

4                   (A) *administration, operation, manage-*  
5                   *ment, and maintenance of the System, including*  
6                   *integration of Federal and non-Federal assets*  
7                   *and data management and communication as-*  
8                   *pects of the System, and fulfillment of the pur-*  
9                   *poses set forth in section 12302;*

10                   (B) *expansion and periodic modernization*  
11                   *and upgrade of technology components of the*  
12                   *System;*

13                   (C) *identification of end-user communities,*  
14                   *their needs for information provided by the Sys-*  
15                   *tem, and the System's effectiveness in dissemi-*  
16                   *nating information to end-user communities and*  
17                   *the general public; and*

18                   (D) *any other purpose identified by the Ad-*  
19                   *ministrator or the Interagency Ocean Observing*  
20                   *Committee.*

21           (3) *MEMBERS.*—

22                   (A) *IN GENERAL.*—*The System advisory*  
23                   *committee shall be composed of members ap-*  
24                   *pointed by the Administrator. Members shall be*  
25                   *qualified by education, training, and experience*

1           *to evaluate scientific and technical information*  
2           *related to the design, operation, maintenance, or*  
3           *use of the System, or use of data products pro-*  
4           *vided through the System.*

5           *(B) TERMS OF SERVICE.—Members shall be*  
6           *appointed for 3-year terms, renewable once. A*  
7           *vacancy appointment shall be for the remainder*  
8           *of the unexpired term of the vacancy, and an in-*  
9           *dividual so appointed may subsequently be ap-*  
10          *pointed for 2 full 3-year terms if the remainder*  
11          *of the unexpired term is less than 1 year.*

12          *(C) CHAIRPERSON.—The Administrator*  
13          *shall designate a chairperson from among the*  
14          *members of the System advisory committee.*

15          *(D) APPOINTMENT.—Members of the System*  
16          *advisory committee shall be appointed as special*  
17          *Government employees for purposes of section*  
18          *202(a) of title 18, United States Code.*

19          *(4) ADMINISTRATIVE PROVISIONS.—*

20          *(A) REPORTING.—The System advisory*  
21          *committee shall report to the Administrator and*  
22          *the Interagency Ocean Observing Committee, as*  
23          *appropriate.*

1           (B) *ADMINISTRATIVE SUPPORT.*—*The Ad-*  
2           *ministrator shall provide administrative support*  
3           *to the System advisory committee.*

4           (C) *MEETINGS.*—*The System advisory com-*  
5           *mittee shall meet at least once each year, and at*  
6           *other times at the call of the Administrator, the*  
7           *Interagency Ocean Observing Committee, or the*  
8           *chairperson.*

9           (D) *COMPENSATION AND EXPENSES.*—*Mem-*  
10          *bers of the System advisory committee shall not*  
11          *be compensated for service on that Committee,*  
12          *but may be allowed travel expenses, including*  
13          *per diem in lieu of subsistence, in accordance*  
14          *with subchapter I of chapter 57 of title 5, United*  
15          *States Code.*

16          (E) *EXPIRATION.*—*Section 14 of the Federal*  
17          *Advisory Committee Act (5 U.S.C. App.) shall*  
18          *not apply to the System advisory committee.*

19          (e) *CIVIL LIABILITY.*—*For purposes of determining li-*  
20          *ability arising from the dissemination and use of observa-*  
21          *tion data gathered pursuant to this section, any non-Fed-*  
22          *eral asset or regional information coordination entity in-*  
23          *corporated into the System by contract, lease, grant, or co-*  
24          *operative agreement under subsection (c)(3)(D) that is par-*  
25          *ticipating in the System shall be considered to be part of*

1 *the National Oceanic and Atmospheric Administration.*  
2 *Any employee of such a non-Federal asset or regional infor-*  
3 *mation coordination entity, while operating within the*  
4 *scope of his or her employment in carrying out the purposes*  
5 *of this subtitle, with respect to tort liability, is deemed to*  
6 *be an employee of the Federal Government.*

7 (f) *LIMITATION.*—*Nothing in this subtitle shall be con-*  
8 *strued to invalidate existing certifications, contracts, or*  
9 *agreements between regional information coordination enti-*  
10 *ties and other elements of the System.*

11 **SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.**

12 (a) *IN GENERAL.*—*To carry out interagency activities*  
13 *under this subtitle, the Secretary of Commerce may execute*  
14 *cooperative agreements, or any other agreements, with, and*  
15 *receive and expend funds made available by, any State or*  
16 *subdivision thereof, any Federal agency, or any public or*  
17 *private organization, or individual.*

18 (b) *RECIPROCITY.*—*Member Departments and agencies*  
19 *of the Council shall have the authority to create, support,*  
20 *and maintain joint centers, and to enter into and perform*  
21 *such contracts, leases, grants, and cooperative agreements*  
22 *as may be necessary to carry out the purposes of this sub-*  
23 *title and fulfillment of the System Plan.*



1 **SEC. 12306. APPLICATION WITH OTHER LAWS.**

2 *Nothing in this subtitle supersedes or limits the au-*  
3 *thority of any agency to carry out its responsibilities and*  
4 *missions under other laws.*

5 **SEC. 12307. REPORT TO CONGRESS.**

6 (a) *REQUIREMENT.*—*Not later than 2 years after the*  
7 *date of the enactment of this Act and every 2 years there-*  
8 *after, the Administrator shall prepare and the President*  
9 *acting through the Council shall approve and transmit to*  
10 *the Congress a report on progress made in implementing*  
11 *this subtitle.*

12 (b) *CONTENTS.*—*The report shall include—*

13 (1) *a description of activities carried out under*  
14 *this subtitle and the System Plan;*

15 (2) *an evaluation of the effectiveness of the Sys-*  
16 *tem, including an evaluation of progress made by the*  
17 *Council to achieve the goals identified under the Sys-*  
18 *tem Plan;*

19 (3) *identification of Federal and non-Federal as-*  
20 *sets as determined by the Council that have been inte-*  
21 *grated into the System, including assets essential to*  
22 *the gathering of required observation data variables*  
23 *necessary to meet the respective missions of Council*  
24 *agencies;*

25 (4) *a review of procurements, planned or initi-*  
26 *ated, by each Council agency to enhance, expand, or*

1 *modernize the observation capabilities and data prod-*  
2 *ucts provided by the System, including data manage-*  
3 *ment and communication subsystems;*

4 *(5) an assessment regarding activities to inte-*  
5 *grate Federal and non-Federal assets, nationally and*  
6 *on the regional level, and discussion of the perform-*  
7 *ance and effectiveness of regional information coordi-*  
8 *nation entities to coordinate regional observation op-*  
9 *erations;*

10 *(6) a description of benefits of the program to*  
11 *users of data products resulting from the System (in-*  
12 *cluding the general public, industries, scientists, re-*  
13 *source managers, emergency responders, policy mak-*  
14 *ers, and educators);*

15 *(7) recommendations concerning—*

16 *(A) modifications to the System; and*

17 *(B) funding levels for the System in subse-*  
18 *quent fiscal years; and*

19 *(8) the results of a periodic external independent*  
20 *programmatic audit of the System.*

21 **SEC. 12308. PUBLIC-PRIVATE USE POLICY.**

22 *The Council shall develop a policy within 6 months*  
23 *after the date of the enactment of this Act that defines proc-*  
24 *esses for making decisions about the roles of the Federal*  
25 *Government, the States, regional information coordination*

1 *entities, the academic community, and the private sector*  
2 *in providing to end-user communities environmental infor-*  
3 *mation, products, technologies, and services related to the*  
4 *System. The Council shall publish the policy in the Federal*  
5 *Register for public comment for a period not less than 60*  
6 *days. Nothing in this section shall be construed to require*  
7 *changes in policy in effect on the date of enactment of this*  
8 *Act.*

9 **SEC. 12309. INDEPENDENT COST ESTIMATE.**

10 *Within 1 year after the date of enactment of this Act,*  
11 *the Interagency Ocean Observation Committee, through the*  
12 *Administrator and the Director of the National Science*  
13 *Foundation, shall obtain an independent cost estimate for*  
14 *operations and maintenance of existing Federal assets of*  
15 *the System, and planned or anticipated acquisition, oper-*  
16 *ation, and maintenance of new Federal assets for the Sys-*  
17 *tem, including operation facilities, observation equipment,*  
18 *modeling and software, data management and communica-*  
19 *tion, and other essential components. The independent cost*  
20 *estimate shall be transmitted unabridged and without revi-*  
21 *sion by the Administrator to Congress.*

22 **SEC. 12310. INTENT OF CONGRESS.**

23 *It is the intent of Congress that funding provided to*  
24 *agencies of the Council to implement this subtitle shall sup-*  
25 *plement, and not replace, existing sources of funding for*

1 *other programs. It is the further intent of Congress that*  
2 *agencies of the Council shall not enter into contracts or*  
3 *agreements for the development or procurement of new Fed-*  
4 *eral assets for the System that are estimated to be in excess*  
5 *of \$250,000,000 in life-cycle costs without first providing*  
6 *adequate notice to Congress and opportunity for review and*  
7 *comment.*

8 **SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.**

9 *There are authorized to be appropriated to the Sec-*  
10 *retary of Commerce for fiscal years 2009 through 2013 such*  
11 *sums as are necessary to fulfill the purposes of this subtitle*  
12 *and support activities identified in the annual coordinated*  
13 *System budget developed by the Interagency Ocean Observa-*  
14 *tion Committee and submitted to the Congress.*

15 ***Subtitle D—Federal Ocean Acidifi-***  
16 ***cation Research and Monitoring***  
17 ***Act of 2009***

18 **SEC. 12401. SHORT TITLE.**

19 *This subtitle may be cited as the “Federal Ocean*  
20 *Acidification Research And Monitoring Act of 2009” or the*  
21 *“FOARAM Act”.*

22 **SEC. 12402. PURPOSES.**

23 *(a) PURPOSES.—The purposes of this subtitle are to*  
24 *provide for—*

1           (1) *development and coordination of a com-*  
2 *prehensive interagency plan to—*

3                 (A) *monitor and conduct research on the*  
4 *processes and consequences of ocean acidification*  
5 *on marine organisms and ecosystems; and*

6                 (B) *establish an interagency research and*  
7 *monitoring program on ocean acidification;*

8           (2) *establishment of an ocean acidification pro-*  
9 *gram within the National Oceanic and Atmospheric*  
10 *Administration;*

11           (3) *assessment and consideration of regional and*  
12 *national ecosystem and socioeconomic impacts of in-*  
13 *creased ocean acidification; and*

14           (4) *research adaptation strategies and techniques*  
15 *for effectively conserving marine ecosystems as they*  
16 *cope with increased ocean acidification.*

17 **SEC. 12403. DEFINITIONS.**

18 *In this subtitle:*

19           (1) *OCEAN ACIDIFICATION.*—*The term “ocean*  
20 *acidification” means the decrease in pH of the*  
21 *Earth’s oceans and changes in ocean chemistry caused*  
22 *by chemical inputs from the atmosphere, including*  
23 *carbon dioxide.*

24           (2) *SECRETARY.*—*The term “Secretary” means*  
25 *the Secretary of Commerce, acting through the Ad-*

1        *ministrator of the National Oceanic and Atmospheric*  
2        *Administration.*

3            (3) *SUBCOMMITTEE.*—*The term “Subcommittee”*  
4        *means the Joint Subcommittee on Ocean Science and*  
5        *Technology of the National Science and Technology*  
6        *Council.*

7        **SEC. 12404. INTERAGENCY SUBCOMMITTEE.**

8            (a) *DESIGNATION.*—

9            (1) *IN GENERAL.*—*The Joint Subcommittee on*  
10        *Ocean Science and Technology of the National*  
11        *Science and Technology Council shall coordinate Fed-*  
12        *eral activities on ocean acidification and establish an*  
13        *interagency working group.*

14            (2) *MEMBERSHIP.*—*The interagency working*  
15        *group on ocean acidification shall be comprised of*  
16        *senior representatives from the National Oceanic and*  
17        *Atmospheric Administration, the National Science*  
18        *Foundation, the National Aeronautics and Space Ad-*  
19        *ministration, the United States Geological Survey,*  
20        *the United States Fish and Wildlife Service, and such*  
21        *other Federal agencies as appropriate.*

22            (3) *CHAIRMAN.*—*The interagency working group*  
23        *shall be chaired by the representative from the Na-*  
24        *tional Oceanic and Atmospheric Administration.*

25            (b) *DUTIES.*—*The Subcommittee shall—*

1           (1) *develop the strategic research and monitoring*  
2 *plan to guide Federal research on ocean acidification*  
3 *required under section 12405 of this subtitle and over-*  
4 *see the implementation of the plan;*

5           (2) *oversee the development of—*

6                 (A) *an assessment of the potential impacts*  
7 *of ocean acidification on marine organisms and*  
8 *marine ecosystems; and*

9                 (B) *adaptation and mitigation strategies to*  
10 *conserve marine organisms and ecosystems ex-*  
11 *posed to ocean acidification;*

12           (3) *facilitate communication and outreach op-*  
13 *portunities with nongovernmental organizations and*  
14 *members of the stakeholder community with interests*  
15 *in marine resources;*

16           (4) *coordinate the United States Federal research*  
17 *and monitoring program with research and moni-*  
18 *toring programs and scientists from other nations;*  
19 *and*

20           (5) *establish or designate an Ocean Acidification*  
21 *Information Exchange to make information on ocean*  
22 *acidification developed through or utilized by the*  
23 *interagency ocean acidification program accessible*  
24 *through electronic means, including information*  
25 *which would be useful to policymakers, researchers,*

1 *and other stakeholders in mitigating or adapting to*  
2 *the impacts of ocean acidification.*

3 *(c) REPORTS TO CONGRESS.—*

4 *(1) INITIAL REPORT.—Not later than 1 year*  
5 *after the date of enactment of this Act, the Sub-*  
6 *committee shall transmit a report to the Committee*  
7 *on Commerce, Science, and Transportation of the*  
8 *Senate and the Committee on Science and Technology*  
9 *and the Committee on Natural Resources of the House*  
10 *of Representatives that—*

11 *(A) includes a summary of federally funded*  
12 *ocean acidification research and monitoring ac-*  
13 *tivities, including the budget for each of these ac-*  
14 *tivities; and*

15 *(B) describes the progress in developing the*  
16 *plan required under section 12405 of this sub-*  
17 *title.*

18 *(2) BIENNIAL REPORT.—Not later than 2 years*  
19 *after the delivery of the initial report under para-*  
20 *graph (1) and every 2 years thereafter, the Sub-*  
21 *committee shall transmit a report to the Committee*  
22 *on Commerce, Science, and Transportation of the*  
23 *Senate and the Committee on Science and Technology*  
24 *and the Committee on Natural Resources of the House*  
25 *of Representatives that includes—*



1           (A) a summary of federally funded ocean  
2           acidification research and monitoring activities,  
3           including the budget for each of these activities;  
4           and

5           (B) an analysis of the progress made to-  
6           ward achieving the goals and priorities for the  
7           interagency research plan developed by the Sub-  
8           committee under section 12405.

9           (3) *STRATEGIC RESEARCH PLAN.*—Not later than  
10          2 years after the date of enactment of this Act, the  
11          Subcommittee shall transmit the strategic research  
12          plan developed under section 12405 to the Committee  
13          on Commerce, Science, and Transportation of the  
14          Senate and the Committee on Science and Technology  
15          and the Committee on Natural Resources of the House  
16          of Representatives. A revised plan shall be submitted  
17          at least once every 5 years thereafter.

18 **SEC. 12405. STRATEGIC RESEARCH PLAN.**

19          (a) *IN GENERAL.*—Not later than 2 years after the  
20          date of enactment of this Act, the Subcommittee shall de-  
21          velop a strategic plan for Federal research and monitoring  
22          on ocean acidification that will provide for an assessment  
23          of the impacts of ocean acidification on marine organisms  
24          and marine ecosystems and the development of adaptation  
25          and mitigation strategies to conserve marine organisms and

1 *marine ecosystems. In developing the plan, the Sub-*  
2 *committee shall consider and use information, reports, and*  
3 *studies of ocean acidification that have identified research*  
4 *and monitoring needed to better understand ocean acidifi-*  
5 *cation and its potential impacts, and recommendations*  
6 *made by the National Academy of Sciences in the review*  
7 *of the plan required under subsection (d).*

8 (b) *CONTENTS OF THE PLAN.—The plan shall—*

9 (1) *provide for interdisciplinary research among*  
10 *the ocean sciences, and coordinated research and ac-*  
11 *tivities to improve the understanding of ocean chem-*  
12 *istry that will affect marine ecosystems;*

13 (2) *establish, for the 10-year period beginning in*  
14 *the year the plan is submitted, the goals and prior-*  
15 *ities for Federal research and monitoring which*  
16 *will—*

17 (A) *advance understanding of ocean acidifi-*  
18 *cation and its physical, chemical, and biological*  
19 *impacts on marine organisms and marine eco-*  
20 *systems;*

21 (B) *improve the ability to assess the socio-*  
22 *economic impacts of ocean acidification; and*

23 (C) *provide information for the development*  
24 *of adaptation and mitigation strategies to con-*  
25 *serve marine organisms and marine ecosystems;*

- 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 interagency*
- 15           *program directly and indirectly and set forth the role*
- 16           *of each Federal agency in implementing the plan;*
- 17           (5) *consider and utilize, as appropriate, reports*
- 18           *and studies conducted by Federal agencies, the Na-*
- 19           *tional Research Council, or other entities;*
- 20           (6) *make recommendations for the coordination*
- 21           *of the ocean acidification research and monitoring ac-*
- 22           *tivities of the United States with such activities of*
- 23           *other nations and international organizations;*
- 24           (7) *outline budget requirements for Federal ocean*
- 25           *acidification research and monitoring and assessment*

1 *activities to be conducted by each agency under the*  
2 *plan;*

3 *(8) identify the monitoring systems and sam-*  
4 *pling programs currently employed in collecting data*  
5 *relevant to ocean acidification and prioritize addi-*  
6 *tional monitoring systems that may be needed to en-*  
7 *sure adequate data collection and monitoring of ocean*  
8 *acidification and its impacts; and*

9 *(9) describe specific activities designed to facili-*  
10 *tate outreach and data and information exchange*  
11 *with stakeholder communities.*

12 *(c) PROGRAM ELEMENTS.—The plan shall include at*  
13 *a minimum the following program elements:*

14 *(1) Monitoring of ocean chemistry and biological*  
15 *impacts associated with ocean acidification at selected*  
16 *coastal and open-ocean monitoring stations, including*  
17 *satellite-based monitoring to characterize—*

18 *(A) marine ecosystems;*

19 *(B) changes in marine productivity; and*

20 *(C) changes in surface ocean chemistry.*

21 *(2) Research to understand the species specific*  
22 *physiological responses of marine organisms to ocean*  
23 *acidification, impacts on marine food webs of ocean*  
24 *acidification, and to develop environmental and eco-*

1 *logical indices that track marine ecosystem responses*  
2 *to ocean acidification.*

3 *(3) Modeling to predict changes in the ocean car-*  
4 *bon cycle as a function of carbon dioxide and atmos-*  
5 *phere-induced changes in temperature, ocean circula-*  
6 *tion, biogeochemistry, ecosystem and terrestrial input,*  
7 *and modeling to determine impacts on marine eco-*  
8 *systems and individual marine organisms.*

9 *(4) Technology development and standardization*  
10 *of carbonate chemistry measurements on moorings*  
11 *and autonomous floats.*

12 *(5) Assessment of socioeconomic impacts of ocean*  
13 *acidification and development of adaptation and*  
14 *mitigation strategies to conserve marine organisms*  
15 *and marine ecosystems.*

16 *(d) NATIONAL ACADEMY OF SCIENCES EVALUATION.—*  
17 *The Secretary shall enter into an agreement with the Na-*  
18 *tional Academy of Sciences to review the plan.*

19 *(e) PUBLIC PARTICIPATION.—In developing the plan,*  
20 *the Subcommittee shall consult with representatives of aca-*  
21 *demic, State, industry and environmental groups. Not later*  
22 *than 90 days before the plan, or any revision thereof, is*  
23 *submitted to the Congress, the plan shall be published in*  
24 *the Federal Register for a public comment period of not*  
25 *less than 60 days.*

1 **SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.**

2       (a) *IN GENERAL.*—*The Secretary shall establish and*  
3 *maintain an ocean acidification program within the Na-*  
4 *tional Oceanic and Atmospheric Administration to conduct*  
5 *research, monitoring, and other activities consistent with*  
6 *the strategic research and implementation plan developed*  
7 *by the Subcommittee under section 12405 that—*

8               (1) *includes—*

9                       (A) *interdisciplinary research among the*  
10 *ocean and atmospheric sciences, and coordinated*  
11 *research and activities to improve understanding*  
12 *of ocean acidification;*

13                       (B) *the establishment of a long-term moni-*  
14 *toring program of ocean acidification utilizing*  
15 *existing global and national ocean observing as-*  
16 *sets, and adding instrumentation and sampling*  
17 *stations as appropriate to the aims of the re-*  
18 *search program;*

19                       (C) *research to identify and develop adapta-*  
20 *tion strategies and techniques for effectively con-*  
21 *serving marine ecosystems as they cope with in-*  
22 *creased ocean acidification;*

23                       (D) *as an integral part of the research pro-*  
24 *grams described in this subtitle, educational op-*  
25 *portunities that encourage an interdisciplinary*

1           *and international approach to exploring the im-*  
2           *pacts of ocean acidification;*

3           *(E) as an integral part of the research pro-*  
4           *grams described in this subtitle, national public*  
5           *outreach activities to improve the understanding*  
6           *of current scientific knowledge of ocean acidifica-*  
7           *tion and its impacts on marine resources; and*

8           *(F) coordination of ocean acidification*  
9           *monitoring and impacts research with other ap-*  
10          *propriate international ocean science bodies such*  
11          *as the International Oceanographic Commission,*  
12          *the International Council for the Exploration of*  
13          *the Sea, the North Pacific Marine Science Orga-*  
14          *nization, and others;*

15          *(2) provides grants for critical research projects*  
16          *that explore the effects of ocean acidification on eco-*  
17          *systems and the socioeconomic impacts of increased*  
18          *ocean acidification that are relevant to the goals and*  
19          *priorities of the strategic research plan; and*

20          *(3) incorporates a competitive merit-based proc-*  
21          *ess for awarding grants that may be conducted jointly*  
22          *with other participating agencies or under the Na-*  
23          *tional Oceanographic Partnership Program under*  
24          *section 7901 of title 10, United States Code.*

1       **(b) ADDITIONAL AUTHORITY.**—*In conducting the Pro-*  
2 *gram, the Secretary may enter into and perform such con-*  
3 *tracts, leases, grants, or cooperative agreements as may be*  
4 *necessary to carry out the purposes of this subtitle on such*  
5 *terms as the Secretary considers appropriate.*

6 **SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.**

7       **(a) RESEARCH ACTIVITIES.**—*The Director of the Na-*  
8 *tional Science Foundation shall continue to carry out re-*  
9 *search activities on ocean acidification which shall support*  
10 *competitive, merit-based, peer-reviewed proposals for re-*  
11 *search and monitoring of ocean acidification and its im-*  
12 *pacts, including—*

13           **(1)** *impacts on marine organisms and marine*  
14 *ecosystems;*

15           **(2)** *impacts on ocean, coastal, and estuarine bio-*  
16 *geochemistry; and*

17           **(3)** *the development of methodologies and tech-*  
18 *nologies to evaluate ocean acidification and its im-*  
19 *pacts.*

20       **(b) CONSISTENCY.**—*The research activities shall be*  
21 *consistent with the strategic research plan developed by the*  
22 *Subcommittee under section 12405.*

23       **(c) COORDINATION.**—*The Director shall encourage co-*  
24 *ordination of the Foundation's ocean acidification activi-*



1 *ties with such activities of other nations and international*  
2 *organizations.*

3 **SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.**

4 (a) *OCEAN ACIDIFICATION ACTIVITIES.*—*The Admin-*  
5 *istrator of the National Aeronautics and Space Administra-*  
6 *tion, in coordination with other relevant agencies, shall en-*  
7 *sure that space-based monitoring assets are used in as pro-*  
8 *ductive a manner as possible for monitoring of ocean acidi-*  
9 *fication and its impacts.*

10 (b) *PROGRAM CONSISTENCY.*—*The Administrator shall*  
11 *ensure that the Agency’s research and monitoring activities*  
12 *on ocean acidification are carried out in a manner con-*  
13 *sistent with the strategic research plan developed by the*  
14 *Subcommittee under section 12405.*

15 (c) *COORDINATION.*—*The Administrator shall encour-*  
16 *age coordination of the Agency’s ocean acidification activi-*  
17 *ties with such activities of other nations and international*  
18 *organizations.*

19 **SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) *NOAA.*—*There are authorized to be appropriated*  
21 *to the National Oceanic and Atmospheric Administration*  
22 *to carry out the purposes of this subtitle—*

23 (1) *\$8,000,000 for fiscal year 2009;*

24 (2) *\$12,000,000 for fiscal year 2010;*

25 (3) *\$15,000,000 for fiscal year 2011; and*

1           (4) \$20,000,000 for fiscal year 2012.

2           (b) NSF.—There are authorized to be appropriated to  
3 the National Science Foundation to carry out the purposes  
4 of this subtitle—

5           (1) \$6,000,000 for fiscal year 2009;

6           (2) \$8,000,000 for fiscal year 2010;

7           (3) \$12,000,000 for fiscal year 2011; and

8           (4) \$15,000,000 for fiscal year 2012.

9       ***Subtitle E—Coastal and Estuarine***  
10       ***Land Conservation Program***

11       **SEC. 12501. SHORT TITLE.**

12       *This Act may be cited as the “Coastal and Estuarine*  
13 *Land Conservation Program Act”.*

14       **SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE**  
15       **LAND CONSERVATION PROGRAM.**

16       *The Coastal Zone Management Act of 1972 (16 U.S.C.*  
17 *1451 et seq.) is amended by inserting after section 307 the*  
18 *following new section:*

19       “**AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND**  
20       **CONSERVATION PROGRAM**

21       “**SEC. 307A. (a) IN GENERAL.**—*The Secretary may*  
22 *conduct a Coastal and Estuarine Land Conservation Pro-*  
23 *gram, in cooperation with appropriate State, regional, and*  
24 *other units of government, for the purposes of protecting im-*  
25 *portant coastal and estuarine areas that have significant*  
26 *conservation, recreation, ecological, historical, or aesthetic*

1 *values, or that are threatened by conversion from their nat-*  
2 *ural, undeveloped, or recreational state to other uses or*  
3 *could be managed or restored to effectively conserve, en-*  
4 *hance, or restore ecological function. The program shall be*  
5 *administered by the National Ocean Service of the National*  
6 *Oceanic and Atmospheric Administration through the Of-*  
7 *fice of Ocean and Coastal Resource Management.*

8       “(b) *PROPERTY ACQUISITION GRANTS.*—*The Secretary*  
9 *shall make grants under the program to coastal states with*  
10 *approved coastal zone management plans or National Estu-*  
11 *arine Research Reserve units for the purpose of acquiring*  
12 *property or interests in property described in subsection (a)*  
13 *that will further the goals of—*

14               “(1) *a Coastal Zone Management Plan or Pro-*  
15 *gram approved under this title;*

16               “(2) *a National Estuarine Research Reserve*  
17 *management plan;*

18               “(3) *a regional or State watershed protection or*  
19 *management plan involving coastal states with ap-*  
20 *proved coastal zone management programs; or*

21               “(4) *a State coastal land acquisition plan that*  
22 *is consistent with an approved coastal zone manage-*  
23 *ment program.*

24       “(c) *GRANT PROCESS.*—*The Secretary shall allocate*  
25 *funds to coastal states or National Estuarine Research Re-*

1 *serves under this section through a competitive grant proc-*  
2 *ess in accordance with guidelines that meet the following*  
3 *requirements:*

4           “(1) *The Secretary shall consult with the coastal*  
5 *state’s coastal zone management program, any Na-*  
6 *tional Estuarine Research Reserve in that State, and*  
7 *the lead agency designated by the Governor for coordi-*  
8 *nating the implementation of this section (if different*  
9 *from the coastal zone management program).*

10           “(2) *Each participating coastal state, after con-*  
11 *sultation with local governmental entities and other*  
12 *interested stakeholders, shall identify priority con-*  
13 *servation needs within the State, the values to be pro-*  
14 *ected by inclusion of lands in the program, and the*  
15 *threats to those values that should be avoided.*

16           “(3) *Each participating coastal state shall to the*  
17 *extent practicable ensure that the acquisition of prop-*  
18 *erty or easements shall complement working water-*  
19 *front needs.*

20           “(4) *The applicant shall identify the values to be*  
21 *protected by inclusion of the lands in the program,*  
22 *management activities that are planned and the man-*  
23 *ner in which they may affect the values identified,*  
24 *and any other information from the landowner rel-*  
25 *evant to administration and management of the land.*

1           “(5) Awards shall be based on demonstrated need  
2           for protection and ability to successfully leverage  
3           funds among participating entities, including Federal  
4           programs, regional organizations, State and other  
5           governmental units, landowners, corporations, or pri-  
6           vate organizations.

7           “(6) The governor, or the lead agency designated  
8           by the governor for coordinating the implementation  
9           of this section, where appropriate in consultation  
10          with the appropriate local government, shall deter-  
11          mine that the application is consistent with the  
12          State’s or territory’s approved coastal zone plan, pro-  
13          gram, and policies prior to submittal to the Sec-  
14          retary.

15          “(7)(A) Priority shall be given to lands described  
16          in subsection (a) that can be effectively managed and  
17          protected and that have significant ecological value.

18          “(B) Of the projects that meet the standard in  
19          subparagraph (A), priority shall be given to lands  
20          that—

21                 “(i) are under an imminent threat of con-  
22                 version to a use that will degrade or otherwise  
23                 diminish their natural, undeveloped, or rec-  
24                 reational state; and

1           “(i) serve to mitigate the adverse impacts  
2           caused by coastal population growth in the  
3           coastal environment.

4           “(8) In developing guidelines under this section,  
5           the Secretary shall consult with coastal states, other  
6           Federal agencies, and other interested stakeholders  
7           with expertise in land acquisition and conservation  
8           procedures.

9           “(9) Eligible coastal states or National Estua-  
10          rine Research Reserves may allocate grants to local  
11          governments or agencies eligible for assistance under  
12          section 306A(e).

13          “(10) The Secretary shall develop performance  
14          measures that the Secretary shall use to evaluate and  
15          report on the program’s effectiveness in accomplishing  
16          its purposes, and shall submit such evaluations to  
17          Congress triennially.

18          “(d) *LIMITATIONS AND PRIVATE PROPERTY PROTEC-*  
19          *TIONS.—*

20          “(1) A grant awarded under this section may be  
21          used to purchase land or an interest in land, includ-  
22          ing an easement, only from a willing seller. Any such  
23          purchase shall not be the result of a forced taking  
24          under this section. Nothing in this section requires a

1 *private property owner to participate in the program*  
2 *under this section.*

3 “(2) *Any interest in land, including any ease-*  
4 *ment, acquired with a grant under this section shall*  
5 *not be considered to create any new liability, or have*  
6 *any effect on liability under any other law, of any*  
7 *private property owner with respect to any person in-*  
8 *jured on the private property.*

9 “(3) *Nothing in this section requires a private*  
10 *property owner to provide access (including Federal,*  
11 *State, or local government access) to or use of private*  
12 *property unless such property or an interest in such*  
13 *property (including a conservation easement) has*  
14 *been purchased with funds made available under this*  
15 *section.*

16 “(e) *RECOGNITION OF AUTHORITY TO CONTROL LAND*  
17 *USE.—Nothing in this title modifies the authority of Fed-*  
18 *eral, State, or local governments to regulate land use.*

19 “(f) *MATCHING REQUIREMENTS.—*

20 “(1) *IN GENERAL.—The Secretary may not make*  
21 *a grant under the program unless the Federal funds*  
22 *are matched by non-Federal funds in accordance with*  
23 *this subsection.*

24 “(2) *COST SHARE REQUIREMENT.—*

1           “(A) *IN GENERAL.*—Grant funds under the  
2           program shall require a 100 percent match from  
3           other non-Federal sources.

4           “(B) *WAIVER OF REQUIREMENT.*—The Sec-  
5           retary may grant a waiver of subparagraph (A)  
6           for underserved communities, communities that  
7           have an inability to draw on other sources of  
8           funding because of the small population or low  
9           income of the community, or for other reasons  
10          the Secretary deems appropriate and consistent  
11          with the purposes of the program.

12          “(3) *OTHER FEDERAL FUNDS.*—Where financial  
13          assistance awarded under this section represents only  
14          a portion of the total cost of a project, funding from  
15          other Federal sources may be applied to the cost of the  
16          project. Each portion shall be subject to match re-  
17          quirements under the applicable provision of law.

18          “(4) *SOURCE OF MATCHING COST SHARE.*—For  
19          purposes of paragraph (2)(A), the non-Federal cost  
20          share for a project may be determined by taking into  
21          account the following:

22                 “(A) *The value of land or a conservation*  
23                 *easement may be used by a project applicant as*  
24                 *non-Federal match, if the Secretary determines*  
25                 *that—*



1           “(i) the land meets the criteria set  
2           forth in section 2(b) and is acquired in the  
3           period beginning 3 years before the date of  
4           the submission of the grant application and  
5           ending 3 years after the date of the award  
6           of the grant;

7           “(ii) the value of the land or easement  
8           is held by a non-governmental organization  
9           included in the grant application in per-  
10          petuity for conservation purposes of the pro-  
11          gram; and

12          “(iii) the land or easement is connected  
13          either physically or through a conservation  
14          planning process to the land or easement  
15          that would be acquired.

16          “(B) The appraised value of the land or  
17          conservation easement at the time of the grant  
18          closing will be considered and applied as the  
19          non-Federal cost share.

20          “(C) Costs associated with land acquisition,  
21          land management planning, remediation, res-  
22          toration, and enhancement may be used as non-  
23          Federal match if the activities are identified in  
24          the plan and expenses are incurred within the  
25          period of the grant award, or, for lands described

1           in (A), within the same time limits described  
2           therein. These costs may include either cash or  
3           in-kind contributions.

4           “(g) *RESERVATION OF FUNDS FOR NATIONAL ESTUA-*  
5 *RINE RESEARCH RESERVE SITES.*—No less than 15 percent  
6 *of funds made available under this section shall be available*  
7 *for acquisitions benefitting National Estuarine Research*  
8 *Reserves.*

9           “(h) *LIMIT ON ADMINISTRATIVE COSTS.*—No more  
10 *than 5 percent of the funds made available to the Secretary*  
11 *under this section shall be used by the Secretary for plan-*  
12 *ning or administration of the program. The Secretary shall*  
13 *provide a report to Congress with an account of all expendi-*  
14 *tures under this section for fiscal year 2009 and triennially*  
15 *thereafter.*

16           “(i) *TITLE AND MANAGEMENT OF ACQUIRED PROP-*  
17 *ERTY.*—If any property is acquired in whole or in part  
18 *with funds made available through a grant under this sec-*  
19 *tion, the grant recipient shall provide—*

20                   “(1) *such assurances as the Secretary may re-*  
21 *quire that—*

22                           “(A) *the title to the property will be held by*  
23 *the grant recipient or another appropriate public*  
24 *agency designated by the recipient in perpetuity;*

1           “(B) *the property will be managed in a*  
2           *manner that is consistent with the purposes for*  
3           *which the land entered into the program and*  
4           *shall not convert such property to other uses; and*

5           “(C) *if the property or interest in land is*  
6           *sold, exchanged, or divested, funds equal to the*  
7           *current value will be returned to the Secretary in*  
8           *accordance with applicable Federal law for re-*  
9           *distribution in the grant process; and*

10          “(2) *certification that the property (including*  
11          *any interest in land) will be acquired from a willing*  
12          *seller.*

13          “(j) *REQUIREMENT FOR PROPERTY USED FOR NON-*  
14          *FEDERAL MATCH.—If the grant recipient elects to use any*  
15          *land or interest in land held by a non-governmental organi-*  
16          *zation as a non-Federal match under subsection (g), the*  
17          *grant recipient must to the Secretary’s satisfaction dem-*  
18          *onstrate in the grant application that such land or interest*  
19          *will satisfy the same requirements as the lands or interests*  
20          *in lands acquired under the program.*

21          “(k) *DEFINITIONS.—In this section:*

22                 “(1) *CONSERVATION EASEMENT.—The term ‘con-*  
23                 *servation easement’ includes an easement or restric-*  
24                 *tion, recorded deed, or a reserve interest deed where*  
25                 *the grantee acquires all rights, title, and interest in*

1     *a property, that do not conflict with the goals of this*  
 2     *section except those rights, title, and interests that*  
 3     *may run with the land that are expressly reserved by*  
 4     *a grantor and are agreed to at the time of purchase.*

5             “(2) *INTEREST IN PROPERTY.*—*The term ‘inter-*  
 6     *est in property’ includes a conservation easement.*”

7             “(1) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 8     *authorized to be appropriated to the Secretary to carry out*  
 9     *this section \$60,000,000 for each of fiscal years 2009*  
 10    *through 2013.”.*

## 11     **TITLE XIII—MISCELLANEOUS**

### 12    **SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH** 13            **DAKOTA TRUST FUNDS.**

14            *(a) NORTH DAKOTA TRUST FUNDS.*—*The Act of Feb-*  
 15    *ruary 22, 1889 (25 Stat. 676, chapter 180), is amended*  
 16    *by adding at the end the following:*

#### 17    **“SEC. 26. NORTH DAKOTA TRUST FUNDS.**

18            *“(a) DISPOSITION.*—*Notwithstanding section 11, the*  
 19    *State of North Dakota shall, with respect to any trust fund*  
 20    *in which proceeds from the sale of public land are deposited*  
 21    *under this Act (referred to in this section as the ‘trust*  
 22    *fund’)—*

23            *“(1) deposit all revenues earned by a trust fund*  
 24    *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           “(b) *DISTRIBUTIONS.*—Notwithstanding section 11,  
9           any distributions from trust funds in the State of North  
10           Dakota shall be made in accordance with section 2 of article  
11           IX of the Constitution of the State of North Dakota.

12           “(c) *MANAGEMENT OF PROCEEDS.*—Notwithstanding  
13           section 13, the State of North Dakota shall manage the pro-  
14           ceeds referred to in that section in accordance with sub-  
15           sections (a) and (b).

16           “(d) *MANAGEMENT OF LAND AND PROCEEDS.*—Not-  
17           withstanding sections 14 and 16, the State of North Dakota  
18           shall manage the land granted under that section, including  
19           any proceeds from the land, and make distributions in ac-  
20           cordance with subsections (a) and (b).”.

21           (b) *MANAGEMENT AND DISTRIBUTION OF MORRILL*  
22           *ACT GRANTS.*—The Act of July 2, 1862 (commonly known  
23           as the “First Morrill Act”) (7 U.S.C. 301 et seq.), is amend-  
24           ed by adding at the end the following:

1 **“SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.**

2       “(a) *EXPENSES.*—Notwithstanding section 3, the State  
3 of North Dakota shall manage the land granted to the State  
4 under the first section, including any proceeds from the  
5 land, in accordance with this section.

6       “(b) *DISPOSITION OF PROCEEDS.*—Notwithstanding  
7 section 4, the State of North Dakota shall, with respect to  
8 any trust fund in which proceeds from the sale of land  
9 under this Act are deposited (referred to in this section as  
10 the ‘trust fund’)—

11               “(1) deposit all revenues earned by a trust fund  
12 into the trust fund;

13               “(2) deduct the costs of administering a trust  
14 fund from each trust fund; and

15               “(3) manage each trust fund to—

16                       “(A) preserve the purchasing power of the  
17 trust fund; and

18                       “(B) maintain stable distributions to trust  
19 fund beneficiaries.

20       “(c) *DISTRIBUTIONS.*—Notwithstanding section 4, any  
21 distributions from trust funds in the State of North Dakota  
22 shall be made in accordance with section 2 of article IX  
23 of the Constitution of the State of North Dakota.

24       “(d) *MANAGEMENT.*—Notwithstanding section 5, the  
25 State of North Dakota shall manage the land granted under

1 *the first section, including any proceeds from the land, in*  
 2 *accordance with this section.”.*

3       (c) *CONSENT OF CONGRESS.—Effective July 1, 2009,*  
 4 *Congress consents to the amendments to the Constitution*  
 5 *of North Dakota proposed by House Concurrent Resolution*  
 6 *No. 3037 of the 59th Legislature of the State of North Da-*  
 7 *kota entitled “A concurrent resolution for the amendment*  
 8 *of sections 1 and 2 of article IX of the Constitution of North*  
 9 *Dakota, relating to distributions from and the management*  
 10 *of the common schools trust fund and the trust funds of*  
 11 *other educational or charitable institutions; and to provide*  
 12 *a contingent effective date” and approved by the voters of*  
 13 *the State of North Dakota on November 7, 2006.*

14 **SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORA-**  
 15 **TION AND IRRIGATION MITIGATION ACT OF**  
 16 **2000.**

17       (a) *PRIORITY PROJECTS.—Section 3(c)(3) of the Fish-*  
 18 *eries Restoration and Irrigation Mitigation Act of 2000 (16*  
 19 *U.S.C. 777 note; Public Law 106–502) is amended by strik-*  
 20 *ing “\$5,000,000” and inserting “\$2,500,000”.*

21       (b) *COST SHARING.—Section 7(c) of Fisheries Restora-*  
 22 *tion and Irrigation Mitigation Act of 2000 (16 U.S.C. 777*  
 23 *note; Public Law 106–502) is amended—*

24               (1) *by striking “The value” and inserting the fol-*  
 25 *lowing:*

1           “(1) *IN GENERAL.*—*The value*”; and

2           (2) *by adding at the end the following:*

3           “(2) *BONNEVILLE POWER ADMINISTRATION.*—

4                   “(A) *IN GENERAL.*—*The Secretary may,*  
5                   *without further appropriation and without fiscal*  
6                   *year limitation, accept any amounts provided to*  
7                   *the Secretary by the Administrator of the Bonne-*  
8                   *ville Power Administration.*

9                   “(B) *NON-FEDERAL SHARE.*—*Any amounts*  
10                   *provided by the Bonneville Power Administra-*  
11                   *tion directly or through a grant to another entity*  
12                   *for a project carried under the Program shall be*  
13                   *credited toward the non-Federal share of the*  
14                   *costs of the project.”.*

15           (c) *REPORT.*—*Section 9 of the Fisheries Restoration*  
16 *and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note;*  
17 *Public Law 106–502) is amended—*

18                   (1) *by inserting “any” before “amounts are*  
19                   *made”; and*

20                   (2) *by inserting after “Secretary shall” the fol-*  
21                   *lowing: “, after partnering with local governmental*  
22                   *entities and the States in the Pacific Ocean drainage*  
23                   *area,”.*

24           (d) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*  
25 *10 of the Fisheries Restoration and Irrigation Mitigation*



1 *Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is*  
2 *amended—*

3           (1) *in subsection (a), by striking “2001 through*  
4 *2005” and inserting “2009 through 2015”; and*

5           (2) *in subsection (b), by striking paragraph (2)*  
6 *and inserting the following:*

7           “(2) *ADMINISTRATIVE EXPENSES.—*

8                   “(A) *DEFINITION OF ADMINISTRATIVE EX-*  
9 *PENSE.—In this paragraph, the term ‘adminis-*  
10 *trative expense’ means, except as provided in*  
11 *subparagraph (B)(iii)(II), any expenditure re-*  
12 *lating to—*

13                           “(i) *staffing and overhead, such as the*  
14 *rental of office space and the acquisition of*  
15 *office equipment; and*

16                           “(ii) *the review, processing, and provi-*  
17 *sion of applications for funding under the*  
18 *Program.*

19                   “(B) *LIMITATION.—*

20                           “(i) *IN GENERAL.—Not more than 6*  
21 *percent of amounts made available to carry*  
22 *out this Act for each fiscal year may be*  
23 *used for Federal and State administrative*  
24 *expenses of carrying out this Act.*

1           “(i) *FEDERAL AND STATE SHARES.*—  
2           *To the maximum extent practicable, of the*  
3           *amounts made available for administrative*  
4           *expenses under clause (i)—*

5                     “(I) *50 percent shall be provided*  
6                     *to the State agencies provided assist-*  
7                     *ance under the Program; and*

8                     “(II) *an amount equal to the cost*  
9                     *of 1 full-time equivalent Federal em-*  
10                    *ployee, as determined by the Secretary,*  
11                    *shall be provided to the Federal agency*  
12                    *carrying out the Program.*

13           “(iii) *STATE EXPENSES.*—*Amounts*  
14           *made available to States for administrative*  
15           *expenses under clause (i)—*

16                     “(I) *shall be divided evenly among*  
17                     *all States provided assistance under*  
18                     *the Program; and*

19                     “(II) *may be used by a State to*  
20                     *provide technical assistance relating to*  
21                     *the program, including any staffing*  
22                     *expenditures (including staff travel ex-*  
23                     *penses) associated with—*

1                   “(aa) *arranging meetings to*  
 2                   *promote the Program to potential*  
 3                   *applicants;*

4                   “(bb) *assisting applicants*  
 5                   *with the preparation of applica-*  
 6                   *tions for funding under the Pro-*  
 7                   *gram; and*

8                   “(cc) *visiting construction*  
 9                   *sites to provide technical assist-*  
 10                   *ance, if requested by the appli-*  
 11                   *cant.”.*

12 **SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS**  
 13 **PIPELINE ACT.**

14           *Section 107(a) of the Alaska Natural Gas Pipeline Act*  
 15 *(15 U.S.C. 720e(a)) is amended by striking paragraph (3)*  
 16 *and inserting the following:*

17                   “(3) *the validity of any determination, permit,*  
 18                   *approval, authorization, review, or other related ac-*  
 19                   *tion taken under any provision of law relating to a*  
 20                   *gas transportation project constructed and operated*  
 21                   *in accordance with section 103, including—*

22                   “(A) *subchapter II of chapter 5, and chap-*  
 23                   *ter 7, of title 5, United States Code (commonly*  
 24                   *known as the ‘Administrative Procedure Act’);*

1           “(B) the *Endangered Species Act of 1973*  
2           (16 U.S.C. 1531 et seq.);

3           “(C) the *National Environmental Policy*  
4           *Act of 1969* (42 U.S.C. 4321 et seq.);

5           “(D) the *National Historic Preservation Act*  
6           (16 U.S.C. 470 et seq.); and

7           “(E) the *Alaska National Interest Lands*  
8           *Conservation Act* (16 U.S.C. 3101 et seq.).”

9   **SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DE-**  
10                           **PARTMENT OF ENERGY.**

11           (a) *IN GENERAL.*—Section 203(a) of the *Department*  
12           *of Energy Organization Act* (42 U.S.C. 7133(a)) is amend-  
13           *ed in the first sentence by striking “7 Assistant Secretaries”*  
14           *and inserting “8 Assistant Secretaries”.*

15           (b) *CONFORMING AMENDMENT.*—Section 5315 of title  
16           5, *United States Code*, is amended by striking “Assistant  
17           Secretaries of Energy (7)” and inserting “Assistant Secre-  
18           taries of Energy (8)”.

19   **SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTI-**  
20                           **TUTE.**

21           (a) *DEFINITIONS.*—In this section:

22                   (1) *INSTITUTE.*—The term “Institute” means the  
23           *Lovelace Respiratory Research Institute*, a nonprofit  
24           *organization chartered under the laws of the State of*  
25           *New Mexico.*

1           (2) *MAP.*—*The term “map” means the map enti-*  
2 *tled “Lovelace Respiratory Research Institute Land*  
3 *Conveyance” and dated March 18, 2008.*

4           (3) *SECRETARY CONCERNED.*—*The term “Sec-*  
5 *retary concerned” means—*

6                   (A) *the Secretary of Energy, with respect to*  
7 *matters concerning the Department of Energy;*

8                   (B) *the Secretary of the Interior, with re-*  
9 *spect to matters concerning the Department of*  
10 *the Interior; and*

11                   (C) *the Secretary of the Air Force, with re-*  
12 *spect to matters concerning the Department of*  
13 *the Air Force.*

14           (4) *SECRETARY OF ENERGY.*—*The term “Sec-*  
15 *retary of Energy” means the Secretary of Energy,*  
16 *acting through the Administrator for the National*  
17 *Nuclear Security Administration.*

18           (b) *CONVEYANCE OF LAND.*—

19                   (1) *IN GENERAL.*—*Notwithstanding section*  
20 *120(h) of the Comprehensive Environmental Re-*  
21 *sponse, Compensation, and Liability Act of 1980 (42*  
22 *U.S.C. 9620(h)) and subject to valid existing rights*  
23 *and this section, the Secretary of Energy, in consulta-*  
24 *tion with the Secretary of the Interior and the Sec-*  
25 *retary of the Air Force, may convey to the Institute,*

1 *on behalf of the United States, all right, title, and in-*  
2 *terest of the United States in and to the parcel of*  
3 *land described in paragraph (2) for research, sci-*  
4 *entific, or educational use.*

5 (2) *DESCRIPTION OF LAND.—The parcel of land*  
6 *referred to in paragraph (1)—*

7 (A) *is the approximately 135 acres of land*  
8 *identified as “Parcel A” on the map;*

9 (B) *includes any improvements to the land*  
10 *described in subparagraph (A); and*

11 (C) *excludes any portion of the utility sys-*  
12 *tem and infrastructure reserved by the Secretary*  
13 *of the Air Force under paragraph (4).*

14 (3) *OTHER FEDERAL AGENCIES.—The Secretary*  
15 *of the Interior and the Secretary of the Air Force*  
16 *shall complete any real property actions, including*  
17 *the revocation of any Federal withdrawals of the par-*  
18 *cel conveyed under paragraph (1) and the parcel de-*  
19 *scribed in subsection (c)(1), that are necessary to*  
20 *allow the Secretary of Energy to—*

21 (A) *convey the parcel under paragraph (1);*

22 *or*

23 (B) *transfer administrative jurisdiction*  
24 *under subsection (c).*

1           (4) *RESERVATION OF UTILITY INFRASTRUCTURE*  
2           *AND ACCESS.*—*The Secretary of the Air Force may re-*  
3           *tain ownership and control of—*

4                   (A) *any portions of the utility system and*  
5                   *infrastructure located on the parcel conveyed*  
6                   *under paragraph (1); and*

7                   (B) *any rights of access determined to be*  
8                   *necessary by the Secretary of the Air Force to*  
9                   *operate and maintain the utilities on the parcel.*

10          (5) *RESTRICTIONS ON USE.*—

11                   (A) *AUTHORIZED USES.*—*The Institute*  
12                   *shall allow only research, scientific, or edu-*  
13                   *cational uses of the parcel conveyed under para-*  
14                   *graph (1).*

15                   (B) *REVERSION.*—

16                           (i) *IN GENERAL.*—*If, at any time, the*  
17                           *Secretary of Energy, in consultation with*  
18                           *the Secretary of the Air Force, determines,*  
19                           *in accordance with clause (ii), that the par-*  
20                           *cel conveyed under paragraph (1) is not*  
21                           *being used for a purpose described in sub-*  
22                           *paragraph (A)—*

23                                   (I) *all right, title, and interest in*  
24                                   *and to the entire parcel, or any por-*  
25                                   *tion of the parcel not being used for the*

1                   *purposes, shall revert, at the option of*  
2                   *the Secretary, to the United States;*  
3                   *and*

4                   (II) *the United States shall have*  
5                   *the right of immediate entry onto the*  
6                   *parcel.*

7                   (ii) *REQUIREMENTS FOR DETERMINA-*  
8                   *TION.—Any determination of the Secretary*  
9                   *under clause (i) shall be made on the record*  
10                  *and after an opportunity for a hearing.*

11                  (6) *COSTS.—*

12                  (A) *IN GENERAL.—The Secretary of Energy*  
13                  *shall require the Institute to pay, or reimburse*  
14                  *the Secretary concerned, for any costs incurred*  
15                  *by the Secretary concerned in carrying out the*  
16                  *conveyance under paragraph (1), including any*  
17                  *survey costs related to the conveyance.*

18                  (B) *REFUND.—If the Secretary concerned*  
19                  *collects amounts under subparagraph (A) from*  
20                  *the Institute before the Secretary concerned in-*  
21                  *currs the actual costs, and the amount collected*  
22                  *exceeds the actual costs incurred by the Secretary*  
23                  *concerned to carry out the conveyance, the Sec-*  
24                  *retary concerned shall refund to the Institute an*  
25                  *amount equal to difference between—*



1           (i) *the amount collected by the Sec-*  
2           *retary concerned; and*

3           (ii) *the actual costs incurred by the*  
4           *Secretary concerned.*

5           (C) *DEPOSIT IN FUND.—*

6           (i) *IN GENERAL.—Amounts received by*  
7           *the United States under this paragraph as*  
8           *a reimbursement or recovery of costs in-*  
9           *curring by the Secretary concerned to carry*  
10           *out the conveyance under paragraph (1)*  
11           *shall be deposited in the fund or account*  
12           *that was used to cover the costs incurred by*  
13           *the Secretary concerned in carrying out the*  
14           *conveyance.*

15           (ii) *USE.—Any amounts deposited*  
16           *under clause (i) shall be available for the*  
17           *same purposes, and subject to the same con-*  
18           *ditions and limitations, as any other*  
19           *amounts in the fund or account.*

20           (7) *CONTAMINATED LAND.—In consideration for*  
21           *the conveyance of the parcel under paragraph (1), the*  
22           *Institute shall—*

23           (A) *take fee title to the parcel and any im-*  
24           *provements to the parcel, as contaminated;*

1           (B) be responsible for undertaking and com-  
2           pleting all environmental remediation required  
3           at, in, under, from, or on the parcel for all envi-  
4           ronmental conditions relating to or arising from  
5           the release or threat of release of waste material,  
6           substances, or constituents, in the same manner  
7           and to the same extent as required by law appli-  
8           cable to privately owned facilities, regardless of  
9           the date of the contamination or the responsible  
10          party;

11          (C) indemnify the United States for—

12           (i) any environmental remediation or  
13           response costs the United States reasonably  
14           incurs if the Institute fails to remediate the  
15           parcel; or

16           (ii) contamination at, in, under, from,  
17           or on the land, for all environmental condi-  
18           tions relating to or arising from the release  
19           or threat of release of waste material, sub-  
20           stances, or constituents;

21          (D) indemnify, defend, and hold harmless  
22          the United States from any damages, costs, ex-  
23          penses, liabilities, fines, penalties, claim, or de-  
24          mand for loss, including claims for property  
25          damage, personal injury, or death resulting from

1        *releases, discharges, emissions, spills, storage,*  
2        *disposal, or any other acts or omissions by the*  
3        *Institute and any officers, agents, employees,*  
4        *contractors, sublessees, licensees, successors, as-*  
5        *signs, or invitees of the Institute arising from ac-*  
6        *tivities conducted, on or after October 1, 1996,*  
7        *on the parcel conveyed under paragraph (1); and*

8                *(E) reimburse the United States for all legal*  
9        *and attorney fees, costs, and expenses incurred in*  
10        *association with the defense of any claims de-*  
11        *scribed in subparagraph (D).*

12                *(8) CONTINGENT ENVIRONMENTAL RESPONSE OB-*  
13        *LIGATIONS.—If the Institute does not undertake or*  
14        *complete environmental remediation as required by*  
15        *paragraph (7) and the United States is required to*  
16        *assume the responsibilities of the remediation, the*  
17        *Secretary of Energy shall be responsible for con-*  
18        *ducting any necessary environmental remediation or*  
19        *response actions with respect to the parcel conveyed*  
20        *under paragraph (1).*

21                *(9) NO ADDITIONAL COMPENSATION.—Except as*  
22        *otherwise provided in this section, no additional con-*  
23        *sideration shall be required for conveyance of the par-*  
24        *cel to the Institute under paragraph (1).*

1           (10) *ACCESS AND UTILITIES.*—*On conveyance of*  
2 *the parcel under paragraph (1), the Secretary of the*  
3 *Air Force shall, on behalf of the United States and*  
4 *subject to any terms and conditions as the Secretary*  
5 *determines to be necessary (including conditions pro-*  
6 *viding for the reimbursement of costs), provide the In-*  
7 *stitute with—*

8                   (A) *access for employees and invitees of the*  
9 *Institute across Kirtland Air Force Base to the*  
10 *parcel conveyed under that paragraph; and*

11                   (B) *access to utility services for the land*  
12 *and any improvements to the land conveyed*  
13 *under that paragraph.*

14           (11) *ADDITIONAL TERM AND CONDITIONS.*—*The*  
15 *Secretary of Energy, in consultation with the Sec-*  
16 *retary of the Interior and Secretary of the Air Force,*  
17 *may require any additional terms and conditions for*  
18 *the conveyance under paragraph (1) that the Secre-*  
19 *taries determine to be appropriate to protect the in-*  
20 *terests of the United States.*

21           (c) *TRANSFER OF ADMINISTRATIVE JURISDICTION.*—

22                   (1) *IN GENERAL.*—*After the conveyance under*  
23 *subsection (b)(1) has been completed, the Secretary of*  
24 *Energy shall, on request of the Secretary of the Air*  
25 *Force, transfer to the Secretary of the Air Force ad-*



1 **TITLE XIV—CHRISTOPHER AND**  
2 **DANA REEVE PARALYSIS ACT**

3 **SEC. 14001. SHORT TITLE.**

4 *This title may be cited as the “Christopher and Dana*  
5 *Reeve Paralysis Act”.*

6 **Subtitle A—Paralysis Research**

7 **SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF**  
8 **HEALTH WITH RESPECT TO RESEARCH ON PA-**  
9 **RALYSIS.**

10 (a) *COORDINATION.—The Director of the National In-*  
11 *stitutes of Health (referred to in this title as the “Direc-*  
12 *tor”), pursuant to the general authority of the Director,*  
13 *may develop mechanisms to coordinate the paralysis re-*  
14 *search and rehabilitation activities of the Institutes and*  
15 *Centers of the National Institutes of Health in order to fur-*  
16 *ther advance such activities and avoid duplication of activi-*  
17 *ties.*

18 (b) *CHRISTOPHER AND DANA REEVE PARALYSIS RE-*  
19 *SEARCH CONSORTIA.—*

20 (1) *IN GENERAL.—The Director may make*  
21 *awards of grants to public or private entities to pay*  
22 *all or part of the cost of planning, establishing, im-*  
23 *proving, and providing basic operating support for*  
24 *consortia in paralysis research. The Director shall*  
25 *designate each consortium funded through such grants*

1 *as a Christopher and Dana Reeve Paralysis Research*  
2 *Consortium.*

3 (2) *RESEARCH.—Each consortium under para-*  
4 *graph (1)—*

5 (A) *may conduct basic, translational, and*  
6 *clinical paralysis research;*

7 (B) *may focus on advancing treatments and*  
8 *developing therapies in paralysis research;*

9 (C) *may focus on one or more forms of pa-*  
10 *ralysis that result from central nervous system*  
11 *trauma or stroke;*

12 (D) *may facilitate and enhance the dissemi-*  
13 *nation of clinical and scientific findings; and*

14 (E) *may replicate the findings of consortia*  
15 *members or other researchers for scientific and*  
16 *translational purposes.*

17 (3) *COORDINATION OF CONSORTIA; REPORTS.—*

18 *The Director may, as appropriate, provide for the co-*  
19 *ordination of information among consortia under*  
20 *paragraph (1) and ensure regular communication*  
21 *among members of the consortia, and may require the*  
22 *periodic preparation of reports on the activities of the*  
23 *consortia and the submission of the reports to the Di-*  
24 *rector.*

1           (4) *ORGANIZATION OF CONSORTIA.*—*Each con-*  
 2           *sortium under paragraph (1) may use the facilities of*  
 3           *a single lead institution, or be formed from several co-*  
 4           *operating institutions, meeting such requirements as*  
 5           *may be prescribed by the Director.*

6           (c) *PUBLIC INPUT.*—*The Director may provide for a*  
 7           *mechanism to educate and disseminate information on the*  
 8           *existing and planned programs and research activities of*  
 9           *the National Institutes of Health with respect to paralysis*  
 10          *and through which the Director can receive comments from*  
 11          *the public regarding such programs and activities.*

12                           ***Subtitle B—Paralysis***  
 13          ***Rehabilitation Research and Care***

14          ***SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF***  
 15                           ***HEALTH WITH RESPECT TO RESEARCH WITH***  
 16                           ***IMPLICATIONS FOR ENHANCING DAILY FUNC-***  
 17                           ***TION FOR PERSONS WITH PARALYSIS.***

18          (a) *IN GENERAL.*—*The Director, pursuant to the gen-*  
 19          *eral authority of the Director, may make awards of grants*  
 20          *to public or private entities to pay all or part of the costs*  
 21          *of planning, establishing, improving, and providing basic*  
 22          *operating support to multicenter networks of clinical sites*  
 23          *that will collaborate to design clinical rehabilitation inter-*  
 24          *vention protocols and measures of outcomes on one or more*  
 25          *forms of paralysis that result from central nervous system*



1 *trauma, disorders, or stroke, or any combination of such*  
2 *conditions.*

3 (b) *RESEARCH.—A multicenter network of clinical*  
4 *sites funded through this section may—*

5 (1) *focus on areas of key scientific concern, in-*  
6 *cluding—*

7 (A) *improving functional mobility;*

8 (B) *promoting behavioral adaptation to*  
9 *functional losses, especially to prevent secondary*  
10 *complications;*

11 (C) *assessing the efficacy and outcomes of*  
12 *medical rehabilitation therapies and practices*  
13 *and assisting technologies;*

14 (D) *developing improved assistive tech-*  
15 *nology to improve function and independence;*  
16 *and*

17 (E) *understanding whole body system re-*  
18 *sponses to physical impairments, disabilities,*  
19 *and societal and functional limitations; and*

20 (2) *replicate the findings of network members or*  
21 *other researchers for scientific and translation pur-*  
22 *poses.*

23 (c) *COORDINATION OF CLINICAL TRIALS NETWORKS;*  
24 *REPORTS.—The Director may, as appropriate, provide for*  
25 *the coordination of information among networks funded*

1 *through this section and ensure regular communication*  
2 *among members of the networks, and may require the peri-*  
3 *odic preparation of reports on the activities of the networks*  
4 *and submission of reports to the Director.*

5 ***Subtitle C—Improving Quality of***  
6 ***Life for Persons With Paralysis***  
7 ***and Other Physical Disabilities***

8 ***SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR***  
9 ***PERSONS WITH PARALYSIS AND OTHER PHYS-***  
10 ***ICAL DISABILITIES.***

11 *(a) IN GENERAL.—The Secretary of Health and*  
12 *Human Services (in this subtitle referred to as the “Sec-*  
13 *retary”)* *may study the unique health challenges associated*  
14 *with paralysis and other physical disabilities and carry out*  
15 *projects and interventions to improve the quality of life and*  
16 *long-term health status of persons with paralysis and other*  
17 *physical disabilities. The Secretary may carry out such*  
18 *projects directly and through awards of grants or contracts.*

19 *(b) CERTAIN ACTIVITIES.—Activities under subsection*  
20 *(a) may include—*

21 *(1) the development of a national paralysis and*  
22 *physical disability quality of life action plan, to pro-*  
23 *mote health and wellness in order to enhance full par-*  
24 *ticipation, independent living, self-sufficiency, and*  
25 *equality of opportunity in partnership with vol-*

1     *untary health agencies focused on paralysis and other*  
2     *physical disabilities, to be carried out in coordination*  
3     *with the State-based Disability and Health Program*  
4     *of the Centers for Disease Control 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 persons*  
9     *with paralysis and other physical disabilities;*

10            *(3) in collaboration with other centers and na-*  
11     *tional voluntary health agencies, the establishment of*  
12     *a population-based database that may be used for lon-*  
13     *gitudinal and other research on paralysis and other*  
14     *disabling conditions; and*

15            *(4) the replication and translation of best prac-*  
16     *tices and the sharing of information across States, as*  
17     *well as the development of comprehensive, unique, and*  
18     *innovative programs, services, and demonstrations*  
19     *within existing State-based disability and health pro-*  
20     *grams of the Centers for Disease Control and Preven-*  
21     *tion which are designed to support and advance qual-*  
22     *ity of life programs for persons living with paralysis*  
23     *and other physical disabilities focusing on—*

24            *(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 bar-  
9           riers that prevent full participation and integra-  
10          tion 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 other  
19           research on paralysis and other disabling condi-  
20           tions;

21           (B) developing comprehensive paralysis and  
22           other physical disability action plans and activi-  
23           ties focused on the items listed in subsection  
24           (b)(4);

1           (C) assisting State-based programs in estab-  
2           lishing and implementing partnerships and col-  
3           laborations that maximize the input and support  
4           of people with paralysis and other physical dis-  
5           abilities 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 professionals  
11          and allied caregivers; and

12          (F) developing, testing, evaluating, and rep-  
13          licating effective intervention programs to main-  
14          tain 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 persons  
20               living with paralysis and other physical disabil-  
21               ities 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 of*  
4 *Health and Human Services.*

5       (e) *AUTHORIZATION OF APPROPRIATIONS.*—*For the*  
6 *purpose of carrying out this section, there is authorized to*  
7 *be appropriated \$25,000,000 for each of fiscal years 2008*  
8 *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 author-*  
16 *ized to design and construct laboratory and support space*  
17 *to accommodate the Mathias Laboratory at the Smithso-*  
18 *nian Environmental Research Center in Edgewater, Mary-*  
19 *land.*

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 Smith-*  
13 *sonian Institution is authorized to construct a greenhouse*  
14 *facility at its museum support facility in Suitland, Mary-*  
15 *land, to maintain the horticultural operations of, and pre-*  
16 *serve the orchid collection held in trust by, the Smithsonian*  
17 *Institution.*

18 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
19 *authorized to be appropriated \$12,000,000 to carry out this*  
20 *section. Such sums shall remain available until expended.*

Amend the title so as to read: “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.”.

Attest:

*Secretary.*





11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 146**

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**AMENDMENTS**