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

Subtitle A-Wild Monongahela Wilderness

- Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.
- Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.
- Sec. 1003. Monongahela National Forest boundary confirmation.
- Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

- Sec. 1101. Definitions.
- Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest as wilderness or a wilderness study area.
- Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
- Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
- Sec. 1105. Trail plan and development.
- Sec. 1106. Maps and boundary descriptions.
- Sec. 1107. Effective date.

Subtitle C-Mt. Hood Wilderness, Oregon

- Sec. 1201. Definitions.
- Sec. 1202. Designation of wilderness areas.
- Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.
- Sec. 1204. Mount Hood National Recreation Area.
- Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
- Sec. 1206. Land exchanges.
- Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

- Sec. 1301. Designation of the Copper Salmon Wilderness.
- Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.
- Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

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

Subtitle F—Owyhee Public Land Management

- Sec. 1501. Definitions.
- Sec. 1502. Owyhee Science Review and Conservation Center.
- Sec. 1503. Wilderness areas.
- Sec. 1504. Designation of wild and scenic rivers.
- Sec. 1505. Land identified for disposal.

- Sec. 1506. Tribal cultural resources.
- Sec. 1507. Recreational travel management plans.
- Sec. 1508. Authorization of appropriations.

Subtitle G-Sabinoso Wilderness, New Mexico

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

Subtitle H—Pictured Rocks National Lakeshore Wilderness

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

Subtitle I—Oregon Badlands Wilderness

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

Subtitle J—Spring Basin Wilderness, Oregon

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

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

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

Subtitle L—Riverside County Wilderness, California

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

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

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

Subtitle N-Rocky Mountain National Park Wilderness, Colorado

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

Subtitle O—Washington County, Utah

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

TITLE II-BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

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

Subtitle B—Prehistoric Trackways National Monument

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

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

- Sec. 2201. Definitions.
- Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
- Sec. 2203. Management of the Conservation Area.
- Sec. 2204. Authorization of appropriations.

Subtitle D—Snake River Birds of Prey National Conservation Area

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

Subtitle E—Dominguez-Escalante National Conservation Area

- Sec. 2401. Definitions.
- Sec. 2402. Dominguez-Escalante National Conservation Area.

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

Subtitle F-Rio Puerco Watershed Management Program

Sec. 2501. Rio Puerco Watershed Management Program.

Subtitle G—Land Conveyances and Exchanges

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

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

Sec. 3001. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

Sec. 3101. Wildland firefighter safety.

Subtitle C—Wyoming Range

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

Subtitle D—Land Conveyances and Exchanges

- Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.
- Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.
- Sec. 3303. Santa Fe National Forest; Pecos National Historical Park Land Exchange.
- Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.
- Sec. 3305. Kittitas County, Washington, land conveyance.
- Sec. 3306. Mammoth Community Water District use restrictions.
- Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.
- Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.
- Sec. 3309. Sandia pueblo land exchange technical amendment.

Subtitle E—Colorado Northern Front Range Study

- Sec. 3401. Purpose.
- Sec. 3402. Definitions.

†HR 146 EAS

Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.

TITLE IV—FOREST LANDSCAPE RESTORATION

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

TITLE V—RIVERS AND TRAILS

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

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

Subtitle B—Wild and Scenic Rivers Studies

Sec. 5101. Missisquoi and Trout Rivers Study.

Subtitle C-Additions to the National Trails System

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

Subtitle D—National Trail System Amendments

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

Subtitle E—Effect of Title

Sec. 5401. Effect.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

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

Subtitle B—Competitive Status for Federal Employees in Alaska

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

Subtitle C—Wolf Livestock Loss Demonstration Project

- Sec. 6201. Definitions.
- Sec. 6202. Wolf compensation and prevention program.
- Sec. 6203. Authorization of appropriations.

Subtitle D—Paleontological Resources Preservation

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

Subtitle E—Izembek National Wildlife Refuge Land Exchange

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

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

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

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

- Sec. 7101. Funding for Keweenaw National Historical Park.
- Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.
- Sec. 7103. Little River Canyon National Preserve boundary expansion.
- Sec. 7104. Hopewell Culture National Historical Park boundary expansion.
- Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.
- Sec. 7106. Minute Man National Historical Park.
- Sec. 7107. Everglades National Park.
- Sec. 7108. Kalaupapa National Historical Park.
- Sec. 7109. Boston Harbor Islands National Recreation Area.
- Sec. 7110. Thomas Edison National Historical Park, New Jersey.
- Sec. 7111. Women's Rights National Historical Park.
- Sec. 7112. Martin Van Buren National Historic Site.
- Sec. 7113. Palo Alto Battlefield National Historical Park.
- Sec. 7114. Abraham Lincoln Birthplace National Historical Park.
- Sec. 7115. New River Gorge National River.
- Sec. 7116. Technical corrections.
- Sec. 7117. Dayton Aviation Heritage National Historical Park, Ohio.
- Sec. 7118. Fort Davis National Historic Site.

Subtitle C—Special Resource Studies

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

Subtitle D—Program Authorizations

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

Subtitle E—Advisory Commissions

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

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

- Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.
- Sec. 8002. Cache La Poudre River National Heritage Area, Colorado.
- Sec. 8003. South Park National Heritage Area, Colorado.
- Sec. 8004. Northern Plains National Heritage Area, North Dakota.
- Sec. 8005. Baltimore National Heritage Area, Maryland.
- Sec. 8006. Freedom's Way National Heritage Area, Massachusetts and New Hampshire.
- Sec. 8007. Mississippi Hills National Heritage Area.
- Sec. 8008. Mississippi Delta National Heritage Area.
- Sec. 8009. Muscle Shoals National Heritage Area, Alabama.
- Sec. 8010. Kenai Mountains-Turnagain Arm National Heritage Area, Alaska.

Subtitle B—Studies

- Sec. 8101. Chattahoochee Trace, Alabama and Georgia.
- Sec. 8102. Northern Neck, Virginia.

Subtitle C-Amendments Relating to National Heritage Corridors

- Sec. 8201. Quinebaug and Shetucket Rivers Valley National Heritage Corridor.
- Sec. 8202. Delaware And Lehigh National Heritage Corridor.
- Sec. 8203. Erie Canalway National Heritage Corridor.
- Sec. 8204. John H. Chafee Blackstone River Valley National Heritage Corridor.

Subtitle D-Effect of Title

Sec. 8301. Effect on access for recreational activities.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

- Sec. 9001. Snake, Boise, and Payette River systems, Idaho.
- Sec. 9002. Sierra Vista Subwatershed, Arizona.
- Sec. 9003. San Diego Intertie, California.

Subtitle B—Project Authorizations

- Sec. 9101. Tumalo Irrigation District Water Conservation Project, Oregon.
- Sec. 9102. Madera Water Supply Enhancement Project, California.
- Sec. 9103. Eastern New Mexico Rural Water System project, New Mexico.
- Sec. 9104. Rancho California Water District project, California.
- Sec. 9105. Jackson Gulch Rehabilitation Project, Colorado.
- Sec. 9106. Rio Grande Pueblos, New Mexico.
- Sec. 9107. Upper Colorado River endangered fish programs.
- Sec. 9108. Santa Margarita River, California.
- Sec. 9109. Elsinore Valley Municipal Water District.
- Sec. 9110. North Bay Water Reuse Authority.
- Sec. 9111. Prado Basin Natural Treatment System Project, California.
- Sec. 9112. Bunker Hill Groundwater Basin, California.
- Sec. 9113. GREAT Project, California.
- Sec. 9114. Yucaipa Valley Water District, California.
- Sec. 9115. Arkansas Valley Conduit, Colorado.

Subtitle C—Title Transfers and Clarifications

- Sec. 9201. Transfer of McGee Creek pipeline and facilities.
- Sec. 9202. Albuquerque Biological Park, New Mexico, title clarification.
- Sec. 9203. Goleta Water District Water Distribution System, California.

Subtitle D—San Gabriel Basin Restoration Fund

Sec. 9301. Restoration Fund.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

- Sec. 9401. Definitions.
- Sec. 9402. Implementation and water accounting.
- Sec. 9403. Enforceability of program documents.
- Sec. 9404. Authorization of appropriations.

Subtitle F—Secure Water

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

Sec. 9510. Effect.

Subtitle G—Aging Infrastructure

Sec. 9601 Definitions.

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

TITLE X—WATER SETTLEMENTS

Subtitle A-San Joaquin River Restoration Settlement

PART I-SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

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

PART II-STUDY TO DEVELOP WATER PLAN; REPORT

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

PART III—FRIANT DIVISION IMPROVEMENTS

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

Subtitle B—Northwestern New Mexico Rural Water Projects

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

PART I—Amendments to the Colorado River Storage Project Act and Public Law 87–483

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

PART II—RECLAMATION WATER SETTLEMENTS FUND

Sec. 10501. Reclamation Water Settlements Fund.

†HR 146 EAS

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

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

PART IV-NAVAJO NATION WATER RIGHTS

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

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

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

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

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

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I-EXPLORATION

- Sec. 12001. Purpose.
- Sec. 12002. Program established.
- Sec. 12003. Powers and duties of the Administrator.
- Sec. 12004. Ocean exploration and undersea research technology and infrastructure task force.
- Sec. 12005. Ocean Exploration Advisory Board.
- Sec. 12006. Authorization of appropriations.

PART II-NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

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

- Sec. 12106. Competitiveness.
- Sec. 12107. Authorization of appropriations.

Subtitle B—Ocean and Coastal Mapping Integration Act

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

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

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

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

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

Subtitle E—Coastal and Estuarine Land Conservation Program

- Sec. 12501. Short title.
- Sec. 12502. Authorization of Coastal and Estuarine Land Conservation Program.

TITLE XIII—MISCELLANEOUS

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

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

Sec. 14001. Short title.

Subtitle A—Paralysis Research

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

Subtitle B—Paralysis Rehabilitation Research and Care

- Sec. 14201. Activities of the National Institutes of Health with respect to research with implications for enhancing daily function for persons with paralysis.
- Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

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

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

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

TITLE I—ADDITIONS TO THE NA-1 PRES-TIONAL WILDERNESS 2 **ERVATION SYSTEM** 3 Subtitle A—Wild Monongahela 4 Wilderness 5 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 Federal lands within the Monongahela National Forest in 10 11 the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Pres-12 13 ervation System or as an addition to an existing component 14 of the National Wilderness Preservation System: **†HR 146 EAS**

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

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map
entitled "Dolly Sods Expansion Proposed Wilderness"
and dated March 11, 2008, which shall be added to
and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map
entitled "Otter Creek Expansion Proposed Wilderness" and dated March 11, 2008, which shall be
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	

25 visor of the Monongahela National Forest.

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

6 (c) ADMINISTRATION.—Subject to valid existing rights, 7 the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with 8 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.

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

(e) FISH AND WILDLIFE.—As provided in section
4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility

of the State of West Virginia with respect to wildlife and
 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) of Public Law 97-466 (96 Stat. 2538) is modified to exclude 8 9 two parcels of land, as generally depicted on the map enti-10 tled "Monongahela National Forest Laurel Fork South Wilderness Boundary Modification" and dated March 11, 11 12 2008, and more particularly described according to the sitespecific maps and legal descriptions on file in the office of 13 14 the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspec-15 16 tion in the Office of the Chief of the Forest Service.

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

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 the Secretary of Agriculture, acting through the Chief of the 8 Forest Service, encompassed within such boundary shall be 9 managed under the laws and regulations pertaining to the 10 National Forest System. 11

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

18 SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

19	(a) PLAN.—
----	------------

(1) IN GENERAL.—The Secretary of Agriculture,
in consultation with interested parties, shall develop
a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as
wilderness within the Monongahela National Forest.

(2) NONMOTORIZED RECREATION TRAIL DE FINED.—For the purposes of this subsection, the term
 [†]HR 146 EAS

"nonmotorized recreation trail" means a trail de 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.

Subtitle B—Virginia Ridge and 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

21 Suntain Fast

and Brush Mountain East' and dated May 5, 2008,
 which shall be known as the 'Brush Mountain Wilder ness'.

4 "(11) Certain land in the Jefferson National
5 Forest comprising approximately 4,223 acres, as gen6 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 Wilder9 ness'.

"(12) Certain land in the Jefferson National
Forest comprising approximately 3,270 acres, as generally depicted on the map entitled 'Stone Mountain'
and dated April 28, 2008, which shall be known as
the 'Stone Mountain Wilderness'.

15 "(13) Certain land in the Jefferson National
16 Forest comprising approximately 8,470 acres, as gen17 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 gen23 erally depicted on the map entitled 'Garden Mountain
24 and Hunting Camp Creek' and dated April 28, 2008,

which shall be known as the 'Garden Mountain Wil derness'.

3 "(15) Certain land in the Jefferson National
4 Forest comprising approximately 5,476 acres, as gen5 erally depicted on the map entitled 'Mountain Lake
6 Additions' and dated April 28, 2008, which is incor7 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 Addition and Little Wilson Creek Additions' and dated 21 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

22 (0) Distontition of wildblackers STODI Intell. The
23 Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub24 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 manage the potential wilderness area in accordance with 8 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 ecological restoration with the least amount of adverse 23 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 the Wilderness Act (16 U.S.C. 1131 et seq.) have been 8 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. (a) ESTABLISHMENT.—There are designated as Na-15 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

26

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	OT
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.

29

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	(1) 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

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

6 SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

(1) the scenic areas:

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 Sen10 ate and the Committee on Natural Resources and the Com11 mittee on Agriculture of the House of Representatives maps
12 and boundary descriptions of—

10	
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-

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984
(16 U.S.C. 1132 note; Public Law 98–586) (as added
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 de25 scriptions filed under subsection (a) shall have the same

13

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

4 (c) AVAILABILITY OF MAP AND BOUNDARY DESCRIP5 TION.—The maps and boundary descriptions filed under
6 subsection (a) shall be on file and available for public in7 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 appli10 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—

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

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

Subtitle C—Mt. Hood Wilderness, 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

34

generally depicted on the map entitled "Bull of the
Woods Wilderness—Bull of the Woods Additions",

dated July 16, 2007, which is incorporated in, and
 considered to be a part of, the Bull of the Woods Wil derness, as designated by section 3(4) of the Oregon
 Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat.
 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 "Clackamas Wilderness". 15

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 of 1984 (16 U.S.C. 1132 note; 98 Stat. 273). 25

(5) Mount hood wilderness additions.—
Certain Federal land managed by the Forest Service,
comprising approximately 18,450 acres, as generally
depicted on the maps entitled "Mount Hood Wilder-
ness—Barlow Butte", "Mount Hood Wilderness—Elk
Cove/Mazama", "Richard L. Kohnstamm Memorial
Area", "Mount Hood Wilderness—Sand Canyon",
"Mount Hood Wilderness—Sandy Additions",
"Mount Hood Wilderness—Twin Lakes", and "Mount
Hood Wilderness—White River", dated July 16,
2007, and the map entitled "Mount Hood Wilder-
ness-Cloud Cap", dated July 20, 2007, which is in-
corporated in, and considered to be a part of, the
Mount Hood Wilderness, as designated under section
3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and
enlarged by section 3(d) of the Endangered American
Wildows and of 1000 (10 U Q C 1199 wets 00 Qtat
Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat.

(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising
approximately 36,550 acres, as generally depicted on
the map entitled "Roaring River Wilderness—Roaring River Wilderness", dated July 16, 2007, which
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—Salm-
11	on 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-

Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately
2,870 acres, as generally depicted on the map entitled
"Lower White River Wilderness—Lower White
River", dated July 16, 2007, which shall be known as
the "Lower White River Wilderness".

(b) RICHARD L. KOHNSTAMM MEMORIAL AREA.—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled "Richard L.

6 AREA.— 7 (A) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 8 9 et seq.), certain Federal land managed by the 10 Forest Service, comprising approximately 900 acres identified as "Potential Wilderness" on the 11 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—

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

Kohnstamm Memorial Area", dated July 16, 2007, is des-

ignated as the "Richard L. Kohnstamm Memorial Area".

5 (1) ROARING RIVER POTENTIAL WILDERNESS

1

	~ ~
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

conditions as the Secretary determines to be desirable and
 appropriate.

3 (i) WITHDRAWAL.—Subject to valid rights in existence
4 on the date of enactment of this Act, the Federal land des5 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

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

13 SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCE-

14NIC RIVER PROTECTION IN THE MOUNT15HOOD 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, OR22 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

by the Secretary of Agriculture as a recreational
 river.".

3 (2) EFFECT.—The amendments made by para4 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.

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

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of certain Federal land managed
by the Forest Service and Bureau of Land Management,
comprising approximately 34,550 acres, as generally depicted on the maps entitled "National Recreation Areas—
Mount Hood NRA", "National Recreation Areas—
Fifteenmile Creek NRA", and "National Recreation
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

	10
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	picted 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

	01
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

	00
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	OT
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

$\overline{50}$
Cloud Cap Road, or the Cooper Spur Ski
Area Loop Road; and
(iii) on any other National Forest Sys-
tem land in the Management Unit, with
priority given to activities that restore pre-
viously harvested stands, including the re-
moval of logging slash, smaller diameter
material, and ladder fuels.
(5) Prohibited activities.—Subject to valid
existing rights, the following activities shall be prohib-
ited on National Forest System land in the Manage-
ment Unit:
(A) New road construction or renovation of
existing non-System roads, except as necessary to
protect public health and safety.
(B) Projects undertaken for the purpose of
harvesting commercial timber (other than activi-
ties relating to the harvest of merchantable prod-
ucts that are byproducts of activities conducted
to further the purposes described in paragraph
(2)).
(C) Commercial livestock grazing.
(D) The placement of new fuel storage
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-

	02
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

	04
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

60
mitigation measures to compensate for
minor wetland encroachments necessary for
the orderly development of the Federal land;
and
(ii) a trail easement to the Federal
land that allows—
(I) nonmotorized use by the public
of existing trails;
(II) roads, utilities, and infra-
structure facilities to cross the trails;
and
(III) improvement or relocation of
the trails to accommodate development
of the Federal land.
(b) Port of Cascade Locks Land Exchange.—
(1) DEFINITIONS.—In this subsection:
(A) Exchange map.—The term "exchange
map" means the map entitled "Port of Cascade
Locks/Pacific Crest National Scenic Trail Land
Exchange", dated June 2006.
(B) FEDERAL LAND.—The term "Federal
land" means the parcel of land consisting of ap-
proximately 10 acres of National Forest System
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	VEVANCE OF FEDERAL LAND

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

permitted by the Secretary on National Forest System

land in the Mount Hood National Forest are con-
ducted in accordance with—
(A) nationally recognized building and
property maintenance codes; and
(B) nationally recognized codes for develop-
ment in the wildland-urban interface develop-
ment and wildfire hazard mitigation.
(3) EFFECT ON ENFORCEMENT BY STATES AND
POLITICAL SUBDIVISIONS.—Nothing in this subsection
alters or limits the power of the State or a political
subdivision of the State to implement or enforce any
law (including regulations), rule, or standard relating
to development or fire prevention and control.
SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.
(a) TRANSPORTATION PLAN.—
(1) IN GENERAL.—The Secretary shall seek to
participate in the development of an integrated,
multimodal transportation plan developed by the Or-
any Demanter out of Theman and ation for the Mount
egon Department of Transportation for the Mount
egon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to
Hood region to achieve comprehensive solutions to
Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood re-

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.

(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-

rogates the treaty rights of any Indian tribe, in-
cluding the off-reservation reserved rights secured
by the Treaty with the Tribes and Bands of Mid-
dle Oregon of June 25, 1855 (12 Stat. 963).
(B) TRIBAL LAND.—Nothing in this subtitle
affects land held in trust by the Secretary of the
Interior for Indian tribes or individual members
of Indian tribes or other land acquired by the
Army Corps of Engineers and administered by
the Secretary of the Interior for the benefit of In-
dian tribes and individual members of Indian
tribes.
(d) Recreational Uses.—
(1) Mount hood national forest rec-
REATIONAL WORKING GROUP.—The Secretary may es-
tablish a working group for the purpose of providing
advice and recommendations to the Forest Service on
planning and implementing recreation enhancements
in the Mount Hood National Forest.
(2) Consideration of conversion of forest
ROADS TO RECREATIONAL USES.—In considering a
Forest Service road in the Mount Hood National For-
est for possible closure and decommissioning after the
date of enactment of this Act, the Secretary, in ac-
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

	\sim 1
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	and available for public inspection in the appropriate
2	offices of the Forest Service.
3	SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK
4	RIVER, OREGON.
5	Section 3(a)(76) of the Wild and Scenic Rivers Act
6	(16 U.S.C. 1274(a)(76)) is amended—
7	(1) in the matter preceding subparagraph (A),
8	by striking "19-mile segment" and inserting "29-mile
9	segment";
10	(2) in subparagraph (A), by striking "; and"
11	and inserting a period; and
12	(3) by striking subparagraph (B) and inserting
13	the following:
14	(B)(i) The approximately 0.6-mile segment
15	of the North Fork Elk from its source in sec. 21,
16	T. 33 S., R. 12 W., Willamette Meridian, down-
17	stream to 0.01 miles below Forest Service Road
18	3353, as a scenic river.
19	"(ii) The approximately 5.5-mile segment of
20	the North Fork Elk from 0.01 miles below Forest
21	Service Road 3353 to its confluence with the
22	South Fork Elk, as a wild river.
23	(C)(i) The approximately 0.9-mile segment
24	of the South Fork Elk from its source in the
25	southeast quarter of sec. 32, T. 33 S., R. 12 W.,

1	Willamette Meridian, downstream to 0.01 miles
2	below Forest Service Road 3353, as a scenic
3	river.
4	"(ii) 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

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 LANDOWNER.—The term "Landowner" (8)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 include beasts of burden used for recreational pur-9 10 poses. (11) MONUMENT.—The term "Monument" means 11 12 the Cascade-Siskiyou National Monument in the 13 State. (12) ROWLETT PARCEL.—The term "Rowlett 14 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 WILDERNESS.—The term "Wilderness" (15)24 means the Soda Mountain Wilderness designated by

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

1 tion shall be considered to have waived any claim to any 2 range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable. 3 4 SEC. 1403. BOX R RANCH LAND EXCHANGE. 5 (a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Sec-6 7 retary-(1) may offer to convey to the Landowner the 8 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 DESCRIP-
3	TION.—As soon as practicable after the date of enact-
4	ment of this Act, the Secretary shall file a map and
5	legal description of the 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 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	1409 and by Presidential Proclamation Number

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.
24	subtitle, the Wilderness Act (16 U.S.C. 1131 et

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
16 17	(7) STATE.—The term "State" means the State of Idaho.
17	of Idaho.
17 18	of Idaho. (8) TRIBES.—The term "Tribes" means the Sho-
17 18 19	of Idaho. (8) TRIBES.—The term "Tribes" means the Sho- shone Paiute Tribes of the Duck Valley Reservation.
17 18 19 20	of Idaho. (8) TRIBES.—The term "Tribes" means the Sho- shone Paiute Tribes of the Duck Valley Reservation. SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION
17 18 19 20 21	of Idaho. (8) TRIBES.—The term "Tribes" means the Sho- shone Paiute Tribes of the Duck Valley Reservation. SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.
 17 18 19 20 21 22 22 	of Idaho. (8) TRIBES.—The term "Tribes" means the Sho- shone Paiute Tribes of the Duck Valley Reservation. SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER. (a) ESTABLISHMENT.—The Secretary, in coordination

Conservation Center in the County to conduct research
 projects to address natural resources management issues af 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 agen7 cies, the Tribes, the County, private landowners, and the
8 public with information on improved rangeland manage9 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.—Cer18 tain land comprising approximately 52,826
19 acres, as generally depicted on the map entitled
20 "Little Jacks Creek and Big Jacks Creek Wilder21 ness" and dated May 5, 2008, which shall be
22 known as the "Big Jacks Creek Wilderness".

23 (B) BRUNEAU-JARBIDGE RIVERS WILDER24 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

Fork Owyhee and Pole Creek Wilderness" and
dated May 5, 2008, which shall be known as the
"Pole Creek Wilderness".
(2) MAPS AND LEGAL DESCRIPTIONS.—
(A) IN GENERAL.—As soon as practicable
after the date of enactment of this Act, the Sec-
retary shall submit to the Committee on Energy
and Natural Resources of the Senate and the
Committee on Natural Resources of the House of
Representatives a map and legal description for
each area designated as wilderness by this sub-
title.
(B) EFFECT.—Each map and legal descrip-
tion submitted under subparagraph (A) shall
have the same force and effect as if included in
this subtitle, except that the Secretary may cor-
rect minor errors in the map or legal descrip-
tion.
(C) AVAILABILITY.—Each map and legal
description submitted under subparagraph (A)
shall be available in the appropriate offices of the
Bureau of Land Management.
(3) Release of wilderness study areas.—
(A) IN GENERAL.—Congress finds that, for
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-

	100
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

100
grazing use authorized under the per-
mit or lease, the Secretary shall—
(aa) reduce the authorized
grazing level to reflect the dona-
tion; and
(bb) modify the permit or
lease to reflect the revised level of
use.
(II) AUTHORIZED LEVEL.—To en-
sure that there is a permanent reduc-
tion in the authorized level of grazing
on the land covered by a permit or
lease donated under subclause (I), the
Secretary shall not allow grazing use
to exceed the authorized level estab-
lished under that subclause.
(4) Acquisition of land and interests in
LAND.—
(A) IN GENERAL.—Consistent with applica-
ble law, the Secretary may acquire land or inter-
ests in land within the boundaries of the wilder-
ness areas designated by this subtitle by pur-
chase, donation, or exchange.
(B) Incorporation of acquired land.—
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-

	109	
mal	and tomporary	

	100
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 $^{1/4}$
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	$((100) \mathbf{D}_{\mathbf{D}})$

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

24 (189) LITTLE JACKS CREEK, IDAHO.—Ine 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

wild and scenic river corridor without the consent of the
 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 Dis6 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 Treasury of the United States to be known as the 16 17 "Owyhee Land Acquisition Account".

18 (2) AVAILABILITY.—

19(A) IN GENERAL.—Amounts in the account20shall be available to the Secretary, without fur-21ther appropriation, to purchase land or interests22in land in, or adjacent to, the wilderness areas23designated by this subtitle, including land iden-24tified as "Proposed for Acquisition" on the maps25described 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

	11J
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.

(b) INVENTORY.—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route
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.

	121
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-

ico, as generally depicted on the map, is designated as wil derness and as a component of the National Wilderness
 Preservation System, to be known as the "Sabinoso Wilder 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	$U.S.C. \ 1133(d)(4)); \ and$

(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 juris9 diction of the State with respect to fish and wildlife
10 in the State.

11 *(5)* ACCESS.—

1

2

3

4

5

12 (A) IN GENERAL.—In accordance with sec13 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,18private land within T. 16 N., R. 23 E., secs. 1719and 20 and the $N^{1/2}$ of sec. 21, N.M.M., shall be20managed as an inholding in the Sabinoso Wil-21derness.

(d) WITHDRAWAL.—Subject to valid existing rights,
the land generally depicted on the map as "Lands Withdrawn From Mineral Entry" and "Lands Released From

Wilderness Study Area & Withdrawn From Mineral
 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); (2) location, entry, and patent under the mining 8 9 laws; and 10 (3) operation of the mineral materials and geo-11 thermal leasing laws. 12 (e) Release of Wilderness Study Areas.—Congress finds that, for the purposes of section 603(c) of the 13 14 Federal Land Policy and Management Act of 1976 (43) U.S.C. 1782(c)), the public lands within the Sabinoso Wil-15 derness Study Area not designated as wilderness by this 16 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

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use
management plan for the surrounding area.

	120
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

of the National Wilderness Preservation System, to be
 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 ap5 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 demar9 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 appro18 priate offices of the National Park Service.

19 (2) LEGAL DESCRIPTION.—As soon as prac20 ticable after the date of enactment of this Act, the Sec21 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.

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

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

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of
Agriculture shall be considered to be a reference to the
Secretary.

(b) USE OF ELECTRIC MOTORS.—The use of boats
powered by electric motors on Little Beaver and Big Beaver
Lakes may continue, subject to any applicable laws (including 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

acres of Bureau of Land Management land in the State,
 as generally depicted on the wilderness map, is designated
 as wilderness and as a component of the National Wilder 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 Wilderness Act (16 U.S.C. 1131 et seq.), except that— 10 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

(B) any reference in the Wilderness Act to
the Secretary of Agriculture shall be considered
to be a reference to the Secretary of the Interior.
(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the
boundary of the Oregon Badlands Wilderness that is
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

136

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

	138
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	(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.

(3) VALID EXISTING RIGHTS.—The exchange of
 Federal land and non-Federal land under this section
 shall be subject to any easements, rights-of-way, and
 other valid rights in existence on the date of enact 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 enact9 ment of this Act.

10 SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe,
including the off-reservation reserved rights secured by the
Treaty with the Tribes and Bands of Middle Oregon of June
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 adminis19 tered by the Secretary in accordance with the Wilder20 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-

142

†**HR 146 EAS**

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

	110
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

	150
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.

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

6 (h) COMPLETION OF LAND EXCHANGE.—It is the in7 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.

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

16 Subtitle K—Eastern Sierra and
17 Northern San Gabriel Wilder18 ness, California

19 SEC. 1801. DEFINITIONS.

20 In this subtitle:

21 (1) FOREST.—The term "Forest" means the An22 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	<i>tember 23, 2008.</i>
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;

	100
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

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	fairs 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	(1) 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.

(m) TRANSFER TO THE BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the approximately
3,010 acres of land identified as "Land from FS to BLM"
on the maps described in section 1802(6) is transferred from
the Forest Service to the Bureau of Land Management to
be managed as part of the Granite Mountain Wilderness.

17 SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act
of 1976 (43 U.S.C. 1782), any portion of a wilderness study
area described in subsection (b) that is not designated as
a wilderness area or wilderness addition by this subtitle
or any other Act enacted before the date of enactment of
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

24 "(A) The approximately 4.1-mile segment of
25 the Amargosa River from the northern boundary

	100
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

the Glass Creek Meadow Trailhead parking area
in sec. 29, T. 2 S., R.27 E., as a wild river.
``(G) The 1.3-mile segment of Glass Creek
from 100 feet upstream of the trailhead parking
area in sec. 29 to the end of Glass Creek Road
in sec. 21, T. 2 S., R. 27 E., as a scenic river.
``(H) The 1.1-mile segment of Glass Creek
from the end of Glass Creek Road in sec. 21, T.
2 S., R. 27 E., to the confluence with Deadman
Creek, as a recreational river.
"(198) Cottonwood Creek, California.—The
following segments of Cottonwood Creek in the State
of California:
"(A) The 17.4-mile segment from its head-
waters at the spring in sec. 27, T 4 S., R. 34
E., to the Inyo National Forest boundary at the
east section line of sec 3, T. 6 S., R. 36 E., as
a wild river to be administered by the Secretary
of Agriculture.
(B) The 4.1-mile segment from the Inyo
National Forest boundary to the northern bound-
ary of sec. 5, T.4 S., R. 34 E., as a recreational
river, to be administered by the Secretary of the
Interior.

1	"(199) PIRU CREEK, CALIFORNIA.—The fol-
2	lowing segments of Piru Creek in the State of Cali-
3	fornia, 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.
0.4	

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-Toiyable 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-

posed Management" and dated September 17, 2008, shall
 be managed in a manner consistent with the non-Wilder ness forest areas immediately surrounding the Pickel Hill
 Management Area, including the allowance of snowmobile
 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 de19 scription of the Forest with—

- 20 (A) the Committee on Natural Resources of
 21 the House of Representatives; and
- (B) the Committee on Energy and Natural
 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	pines 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

	114
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	pines 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	weeks and the sould's low dilater

24 posal under the public land laws;

	175
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	picted 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

	200
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

acres, as generally depicted on the map titled

25

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 picted 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—

	100
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—

	100
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-

derness area or wilderness addition by this sec-
tion.
(D) Administration.—Consistent with
subparagraph (A) and other applicable Federal
law, to ensure a timely and efficient response to
fire emergencies in the wilderness areas and wil-
derness additions designated by this section, the
Secretary shall—
(i) not later than 1 year after the date
of enactment of this Act, establish agency
approval procedures (including appropriate
delegations of authority to the Forest Super-
visor, District Manager, or other agency of-
ficials) for responding to fire emergencies;
and
(ii) enter into agreements with appro-
priate State or local firefighting agencies.
(5) GRAZING.—Grazing of livestock in a wilder-
ness area or wilderness addition designated by this
section shall be administered in accordance with the
provisions of section $4(d)(4)$ of the Wilderness Act (16
U.S.C. 1133(d)(4)) and the guidelines set forth in
House Report 96–617 to accompany H.R. 5487 of the
96th Congress.
(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-

15(B) INDIAN THISE DEFINED.—In this para-20graph, the term "Indian tribe" means any In-21dian tribe, band, nation, or other organized22group or community of Indians which is recog-23nized as eligible by the Secretary of the Interior24for the special programs and services provided

188

	100
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	5809 road crossing, as a wild river.
13	``(E) The 0.6-mile segment from .25 miles up-
14	stream of the 5809 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	fornia, 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 con8 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 California from the southern boundary of section 6, township 12 7 south, range 5 east, San Bernardino meridian, to the San 13 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 river, and the Secretary shall enter into a cooperative man-17 agement agreement with the Agua Caliente Band of 18 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 merid24 ian, to the San Bernardino National Forest boundary in
25 section 2, township 6 south, range 1 east, San Bernardino

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 Ex20 pansion'.
- 21 "(2) The 'Snow Creek Area Monument Expan22 sion'.
- 23 "(3) The 'Tahquitz Peak Area Monument Ex24 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.

(a) IN GENERAL.—Subject to valid existing rights,
each area designated as wilderness by this subtitle shall be
administered by the Secretary in accordance with the Wilderness 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-

nance and access to hydrologic, meteorologic, and climato logical devices, facilities and associated equipment con sistent with House Report 98–40.

4 (d) AUTHORIZED ACTIVITIES OUTSIDE WILDER5 NESS.—Nothing in this subtitle precludes authorized activi6 ties conducted outside of an area designated as wilderness
7 by this subtitle by cabin owners (or designees) in the Min8 eral King Valley area or property owners or lessees (or des9 ignees) in the Silver City inholding, as identified on the
10 map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or
commercial saddle or pack stock into, an area designated
as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

17 (2) subject to any terms and conditions deter18 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	United States to reserve or appropriate any ad-
2	ditional water rights to fulfill the purposes of the
3	Wilderness.
4	(2) EFFECT.—Nothing in this subtitle—
5	(A) constitutes an express or implied res-
6	ervation by the United States of water or water
7	rights for any purpose; or
8	(B) modifies or otherwise affects any exist-
9	ing water rights held by the United States for
10	the Park.
11	(g) Fire, Insect, and Disease Control.—The Sec-
12	retary may take such measures in the Wilderness as are
13	necessary to control fire, insects, and diseases, as are pro-
14	vided for in accordance with—
15	(1) the laws applicable to the Park; and
16	(2) the Wilderness Act (16 U.S.C. 1131 et seq.).
17	SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG
18	THOMPSON PROJECTS.
19	(a) Conditional Waiver of Strict Liability.—
20	During any period in which the Water Supply and Storage
21	Company (or any successor in interest to the company with
22	respect to the Grand River Ditch) operates and maintains
23	the portion of the Grand River Ditch in the Park in compli-
24	ance with an operations and maintenance agreement be-
25	tween the Water Supply and Storage Company and the Na-

tional Park Service, the provisions of paragraph (6) of the
stipulation approved June 28, 1907—
(1) shall be suspended; and
(2) shall not be enforceable against the Company
(or any successor in interest).
(b) Agreement.—The agreement referred to in sub-
section (a) shall—
(1) ensure that—
(A) Park resources are managed in accord-
ance with the laws generally applicable to the
Park, including—
(i) the Act of January 26, 1915 (16
U.S.C. 191 et seq.); and
(ii) the National Park Service Organic
Act (16 U.S.C. 1 et seq.);
(B) Park land outside the right-of-way cor-
ridor remains unimpaired consistent with the
National Park Service management policies in
effect as of the date of enactment of this Act; and
(C) any use of Park land outside the right-
of-way corridor (as of the date of enactment of
this Act) shall be permitted only on a temporary
basis, subject to such terms and conditions as the
Secretary determines to be necessary; and
(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.

(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 the Park. 11

(2) ALVA B. ADAMS TUNNEL.—Nothing in this
subtitle, including the designation of the Wilderness,
prohibits or restricts the conveyance of water through
the Alva B. Adams Tunnel for any purpose.

(e) RIGHT-OF-WAY.—Notwithstanding the Act of 16 17 March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River 18 19 Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River 20 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.

(f) NEW RECLAMATION PROJECTS.—Nothing in the
 first section of the Act of January 26, 1915 (16 U.S.C. 191),
 shall be construed to allow development in the Wilderness
 of any reclamation project not in existence as of the date
 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.

(a) IN GENERAL.—Not later than 1 year after the date
of enactment of this Act, the Secretary shall establish within
the East Shore Trail Area in the Park an alignment line
for a trail, to be known as the "East Shore Trail", to maximize the opportunity for sustained use of the Trail without
causing—

- 17 (1) harm to affected resources; or
- 18 (2) conflicts among users.
- 19 (b) BOUNDARIES.—

20 (1) IN GENERAL.—After establishing the align21 ment line for the Trail under subsection (a), the Sec22 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—

200
(A) to protect any wilderness characteristics
of the East Shore Trail Area; and
(B) to maintain the suitability of the East
Shore Trail Area for inclusion in the Wilderness.
SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUST-
MENTS.
(a) Indian Peaks Wilderness Boundary Adjust-
MENT.—Section 3(a) of the Indian Peaks Wilderness Area,
the Arapaho National Recreation Area and the Oregon Is-
lands Wilderness Area Act (16 U.S.C. 1132 note; Public
Law 95–450) is amended—
(1) by striking "seventy thousand acres" and in-
serting "74,195 acres"; and
(2) by striking ", dated July 1978" and insert-
ing "and dated May 2007".
(b) Arapaho National Recreation Area Bound-
ARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wil-
derness Area, the Arapaho National Recreation Area and
the Oregon Islands Wilderness Area Act (16 U.S.C.
460jj(a)) is amended—
(1) by striking "thirty-six thousand two hundred
thirty-five acres" and inserting "35,235 acres"; and
(2) by striking ", dated July 1978" and insert-
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 as the "Leiffer tract" that is— 7 8 (1) located near the eastern boundary of the Park 9 in Larimer County, Colorado; and 10 (2) administered by the National Park Service. Subtitle O—Washington County, 11 Utah 12 13 SEC. 1971. DEFINITIONS. 14 In this subtitle: 15 (1) Beaver dam wash national conservation 16 AREA MAP.—The term "Beaver Dam Wash National Conservation Area Map" means the map entitled 17 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-

210

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".

	-10
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—

	217
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	diction 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—

(i) section $4(d)(4)$ of the Wilderness
Act (16 U.S.C. 1133(d)(4)); and
(ii) the guidelines set forth in Appen-
dix A of the report of the Committee on In-
terior and Insular Affairs of the House of
Representatives accompanying H.R. 2570 of
the 101st Congress (H.Rep. $101-405$) and
H.R. 5487 of the 96th Congress (H. Rept.
96-617).
(3) Wildfire, insect, and disease manage-
MENT.—In accordance with section $4(d)(1)$ of the Wil-
derness Act (16 U.S.C. 1133(d)(1)), the Secretary
may take such measures in each area designated as
wilderness by subsection $(a)(1)$ as the Secretary deter-
mines to be necessary for the control of fire, insects,
and diseases (including, as the Secretary determines
to be appropriate, the coordination of those activities
with a State or local agency).
(4) BUFFER ZONES.—
(A) IN GENERAL.—Nothing in this section
creates a protective perimeter or buffer zone
around any area designated as wilderness by
subsection $(a)(1)$.
(B) Activities outside wilderness.—
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-

quirements of the law of the State in order to obtain and hold any water rights not in existence
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.

2PROJECTS.—Subject to paragraph (12), the Secretary3may authorize structures and facilities, including ex-4isting structures and facilities, for wildlife water de-5velopment projects, including guzzlers, in the wilder-6ness areas designated by subsection (a)(1) if	1	(11) Wildlife water development
4isting structures and facilities, for wildlife water de- velopment projects, including guzzlers, in the wilder- ness areas designated by subsection (a)(1) if— 77(A) the structures and facilities will, as de- termined by the Secretary, enhance wilderness 99values by promoting healthy, viable, and more 1010naturally distributed wildlife populations; and 1111(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably 1313be minimized.14(12) COOPERATIVE AGREEMENT.—Not later than 15151 year after the date of enactment of this Act, the Sec- retary shall enter into a cooperative agreement with 1718under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may 2020be carried out.21(c) RELEASE OF WILDERNESS STUDY AREAS.— 2223poses of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public	2	PROJECTS.—Subject to paragraph (12), the Secretary
 velopment projects, including guzzlers, in the wilder- ness areas designated by subsection (a)(1) if— (A) the structures and facilities will, as de- termined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and (B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized. (12) COOPERATIVE AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the Sec- retary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out. (c) RELEASE OF WILDERNESS STUDY AREAS.— (1) FINDING.—Congress finds that, for the pur- poses of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public 	3	may authorize structures and facilities, including ex-
6ness areas designated by subsection (a)(1) if—7(A) the structures and facilities will, as de-8termined by the Secretary, enhance wilderness9values by promoting healthy, viable, and more10naturally distributed wildlife populations; and11(B) the visual impacts of the structures and12facilities on the wilderness areas can reasonably13be minimized.14(12) COOPERATIVE AGREEMENT.—Not later than151 year after the date of enactment of this Act, the Sec-16retary shall enter into a cooperative agreement with17the State that specifies the terms and conditions18under which wildlife management activities in the19wilderness areas designated by subsection (a)(1) may20be carried out.21(c) RELEASE OF WILDERNESS STUDY AREAS.—22(1) FINDING.—Congress finds that, for the pur-23poses of section 603 of the Federal Land Policy and24Management Act of 1976 (43 U.S.C. 1782), the public	4	isting structures and facilities, for wildlife water de-
7(A) the structures and facilities will, as de-8termined by the Secretary, enhance wilderness9values by promoting healthy, viable, and more10naturally distributed wildlife populations; and11(B) the visual impacts of the structures and12facilities on the wilderness areas can reasonably13be minimized.14(12) COOPERATIVE AGREEMENT.—Not later than151 year after the date of enactment of this Act, the Sec-16retary shall enter into a cooperative agreement with17the State that specifies the terms and conditions18under which wildlife management activities in the19wilderness areas designated by subsection (a)(1) may20be carried out.21(c) RELEASE OF WILDERNESS STUDY AREAS.—22(1) FINDING.—Congress finds that, for the pur-23poses of section 603 of the Federal Land Policy and24Management Act of 1976 (43 U.S.C. 1782), the public	5	velopment projects, including guzzlers, in the wilder-
8termined by the Secretary, enhance wilderness9values by promoting healthy, viable, and more10naturally distributed wildlife populations; and11(B) the visual impacts of the structures and12facilities on the wilderness areas can reasonably13be minimized.14(12) COOPERATIVE AGREEMENT.—Not later than151 year after the date of enactment of this Act, the Sec-16retary shall enter into a cooperative agreement with17the State that specifies the terms and conditions18under which wildlife management activities in the19wilderness areas designated by subsection (a)(1) may20be carried out.21(c) RELEASE OF WILDERNESS STUDY AREAS.—22(1) FINDING.—Congress finds that, for the pur-23poses of section 603 of the Federal Land Policy and24Management Act of 1976 (43 U.S.C. 1782), the public	6	ness areas designated by subsection (a)(1) if—
9values by promoting healthy, viable, and more10naturally distributed wildlife populations; and11(B) the visual impacts of the structures and12facilities on the wilderness areas can reasonably13be minimized.14(12) COOPERATIVE AGREEMENT.—Not later than151 year after the date of enactment of this Act, the Sec-16retary shall enter into a cooperative agreement with17the State that specifies the terms and conditions18under which wildlife management activities in the19wilderness areas designated by subsection (a)(1) may20be carried out.21(c) RELEASE OF WILDERNESS STUDY AREAS.—22(1) FINDING.—Congress finds that, for the pur-23poses of section 603 of the Federal Land Policy and24Management Act of 1976 (43 U.S.C. 1782), the public	7	(A) the structures and facilities will, as de-
10naturally distributed wildlife populations; and11(B) the visual impacts of the structures and12facilities on the wilderness areas can reasonably13be minimized.14(12) COOPERATIVE AGREEMENT.—Not later than151 year after the date of enactment of this Act, the Sec-16retary shall enter into a cooperative agreement with17the State that specifies the terms and conditions18under which wildlife management activities in the19wilderness areas designated by subsection (a)(1) may20be carried out.21(c) RELEASE OF WILDERNESS STUDY AREAS.—22(1) FINDING.—Congress finds that, for the pur-23poses of section 603 of the Federal Land Policy and24Management Act of 1976 (43 U.S.C. 1782), the public	8	termined by the Secretary, enhance wilderness
11(B) the visual impacts of the structures and12facilities on the wilderness areas can reasonably13be minimized.14(12) COOPERATIVE AGREEMENT.—Not later than151 year after the date of enactment of this Act, the Sec-16retary shall enter into a cooperative agreement with17the State that specifies the terms and conditions18under which wildlife management activities in the19wilderness areas designated by subsection (a)(1) may20be carried out.21(c) RELEASE OF WILDERNESS STUDY AREAS.—22(1) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and24Management Act of 1976 (43 U.S.C. 1782), the public	9	values by promoting healthy, viable, and more
12facilities on the wilderness areas can reasonably13be minimized.14(12) COOPERATIVE AGREEMENT.—Not later than151 year after the date of enactment of this Act, the Sec-16retary shall enter into a cooperative agreement with17the State that specifies the terms and conditions18under which wildlife management activities in the19wilderness areas designated by subsection (a)(1) may20be carried out.21(c) RELEASE OF WILDERNESS STUDY AREAS.—22(1) FINDING.—Congress finds that, for the pur-23poses of section 603 of the Federal Land Policy and24Management Act of 1976 (43 U.S.C. 1782), the public	10	naturally distributed wildlife populations; and
13be minimized.14(12) COOPERATIVE AGREEMENT.—Not later than151 year after the date of enactment of this Act, the Sec-16retary shall enter into a cooperative agreement with17the State that specifies the terms and conditions18under which wildlife management activities in the19wilderness areas designated by subsection (a)(1) may20be carried out.21(c) RELEASE OF WILDERNESS STUDY AREAS.—22(1) FINDING.—Congress finds that, for the pur-23poses of section 603 of the Federal Land Policy and24Management Act of 1976 (43 U.S.C. 1782), the public	11	(B) the visual impacts of the structures and
14(12) COOPERATIVE AGREEMENT.—Not later than151 year after the date of enactment of this Act, the Sec-16retary shall enter into a cooperative agreement with17the State that specifies the terms and conditions18under which wildlife management activities in the19wilderness areas designated by subsection (a)(1) may20be carried out.21(c) RELEASE OF WILDERNESS STUDY AREAS.—22(1) FINDING.—Congress finds that, for the pur-23poses of section 603 of the Federal Land Policy and24Management Act of 1976 (43 U.S.C. 1782), the public	12	facilities on the wilderness areas can reasonably
 15 1 year after the date of enactment of this Act, the Sec- retary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out. 21 (c) RELEASE OF WILDERNESS STUDY AREAS.— 22 (1) FINDING.—Congress finds that, for the pur- poses of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public 	13	be minimized.
 retary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out. (c) RELEASE OF WILDERNESS STUDY AREAS.— (1) FINDING.—Congress finds that, for the pur- poses of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public 	14	(12) Cooperative agreement.—Not later than
 the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out. (c) RELEASE OF WILDERNESS STUDY AREAS.— (1) FINDING.—Congress finds that, for the pur- poses of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public 	15	1 year after the date of enactment of this Act, the Sec-
 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 	16	retary shall enter into a cooperative agreement with
 wilderness areas designated by subsection (a)(1) may be carried out. (c) RELEASE OF WILDERNESS STUDY AREAS.— (1) FINDING.—Congress finds that, for the pur- poses of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public 	17	the State that specifies the terms and conditions
 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 	18	under which wildlife management activities in the
 (c) RELEASE OF WILDERNESS STUDY AREAS.— (1) FINDING.—Congress finds that, for the pur- poses of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public 	19	wilderness areas designated by subsection $(a)(1)$ may
 (1) FINDING.—Congress finds that, for the pur- poses of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public 	20	be carried out.
 poses of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public 	21	(c) Release of Wilderness Study Areas.—
24 Management Act of 1976 (43 U.S.C. 1782), the public	22	(1) FINDING.—Congress finds that, for the pur-
	23	poses of section 603 of the Federal Land Policy and
25 land in the County administered by the Bureau of	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

accordance with the Wilderness Act (16 U.S.C. 1131
$et \ seq.$).
(3) MAP AND LEGAL DESCRIPTION.—
(A) IN GENERAL.—As soon as practicable
after the date of enactment of this Act, the Sec-
retary shall submit to the Committee on Energy
and Natural Resources of the Senate and the
Committee on Natural Resources of the House of
Representatives a map and legal description of
the Wilderness Area.
(B) FORCE AND EFFECT.—The map and
legal description submitted under subparagraph
(A) shall have the same force and effect as if in-
cluded in this Act, except that the Secretary may
correct any clerical or typographical errors in
the map or legal description.
(C) AVAILABILITY.—The map and legal de-
scription submitted under subparagraph (A)
shall be available in the appropriate offices of the
National Park Service.
SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.
(a) PURPOSES.—The purposes of this section are—
(1) to conserve, protect, and enhance for the ben-
efit and enjoyment of present and future generations
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	picted 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—

	0
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

determines would further a purpose described in sub section (a).

(3) MOTORIZED VEHICLES.—Except in cases in
which motorized vehicles are needed for administra-
tive purposes, or to respond to an emergency, the use
of motorized vehicles in the National Conservation
Area shall be permitted only on roads designated by
the management plan for the use of motorized vehi-
cles.
(4) GRAZING.—The grazing of livestock in the
National Conservation Area, where established before
the date of enactment of this Act, shall be permitted
to continue—
(A) subject to—
(i) such reasonable regulations, poli-
cies, and practices as the Secretary con-
siders necessary; and
(ii) applicable law; and
(B) in a manner consistent with the pur-
poses described in subsection (a).
(5) WILDLAND FIRE OPERATIONS.—Nothing in
this section prohibits the Secretary, in cooperation
with other Federal, State, and local agencies, as ap-
propriate, from conducting wildland fire operations

1	in the National Concernation Area consistent with
	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	picted 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	servation Area is withdrawn from—
23	(A) all forms of entry, appropriation, and
24	disposal under the public land laws;

1	(B) location, entry, and patenting under the
2	mining laws; and
3	(C) operation of the mineral leasing, min-
4	eral materials, and geothermal leasing laws.
5	(2) ADDITIONAL LAND.—If the Secretary ac-
6	quires additional land that is located in the National
7	Conservation Area after the date of enactment of this
8	Act, the land is withdrawn from operation of the laws
9	referred to in paragraph (1) on the date of acquisi-
10	tion of the land.
11	SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER
12	DESIGNATION.
13	(a) Designation.—Section 3(a) of the Wild and Sce-
13 14	(a) DESIGNATION.—Section 3(a) of the Wild and Sce- nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section
14	nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section
14 15	nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:
14 15 16	nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(204) ZION NATIONAL PARK, UTAH.—The ap-
14 15 16 17	nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(204) ZION NATIONAL PARK, UTAH.—The ap- proximately 165.5 miles of segments of the Virgin
14 15 16 17 18	nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(204) ZION NATIONAL PARK, UTAH.—The ap- proximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Fed-
14 15 16 17 18 19	nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(204) ZION NATIONAL PARK, UTAH.—The ap- proximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Fed- eral land within and adjacent to Zion National Park,
14 15 16 17 18 19 20	nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(204) ZION NATIONAL PARK, UTAH.—The ap- proximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Fed- eral land within and adjacent to Zion National Park, as generally depicted on the map entitled 'Wild and
14 15 16 17 18 19 20 21	nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(204) ZION NATIONAL PARK, UTAH.—The ap- proximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Fed- eral land within and adjacent to Zion National Park, as generally depicted on the map entitled 'Wild and Scenic River Segments Zion National Park and Bu-

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,

	200
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 ½-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	jacent 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	jacent 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 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 $^{1/2}$ -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 $^{1/2-}$
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

Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by sub section (a)), the acquired river segment shall be incor porated in, and be administered as part of, the applicable
 wild, scenic, or recreational river.

5 (c) SAVINGS CLAUSE.—The amendment made by sub6 section (a) does not affect the agreement among the United
7 States, the State, the Washington County Water Conser8 vancy District, and the Kane County Water Conservancy
9 District entitled "Zion National Park Water Rights Settle10 ment Agreement" and dated December 4, 1996.

11 SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL

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 "Sec17 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—

	240
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.
-	(c) DESIGNATION OF TRAIL.—
4	(1) DESIGNATION.—
5	(A) IN GENERAL.—As a component of the
6	travel management plan, and in accordance with
0 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

	200
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

	251
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	OT
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 man8 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 account20shall be available to the Secretary, without fur-21ther appropriation, to purchase from willing22sellers lands or interests in land within the wil-23derness areas and National Conservation Areas24established 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

the following parcels of public land without consideration,
 subject to the provisions of this section:

3 (1) TEMPLE QUARRY.—The approximately 1224 acre parcel known as "Temple Quarry" as generally
5 depicted on the Washington County Growth and Con6 servation 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.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—
The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as "Parcel D", to the Washington
County Public School District for use for public
school and related educational and administrative
purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted on the
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.—

(1) IN GENERAL.—If any parcel conveyed under 17 18 this section ceases to be used for the public purpose 19 for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the 20 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 ENTITY.—If the Secretary determines pursuant to 24 paragraph (1) that the land should revert to the 25

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.—

(A) Disposition of proceeds.—The Sec-
retary shall deposit the proceeds of any sale of
land under paragraph (1) in the fund established
under Public Law 90–171 (commonly known as
the "Sisk Act") (16 U.S.C. 484a).
(B) Use of proceeds.—Amounts depos-
ited under subparagraph (A) shall be available
to the Secretary, without further appropriation
and until expended, for the acquisition of real
property or interests in real property for inclu-
sion in the Dixie National Forest in the State.
(5) Additional terms and conditions.—The
Secretary may require any additional terms and con-
ditions for any conveyance under paragraph (1) that
the Secretary determines to be appropriate to protect
the interests of the United States.
SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS
BAND OF PAIUTE INDIANS.
(a) DEFINITIONS.—In this section:
(1) PARCEL A.—The term "Parcel A" means the
(1) PARCEL A.—The term "Parcel A" means the parcel that consists of approximately 640 acres of
parcel that consists of approximately 640 acres of

	200
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

201
Secretary shall publish in the Federal Reg-
ister a legal description of—
(I) the boundary line of Parcel A;
and
(II) Parcel A.
(ii) Technical corrections.—Before
the date of publication of the legal descrip-
tions under clause (i), the Secretary may
make minor corrections to correct technical
and clerical errors in the legal descriptions.
(iii) Effective beginning on
the date of publication of the legal descrip-
tions under clause (i), the legal descriptions
shall be considered to be the official legal de-
scriptions of Parcel A.
(3) EFFECT.—Nothing in this section—
(A) affects any valid right in existence on
the date of enactment of this Act;
(B) enlarges, impairs, or otherwise affects
any right or claim of the Tribe to any land or
interest in land other than to Parcel A that is—
(i) based on an aboriginal or Indian
title; and
(ii) in existence as of the date of enact-
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-

standing cultural, ecological, and scientific values for the
 benefit of current and future generations, there is estab lished in the Bureau of Land Management the National
 Landscape Conservation System.

5 (b) COMPONENTS.—The system shall include each of
6 the following areas administered by the Bureau of Land
7 Management:

(1) Each area that is designated as—
(A) a national monument;
(B) a national conservation area;
(C) a wilderness study area;
(D) a national scenic trail or national his-
toric trail designated as a component of the Na-
tional Trails System;
(E) a component of the National Wild and
Scenic Rivers System; or
(F) a component of the National Wilderness
Preservation System.
(2) Any area designated by Congress to be ad-
ministered for conservation purposes, including—
(A) the Steens Mountain Cooperative Man-
agement and Protection Area;
(B) the Headwaters Forest Reserve;
(C) the Yaquina Head Outstanding Natural
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.);

	265
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.

- 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:
10	
14	(1) MONUMENT.—The term "Monument" means
	(1) MONUMENT.—The term "Monument" means the Prehistoric Trackways National Monument estab-
14	
14 15	the Prehistoric Trackways National Monument estab-
14 15 16	the Prehistoric Trackways National Monument estab- lished by section 2103(a).
14 15 16 17	the Prehistoric Trackways National Monument estab- lished by section 2103(a). (2) PUBLIC LAND.—The term "public land" has
14 15 16 17 18	 the Prehistoric Trackways National Monument established by section 2103(a). (2) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section
14 15 16 17 18 19	 the Prehistoric Trackways National Monument established by section 2103(a). (2) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act
 14 15 16 17 18 19 20 	 the Prehistoric Trackways National Monument established by section 2103(a). (2) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).
 14 15 16 17 18 19 20 21 	 the Prehistoric Trackways National Monument established by section 2103(a). (2) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702). (3) SECRETARY.—The term "Secretary" means
 14 15 16 17 18 19 20 21 22 	 the Prehistoric Trackways National Monument established by section 2103(a). (2) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702). (3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

25 enhance the unique and nationally important paleontolog-

ical, scientific, educational, scenic, and recreational re sources and values of the public land described in subsection
 (b), there is established the Prehistoric Trackways National
 Monument in the State of New Mexico.

5 (b) DESCRIPTION OF LAND.—The Monument shall con6 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.—

(1) IN GENERAL.—As soon as practicable after
the date of enactment of this Act, the Secretary shall
prepare and submit to Congress an official map and
legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the
same force and effect as if included in this subtitle,
except that the Secretary may correct any clerical or
typographical errors in the legal description and the
map.

21 (3) CONFLICT BETWEEN MAP AND LEGAL DE22 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 DESCRIP25 TION.—Copies of the map and legal description shall

be on file and available for public inspection in the
 appropriate offices of the Bureau of Land Manage ment.

4 (d) MINOR BOUNDARY ADJUSTMENTS.—If additional
5 paleontological resources are discovered on public land ad6 jacent 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

inclusion in the Monument after the date of enactment of
 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, geo8 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).

(i) WATER RIGHTS.—Nothing in this subtitle con14 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 as19 are necessary to carry out this subtitle.

20 Subtitle C—Fort Stanton-Snowy
21 River Cave National Conserva22 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
12 13	RIVER CAVE NATIONAL CONSERVATION AREA.
13	AREA.
13 14	AREA. (a) Establishment; Purposes.—There is estab-
13 14 15	AREA. (a) ESTABLISHMENT; PURPOSES.—There is estab- lished the Fort Stanton-Snowy River Cave National Con- servation Area in Lincoln County, New Mexico, to protect,
13 14 15 16	AREA. (a) ESTABLISHMENT; PURPOSES.—There is estab- lished the Fort Stanton-Snowy River Cave National Con- servation Area in Lincoln County, New Mexico, to protect,
 13 14 15 16 17 	AREA. (a) ESTABLISHMENT; PURPOSES.—There is estab- lished the Fort Stanton-Snowy River Cave National Con- servation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important
 13 14 15 16 17 18 	AREA. (a) ESTABLISHMENT; PURPOSES.—There is estab- lished the Fort Stanton-Snowy River Cave National Con- servation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and
 13 14 15 16 17 18 19 	AREA. (a) ESTABLISHMENT; PURPOSES.—There is estab- lished the Fort Stanton-Snowy River Cave National Con- servation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stan-
 13 14 15 16 17 18 19 20 21 	AREA. (a) ESTABLISHMENT; PURPOSES.—There is estab- lished the Fort Stanton-Snowy River Cave National Con- servation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stan- ton-Snowy River cave system.

24 servation Area" and dated December 15, 2008.

25 (c) MAP AND LEGAL DESCRIPTION.—

2the date of enactment of this Act, the Secretary shall3submit to Congress a map and legal description of the4Conservation Area.5(2) EFFECT.—The map and legal description of6the Conservation Area shall have the same force and7effect as if included in this subtitle, except that the8Secretary may correct any minor errors in the map9and legal description.10(3) PUBLIC AVAILABILITY.—The map and legal11description of the Conservation Area shall be avail-12able for public inspection in the appropriate offices of13the Bureau of Land Management.14SEC. 2203. MANAGEMENT.—16(1) IN GENERAL.—The Secretary shall manage17the Conservation Area.18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	1	(1) IN GENERAL.—As soon as practicable after
4Conservation Area.5(2) EFFECT.—The map and legal description of6the Conservation Area shall have the same force and7effect as if included in this subtitle, except that the8Secretary may correct any minor errors in the map9and legal description.10(3) PUBLIC AVAILABILITY.—The map and legal11description of the Conservation Area shall be avail-12able for public inspection in the appropriate offices of13the Bureau of Land Management.14SEC. 2203. MANAGEMENT.—16(1) IN GENERAL.—The Secretary shall manage17the Conservation Area18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	2	the date of enactment of this Act, the Secretary shall
5(2) EFFECT.—The map and legal description of6the Conservation Area shall have the same force and7effect as if included in this subtitle, except that the8Secretary may correct any minor errors in the map9and legal description.10(3) PUBLIC AVAILABILITY.—The map and legal11description of the Conservation Area shall be avail-12able for public inspection in the appropriate offices of13the Bureau of Land Management.14SEC. 2203. MANAGEMENT.—16(1) IN GENERAL.—The Secretary shall manage17the Conservation Area18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	3	submit to Congress a map and legal description of the
6the Conservation Area shall have the same force and7effect as if included in this subtitle, except that the8Secretary may correct any minor errors in the map9and legal description.10(3) PUBLIC AVAILABILITY.—The map and legal11description of the Conservation Area shall be avail-12able for public inspection in the appropriate offices of13the Bureau of Land Management.14SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.15(a) MANAGEMENT.—16(1) IN GENERAL.—The Secretary shall manage17the Conservation Area—18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	4	Conservation Area.
 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 	5	(2) EFFECT.—The map and legal description of
 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 	6	the Conservation Area shall have the same force and
 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 	7	effect as if included in this subtitle, except that the
10(3) PUBLIC AVAILABILITY.—The map and legal11description of the Conservation Area shall be avail-12able for public inspection in the appropriate offices of13the Bureau of Land Management.14SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.15(a) MANAGEMENT.—16(1) IN GENERAL.—The Secretary shall manage17the Conservation Area—18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	8	Secretary may correct any minor errors in the map
11description of the Conservation Area shall be avail-12able for public inspection in the appropriate offices of13the Bureau of Land Management.14SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.15(a) MANAGEMENT.—16(1) IN GENERAL.—The Secretary shall manage17the Conservation Area—18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	9	and legal description.
12able for public inspection in the appropriate offices of13the Bureau of Land Management.14SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.15(a) MANAGEMENT.—16(1) IN GENERAL.—The Secretary shall manage17the Conservation Area—18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	10	(3) PUBLIC AVAILABILITY.—The map and legal
13the Bureau of Land Management.14SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.15(a) MANAGEMENT.—16(1) IN GENERAL.—The Secretary shall manage17the Conservation Area—18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	11	description of the Conservation Area shall be avail-
14SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.15(a) MANAGEMENT.—16(1) IN GENERAL.—The Secretary shall manage17the Conservation Area—18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	12	able for public inspection in the appropriate offices of
 (a) MANAGEMENT.— (1) IN GENERAL.—The Secretary shall manage the Conservation Area— (A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and 	13	the Bureau of Land Management.
16(1) IN GENERAL.—The Secretary shall manage17the Conservation Area—18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	14	SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.
17the Conservation Area—18(A) in a manner that conserves, protects,19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	15	(a) Management.—
 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 	16	(1) IN GENERAL.—The Secretary shall manage
19and enhances the resources and values of the20Conservation Area, including the resources and21values described in section 2202(a); and	17	the Conservation Area—
 20 Conservation Area, including the resources and 21 values described in section 2202(a); and 	18	(A) in a manner that conserves, protects,
21 values described in section 2202(a); and	19	and enhances the resources and values of the
	20	Conservation Area, including the resources and
	21	values described in section 2202(a); and
(B) in accordance with—	22	(B) in accordance with—
23 (i) this subtitle;	23	(i) this subtitle;

	270
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

276

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

2agement of the Conservation Area.3(2) PURPOSES.—The management plan shall—4(A) describe the appropriate uses and man-5agement of the Conservation Area;6(B) incorporate, as appropriate, decisions7contained in any other management or activity8plan for the land within or adjacent to the Con-9servation Area;10(C) take into consideration any information11developed in studies of the land and resources12within or adjacent to the Conservation Area; and13(D) provide for a cooperative agreement14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-23tural, scientific, archaeological, natural, and	1	develop a comprehensive plan for the long-term man-
4(A) describe the appropriate uses and management of the Conservation Area;6(B) incorporate, as appropriate, decisions7contained in any other management or activity8plan for the land within or adjacent to the Con-9servation Area;10(C) take into consideration any information11developed in studies of the land and resources12within or adjacent to the Conservation Area; and13(D) provide for a cooperative agreement14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	2	agement of the Conservation Area.
5agement of the Conservation Area;6(B) incorporate, as appropriate, decisions7contained in any other management or activity8plan for the land within or adjacent to the Con-9servation Area;10(C) take into consideration any information11developed in studies of the land and resources12within or adjacent to the Conservation Area; and13(D) provide for a cooperative agreement14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	3	(2) PURPOSES.—The management plan shall—
6(B) incorporate, as appropriate, decisions7contained in any other management or activity8plan for the land within or adjacent to the Con-9servation Area;10(C) take into consideration any information11developed in studies of the land and resources12within or adjacent to the Conservation Area; and13(D) provide for a cooperative agreement14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	4	(A) describe the appropriate uses and man-
7contained in any other management or activity8plan for the land within or adjacent to the Con-9servation Area;10(C) take into consideration any information11developed in studies of the land and resources12within or adjacent to the Conservation Area; and13(D) provide for a cooperative agreement14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	5	agement of the Conservation Area;
8plan for the land within or adjacent to the Con-9servation Area;10(C) take into consideration any information11developed in studies of the land and resources12within or adjacent to the Conservation Area; and13(D) provide for a cooperative agreement14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	6	(B) incorporate, as appropriate, decisions
9servation Area;10(C) take into consideration any information11developed in studies of the land and resources12within or adjacent to the Conservation Area; and13(D) provide for a cooperative agreement14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	7	contained in any other management or activity
10(C) take into consideration any information11developed in studies of the land and resources12within or adjacent to the Conservation Area; and13(D) provide for a cooperative agreement14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	8	plan for the land within or adjacent to the Con-
11developed in studies of the land and resources12within or adjacent to the Conservation Area; and13(D) provide for a cooperative agreement14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	9	servation Area;
 within or adjacent to the Conservation Area; and (D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area. (d) RESEARCH AND INTERPRETIVE FACILITIES.— (1) IN GENERAL.—The Secretary may establish facilities for— (A) the conduct of scientific research; and (B) the interpretation of the historical, cul- 	10	(C) take into consideration any information
13(D) provide for a cooperative agreement14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	11	developed in studies of the land and resources
14with Lincoln County, New Mexico, to address the15historical involvement of the local community in16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	12	within or adjacent to the Conservation Area; and
 historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area. (d) RESEARCH AND INTERPRETIVE FACILITIES.— (1) IN GENERAL.—The Secretary may establish facilities for— (A) the conduct of scientific research; and (B) the interpretation of the historical, cul- 	13	(D) provide for a cooperative agreement
16the interpretation and protection of the resources17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	14	with Lincoln County, New Mexico, to address the
17of the Conservation Area.18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	15	historical involvement of the local community in
18(d) RESEARCH AND INTERPRETIVE FACILITIES.—19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	16	the interpretation and protection of the resources
19(1) IN GENERAL.—The Secretary may establish20facilities for—21(A) the conduct of scientific research; and22(B) the interpretation of the historical, cul-	17	of the Conservation Area.
 20 facilities for— 21 (A) the conduct of scientific research; and 22 (B) the interpretation of the historical, cul- 	18	(d) Research and Interpretive Facilities.—
 21 (A) the conduct of scientific research; and 22 (B) the interpretation of the historical, cul- 	19	(1) IN GENERAL.—The Secretary may establish
22 (B) the interpretation of the historical, cul-	20	facilities for—
	21	(A) the conduct of scientific research; and
23 tural, scientific, archaeological, natural, and	22	(B) the interpretation of the historical, cul-
	23	tural, scientific, archaeological, natural, and
24 educational resources of the Conservation Area.	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 right. 8 9 SEC. 2204. AUTHORIZATION OF APPROPRIATIONS. 10 There are authorized to be appropriated such sums as are necessary to carry out this subtitle. 11 Subtitle D—Snake River Birds of 12 **Prev** National Conservation Area 13 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, requ-24 lation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conserva-25

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-
10	$i_{\rm mu}$ and $j_{\rm mu}$ as the second $0.402(\pi)$
13	ignated by section $2403(a)$.
13 14	sec. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA-
14	SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA-
14 15	SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA- TION AREA.
14 15 16	SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA- TION AREA. (a) ESTABLISHMENT.—
14 15 16 17	SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA- TION AREA. (a) ESTABLISHMENT.— (1) IN GENERAL.—There is established the
14 15 16 17 18	SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA- TION AREA. (a) ESTABLISHMENT.— (1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in
14 15 16 17 18 19	SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA- TION AREA. (a) ESTABLISHMENT.— (1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.
 14 15 16 17 18 19 20 	SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA- TION AREA. (a) ESTABLISHMENT.— (1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State. (2) AREA INCLUDED.—The Conservation Area
14 15 16 17 18 19 20 21	SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA- TION AREA. (a) ESTABLISHMENT.— (1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State. (2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public
 14 15 16 17 18 19 20 21 22 	SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVA- TION AREA. (a) ESTABLISHMENT.— (1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State. (2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

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

(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	servation 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

	-01
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

284

and a legal description of the Conservation Area and the
 Wilderness with—

3 (1) the Committee on Energy and Natural Re4 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 descrip8 tions filed under subsection (a) shall have the same force
9 and effect as if included in this subtitle, except that the Sec10 retary may correct clerical and typographical errors in the
11 Map and legal descriptions.

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for
public inspection in the appropriate offices of the Bureau
of Land Management.

16sec. 2405. MANAGEMENT OF CONSERVATION AREA AND17WILDERNESS.

(a) WITHDRAWAL.—Subject to valid existing rights, all
Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the
United States within the Conservation Area or the Wilderness 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-

sirable and appropriate, the Secretary may undertake such
 measures as are necessary to control fire, insects, and dis 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.

(f) ACCESS.—The Secretary shall continue to provide
private landowners adequate access to inholdings in the
Conservation Area.

(g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such
terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds
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	
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.

	290
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).

(E) Cooperative enforcement.—
(i) IN GENERAL.—The Secretary shall
not pursue adjudication of any Federal
instream flow water rights established under
this paragraph if—
(I) the Secretary determines, upon
adjudication of the water rights by the
Colorado Water Conservation Board,
that the Board holds water rights suffi-
cient in priority, amount, and timing
to fulfill the purposes of the Wilderness;
and
(II) the Secretary has entered into
a perpetual agreement with the Colo-
rado Water Conservation Board to en-
sure the full exercise, protection, and
enforcement of the State water rights
within the Wilderness to reliably fulfill
the purposes of the Wilderness.
(ii) ADJUDICATION.—If the Secretary
determines that the provisions of clause (i)
have not been met, the Secretary shall adju-
dicate and exercise any Federal water rights
required to fulfill the purposes of the Wil-
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) R10 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.

(2) MAP.—The term "Map" means the map enti-
tled "Carson City, Nevada Area", dated November 7,
2008, and on file and available for public inspection
in the appropriate offices of—
(A) the Bureau of Land Management;
(B) the Forest Service; and
(C) the City.
(3) SECRETARY.—The term "Secretary"
means—
(A) with respect to land in the National
Forest System, the Secretary of Agriculture, act-
ing through the Chief of the Forest Service; and
(B) with respect to other Federal land, the
Secretary of the Interior.
(4) Secretaries.—The term "Secretaries"
means the Secretary of Agriculture and the Secretary
of the Interior, acting jointly.
(5) TRIBE.—The term "Tribe" means the
Washoe Tribe of Nevada and California, which is a
federally recognized Indian tribe.
(b) Conveyances of Federal Land and City
Land.—
(1) In General.—Notwithstanding section 202
of the Federal Land Policy and Management Act of
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

23 (11) the amount for which the Bernhara
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;

(II) construct and maintain
trails, trailhead facilities, and any in-
frastructure on the land that is re-
quired for municipal water and flood
management activities; and
(III) maintain or reconstruct any
improvements on the land that are in
existence on the date of enactment of
this Act.
(B) SILVER SADDLE RANCH AND CARSON
RIVER AREA.—
(i) In general.—Except as provided
in clause (ii), the land described in para-
graph (2)(B)(ii) $shall$ —
(I) be managed by the City to
protect and enhance the Carson River,
the floodplain and surrounding up-
land, and important wildlife habitat;
and
(II) be used for undeveloped open
space, passive recreation, customary
agricultural practices, and wildlife
protection.
(ii) Exception.—Notwithstanding
clause (i), the City may—

intain trails the land;
the land;
on the land
onstruct any
that are in
enactment of
notorized ve-
, trails, and
Prison Hill.
POSES.—The
(iii) shall be
and
blic purposes
ne 14, 1926
creation and
S.C. 869 et
_
onary inter-
(B)(iv) shall
and of this
ment of this

	305
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-

CEEDS.—The gross proceeds from the

	500
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-

†**HR 146 EAS**

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

	300
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

	011
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

	010
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—

	517
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	(2) \mathbf{D} (\mathbf{m} \mathbf{D} (\mathbf{m} \mathbf{n} \mathbf{n} \mathbf{m} (\mathbf{m} \mathbf{m} \mathbf{n}

17 (3) DATE OF TRUST STATUS.—The trust land de18 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 adminis24 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	sures 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

	010
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.

(2) ACCEPTANCE.—The Secretary may accept the
 relinquishment by the City of all or part of the Alta 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 Secretary shall convey to the Institute, subject to valid 8 9 existing rights, the portion of the Alta-Hualapai Site 10 that is necessary for the development of a nonprofit 11 cancer institute.

(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.

(5) APPLICABLE LAW.—Any conveyance by the
City of any portion of the land received under this
section shall be for no less than fair market value and
the proceeds shall be distributed in accordance with
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,

except that the Secretary may require the recipient to
 bear any costs associated with transfer of title or any
 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 En8 ergy and Natural Resources of the Senate a report on
9 all transactions conducted under Public Law 105–263
10 (112 Stat. 2345).

(c) RIGHTS-OF-WAY.—Consistent with the Federal
Land Policy and Management Act of 1976 (43 U.S.C.
1701), the Secretary may grant rights-of-way to the Water
District on a portion of the Alta-Hualapai Site for a flood
control project and a water pumping facility.

(d) REVERSION.—Any property conveyed pursuant to
this section which ceases to be used for the purposes specified
in this section shall, at the discretion of the Secretary, revert
to the United States, along with any improvements thereon
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 $Act(43)$

	330
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
15 16	
	under the Act of June 14, 1926 (commonly
16	under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes
16 17	under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) for the purpose of
16 17 18	under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly
16 17 18 19	under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE
16 17 18 19 20	under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base
 16 17 18 19 20 21 	under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

	002
1	(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/
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-

tions. The map and legal descriptions shall be on file 25

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.

(2) DURATION.—This subsection expires two
 years after the date of enactment of this Act or on the
 date of the completion of the conveyance under sub section (b), whichever is earlier.

5 (d) RETAINED AUTHORITY.—The Secretary shall retain the authority to place conditions on the license to in-6 7 sure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power 8 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.

(a) CONVEYANCE.—As soon as practicable after the
date of enactment of this Act, the Secretary of the Interior,
acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject
to valid existing rights, without consideration, all right,
title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) LAND DESCRIPTION.—The 4 parcels of land to be
conveyed under subsection (a) are the approximately 165
acres of land in Twin Falls County, Idaho, that are identified as "Land to be conveyed to Twin Falls" on the map

titled "Twin Falls Land Conveyance" and dated July 28,
 2008.

3 (c) MAP ON FILE.—A map depicting the land de4 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 com15 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 convey20 ance as the Secretary considers appropriate to protect
21 the interests of the United States.

(e) REVERSION.—If the land conveyed under this section is no longer used in accordance with subsection (d)—

1	(1) the land shall, at the discretion of the Sec-
2	retary based on his determination of the best interests
3	of the United States, revert to the United States; and
4	(2) if the Secretary chooses to have the land re-
5	vert to the United States and if the Secretary deter-
6	mines that the land is environmentally contaminated,
7	the city of Twin Falls, Idaho, or any other person re-
8	sponsible for the contamination shall remediate the
9	contamination.
10	(f) Administrative Costs.—The Secretary shall re-
11	quire that the city of Twin Falls, Idaho, pay all survey
12	costs and other administrative costs necessary for the prepa-
13	ration and completion of any patents of and transfer of
14	title to property under this section.
15	SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RE-
16	LEASE, NEVADA.
17	(a) FINDING.—Congress finds that the land described
18	in subsection (c) has been adequately studied for wilderness
19	designation under section 603 of the Federal Land Policy
20	and Management Act of 1976 (43 U.S.C. 1782).
21	(b) Release.—The land described in subsection (c)—
22	
	(1) is no longer subject to section $603(c)$ of the

24 (43 U.S.C. 1782(c)); and

25 (2) shall be managed in accordance with—

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 TRANSFER.—Notwithstanding (1)LAND the 15 planning requirements of sections 202 and 203 of the 16 Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior 17 18 shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all 19 20 right, title, and interest of the United States in and to two parcels of real property located in Park City, 21 22 Utah, that are currently under the management juris-23 diction 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 Gambel Oak parcel). The conveyance shall be subject
 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 consistent with their maintenance as open space. This re-8 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.

(3) CONSIDERATION.—In consideration for the
transfer of the land under paragraph (1), Park City
shall pay to the Secretary of the Interior an amount
consistent with conveyances to governmental entities
for recreational purposes under the Act of June 14,
1926 (commonly known as the Recreation and Public
Purposes Act; 43 U.S.C. 869 et seq.).

(b) SALE OF BUREAU OF LAND MANAGEMENT LAND
in Park City, Utah, at Auction.—

(1) SALE OF LAND.—Not later than 180 days
after the date of the enactment of this Act, the Secretary 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 of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, 7 Nevada, that were originally granted to the Union Pacific 8 9 Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act. 10

(b) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as
the Union Pacific Railroad Act) in and to the railroad
lands as defined in subsection (a) of this section are hereby
released.

17SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE18TUOLUMNE RANCHERIA.

19 (a) IN GENERAL.—

(1) FEDERAL LANDS.—Subject to valid existing
rights, all right, title, and interest (including improvements and appurtenances) of the United States
in and to the Federal lands described in subsection
(b), the Federal lands shall be declared to be held in
trust by the United States for the benefit of the Tribe
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

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.

	346
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).".

	347
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

	010
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	entitled "Wyoming Range Withdrawal Area" and
2	dated October 17, 2007, on file with the Office of the
3	Chief of the Forest Service and the Office of the Su-
4	pervisor of the Bridger-Teton National Forest.
5	SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYO-
6	MING RANGE.
7	(a) WITHDRAWAL.—Except as provided in subsection
8	(f), subject to valid existing rights as of the date of enact-
9	ment of this Act and the provisions of this subtitle, land
10	in the Wyoming Range Withdrawal Area is withdrawn
11	from—
12	(1) all forms of appropriation or disposal under
13	the public land laws;
14	(2) location, entry, and patent under the mining
15	laws; and
16	(3) disposition under laws relating to mineral
17	and geothermal leasing.
18	(b) EXISTING RIGHTS.—If any right referred to in
19	subsection (a) is relinquished or otherwise acquired by the
20	United States (including through donation under section
21	3203) after the date of enactment of this Act, the land sub-
22	ject to that right shall be withdrawn in accordance with
23	this section.
~ (

24 (c) BUFFERS.—Nothing in this section requires—

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-

drawal Area of the potential opportunity for repurchase of
 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 retire8 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.

(c) PROHIBITION.—The Secretary may not use any
Federal funds to purchase any right referred to in subsection (a).

17 (d) DONATION AUTHORITY.—The Secretary shall—

(1) accept the donation of any valid existing
mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any
non-Federal entity or person that acquires that right;
and

23 (2) on acceptance, cancel that right.

(e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing
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

	300
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

†**HR 146 EAS**

356

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	picted on the map.
23	(B) ROUTE.—The Secretary of the Interior
24	and the landowner shall determine the appro-

	000
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	<i>(C)</i> .
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

	$\overline{302}$
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

	365
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-

	000
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

survey and legal description of the Federal land to
 correct clerical, typographical, and surveying errors.
 (3) SATISFACTION OF CLAIM.—The conveyance of
 Federal land under paragraph (1) shall constitute a
 full satisfaction of the Claim.

6 SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEY-7 ANCE.

8 (a) CONVEYANCE REQUIRED.—The Secretary of Agri-9 culture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas 10 11 Counties, Washington (in this section referred to as the "District"), all right, title, and interest of the United States 12 in and to a parcel of National Forest System land in 13 Kittitas County, Washington, consisting of approximately 14 1.5 acres within the $SW^{1/4}$ of the $SE^{1/4}$ of section 4, town-15 ship 22 north, range 11 east, Willamette meridian, for the 16 purpose of permitting the District to use the parcel as a 17 site for a new Snoqualmie Pass fire and rescue station. 18

19 (b) REVERSIONARY INTEREST.—If the Secretary deter-20 mines at any time that the real property conveyed under 21 subsection (a) is not being used in accordance with the pur-22 pose of the conveyance specified in such subsection, all right, 23 title, and interest in and to the property shall revert, at 24 the option of the Secretary, to the United States, and the 25 United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this
 subsection shall be made on the record after an opportunity
 for a hearing.

4 (c) SURVEY.—If necessary, the exact acreage and legal 5 description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Sec-6 7 retary. The cost of a survey shall be borne by the District. (d) Additional Terms and Conditions.—The Sec-8 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 of the United States. 12

13 SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE 14 RESTRICTIONS.

Notwithstanding Public Law 90–171 (commonly
known as the "Sisk Act") (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water
District (now known as the "Mammoth Community Water
District") by Patent No. 04–87–0038, on June 26, 1987,
and recorded in volume 482, at page 516, of the official
records of the Recorder's Office, Mono County, California,
may be used for any public purpose.

23 SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL 24 FOREST, UTAH.

25 (a) DEFINITIONS.—In this section:

	000
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.—

	011
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	
19	(h) EASEMENTS; RIGHTS-OF-WAY.—
20	(h) EASEMENTS; RIGHTS-OF-WAY.— (1) BONNEVILLE SHORELINE TRAIL EASE-
20	(1) Bonneville shoreline trail ease-
20 21	(1) BONNEVILLE SHORELINE TRAIL EASE- MENT.—In carrying out the land exchange under sub-

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

	515
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

	510
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-
	-
13	(d) Conveyance of Land Designated for Exclu-
13 14	(d) Conveyance of Land Designated for Exclusion.—
13 14 15	(d) Conveyance of Land Designated for Exclu- sion.— (1) In general.—Subject to paragraph (2), to
13 14 15 16	 (d) CONVEYANCE OF LAND DESIGNATED FOR EXCLU- SION.— (1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for
 13 14 15 16 17 	 (d) CONVEYANCE OF LAND DESIGNATED FOR EXCLU- SION.— (1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in
 13 14 15 16 17 18 	(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLU- SION.— (1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—
 13 14 15 16 17 18 19 	(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLU- SION.— (1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value— (A) the land designated for exclusion; and
 13 14 15 16 17 18 19 20 	(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLU- SION.— (1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value— (A) the land designated for exclusion; and (B) as the Secretary determines to be nec-
 13 14 15 16 17 18 19 20 21 	 (d) CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.— (1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value— (A) the land designated for exclusion; and (B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent

3.0
(A) the land to be conveyed be appraised in
accordance with the Uniform Appraisal Stand-
ards for Federal Land Acquisitions;
(B) the person buying the land shall pay—
(i) the costs associated with appraising
and, if the land needs to be resurveyed, re-
surveying the land; and
(ii) any analyses and closing costs as-
sociated with the conveyance;
(C) for management purposes, the Secretary
may reconfigure the description of the land for
sale; and
(D) the owner of the adjacent private land
shall have the first opportunity to buy the land.
(3) Disposition of proceeds.—
(A) IN GENERAL.—The Secretary shall de-
posit the cash proceeds from a sale of land under
paragraph (1) in the fund established under
Public Law 90–171 (commonly known as the
"Sisk Act") (16 U.S.C. 484a).
(B) AVAILABILITY AND USE.—Amounts de-
posited under subparagraph (A)—
(i) shall remain available until ex-
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;

	381
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

	382
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.

TITLE IV—FOREST LANDSCAPE RESTORATION

383

3 SEC. 4001. PURPOSE.

4 The purpose of this title is to encourage the collabo5 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;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural
fire regimes and reducing the risk of uncharacteristic
wildfire; and

(4) demonstrates the degree to which—

16 (A) various ecological restoration tech17 niques—

18 (i) achieve ecological and watershed
19 health objectives; and

20 (ii) affect wildfire activity and man21 agement costs; and
22 (B) the use of forest restoration byproducts

can offset treatment costs while benefitting local
rural economies and improving forest health.

1 SEC. 4002. DEFINITIONS.

2 In this title:

(1) FUND.—The term "Fund" means the Col-
laborative Forest Landscape Restoration Fund estab-
lished by section 4003(f).
(2) PROGRAM.—The term "program" means the
Collaborative Forest Landscape Restoration Program
established under section 4003(a).
(3) Proposal.—The term "proposal" means a
collaborative forest landscape restoration proposal de-
scribed in section 4003(b).
(4) Secretary.—The term "Secretary" means
the Secretary of Agriculture, acting through the Chief
of the Forest Service.
(5) STRATEGY.—The term "strategy" means a
landscape restoration strategy described in section
4003(b)(1).
SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORA-
TION PROGRAM.
(a) IN GENERAL.—The Secretary, in consultation with
the Secretary of the Interior, shall establish a Collaborative
Forest Landscape Restoration Program to select and fund
Forest Landscape Restoration Program to select and fund
Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest land-

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>i</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	fairs, 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

	301
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	diction 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.

(3) INCLUSION.—The advisory panel shall in clude experts in ecological restoration, fire ecology,
 fire management, rural economic development, strate gies for ecological adaptation to climate change, fish
 and wildlife ecology, and woody biomass and small diameter tree utilization.

7 (f) Collaborative Forest Landscape Restora8 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).

(3) CONTENTS.—The Fund shall consist of such
amounts as are appropriated to the Fund under
paragraph (6).
(4) Expenditures from fund.—
(A) IN GENERAL.—On request by the Sec-
retary, the Secretary of the Treasury shall trans-
fer from the Fund to the Secretary such amounts
as the Secretary determines are appropriate, in
accordance with paragraph (1).
(B) LIMITATION.—The Secretary shall not
expend money from the Fund on any 1 pro-
posal—
(i) during a period of more than 10
fiscal years; or
(<i>ii</i>) in excess of \$4,000,000 in any 1
fiscal year.
(5) Accounting and reporting system.—The
Secretary shall establish an accounting and reporting
system for the Fund.
(6) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to the Fund
\$40,000,000 for each of fiscal years 2009 through
2019, to remain available until expended.
(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	nomic 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;

4	0	0

(2) the Committee on Appropriations of the Sen-
ate;
(3) the Committee on Natural Resources of the
House of Representatives; and
(4) the Committee on Appropriations of the
House of Representatives.
SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Sec-
retary and the Secretary of the Interior such sums as are
necessary to carry out this title.
TITLE V—RIVERS AND TRAILS
Subtitle A—Additions to the Na-
tional Wild and Scenic Rivers
System
System sec. 5001. fossil creek, arizona.
SEC. 5001. FOSSIL CREEK, ARIZONA.
SEC. 5001. FOSSIL CREEK, ARIZONA. Section 3(a) of the Wild and Scenic Rivers Act (16
SEC. 5001. FOSSIL CREEK, ARIZONA. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended
SEC. 5001. FOSSIL CREEK, ARIZONA. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:
SEC. 5001. FOSSIL CREEK, ARIZONA. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(205) FOSSIL CREEK, ARIZONA.—Approxi-
SEC. 5001. FOSSIL CREEK, ARIZONA. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(205) FOSSIL CREEK, ARIZONA.—Approxi- mately 16.8 miles of Fossil Creek from the confluence
SEC. 5001. FOSSIL CREEK, ARIZONA. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(205) FOSSIL CREEK, ARIZONA.—Approxi- mately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence
SEC. 5001. FOSSIL CREEK, ARIZONA. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(205) FOSSIL CREEK, ARIZONA.—Approxi- mately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Sec-
SEC. 5001. FOSSIL CREEK, ARIZONA. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following: "(205) FOSSIL CREEK, ARIZONA.—Approxi- mately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Sec- retary of Agriculture in the following classes:

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—

402
(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

and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended
 by section 5001) is amended by adding at the end the fol 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—

	100
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

	100
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—

(i) the purposes for which the segments
are designated, as set forth in this section,
are declared to be beneficial uses; and
(ii) the priority date of such right shall
be the date of enactment of this Act.
(4) Stream gauges.—Consistent with the Wild
and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the
Secretary may carry out activities at United States
Geological Survey stream gauges that are located on
the Snake River (including tributaries of the Snake
River), including flow measurements and operation,
maintenance, and replacement.
(5) Consent of property owner.—No prop-
erty or interest in property located within the bound-
aries of any river segment described in paragraph
(205) of section 3(a) of the Wild and Scenic Rivers
Act (16 U.S.C. $1274(a)$) (as added by subsection (d))
may be acquired by the Secretary without the consent
of the owner of the property or interest in property.
(6) Effect of designations.—
(A) IN GENERAL.—Nothing in this section
affects valid existing rights, including—
(i) all interstate water compacts in ex-
istence on the date of enactment of this Act
(including full development of any appor-

tionment made in accordance with the com-
pacts);
(ii) water rights in the States of Idaho
and Wyoming; and
(iii) water rights held by the United
States.
(B) Jackson Lake; Jackson Lake dam.—
Nothing in this section shall affect the manage-
ment and operation of Jackson Lake or Jackson
Lake Dam, including the storage, management,
and release of water.
(f) AUTHORIZATION OF APPROPRIATIONS.—There are
authorized to be appropriated such sums as are necessary
to carry out this section.
SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.
(a) DESIGNATION.—Section 3(a) of the Wild and Sce-
nic Rivers Act (16 U.S.C. 1274(a)) (as amended by section
5002(d)) is amended by adding at the end the following:
"(207) TAUNTON RIVER, MASSACHUSETTS.—The
main stem of the Taunton River from its headwaters
at the confluence of the Town and Matfield Rivers in
the Town of Bridgewater downstream 40 miles to the
confluence with the Quequechan River at the Route
195 Bridge in the City of Fall River, to be adminis-
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-

	111
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	$\mathcal{Z}(a)(206)$ 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-

	110
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.

Subtitle B—Wild and Scenic Rivers Studies

417

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 TROUTRIVERS. 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 and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by 16 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 sub24 section (a)(140); and

"(B) submit a report describing the results
 of that study to the appropriate committees of
 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 fol12 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 local governmental agencies. 23

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	picted 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

Park Service, and dated Spring 2006. The United
 States shall not acquire for the trail any land or in 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 the actions outlined in the Trail Management Blueprint de-6 7 scribed in the report titled the "Metacomet Monadnock" Mattabesett Trail System National Scenic Trail Feasibility 8 9 Study and Environmental Assessment", prepared by the National Park Service, and dated Spring 2006, as the 10 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.

(c) COOPERATIVE AGREEMENTS.—The Secretary is 17 authorized to enter into cooperative agreements with the 18 19 Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivi-20 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 agreement under this subsection may include provisions for lim-25

ited financial assistance to encourage participation in the
 planning, acquisition, protection, operation, development,
 or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to sec-4 5 tion 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New 6 7 Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock 8 9 Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a compo-10 nent of the New England National Scenic Trail. Inclusion 11 12 of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Sec-13 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 cata23 clysmic floods occurred in what is now the north24 west region of the United States, leaving a last25 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) ICE AGE FLOODS; FLOODS.—The term "Ice
Age floods" or "floods" means the cataclysmic floods
that occurred in what is now the northwestern United
States during the last Ice Age from massive, rapid
and recurring drainage of Glacial Lake Missoula.
(2) PLAN.—The term "plan" means the coopera-
tive management and interpretation plan authorized
under subsection $(f)(5)$.
(3) Secretary.—The term "Secretary" means
the Secretary of the Interior.
(4) TRAIL.—The term "Trail" means the Ice Age
Floods National Geologic Trail designated by sub-
section (c).
(c) DESIGNATION.—In order to provide for public ap-
preciation, understanding, and enjoyment of the nationally
significant natural and cultural features of the Ice Age
floods and to promote collaborative efforts for interpretation
and education among public and private entities located
along the pathways of the floods, there is designated the Ice
Age Floods National Geologic Trail.
(d) Location.—
(1) MAP.—The route of the Trail shall be as gen-
(1) MAP.—The route of the Trail shall be as gen- erally depicted on the map entitled "Ice Age Floods

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	pand 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;

	420
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 (q) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary 4 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) U.S.C. 1244(a)) (as amended by section 5202(a)) is amend-10 ed by adding at the end the following: 11 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 $^{1/4}$
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 $\frac{1}{4}$ 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

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 owner of the land or interest in land. The authority 25

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.—Sec-
5	tion $5(a)(7)$ 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	

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 area may be acquired by the Federal Government for 20 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 $\frac{1}{4}$ 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

	101
1	"(<i>ii</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	
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	fornia 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.

	441
1	"(IX) Lower Bellevue Route.
2	"(X) Woodbury cutoff.
3	"(XI) Blue Ridge cutoff.
4	"(XII) Westport Road.
5	"(XIII) Gum Springs-Fort Leav-
6	enworth route.
7	"(XIV) Atchison/Independence
8	Creek routes.
9	"(XV) Fort Leavenworth-Kansas
10	River route.
11	"(XVI) Nebraska City cutoff
12	routes.
13	"(XVII) Minersville-Nebraska
14	City Road.
15	"(XVIII) Upper Plattsmouth
16	route.
17	"(XIX) Upper Bellevue route.
18	"(ii) Central routes.—
19	"(I) Cherokee Trail, including
20	splits.
21	"(II) Weber Canyon route of Has-
22	tings cutoff.
23	"(III) Bishop Creek cutoff.
24	"(IV) McAuley cutoff.
25	"(V) Diamond Springs cutoff.

	442
1	"(VI) Secret Pass.
2	"(VII) Greenhorn cutoff.
3	"(VIII) Central Overland Trail.
4	"(iii) Western routes.—
5	"(I) Bidwell-Bartleson route.
6	"(II) Georgetown/Dagget Pass
7	Trail.
8	"(III) Big Trees Road.
9	"(IV) Grizzly Flat cutoff.
10	"(V) Nevada City Road.
11	"(VI) Yreka Trail.
12	"(VII) Henness Pass route.
13	"(VIII) Johnson cutoff.
14	"(IX) Luther Pass Trail.
15	"(X) Volcano Road.
16	"(XI) Sacramento-Coloma Wagon
17	Road.
18	"(XII) Burnett cutoff.
19	"(XIII) Placer County Road to
20	Auburn.
21	"(6) MORMON PIONEER NATIONAL HISTORIC
22	TRAIL.—
23	"(A) Study required.—The Secretary of
24	the Interior shall undertake a study of the routes
25	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	picted 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
13 14	
	Subtitle E—Effect of Title
14	Subtitle E—Effect of Title SEC. 5401. EFFECT.
14 15	Subtitle E—Effect of Title SEC. 5401. EFFECT. (a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVI- TIES.—Nothing in this title shall be construed as affecting
14 15 16	Subtitle E—Effect of Title SEC. 5401. EFFECT. (a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVI- TIES.—Nothing in this title shall be construed as affecting
14 15 16 17	Subtitle E—Effect of Title SEC. 5401. EFFECT. (a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVI- TIES.—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law
14 15 16 17 18	Subtitle E—Effect of Title SEC. 5401. EFFECT. (a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVI- TIES.—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.
14 15 16 17 18 19	Subtitle E—Effect of Title SEC. 5401. EFFECT. (a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVI- TIES.—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping. (b) EFFECT ON STATE AUTHORITY.—Nothing in this
 14 15 16 17 18 19 20 	Subtitle E—Effect of Title SEC. 5401. EFFECT. (a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVI- TIES.—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping. (b) EFFECT ON STATE AUTHORITY.—Nothing in this title shall be construed as affecting the authority, jurisdic-

23 or regulations, including the regulation of hunting, fishing,

24 and trapping.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS Subtitle A—Cooperative Watershed Management Program

5 SEC. 6001. DEFINITIONS.

In this subtitle:

6

7 (1) AFFECTED STAKEHOLDER.—The term "af8 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.

(2) GRANT RECIPIENT.—The term "grant recipient" means a watershed group that the Secretary has
selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term "program" means the
Cooperative Watershed Management Program established 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 water22 shed-wide group that—

23 (A) is comprised of representatives of the af24 fected 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

110
(II) has land in the watershed
that is held in trust;
(C) is a grassroots, nonregulatory entity
that addresses water availability and quality
issues within the relevant watershed;
(D) is capable of promoting the sustainable
use of the water resources of the relevant water-
shed and improving the functioning condition of
rivers and streams through—
(i) water conservation;
(ii) improved water quality;
(iii) ecological resiliency; and
(iv) the reduction of water conflicts;
and
(E) makes decisions on a consensus basis, as
defined in the bylaws of the watershed group.
(6) WATERSHED MANAGEMENT PROJECT.—The
term "watershed management project" means any
project (including a demonstration project) that—
(A) enhances water conservation, including
alternative water uses;
(B) improves water quality;
(C) improves ecological resiliency of a river
or stream;

	100
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	fined 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-

†**HR 146 EAS**

	100
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.

(II) EXCEPTION.—The Secretary
may provide to a grant recipient a
third-phase grant in an amount that is
greater than the amount described in
subclause (I) if the Secretary deter-
mines that the grant recipient is capa-
ble of using the additional amount to
further the purposes of the program in
a way that could not otherwise be
achieved by the grant recipient using
the amount described in subclause (I) .
(ii) Mandatory use of funds.—A
grant recipient that receives a third-phase
grant shall use the funds to plan and carry
out at least 1 watershed management
project.
(3) AUTHORIZING USE OF FUNDS FOR ADMINIS-
TRATIVE AND OTHER COSTS.—A grant recipient that
receives a grant under this section may use the
funds—
(A) to pay for—
(i) administrative and coordination
costs, if the costs are not greater than the
lesser of—

	457
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

Secretary to complete each report required under sub-
section (f), as determined by the Secretary.
(f) REPORT.—Not later than 5 years after the date of
enactment of this Act, and every 5 years thereafter, the Sec-
retary shall submit to the Committee on Energy and Nat-
ural Resources of the Senate and the Committee on Natural
Resources of the House of Representatives a report that de-
scribes—
(1) the ways in which the program assists the
Secretary—
(A) in addressing water conflicts;
(B) in conserving water;
(C) in improving water quality; and
(D) in improving the ecological resiliency of
a river or stream; and
(2) benefits that the program provides, includ-
ing, to the maximum extent practicable, a quan-
titative analysis of economic, social, and environ-
mental benefits.
(g) AUTHORIZATION OF APPROPRIATIONS.—There are
authorized to be appropriated to carry out this section-
(1) \$2,000,000 for each of fiscal years 2008 and
2009;
(2) \$5,000,000 for fiscal year 2010;
(3) \$10,000,000 for fiscal year 2011; and

	400
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	<i>ice</i> .".

Subtitle C—Wolf Livestock Loss Demonstration Project

462

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 deter12 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.

19SEC. 6202. WOLF COMPENSATION AND PREVENTION PRO-20GRAM.

(a) IN GENERAL.—The Secretaries shall establish a 5year demonstration program to provide grants to States
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.

(a) IN GENERAL.—The Secretary shall manage and 19 protect paleontological resources on Federal land using sci-20 entific principles and expertise. The Secretary shall develop 21 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 coordination and collaborative efforts where possible with non-Fed eral partners, the scientific community, and the general
 public.

4 (b) COORDINATION.—To the extent possible, the Sec5 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.COLLECTIONOFPALEONTOLOGICALRE-12SOURCES.

13 (a) PERMIT REQUIREMENT.—

14 (1) IN GENERAL.—Except as provided in this
15 subtitle, a paleontological resource may not be col16 lected from Federal land without a permit issued
17 under this subtitle by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary shall allow casual collecting without a permit
on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is
consistent with the laws governing the management of
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—

(1) excavate, remove, damage, or otherwise alter
or deface or attempt to excavate, remove, damage, or
otherwise alter or deface any paleontological resources
located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer
to exchange, transport, export, or receive any paleontological resource if the person knew or should have
known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in
effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase
any paleontological resource if the person knew or
should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) FALSE LABELING OFFENSES.—A person may not
 make or submit any false record, account, or label for, or
 any false identification of, any paleontological resource ex cavated or removed from Federal land.

5 (c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to 6 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 commercial and paleontological value of the paleontological 10 11 resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall 12 be fined in accordance with title 18, United States Code, 13 or imprisoned not more than 2 years, or both. 14

(d) MULTIPLE OFFENSES.—In the case of a second or
subsequent violation by the same person, the amount of the
penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a)
shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person 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 prohi25 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

paleontological site damage plus double the scientific
 or fair market value of resources destroyed or not re 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 shall hear the action on the record made before the 16 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—

(A) after the order making assessment has
become final and the person has not filed a petition for judicial review of the order in accordance 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	(a) HEADDAGA Heaviers held devices a successive in

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

24 (d) USE OF RECOVERED AMOUNTS.—Penalties col25 lected under this section shall be available to the Secretary

and without further appropriation may be used only as fol lows:

3 (1) To protect, restore, or repair the paleontolog4 ical resources and sites which were the subject of the
5 action, and to protect, monitor, and study the re6 sources and sites.

7 (2) To provide educational materials to the pub8 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.

(a) REWARDS.—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

15 (1) consistent with amounts established in regu16 lations by the Secretary; or

17 (2) if no such regulation exists, an amount up 18 to 1/2 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

performance of his official duties shall be eligible for
 payment under this subsection.

3 (b) FORFEITURE.—All paleontological resources with
4 respect to which a violation under section 6306 or 6307 oc5 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 destruc20 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.

As soon as practical after the date of enactment of this
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):

(2) invalidate, modify, or impose any additional
restrictions or permitting requirements on any activities permitted at any time under existing laws and
authorities relating to reclamation and multiple uses
of Federal land;

(3) apply to, or require a permit for, casual col-
lecting of a rock, mineral, or invertebrate or plant
fossil that is not protected under this subtitle;
(4) affect any land other than Federal land or
affect the lawful recovery, collection, or sale of paleon-
tological resources from land other than Federal land;
(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.

Subtitle E—Izembek National 22

Wildlife Refuge Land Exchange 23

SEC. 6401. DEFINITIONS. 24

25 In this subtitle:

1

2

3

4

5

6

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	picted 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.
13 14	Agdaagux Tribe of King Cove, Alaska. SEC. 6402. LAND EXCHANGE.
14	SEC. 6402. LAND EXCHANGE.
14 15	SEC. 6402. LAND EXCHANGE. (a) IN GENERAL.—Upon receipt of notification by the
14 15 16	SEC. 6402. LAND EXCHANGE. (a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and
14 15 16 17	SEC. 6402. LAND EXCHANGE. (a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the
14 15 16 17 18	SEC. 6402. LAND EXCHANGE. (a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements de-
14 15 16 17 18 19	SEC. 6402. LAND EXCHANGE. (a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements de- scribed in this subtitle, the Secretary may convey to the
14 15 16 17 18 19 20	SEC. 6402. LAND EXCHANGE. (a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements de- scribed in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in
 14 15 16 17 18 19 20 21 	SEC. 6402. LAND EXCHANGE. (a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements de- scribed in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge

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

	400
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	(ii) 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

101
(vi) the Alaska Migratory Bird Co-
Management Council.
(c) VALUATION.—The conveyance of the Federal land
and non-Federal land under this section shall not be subject
to any requirement under any Federal law (including regu-
lations) relating to the valuation, appraisal, or equalization
of land.
(d) Public Interest Determination.—
(1) Conditions for land exchange.—Subject
to paragraph (2), to carry out the land exchange
under subsection (a), the Secretary shall determine
that the land exchange (including the construction of
a road between the City of King Cove, Alaska, and the
Cold Bay Airport) is in the public interest.
(2) LIMITATION OF AUTHORITY OF SEC-
RETARY.—The Secretary may not, as a condition for
a finding that the land exchange is in the public in-
terest—
(A) require the State or the Corporation to
convey additional land to the United States; or
(B) impose any restriction on the subsist-
ence uses (as defined in section 803 of the Alaska
National Interest Lands Conservation Act (16
U.S.C. 3113)) of waterfowl by rural residents of
the State.

(e) KINZAROFF LAGOON.—The land exchange under
 subsection (a) shall not be carried out before the date on
 which the parcel of land owned by the State that is located
 in the Kinzaroff Lagoon has been designated by the State
 as a State refuge, in accordance with the applicable laws
 (including regulations) of the State.

7 (f) DESIGNATION OF ROAD CORRIDOR.—In desig8 nating the road corridor described in subsection
9 (b)(2)(B)(ii), the Secretary shall—

- 10 (1) minimize the adverse impact of the road cor11 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
- (3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) ADDITIONAL TERMS AND CONDITIONS.—The land
exchange under subsection (a) shall be subject to any other
term or condition that the Secretary determines to be necessary.

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

(c) FEDERAL PERMITS.—It is the intent of Congress
 that any Federal permit required for construction of the
 road be issued or denied not later than 1 year after the
 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

(B) the Secretary provides an opportunity
for public comment with respect to any proposed
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 ex16 change if construction of the road through the Refuge has
17 not begun.

(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 section 6402(b)(2)), the land exchange shall be null and
 void.

3 (c) RETURN OF PRIOR OWNERSHIP STATUS OF FED4 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

(3) each selection of the Corporation under the
Alaska Native Claims Settlement Act (43 U.S.C. 1601
et seq.) that was relinquished under this subtitle shall
be reinstated.

16 SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.

(a) IN GENERAL.—Any legislative authority for construction of a road shall expire at the end of the 7-year
period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during
that period.

(b) EXTENSION OF AUTHORITY.—If a construction
permit is issued within the allotted period, the 7-year authority shall be extended for a period of 5 additional years
beginning on the date of issuance of the construction permit.

(c) EXTENSION OF AUTHORITY AS RESULT OF LEGAL
 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.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a
road has not been constructed, the land exchange shall be
null and void and the land ownership shall revert to the
respective ownership status prior to the land exchange as
provided in section 6405.

	494
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—

150
(aa) the Great Falls State Park,
including facilities for Park adminis-
tration and visitor services; or
(bb) any portion of the Great
Falls State Park agreed to between the
Secretary and the State or City; and
(ii) the Secretary has entered into a
written agreement with the State, City, or
other public entity, as appropriate, pro-
viding that—
(I) land owned by the State, City,
or other public entity within the His-
toric District will be managed con-
sistent with this section; and
(II) future uses of land within the
Historic District will be compatible
with the designation of the Park.
(2) PURPOSE.—The purpose of the Park is to
preserve and interpret for the benefit of present and
future generations certain historical, cultural, and
natural resources associated with the Historic Dis-
trict.
(3) BOUNDARIES.—The Park shall include the
following sites, as generally depicted on the Map:

25 (A) The upper, middle, and lower raceways.

	101
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	(<i>ii</i>) 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

	100
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-

	001
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.—

	304
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
-	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	penses, 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.

	506
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	sessment 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

507

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-

vide for the preservation of historic American sites, build ings, objects and antiquities of national significance, and
 for other purposes", approved August 21, 1935 (16 U.S.C.
 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
of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary
shall designate the acquired land as a unit of the National Park System, to be known as the "River Raisin National Battlefield Park" (referred to in this section as the "Park").

22 (3) LEGAL DESCRIPTION.—

23 (A) IN GENERAL.—The Secretary shall pre24 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 Exist8 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).

(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 "\$2,000,000" and inserting

23 (B) by striking "\$3,000,000" and inserting
24 "\$25,000,000"; and

1	(9) in subsection (1) by stuiling " $(0,0,0,0)$ " and
1	(2) in subsection (b), by striking "\$100,000" and
2	all that follows through "those duties" and inserting
3	<i>``\$250,000`</i> '.
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	
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)".
13 14	paragraph (1)(A)". SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE
14	SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE
14 15 16	SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.
14 15 16	SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION. Section 2 of the Little River Canyon National Preserve
14 15 16 17	SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION. Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—
14 15 16 17 18	SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION. Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended— (1) in subsection (b)—
14 15 16 17 18 19	SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION. Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended— (1) in subsection (b)— (A) by striking "The Preserve" and insert-
 14 15 16 17 18 19 20 	SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION. Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended— (1) in subsection (b)— (A) by striking "The Preserve" and insert- ing the following:
 14 15 16 17 18 19 20 21 	SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION. Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended— (1) in subsection (b)— (A) by striking "The Preserve" and insert- ing the following: "(1) IN GENERAL.—The Preserve"; and
 14 15 16 17 18 19 20 21 22 	SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION. Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended— (1) in subsection (b)— (A) by striking "The Preserve" and insert- ing the following: "(1) IN GENERAL.—The Preserve"; and (B) by adding at the end the following:

	J14
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.".

1SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND2PRESERVE 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 'Barataria Marsh Unit-Jean Lafitte National Historical 7 8 Park and Preserve' numbered 90,000B and dated April 1978," and inserting "generally depicted on the map enti-9 10 tled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/ 11 80100A, and dated December 2007,". 12

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a)
is amended—

(1) in subsection (a)—

17 (A) by striking "(a) Within the" and all
18 that follows through the first sentence and insert19 ing the following:

20 "(*a*) IN GENERAL.—

16

21 "(1) BARATARIA PRESERVE UNIT.—

"(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and
water within the Barataria Preserve Unit by donation, 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".

(d) HUNTING, FISHING, AND TRAPPING.—Section 905
of the National Parks and Recreation Act of 1978 (16
U.S.C. 230d) is amended in the first sentence by striking

1 ", except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this 2 title, he" and inserting "on land, and interests in land and 3 water managed by the Secretary, except that the Secretary". 4 5 (e) Administration.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is 6 amended-7 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 *"The"*. 11 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—

	520
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

the appropriate offices of the National Park
Service.
(D) Administration.—Land added to Ev-
erglades National Park by this section shall be
administered as part of Everglades National
Park in accordance with applicable laws (in-
cluding regulations).
(3) HURRICANE HOLE.—The Secretary may
allow use of Hurricane Hole by sailing vessels during
emergencies, subject to such terms and conditions as
the Secretary determines to be necessary.
(4) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as
are necessary to carry out this subsection.
(b) LAND EXCHANGES.—
(1) DEFINITIONS.—In this subsection:
(A) COMPANY.—The term "Company"
means Florida Power & Light Company.
(B) FEDERAL LAND.—The term "Federal
Land" means the parcels of land that are—
(i) owned by the United States;
(ii) administered by the Secretary;
(iii) located within the National Park;
and

	524
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	<i>tember 2008.</i>
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

	515
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—

021
(i) become part of the National Park;
and
(ii) be administered in accordance
with the laws applicable to the National
Park System.
(3) Land exchange with company.—
(A) IN GENERAL.—Subject to the provisions
of this paragraph, if the Company offers to con-
vey to the Secretary all right, title, and interest
of the Company in and to the non-Federal land
generally depicted on the map as "Tract D", and
the offer is acceptable to the Secretary, the Sec-
retary may, subject to valid existing rights, ac-
cept the offer and convey to the Company all
right, title, and interest of the United States in
and to the Federal land generally depicted on the
map as "Tract B", along with a perpetual ease-
ment on a corridor of land contiguous to Tract
B for the purpose of vegetation management.
(B) CONDITIONS.—The land exchange under
subparagraph (A) $shall$ be $subject$ to $such$ terms
and conditions as the Secretary may require.
(C) VALUATION.—
(i) IN GENERAL.—The values of the
land involved in the land exchange under

	020
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

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

	332
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 "Nothwithstanding" 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 adminis20 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 edu25 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.

"(f) COOPERATIVE AGREEMENTS AND MEMORANDA OF
 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.—

(1) IN GENERAL.—The Secretary of the Interior
(referred to in this section as the "Secretary") may
make annual grants to State historic preservation offices for not more than 5 years to assist the State historic 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.

(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 national women's rights history, including historic pres-9 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

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.
22 23	the Secretary of the Interior. (b) BOUNDARY ADJUSTMENTS TO THE HISTORIC

 the historic site is adjusted to include approximately 261 acres of land identified as the "PROPOSEI PARK BOUNDARY", as generally depicted on the) e
	e
4 PARK BOUNDARY", as generally depicted on th	
	1
5 map .	1
6 (2) ACQUISITION AUTHORITY.—The Secretar	/
7 may acquire the land and any interests in the land	l
8 described in paragraph (1) from willing sellers by do	-
9 nation, purchase with donated or appropriated funds	,
10 or exchange.	
11 (3) AVAILABILITY OF MAP.—The map shall be of	ı
12 file and available for public inspection in the approx	-
13 priate offices of the National Park Service.	
14 (4) ADMINISTRATION.—Land acquired for th	e
15 historic site under this section shall be administered	l
16 as part of the historic site in accordance with appli	-
17 <i>cable law (including regulations).</i>	
18 (c) AUTHORIZATION OF APPROPRIATIONS.—There ar	e
19 authorized to be appropriated such sums as are necessary	1
20 to carry out this section.	
21 SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTOR	-
22 ICAL PARK.	
23 (a) Designation of Palo Alto Battlefield NA	-
24 TIONAL HISTORICAL PARK.—	

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	ageh place it appears and incerting "National
15	each place it appears and inserting "National
13	each place it appears and inserting National Historical Park";
_	
14	Historical Park";
14 15	Historical Park"; (B) in the heading for section 3, by striking
14 15 16	Historical Park"; (B) in the heading for section 3, by striking "NATIONAL HISTORIC SITE" and inserting
14 15 16 17	Historical Park"; (B) in the heading for section 3, by striking "NATIONAL HISTORIC SITE" and inserting "NATIONAL HISTORICAL PARK"; and
14 15 16 17 18	 Historical Park"; (B) in the heading for section 3, by striking "NATIONAL HISTORIC SITE" and inserting "NATIONAL HISTORICAL PARK"; and (C) by striking "historic site" each place it
14 15 16 17 18 19	 Historical Park"; (B) in the heading for section 3, by striking "NATIONAL HISTORIC SITE" and inserting "NATIONAL HISTORICAL PARK"; and (C) by striking "historic site" each place it appears and inserting "historical park".
 14 15 16 17 18 19 20 	 Historical Park"; (B) in the heading for section 3, by striking "NATIONAL HISTORIC SITE" and inserting "NATIONAL HISTORICAL PARK"; and (C) by striking "historic site" each place it appears and inserting "historical park". (b) BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD
 14 15 16 17 18 19 20 21 	 Historical Park"; (B) in the heading for section 3, by striking "NATIONAL HISTORIC SITE" and inserting "NATIONAL HISTORICAL PARK"; and (C) by striking "historic site" each place it appears and inserting "historical park". (b) BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.—Section 3(b) of the

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"; and

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—

	010
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".

(d) PETRIFIED FOREST BOUNDARY.—Section 2(1) of
the Petrified Forest National Park Expansion Act of 2004
(16 U.S.C. 119 note; Public Law 108–430) is amended by
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 amonded by striking "under section

23 120 Stat. 1856) is amended by striking "under section24 605".

(h) USE OF RECREATION FEES.—Section 808(a)(1)(F)
 of the Federal Lands Recreation Enhancement Act (16
 U.S.C. 6807(a)(1)(F)) is amended by striking "section
 6(a)" and inserting "section 806(a)".

(i) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297F(b)(2)(A) of the
Crossroads of the American Revolution National Heritage
Area Act of 2006 (Public Law 109–338; 120 Stat. 1844)
is amended by inserting "duties" before "of the".

(j) CUYAHOGA VALLEY NATIONAL PARK.—Section
474(12) of the Consolidated Natural Resources Act of 2008
(Public Law 1110–229; 122 Stat. 827) is amended by striking "Cayohoga" each place it appears and inserting "Cuyahoga".

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 *qust* 25, 2008, and numbered 840–82441B".

1 (2) REFERENCES.—Any reference in a law, map, 2 regulation, document, paper, or other record of the 3 United States to the Pennsylvania Avenue National 4 Historic Park shall be deemed to be a reference to the 5 "Pennsylvania Avenue National Historic Site". 6 SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HIS-7 TORICAL PARK, OHIO. 8 (a) Additional Areas Included in Park.—Section 9 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at 10 the end the following: 11 12 "(c) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall consist of the fol-13 14 lowing sites, as generally depicted on a map titled 'Dayton Aviation Heritage National Historical Park', numbered 15 16 362/80,013 and dated May 2008: 17 "(1) Hawthorn Hill, Oakwood, Ohio. 18 "(2) The Wright Company factory and associ-19 ated land and buildings, Dayton, Ohio.". 20 (b) PROTECTION OF HISTORIC PROPERTIES.—Section 21 102 of the Dayton Aviation Heritage Preservation Act of 22 1992 (16 U.S.C. 410ww-1) is amended— 23 (1) in subsection (a), by inserting "Hawthorn Hill, the Wright Company factory," after ", acquire"; 24

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 specific partner grantee and the specific project. Projects 3 funded through these grants shall be limited to construction 4 5 and development on non-Federal property within the boundaries of the park. Any project funded by such a grant 6 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.".

(d) NATIONAL AVIATION HERITAGE AREA.—Title V of
division J of the Consolidated Appropriations Act, 2005 (16
U.S.C. 461 note; Public Law 108–447), is amended—

13 (1) in section 503(3), by striking "104" and in14 serting "504";

(2) in section 503(4), by striking "106" and inserting "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

this section, the Secretaries shall submit to the Com-
mittee on Energy and Natural Resources of the Sen-
ate and the Committee on Natural Resources of the
House of Representatives a report that describes—
(A) the results of the study; and
(B) any recommendations of the Secretaries.
(4) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as
are necessary to carry out this section.
SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.
(a) Study.—
(1) IN GENERAL.—The Secretary of the Interior
(referred to in this section as the "Secretary") shall
conduct a special resource study of the Tule Lake Seg-
regation Center to determine the national significance
of the site and the suitability and feasibility of in-
cluding the site in the National Park System.
(2) STUDY GUIDELINES.—The study shall be con-
ducted in accordance with the criteria for the study
of areas for potential inclusion in the National Park
System under section 8 of Public Law 91–383 (16
U.S.C. 1a-5).
(3) Consultation.—In conducting the study,
the Secretary shall consult with—
(A) Modoc County;

	555
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-

	000
1	resentatives 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).

556

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.
14 15	SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE. (a) Study.—
15	(a) STUDY.—
15 16	(a) STUDY.— (1) IN GENERAL.—Not later than 3 years after
15 16 17	 (a) STUDY.— (1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry
15 16 17 18	 (a) STUDY.— (1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred
15 16 17 18 19	 (a) STUDY.— (1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete
15 16 17 18 19 20	 (a) STUDY.— (1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of the Harriet Beecher Stowe
 15 16 17 18 19 20 21 	(a) STUDY.— (1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—
 15 16 17 18 19 20 21 22 	 (a) STUDY.— (1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate— (A) the national significance of the Harriet

1	surrounding land as a unit of the National Park
2	System.
3	(2) Study guidelines.—In conducting the
4	study authorized under paragraph (1), the Secretary
5	shall use the criteria for the study of areas for poten-
6	tial inclusion in the National Park System contained
7	in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–
8	5(c)).
9	(b) REPORT.—On completion of the study required
10	under subsection (a), the Secretary shall submit to the Com-
11	mittee on Energy and Natural Resources of the Senate and
12	the Committee on Natural Resources of the House of Rep-
13	resentatives a report containing the findings, conclusions,
14	and recommendations of the study.
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. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIR-
19	GINIA.
20	(a) Special Resources Study.—The Secretary of
21	the Interior (referred to in this section as the "Secretary")
22	shall conduct a special resource study relating to the Battle
23	of Shepherdstown in Shepherdstown, West Virginia, to
24	evaluate—

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
authorized to be appropriated such sums as are necessary
to carry out this section.

560

1 SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.

2 (a) IN GENERAL.—The Secretary of the Interior (re3 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.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study
of areas for potential inclusion in the National Park System 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 ac21 quisition, development, operation, and maintenance
22 of the site; and

23 (3) identify alternatives for the management, ad24 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	dust the study required under subscript (a) in generation

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 Re6 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 sub10 section (a); and

(2) any recommendations of the Secretary with
respect to the birthplace site.

13 SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE 14 STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct
a special resource study of the sites and resources at
Matewan, West Virginia, associated with the Battle of
Matewan (also known as the "Matewan Massacre") of May
19, 1920, to determine—

(1) the suitability and feasibility of designating
certain historic areas of Matewan, West Virginia, as
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-

tional Park Service, other Federal, State, or local gov ernment entities, or private or nonprofit organiza tions.

4 (b) STUDY REQUIREMENTS.—The Secretary shall con5 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 sub15 section (a): and

16 (2) any recommendations of the Secretary with
17 respect to the historic areas.

18 SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct
a special resource study along the route known as the "OxBow Route" of the Butterfield Overland Trail (referred to
in this section as the "route") in the States of Missouri,
Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, 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;

	566
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

(C) an estimate of the amount required to
carry out the recommendations under subpara-
graphs (A) and (B).
(4) Consultation.—In conducting the theme
study, the Secretary shall consult with—
(A) the Secretary of the Air Force;
(B) State and local officials;
(C) State historic preservation offices; and
(D) other interested organizations and indi-
viduals.
(5) REPORT.—Not later than 3 years after the
date on which funds are made available to carry out
this section, the Secretary shall submit to the Com-
mittee on Natural Resources of the House of Rep-
resentatives and the Committee on Energy and Nat-
ural Resources of the Senate a report that describes
the findings, conclusions, and recommendations of the
theme study.
(c) Cold War Advisory Committee.—
(1) Establishment.—As soon as practicable
after funds are made available to carry out this sec-
tion, the Secretary shall establish an advisory com-
mittee, to be known as the "Cold War Advisory Com-
mittee", to assist the Secretary in carrying out this
section.

 shall be composed of 9 members, to be appointed by the Secretary, of whom— (A) 3 shall have expertise in Cold War his- tory; (B) 2 shall have expertise in historic preser- vation; (C) 1 shall have expertise in the history of the United States; and (D) 3 shall represent the general public. (3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee. (4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reason- ably incurred in the performance of the duties of the Advisory Committee. (5) MEETINGS.—On at least 3 occasions, the Sec- retary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study. (d) INTERPRETIVE HANDBOOK ON THE COLD WAR.— 	1	(2) Composition.—The Advisory Committee
 4 (A) 3 shall have expertise in Cold War his- 5 tory; 6 (B) 2 shall have expertise in historic preservation; 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 reasonably 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.— 	2	shall be composed of 9 members, to be appointed by
 5 tory; 6 (B) 2 shall have expertise in historic preservation; 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 reasonably 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.— 	3	the Secretary, of whom—
 6 (B) 2 shall have expertise in historic preservation; 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.— 	4	(A) 3 shall have expertise in Cold War his-
 vation; (C) 1 shall have expertise in the history of the United States; and (D) 3 shall represent the general public. (3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee. (4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reason- ably incurred in the performance of the duties of the Advisory Committee. (5) MEETINGS.—On at least 3 occasions, the Sec- retary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study. (d) INTERPRETIVE HANDBOOK ON THE COLD WAR.— 	5	tory;
 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.— 	6	(B) 2 shall have expertise in historic preser-
 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.— 	7	vation;
 (D) 3 shall represent the general public. (3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee. (4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reason- ably incurred in the performance of the duties of the Advisory Committee. (5) MEETINGS.—On at least 3 occasions, the Sec- retary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study. (d) INTERPRETIVE HANDBOOK ON THE COLD WAR.— 	8	(C) 1 shall have expertise in the history of
11(3) CHAIRPERSON.—The Advisory Committee12shall select a chairperson from among the members of13the Advisory Committee.14(4) COMPENSATION.—A member of the Advisory15Committee shall serve without compensation but may16be reimbursed by the Secretary for expenses reason-17ably incurred in the performance of the duties of the18Advisory Committee.19(5) MEETINGS.—On at least 3 occasions, the Sec-20retary (or a designee) shall meet and consult with the21Advisory Committee on matters relating to the theme22study.23(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—	9	the United States; and
 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.— 	10	(D) 3 shall represent the general public.
13the Advisory Committee.14(4) COMPENSATION.—A member of the Advisory15Committee shall serve without compensation but may16be reimbursed by the Secretary for expenses reason-17ably incurred in the performance of the duties of the18Advisory Committee.19(5) MEETINGS.—On at least 3 occasions, the Sec-20retary (or a designee) shall meet and consult with the21Advisory Committee on matters relating to the theme22study.23(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—	11	(3) Chairperson.—The Advisory Committee
 (4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reason- ably incurred in the performance of the duties of the Advisory Committee. (5) MEETINGS.—On at least 3 occasions, the Sec- retary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study. (d) INTERPRETIVE HANDBOOK ON THE COLD WAR.— 	12	shall select a chairperson from among the members of
 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.— 	13	the Advisory Committee.
 be reimbursed by the Secretary for expenses reason- ably incurred in the performance of the duties of the Advisory Committee. (5) MEETINGS.—On at least 3 occasions, the Sec- retary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study. (d) INTERPRETIVE HANDBOOK ON THE COLD WAR.— 	14	(4) Compensation.—A member of the Advisory
 ably incurred in the performance of the duties of the Advisory Committee. (5) MEETINGS.—On at least 3 occasions, the Sec- retary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study. (d) INTERPRETIVE HANDBOOK ON THE COLD WAR.— 	15	Committee shall serve without compensation but may
 Advisory Committee. (5) MEETINGS.—On at least 3 occasions, the Sec- retary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study. (d) INTERPRETIVE HANDBOOK ON THE COLD WAR.— 	16	be reimbursed by the Secretary for expenses reason-
 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.— 	17	ably incurred in the performance of the duties of the
 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.— 	18	Advisory Committee.
 21 Advisory Committee on matters relating to the theme 22 study. 23 (d) INTERPRETIVE HANDBOOK ON THE COLD WAR.— 	19	(5) MEETINGS.—On at least 3 occasions, the Sec-
 22 study. 23 (d) INTERPRETIVE HANDBOOK ON THE COLD WAR.— 	20	retary (or a designee) shall meet and consult with the
23 (d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—	21	Advisory Committee on matters relating to the theme
	22	study.
21 Not later than 4 years after the date on which funds are	23	(d) Interpretive Handbook on the Cold War.—
24 not talet than 4 years after the dute on which funds are	24	Not later than 4 years after the date on which funds are

made available to carry out this section, the Secretary
 shall—

3 (1) prepare and publish an interpretive hand4 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.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought
in South Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated
Area, to determine—

16 (1) the suitability and feasibility of designating
17 the sites as a unit or units of the National Park Sys18 tem; and

(2) the methods and means for the protection
and interpretation of these sites by the National Park
Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public
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.

1Subtitle D—Program2Authorizations

3 SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PRO-4 GRAM.

572

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 the armed conflicts that shaped the growth and development 9 of the United States, in order that present and future gen-10 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. 4601–8(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

	515
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

	010
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.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is
 authorized to be appropriated to carry out this section
 \$25,000,000 for each fiscal year, to remain available until
 expended.

5

SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.

(a) PURPOSE.—The purpose of this section is to au-6 thorize within the Department of the Interior the Save 7 8 America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with-9 (1) the National Endowment for the Arts; 10 11 (2) the National Endowment for the Humanities; (3) the Institute of Museum and Library Serv-12 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-

- 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" 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

the Secretary under subsection (e) shall be used by the
 Secretary, in consultation with the organizations de scribed in subsection (a), subject to paragraph
 (6)(A)(ii), to provide grants to eligible entities for
 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).

(3) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary
may require.

20 (4) Collections and historic properties
21 Eligible for competitive grants.—

(A) IN GENERAL.—A collection or historic
property shall be provided a competitive grant
under the program only if the Secretary deter-

	004
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—

	000
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

	586
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.

(B) FORM OF NON-FEDERAL SHARE.—The
non-Federal share required under subparagraph
(A) shall be in the form of—
(i) cash; or
(ii) donated supplies or related serv-
ices, the value of which shall be determined
by the Secretary.
(C) REQUIREMENT.—The Secretary shall
ensure that each applicant for a grant has the
capacity and a feasible plan for securing the
non-Federal share for an eligible project required
under subparagraph (A) before a grant is pro-
vided to the eligible project under the program.
(d) REGULATIONS.—The Secretary shall develop any
(d) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary de-
guidelines and issue any regulations that the Secretary de-
guidelines and issue any regulations that the Secretary de- termines to be necessary to carry out this section.
guidelines and issue any regulations that the Secretary de- termines to be necessary to carry out this section. (e) AUTHORIZATION OF APPROPRIATIONS.—There is
guidelines and issue any regulations that the Secretary de- termines to be necessary to carry out this section. (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section
guidelines and issue any regulations that the Secretary de- termines to be necessary to carry out this section. (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year, to remain available until
guidelines and issue any regulations that the Secretary de- termines to be necessary to carry out this section. (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year, to remain available until expended.
guidelines and issue any regulations that the Secretary de- termines to be necessary to carry out this section. (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year, to remain available until expended. SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

1SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTI-2TUTE.

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.

Section 505(f)(7) of the National Parks and Recreation
Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking
"ten years after the date of enactment of the Na Hoa Pili
O Kaloko-Honokohau Re-establishment Act of 1996" and
inserting "on December 31, 2018".

17 SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COM18 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 sec21 ond sentence by striking "2008" and inserting "2018".

22 SEC. 7403. CONCESSIONS MANAGEMENT ADVISORY BOARD.

23 Section 409(d) of the National Park Service Conces24 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-

	091
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

the city of St. Augustine or as an employee
of the National Park Service or the State
University System of Florida, and ceases to
hold such position, that member may con-
tinue to serve on the Commission for not

2

3

9

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.

(3) DUTIES.—The Commission shall—

10(A) plan, develop, and carry out programs11and activities appropriate for the commemora-12tion;

13 (B) facilitate activities relating to the com14 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 ac19 tivities to expand understanding and apprecia20 tion of the significance of the founding and con21 tinuing history of St. Augustine;

(D) provide technical assistance to States,
localities, and nonprofit organizations to further
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.

	000
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	pensation 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 direc-
2	TOR.—The employment of an executive director
3	shall be subject to confirmation by the Commis-
4	sion.
5	(4) Compensation.—
6	(A) IN GENERAL.—Except as provided in
7	subparagraph (B), the Commission may fix the
8	compensation of the executive director and other
9	personnel without regard to the provisions of
10	chapter 51 and subchapter III of chapter 53 of
11	title 5, United States Code, relating to classifica-
12	tion of positions and General Schedule pay rates.
13	(B) MAXIMUM RATE OF PAY.—The rate of
14	pay for the executive director and other per-
15	sonnel shall not exceed the rate payable for level
16	V of the Executive Schedule under section 5316
17	of title 5, United States Code.
18	(5) Detail of government employees.—
19	(A) Federal employees.—
20	(i) Detail.—At the request of the
21	Commission, the head of any Federal agen-
22	cy may detail, on a reimbursable or nonre-
23	imbursable basis, any of the personnel of the
24	agency to the Commission to assist the

	990
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.

	599
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	20 2015 the Commission shall commiste and submit

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.

	601
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

	001
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

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

	000
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.

(2) Consultation and coordination.—The
head of any Federal agency planning to conduct ac-
tivities that may have an impact on the Heritage
Area is encouraged to consult and coordinate the ac-
tivities with the Secretary and the management enti-
ty to the maximum extent practicable.
(3) Other federal agencies.—Nothing in
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.

(f) PRIVATE PROPERTY AND REGULATORY PROTEC-20 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, program, or activity conducted within the Heritage Area; 25

1

2

3

4

5

6

7

8

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

	010
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 POUDRE 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	

24 the Secretary of the Interior.

1	(6) STATE.—The term "State" means the State
2	of Colorado.
3	(b) Cache La Poudre 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—

	- <u>-</u> -
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;

	020
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-

010
mental involvement in the preparation of
the management plan; and
(iii) the resource protection and inter-
pretation strategies contained in the man-
agement plan, if implemented, would ade-
quately protect the natural, cultural, his-
toric, scenic, educational, and recreational
resources of the Heritage Area.
(C) ACTION FOLLOWING DISAPPROVAL.—If
the Secretary disapproves the management plan
under subparagraph (A), the Secretary shall—
(i) advise the local coordinating entity
in writing of the reasons for the dis-
approval;
(ii) make recommendations for revi-
sions to the management plan; and
(iii) not later than 180 days after the
date of receipt of any proposed revision of
the management plan from the local coordi-
nating entity, approve or disapprove the
proposed revision.
(5) Amendments.—
(A) IN GENERAL.—The Secretary shall ap-
prove or disapprove each amendment to the
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	nating 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	diction of the Federal agency;

	0_1
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;

(5) authorizes or implies the reservation or ap-
propriation of water or water rights;
(6) diminishes the authority of the State to man-
age fish and wildlife, including the regulation of fish-
ing and hunting within the Heritage Area; or
(7) creates any liability, or affects any liability
under any other law (including regulations), of any
private property owner with respect to any indi-
vidual injured on the private property.
(g) EVALUATION; REPORT.—
(1) IN GENERAL.—Not later than 3 years before
the date on which authority for Federal funding ter-
minates for the Heritage Area, the Secretary shall—
(A) conduct an evaluation of the accom-
plishments of the Heritage Area; and
(B) prepare a report in accordance with
paragraph (3).
(2) EVALUATION.—An evaluation conducted
under paragraph (1)(A) shall—
(A) assess the progress of the local coordi-
nating entity with respect to—
(i) accomplishing the purposes of this
section for the Heritage Area; and

	0_0
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—

	000
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-

nates on the date that is 15 years after the date of enact 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, COLO7 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 volved 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 "manage19 ment entity" means the management entity for the
20 Heritage Area designated by subsection (b)(4)(A).

21 (4) MANAGEMENT PLAN.—The term "manage22 ment plan" means the management plan for the Her23 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—

2subdivision of the State, nonprofit organizations,3and other persons;4(B) enter into cooperative agreements with,5or provide technical assistance to, the State or a6political subdivision of the State, nonprofit orga-7nizations, and other interested parties;8(C) hire and compensate staff, which shall9include individuals with expertise in natural,10cultural, and historical resources protection,11fundraising, heritage facility planning and de-12velopment, and heritage tourism programming;13(D) obtain funds or services that are pro-15vided under any other Federal law or program;16(E) enter into contracts for goods or services; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the25Heritage Area to the Secretary;	1	(A) make grants to the State or a political
4(B) enter into cooperative agreements with,5or provide technical assistance to, the State or a6political subdivision of the State, nonprofit orga-7nizations, and other interested parties;8(C) hire and compensate staff, which shall9include individuals with expertise in natural,10cultural, and historical resources protection,11fundraising, heritage facility planning and de-12velopment, and heritage tourism programming;13(D) obtain funds or services from any14source, including funds or services that are pro-15vided under any other Federal law or program;16(E) enter into contracts for goods or serv-17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	2	subdivision of the State, nonprofit organizations,
5or provide technical assistance to, the State or a6political subdivision of the State, nonprofit orga-7nizations, and other interested parties;8(C) hire and compensate staff, which shall9include individuals with expertise in natural,10cultural, and historical resources protection,11fundraising, heritage facility planning and de-12velopment, and heritage tourism programming;13(D) obtain funds or services from any14source, including funds or services that are pro-15vided under any other Federal law or program;16(E) enter into contracts for goods or serv-17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	3	and other persons;
6political subdivision of the State, nonprofit orga- nizations, and other interested parties;8(C) hire and compensate staff, which shall9include individuals with expertise in natural, cultural, and historical resources protection,10cultural, and historical resources protection, fundraising, heritage facility planning and de- velopment, and heritage tourism programming;13(D) obtain funds or services from any source, including funds or services that are pro- vided under any other Federal law or program;16(E) enter into contracts for goods or serv- ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall— 2324pare and submit a management plan for the	4	(B) enter into cooperative agreements with,
7nizations, and other interested parties;8(C) hire and compensate staff, which shall9include individuals with expertise in natural,10cultural, and historical resources protection,11fundraising, heritage facility planning and de-12velopment, and heritage tourism programming;13(D) obtain funds or services from any14source, including funds or services that are pro-15vided under any other Federal law or program;16(E) enter into contracts for goods or serv-17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	5	or provide technical assistance to, the State or a
8(C) hire and compensate staff, which shall9include individuals with expertise in natural,10cultural, and historical resources protection,11fundraising, heritage facility planning and de-12velopment, and heritage tourism programming;13(D) obtain funds or services from any14source, including funds or services that are pro-15vided under any other Federal law or program;16(E) enter into contracts for goods or serv-17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	6	political subdivision of the State, nonprofit orga-
9include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and de- velopment, and heritage tourism programming;13(D) obtain funds or services from any source, including funds or services that are pro- vided under any other Federal law or program;16(E) enter into contracts for goods or serv- ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and are consistent with the approved management21plan.22(A) in accordance with subsection (d), pre- pare and submit a management plan for the	7	nizations, and other interested parties;
10cultural, and historical resources protection,11fundraising, heritage facility planning and de-12velopment, and heritage tourism programming;13(D) obtain funds or services from any14source, including funds or services that are pro-15vided under any other Federal law or program;16(E) enter into contracts for goods or serv-17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	8	(C) hire and compensate staff, which shall
11fundraising, heritage facility planning and de-12velopment, and heritage tourism programming;13(D) obtain funds or services from any14source, including funds or services that are pro-15vided under any other Federal law or program;16(E) enter into contracts for goods or serv-17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	9	include individuals with expertise in natural,
12velopment, and heritage tourism programming;13(D) obtain funds or services from any14source, including funds or services that are pro-15vided under any other Federal law or program;16(E) enter into contracts for goods or serv-17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	10	cultural, and historical resources protection,
13(D) obtain funds or services from any14source, including funds or services that are pro-15vided under any other Federal law or program;16(E) enter into contracts for goods or serv-17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	11	fundraising, heritage facility planning and de-
14source, including funds or services that are pro-15vided under any other Federal law or program;16(E) enter into contracts for goods or serv-17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	12	velopment, and heritage tourism programming;
 vided under any other Federal law or program; (E) enter into contracts for goods or serv- ices; and (F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan. (3) DUTIES.—The management entity shall— (A) in accordance with subsection (d), pre- pare and submit a management plan for the 	13	(D) obtain funds or services from any
16(E) enter into contracts for goods or serv-17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	14	source, including funds or services that are pro-
17ices; and18(F) to facilitate the conduct of other projects19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	15	vided under any other Federal law or program;
 (F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan. (3) DUTIES.—The management entity shall— (A) in accordance with subsection (d), pre- pare and submit a management plan for the 	16	(E) enter into contracts for goods or serv-
19and activities that further the Heritage Area and20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	17	ices; and
20are consistent with the approved management21plan.22(3) DUTIES.—The management entity shall—23(A) in accordance with subsection (d), pre-24pare and submit a management plan for the	18	(F) to facilitate the conduct of other projects
 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 	19	and activities that further the Heritage Area and
 22 (3) DUTIES.—The management entity shall— 23 (A) in accordance with subsection (d), pre- 24 pare and submit a management plan for the 	20	are consistent with the approved management
 23 (A) in accordance with subsection (d), pre- 24 pare and submit a management plan for the 	21	plan.
24 pare and submit a management plan for the	22	(3) DUTIES.—The management entity shall—
	23	(A) in accordance with subsection (d), pre-
25 <i>Heritage Area to the Secretary;</i>	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

	030
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

636

	160
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	nomic viability 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

010
Area, may best be coordinated to carry out
this section; and
(vii) an interpretive plan for the Her-
itage Area; and
(D) recommend policies and strategies for
resource management that consider and detail
the application of appropriate land and water
management techniques, including the develop-
ment of intergovernmental and interagency coop-
erative agreements to protect the historical, cul-
tural, scenic, recreational, agricultural, and nat-
ural resources of the Heritage Area.
(3) DEADLINE.—If a proposed management plan
is not submitted to the Secretary by the date that is
3 years after the date of enactment of this Act, the
management entity shall be ineligible to receive addi-
tional funding under this section until the date on
which the Secretary receives and approves the man-
agement plan.
(4) Approval or disapproval of management
PLAN.—
(A) IN GENERAL.—Not later than 180 days
after the date of receipt of the management plan
under paragraph (1), the Secretary, in consulta-

†**HR 146 EAS**

640

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.

	01
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	OT
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 the Secretary to provide assistance under this section termi-6 7 nates on the date that is 15 years after the date of enactment of this Act. 8 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). (4) SECRETARY.—The term "Secretary" means 23 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	nating 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;

4	
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

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-

poses of this section; and

25

	001
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	<i>(ii) the local coordinating entity—</i>
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-

656

	031
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	mentation of the management plan; and (ii) enter into cooperative agreements
17 18	
	(ii) enter into cooperative agreements
18	<i>(ii) enter into cooperative agreements</i> <i>with interested parties to carry out this sec-</i>
18 19	<i>(ii) enter into cooperative agreements</i> <i>with interested parties to carry out this sec-</i> <i>tion.</i>
18 19 20	 (ii) enter into cooperative agreements with interested parties to carry out this sec- tion. (e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—
18 19 20 21	 (ii) enter into cooperative agreements with interested parties to carry out this sec- tion. (e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.— (1) IN GENERAL.—Nothing in this section affects

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	OT
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.

	664
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;

666
(iii) the National Aquarium Aquatic
Life Center;
(iv) the Westport Redevelopment;
(v) the Gwynns Falls Trail;
(vi) the Baltimore Rowing Club; and
(vii) the Masonville Cove Environ-
mental Center.
(3) AVAILABILITY OF MAP.—The map shall be on
file and available for public inspection in the appro-
priate offices of the National Park Service and the
Baltimore Heritage Area Association.
(4) LOCAL COORDINATING ENTITY.—The Balti-
more Heritage Area Association shall be the local co-
ordinating entity for the Heritage Area.
(c) Duties and Authorities of Local Coordi-
NATING ENTITY.—
(1) DUTIES OF THE LOCAL COORDINATING ENTI-
TY.—To further the purposes of the Heritage Area, the
local coordinating entity shall—
(A) prepare, and submit to the Secretary,
in accordance with subsection (d), a manage-
ment plan for the Heritage Area;
(B) assist units of local government, re-
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,

	000
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-

	0.0
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

	0.0
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;

674

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.

(2) Consultation and coordination.—To the
maximum extent practicable, the head of any Federal
agency planning to conduct activities that may have
an impact on the Heritage Area is encouraged to con-
sult and coordinate the activities with the Secretary
and the local coordinating entity.
(3) Other federal agencies.—Nothing in
this section—
(A) modifies, alters, or amends any laws
(including regulations) authorizing a Federal
agency to manage Federal land under the juris-
diction of the Federal agency;
(B) limits the discretion of a Federal land
manager to implement an approved land use
plan within the boundaries of the Heritage Area;
or
(C) modifies, alters, or amends any author-
ized use of Federal land under the jurisdiction of
a Federal agency.
(g) PROPERTY OWNERS AND REGULATORY PROTEC-
TIONS.—Nothing in this section—
(1) abridges the rights of any owner of public or
private property, including the right to refrain from
participating in any plan, project, program, or activ-
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

	082
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;

686

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

Massachusetts and New Hampshire, political
subdivisions of the States, nonprofit organiza-
tions, Federal agencies, and other interested par-
ties;
(C) hire and compensate staff;
(D) obtain funds or services from any
source, including funds and services provided
under any other Federal law or program;
(E) contract for goods or services; and
(F) support activities of partners and any
other activities that further the purposes of the
Heritage Area and are consistent with the ap-
proved management plan.
(3) Prohibition on acquisition of real
PROPERTY.—The local coordinating entity may not
use Federal funds received under this section to ac-
quire any interest in real property.
(4) Use of funds for non-federal prop-
ERTY.—The local coordinating entity may use Fed-
eral funds made available under this section to assist
non-Federal property that is—
(A) described in the management plan; or
(B) listed, or eligible for listing, on the Na-
tional Register of Historic Places.
(e) Management Plan.—

(1) IN GENERAL.—Not later than 3 years after
the date on which funds are made available to develop
the management plan, the local coordinating entity
shall submit to the Secretary for approval a proposed
management plan for the Heritage Area.
(2) Requirements.—The management plan for
the Heritage Area shall—
(A) describe comprehensive policies, goals,
strategies, and recommendations for the con-
servation, funding, management, and develop-
ment of the Heritage Area;
(B) take into consideration existing State,
county and local plans in the development and

ting State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and inter-pretation plan;

(D) contain the contributions of residents, public agencies, and private organizations with-in the Heritage Area;

(E) include a description of actions and commitments that governments, private organi-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—

	001
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—

	001
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-

fying the critical components for sustain-
ability of the Heritage Area.
(C) Report.—
(i) IN GENERAL.—Based on the evalua-
tion conducted under subparagraph $(A)(i)$,
the Secretary shall prepare a report that in-
cludes recommendations for the future role
of the National Park Service, if any, with
respect to the Heritage Area.
(ii) Required analysis.—If the re-
port prepared under this subparagraph rec-
ommends that Federal funding for the Her-
itage Area be reauthorized, the report shall
include an analysis of—
(I) ways in which Federal fund-
ing for the Heritage Area may be re-
duced or eliminated; and
(II) the appropriate time period
necessary to achieve the recommended
reduction or elimination.
(iii) SUBMISSION TO CONGRESS.—On
completion of a report under this subpara-
graph, the Secretary shall submit the report
to—

	000
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	diction 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	OT

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

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—

703
(I) extend east along Mississippi
Highway 12 until it intersects U.S.
Highway 51;
(II) follow Highway 51 south
until it is intersected again by High-
way 12;
(III) extend along Highway 12
into downtown Kosciusko where it
intersects Mississippi Highway 35;
(IV) follow Highway 35 south
until it is intersected by Mississippi
Highway 14; and
(V) extend along Highway 14
until it reaches the Alabama State
line, the intersection of which shall be
the southeast terminus of the Heritage
Area;
(iv) from the southeast terminus, the
boundary of the Heritage Area shall follow
the Mississippi-Alabama State line until it
reaches the Mississippi-Tennessee State line,
the intersection of which shall be the north-
east terminus of the Heritage Area; and
(v) the boundary shall extend due west
until it reaches U.S. Highway 51, the inter-

	704
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	sissippi 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;

	100
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

protect, enhance, interpret, fund, manage, and
develop the Heritage Area;
(C) include—
(i) an inventory of the natural, histor-
ical, cultural, archaeological, and rec-
reational resources of the Heritage Area;
and
(ii) an analysis of how Federal, State,
tribal, and local programs may best be co-
ordinated to promote and carry out this sec-
tion;
(D) provide recommendations for edu-
cational and interpretive programs to provide
information to the public on the resources of the
Heritage Area; and
(E) involve residents of affected commu-
nities and tribal and local governments.
(3) TERMINATION OF FUNDING.—If the manage-
ment plan is not submitted to the Secretary in ac-
cordance with this subsection, the local coordinating
entity shall not qualify for additional financial as-
sistance under this section until the management plan
is submitted to, and approved by, the Secretary.
(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—

	110
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	diction of the Federal agency;
9	(B) limits the discretion of a Federal land
10	manager to implement an approved land use
11	plan within the boundaries of the Heritage Area;
12	OT
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—

2tecting cultural or religious sites on tribal land3or4(B) diminishes the trust responsibilities5government-to-government obligations of the6United States to any Indian tribe recognized7the Federal Government.8(h) AUTHORIZATION OF APPROPRIATIONS.—9(1) IN GENERAL.—There is authorized to be a10propriated to carry out this section \$10,000,000,11which not more than \$1,000,000 may be made available12able for any fiscal year.13(2) AVAILABILITY.—Amounts made available14under paragraph (1) shall remain available until of15pended.16(3) COST-SHARING REQUIREMENT.—17(A) IN GENERAL.—The Federal share of the18total cost of any activity under this section shall19be not more than 50 percent.20(B) FORM.—The non-Federal contribution	·0-
4(B) diminishes the trust responsibilities5government-to-government obligations of the6United States to any Indian tribe recognized7the Federal Government.8(h) AUTHORIZATION OF APPROPRIATIONS.—9(1) IN GENERAL.—There is authorized to be a10propriated to carry out this section \$10,000,000,11which not more than \$1,000,000 may be made available12able for any fiscal year.13(2) AVAILABILITY.—Amounts made available14under paragraph (1) shall remain available until of15pended.16(3) COST-SHARING REQUIREMENT.—17(A) IN GENERAL.—The Federal share of the18total cost of any activity under this section share19be not more than 50 percent.	d;
5government-to-governmentobligationsof6United States to any Indian tribe recognized7the Federal Government.8(h) AUTHORIZATION OF APPROPRIATIONS.—9(1) IN GENERAL.—There is authorized to be a10propriated to carry out this section \$10,000,000,11which not more than \$1,000,000 may be made available12able for any fiscal year.13(2) AVAILABILITY.—Amounts made available14under paragraph (1) shall remain available until of15pended.16(3) COST-SHARING REQUIREMENT.—17(A) IN GENERAL.—The Federal share of the18total cost of any activity under this section shall19be not more than 50 percent.	
6United States to any Indian tribe recognized7the Federal Government.8(h) AUTHORIZATION OF APPROPRIATIONS.—9(1) IN GENERAL.—There is authorized to be a10propriated to carry out this section \$10,000,000,11which not more than \$1,000,000 may be made ava12able for any fiscal year.13(2) AVAILABILITY.—Amounts made available14under paragraph (1) shall remain available until o15pended.16(3) COST-SHARING REQUIREMENT.—17(A) IN GENERAL.—The Federal share of t18total cost of any activity under this section shall19be not more than 50 percent.	or
7the Federal Government.8(h) AUTHORIZATION OF APPROPRIATIONS.—9(1) IN GENERAL.—There is authorized to be a10propriated to carry out this section \$10,000,000,11which not more than \$1,000,000 may be made available12able for any fiscal year.13(2) AVAILABILITY.—Amounts made available14under paragraph (1) shall remain available until of15pended.16(3) COST-SHARING REQUIREMENT.—17(A) IN GENERAL.—The Federal share of the18total cost of any activity under this section shall19be not more than 50 percent.	he
 (h) AUTHORIZATION OF APPROPRIATIONS.— (1) IN GENERAL.—There is authorized to be a propriated to carry out this section \$10,000,000, which not more than \$1,000,000 may be made available able for any fiscal year. (2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until e pended. (3) COST-SHARING REQUIREMENT.— (A) IN GENERAL.—The Federal share of t total cost of any activity under this section shall be not more than 50 percent. 	by
9(1) IN GENERAL.—There is authorized to be a10propriated to carry out this section \$10,000,000,11which not more than \$1,000,000 may be made ava12able for any fiscal year.13(2) AVAILABILITY.—Amounts made available14under paragraph (1) shall remain available until e15pended.16(3) COST-SHARING REQUIREMENT.—17(A) IN GENERAL.—The Federal share of t18total cost of any activity under this section shall19be not more than 50 percent.	
10propriated to carry out this section \$10,000,000,11which not more than \$1,000,000 may be made ava12able for any fiscal year.13(2)AVAILABILITY.—Amounts made available14under paragraph (1) shall remain available until e15pended.16(3)COST-SHARING REQUIREMENT.—17(A)IN GENERAL.—The Federal share of t18total cost of any activity under this section shall19be not more than 50 percent.	
11which not more than \$1,000,000 may be made ava12able for any fiscal year.13(2) AVAILABILITY.—Amounts made available14under paragraph (1) shall remain available until e15pended.16(3) COST-SHARING REQUIREMENT.—17(A) IN GENERAL.—The Federal share of t18total cost of any activity under this section shall19be not more than 50 percent.	<i>p</i> -
12able for any fiscal year.13(2) AVAILABILITY.—Amounts made available14under paragraph (1) shall remain available until e15pended.16(3) COST-SHARING REQUIREMENT.—17(A) IN GENERAL.—The Federal share of t18total cost of any activity under this section sha19be not more than 50 percent.	of
13(2) AVAILABILITY.—Amounts made available14under paragraph (1) shall remain available until e15pended.16(3) COST-SHARING REQUIREMENT.—17(A) IN GENERAL.—The Federal share of t18total cost of any activity under this section sha19be not more than 50 percent.	il-
 14 under paragraph (1) shall remain available until e 15 pended. 16 (3) COST-SHARING REQUIREMENT.— 17 (A) IN GENERAL.—The Federal share of t 18 total cost of any activity under this section shall 19 be not more than 50 percent. 	
 15 pended. 16 (3) COST-SHARING REQUIREMENT.— 17 (A) IN GENERAL.—The Federal share of t 18 total cost of any activity under this section sha 19 be not more than 50 percent. 	ole
16(3) COST-SHARING REQUIREMENT.—17(A) IN GENERAL.—The Federal share of t18total cost of any activity under this section sha19be not more than 50 percent.	x-
 17 (A) IN GENERAL.—The Federal share of t 18 total cost of any activity under this section sha 19 be not more than 50 percent. 	
 18 total cost of any activity under this section sho 19 be not more than 50 percent. 	
19 be not more than 50 percent.	he
L	ıll
20 (B) FORM.—The non-Federal contrib	
	u-
21 <i>tion</i> —	
(<i>i</i>) shall be from non-Federal source	? s;
23 <i>and</i>	
(<i>ii</i>) may be in the form of in-kind co	n-
25 tributions of goods or services fairly value	ed.

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.

(3) AVAILABILITY OF MAP.—The map shall be on
file and available for public inspection in the office
of the Director of the National Park Service.

(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.—

(I) IN GENERAL.—The local coordinating entity shall be governed by
a Board of Directors composed of 15
members, of whom—

 (aa) 1 member shall be ap- inted by Delta State Univer- y; (bb) 1 member shall be ap- inted by Mississippi Valley ate University; (aa) 1 member shall be ap-
y; (bb) 1 member shall be ap- inted by Mississippi Valley ate University;
(bb) 1 member shall be ap- inted by Mississippi Valley ate University;
inted by Mississippi Valley ate University;
ate University;
(a) 1 manufar shall be an
(cc) 1 member shall be ap-
inted by Alcorn State Univer-
<i>y;</i>
(dd) 1 member shall be ap-
inted by the Delta Foundation;
(ee) 1 member shall be ap-
inted by the Smith Robertson
ıseum;
(ff) 1 member shall be ap-
inted from the office of the Gov-
nor of the State;
(gg) 1 member shall be ap-
inted by Delta Council;
(hh) 1 member shall be ap-
(hh) 1 member shall be ap- inted from the Mississippi Arts
inted from the Mississippi Arts
inted from the Mississippi Arts mmission;

	120
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;

	124
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	cials.
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

	125
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.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDI 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;

(ii) the emerge and income of the
(ii) the expenses and income of the
local coordinating entity;
(iii) the amounts and sources of
matching funds;
(iv) the amounts leveraged with Fed-
eral funds and sources of the leveraged
funds; and
(v) grants made to any other entities
during the fiscal year;
(F) make available for audit for each fiscal
year for which the local coordinating entity re-
ceives Federal funds under this section, all infor-
mation pertaining to the expenditure of the
funds and any matching funds;
(G) require in all agreements authorizing
expenditures of Federal funds by other organiza-
tions, that the receiving organizations make
available for audit all records and other infor-
mation pertaining to the expenditure of the
funds; and
(H) encourage, by appropriate means, eco-
nomic development that is consistent with the
purposes of the Heritage Area.
(2) AUTHORITIES.—The local coordinating enti-
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

protect, enhance, interpret, fund, manage, and
develop the Heritage Area;
(E) include an inventory of the cultural,
historical, archaeological, natural, and rec-
reational resources of the Heritage Area relating
to the stories and themes of the region that
should be protected, enhanced, managed, or devel-
oped;
(F) recommend policies and strategies for
resource management including, the development
of intergovernmental and interagency agreements
to protect the natural, historic, cultural, edu-
cational, scenic, and recreational resources of the
Heritage Area;
(G) describe a program for implementation
of the management plan, including—
(i) performance goals;
(ii) plans for resource protection, en-
hancement, and interpretation; and
(iii) specific commitments for imple-
mentation that have been made by the local
coordinating entity or any government, or-
ganization, business, or individual;
(H) include an analysis of, and rec-
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—

	100
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 objec24 tives of the approved management plan
25 for the Heritage Area;

(ii) analyze the Federal, State, local,
and private investments in the Heritage
Area to determine the leverage and impact
of the investments; and
(iii) review the management structure,
partnership relationships, and funding of
the Heritage Area for purposes of identi-
fying the critical components for sustain-
ability of the Heritage Area.
(C) Report.—
(i) IN GENERAL.—Based on the evalua-
tion conducted under subparagraph $(A)(i)$,
the Secretary shall prepare a report that in-
cludes recommendations for the future role
of the National Park Service, if any, with
respect to the Heritage Area.
(ii) Required analysis.—If the re-
port prepared under this subparagraph rec-
ommends that Federal funding for the Her-
itage Area be reauthorized, the report shall
include an analysis of—
(I) ways in which Federal fund-
ing for the Heritage Area may be re-
duced or eliminated; and

	139
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—

(A) modifies, alters, or amends any	laws
(including regulations) authorizing a Fe	deral
agency to manage Federal land under the j	iuris-
diction of the Federal agency;	
(B) limits the discretion of a Federal	land
manager to implement an approved land	l use
plan within the boundaries of the Heritage.	Area;
or	
(C) modifies, alters, or amends any au	thor-
ized use of Federal land under the jurisdicti	on of
a Federal agency.	

(q) PROPERTY OWNERS AND REGULATORY PROTEC-TIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activ-ity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public ac-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.

(2) Cost-sharing requirement.—
(A) IN GENERAL.—The Federal share of the
total cost of any activity under this section shall
be not more than 50 percent.
(B) FORM.—The non-Federal contribu-
tion—
(i) shall be from non-Federal sources;
and
(ii) may be in the form of in-kind con-
tributions of goods or services fairly valued.
(i) TERMINATION OF FINANCIAL ASSISTANCE.—The
authority of the Secretary to provide financial assistance
authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years
under this section terminates on the date that is 15 years
under this section terminates on the date that is 15 years after the date of enactment of this Act.
under this section terminates on the date that is 15 years after the date of enactment of this Act. SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA,
under this section terminates on the date that is 15 years after the date of enactment of this Act. SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.
under this section terminates on the date that is 15 years after the date of enactment of this Act. SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA. (a) PURPOSES.—The purposes of this section are—
under this section terminates on the date that is 15 years after the date of enactment of this Act. SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA. (a) PURPOSES.—The purposes of this section are— (1) to preserve, support, conserve, and interpret
under this section terminates on the date that is 15 years after the date of enactment of this Act. SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA. (a) PURPOSES.—The purposes of this section are— (1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage
under this section terminates on the date that is 15 years after the date of enactment of this Act. SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA. (a) PURPOSES.—The purposes of this section are— (1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by
under this section terminates on the date that is 15 years after the date of enactment of this Act. SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA. (a) PURPOSES.—The purposes of this section are— (1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

	110
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	Amon astablished by subsection (a)(1)

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.

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;

	110
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

†**HR 146 EAS**

ind ral, rec- ing rea ted, for ent
rec- ing rea ted, for
rec- ing rea ted, for
ing rea ted, for
rea ted, for
ted, for
for
0
0
ent
ents
and
du-
the
ion
en-
an-
т
ple-
ple- ocal

	100
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

	194
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	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	(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-
20 21	<i>(ii) prepare a report with rec-</i> <i>ommendations for the future role of the Na-</i>
21	ommendations for the future role of the Na-

	100
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	pact 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.

101
(ii) Required analysis.—If the re-
port prepared under this subparagraph rec-
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
•••	

the authority of a Federal agency to provide technical
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	diction 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	OT
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.
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-

	100
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;

(E) recommend policies and strategies for
resource management, including the development
$of\ intergovernmental\ and\ interagency\ agreements$
to protect, enhance, interpret, fund, manage, and

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—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

14(iii) specific commitments for imple-15mentation that have been made by the local16coordinating entity or any Federal, State,17tribal, or local government agency, organi-18zation, business, or individual;

19(G) include an analysis of, and rec-20ommendations for, means by which Federal,21State, tribal, and local programs may best be co-22ordinated (including the role of the National23Park Service, the Forest Service, and other Fed-24eral agencies associated with the Heritage Area)25to further the purposes of this section; and

1

2

3

	100
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	<i>(ii) the local coordinating entity—</i>
24	(I) has afforded adequate oppor-
25	tunity for public and Federal, State,

	101
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 ade-
2	quate assurances from the appropriate
3	State, tribal, and local officials whose sup-
4	port is needed to ensure the effective imple-
5	mentation of the State, tribal, and local ele-
6	ments of the management plan; and
7	(vii) the management plan dem-
8	onstrates partnerships among the local co-
9	ordinating entity, Federal Government,
10	State, tribal, and local governments, re-
11	gional planning organizations, nonprofit
12	organizations, or private sector parties for
13	implementation of 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

	109
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

2Area.3(3) REPORT.—Based on the evaluation conducted4under paragraph (1)(A), the Secretary shall submit to5the Committee on Energy and Natural Resources of6the Senate and the Committee on Natural Resources7of the House of Representatives a report that includes8recommendations for the future role of the National9Park Service, if any, with respect to the Heritage10Area.11(e) LOCAL COORDINATING ENTITY.—12(1) DUTIES.—To further the purposes of the13Heritage Area, in addition to developing the manage-14ment plan for the Heritage Area under subsection (c),15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	1	components for sustainability of the Heritage
4under paragraph (1)(A), the Secretary shall submit to5the Committee on Energy and Natural Resources of6the Senate and the Committee on Natural Resources7of the House of Representatives a report that includes8recommendations for the future role of the National9Park Service, if any, with respect to the Heritage10Area.11(e) LOCAL COORDINATING ENTITY.—12(1) DUTIES.—To further the purposes of the13Heritage Area, in addition to developing the manage-14ment plan for the Heritage Area under subsection (c),15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21(i) the specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	2	Area.
5the Committee on Energy and Natural Resources of6the Senate and the Committee on Natural Resources7of the House of Representatives a report that includes8recommendations for the future role of the National9Park Service, if any, with respect to the Heritage10Area.11(e) LOCAL COORDINATING ENTITY.—12(1) DUTIES.—To further the purposes of the13Heritage Area, in addition to developing the manage-14ment plan for the Heritage Area under subsection (c),15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21(i) the specific performance goals and23(i) the specific performance goals and24accomplishments of the local coordinating	3	(3) Report.—Based on the evaluation conducted
6the Senate and the Committee on Natural Resources7of the House of Representatives a report that includes8recommendations for the future role of the National9Park Service, if any, with respect to the Heritage10Area.11(e) LOCAL COORDINATING ENTITY.—12(1) DUTIES.—To further the purposes of the13Heritage Area, in addition to developing the manage-14ment plan for the Heritage Area under subsection (c),15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22(i) the specific performance goals and23(i) the specific performance goals and24accomplishments of the local coordinating	4	under paragraph (1)(A), the Secretary shall submit to
7of the House of Representatives a report that includes8recommendations for the future role of the National9Park Service, if any, with respect to the Heritage10Area.11(e) LOCAL COORDINATING ENTITY.—12(1) DUTIES.—To further the purposes of the13Heritage Area, in addition to developing the manage-14ment plan for the Heritage Area under subsection (c),15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	5	the Committee on Energy and Natural Resources of
 recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area. (e) LOCAL COORDINATING ENTITY.— (1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the manage- ment plan for the Heritage Area under subsection (c), the local coordinating entity shall— (A) serve to facilitate and expedite the im- plementation of projects and programs among diverse partners in the Heritage Area; (B) submit an annual report to the Sec- retary for each fiscal year for which the local co- ordinating entity receives Federal funds under this section, specifying— (i) the specific performance goals and accomplishments of the local coordinating 	6	the Senate and the Committee on Natural Resources
9Park Service, if any, with respect to the Heritage10Area.11(e) LOCAL COORDINATING ENTITY.—12(1) DUTIES.—To further the purposes of the13Heritage Area, in addition to developing the manage-14ment plan for the Heritage Area under subsection (c),15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	7	of the House of Representatives a report that includes
10Area.11(e) LOCAL COORDINATING ENTITY.—12(1) DUTHES.—To further the purposes of the13Heritage Area, in addition to developing the manage-14ment plan for the Heritage Area under subsection (c),15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	8	recommendations for the future role of the National
11(e) LOCAL COORDINATING ENTITY.—12(1) DUTIES.—To further the purposes of the13Heritage Area, in addition to developing the manage-14ment plan for the Heritage Area under subsection (c),15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	9	Park Service, if any, with respect to the Heritage
12(1) DUTIES.—To further the purposes of the13Heritage Area, in addition to developing the manage-14ment plan for the Heritage Area under subsection (c),15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	10	Area.
 Heritage Area, in addition to developing the manage- ment plan for the Heritage Area under subsection (c), the local coordinating entity shall— (A) serve to facilitate and expedite the im- plementation of projects and programs among diverse partners in the Heritage Area; (B) submit an annual report to the Sec- retary for each fiscal year for which the local co- ordinating entity receives Federal funds under this section, specifying— (i) the specific performance goals and accomplishments of the local coordinating 	11	(e) Local Coordinating Entity.—
14ment plan for the Heritage Area under subsection (c),15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	12	(1) DUTIES.—To further the purposes of the
15the local coordinating entity shall—16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	13	Heritage Area, in addition to developing the manage-
16(A) serve to facilitate and expedite the im-17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	14	ment plan for the Heritage Area under subsection (c),
17plementation of projects and programs among18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	15	the local coordinating entity shall—
18diverse partners in the Heritage Area;19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	16	(A) serve to facilitate and expedite the im-
19(B) submit an annual report to the Sec-20retary for each fiscal year for which the local co-21ordinating entity receives Federal funds under22this section, specifying—23(i) the specific performance goals and24accomplishments of the local coordinating	17	plementation of projects and programs among
 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 	18	diverse partners in the Heritage Area;
 ordinating entity receives Federal funds under this section, specifying— (i) the specific performance goals and accomplishments of the local coordinating 	19	(B) submit an annual report to the Sec-
 this section, specifying— (i) the specific performance goals and accomplishments of the local coordinating 	20	retary for each fiscal year for which the local co-
 23 (i) the specific performance goals and 24 accomplishments of the local coordinating 	21	ordinating entity receives Federal funds under
24 accomplishments of the local coordinating	22	this section, specifying—
	23	(i) the specific performance goals and
25	24	accomplishments of the local coordinating
25 $entity;$	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	diction of the Federal agency;
17	(B) limits the discretion of a Federal land
18	manager to implement an approved land use
19	plan within the boundaries of 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

manage fish and wildlife, including the regulation of
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.

1	Subtitle B—Studies
2	SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEOR-
3	GIA.
4	(a) DEFINITIONS.—In this section:
5	(1) CORRIDOR.—The term "Corridor" means the
6	Chattahoochee Trace National Heritage Corridor.
7	(2) Secretary.—The term "Secretary" means
8	the Secretary of the Interior.
9	(3) STUDY AREA.—The term "study area" means
10	the study area described in subsection $(b)(2)$.
11	(b) Study.—
12	(1) IN GENERAL.—The Secretary, in consultation
13	with State historic preservation officers, State histor-
14	ical societies, State tourism offices, and other appro-
15	priate organizations or agencies, shall conduct a
16	study to assess the suitability and feasibility of desig-
17	nating the study area as the Chattahoochee Trace Na-
18	tional Heritage Corridor.
19	(2) Study Area.—The study area includes—
20	(A) the portion of the Apalachicola-Chat-
21	tahoochee-Flint River Basin and surrounding
22	areas, as generally depicted on the map entitled
23	"Chattahoochee Trace National Heritage Cor-
24	ridor, Alabama/Georgia", numbered T05/80000,
25	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	folklife 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;

2that is responsible for preparing and imple-3menting the management plan developed for the4proposed Heritage Area;5(J) with respect to the designation of the6study area, has the support of the proposed local7coordinating entity and appropriate Federal8agencies and State and local governments, each9of which has documented the commitment of the10entity to work in partnership with each other en-11tity to protect, enhance, interpret, fund, manage,12and develop the resources located in the study13area;14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal23agencies.	1	(I) has a proposed local coordinating entity
4proposed Heritage Area;5(J) with respect to the designation of the6study area, has the support of the proposed local7coordinating entity and appropriate Federal8agencies and State and local governments, each9of which has documented the commitment of the10entity to work in partnership with each other en-11tity to protect, enhance, interpret, fund, manage,12and develop the resources located in the study13area;14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	2	that is responsible for preparing and imple-
5(J) with respect to the designation of the6study area, has the support of the proposed local7coordinating entity and appropriate Federal8agencies and State and local governments, each9of which has documented the commitment of the10entity to work in partnership with each other en-11tity to protect, enhance, interpret, fund, manage,12and develop the resources located in the study13area;14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	3	menting the management plan developed for the
6study area, has the support of the proposed local7coordinating entity and appropriate Federal8agencies and State and local governments, each9of which has documented the commitment of the10entity to work in partnership with each other en-11tity to protect, enhance, interpret, fund, manage,12and develop the resources located in the study13area;14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	4	proposed Heritage Area;
7coordinating entity and appropriate Federal8agencies and State and local governments, each9of which has documented the commitment of the10entity to work in partnership with each other en-11tity to protect, enhance, interpret, fund, manage,12and develop the resources located in the study13area;14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	5	(J) with respect to the designation of the
8agencies and State and local governments, each9of which has documented the commitment of the10entity to work in partnership with each other en-11tity to protect, enhance, interpret, fund, manage,12and develop the resources located in the study13area;14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	6	study area, has the support of the proposed local
9of which has documented the commitment of the10entity to work in partnership with each other en-11tity to protect, enhance, interpret, fund, manage,12and develop the resources located in the study13area;14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	7	coordinating entity and appropriate Federal
10entity to work in partnership with each other en- tity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;13area;14(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (includ- ing the Federal Government) in the management of the proposed Heritage Area;19(L) has a proposal that is consistent with continued economic activity within the area; and (M) has a conceptual boundary map that is supported by the public and appropriate Federal	8	agencies and State and local governments, each
11tity to protect, enhance, interpret, fund, manage,12and develop the resources located in the study13area;14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	9	of which has documented the commitment of the
12and develop the resources located in the study13area;14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	10	entity to work in partnership with each other en-
13area;14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	11	tity to protect, enhance, interpret, fund, manage,
14(K) through the proposed local coordinating15entity, has developed a conceptual financial plan16that outlines the roles of all participants (includ-17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	12	and develop the resources located in the study
 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 	13	area;
16that outlines the roles of all participants (includ- ing the Federal Government) in the management17ing the Federal Government) in the management18of the proposed Heritage Area;19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	14	(K) through the proposed local coordinating
 ing the Federal Government) in the management of the proposed Heritage Area; (L) has a proposal that is consistent with continued economic activity within the area; and (M) has a conceptual boundary map that is supported by the public and appropriate Federal 	15	entity, has developed a conceptual financial plan
 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 	16	that outlines the roles of all participants (includ-
19(L) has a proposal that is consistent with20continued economic activity within the area; and21(M) has a conceptual boundary map that is22supported by the public and appropriate Federal	17	ing the Federal Government) in the management
 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 	18	of the proposed Heritage Area;
 21 (M) has a conceptual boundary map that is 22 supported by the public and appropriate Federal 	19	(L) has a proposal that is consistent with
22 supported by the public and appropriate Federal	20	continued economic activity within the area; and
	21	(M) has a conceptual boundary map that is
23 agencies.	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

	100
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.

Subtitle C—Amendments Relating 1 to National Heritage Corridors 2 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 inserting "September 30, 2015". 9 10 (b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage 11 12 Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103– 449) is amended by adding at the end the following: 13 14 "(c) EVALUATION; REPORT.— 15 "(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding ter-16 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—

	100
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.
13 14	RIDOR. The Erie Canalway National Heritage Corridor Act
14	The Erie Canalway National Heritage Corridor Act
14 15	The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended—
14 15 16	The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended— (1) in section 804—
14 15 16 17	The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended— (1) in section 804— (A) in subsection (b)—
14 15 16 17 18	The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended— (1) in section 804— (A) in subsection (b)— (i) in the matter preceding paragraph
14 15 16 17 18 19	The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended— (1) in section 804— (A) in subsection (b)— (i) in the matter preceding paragraph (1), by striking "27" and inserting "at least
 14 15 16 17 18 19 20 	The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended— (1) in section 804— (A) in subsection (b)— (i) in the matter preceding paragraph (1), by striking "27" and inserting "at least 21 members, but not more than 27";
 14 15 16 17 18 19 20 21 	The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended— (1) in section 804— (A) in subsection (b)— (i) in the matter preceding paragraph (1), by striking "27" and inserting "at least 21 members, but not more than 27"; (ii) in paragraph (2), by striking "En-
 14 15 16 17 18 19 20 21 22 	The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended— (1) in section 804— (A) in subsection (b)— (i) in the matter preceding paragraph (1), by striking "27" and inserting "at least 21 members, but not more than 27"; (ii) in paragraph (2), by striking "En- vironment" and inserting "Environ-

	195
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

and private organizations in the Corridor (including the
 Commission) any operational assistance that is appro priate to assist with the implementation of the Canalway
 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
- (2) by striking "Directors from Massachusetts
 and Rhode Island;" and inserting "Directors from
 Massachusetts and Rhode Island, ex officio, or their
 delegates;".
- 18 Subtitle D—Effect of Title

19 SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVI-

20

TIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or
regulation, including hunting, fishing, or trapping.

TITLE IX—BUREAU OF RECLAMA- TION AUTHORIZATIONS Subtitle A—Feasibility Studies sec. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS,

796

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.

(b) BUREAU OF RECLAMATION.—A study conducted
under this section shall comply with Bureau of Reclamation
policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to the Secretary of the Interior to carry out this section \$3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority
provided by this section terminates on the date that is 10
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.—

(A) IN GENERAL.—The Federal share of the
total costs of the study under paragraph (1) shall
not exceed 45 percent.
(B) FORM OF NON-FEDERAL SHARE.—The
non-Federal share required under subparagraph
(A) may be in the form of any in-kind service
that the Secretary determines would contribute
substantially toward the conduct and completion
of the study under paragraph (1).
(3) Statement of congressional intent re-
LATING TO COMPLETION OF STUDY.—It is the intent
of Congress that the Secretary complete the study
under paragraph (1) by a date that is not later than
30 months after the date of enactment of this Act.
(4) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to the Sec-
retary to carry out this subsection \$1,260,000.
(c) WATER RIGHTS.—Nothing in this section affects—
(1) any valid or vested water right in existence
on the date of enactment of this Act; or
(2) any application for water rights pending be-
fore the date of enactment of this Act.
SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.
(a) Feasibility Study, Project Development,
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.

(2) FEDERAL COST SHARE.—The Federal share
of the costs of the feasibility study shall not exceed 50
percent of the total study costs. The Secretary may
accept as part of the non-Federal cost share, any contribution 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-

eral Reclamation laws or laws associated with any project
 or any portion of any project constructed under any author 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 sub7 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

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CON-12 13 SERVATION PROJECT, OREGON. 14 (a) DEFINITIONS.—In this section: (1) DISTRICT.—The term "District" means the 15 16 Tumalo Irrigation District, Oregon. 17 (2) PROJECT.—The term "Project" means the 18 Irrigation District Water Conservation Tumalo 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
-	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	(5) EFFECT.—Any assistance provided under
2	this section shall not be considered to be a supple-
3	mental or additional benefit under Federal reclama-
4	tion law (the Act of June 17, 1902 (32 Stat. 388,
5	chapter 1093), and Acts supplemental to and amend-
6	atory of that Act (43 U.S.C. 371 et seq.).
7	(c) AUTHORIZATION OF APPROPRIATIONS.—There is
8	authorized to be appropriated to the Secretary for the Fed-
9	eral share of the cost of the Project \$4,000,000.
10	(d) TERMINATION OF AUTHORITY.—The authority of
11	the Secretary to carry out this section shall expire on the
12	date that is 10 years after the date of enactment of this
10	A at
13	Act.
13 14	Act. SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT
14	SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT
14 15	SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.
14 15 16	SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA. (a) DEFINITIONS.—In this section:
14 15 16 17	 SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA. (a) DEFINITIONS.—In this section: (1) DISTRICT.—The term "District" means the
14 15 16 17 18	SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA. (a) DEFINITIONS.—In this section: (1) DISTRICT.—The term "District" means the Madera Irrigation District, Madera, California.
14 15 16 17 18 19	 SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA. (a) DEFINITIONS.—In this section: (1) DISTRICT.—The term "District" means the Madera Irrigation District, Madera, California. (2) PROJECT.—The term "Project" means the
 14 15 16 17 18 19 20 	 SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA. (a) DEFINITIONS.—In this section: (1) DISTRICT.—The term "District" means the Madera Irrigation District, Madera, California. (2) PROJECT.—The term "Project" means the Madera Water Supply Enhancement Project, a
 14 15 16 17 18 19 20 21 	 SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA. (a) DEFINITIONS.—In this section: DISTRICT.—The term "District" means the Madera Irrigation District, Madera, California. PROJECT.—The term "Project" means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch
 14 15 16 17 18 19 20 21 22 	 SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA. (a) DEFINITIONS.—In this section: DISTRICT.—The term "District" means the Madera Irrigation District, Madera, California. PROJECT.—The term "Project" means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained,

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 by this section shall be undertaken in accordance with a 3 cooperative agreement between the Secretary and the Dis-4 5 trict for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the Dis-6 trict the responsibilities of the District for participating, 7 8 which shall include— 9 (1) engineering and design;

10 (2) construction; and

(3) the administration of contracts pertaining toany of the foregoing.

13 (d) AUTHORIZATION FOR THE MADERA WATER SUP14 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.

(2) TOTAL COST.—The total cost of the Project
for the purposes of determining the Federal cost share
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	(6) Plans and analyses consistent with
2	FEDERAL LAW.—Before obligating funds for design or
3	construction under this subsection, the Secretary shall
4	work cooperatively with the District to use, to the ex-
5	tent possible, plans, designs, and engineering and en-
6	vironmental analyses that have already been prepared
7	by the District for the Project. The Secretary shall en-
8	sure that such information as is used is consistent
9	with applicable Federal laws and regulations.
10	(7) TITLE; RESPONSIBILITY; LIABILITY.—Noth-
11	ing in this subsection or the assistance provided
12	under this subsection shall be construed to transfer
13	title, responsibility, or liability related to the Project
14	to the United States.
15	(8) AUTHORIZATION OF APPROPRIATION.—There
16	is authorized to be appropriated to the Secretary to
17	carry out this subsection \$22,500,000 or 25 percent of
18	the total cost of the Project, whichever is less.
19	(e) SUNSET.—The authority of the Secretary to carry
20	out any provisions of this section shall terminate 10 years
21	after the date of the enactment of this Act.
22	SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM
23	PROJECT, NEW MEXICO.
24	(α) DEDINITION (α) In this section

24 (a) DEFINITIONS.—In this section:

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	sistance 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—

(I) for any activity that is incon-
sistent with constructing the System;
OF
(II) to plan or construct facilities
used to supply irrigation water for ir-
rigated agricultural purposes.
(2) Cost-sharing requirement.—
(A) IN GENERAL.—The Federal share of the
total cost of any activity or construction carried
out using amounts made available under this
section shall be not more than 75 percent of the
total cost of the System.
(B) System development costs.—For
purposes of subparagraph (A), the total cost of
the System shall include any costs incurred by
the Authority or the State on or after October 1,
2003, for the development of the System.
(3) LIMITATION.—No amounts made available
under this section may be used for the construction of
the System until—
(A) a plan is developed under subsection
(c)(2); and
(B) the Secretary and the Authority have
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.

	010
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

carry out this section an amount not greater than
 \$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 applicable 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.

(4) AVAILABILITY OF FUNDS.—At the end of each
fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

18 SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT
19 PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and
Groundwater Study and Facilities Act (Public Law 102–
575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

816

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 mainte15 nance of the project described in subsection (a).".

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102–575 is amended by inserting after
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	<i>(ii) \$2,900,000.</i>
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

and improvements directly associated with the
Project.
(4) Prohibition on operation and mainte-
NANCE COSTS.—The District shall be responsible for
the operation and maintenance of any facility con-
structed or rehabilitated under this section.
(5) LIABILITY.—The United States shall not be
liable for damages of any kind arising out of any act,
omission, or occurrence relating to a facility rehabili-
tated or constructed under this section.
(6) EFFECT.—An activity provided Federal
funding under this section shall not be considered a
supplemental or additional benefit under—
(A) the reclamation laws; or
(B) the Act of August 11, 1939 (16 U.S.C.
590y et seq.).
(7) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to the Sec-
retary to pay the Federal share of the total cost of
carrying out the Project \$8,250,000.
SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.
(a) FINDINGS AND PURPOSE.—
(1) FINDINGS.—Congress finds that—
(A) drought, population increases, and envi-
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) R10 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 communication

24 (B) REQUIRED CONSENT.—In carrying out
25 subparagraph (A), the Secretary shall only in-

clude each individual Rio Grande Pueblo that
notifies the Secretary that the Pueblo consents to
participate in—
(i) the conduct of the study under sub-
paragraph (A)(i); and
(ii) the development of the list of
projects under subparagraph $(A)(ii)$ with
respect to the Pueblo.
(2) Priority.—
(A) Consideration of factors.—
(i) IN GENERAL.—In developing the
list of projects under paragraph $(1)(A)(ii)$,
the Secretary shall—
(I) consider each of the factors de-
scribed in subparagraph (B); and
(II) prioritize the projects rec-
ommended for implementation based
on—
(aa) a review of each of the
factors; and
(bb) a consideration of the
projected benefits of the project on
completion of the project.
(ii) Eligibility of projects.—A
project is eligible to be considered and

	020
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,

	831
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	

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-

	001
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

	099
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

0	0	C
0	ð	0

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
	only when the Project has been completed

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—

	011
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;

	012
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-

†**HR 146 EAS**

	010
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 MAINTE-
14	
14	NANCE.—
14 15	NANCE.— (1) IN GENERAL.—The Secretary may transfer to
15	(1) IN GENERAL.—The Secretary may transfer to
15 16	(1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party,
15 16 17	(1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project
15 16 17 18	(1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are—
15 16 17 18 19	 (1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are— (A) satisfactory to the Secretary and the
15 16 17 18 19 20	 (1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are— (A) satisfactory to the Secretary and the District; and
 15 16 17 18 19 20 21 	 (1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are— (A) satisfactory to the Secretary and the District; and (B) with respect to the portion of the
 15 16 17 18 19 20 21 22 	 (1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are— (A) satisfactory to the Secretary and the District; and (B) with respect to the portion of the Project that is located within the boundaries of

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

(2) shall not be administered or operated in any
 way that will impair or deplete the quantities of
 water the use of which the United States would be en titled under the laws of the State of California had
 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—

(1) \$60,000,000, as adjusted to reflect the engineering costs indices for the construction cost of the
Project; and

18 (2) such sums as are necessary to operate and
19 maintain the Project.

(k) SUNSET.—The authority of the Secretary to complete construction of the Project shall terminate on the date
that is 10 years after the date of enactment of this Act.
SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.

24 (a) IN GENERAL.—The Reclamation Wastewater and
25 Groundwater Study and Facilities Act (Public Law 102–

575, title XVI; 43 U.S.C. 390h et seq.) (as amended by sec tion 9104(a)) is amended by adding at the end the fol 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, California, may participate in the design, planning, and con-8 9 struction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclama-10 11 tion facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water 12 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 mainte19 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.".

(b) CLERICAL AMENDMENT.—The table of sections in
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;

	000
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-

†**HR 146 EAS**

igible entity relating to the planning, de-

	002
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

percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary
 shall not be used for the operation and maintenance of the
 project described in subsection (a).

4 "(d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$10,000,000.

7 "(e) SUNSET OF AUTHORITY.—This section shall have
8 no effect after the date that is 10 years after the date of
9 the enactment of this section.".

10(2) CONFORMING AMENDMENT.—The table of sec-11tions in section 2 of Public Law 102–575 (43 U.S.C.

12 prec. 371) (as amended by section 9110(b)) is amend-

ed by inserting after the last item the following:
"1652. Prado Basin Natural Treatment System Project.".

14 (b) LOWER CHINO DAIRY AREA DESALINATION DEM15 ONSTRATION AND RECLAMATION PROJECT.—

16 (1) IN GENERAL.—The Reclamation Wastewater
17 and Groundwater Study and Facilities Act (Public
18 Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as
19 amended by subsection (a)(1)) is amended by adding
20 at the end the following:

21 "SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION22DEMONSTRATION AND RECLAMATION23PROJECT.

24 "(a) IN GENERAL.—The Secretary, in cooperation
25 with the Chino Basin Watermaster, the Inland Empire
†HR 146 EAS

Utilities Agency, and the Santa Ana Watershed Project Au thority and acting under the Federal reclamation laws,
 shall participate in the design, planning, and construction
 of the Lower Chino Dairy Area desalination demonstration
 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 nec15 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 sec20 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.

(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	<i>of</i>
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:

"SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RE 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 au23 thorized to participate in the design, planning, and con24 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 au8 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.

(a) COST SHARE.—The first section of Public Law 87–
590 (76 Stat. 389) is amended in the second sentence of
subsection (c) by inserting after "cost thereof," the following: "or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the
conduit that is comprised of revenue generated by payments
pursuant to a repayment contract and revenue that may
be derived from contracts for the use of Fryingpan-Arkansas
project excess capacity or exchange contracts using
Fryingpan-Arkansas project facilities,".

(b) RATES.—Section 2(b) of Public Law 87–590 (76
Stat. 390) is amended—
(1) by striking "(b) Rates" and inserting the fol-
lowing:
"(b) RATES.—
"(1) IN GENERAL.—Rates"; and
(2) by adding at the end the following:
"(2) RUEDI DAM AND RESERVOIR, FOUNTAIN
VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT
PUEBLO DAM AND RESERVOIR.—
"(A) IN GENERAL.—Notwithstanding the
reclamation laws, until the date on which the
payments for the Arkansas Valley Conduit under
paragraph (3) begin, any revenue that may be
derived from contracts for the use of Fryingpan-
Arkansas project excess capacity or exchange
contracts using Fryingpan-Arkansas project fa-
cilities shall be credited towards payment of the
actual cost of Ruedi Dam and Reservoir, the
Fountain Valley Pipeline, and the South Outlet
Works at Pueblo Dam and Reservoir plus inter-
est in an amount determined in accordance with
this section.
"(B) EFFECT.—Nothing in the Federal rec-

lamation law (the Act of June 17, 1902 (32 Stat.

862

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.".

	004
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 Defin-

ing Responsibilities Related to and Implementing the
Title Transfer of Certain Facilities at the McGee
Creek Project, Oklahoma".
(2) AUTHORITY.—The term "Authority" means
the McGee Creek Authority located in Oklahoma City,
Oklahoma.
(3) Secretary.—The term "Secretary" means
the Secretary of the Interior.
(b) Conveyance of McGee Creek Project Pipe-
LINE AND ASSOCIATED FACILITIES.—
(1) Authority to convey.—
(A) IN GENERAL.—In accordance with all
applicable laws and consistent with any terms
and conditions provided in the Agreement, the
Secretary may convey to the Authority all right,
title, and interest of the United States in and to
the pipeline and any associated facilities de-
scribed in the Agreement, including—
(i) the pumping plant;
(ii) the raw water pipeline from the
McGee Creek pumping plant to the rate of
flow control station at Lake Atoka;
(iii) the surge tank;
(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 Albu25 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	(3) No additional payment.—The City shall
2	not be required to pay any additional costs to the
3	United States for the value of San Gabriel Park,
4	Tingley Beach, and the BioPark Parcels.
5	(d) Other Rights, Title, and Interests Unaf-
6	FECTED.—
7	(1) IN GENERAL.—Except as expressly provided
8	in subsection (c), nothing in this section shall be con-
9	strued to affect any right, title, or interest in and to
10	any land associated with the Middle Rio Grande
11	Project.
12	(2) ONGOING LITIGATION.—Nothing contained in
13	this section shall be construed or utilized to affect or
14	otherwise interfere with any position set forth by any
15	party in the lawsuit pending before the United States
16	District Court for the District of New Mexico, 99–CV–
17	01320–JAP–RHS, entitled Rio Grande Silvery Min-
18	now v. John W. Keys, III, concerning the right, title,
19	or interest in and to any property associated with the
20	Middle Rio Grande Project.
21	SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION
22	SYSTEM, CALIFORNIA.
23	(a) DEFINITIONS.—In this section:
24	(1) AGREEMENT.—The term "Agreement" means
25	Agreement No. 07–LC–20–9387 between the United

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 Distribu-
17	tion 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.
22	

(c) LIABILITY.—Effective upon the date of the conveyance authorized by subsection (b), the United States shall
not be held liable by any court for damages of any kind

arising out of any act, omission, or occurrence relating to
 the lands, buildings, or facilities conveyed under this sec tion, except for damages caused by acts of negligence com mitted by the United States or by its employees or agents
 prior to the date of conveyance. Nothing in this section in creases the liability of the United States beyond that pro vided in chapter 171 of title 28, United States Code (popu larly known as the Federal Tort Claims Act).

9 (d) BENEFITS.—After conveyance of the Goleta Water
10 Distribution System under this section—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project;
and

(2) the District shall not be eligible to receive
any benefits with respect to any facility comprising
the Goleta Water Distribution System, except benefits
that would be available to a similarly situated entity
with respect to property that is not part of a Federal
reclamation project.

20 (e) COMPLIANCE WITH OTHER LAWS.—

(1) COMPLIANCE WITH ENVIRONMENTAL AND
HISTORIC PRESERVATION LAWS.—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental 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	

22 months after the date of the enactment of this Act.

†**HR 146 EAS**

Subtitle D—San Gabriel Basin Restoration Fund

878

3 SEC. 9301. RESTORATION FUND.

4 Section 110 of division B of the Miscellaneous Appro5 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-
10	hoid Parin Water Audity Authonity

19briel Basin Water Quality Authority20shall be responsible for providing a 3521percent non-Federal match for Federal22funds made available to the Authority23under 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.".

Subtitle E—Lower Colorado River Multi-Species Conservation Pro 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 "LCR MSCP" means the cooperative effort on the 9 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 Doc18 ument.

(3) PROGRAM DOCUMENTS.—The term "Program
Documents" means the Habitat Conservation Plan,
Biological Assessment and Biological and Conference
Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management
Agreement, Implementing Agreement, and Section
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	diction 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	and of the United States.

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

000
(7) the study of water use is vital—
(A) to the understanding of the impacts of
human activity on water and ecological re-
sources; and
(B) to the assessment of whether available
surface and groundwater supplies will be avail-
able to meet the future needs of the United
States.
SEC. 9502. DEFINITIONS.
In this section:
(1) Administrator.—The term "Adminis-
trator" means the Administrator of the National Oce-
anic and Atmospheric Administration.
(2) Advisory committee.—The term "Advisory
Committee" means the National Advisory Committee
on Water Information established—
(A) under the Office of Management and
Budget Circular 92–01; and
(B) to coordinate water data collection ac-
tivities.
(3) Assessment program.—The term "assess-
ment program" means the water availability and use
assessment program established by the Secretary
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—

	889
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

(B) that is comprised of 8 regional pro-
grams that use advances in integrated climate
sciences to assist decisionmaking processes.
(16) Secretary.—
(A) In general.—Except as provided in
subparagraph (B) , the term "Secretary" means
the Secretary of the Interior.
(B) EXCEPTIONS.—The term "Secretary"
means—
(i) in the case of sections 9503, 9504,
and 9509, the Secretary of the Interior (act-
ing through the Commissioner); and
(ii) in the case of sections 9507 and
9508, the Secretary of the Interior (acting
through the Director).
(17) Service Area.—The term "service area"
means any area that encompasses a watershed that
means any area that encompasses a watershed that contains a federally authorized reclamation project
contains a federally authorized reclamation project
contains a federally authorized reclamation project that is located in any State or area described in the
contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C.
contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).
contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391). SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER

 other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and (2) to ensure, to the maximum extent possible that strategies are developed at watershed and aquife system scales to address potential water shortage conflicts, and other impacts to water users located a and the environment of, each service area.
 to the quantity of water resources located in a servic area; and (2) to ensure, to the maximum extent possible that strategies are developed at watershed and aquife system scales to address potential water shortage conflicts, and other impacts to water users located a
 area; and (2) to ensure, to the maximum extent possible that strategies are developed at watershed and aquife system scales to address potential water shortage conflicts, and other impacts to water users located a
 6 (2) to ensure, to the maximum extent possibl 7 that strategies are developed at watershed and aquife 8 system scales to address potential water shortage 9 conflicts, and other impacts to water users located a
 7 that strategies are developed at watershed and aquife 8 system scales to address potential water shortage 9 conflicts, and other impacts to water users located a
 8 system scales to address potential water shortage 9 conflicts, and other impacts to water users located a
9 conflicts, and other impacts to water users located a
J J I
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 Geologica
14 Survey, the National Oceanic and Atmospheric Ad
15 <i>ministration, the program, and each appropria</i>
16 State water resource agency, to ensure that the Sec
17 retary has access to the best available scientific info
18 mation with respect to presently observed and pre
19 jected future impacts of global climate change of
20 water resources;
21 (2) assess specific risks to the water supply
22 each major reclamation river basin, including an
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	ministrator, 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

	000
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
4 -	

17 in this section amends or otherwise affects any existing au-18 thority under reclamation laws that govern the operation19 of any Federal reclamation project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are
authorized to be appropriated such sums as are necessary
to carry out this section for each of fiscal years 2009
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—

	J01
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

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

Federal Power Marketing Administration, shall assess each
 effect of, and risk resulting from, global climate change with
 respect to water supplies that are required for the genera tion of hydroelectric power at each Federal water project
 that is applicable to a Federal Power Marketing Adminis tration.

(b) Access to Appropriate Data.—

7

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-20MENTS.—In carrying out each assessment under sub-21section (a), with respect to the Bonneville Power Ad-22ministration and the Western Area Power Adminis-23tration, the Secretary of Energy shall consult with the24Commissioner to access data and other information25that—

	505
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

shall consult with State water resource agencies, the Advi sory Committee, drinking water utilities, water research or ganizations, and relevant water user, environmental, and
 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:

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the
capability of the Federal Government and the States
to measure, analyze, and predict changes to the quality and quantity of water resources, including flood
risks, that are directly or indirectly affected by global
climate change;

20 (3) to establish data management and commu21 nication protocols and standards to increase the qual22 ity and efficiency by which each Federal agency ac23 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 OFFEDERAL 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 cooperative agreement, interagency contract. 17 agreement, or other transaction entered into be-18 tween the Secretary and an appropriate entity under paragraph (1) shall not exceed \$1,000,000. 19

(B) REPORT.—An appropriate entity that
receives funds from a grant, contract, cooperative
agreement, interagency agreement, or other
transaction entered into between the Secretary
and the appropriate entity under paragraph (1)
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	ology 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

 $new\ methodologies\ and\ technologies\ to\ estimate$

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	$national\ stream gaging\ network\ established\ pursuant$
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-

21 (A) establish appropriate criteria for moni22 toring wells to ensure the acquisition of long23 term, high-quality data sets, including, to the
24 maximum extent possible, the inclusion of real25 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—

(A) a description of each—
(i) significant brackish aquifer that is
located in the United States (including 1 or
more maps of each significant brackish aq-
uifer that is located in the United States);
(ii) data gap that is required to be ad-
dressed to fully characterize each brackish
aquifer described in clause (i); and
(iii) current use of brackish ground-
water that is supplied by each brackish aq-
uifer described in clause (i); and
(B) a summary of the information available
as of the date of enactment of this Act with re-
spect to each brackish aquifer described in sub-
paragraph (A)(i) (including the known level of
total dissolved solids in each brackish aquifer).
(3) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to carry out
this subsection \$3,000,000 for the period of fiscal
years 2009 through 2011, to remain available until
expended.
(d) Improved Water Estimation, Measurement,
AND MONITORING TECHNOLOGIES.—
(1) AUTHORITY OF SECRETARY.—The Secretary
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	priate 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	demic 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.
13 14	2009 through 2019. SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS-
14	SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS-
14 15	SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS- SESSMENT PROGRAM.
14 15 16	SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS- SESSMENT PROGRAM. (a) ESTABLISHMENT.—The Secretary, in coordination
14 15 16 17	SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS- SESSMENT PROGRAM. (a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water re-
14 15 16 17 18	SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS- SESSMENT PROGRAM. (a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water re- source agencies, shall establish a national assessment pro-
14 15 16 17 18 19	SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS- SESSMENT PROGRAM. (a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water re- source agencies, shall establish a national assessment pro- gram to be known as the "national water availability and
 14 15 16 17 18 19 20 	SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS- SESSMENT PROGRAM. (a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water re- source agencies, shall establish a national assessment pro- gram to be known as the "national water availability and use assessment program"—
 14 15 16 17 18 19 20 21 	SEC. 9508. NATIONAL WATER AVAILABILITY AND USE AS- SESSMENT PROGRAM. (a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water re- source agencies, shall establish a national assessment pro- gram to be known as the "national water availability and use assessment program"— (1) to provide a more accurate assessment of the

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	sessment 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	
23	(ii) groundwater indicators, including
23	
23 24	(ii) groundwater indicators, including

	924
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	pact 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—

	521
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	

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 COMPLIANCE REQUIRED.—The Secretary (2)11 shall comply with applicable State water laws in car-12 rying out this subtitle. Subtitle G—Aging Infrastructure 13 14 SEC. 9601 DEFINITIONS. 15 In this subtitle: 16 (1) INSPECTION.—The term "inspection" means an inspection of a project facility carried out by the 17 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 facil26 ity" means any part or incidental feature of a
[†]HR 146 EAS

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 MAINTE-
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
13 14	use the data collected through the conduct of the inspections under subsection (a)(2) to—
14	under subsection (a)(2) to—
14 15	under subsection (a)(2) to— (1) provide recommendations to the transferred
14 15 16	under subsection (a)(2) to— (1) provide recommendations to the transferred works operating entities for improvement of operation
14 15 16 17	under subsection (a)(2) to— (1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures in-
14 15 16 17 18	under subsection (a)(2) to— (1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures in- cluding operation guidelines consistent with existing
14 15 16 17 18 19	under subsection (a)(2) to— (1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures in- cluding operation guidelines consistent with existing transfer contracts, and structural modifications to
 14 15 16 17 18 19 20 	under subsection (a)(2) to— (1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures in- cluding operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;
 14 15 16 17 18 19 20 21 	under subsection (a)(2) to— (1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures in- cluding operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works; (2) determine an appropriate inspection fre-

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.

	000
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 MAINTE-
18	NANCE 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-

sonably required to preserve the structural safety of the
 project facility.

3 (b) Reimbursement of Costs Arising From Ex4 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 works, the Secretary is authorized to advance the costs 13 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 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.—

(1) IN GENERAL.—The Secretary or the transferred works operating entity shall carry out any
emergency extraordinary operation and maintenance
work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

21 (2) REIMBURSEMENT.—The Secretary may ad22 vance funds for emergency extraordinary operation
23 and maintenance work and shall seek reimbursement
24 from the transferred works operating entity or benefit25 ting entity upon receiving a written assurance from

†HR 146 EAS

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.

Nothing in this subtitle shall preclude a transferred
works operating entity from applying and receiving a loanguarantee pursuant to the Twenty-First Century Water
Works Act (43 U.S.C. 2401 et seq.).

937 1 SEC. 9605. AUTHORIZATION OF APPROPRIATIONS. 2 There are authorized to be appropriated such sums as 3 are necessary to carry out this subtitle. TITLE X—WATER SETTLEMENTS 4 Subtitle A—San Joaquin River 5 **Restoration Settlement** 6 PART I-SAN JOAQUIN RIVER RESTORATION 7 8 SETTLEMENT ACT 9 SEC. 10001. SHORT TITLE. 10 This part may be cited as the "San Joaquin River Restoration Settlement Act". 11 12 SEC. 10002. PURPOSE. 13 The purpose of this part is to authorize implementation of the Settlement. 14 15 SEC. 10003. DEFINITIONS. 16 In this part: (1) The terms "Friant Division long-term con-17 18 tractors", "Interim Flows", "Restoration Flows", "Recovered Water Account", "Restoration Goal", and 19 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.

†HR 146 EAS

v. Kirk Rodgers, et al., United States District Court,
 Eastern District of California, No. CIV. 8–88–1658–
 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 pro19 vide Restoration Flows and Interim Flows.

20 (3) Acquire water, water rights, or options to ac21 quire water as described in paragraph 13 of the Set22 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

and conditions that the Secretary deems necessary to

(c) Acceptance and Expenditure of Non-Federal

achieve the purposes of the Settlement.

24 FUNDS.—The Secretary is authorized to accept and expend

940

†**HR 146 EAS**

21

22

23

non-Federal funds in order to facilitate implementation of
 the Settlement.

3 (d) MITIGATION OF IMPACTS.—Prior to the implemen4 tation of decisions or agreements to construct, improve, op5 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.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering
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 Central Valley Spring Run Chinook salmon pursuant to 18 19 the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Cen-20 21 tral Valley Project long-term contractors, other than Friant 22 Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing
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 analusis in compliance with the Na-

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 pacifies 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 release of Interim Flows; and 16 17 (ii) mitigation measures for those im-18 pacts 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, if any, of any fish screens, fish bypass facilities, 22 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	and in the second of the second second second to section

available through October 1, 2019, pursuant to section
10009 for implementation of the Settlement and parts
I and III, including—

1	(A) \$88,000,000, to be available without
2	further appropriation pursuant to section
3	10009(c)(2);
4	(B) additional amounts authorized to be
5	appropriated, including the charges required
6	under section 10007 and an estimated
7	\$20,000,000 from the CVP Restoration Fund
8	pursuant to section 10009(b)(2); and
9	(C) an aggregate commitment of at least
10	\$200,000,000 by the State of California.
11	(2) Additional amounts.—Substantial addi-
12	tional amounts from the San Joaquin River Restora-
13	tion Fund shall become available without further ap-
14	propriation after October 1, 2019, pursuant to 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

and Central California Irrigation District, San Luis Canal
 Company, Firebaugh Canal Water District and Columbia
 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

(2) shall not be transferred to the United States
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 au22 thorized by this part.

(2) APPLICABLE LAW.—The Secretary is authorized, but not required, to exercise all of the authorities
provided in section 2 of the Act of August 26, 1937

(50 Stat. 844, chapter 832), to carry out the measures
 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

nothing in this subsection shall limit or be construed to

limit the use of the funds assessed and collected pursuant
 to sections 3406(c)(1) and 3407(d)(2) of the Reclamation
 Projects Authorization and Adjustment Act of 1992 (Public
 Law 102-575; 106 Stat. 4721, 4727), for implementation
 of the Settlement, nor shall it be construed to limit or mod ify existing or future Central Valley Project ratesetting poli cies.

8 SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT 9 IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement
satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation
Projects Authorization and Adjustment Act of 1992 (Public
Law 102–575; 106 Stat. 4721), provided, however, that—
(1) the Secretary shall continue to assess and col-

lect the charges provided in section 3406(c)(1) of the
Reclamation Projects Authorization and Adjustment
Act of 1992 (Public Law 102–575; 106 Stat. 4721),
as provided in the Settlement; and

(2) those assessments and collections shall continue to be counted toward the requirements of the
Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act
of 1992 (Public Law 102-575; 106 Stat. 4726).

951

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 additional Federal appropriation of \$250,000,000 au-21 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 **†HR 146 EAS**

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

3407(d)(2) of the Reclamation Projects Authorization and

Adjustment Act of 1992 (Public Law 102-575; 106 Stat.
 4721, 4727) and payments made pursuant to paragraph
 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be
 the limitation of such entities' direct financial contribution
 to the Settlement, subject to the terms and conditions of
 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 Con10 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 under16 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 work20required under paragraph 11(a)(3) of the21Settlement to increase the capacity of reach224B prior to reinitiation of Restoration23Flows;

24 (ii) the impacts associated with re25 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 4 B 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	Earlimant 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 $1/2$ 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-

retary to each contractor no later than June 30,
 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;

(C) provide that power revenues will not be
available to aid in repayment of construction
costs allocated to irrigation under the contract;
and

(D) conform to the Settlement and this part
and shall continue so long as the contractor pays
applicable charges, consistent with subsection
(c)(2) and applicable law.

(4) All such contracts entered into pursuant to

1

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

contract conversions under this subsection of less

than \$5,000,000. If such amount is \$5,000,000

24

25

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 to subsection (a) shall be subject to adjustment following 10 11 a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the 12 event that the final cost allocation indicates that the costs 13 properly assignable to the contractor are greater than what 14 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 and no more than 10 years, however, mutually agreeable 18 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, the Secretary is authorized and directed to credit such over-23 24 payment as an offset against any outstanding or future obligation of the contractor. 25

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

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-

966

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	nual 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 subsection 3405(a)(1)(A) and (I) of the Reclamation 2 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 to any Friant Division long-term contractor except as 23 24 provided in paragraph 16(b) of the Settlement. The 25 Secretary shall, at least annually, make publicly available a compilation of the number of transfer or
 exchange agreements exercising the provisions of this
 subsection to reduce, avoid, or mitigate impacts to
 water deliveries caused by the Interim Flows or Res toration Flows or to facilitate the Water Management
 Goal, as well as the volume of water transferred or ex 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 shall not alter the repayment obligation of any other long-15 16 term water service or repayment contractor receiving water 17 from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant 18 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.

(g) STATUTORY INTERPRETATION.—Nothing in this
part shall be construed to affect the right of any Friant
Division, Hidden Unit, or Buchanan Unit long-term con-

tractor to use a particular type of financing to make the
 payments required in paragraph (3)(A) or (4)(A) of sub 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 regarding restoration of the San Joaquin River and the re-8 9 introduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented cir-10 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.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—
California Central Valley Spring Run Chinook salmon
shall be reintroduced in the San Joaquin River below
Friant Dam pursuant to section 10(j) of the Endangered
Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement,
provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley
Spring Run Chinook salmon may be issued pursuant to sec-

972

tion 10(a)(1)(A) of the Endangered Species Act of 1973 (16
 U.S.C. 1539(a)(1)(A)).

3 (c) FINAL RULE.—

4 (1) DEFINITION OF THIRD PARTY.—For the pur5 pose of this subsection, the term "third party" means
6 persons or entities diverting or receiving water pursu7 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.

(2) ISSUANCE.—The Secretary of Commerce shall
issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d))
governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon
prior to the reintroduction.

17 (3) REQUIRED COMPONENTS.—The rule issued
18 under paragraph (2) shall provide that the reintro19 duction will not impose more than de minimus: water
20 supply reductions, additional storage releases, or by21 pass flows on unwilling third parties due to such re22 introduction.

23 (4) APPLICABLE LAW.—Nothing in this section—
24 (A) diminishes the statutory or regulatory
25 protections provided in the Endangered Species

Act of 1973 for any species listed pursuant to
section 4 of the Endangered Species Act of 1973
(16 U.S.C. 1533) other than the reintroduced
population of California Central Valley Spring
Run Chinook salmon, including protections pur-
suant to existing biological opinions or new bio-
logical opinions issued by the Secretary or Sec-
retary of Commerce; or
(B) precludes the Secretary or Secretary of
Commerce from imposing protections under the
Endangered Species Act of 1973 (16 U.S.C. 1531
et seq.) for other species listed pursuant to sec-
tion 4 of that Act (16 U.S.C. 1533) because those
protections provide incidental benefits to such re-

ch reprotections provide incidental benefits to introduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for fu-ture implementation of this section.

(2) INCLUSIONS.—The report under paragraph (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
0.4	
24	State University, Fresno, California, to conduct a

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

under subsection (a) shall serve as a guide for the counties
 in the study area described in subsection (a)(2) to use as
 a mechanism to address and solve long-term water needs
 in a sustainable and equitable manner.

5 (c) REPORT.—The Secretary shall ensure that a report containing the results of the Integrated Regional Water 6 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 House of Representatives not later than 24 months after fi-10 11 nancial assistance is made available to the California Water Institute under subsection (a)(1). 12

(d) AUTHORIZATION OF APPROPRIATIONS.—There are
authorized to be appropriated to carry out this section
\$1,000,000 to remain available until expended.

16 PART III—FRIANT DIVISION IMPROVEMENTS

17 SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

(a) The Secretary of the Interior (hereafter referred to
as the "Secretary") is authorized and directed to conduct
feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the following
improvements and facilities in the Friant Division, Central
Valley Project, California:

24 (1) Restoration of the capacity of the Friant25 Kern Canal and Madera Canal to such capacity as

previously designed and constructed by the Bureau of
 Reclamation.

3 (2) Reverse flow pump-back facilities on the
4 Friant-Kern Canal, with reverse-flow capacity of ap5 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 Struc8 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.

(c) The costs of implementing this section shall be in
accordance with section 10203, and shall be a nonreimbursable 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 authorized to require that any such local agency receiving fi-25

nancial assistance under the terms of this section submit
 progress reports and accountings to the Secretary, as the
 Secretary deems appropriate, which such reports shall be
 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.

(2) Federal financial assistance shall only apply
to the portion of a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or
Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

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-

thorized in part I of this subtitle, that will result

980

from the project, and for ensuring appropriate
adjustment in the recovered water account pur-
suant to section $10004(a)(5)$; and
(D) has entered into a cost-sharing agree-
ment with the local agency which commits the
local agency to funding its share of the project's
construction costs on an annual basis.
(c) GUIDELINES.—Within 1 year from the date of en-
actment of this part, the Secretary shall develop, in con-
sultation with the Friant Division long-term contractors,
proposed guidelines for the application of the criteria de-
fined in subsection (b), and will make the proposed guide-
lines available for public comment. Such guidelines may
consider prioritizing the distribution of available funds to
projects that provide the broadest benefit within the affected
area and the equitable allocation of funds. Upon adoption
of such guidelines, the Secretary shall implement such as-
sistance program, subject to the availability of funds appro-
priated for such purpose.
(d) Cost Sharing.—The Federal financial assistance
provided to local agencies under subsection (a) shall not ex-

22 ceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities
associated with such a project; and

(2) 50 percent of the costs associated with con 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.

(2) All operation, maintenance, and replacement
and rehabilitation costs of such projects shall be the
responsibility of the local agency. The Secretary shall
not provide funding for any operation, maintenance,
or replacement and rehabilitation costs of projects
funded under subsection (a).

21 SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and directed to use
monies from the fund established under section 10009 to
carry out the provisions of section 10201(a)(1), in an
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 such additional funds from the fund established under sec-3 tion 10009 to carry out the purposes of section 10201(a)(2), 4 5 if such facilities have not already been authorized and funded under the plan provided for pursuant to section 6 7 10004(a)(4), in an amount not to exceed \$17,000,000, provided that the Secretary first determines that such expendi-8 9 ture will not conflict with or delay his implementation of actions required by part I of this subtitle. Notice of the Sec-10 retary's determination shall be published not later than his 11 submission of the report to Congress required by section 12 13 10009(f)(2).

(c) In addition to funds made available in subsections
(a) and (b), there are authorized to be appropriated
\$50,000,000 (October 2008 price levels) to carry out the
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—

	500
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 "Colo-
2	rado River System" has the same meaning given the
3	term in Article II(a) of the Colorado River Compact.
4	(10) COMPACT.—The term "Compact" means the
5	Upper Colorado River Basin Compact as consented to
6	by the Act of April 6, 1949 (63 Stat. 31, chapter 48).
7	(11) CONTRACT.—The term "Contract" means
8	the contract between the United States and the Nation
9	setting forth certain commitments, rights, and obliga-
10	tions of the United States and the Nation, as de-
11	scribed in paragraph 6.0 of the Agreement.
12	(12) Depletion.—The term "depletion" means
13	the depletion of the flow of the San Juan River
14	stream system in the State of New Mexico by a par-
15	ticular use of water (including any depletion incident
16	to the use) and represents the diversion from the
17	stream system by the use, less return flows to the
18	stream system from the use.
19	(13) DRAFT IMPACT STATEMENT.—The term
20	"Draft Impact Statement" means the draft environ-
21	mental impact statement prepared by the Bureau of
22	Reclamation for the Project dated March 2007.
23	(14) FUND.—The term "Fund" means the Rec-
24	lamation Waters Settlements Fund established by sec-
25	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 $H(g)$
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.

(b) USE OF POWER REVENUES.—Notwithstanding
any other provision of law, no power revenues under the
Act of April 11, 1956 (commonly known as the "Colorado
River Storage Project Act") (43 U.S.C. 620 et seq.), shall
be used to pay or reimburse any costs of the Navajo Indian
Irrigation Project or Navajo-Gallup Water Supply Project.

1 SEC. 10305. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into
under section 10604 shall be equal to the discount rate for
Federal water resources planning, as determined by the Secretary.

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 STOR10 AGE PROJECT ACT.

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the
first section of the Act of April 11, 1956 (commonly known
as the "Colorado River Storage Project Act") (43 U.S.C.
620(2)) is amended by inserting "the Navajo-Gallup Water
Supply Project," after "Fruitland Mesa,".

(b) NAVAJO RESERVOIR WATER BANK.—The Act of
April 11, 1956 (commonly known as the "Colorado River
8 Storage Project Act") is amended—

- 19 (1) by redesignating section 16 (43 U.S.C. 6200)
- 20 as section 17; and

(2) by inserting after section 15 (43 U.S.C.
620n) the following:

23 "SEC. 16. (a) The Secretary of the Interior may create
24 and operate within the available capacity of Navajo Res25 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
•••	

24 "(e) The Secretary of the Interior may charge fees to25 water users that use the top water bank in amounts suffi-

year.

cient to cover the costs incurred by the United States in
 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:

"SEC. 2. (a) In accordance with the Act of April 11,
1956 (commonly known as the 'Colorado River Storage
Project Act') (43 U.S.C. 620 et seq.), the Secretary of the
Interior is authorized to construct, operate, and maintain
the Navajo Indian Irrigation Project to provide irrigation
water to a service area of not more than 110,630 acres of
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-

section (b) may be used within the area served by Navajo
 Indian Irrigation Project facilities for the following pur 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 any20revenues from the sale of the hydroelectric power;21and

"(iii) the United States shall have no trust
obligation to monitor, administer, or account for
the revenues received by the Navajo Nation, or
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).

"(f)(1) Repayment of the costs of construction of the
 project (as authorized in subsection (a)) shall be in accord ance with the Act of April 11, 1956 (commonly known as
 the 'Colorado River Storage Project Act') (43 U.S.C. 620
 et seq.), including section 4(d) of that Act.

6 "(2) The Secretary shall not reallocate, or require re7 payment of, construction costs of the Navajo Indian Irriga8 tion Project because of the conveyance of water supplies for
9 nonirrigation purposes under subsection (e).".

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Pub11 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 ir22 rigate land in accordance with cropping plans pre23 pared by contractors.

24 "(B) The annual diversion or water delivery de25 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 di11 version requirements—

"(A) the quantity of water that reliably can be
anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising
below Navajo Dam under New Mexico State Engineer
File No. 3215; or

17 "(B) the quantity of water anticipated to be sup-18 plied through reuse.

"(e)(1) If the Secretary determines that there is a
shortage of water under subsection (a), the Secretary shall
respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following
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

stored in a top water bank in Navajo Reservoir established
 under section 16(a) of the Act of April 11, 1956 (commonly
 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 vol6 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.

"(h) Nothing in this section prohibits the distribution
of water in accordance with cooperative water agreements
between water users providing for a sharing of water supplies.

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 de20 mands of contractors and subcontractors of the Navajo Res21 ervoir water supply that are diverting water below Navajo
22 Dam.".

	1002
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);

†**HR 146 EAS**

1 (10) the Jicarilla Apache Tribe Water Rights 2 Settlement Act (106 Stat. 2237); or 3 (11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949). 4 5 PART II—RECLAMATION WATER SETTLEMENTS 6 **FUND** 7 SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND. 8 (a) ESTABLISHMENT.—There is established in the 9 Treasury of the United States a fund, to be known as the "Reclamation Water Settlements Fund", consisting of— 10 11 (1) such amounts as are deposited to the Fund 12 under subsection (b); and 13 (2) any interest earned on investment of 14 amounts in the Fund under subsection (d). 15 (b) Deposits to Fund.— 16 (1) IN GENERAL.—For each of fiscal years 2020 17 through 2029, the Secretary of the Treasury shall de-18 posit in the Fund, if available, \$120,000,000 of the 19 revenues that would otherwise be deposited for the fis-20 cal year in the fund established by the first section of 21 the Act of June 17, 1902 (32 Stat. 388, chapter 22 1093). 23 (2) AVAILABILITY OF AMOUNTS.—Amounts de-24 posited in the Fund under paragraph (1) shall be

1003

25 made available pursuant to this section—

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 (ii) through
19	<i>(iv)</i> .
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

	1012
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

	1011
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	cilities 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-Determination and Education Assistance Act (25 5 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 reservations of Colorado River Storage Project power for 10 Bureau of Reclamation projects, up to 26 megawatts of 11 power for use by the Project. 12 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

(B) execution of a Project operations agree-
ment approved by the Secretary and the Project
Participants that sets forth—
(i) any terms and conditions that the
Secretary determines are necessary—
(I) to ensure the continuation of
the intended benefits of the Project; and
(II) to fulfill the purposes of this
part;
(ii) requirements acceptable to the Sec-
retary and the Project Participants for—
(I) the distribution of water under
the Project or section of a Project facil-
ity; and
(II) the allocation and payment of
annual operation, maintenance, and
replacement costs of the Project or sec-
tion of a Project facility based on the
proportionate uses of Project facilities;
and
(iii) conditions and requirements ac-
ceptable to the Secretary and the Project
Participants for operating and maintaining
each Project facility on completion of the

1	convey anal of title including the manine
	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	mercial, 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

1024
of Project water for authorized purposes under
paragraph (1).
(B) ADMINISTRATION.—Notwithstanding
any other provision of law—
(i) any hydroelectric power generated
under this paragraph shall be used or mar-
keted by the Nation;
(ii) the Nation shall retain any reve-
nues from the sale of the hydroelectric
power; and
(iii) the United States shall have no
trust obligation or other obligation to mon-
itor, administer, or account for the revenues
received by the Nation, or the expenditure of
the revenues.
(4) Storage.—
(A) IN GENERAL.—Subject to subparagraph
(B), any water contracted for delivery under
paragraph (1) that is not needed for current
water demands or uses may be delivered by the
Project for placement in underground storage in
the State of New Mexico for future recovery and
use.
(B) STATE APPROVAL.—Delivery of water
under subparagraph (A) is subject to—

10-0
(i) approval by the State of New Mex-
ico under applicable provisions of State law
relating to aquifer storage and recovery;
and
(ii) the provisions of the Agreement
and this subtitle.
(b) Project Water and Capacity Allocations.—
(1) DIVERSION.—Subject to availability and
consistent with Federal and State law, the Project
may divert from the Navajo Reservoir and the San
Juan River a quantity of water to be allocated and
used consistent with the Agreement and this subtitle,
that does not exceed in any 1 year, the lesser of—
(A) 37,760 acre-feet of water; or
(B) the quantity of water necessary to sup-
ply a depletion from the San Juan River of
35,890 acre-feet.
(2) PROJECT DELIVERY CAPACITY ALLOCA-
TIONS.—
(A) IN GENERAL.—The capacity of the
Project shall be allocated to the Project Partici-
pants in accordance with subparagraphs (B)
through (E) , other provisions of this subtitle, and
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;

	10-0
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

and diversion of water via the Project from the

1028

	1010
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

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so

1029

22

23

24

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

	1032
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

respect to water development in the San Juan
River Basin, the Secretary shall confer with the
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-

mal diversion requirement for any use relating to the
Project within the State of Arizona occurs (as determined under section 11 of Public Law 87–483 (76)

	1001
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

under the Contract to non-Navajo water users in
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

	1035
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 Participants under section 10604 until the date on which the 25

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).

(h) NO PRECEDENT.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any
type of transfer of Colorado River System water between
the Upper Basin and Lower Basin. Nor shall anything in
this Act be construed as expanding the Secretary's authority
in the Upper Basin.

(i) UNIQUE SITUATION.—Diversions by the Project
consistent with this section address critical tribal and nonIndian water supply needs under unique circumstances,
which include, among other things—

(1) the intent to benefit an American Indian
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	cility 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

	1010
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.

104	4
-----	---

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

Participants under this section, the Secretary shall
 review and, as appropriate, update the Draft Impact
 Statement allocating capital construction costs for the
 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.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially 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.

	1000
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—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the
State of New Mexico;

	1052
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 IRRIGATION20PROJECTS.

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 the Fruitland-Cambridge Irrigation Project or the Hogback-8 9 Cudei Irrigation Project under subsection (a) until the Sec-10 retary executes the Agreement. 11 (c) OPERATION, MAINTENANCE, AND REPLACEMENT **OBLIGATION.**—The Nation shall continue to be responsible 12

13 for the operation, maintenance, and replacement of each fa-14 cility rehabilitated under this section.

15 SEC. 10608. OTHER IRRIGATION PROJECTS.

(a) IN GENERAL.—Not later than 2 years after the
date of enactment of this Act, the Secretary, in consultation
with the State of New Mexico (acting through the Interstate
Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

21 (1) conduct a study of Non-Navajo Irrigation
22 District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a
list of projects, with associated cost estimates, that are
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, and enter into cooperative agreements with, the Non-Navajo 4 5 Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2). 6 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.

1056

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.— (1) APPROVAL BY CONGRESS.—Except to the ex-11 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

(B) any amendments to the Agreement necessary to make the Agreement consistent with
this subtitle.

the signature of the Secretary; and

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:

	Diver- sion (acre- feet/ year)	Deple- tion (acre- feet/ year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

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.

(2) AMENDMENTS TO CONTRACT.—The Secretary,
with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment
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 sub19 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

	1065
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

	1071
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.

1072	1	072)
------	---	-----	---

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;

	1073
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;

10	7	4
----	---	---

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.

1075
SEC. 10702. TRUST FUND.
(a) ESTABLISHMENT.—There is established in the
Treasury a fund to be known as the "Navajo Nation Water
Resources Development Trust Fund", consisting of—
(1) such amounts as are appropriated to the
Trust Fund under subsection (f); and
(2) any interest earned on investment of
amounts in the Trust Fund under subsection (d).
(b) Use of Funds.—The Nation may use amounts
in the Trust Fund—
(1) to investigate, construct, operate, maintain,
or replace water project facilities, including facilities
conveyed to the Nation under this subtitle and facili-
ties owned by the United States for which the Nation
is responsible for operation, maintenance, and re-
placement costs; and
(2) to investigate, implement, or improve a
water conservation measure (including a metering or
monitoring activity) necessary for the Nation to make
use of a water right of the Nation under the Agree-
ment.
(c) MANAGEMENT.—The Secretary shall manage the
Trust Fund, invest amounts in the Trust Fund pursuant

24 to subsection (d), and make amounts available from the25 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 (25 U.S.C. 162a): and 8 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 management plan in accordance with the Amer-16 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) \$6,000,000 for each of fiscal years 2010
 through 2014; and
 (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 rights and other benefits, including but not limited to the 8 9 commitments by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members 10 of the Nation (other than members in the capacity of the 11 members as allottees), and the United States acting in its 12 capacity as trustee for the Nation, shall execute a waiver 13 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,

or taking of water (including but not limited to
claims for injury to lands resulting from such dam-
ages, losses, injuries, interference with, diversion, or
taking) in the San Juan River Basin in the State of
New Mexico that accrued at any time up to and in-
cluding the effective date described in subsection (e);
(3) all claims of any damage, loss, or injury or
for injunctive or other relief because of the condition
of or changes in water quality related to, or arising
out of, the exercise of water rights; and
(4) all claims against the State of New Mexico,
its agencies, or employees relating to the negotiation
or the adoption of the Agreement.
(b) Claims by the Nation Against the United
States.—The Nation, on behalf of itself and its members
(other than in the capacity of the members as allottees),
shall execute a waiver and release of—
(1) all claims against the United States, its
agencies, or employees relating to claims for water
rights in or waters of the San Juan River Basin in
the State of New Mexico that the United States, act-
ing in its capacity as trustee for the Nation, asserted,
or could have asserted, in any proceeding, including
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);			

(3) all claims against the United States, its
agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in
the stream adjudication; and

(4) all claims against the United States, its
agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees,
the Contract, or this subtitle.

(c) RESERVATION OF CLAIMS.—Notwithstanding the
waivers and releases authorized in this subtitle, the Nation
on behalf of itself and its members (including members in
the capacity of the members as allottees) and the United

States acting in its capacity as trustee for the Nation and
 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

1083			
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				
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—			

	1000			
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.
~ (T (1) T (1)

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

conflicts with provisions of this subtitle, the Agreement is
 approved, ratified, and confirmed.

3 (b) SECRETARIAL AUTHORIZATION.—The Secretary is
4 authorized and directed to execute the Agreement as ap5 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.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the
Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary
shall carry out all environmental compliance required by
Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary
and any other head of a Federal agency obligated under
the Agreement shall perform actions necessary to carry out
an obligation under the Agreement in accordance with this
subtitle.

1 SEC. 10805. TRIBAL WATER RIGHTS.

2 (a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes. 3 (b) ADMINISTRATION.—

4

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.

(b) CAPITAL COSTS NONREIMBURSABLE.—The capital 24 25 costs associated with the Duck Valley Indian Irrigation 26 Project as of the date of enactment of this Act, including **†HR 146 EAS**

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—		

10	9	3
----	---	---

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.

	1094
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	nomic 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-

ment Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall
 manage the Funds, including by investing amounts from
 the Funds in accordance with the Act of April 1, 1880 (25
 U.S.C. 161), and the first section of the Act of June 24,
 1938 (25 U.S.C. 162a).
 (f) EXPENDITURES AND WITHDRAWAL.—

(1) Tribal management plan.—

7

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).

(C) ENFORCEMENT.—The Secretary may
take judicial or administrative action to enforce
the provisions of any tribal management plan to
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	crued 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 re21 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

(1) all claims against the United States, its
agencies, or employees, relating in any manner to
claims for water rights in or water of the States of
Nevada and Idaho that the United States acting in

its capacity as trustee for the Tribes asserted, or could
 have asserted, in any proceeding, including pending
 proceedings before the Nevada State Engineer to de termine the extent and nature of the water rights of
 the Tribes in the East Fork of the Owyhee River in
 Nevada, and the Snake River Basin Adjudication in
 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 dian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes 24 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

(5) all claims against the United States, its
agencies, or employees relating in any manner to the
negotiation, execution, or adoption of the Agreement,
exhibits thereto, the decree referred to in subsection
(d)(2), or this subtitle.

(c) RESERVATION OF RIGHTS AND RETENTION OF
CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the
United States acting in its capacity as trustee for the Tribes
retain—

(1) all claims for enforcement of the Agreement,
the decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as

may be available in the decree court or the appro 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;

(3) all claims relating to activities affecting the 8 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

(4) all rights, remedies, privileges, immunities,
and powers not specifically waived and released pursuant to this subtitle.

(d) EFFECTIVE DATE.—Notwithstanding anything in
the Agreement to the contrary, the waivers by the Tribes,
or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary
publishes in the Federal Register a statement of findings
that includes a finding that—

1	(1) the Agreement and the unginess and velocies
	(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, recognized, or relinquished by— 10 11 (1) the settlement described in the Agreement; or 12 (2) this subtitle. 13 (b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing in this subtitle— 14 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 dian 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.

	1107
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

(1) in subparagraph (A), by striking "not later
than" and all that follows through the semicolon and
inserting "not later than 1 year after the date of enactment of the Omnibus Public Land Management
Act of 2009;";

(2) in subparagraph (B), by striking "not later
than" and all that follows through "in accordance"
and inserting "not later than 1 year after the date of
enactment of the Omnibus Public Land Management
Act of 2009 in accordance"; and

24 (3) in the matter preceding clause (i) of subpara25 graph (C), by striking "not later than" and all that

	1100
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(c)(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,

Tularosa Basin, Hueco Basin, and middle Rio Grande
 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 Representa7 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 other Federal ocean and undersea research and exploration
 programs. To the extent appropriate, the Administrator
 shall seek to facilitate coordination of data and information
 management systems, outreach and education programs to
 improve public understanding of ocean and coastal re sources, and development and transfer of technologies to fa 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;

(2) give priority attention to deep ocean regions,
with a focus on deep water marine systems that hold
potential for important scientific discoveries, such as
hydrothermal vent communities and seamounts;

23 (3) conduct scientific voyages to locate, define,
24 and document historic shipwrecks, submerged sites,

1110
and other ocean exploration activities that combine
archaeology and oceanographic sciences;
(4) develop and implement, in consultation with
the National Science Foundation, a transparent, com-
petitive process for merit-based peer-review and ap-
proval of proposals for activities to be conducted
under this program, taking into consideration advice
of the Board established under section 12005;
(5) enhance the technical capability of the
United States marine science community by pro-
moting the development of improved oceanographic
research, communication, navigation, and data collec-
tion systems, as well as underwater platforms and
sensor and autonomous vehicles; and
(6) establish an ocean exploration forum to en-
courage partnerships and promote communication
among experts and other stakeholders in order to en-
hance the scientific and technical expertise and rel-
evance of the national program.
(b) DONATIONS.—The Administrator may accept do-
nations of property, data, and equipment to be applied for
the purpose of exploring the oceans or increasing knowledge

23 of the oceans.

1SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RE-2SEARCH TECHNOLOGY AND INFRASTRUC-3TURE 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 Aeronautics and Space Administration, the United States Geo-7 logical Survey, the Department of the Navy, the Mineral 8 Management Service, and relevant governmental, non-gov-9 10 ernmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology 11 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 com21 prehensive data management information processing
22 system that will make information on unique and sig23 nificant features obtained by such programs available
24 for research and management purposes;

25 (4) to conduct public outreach activities that im26 prove the public understanding of ocean science, re[†]HR 146 EAS

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 items in their annual budget that support the activities 12 identified in the strategy developed under subsection (a). 13 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 experts in relevant fields— 18 19 (1) to advise the Administrator on priority areas 20 for survey and discovery;

(2) to assist the program in the development of
a 5-year strategic plan for the fields of ocean, marine,
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	<i>(a)</i> .
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 Re5 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 des10 ignate a Director of that program.

(b) PURPOSE.—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and
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—

(1) cooperate with institutions of higher education and other educational marine and ocean
science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research
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 regional undersea research centers that represent all rel-10 11 evant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science 12 13 and Technology.

(b) DIRECTION.—The Director shall develop the overall 14 direction of the program in coordination with a Council 15 16 of Center Directors comprised of the directors of the extra-17 mural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish 18 19 a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Reg-20 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.

(b) OPERATIONS.—The Director of the program,
 through operation of the extramural regional centers and
 the National Institute for Undersea Science and Tech nology, shall leverage partnerships and cooperative research
 with academia and private industry.

6 SEC. 12106. COMPETITIVENESS.

7 (a) DISCRETIONARY FUND.—The Program shall allo8 cate no more than 10 percent of its annual budget to a dis9 cretionary fund that may be used only for program admin10 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 shall conduct an initial competition to select the regional 14 centers that will participate in the program 90 days after 15 the publication of the final program direction under section 16 17 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded 18 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

	11=0
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.

Subtitle B—Ocean and Coastal Mapping Integration Act

3 SEC. 12201. SHORT TITLE.

4 This subtitle may be cited as the "Ocean and Coastal5 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 ocean and coastal mapping plan for the Great Lakes and 11 12 coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States 13 that enhances ecosystem approaches in decision-making for 14 15 conservation and management of marine resources and 16 habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and ad-17 vances ocean and coastal science. 18

(b) MEMBERSHIP.—The Committee shall be comprised
of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National
Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland
Security, the National Aeronautics and Space Administra-

tion, and other appropriate Federal agencies involved in
 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 pro6 grams conducting shoreline delineation and ocean or
7 coastal mapping, noting geographic coverage, fre8 quency, spatial coverage, resolution, and subject mat9 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:

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and
coastal mapping technologies, including through research, development, and training conducted among
Federal agencies and in cooperation with non-governmental 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.
14	COASTAL MAPPING.
14 15	COASTAL MAPPING. (a) IN GENERAL.—The Administrator of the National
14 15 16	COASTAL MAPPING. (a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days
14 15 16 17	COASTAL MAPPING. (a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or uti-
14 15 16 17 18	COASTAL MAPPING. (a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or uti- lize an existing interagency committee on ocean and coastal
14 15 16 17 18 19	COASTAL MAPPING. (a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or uti- lize an existing interagency committee on ocean and coastal mapping to implement section 12202.
 14 15 16 17 18 19 20 	COASTAL MAPPING. (a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or uti- lize an existing interagency committee on ocean and coastal mapping to implement section 12202. (b) MEMBERSHIP.—The committee shall be comprised
 14 15 16 17 18 19 20 21 	COASTAL MAPPING. (a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or uti- lize an existing interagency committee on ocean and coastal mapping to implement section 12202. (b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean
 14 15 16 17 18 19 20 21 22 	COASTAL MAPPING. (a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or uti- lize an existing interagency committee on ocean and coastal mapping to implement section 12202. (b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The
 14 15 16 17 18 19 20 21 22 23 	COASTAL MAPPING. (a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or uti- lize an existing interagency committee on ocean and coastal mapping to implement section 12202. (b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their re-

relevant to the purposes of this subtitle. Membership shall 1 2 include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Oper-3 ations, the United States Geological Survey, the Minerals 4 5 Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States 6 7 Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Manage-8 9 ment Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved 10 in ocean and coastal mapping. 11

(c) CO-CHAIRMEN.—The Committee shall be co-chaired
by the representative of the Department of Commerce and
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 member agency of the committee. Working groups may be formed 18 19 by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative 20 21 from the National Oceanic and Atmospheric Administra-22 tion. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed 23 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 Com23 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	nomic 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 coastal observations and science projects; 23

24 (2) establish priority mapping programs and es25 tablish and periodically update priorities for geo-

graphic areas in surveying and mapping across all

1

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;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other
Federal agencies, coastal states, and non-governmental entities;

16 (5) identify training, technology, and other re17 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;

(6) identify a centralized mechanism or office for
coordinating data collection, processing, archiving,
and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric
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	

- 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 Conti24 nental Shelf and other regions;

(3) data processing for nontraditional data and uses;

3 (4) advancing the use of remote sensing tech4 nologies, for related issues, including mapping and
5 assessment of essential fish habitat and of coral re6 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 continue developing a strategy for expanding contracting with 15 16 non-governmental entities to minimize duplication and 17 take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting re-18 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 the Senate and the Committee on Natural Resources of the 23 24 House of Representatives.

1 SEC. 12206. EFFECT ON OTHER LAWS.

Nothing in this subtitle shall be construed to supersede
or alter the existing authorities of any Federal agency with
respect to ocean and coastal mapping.

5 SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

6 (a) IN GENERAL.—In addition to the amounts author7 ized by section 306 of the Hydrographic Services Improve8 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 section19 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 †HR 146 EAS

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

"Outer Continental Shelf" means all submerged lands
lying seaward and outside of lands beneath navigable
waters (as that term is defined in section 2 of the
Submerged Lands Act (43 U.S.C. 1301)), and of
which the subsoil and seabed appertain to the United
States and are subject to its jurisdiction and control.

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

4 SEC. 12301. SHORT TITLE.

5 This subtitle may be cited as the "Integrated Coastal6 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 ensure timely and sustained dissemination and avail-21 22 ability of these data to—

23 (A) support national defense, marine com24 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-

†**HR 146 EAS**

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	pacity 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-Fed-
2	eral assets" means all relevant coastal and ocean ob-
3	servation technologies, related basic and applied tech-
4	nology research and development, and public edu-
5	cation 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	formation 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	subtitle 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	mation that meet the needs of user groups from
23	the respective regions.
24	(B) CERTAIN INCLUDED ASSOCIATIONS.—

24 (B) CERTAIN INCLUDED ASSOCIATIONS.—
25 The term "regional information coordination en-

1	tity" includes regional associations described in
2	the System Plan.
3	(7) Secretary.—The term "Secretary" means
4	the Secretary of Commerce, acting through the Na-
5	tional Oceanic and Atmospheric Administration.
6	(8) System.—The term "System" means the Na-
7	tional Integrated Coastal and Ocean Observation Sys-
8	tem established under section 12304.
9	(9) System plan.—The term "System Plan"
10	means the plan contained in the document entitled
11	"Ocean. US Publication No. 9, The First Integrated
12	Ocean Observing System (IOOS) Development Plan",
13	as updated by the Council under this subtitle.
14	SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING
15	SYSTEM.
16	(a) ESTABLISHMENT.—The President, acting through
17	the Council, shall establish a National Integrated Coastal
18	and Ocean Observation System to fulfill the purposes set
19	forth in section 12302 of this subtitle and the System Plan
20	and to fulfill the Nation's international obligations to con-
21	tribute to the Global Earth Observation System of Systems
22	and the Global Ocean Observing System.

23 (b) System Elements.—

 2 of this subtitle, the System shall be national in sco 3 and consist of— 4 (A) Federal assets to fulfill national a 5 international observation missions and prior 6 ities; 7 (B) non-Federal assets, including a network 8 of regional information coordination entities 	nd or- ork ies
 4 (A) Federal assets to fulfill national a 5 international observation missions and prior 6 ities; 7 (B) non-Federal assets, including a network 	or- ork ies
 5 international observation missions and prio 6 ities; 7 (B) non-Federal assets, including a network 	or- ork ies
 6 ities; 7 (B) non-Federal assets, including a network 	ork ies
7 (B) non-Federal assets, including a netwo	ies
	ies
8 of regional information coordination entit	
	re-
9 $identified$ under subsection (c)(4), to fulfill	
10 gional observation missions and priorities;	
11 (C) data management, communication, a	nd
12 modeling systems for the timely integration a	nd
13 dissemination of data and information produ	cts
14 from the System;	
15 (D) a research and development progra	ım
16 conducted under the guidance of the Count	eil,
17 consisting of—	
18 (i) basic and applied research a	nd
19 technology development to improve und	er-
20 standing of coastal and ocean systems a	nd
21 their relationships to human activities a	nd
22 to ensure improvement of operational ass	ets
23 and products, including related infrastru	ıc-
24 ture, observing technologies, and inform	na-

	1111
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.

(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

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

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

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	serving 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-

24 (iii) develop and operate under a stra25 tegic operational plan that will ensure the

mittee via the Program Office;

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

Committee.

1	(2) PURPOSE.—The purpose of the System advi-
2	sory 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

the National Oceanic and Atmospheric Administration.
 Any employee of such a non-Federal asset or regional infor mation coordination entity, while operating within the
 scope of his or her employment in carrying out the purposes
 of this subtitle, with respect to tort liability, is deemed to
 be an employee of the Federal Government.

7 (f) LIMITATION.—Nothing in this subtitle shall be con8 strued to invalidate existing certifications, contracts, or
9 agreements between regional information coordination enti10 ties and other elements of the System.

11 SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities
under this subtitle, the Secretary of Commerce may execute
cooperative agreements, or any other agreements, with, and
receive and expend funds made available by, any State or
subdivision thereof, any Federal agency, or any public or
private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies
of the Council shall have the authority to create, support,
and maintain joint centers, and to enter into and perform
such contracts, leases, grants, and cooperative agreements
as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

1 SEC. 12306. APPLICATION WITH OTHER LAWS.

Nothing in this subtitle supersedes or limits the authority of any agency to carry out its responsibilities and
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;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the
Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to
the gathering of required observation data variables
necessary to meet the respective missions of Council
agencies;

25 (4) a review of procurements, planned or initi26 ated, by each Council agency to enhance, expand, or
[†]HR 146 EAS

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

entities, the academic community, and the private sector
 in providing to end-user communities environmental infor mation, products, technologies, and services related to the
 System. The Council shall publish the policy in the Federal
 Register for public comment for a period not less than 60
 days. Nothing in this section shall be construed to require
 changes in policy in effect on the date of enactment of this
 Act.

9 SEC. 12309. INDEPENDENT COST ESTIMATE.

10 Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the 11 Administrator and the Director of the National Science 12 Foundation, shall obtain an independent cost estimate for 13 14 operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, oper-15 16 ation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, 17 modeling and software, data management and communica-18 19 tion, and other essential components. The independent cost estimate shall be transmitted unabridged and without revi-20 21 sion by the Administrator to Congress.

22 SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to
agencies of the Council to implement this subtitle shall supplement, and not replace, existing sources of funding for

other programs. It is the further intent of Congress that
 agencies of the Council shall not enter into contracts or
 agreements for the development or procurement of new Fed eral assets for the System that are estimated to be in excess
 of \$250,000,000 in life-cycle costs without first providing
 adequate notice to Congress and opportunity for review and
 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	A dministration;
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	cope with increased ocean actailication. SEC. 12403. DEFINITIONS.
17 18	•
	SEC. 12403. DEFINITIONS.
18	SEC. 12403. DEFINITIONS. In this subtitle:
18 19	SEC. 12403. DEFINITIONS. In this subtitle: (1) OCEAN ACIDIFICATION.—The term "ocean
18 19 20	SEC. 12403. DEFINITIONS. In this subtitle: (1) OCEAN ACIDIFICATION.—The term "ocean acidification" means the decrease in pH of the
18 19 20 21	SEC. 12403. DEFINITIONS. In this subtitle: (1) OCEAN ACIDIFICATION.—The term "ocean acidification" means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused
 18 19 20 21 22 	SEC. 12403. DEFINITIONS. In this subtitle: (1) OCEAN ACIDIFICATION.—The term "ocean acidification" means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including

25 the Secretary of Commerce, acting through the Ad-

ministrator of the National Oceanic and Atmospheric
 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 MEMBERSHIP.—The interagency working (2)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.

(3) CHAIRMAN.—The interagency working group
shall be chaired by the representative from the National 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.
10	

18 SEC. 12405. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the
date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring
on ocean acidification that will provide for an assessment
of the impacts of ocean acidification on marine organisms
and marine ecosystems and the development of adaptation
and mitigation strategies to conserve marine organisms and

marine ecosystems. In developing the plan, the Sub committee shall consider and use information, reports, and
 studies of ocean acidification that have identified research
 and monitoring needed to better understand ocean acidifi cation and its potential impacts, and recommendations
 made by the National Academy of Sciences in the review
 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;

(2) establish, for the 10-year period beginning in
the year the plan is submitted, the goals and priorities for Federal research and monitoring which
will—

17 (A) advance understanding of ocean acidifi18 cation and its physical, chemical, and biological
19 impacts on marine organisms and marine eco20 systems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and
(C) provide information for the development
of adaptation and mitigation strategies to conserve 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:
13 14	a minimum the following program elements: (1) Monitoring of ocean chemistry and biological
14	(1) Monitoring of ocean chemistry and biological
14 15	(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected
14 15 16	(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including
14 15 16 17	(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—
14 15 16 17 18	 (1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize— (A) marine ecosystems;
14 15 16 17 18 19	 (1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize— (A) marine ecosystems; (B) changes in marine productivity; and
14 15 16 17 18 19 20	 (1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize— (A) marine ecosystems; (B) changes in marine productivity; and (C) changes in surface ocean chemistry.
14 15 16 17 18 19 20 21	 (1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize— (A) marine ecosystems; (B) changes in marine productivity; and (C) changes in surface ocean chemistry. (2) Research to understand the species specific
 14 15 16 17 18 19 20 21 22 	 (1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize— (A) marine ecosystems; (B) changes in marine productivity; and (C) changes in surface ocean chemistry. (2) Research to understand the species specific physiological responses of marine organisms to ocean

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.

	SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.
,	(a) IN GENERAL.—The Secretary shall establish and
1	maintain an ocean acidification program within the Na-
•	tional Oceanic and Atmospheric Administration to conduct
	research, monitoring, and other activities consistent with
)	the strategic research and implementation plan developed
,	by the Subcommittee under section 12405 that—
	(1) includes—
)	(A) interdisciplinary research among the
)	ocean and atmospheric sciences, and coordinated
	research and activities to improve understanding
,	of ocean acidification;
1	(B) the establishment of a long-term moni-
	toring program of ocean acidification utilizing
	existing global and national ocean observing as-
)	sets, and adding instrumentation and sampling

pling stations as appropriate to the aims of the re-search program;

(C) research to identify and develop adapta-tion strategies and techniques for effectively conserving marine ecosystems as they cope with in-creased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational op-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.

(b) ADDITIONAL AUTHORITY.—In conducting the Pro gram, the Secretary may enter into and perform such con tracts, leases, grants, or cooperative agreements as may be
 necessary to carry out the purposes of this subtitle on such
 terms as the Secretary considers appropriate.

6 SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.

7 (a) RESEARCH ACTIVITIES.—The Director of the Na8 tional Science Foundation shall continue to carry out re9 search activities on ocean acidification which shall support
10 competitive, merit-based, peer-reviewed proposals for re11 search and monitoring of ocean acidification and its im12 pacts, including—

13 (1) impacts on marine organisms and marine
14 ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

17 (3) the development of methodologies and tech18 nologies to evaluate ocean acidification and its im19 pacts.

(b) CONSISTENCY.—The research activities shall be
consistent with the strategic research plan developed by the
Subcommittee under section 12405.

23 (c) COORDINATION.—The Director shall encourage co24 ordination of the Foundation's ocean acidification activi-

ties with such activities of other nations and international
 organizations.

3 SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.

4 (a) OCEAN ACIDIFICATION ACTIVITIES.—The Admin5 istrator of the National Aeronautics and Space Administra6 tion, in coordination with other relevant agencies, shall en7 sure that space-based monitoring assets are used in as pro8 ductive a manner as possible for monitoring of ocean acidi9 fication and its impacts.

(b) PROGRAM CONSISTENCY.—The Administrator shall
ensure that the Agency's research and monitoring activities
on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the
Subcommittee under section 12405.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international
organizations.

19 SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.

(a) NOAA.—There are authorized to be appropriated
to the National Oceanic and Atmospheric Administration
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

1178	
------	--

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
	† HR 146 EAS

†**HR 146 EAS**

values, or that are threatened by conversion from their nat ural, undeveloped, or recreational state to other uses or
 could be managed or restored to effectively conserve, en hance, or restore ecological function. The program shall be
 administered by the National Ocean Service of the National
 Oceanic and Atmospheric Administration through the Of 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 ap20 proved coastal zone management programs; or

21 "(4) a State coastal land acquisition plan that
22 is consistent with an approved coastal zone manage23 ment program.

24 "(c) GRANT PROCESS.—The Secretary shall allocate
25 funds to coastal states or National Estuarine Research Re-

serves under this section through a competitive grant proc ess in accordance with guidelines that meet the following
 requirements:

4 "(1) The Secretary shall consult with the coastal
5 state's coastal zone management program, any Na6 tional Estuarine Research Reserve in that State, and
7 the lead agency designated by the Governor for coordi8 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 tected by inclusion of lands in the program, and the 15 threats to those values that should be avoided.

"(3) Each participating coastal state shall to the
extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

"(4) The applicant shall identify the values to be
protected by inclusion of the lands in the program,
management activities that are planned and the manner in which they may affect the values identified,
and any other information from the landowner relevant 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	"(ii) 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

private property owner to participate in the program
 under this section.

3 "(2) Any interest in land, including any ease4 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 in8 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 Fed18 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.—

"(A) IN GENERAL.—Grant funds under the
program shall require a 100 percent match from
other non-Federal sources.
"(B) WAIVER OF REQUIREMENT.—The Sec-
retary may grant a waiver of subparagraph (A)
for underserved communities, communities that
have an inability to draw on other sources of
funding because of the small population or low
income of the community, or for other reasons
the Secretary deems appropriate and consistent
with the purposes of the program.
"(3) Other federal funds.—Where financial
assistance awarded under this section represents only
a portion of the total cost of a project, funding from
other Federal sources may be applied to the cost of the
project. Each portion shall be subject to match re-
quirements under the applicable provision of law.
"(4) Source of matching cost share.—For
purposes of paragraph (2)(A), the non-Federal cost
share for a project may be determined by taking into
account the following:
((A) The value of land or a conservation
easement may be used by a project applicant as
non-Federal match, if the Secretary determines
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

in (A), within the same time limits described
 therein. These costs may include either cash or
 in-kind contributions.

4 "(g) RESERVATION OF FUNDS FOR NATIONAL ESTUA5 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 PROP17 ERTY.—If any property is acquired in whole or in part
18 with funds made available through a grant under this sec19 tion, the grant recipient shall provide—

20 "(1) such assurances as the Secretary may re21 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;

	1107
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-

tion, recorded deed, or a reserve interest deed where
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	"(l) 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.".
10 11	through 2013.". TITLE XIII—MISCELLANEOUS
	U U
11	TITLE XIII—MISCELLANEOUS
11 12	TITLE XIII—MISCELLANEOUS SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH
11 12 13	TITLE XIII—MISCELLANEOUS SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.
11 12 13 14	TITLE XIII—MISCELLANEOUS SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS. (a) NORTH DAKOTA TRUST FUNDS.—The Act of Feb-
 11 12 13 14 15 	TITLE XIII—MISCELLANEOUS SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS. (a) NORTH DAKOTA TRUST FUNDS.—The Act of Feb- ruary 22, 1889 (25 Stat. 676, chapter 180), is amended
 11 12 13 14 15 16 	TITLE XIII—MISCELLANEOUS SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS. (a) NORTH DAKOTA TRUST FUNDS.—The Act of Feb- ruary 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

21 under this Act (referred to in this section as the 'trust 22 fund')—

20 in which proceeds from the sale of public land are deposited

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.

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

the first section, including any proceeds from the land, in
 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 No. 3037 of the 59th Legislature of the State of North Da-6 7 kota entitled "A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North 8 9 Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of 10 other educational or charitable institutions; and to provide 11 a contingent effective date" and approved by the voters of 12 the State of North Dakota on November 7, 2006. 13

14 SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORA-15TION AND IRRIGATION MITIGATION ACT OF162000.

(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16
U.S.C. 777 note; Public Law 106–502) is amended by striking "\$5,000,000" and inserting "\$2,500,000".

(b) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777
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

Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is
 amended—
 (1) in subsection (a), by striking "2001 through

2005" and inserting "2009 through 2015"; and 4 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.

	1194
1	"(ii) 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—

	1100
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
14	
12	PIPELINE ACT.
13	PIPELINE ACT.
13 14	PIPELINE ACT. Section 107(a) of the Alaska Natural Gas Pipeline Act
13 14 15	PIPELINE ACT. Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3)
13 14 15 16	PIPELINE ACT. Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:
 13 14 15 16 17 	PIPELINE ACT. Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following: "(3) the validity of any determination, permit,
 13 14 15 16 17 18 	PIPELINE ACT. Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following: "(3) the validity of any determination, permit, approval, authorization, review, or other related ac-
 13 14 15 16 17 18 19 	PIPELINE ACT. Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following: "(3) the validity of any determination, permit, approval, authorization, review, or other related ac- tion taken under any provision of law relating to a
 13 14 15 16 17 18 19 20 	PIPELINE ACT.Section 107(a) of the Alaska Natural Gas Pipeline Act(15 U.S.C. 720e(a)) is amended by striking paragraph (3)and inserting the following:"(3) the validity of any determination, permit,approval, authorization, review, or other related ac-tion taken under any provision of law relating to agas transportation project constructed and operated
 13 14 15 16 17 18 19 20 21 	PIPELINE ACT. Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following: "(3) the validity of any determination, permit, approval, authorization, review, or other related ac- tion taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—
 13 14 15 16 17 18 19 20 21 22 	PIPELINE ACT. Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following: "(3) the validity of any determination, permit, approval, authorization, review, or other related ac- tion taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including— "(A) subchapter II of chapter 5, and chap-

	1100
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	OT
23	(B) transfer administrative jurisdiction
24	under subsection (c).

(4) Reservation of utility infrastructure
AND ACCESS.—The Secretary of the Air Force may re-
tain ownership and control of—
(A) any portions of the utility system and
infrastructure located on the parcel conveyed
under paragraph (1); and
(B) any rights of access determined to be
necessary by the Secretary of the Air Force to
operate and maintain the utilities on the parcel.
(5) Restrictions on use.—
(A) AUTHORIZED USES.—The Institute
shall allow only research, scientific, or edu-
cational uses of the parcel conveyed under para-
graph (1).
(B) Reversion.—
(i) IN GENERAL.—If, at any time, the
Secretary of Energy, in consultation with
the Secretary of the Air Force, determines,
in accordance with clause (ii), that the par-
cel conveyed under paragraph (1) is not
being used for a purpose described in sub-
paragraph (A)—
(I) all right, title, and interest in
and to the entire parcel, or any por-
tion of the parcel not being used for the

purposes, shall revert, at the option of
the Secretary, to the United States;
and
(II) the United States shall have
the right of immediate entry onto the
parcel.
(ii) Requirements for determina-
TION.—Any determination of the Secretary
under clause (i) shall be made on the record
and after an opportunity for a hearing.
(6) Costs.—
(A) IN GENERAL.—The Secretary of Energy
shall require the Institute to pay, or reimburse
the Secretary concerned, for any costs incurred
by the Secretary concerned in carrying out the
conveyance under paragraph (1), including any
survey costs related to the conveyance.
(B) REFUND.—If the Secretary concerned

concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned in-curs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Sec-retary concerned shall refund to the Institute an amount equal to difference between—

	1=01
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	curred 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).

(10) Access and utilities.—On conveyance of
the parcel under paragraph (1), the Secretary of the
Air Force shall, on behalf of the United States and
subject to any terms and conditions as the Secretary
determines to be necessary (including conditions pro-
viding for the reimbursement of costs), provide the In-
stitute with—
(A) access for employees and invitees of the
Institute across Kirtland Air Force Base to the
parcel conveyed under that paragraph; and
(B) access to utility services for the land
and any improvements to the land conveyed
under that paragraph.
(11) Additional term and conditions — The

(11) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Energy, in consultation with the Sec-retary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secre-taries determine to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.— (1) IN GENERAL.—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force ad-

1	ministrative jurisdiction over the parcel of approxi-
2	mately 7 acres of land identified as "Parcel B" on the
3	map, including any improvements to the parcel.
4	(2) Removal of improvements.—In concur-
5	rence with the transfer under paragraph (1), the Sec-
6	retary of Energy shall, on request of the Secretary of
7	the Air Force, arrange and pay for removal of any
8	improvements to the parcel transferred under that
9	paragraph.
10	SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NA-
11	TIONAL TROPICAL BOTANICAL GARDEN.
11	HUNAL IROPICAL BUTANICAL GARDEN.
11	Chapter 1535 of title 36, United States Code, is
12	Chapter 1535 of title 36, United States Code, is
12 13	Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:
12 13 14	Chapter 1535 of title 36, United States Code, is amended by adding at the end the following: "§ 153514. Authorization of appropriations
12 13 14 15	Chapter 1535 of title 36, United States Code, is amended by adding at the end the following: *\$153514. Authorization of appropriations "(a) IN GENERAL.—Subject to subsection (b), there is
12 13 14 15 16	Chapter 1535 of title 36, United States Code, is amended by adding at the end the following: "§153514. Authorization of appropriations "(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for oper-
12 13 14 15 16 17	Chapter 1535 of title 36, United States Code, is amended by adding at the end the following: *\$153514. Authorization of appropriations (a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for oper- ation and maintenance expenses \$500,000 for each of fiscal
12 13 14 15 16 17 18	Chapter 1535 of title 36, United States Code, is amended by adding at the end the following: "\$153514. Authorization of appropriations "(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for oper- ation and maintenance expenses \$500,000 for each of fiscal years 2008 through 2017.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

3 SEC. 14001. SHORT TITLE.

4 This title may be cited as the "Christopher and Dana5 Reeve Paralysis Act".

6 Subtitle A—Paralysis Research
7 SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF
8 HEALTH WITH RESPECT TO RESEARCH ON PA9 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 RE19 SEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may make
awards of grants to public or private entities to pay
all or part of the cost of planning, establishing, improving, and providing basic operating support for
consortia in paralysis research. The Director shall
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 existing and planned programs and research activities of 8 9 the National Institutes of Health with respect to paralysis and through which the Director can receive comments from 10

11 the public regarding such programs and activities.

Subtitle B—Paralysis
 Rehabilitation Research and Care

14sec. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF15HEALTH WITH RESPECT TO RESEARCH WITH

16 IMPLICATIONS FOR ENHANCING DAILY FUNC-

17

TION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants
to public or private entities to pay all or part of the costs
of planning, establishing, improving, and providing basic
operating support to multicenter networks of clinical sites
that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more
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

through this section and ensure regular communication
 among members of the networks, and may require the peri odic preparation of reports on the activities of the networks
 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 PHYS10 ICAL DISABILITIES.

11 (a) IN GENERAL.—The Secretary of Health and Human Services (in this subtitle referred to as the "Sec-12 retary") may study the unique health challenges associated 13 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 physical disabilities. The Secretary may carry out such 17 projects directly and through awards of grants or contracts. 18 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	
15	(1) To State and local health and disability
15	(1) To State and local health and disability agencies for the purpose of—
16	agencies for the purpose of—
16 17	agencies for the purpose of— (A) establishing a population-based data-
16 17 18	agencies for the purpose of— (A) establishing a population-based data- base that may be used for longitudinal and other
16 17 18 19	agencies for the purpose of— (A) establishing a population-based data- base that may be used for longitudinal and other research on paralysis and other disabling condi-
16 17 18 19 20	agencies for the purpose of— (A) establishing a population-based data- base that may be used for longitudinal and other research on paralysis and other disabling condi- tions;
 16 17 18 19 20 21 	agencies for the purpose of— (A) establishing a population-based data- base that may be used for longitudinal and other research on paralysis and other disabling condi- tions; (B) developing comprehensive paralysis and

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.

(d) COORDINATION OF ACTIVITIES.—The Secretary
 shall ensure that activities under this section are coordi nated as appropriate by the agencies of the Department of
 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 AUTHOR11 IZATION

12 SEC.15101.LABORATORYANDSUPPORTSPACE,13EDGEWATER, MARYLAND.

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The
Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space
to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this section a
total of \$41,000,000 for fiscal years 2009 through 2011.
Such sums shall remain available until expended.

1 SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.

2 (a) AUTHORITY TO CONSTRUCT.—The Board of Re3 gents of the Smithsonian Institution is authorized to con4 struct laboratory space to accommodate the terrestrial re5 search program of the Smithsonian tropical research insti6 tute in Gamboa, Panama.

1215

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.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse
facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian
Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated \$12,000,000 to carry out this
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.

AMENDMENTS

IllTH CONGRESS H.R. 146