

Calendar No. 855

110TH CONGRESS
2D SESSION

S. 3213

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.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2008

Mr. BINGAMAN introduced the following bill; which was read the first time

JUNE 27, 2008

Read the second time and placed on the calendar

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Omnibus Public Land Management Act of 2008”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS
 PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

- Sec. 101. Designation of wilderness, Monongahela National Forest, West Virginia.
 Sec. 102. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.
 Sec. 103. Monongahela National Forest boundary confirmation.
 Sec. 104. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

- Sec. 111. Definitions.
 Sec. 112. Designation of additional National Forest System land in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.
 Sec. 113. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
 Sec. 114. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
 Sec. 115. Trail plan and development.
 Sec. 116. Maps and boundary descriptions.
 Sec. 117. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

- Sec. 121. Definitions.
 Sec. 122. Designation of wilderness areas.
 Sec. 123. Designation of streams for wild and scenic river protection in the Mount Hood area.
 Sec. 124. Mount Hood National Recreation Area.
 Sec. 125. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
 Sec. 126. Land exchanges.
 Sec. 127. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

- Sec. 131. Designation of the Copper Salmon Wilderness.
 Sec. 132. Wild and Scenic River Designations, Elk River, Oregon.
 Sec. 133. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

- Sec. 141. Definitions.
 Sec. 142. Voluntary grazing lease donation program.
 Sec. 143. Box R Ranch land exchange.
 Sec. 144. Deerfield land exchange.
 Sec. 145. Soda Mountain Wilderness.

Sec. 146. Effect.

Subtitle F—Owyhee Public Land Management

- Sec. 151. Definitions.
- Sec. 152. Owyhee Science Review and Conservation Center.
- Sec. 153. Wilderness areas.
- Sec. 154. Designation of wild and scenic rivers.
- Sec. 155. Land identified for disposal.
- Sec. 156. Tribal cultural resources.
- Sec. 157. Recreational travel management plans.
- Sec. 158. Authorization of appropriations.

Subtitle G—Boundary Adjustment, Frank Church River of No Return
Wilderness

- Sec. 161. Purposes.
- Sec. 162. Definitions.
- Sec. 163. Boundary adjustment.
- Sec. 164. Conveyance of land designated for exclusion.

Subtitle H—Rocky Mountain National Park Wilderness

- Sec. 171. Definitions.
- Sec. 172. Rocky Mountain National Park Wilderness.
- Sec. 173. Grand River Ditch and Colorado-Big Thompson projects.
- Sec. 174. East Shore Trail Area.
- Sec. 175. National forest area boundary adjustments.
- Sec. 176. Authority to lease Leiffer tract.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

- Sec. 201. Definitions.
- Sec. 202. Establishment of the National Landscape Conservation System.
- Sec. 203. Authorization of appropriations.

Subtitle B—Prehistoric Trackways National Monument

- Sec. 211. Findings.
- Sec. 212. Definitions.
- Sec. 213. Establishment.
- Sec. 214. Administration.
- Sec. 215. Authorization of appropriations.

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

- Sec. 221. Definitions.
- Sec. 222. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
- Sec. 223. Management of the Conservation Area.
- Sec. 224. Authorization of appropriations.

Subtitle D—Snake River Birds of Prey National Conservation Area

- Sec. 231. Snake River Birds of Prey National Conservation Area.

Subtitle E—Rio Puerco Watershed Management Program

Sec. 241. Rio Puerco Watershed Management Program.

Subtitle F—Land Conveyances and Exchanges

- Sec. 251. Pima County, Arizona, land exchange.
 Sec. 252. Southern Nevada limited transition area conveyance.
 Sec. 253. Nevada Cancer Institute land conveyance.
 Sec. 254. Turnabout Ranch land conveyance, Utah.
 Sec. 255. Boy Scouts land exchange, Utah.
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TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

Sec. 301. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

Sec. 311. Wildland firefighter safety.

Subtitle C—Wyoming Range

- Sec. 321. Definitions.
 Sec. 322. Withdrawal of certain land in the Wyoming range.
 Sec. 323. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.

Subtitle D—Land Conveyances and Exchanges

- Sec. 331. Land conveyance to City of Coffman Cove, Alaska.
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 Sec. 333. Santa Fe National Forest; Pecos National Historical Park Land Exchange.
 Sec. 334. Santa Fe National Forest Land Conveyance, New Mexico.
 Sec. 335. Kittitas County, Washington land conveyance.
 Sec. 336. Mammoth Community Water District use restrictions.

TITLE IV—FOREST LANDSCAPE RESTORATION

- Sec. 401. Purpose.
 Sec. 402. Definitions.
 Sec. 403. Collaborative Forest Landscape Restoration Program.
 Sec. 404. Authorization of appropriations.

TITLE V—RIVERS AND TRAILS

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

- Sec. 501. Fossil Creek, Arizona.
 Sec. 502. Snake River Headwaters, Wyoming.
 Sec. 503. Taunton River, Massachusetts.

Subtitle B—Additions to the National Trails System

- Sec. 511. Arizona National Scenic Trail.
 Sec. 512. New England National Scenic Trail.
 Sec. 513. Ice Age Floods National Geologic Trail.

Sec. 514. Washington-Rochambeau Revolutionary Route National Historic Trail.

Subtitle C—National Trail System Amendments

Sec. 521. National Trails System willing seller authority.

Sec. 522. Revision of feasibility and suitability studies of existing national historic trails.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—National Parks and Federal Recreational Lands Pass Discount

Sec. 601. National Parks and Federal Recreational Lands Pass for eligible individuals.

Subtitle B—Competitive Status for Federal Employees in Alaska

Sec. 611. Competitive status for certain Federal employees in the State of Alaska.

Subtitle C—National Tropical Botanical Garden

Sec. 621. Authorization of appropriations for National Tropical Botanical Garden.

Subtitle D—Management of the Baca National Wildlife Refuge

Sec. 631. Baca National Wildlife Refuge.

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Sec. 641. Definitions.

Sec. 642. Management.

Sec. 643. Public awareness and education program.

Sec. 644. Collection of paleontological resources.

Sec. 645. Curation of resources.

Sec. 646. Prohibited acts; criminal penalties.

Sec. 647. Civil penalties.

Sec. 648. Rewards and forfeiture.

Sec. 649. Confidentiality.

Sec. 650. Regulations.

Sec. 651. Savings provisions.

Sec. 652. Authorization of appropriations.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

Sec. 701. Paterson Great Falls National Historical Park, New Jersey.

Sec. 702. Thomas Edison National Historical Park, New Jersey.

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

Sec. 711. Funding for Keweenaw National Historical Park.

Sec. 712. Location of visitor and administrative facilities for Weir Farm National Historic Site.

Sec. 713. Little River Canyon National Preserve boundary expansion.

Sec. 714. Hopewell Culture National Historical Park boundary expansion.

- Sec. 715. Jean Lafitte National Historical Park and Preserve boundary adjustment.
- Sec. 716. Minute Man National Historical Park.
- Sec. 717. Everglades National Park.
- Sec. 718. Kalaupapa National Historical Park.
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Subtitle C—Special Resource Studies

- Sec. 721. William Jefferson Clinton Birthplace Home National Historic Site.
- Sec. 722. Walnut Canyon study.
- Sec. 723. Tule Lake Segregation Center, California.
- Sec. 724. Estate Grange, St. Croix.
- Sec. 725. Harriet Beecher Stowe House, Maine.
- Sec. 726. Shepherdstown battlefield, West Virginia.
- Sec. 727. Green McAdoo School, Tennessee.
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Subtitle D—Program Authorizations

- Sec. 741. American Battlefield Protection Program.
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TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—National Heritage Area Program

- Sec. 801. Purposes.
- Sec. 802. Definitions.
- Sec. 803. National Heritage Areas system.
- Sec. 804. Studies.
- Sec. 805. Designation of National Heritage Areas.
- Sec. 806. Management plans.
- Sec. 807. Evaluation; report.
- Sec. 808. Local coordinating entities.
- Sec. 809. Relationship to other Federal agencies.
- Sec. 810. Private property and regulatory protections.
- Sec. 811. Partnership support.
- Sec. 812. Authorization of appropriations.

Subtitle B—Designation of National Heritage Areas

- Sec. 821. Sangre de Cristo National Heritage Area, Colorado.
- Sec. 822. Cache La Poudre River National Heritage Area, Colorado.
- Sec. 823. South Park National Heritage Area, Colorado.
- Sec. 824. Northern Plains National Heritage Area, North Dakota.
- Sec. 825. Baltimore National Heritage Area, Maryland.
- Sec. 826. Freedom's Way National Heritage Area, Massachusetts and New Hampshire.
- Sec. 827. Mississippi Hills National Heritage Area.
- Sec. 828. Mississippi Delta National Heritage Area.

- Sec. 829. Muscle Shoals National Heritage Area, Alabama.
 Sec. 830. Santa Cruz Valley National Heritage Area, Arizona.

Subtitle C—Studies

- Sec. 841. Chattahoochee Trace, Alabama and Georgia.
 Sec. 842. Northern Neck, Virginia.

Subtitle D—Amendments Relating to National Heritage Corridors

- Sec. 851. Quinebaug and Shetucket Rivers Valley National Heritage Corridor.
 Sec. 852. Delaware And Lehigh National Heritage Corridor.
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TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

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- Sec. 901. Snake, Boise, and Payette River systems, Idaho.
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Subtitle B—Project Authorizations

- Sec. 911. Tumalo Irrigation District Water Conservation Project, Oregon.
 Sec. 912. Madera Water Supply Enhancement Project, California.
 Sec. 913. Eastern New Mexico Rural Water System project, New Mexico.
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Subtitle C—Title Transfers and Clarifications

- Sec. 921. Transfer of McGee Creek pipeline and facilities.
 Sec. 922. Albuquerque Biological Park, New Mexico, title clarification.

Subtitle D—San Gabriel Basin Restoration Fund

- Sec. 931. Restoration Fund.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

- Sec. 941. Definitions.
 Sec. 942. Implementation and water accounting.
 Sec. 943. Enforceability of program documents.
 Sec. 944. Authorization of appropriations.

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

- Sec. 1001. Short title.
 Sec. 1002. Purpose.
 Sec. 1003. Definitions.
 Sec. 1004. Implementation of settlement.
 Sec. 1005. Acquisition and disposal of property; title to facilities.
 Sec. 1006. Compliance with applicable law.
 Sec. 1007. Compliance with Central Valley Project Improvement Act.
 Sec. 1008. No private right of action.

- Sec. 1009. Appropriations; Settlement Fund.
- Sec. 1010. Repayment contracts and acceleration of repayment of construction costs.
- Sec. 1011. California Central Valley Spring Run Chinook salmon.

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

- Sec. 1021. Study to develop water plan; report.

PART III—FRIANT DIVISION IMPROVEMENTS

- Sec. 1031. Federal facility improvements.
- Sec. 1032. Financial assistance for local projects.
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PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT
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- Sec. 1061. Reclamation Water Settlements Fund.

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- Sec. 1071. Purposes.
- Sec. 1072. Authorization of Navajo-Gallup Water Supply Project.
- Sec. 1073. Delivery and use of Navajo-Gallup Water Supply Project water.
- Sec. 1074. Project contracts.
- Sec. 1075. Navajo Nation Municipal Pipeline.
- Sec. 1076. Authorization of conjunctive use wells.
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PART IV—NAVAJO NATION WATER RIGHTS

- Sec. 1081. Agreement.
- Sec. 1082. Trust Fund.
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- Sec. 1101. Reauthorization of the National Geologic Mapping Act of 1992.
- Sec. 1102. New Mexico water resources study.

TITLE XII—MISCELLANEOUS

Sec. 1201. Management and distribution of North Dakota trust funds.

Sec. 1202. Amendments to the Fisheries Restoration and Irrigation Mitigation Act of 2000.

Sec. 1203. Amendments to the Alaska Natural Gas Pipeline Act.

Sec. 1204. Additional Assistant Secretary for Department of Energy.

1 **TITLE I—ADDITIONS TO THE NA-**
 2 **TIONAL WILDERNESS PRES-**
 3 **ERVATION SYSTEM**

4 **Subtitle A—Wild Monongahela**
 5 **Wilderness**

6 **SEC. 101. DESIGNATION OF WILDERNESS, MONONGAHELA**
 7 **NATIONAL FOREST, WEST VIRGINIA.**

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

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

20 (2) Certain Federal land comprising approxi-
 21 mately 11,951 acres, as generally depicted on the
 22 map entitled “Cranberry Expansion Proposed Wil-

1 derness” and dated March 11, 2008, which shall be
2 added to and administered as part of the Cranberry
3 Wilderness designated by section 1(1) of Public Law
4 97–466 (96 Stat. 2538).

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

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

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

24 (6) Certain Federal land comprising approxi-
25 mately 6,030 acres, as generally depicted on the

1 map entitled “Spice Run Proposed Wilderness” and
2 dated March 11, 2008, which shall be known as the
3 “Spice Run Wilderness”.

4 (b) MAPS AND LEGAL DESCRIPTION.—

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

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

23 (c) ADMINISTRATION.—Subject to valid existing
24 rights, the Federal lands designated as wilderness by sub-
25 section (a) shall be administered by the Secretary in ac-

1 cordance with the Wilderness Act (16 U.S.C. 1131 et
2 seq.). The Secretary may continue to authorize the com-
3 petitive running event permitted from 2003 through 2007
4 in the vicinity of the boundaries of the Dolly Sods Wilder-
5 ness addition designated by paragraph (3) of subsection
6 (a) and the Roaring Plains West Wilderness Area des-
7 igned by paragraph (5) of such subsection, in a manner
8 compatible with the preservation of such areas as wilder-
9 ness.

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

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

21 **SEC. 102. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH**
22 **WILDERNESS, MONONGAHELA NATIONAL**
23 **FOREST.**

24 (a) BOUNDARY ADJUSTMENT.—The boundary of the
25 Laurel Fork South Wilderness designated by section 1(3)

1 of Public Law 97–466 (96 Stat. 2538) is modified to ex-
2 clude two parcels of land, as generally depicted on the map
3 entitled “Monongahela National Forest Laurel Fork
4 South Wilderness Boundary Modification” and dated
5 March 11, 2008, and more particularly described accord-
6 ing to the site-specific maps and legal descriptions on file
7 in the office of the Forest Supervisor, Monongahela Na-
8 tional Forest. The general map shall be on file and avail-
9 able for public inspection in the Office of the Chief of the
10 Forest Service.

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

17 **SEC. 103. MONONGAHELA NATIONAL FOREST BOUNDARY**
18 **CONFIRMATION.**

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

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

3 (b) LAND AND WATER CONSERVATION FUND.—For
4 the purposes of section 7 of the Land and Water Con-
5 servation Fund Act of 1965 (16 U.S.C. 460l–9), the
6 boundaries of the Monongahela National Forest, as con-
7 firmed by subsection (a), shall be considered to be the
8 boundaries of the Monongahela National Forest as of Jan-
9 uary 1, 1965.

10 **SEC. 104. ENHANCED TRAIL OPPORTUNITIES.**

11 (a) PLAN.—

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

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

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

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

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

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

13 **SEC. 111. DEFINITIONS.**

14 In this subtitle:

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

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

1 **SEC. 112. DESIGNATION OF ADDITIONAL NATIONAL FOREST**
2 **SYSTEM LAND IN JEFFERSON NATIONAL FOR-**
3 **EST, VIRGINIA, AS WILDERNESS OR A WIL-**
4 **DERNESS STUDY AREA.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (2) in section 6(a)—

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

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

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

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

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

21 **SEC. 113. DESIGNATION OF KIMBERLING CREEK POTEN-**
22 **TIAL WILDERNESS AREA, JEFFERSON NA-**
23 **TIONAL FOREST, VIRGINIA.**

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

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

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

13 (c) ECOLOGICAL RESTORATION.—

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

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

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

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

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

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

16 **SEC. 114. SENG MOUNTAIN AND BEAR CREEK SCENIC**
17 **AREAS, JEFFERSON NATIONAL FOREST, VIR-**
18 **GINIA.**

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

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

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

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

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

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

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

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

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

22 (c) ADMINISTRATION.—

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

25 (A) this subtitle; and

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

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

7 (d) MANAGEMENT PLAN.—

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

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

19 (e) ROADS.—

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

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

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

3 (f) TIMBER HARVEST.—

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

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

11 (A) control fire;

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

14 (C) control insect and disease outbreaks.

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

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

21 (1) to maintain scenic quality;

22 (2) to prevent tree mortality;

23 (3) to reduce hazards to visitors; or

24 (4) to protect private land.

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

5 (i) MOTORIZED VEHICLES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **SEC. 115. TRAIL PLAN AND DEVELOPMENT.**

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

20 (1) in a manner consistent with the Wilderness
21 Act (16 U.S.C. 1131 et seq.), hiking and equestrian
22 trails in the wilderness areas designated by para-
23 graphs (9) through (20) of section 1 of Public Law
24 100–326 (16 U.S.C. 1132 note) (as added by section
25 112(a)(5)); and

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

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

8 (c) SUSTAINABLE TRAIL REQUIRED.—The Secretary
9 shall develop a sustainable trail, using a contour curvi-
10 linear alignment, to provide for nonmotorized travel along
11 the southern boundary of the Raccoon Branch Wilderness
12 established by section 1(11) of Public Law 100–326 (16
13 U.S.C. 1132 note) (as added by section 112(a)(5)) con-
14 necting to Forest Development Road 49352 in Smyth
15 County, Virginia.

16 **SEC. 116. MAPS AND BOUNDARY DESCRIPTIONS.**

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

23 (1) the scenic areas;

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

1 100–326 (16 U.S.C. 1132 note) (as added by section
2 112(a)(5));

3 (3) the wilderness study area designated by sec-
4 tion 6(a)(5) of the Virginia Wilderness Act of 1984
5 (16 U.S.C. 1132 note; Public Law 98–586) (as
6 added by section 112(b)(2)(D)); and

7 (4) the potential wilderness area designated by
8 section 113(a).

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

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

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

22 **SEC. 117. EFFECTIVE DATE.**

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

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

3 (1) the wilderness areas designated by para-
4 graphs (9) through (20) of section 1 of Public Law
5 100–326 (16 U.S.C. 1132 note) (as added by section
6 112(a)(5)); and

7 (2) the potential wilderness area designated by
8 section 113(a).

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

11 **SEC. 121. DEFINITIONS.**

12 In this subtitle:

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

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

17 **SEC. 122. DESIGNATION OF WILDERNESS AREAS.**

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

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

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

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

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

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

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

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

1 Cap”, dated July 20, 2007, which is incorporated in,
2 and considered to be a part of, the Mount Hood Wil-
3 derness, as designated under section 3(a) of the Wil-
4 derness Act (16 U.S.C. 1132(a)) and enlarged by
5 section 3(d) of the Endangered American Wilderness
6 Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

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

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

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

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

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

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

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

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

1 900 acres identified as “Potential Wilderness”
2 on the map entitled “Roaring River Wilder-
3 ness”, dated July 16, 2007, is designated as a
4 potential wilderness area.

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

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

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

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

22 (2) ADDITION TO THE MOUNT HOOD WILDER-
23 NESS.—On completion of the land exchange under
24 section 126(a)(2), certain Federal land managed by
25 the Forest Service, comprising approximately 1,710

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

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

21 (d) MAPS AND LEGAL DESCRIPTIONS.—

22 (1) IN GENERAL.—As soon as practicable after
23 the date of enactment of this Act, the Secretary
24 shall file a map and a legal description of each wil-

1 wilderness area and potential wilderness area des-
2 igned by this section, with—

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

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

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

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

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

23 (e) ADMINISTRATION.—

24 (1) IN GENERAL.—Subject to valid existing
25 rights, each area designated as wilderness by this

1 section shall be administered by the Secretary that
2 has jurisdiction over the land within the wilderness,
3 in accordance with the Wilderness Act (16 U.S.C.
4 1131 et seq.), except that—

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

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

12 (2) INCORPORATION OF ACQUIRED LAND AND
13 INTERESTS.—Any land within the boundary of a wil-
14 derness area designated by this section that is ac-
15 quired 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
19 section, the Wilderness Act (16 U.S.C. 1131 et
20 seq.), and any other applicable law.

21 (f) BUFFER ZONES.—

22 (1) IN GENERAL.—As provided in the Oregon
23 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
24 lic Law 98–328), Congress does not intend for des-
25 ignation of wilderness areas in the State under this

1 section to lead to the creation of protective perim-
2 eters or buffer zones around each wilderness area.

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

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

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

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

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

24 (1) entry, appropriation, or disposal under the
25 public land laws;

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

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

5 **SEC. 123. DESIGNATION OF STREAMS FOR WILD AND SCE-**
6 **NIC RIVER PROTECTION IN THE MOUNT**
7 **HOOD AREA.**

8 (a) WILD AND SCENIC RIVER DESIGNATIONS,
9 MOUNT HOOD NATIONAL FOREST.—

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

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

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

23 “(173) MIDDLE FORK HOOD RIVER.—The 3.7-
24 mile segment of the Middle Fork Hood River from
25 the confluence of Clear and Coe Branches to the

1 north section line of section 11, township 1 south,
2 range 9 east, to be administered by the Secretary of
3 Agriculture as a scenic river.

4 “(174) SOUTH FORK ROARING RIVER.—The
5 4.6-mile segment of the South Fork Roaring River
6 from its headwaters to its confluence with Roaring
7 River, to be administered by the Secretary of Agri-
8 culture as a wild river.

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

13 “(176) FIFTEENMILE CREEK.—

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

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

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

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

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

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

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

1 Forest boundary, to be administered by the Sec-
2 retary of Agriculture as a recreational river.

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

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

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

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

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

21 (b) PROTECTION FOR HOOD RIVER, OREGON.—Sec-
22 tion 13(a)(4) of the “Columbia River Gorge National Sce-
23 nic Area Act” (16 U.S.C. 544k(a)(4)) is amended by strik-
24 ing “for a period not to exceed twenty years from the date
25 of enactment of this Act,”.

1 **SEC. 124. MOUNT HOOD NATIONAL RECREATION AREA.**

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

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

15 (c) MAP AND LEGAL DESCRIPTION.—

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

21 (A) the Committee on Energy and Natural
22 Resources of the Senate; and

23 (B) the Committee on Natural Resources
24 of the House of Representatives.

25 (2) FORCE OF LAW.—The map and legal de-
26 scription filed under paragraph (1) shall have the

1 same force and effect as if included in this subtitle,
2 except that the Secretary may correct typographical
3 errors in the map and the 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 (d) ADMINISTRATION.—

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

10 (A) administer the Mount Hood National
11 Recreation Area—

12 (i) in accordance with the laws (in-
13 cluding regulations) and rules applicable to
14 the National Forest System; and

15 (ii) consistent with the purposes de-
16 scribed in subsection (a); and

17 (B) only allow uses of the Mount Hood
18 National Recreation Area that are consistent
19 with the purposes described in subsection (a).

20 (2) APPLICABLE LAW.—Any portion of a wil-
21 derness area designated by section 122 that is lo-
22 cated within the Mount Hood National Recreation
23 Area shall be administered in accordance with the
24 Wilderness Act (16 U.S.C. 1131 et seq.).

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

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

6 (A) maximizes the retention of large
7 trees—

8 (i) as appropriate to the forest type;
9 and

10 (ii) to the extent that the trees pro-
11 mote stands that are fire-resilient and
12 healthy;

13 (B) improves the habitats of threatened,
14 endangered, or sensitive species; or

15 (C) maintains or restores the composition
16 and structure of the ecosystem by reducing the
17 risk of uncharacteristic wildfire;

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

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

1 (f) ROAD CONSTRUCTION.—No new or temporary
2 roads shall be constructed or reconstructed within the
3 Mount Hood National Recreation Area except as nec-
4 essary—

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

9 (2) to conduct environmental cleanup required
10 by the United States;

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

13 (4) to prevent irreparable resource damage by
14 an existing road; or

15 (5) to rectify a hazardous road condition.

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

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

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

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

1 (h) TRANSFER OF ADMINISTRATIVE JURISDIC-
2 TION.—

3 (1) IN GENERAL.—Administrative jurisdiction
4 over the Federal land described in paragraph (2) is
5 transferred from the Bureau of Land Management
6 to the Forest Service.

7 (2) DESCRIPTION OF LAND.—The land referred
8 to in paragraph (1) is the approximately 130 acres
9 of land administered by the Bureau of Land Man-
10 agement within or adjacent to the Mount Hood Na-
11 tional Recreation Area that is identified as “BLM
12 Lands” on the map entitled “National Recreation
13 Areas—Shellrock Mountain”, dated February 2007.

14 **SEC. 125. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER**
15 **BIG BOTTOM, AND CULTUS CREEK.**

16 (a) CRYSTAL SPRINGS WATERSHED SPECIAL RE-
17 SOURCES MANAGEMENT UNIT.—

18 (1) ESTABLISHMENT.—

19 (A) IN GENERAL.—On completion of the
20 land exchange under section 126(a)(2), there
21 shall be established a special resources manage-
22 ment unit in the State consisting of certain
23 Federal land managed by the Forest Service, as
24 generally depicted on the map entitled “Crystal
25 Springs Watershed Special Resources Manage-

1 ment Unit”, dated June 2006 (referred to in
2 this subsection as the “map”), to be known as
3 the “Crystal Springs Watershed Special Re-
4 sources Management Unit” (referred to in this
5 subsection as the “Management Unit”).

6 (B) EXCLUSION OF CERTAIN LAND.—The
7 Management Unit does not include any Na-
8 tional Forest System land otherwise covered by
9 subparagraph (A) that is designated as wilder-
10 ness by section 122.

11 (C) WITHDRAWAL.—

12 (i) IN GENERAL.—Subject to valid
13 rights in existence on the date of enact-
14 ment of this Act, the Federal land des-
15 ignated as the Management Unit is with-
16 drawn from all forms of—

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

19 (II) location, entry, and patent
20 under the mining laws; and

21 (III) disposition under all laws
22 pertaining to mineral and geothermal
23 leasing or mineral materials.

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

4 (2) PURPOSES.—The purposes of the Manage-
5 ment Unit are—

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

10 (B) to allow visitors to enjoy the special
11 scenic, natural, cultural, and wildlife values of
12 the Crystal Springs watershed.

13 (3) MAP AND LEGAL DESCRIPTION.—

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

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

21 (ii) the Committee on Natural Re-
22 sources of the House of Representatives.

23 (B) FORCE OF LAW.—The map and legal
24 description filed under subparagraph (A) shall
25 have the same force and effect as if included in

1 this subtitle, except that the Secretary may cor-
2 rect typographical errors in the map and legal
3 description.

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

9 (4) ADMINISTRATION.—

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

11 (i) administer the Management
12 Unit—

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

17 (II) consistent with the purposes
18 described in paragraph (2); and

19 (ii) only allow uses of the Manage-
20 ment Unit that are consistent with the
21 purposes described in paragraph (2).

22 (B) FUEL REDUCTION IN PROXIMITY TO
23 IMPROVEMENTS AND PRIMARY PUBLIC
24 ROADS.—To protect the water quality, water
25 quantity, and scenic, cultural, natural, and

1 wildlife values of the Management Unit, the
2 Secretary may conduct fuel reduction and forest
3 health management treatments to maintain and
4 restore fire-resilient forest structures containing
5 late successional forest structure characterized
6 by large trees and multistoried canopies, as eco-
7 logically appropriate, on National Forest Sys-
8 tem land in the Management Unit—

9 (i) in any area located not more than
10 400 feet from structures located on—

11 (I) National Forest System land;

12 or

13 (II) private land adjacent to Na-
14 tional Forest System land;

15 (ii) in any area located not more than
16 400 feet from the Cooper Spur Road, the
17 Cloud Cap Road, or the Cooper Spur Ski
18 Area Loop Road; and

19 (iii) on any other National Forest
20 System land in the Management Unit, with
21 priority given to activities that restore pre-
22 viously harvested stands, including the re-
23 moval of logging slash, smaller diameter
24 material, and ladder fuels.

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

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

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

14 (C) Commercial livestock grazing.

15 (D) The placement of new fuel storage
16 tanks.

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

22 (6) FOREST ROAD CLOSURES.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the Secretary may provide
25 for the closure or gating to the general public

1 of any Forest Service road within the Manage-
2 ment Unit.

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

8 (7) PRIVATE LAND.—

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

14 (i) the owners of the private property;

15 and

16 (ii) guests to the private property.

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

21 (8) ACQUISITION OF LAND.—

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

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

6 (b) PROTECTIONS FOR UPPER BIG BOTTOM AND
7 CULTUS CREEK.—

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

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

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

18 (B) the approximately 280 acres identified
19 as “Cultus Creek” on the map entitled
20 “Clackamas Wilderness—South Fork
21 Clackamas”, dated July 16, 2007.

22 (3) MAPS AND LEGAL DESCRIPTIONS.—

23 (A) IN GENERAL.—As soon as practicable
24 after the date of enactment of this Act, the Sec-
25 retary shall file maps and legal descriptions of

1 the Federal land described in paragraph (2)
2 with—

3 (i) the Committee on Energy and
4 Natural 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 maps and legal
8 descriptions 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 maps and legal
12 descriptions.

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

18 (4) USE OF LAND.—

19 (A) IN GENERAL.—Subject to valid exist-
20 ing rights, with respect to the Federal land de-
21 scribed in paragraph (2), the Secretary shall
22 only allow uses that are consistent with the pur-
23 poses identified in paragraph (1).

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

4 (i) Permanent roads.

5 (ii) Commercial enterprises.

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

10 (I) the use of motor vehicles; or

11 (II) the establishment of tem-
 12 porary roads.

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

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

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

20 (C) disposition under all laws relating to
 21 mineral and geothermal leasing.

22 **SEC. 126. LAND EXCHANGES.**

23 (a) COOPER SPUR-GOVERNMENT CAMP LAND EX-
 24 CHANGE.—

25 (1) DEFINITIONS.—In this subsection:

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

3 (B) EXCHANGE MAP.—The term “ex-
4 change map” means the map entitled “Cooper
5 Spur/Government Camp Land Exchange”,
6 dated June 2006.

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

14 (D) MT. HOOD MEADOWS.—The term “Mt.
15 Hood Meadows” means the Mt. Hood Meadows
16 Oregon, Limited Partnership.

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

19 (i) the parcel of approximately 770
20 acres of private land at Cooper Spur iden-
21 tified as “Land to be acquired by USFS”
22 on the exchange map; and

23 (ii) any buildings, furniture, fixtures,
24 and equipment at the Inn at Cooper Spur
25 and the Cooper Spur Ski Area covered by

1 an appraisal described in paragraph
2 (2)(D).

3 (2) COOPER SPUR-GOVERNMENT CAMP LAND
4 EXCHANGE.—

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

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

21 (C) CONDITIONS ON ACCEPTANCE.—

22 (i) TITLE.—As a condition of the land
23 exchange under this subsection, title to the
24 non-Federal land to be acquired by the

1 Secretary under this subsection shall be ac-
2 ceptable to the Secretary.

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

8 (D) APPRAISALS.—

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

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

19 (I) the Uniform Appraisal Stand-
20 ards for Federal Land Acquisitions;
21 and

22 (II) the Uniform Standards of
23 Professional Appraisal Practice.

24 (E) SURVEYS.—

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

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

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

16 (G) RESERVATION OF EASEMENTS.—As a
17 condition of the conveyance of the Federal land,
18 the Secretary shall reserve—

19 (i) a conservation easement to the
20 Federal land to protect existing wetland,
21 as identified by the Oregon Department of
22 State Lands, that allows equivalent wet-
23 land mitigation measures to compensate
24 for minor wetland encroachments nec-

1 essary for the orderly development of the
2 Federal land; and

3 (ii) a trail easement to the Federal
4 land that allows—

5 (I) nonmotorized use by the pub-
6 lic of existing trails;

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

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

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

14 (1) DEFINITIONS.—In this subsection:

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

19 (B) FEDERAL LAND.—The term “Federal
20 land” means the parcel of land consisting of ap-
21 proximately 10 acres of National Forest System
22 land in the Columbia River Gorge National Sce-
23 nic Area identified as “USFS Land to be con-
24 veyed” on the exchange map.

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

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

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

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

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

24 (3) CONDITIONS ON ACCEPTANCE.—

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

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

10 (4) APPRAISALS.—

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

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

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

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

24 (5) SURVEYS.—

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

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

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

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

17 (1) DEFINITIONS.—In this subsection:

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

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

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

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

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

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

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

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

1 (C) CONDITIONS ON ACCEPTANCE.—

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

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

12 (D) APPRAISALS.—

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

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

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

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

3 (E) SURVEYS.—

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

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

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

19 (3) BOUNDARY ADJUSTMENT.—

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

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

1 (ii) the land transferred to the Forest
2 Service by section 124(h)(1).

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

6 (i) in accordance with—

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

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

13 (ii) subject to sections 122(c)(3) and
14 124(d), as applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **SEC. 127. TRIBAL PROVISIONS; PLANNING AND STUDIES.**

18 (a) TRANSPORTATION PLAN.—

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

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

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

5 (C) to enhance public safety.

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

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

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

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

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

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

25 (i) providing emergency routes; or

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

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

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

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

12 (2) SUBMISSION TO CONGRESS.—

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

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

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

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

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

5 (c) LOCAL AND TRIBAL RELATIONSHIPS.—

6 (1) MANAGEMENT PLAN.—

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

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

1 served by the treaty described in subparagraph
2 (A).

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

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

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

20 (d) RECREATIONAL USES.—

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

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

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

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

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

21 **SEC. 131. DESIGNATION OF THE COPPER SALMON WILDER-**
22 **NESS.**

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

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

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

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

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

13 (b) MAPS AND LEGAL DESCRIPTION.—

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

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

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

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

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

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

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

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

17 **SEC. 133. PROTECTION OF TRIBAL RIGHTS.**

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

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

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

3 **SEC. 141. DEFINITIONS.**

4 In this subtitle:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (15) WILDERNESS.—The term “Wilderness”
11 means the Soda Mountain Wilderness designated by
12 section 145(a).

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

16 **SEC. 142. VOLUNTARY GRAZING LEASE DONATION PRO-**
17 **GRAM.**

18 (a) EXISTING GRAZING LEASES.—

19 (1) DONATION OF LEASE.—

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

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

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

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

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

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

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

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

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

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

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

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

12 (3) COMMON ALLOTMENTS.—

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

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

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

3 (b) LIMITATIONS.—The Secretary—

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

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

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

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

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

20 **SEC. 143. BOX R RANCH LAND EXCHANGE.**

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

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

4 (2) if the Landowner accepts the offer—

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

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

12 (b) SURVEYS.—

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

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

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

25 (1) valid existing rights;

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

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

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

11 (d) APPRAISALS.—

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

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

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

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

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

1 (e) GRAZING ALLOTMENT.—As a condition of the
2 land exchange authorized under this section, the lessee of
3 the grazing lease for the Box R grazing allotment shall
4 donate the Box R grazing lease in accordance with section
5 142(a)(1).

6 **SEC. 144. DEERFIELD LAND EXCHANGE.**

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

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

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

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

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

23 (b) SURVEYS.—

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

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

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

8 (c) CONDITIONS.—

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

12 (A) valid existing rights;

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

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

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

23 (d) APPRAISALS.—

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

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

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

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

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

14 **SEC. 145. SODA MOUNTAIN WILDERNESS.**

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

21 (b) MAP AND LEGAL DESCRIPTION.—

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

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

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

5 (2) FORCE AND EFFECT.—

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

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

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

21 (c) ADMINISTRATION OF WILDERNESS.—

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

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

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

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

18 (3) LIVESTOCK.—Except as provided in section
19 142 and by Presidential Proclamation Number
20 7318, dated June 9, 2000 (65 Fed. Reg. 37247),
21 the grazing of livestock in the Wilderness, if estab-
22 lished before the date of enactment of this Act, shall
23 be permitted to continue subject to such reasonable
24 regulations as are considered necessary by the Sec-
25 retary in accordance with—

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

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

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

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

17 (A) become part of the Wilderness; and

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

21 **SEC. 146. EFFECT.**

22 Nothing in this subtitle—

23 (1) affects the authority of a Federal agency to
24 modify or terminate grazing permits or leases, ex-
25 cept as provided in section 142;

1 (2) authorizes the use of eminent domain;

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

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

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

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

14 **SEC. 151. DEFINITIONS.**

15 In this subtitle:

16 (1) **ACCOUNT.**—The term “account” means the
17 Owyhee Land Acquisition Account established by
18 section 155(b)(1).

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

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

1 (4) PLAN.—The term “plan” means a travel
2 management plan for motorized and mechanized off-
3 highway vehicle recreation prepared under section
4 157.

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

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

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

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

16 **SEC. 152. OWYHEE SCIENCE REVIEW AND CONSERVATION**
17 **CENTER.**

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

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

7 **SEC. 153. WILDERNESS AREAS.**

8 (a) WILDERNESS AREAS DESIGNATION.—

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

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

20 (B) BRUNEAU-JARBIDGE RIVERS WILDER-
21 NESS.—Certain land comprising approximately
22 89,996 acres, as generally depicted on the map
23 entitled “Bruneau-Jarbidge Rivers Wilderness”
24 and dated May 5, 2008, which shall be known
25 as the “Bruneau-Jarbidge Rivers Wilderness”.

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

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

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

21 (F) POLE CREEK WILDERNESS.—Certain
22 land comprising approximately 12,533 acres, as
23 generally depicted on the map entitled “North
24 Fork Owyhee and Pole Creek Wilderness” and

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

3 (2) MAPS AND LEGAL DESCRIPTIONS.—

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

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

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

22 (3) RELEASE OF WILDERNESS STUDY AREAS.—

23 (A) IN GENERAL.—Congress finds that, for
24 the purposes of section 603(c) of the Federal
25 Land Policy and Management Act of 1976 (43

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

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

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

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

16 (b) ADMINISTRATION.—

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

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

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

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

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

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

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

13 (3) LIVESTOCK.—

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

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

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

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

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

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

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

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

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

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

3 (iii) COMMON ALLOTMENTS.—

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

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

22 (iv) PARTIAL DONATION.—

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

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

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

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

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

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

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

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

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

6 (5) TRAIL PLAN.—

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

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

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

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

7 (8) FISH AND WILDLIFE.—

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

11 (B) MANAGEMENT ACTIVITIES.—

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

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

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

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

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

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

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

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

6 (10) ADJACENT MANAGEMENT.—

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

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

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

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

23 (B) flight testing and evaluation; or

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

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

3 (12) WATER RIGHTS.—

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

9 (B) EXCLUSIONS.—This paragraph does
10 not apply to any components of the National
11 Wild and Scenic Rivers System designated by
12 section 154.

13 **SEC. 154. DESIGNATION OF WILD AND SCENIC RIVERS.**

14 (a) IN GENERAL.—Section 3(a) of the Wild and Sce-
15 nic Rivers Act (16 U.S.C. 1274(a)) (as amended by sec-
16 tion 123(a)(1)) is amended by adding at the end the fol-
17 lowing:

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

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

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

5 “(182) BRUNEAU RIVER, IDAHO.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(191) OWYHEE RIVER, IDAHO.—

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

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

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

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

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

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

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

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

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

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

3 or

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

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

10 **SEC. 155. LAND IDENTIFIED FOR DISPOSAL.**

11 (a) IN GENERAL.—Consistent with applicable law,
12 the Secretary may sell public land located within the Boise
13 District of the Bureau of Land Management that, as of
14 the date of enactment of this Act, has been identified for
15 disposal in appropriate resource management plans.

16 (b) USE OF PROCEEDS.—

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

25 (2) AVAILABILITY.—

1 (A) IN GENERAL.—Amounts in the ac-
2 count shall be available to the Secretary, with-
3 out further appropriation, to purchase land or
4 interests in land in, or adjacent to, the wilder-
5 ness areas designated by this subtitle, including
6 land identified as “Proposed for Acquisition”
7 on the maps described in section 153(a)(1).

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

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

15 (c) TERMINATION OF AUTHORITY.—

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

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

20 (B) the date on which a total of
21 \$8,000,000 from the account is expended.

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

1 (A) credited as sales of public land in the
2 State;

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

7 (C) used in accordance with that subtitle.

8 **SEC. 156. TRIBAL CULTURAL RESOURCES.**

9 (a) COORDINATION.—The Secretary shall coordinate
10 with the Tribes in the implementation of the Shoshone
11 Paiute Cultural Resource Protection Plan.

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

17 **SEC. 157. RECREATIONAL TRAVEL MANAGEMENT PLANS.**

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

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

4 (c) LIMITATION TO DESIGNATED ROUTES.—

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

10 (2) EXCEPTION.—Paragraph (1) shall not
11 apply to snowmobiles.

12 (d) TEMPORARY LIMITATION.—

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

19 (2) EXCEPTION.—Paragraph (1) shall not
20 apply to—

21 (A) snowmobiles; or

22 (B) areas specifically identified as open,
23 closed, or limited in the Owyhee Resource Man-
24 agement Plan.

25 (e) SCHEDULE.—

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

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

11 **SEC. 158. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as are necessary to carry out this subtitle.

14 **Subtitle G—Boundary Adjustment,**
15 **Frank Church River of No Re-**
16 **turn Wilderness**

17 **SEC. 161. PURPOSES.**

18 The purposes of this subtitle are—

19 (1) to adjust the boundaries of the wilderness
20 area; and

21 (2) to authorize the Secretary to sell the land
22 designated for removal from the wilderness area due
23 to encroachment.

24 **SEC. 162. DEFINITIONS.**

25 In this subtitle:

1 (1) LAND DESIGNATED FOR EXCLUSION.—The
2 term “land designated for exclusion” means the par-
3 cel of land that is—

4 (A) comprised of approximately 10.2 acres
5 of land;

6 (B) generally depicted on the survey plat
7 entitled “Proposed Boundary Change
8 FCRONRW Sections 15 (unsurveyed) Town-
9 ship 14 North, Range 13 East, B.M., Custer
10 County, Idaho” and dated November 14, 2001;
11 and

12 (C) more particularly described in the sur-
13 vey plat and legal description on file in—

14 (i) the office of the Chief of the For-
15 est Service, Washington, DC; and

16 (ii) the office of the Intermountain
17 Regional Forester, Ogden, Utah.

18 (2) LAND DESIGNATED FOR INCLUSION.—The
19 term “land designated for inclusion” means the par-
20 cel of National Forest System land that is—

21 (A) comprised of approximately 10.2 acres
22 of land;

23 (B) located in unsurveyed section 22, T.
24 14 N., R. 13 E., Boise Meridian, Custer Coun-
25 ty, Idaho;

1 (C) generally depicted on the map entitled
2 “Challis National Forest, T.14 N., R. 13 E.,
3 B.M., Custer County, Idaho, Proposed Bound-
4 ary Change FCRONRW” and dated September
5 19, 2007; and

6 (D) more particularly described on the
7 map and legal description on file in—

8 (i) the office of the Chief of the For-
9 est Service, Washington, DC; and

10 (ii) the Intermountain Regional For-
11 ester, Ogden, Utah.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Agriculture.

14 (4) WILDERNESS AREA.—The term “wilderness
15 area” means the Frank Church River of No Return
16 Wilderness designated by section 3 of the Central
17 Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note;
18 94 Stat. 948).

19 **SEC. 163. BOUNDARY ADJUSTMENT.**

20 (a) ADJUSTMENT TO WILDERNESS AREA.—

21 (1) INCLUSION.—The wilderness area shall in-
22 clude the land designated for inclusion.

23 (2) EXCLUSION.—The wilderness area shall not
24 include the land designated for exclusion.

1 (b) CORRECTIONS TO LEGAL DESCRIPTIONS.—The
2 Secretary may make corrections to the legal descriptions.

3 **SEC. 164. CONVEYANCE OF LAND DESIGNATED FOR EXCLU-**
4 **SION.**

5 (a) IN GENERAL.—Subject to subsection (b), to re-
6 solve the encroachment on the land designated for exclu-
7 sion, the Secretary may sell for consideration in an
8 amount equal to fair market value—

9 (1) the land designated for exclusion; and

10 (2) as the Secretary determines to be necessary,
11 not more than 10 acres of land adjacent to the land
12 designated for exclusion.

13 (b) CONDITIONS.—The sale of land under subsection
14 (a) shall be subject to the conditions that—

15 (1) the land to be conveyed be appraised in ac-
16 cordance with the Uniform Appraisal Standards for
17 Federal Land Acquisitions;

18 (2) the person buying the land shall pay—

19 (A) the costs associated with appraising
20 and, if the land needs to be resurveyed, resur-
21 veying the land; and

22 (B) any analyses and closing costs associ-
23 ated with the conveyance;

1 (3) for management purposes, the Secretary
2 may reconfigure the description of the land for sale;
3 and

4 (4) the owner of the adjacent private land shall
5 have the first opportunity to buy the land.

6 (c) DISPOSITION OF PROCEEDS.—

7 (1) IN GENERAL.—The Secretary shall deposit
8 the cash proceeds from a sale of land under sub-
9 section (a) in the fund established under Public Law
10 90–171 (commonly known as the “Sisk Act”) (16
11 U.S.C. 484a).

12 (2) AVAILABILITY AND USE.—Amounts depos-
13 ited under paragraph (1)—

14 (A) shall remain available until expended
15 for the acquisition of land for National Forest
16 purposes in the State of Idaho; and

17 (B) shall not be subject to transfer or re-
18 programming for—

19 (i) wildland fire management; or

20 (ii) any other emergency purposes.

21 **Subtitle H—Rocky Mountain**

22 **National Park Wilderness**

23 **SEC. 171. DEFINITIONS.**

24 In this subtitle:

1 (1) MAP.—The term “map” means the map en-
2 titled “Rocky Mountain National Park Wilderness
3 Act of 2007” and dated September 2006.

4 (2) PARK.—The term “Park” means Rocky
5 Mountain National Park located in the State of Col-
6 orado.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (4) TRAIL.—The term “Trail” means the East
10 Shore Trail established under section 174(a).

11 (5) WILDERNESS.—The term “Wilderness”
12 means the wilderness designated by section 172(a).

13 **SEC. 172. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS.**

14 (a) DESIGNATION.—In furtherance of the purposes of
15 the Wilderness Act (16 U.S.C. 1131 et seq.), there is des-
16 ignated as wilderness and as a component of the National
17 Wilderness Preservation System approximately 249,339
18 acres of land in the Park, as generally depicted on the
19 map.

20 (b) MAP AND BOUNDARY DESCRIPTION.—

21 (1) IN GENERAL.—As soon as practicable after
22 the date of enactment of this Act, the Secretary
23 shall—

24 (A) prepare a map and boundary descrip-
25 tion of the Wilderness; and

1 (B) submit the map and boundary descrip-
2 tion prepared under subparagraph (A) to the
3 Committee on Energy and Natural Resources of
4 the Senate and the Committee on Natural Re-
5 sources of the House of Representatives.

6 (2) AVAILABILITY; FORCE OF LAW.—The map
7 and boundary description submitted under para-
8 graph (1)(B) shall—

9 (A) be on file and available for public in-
10 spection in appropriate offices of the National
11 Park Service; and

12 (B) have the same force and effect as if in-
13 cluded in this subtitle.

14 (c) INCLUSION OF POTENTIAL WILDERNESS.—

15 (1) IN GENERAL.—On publication in the Fed-
16 eral Register of a notice by the Secretary that all
17 uses inconsistent with the Wilderness Act (16 U.S.C.
18 1131 et seq.) have ceased on the land identified on
19 the map as a “Potential Wilderness Area”, the land
20 shall be—

21 (A) included in the Wilderness; and

22 (B) administered in accordance with sub-
23 section (e).

24 (2) BOUNDARY DESCRIPTION.—On inclusion in
25 the Wilderness of the land referred to in paragraph

1 (1), the Secretary shall modify the map and bound-
2 ary description submitted under subsection (b) to re-
3 flect the inclusion of the land.

4 (d) EXCLUSION OF CERTAIN LAND.—The following
5 areas are specifically excluded from the Wilderness:

6 (1) The Grand River Ditch (including the main
7 canal of the Grand River Ditch and a branch of the
8 main canal known as the Specimen Ditch), the
9 right-of-way for the Grand River Ditch, land 200
10 feet on each side of the center line of the Grand
11 River Ditch, and any associated appurtenances,
12 structures, buildings, camps, and work sites in exist-
13 ence as of June 1, 1998.

14 (2) Land owned by the St. Vrain & Left Hand
15 Water Conservancy District, including Copeland
16 Reservoir and the Inlet Ditch to the Reservoir from
17 North St. Vrain Creek, comprising approximately
18 35.38 acres.

19 (3) Land owned by the Wincenstsen-Harms
20 Trust, comprising approximately 2.75 acres.

21 (4) Land within the area depicted on the map
22 as the “East Shore Trail Area”.

23 (e) ADMINISTRATION.—Subject to valid existing
24 rights, any land designated as wilderness under this sec-
25 tion or added to the Wilderness after the date of enact-

1 ment of this Act under subsection (c) shall be adminis-
2 tered by the Secretary in accordance with this subtitle and
3 the Wilderness Act (16 U.S.C. 1131 et seq.), except
4 that—

5 (1) any reference in the Wilderness Act (16
6 U.S.C. 1131 et seq.) to the effective date of that Act
7 shall be considered to be a reference to the date of
8 enactment of this Act, or the date on which the ad-
9 ditional land is added to the Wilderness, respec-
10 tively; and

11 (2) any reference in the Wilderness Act (16
12 U.S.C. 1131 et seq.) to the Secretary of Agriculture
13 shall be considered to be a reference to the Sec-
14 retary.

15 (f) WATER RIGHTS.—

16 (1) FINDINGS.—Congress finds that—

17 (A) the United States has existing rights
18 to water within the Park;

19 (B) the existing water rights are sufficient
20 for the purposes of the Wilderness; and

21 (C) based on the findings described in sub-
22 paragraphs (A) and (B), there is no need for
23 the United States to reserve or appropriate any
24 additional water rights to fulfill the purposes of
25 the Wilderness.

1 (2) EFFECT.—Nothing in this subtitle—

2 (A) constitutes an express or implied res-
3 ervation by the United States of water or water
4 rights for any purpose; or

5 (B) modifies or otherwise affects any exist-
6 ing water rights held by the United States for
7 the Park.

8 (g) FIRE, INSECT, AND DISEASE CONTROL.—The
9 Secretary may take such measures in the Wilderness as
10 are necessary to control fire, insects, and diseases, as are
11 provided for in accordance with—

12 (1) the laws applicable to the Park; and

13 (2) the Wilderness Act (16 U.S.C. 1131 et
14 seq.).

15 **SEC. 173. GRAND RIVER DITCH AND COLORADO-BIG**
16 **THOMPSON PROJECTS.**

17 (a) CONDITIONAL WAIVER OF STRICT LIABILITY.—
18 During any period in which the Water Supply and Storage
19 Company (or any successor in interest to the company
20 with respect to the Grand River Ditch) operates and main-
21 tains the portion of the Grand River Ditch in the Park
22 in compliance with an operations and maintenance agree-
23 ment between the Water Supply and Storage Company
24 and the National Park Service, the provisions of para-
25 graph (6) of the stipulation approved June 28, 1907—

1 (1) shall be suspended; and

2 (2) shall not be enforceable against the Com-
3 pany (or any successor in interest).

4 (b) AGREEMENT.—The agreement referred to in sub-
5 section (a) shall—

6 (1) ensure that—

7 (A) Park resources are managed in accord-
8 ance with the laws generally applicable to the
9 Park, including—

10 (i) the Act of January 26, 1915 (16
11 U.S.C. 191 et seq.); and

12 (ii) the National Park Service Organic
13 Act (16 U.S.C. 1 et seq.);

14 (B) Park land outside the right-of-way cor-
15 ridor remains unimpaired consistent with the
16 National Park Service management policies in
17 effect as of the date of enactment of this Act;
18 and

19 (C) any use of Park land outside the right-
20 of-way corridor (as of the date of enactment of
21 this Act) shall be permitted only on a tem-
22 porary basis, subject to such terms and condi-
23 tions as the Secretary determines to be nec-
24 essary; and

25 (2) include stipulations with respect to—

1 (A) flow monitoring and early warning
2 measures;

3 (B) annual and periodic inspections;

4 (C) an annual maintenance plan;

5 (D) measures to identify on an annual
6 basis capital improvement needs; and

7 (E) the development of plans to address
8 the needs identified under subparagraph (D).

9 (c) LIMITATION.—Nothing in this section limits or
10 otherwise 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
16 seq), including the defenses available under that Act
17 for 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);

23 or

24 (B) by an activity authorized by Federal or
25 State law.

1 (d) COLORADO-BIG THOMPSON PROJECT AND
2 WINDY GAP PROJECT.—

3 (1) IN GENERAL.—Nothing in this subtitle, in-
4 cluding the designation of the Wilderness, prohibits
5 or affects current and future operation and mainte-
6 nance activities in, under, or affecting the Wilder-
7 ness that were allowed as of the date of enactment
8 of this Act under the Act of January 26, 1915 (16
9 U.S.C. 191), relating to the Alva B. Adams Tunnel
10 or other Colorado–Big Thompson Project facilities
11 located within the Park.

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

16 (e) RIGHT-OF-WAY.—Use of water transported by
17 the Grand River Ditch for 1 or more purposes other than
18 irrigation shall not terminate or adversely affect the right-
19 of-way of the Grand River Ditch if the Secretary deter-
20 mines that the change in purpose or use does not adversely
21 affect the Park.

22 (f) NEW RECLAMATION PROJECTS.—Nothing in the
23 first section of the Act of January 26, 1915 (16 U.S.C.
24 191), shall be construed to allow development in the Wil-

1 derness of any reclamation project not in existence as of
2 the date of enactment of this Act.

3 (g) CLARIFICATION OF MANAGEMENT AUTHORITY.—
4 Nothing in this section reduces or limits the authority of
5 the Secretary to manage land and resources within the
6 Park under applicable law.

7 **SEC. 174. EAST SHORE TRAIL AREA.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, the Secretary shall establish
10 within the East Shore Trail Area in the Park an align-
11 ment line for a trail, to be known as the “East Shore
12 Trail”, to maximize the opportunity for sustained use of
13 the Trail without causing—

14 (1) harm to affected resources; or

15 (2) conflicts among users.

16 (b) BOUNDARIES.—

17 (1) IN GENERAL.—After establishing the align-
18 ment line for the Trail under subsection (a), the
19 Secretary shall—

20 (A) identify the boundaries of the Trail,
21 which shall not extend more than 25 feet east
22 of the alignment line or be located within the
23 Wilderness; and

24 (B) modify the map of the Wilderness pre-
25 pared under section 172(b)(1)(A) so that the

1 western boundary of the Wilderness is 50 feet
2 east of the alignment line.

3 (2) ADJUSTMENTS.—To the extent necessary to
4 protect Park resources, the Secretary may adjust the
5 boundaries of the Trail, if the adjustment does not
6 place any portion of the Trail within the boundary
7 of the Wilderness.

8 (c) INCLUSION IN WILDERNESS.—On completion of
9 the construction of the Trail, as authorized by the Sec-
10 retary—

11 (1) any portion of the East Shore Trail Area
12 that is not traversed by the Trail, that is not west
13 of the Trail, and that is not within 50 feet of the
14 centerline of the Trail shall be—

15 (A) included in the Wilderness; and

16 (B) managed as part of the Wilderness in
17 accordance with section 172; and

18 (2) the Secretary shall modify the map and
19 boundary description of the Wilderness prepared
20 under section 172(b)(1)(A) to reflect the inclusion of
21 the East Shore Trail Area land in the Wilderness.

22 (d) EFFECT.—Nothing in this section—

23 (1) requires the construction of the Trail along
24 the alignment line established under subsection (a);
25 or

1 (2) limits the extent to which any otherwise ap-
2 plicable law or policy applies to any decision with re-
3 spect to the construction of the Trail.

4 (e) RELATION TO LAND OUTSIDE WILDERNESS.—

5 (1) IN GENERAL.—Except as provided in this
6 subsection, nothing in this subtitle affects the man-
7 agement or use of any land not included within the
8 boundaries of the Wilderness or the potential wilder-
9 ness land.

10 (2) MOTORIZED VEHICLES AND MACHINERY.—

11 No use of motorized vehicles or other motorized ma-
12 chinery that was not permitted on March 1, 2006,
13 shall be allowed in the East Shore Trail Area except
14 as the Secretary determines to be necessary for use
15 in—

16 (A) constructing the Trail, if the construc-
17 tion is authorized by the Secretary; or

18 (B) maintaining the Trail.

19 (3) MANAGEMENT OF LAND BEFORE INCLU-
20 SION.—Until the Secretary authorizes the construc-
21 tion of the Trail and the use of the Trail for non-
22 motorized bicycles, the East Shore Trail Area shall
23 be managed—

24 (A) to protect any wilderness characteris-
25 tics of the East Shore Trail Area; and

1 (B) to maintain the suitability of the East
2 Shore Trail Area for inclusion in the Wilder-
3 ness.

4 **SEC. 175. NATIONAL FOREST AREA BOUNDARY ADJUST-**
5 **MENTS.**

6 (a) INDIAN PEAKS WILDERNESS BOUNDARY AD-
7 JUSTMENT.—Section 3(a) of the Indian Peaks Wilderness
8 Area, the Arapaho National Recreation Area and the Or-
9 egon Islands Wilderness Area Act (16 U.S.C. 1132 note;
10 Public Law 95–450) is amended—

11 (1) by striking “seventy thousand acres” and
12 inserting “74,195 acres”; and

13 (2) by striking “, dated July 1978” and insert-
14 ing “and dated May 2007”.

15 (b) ARAPAHO NATIONAL RECREATION AREA BOUND-
16 ARY ADJUSTMENT.—Section 4(a) of the Indian Peaks
17 Wilderness Area, the Arapaho National Recreation Area
18 and the Oregon Islands Wilderness Area Act (16 U.S.C.
19 460jj(a)) is amended—

20 (1) by striking “thirty-six thousand two hun-
21 dred thirty-five acres” and inserting “35,235 acres”;
22 and

23 (2) by striking “, dated July 1978” and insert-
24 ing “and dated May 2007”.

1 **SEC. 176. AUTHORITY TO LEASE LEIFFER TRACT.**

2 (a) IN GENERAL.—Section 3(k) of Public Law 91–
3 383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land
4 described in subsection (b).

5 (b) DESCRIPTION OF THE LAND.—The parcel of land
6 referred to in subsection (a) is the parcel of land known
7 as the “Leiffer tract” that is—

8 (1) located near the eastern boundary of the
9 Park in Larimer County, Colorado; and

10 (2) administered by the National Park Service.

11 **TITLE II—BUREAU OF LAND**
12 **MANAGEMENT AUTHORIZA-**
13 **TIONS**

14 **Subtitle A—National Landscape**
15 **Conservation System**

16 **SEC. 201. DEFINITIONS.**

17 In this subtitle:

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

20 (2) SYSTEM.—The term “system” means the
21 National Landscape Conservation System estab-
22 lished by section 202(a).

23 **SEC. 202. ESTABLISHMENT OF THE NATIONAL LANDSCAPE**
24 **CONSERVATION SYSTEM.**

25 (a) ESTABLISHMENT.—In order to conserve, protect,
26 and restore nationally significant landscapes that have

1 outstanding cultural, ecological, and scientific values for
2 the benefit of current and future generations, there is es-
3 tablished in the Bureau of Land Management the Na-
4 tional Landscape Conservation System.

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

8 (1) Each area that is designated as—

9 (A) a national monument;

10 (B) a national conservation area;

11 (C) a wilderness study area;

12 (D) a national scenic trail or national his-
13 toric trail designated as a component of the Na-
14 tional Trails System;

15 (E) a component of the National Wild and
16 Scenic Rivers System; or

17 (F) a component of the National Wilder-
18 ness Preservation System.

19 (2) Any area designated by Congress to be ad-
20 ministered for conservation purposes, including—

21 (A) the Steens Mountain Cooperative Man-
22 agement and Protection Area;

23 (B) the Headwaters Forest Reserve;

24 (C) the Yaquina Head Outstanding Nat-
25 ural Area; and

1 (D) any additional area designated by Con-
2 gress for inclusion in the system.

3 (c) MANAGEMENT.—The Secretary shall manage the
4 system—

5 (1) in accordance with any applicable law (in-
6 cluding regulations) relating to any component of
7 the system included under subsection (b); and

8 (2) in a manner that protects the values for
9 which the components of the system were des-
10 igned.

11 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as are necessary to carry out this subtitle.

14 **Subtitle B—Prehistoric Trackways**
15 **National Monument**

16 **SEC. 211. FINDINGS.**

17 Congress finds that—

18 (1) in 1987, a major deposit of Paleozoic Era
19 fossilized footprint megatrackways was discovered in
20 the Robledo Mountains in southern New Mexico;

21 (2) the trackways contain footprints of numer-
22 ous amphibians, reptiles, and insects (including pre-
23 viously unknown species), plants, and petrified wood
24 dating back approximately 280,000,000 years, which
25 collectively provide new opportunities to understand

1 animal behaviors and environments from a time pre-
2 dating the dinosaurs;

3 (3) title III of Public Law 101–578 (104 Stat.
4 2860)—

5 (A) provided interim protection for the site
6 at which the trackways were discovered; and

7 (B) directed the Secretary of the Interior
8 to—

9 (i) prepare a study assessing the sig-
10 nificance of the site; and

11 (ii) based on the study, provide rec-
12 ommendations for protection of the paleon-
13 tological resources at the site;

14 (4) the Bureau of Land Management completed
15 the Paleozoic Trackways Scientific Study Report in
16 1994, which characterized the site as containing
17 “the most scientifically significant Early Permian
18 tracksites” in the world;

19 (5) despite the conclusion of the study and the
20 recommendations for protection, the site remains un-
21 protected and many irreplaceable trackways speci-
22 mens have been lost to vandalism or theft; and

23 (6) designation of the trackways site as a Na-
24 tional Monument would protect the unique fossil re-
25 sources for present and future generations while al-

1 lowing for public education and continued scientific
2 research opportunities.

3 **SEC. 212. DEFINITIONS.**

4 In this subtitle:

5 (1) MONUMENT.—The term “Monument”
6 means the Prehistoric Trackways National Monu-
7 ment established by section 213(a).

8 (2) PUBLIC LAND.—The term “public land”
9 has the meaning given the term “public lands” in
10 section 103 of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1702).

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 **SEC. 213. ESTABLISHMENT.**

15 (a) IN GENERAL.—In order to conserve, protect, and
16 enhance the unique and nationally important paleontolog-
17 ical, scientific, educational, scenic, and recreational re-
18 sources and values of the public land described in sub-
19 section (b), there is established the Prehistoric Trackways
20 National Monument in the State of New Mexico.

21 (b) DESCRIPTION OF LAND.—The Monument shall
22 consist of approximately 5,280 acres of public land in
23 Doña Ana County, New Mexico, as generally depicted on
24 the map entitled “Prehistoric Trackways National Monu-
25 ment” and dated January 25, 2007.

1 (c) MAP; LEGAL DESCRIPTION.—

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

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

12 (3) CONFLICT BETWEEN MAP AND LEGAL DE-
13 SCRIPTION.—In the case of a conflict between the
14 map and the legal description, the map shall control.

15 (4) AVAILABILITY OF MAP AND LEGAL DE-
16 SCRIPTION.—Copies of the map and legal description
17 shall be on file and available for public inspection in
18 the appropriate offices of the Bureau of Land Man-
19 agement.

20 (d) MINOR BOUNDARY ADJUSTMENTS.—If additional
21 paleontological resources are discovered on public land ad-
22 jacent to the Monument after the date of enactment of
23 this Act, the Secretary may make minor boundary adjust-
24 ments to the Monument to include the resources in the
25 Monument.

1 **SEC. 214. ADMINISTRATION.**

2 (a) **MANAGEMENT.**—

3 (1) **IN GENERAL.**—The Secretary shall manage
4 the Monument—

5 (A) in a manner that conserves, protects,
6 and enhances the resources and values of the
7 Monument, including the resources and values
8 described in section 213(a); and

9 (B) in accordance with—

10 (i) this subtitle;

11 (ii) the Federal Land Policy and Man-
12 agement Act of 1976 (43 U.S.C. 1701 et
13 seq.); and

14 (iii) other applicable laws.

15 (2) **NATIONAL LANDSCAPE CONSERVATION SYS-**
16 **TEM.**—The Monument shall be managed as a com-
17 ponent of the National Landscape Conservation Sys-
18 tem.

19 (b) **MANAGEMENT PLAN.**—

20 (1) **IN GENERAL.**—Not later than 3 years after
21 the date of enactment of this Act, the Secretary
22 shall develop a comprehensive management plan for
23 the long-term protection and management of the
24 Monument.

25 (2) **COMPONENTS.**—The management plan
26 under paragraph (1)—

1 (A) shall—

2 (i) describe the appropriate uses and
3 management of the Monument, consistent
4 with the provisions of this subtitle; and

5 (ii) allow for continued scientific re-
6 search at the Monument during the devel-
7 opment of the management plan; and

8 (B) may—

9 (i) incorporate any appropriate deci-
10 sions contained in any current manage-
11 ment or activity plan for the land described
12 in section 213(b); and

13 (ii) use information developed in stud-
14 ies of any land within or adjacent to the
15 Monument that were conducted before the
16 date of enactment of this Act.

17 (c) AUTHORIZED USES.—The Secretary shall only
18 allow uses of the Monument that the Secretary determines
19 would further the purposes for which the Monument has
20 been established.

21 (d) INTERPRETATION, EDUCATION, AND SCIENTIFIC
22 RESEARCH.—

23 (1) IN GENERAL.—The Secretary shall provide
24 for public interpretation of, and education and sci-
25 entific research on, the paleontological resources of

1 the Monument, with priority given to exhibiting and
2 curating the resources in Doña Ana County, New
3 Mexico.

4 (2) COOPERATIVE AGREEMENTS.—The Sec-
5 retary may enter into cooperative agreements with
6 appropriate public entities to carry out paragraph
7 (1).

8 (e) SPECIAL MANAGEMENT AREAS.—

9 (1) IN GENERAL.—The establishment of the
10 Monument shall not change the management status
11 of any area within the boundary of the Monument
12 that is—

13 (A) designated as a wilderness study area
14 and managed in accordance with section 603(c)
15 of the Federal Land Policy and Management
16 Act of 1976 (43 U.S.C. 1782(c)); or

17 (B) managed as an area of critical environ-
18 ment concern.

19 (2) CONFLICT OF LAWS.—If there is a conflict
20 between the laws applicable to the areas described in
21 paragraph (1) and this subtitle, the more restrictive
22 provision shall control.

23 (f) MOTORIZED VEHICLES.—

24 (1) IN GENERAL.—Except as needed for admin-
25 istrative purposes or to respond to an emergency,

1 the use of motorized vehicles in the Monument shall
2 be allowed only on roads and trails designated for
3 use by motorized vehicles under the management
4 plan prepared under subsection (b).

5 (2) PERMITTED EVENTS.—The Secretary may
6 issue permits for special recreation events involving
7 motorized vehicles within the boundaries of the
8 Monument, including the “Chile Challenge”—

9 (A) to the extent the events do not harm
10 paleontological resources; and

11 (B) subject to any terms and conditions
12 that the Secretary determines to be necessary.

13 (g) WITHDRAWALS.—Subject to valid existing rights,
14 any Federal land within the Monument and any land or
15 interest in land that is acquired by the United States for
16 inclusion in the Monument after the date of enactment
17 of this Act are withdrawn from—

18 (1) entry, appropriation, or disposal under the
19 public land laws;

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

22 (3) operation of the mineral leasing laws, geo-
23 thermal leasing laws, and minerals materials laws.

24 (h) GRAZING.—The Secretary may allow grazing to
25 continue in any area of the Monument in which grazing

1 is allowed before the date of enactment of this Act, subject
2 to applicable laws (including regulations).

3 (i) WATER RIGHTS.—Nothing in this subtitle con-
4 stitutes an express or implied reservation by the United
5 States of any water or water rights with respect to the
6 Monument.

7 **SEC. 215. AUTHORIZATION OF APPROPRIATIONS.**

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

10 **Subtitle C—Fort Stanton-Snowy**
11 **River Cave National Conserva-**
12 **tion Area**

13 **SEC. 221. DEFINITIONS.**

14 In this subtitle:

15 (1) CONSERVATION AREA.—The term “Con-
16 servation Area” means the Fort Stanton-Snowy
17 River Cave National Conservation Area established
18 by section 222(a).

19 (2) MANAGEMENT PLAN.—The term “manage-
20 ment plan” means the management plan developed
21 for the Conservation Area under section 223(e).

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior, acting through the Di-
24 rector of the Bureau of Land Management.

1 **SEC. 222. ESTABLISHMENT OF THE FORT STANTON-SNOWY**
2 **RIVER CAVE NATIONAL CONSERVATION**
3 **AREA.**

4 (a) **ESTABLISHMENT; PURPOSES.**—There is estab-
5 lished the Fort Stanton-Snowy River Cave National Con-
6 servation Area in Lincoln County, New Mexico, to protect,
7 conserve, and enhance the unique and nationally impor-
8 tant historic, cultural, scientific, archaeological, natural,
9 and educational subterranean cave resources of the Fort
10 Stanton-Snowy River cave system.

11 (b) **AREA INCLUDED.**—The Conservation Area shall
12 include the area within the boundaries depicted on the
13 map entitled “Fort Stanton-Snowy River Cave National
14 Conservation Area” and dated January 25, 2007.

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

16 (1) **IN GENERAL.**—As soon as practicable after
17 the date of enactment of this Act, the Secretary
18 shall submit to Congress a map and legal description
19 of the Conservation Area.

20 (2) **EFFECT.**—The map and legal description of
21 the Conservation Area shall have the same force and
22 effect as if included in this subtitle, except that the
23 Secretary may correct any minor errors in the map
24 and legal description.

25 (3) **PUBLIC AVAILABILITY.**—The map and legal
26 description of the Conservation Area shall be avail-

1 able for public inspection in the appropriate offices
2 of the Bureau of Land Management.

3 **SEC. 223. MANAGEMENT OF THE CONSERVATION AREA.**

4 (a) MANAGEMENT.—

5 (1) IN GENERAL.—The Secretary shall manage
6 the Conservation Area—

7 (A) in a manner that conserves, protects,
8 and enhances the resources and values of the
9 Conservation Area, including the resources and
10 values described in section 222(a); and

11 (B) in accordance with—

12 (i) this subtitle;

13 (ii) the Federal Land Policy and Man-
14 agement Act of 1976 (43 U.S.C. 1701 et
15 seq.); and

16 (iii) any other applicable laws.

17 (2) USES.—The Secretary shall only allow uses
18 of the Conservation Area that are consistent with
19 the protection of the cave resources.

20 (3) REQUIREMENTS.—In administering the
21 Conservation Area, the Secretary shall provide for—

22 (A) the conservation and protection of the
23 natural and unique features and environs for
24 scientific, educational, and other appropriate
25 public uses of the Conservation Area;

1 (B) public access, as appropriate, while
2 providing for the protection of the cave re-
3 sources and for public safety;

4 (C) the continuation of other existing uses
5 or other new uses of the Conservation Area that
6 do not impair the purposes for which the Con-
7 servation Area is established;

8 (D) management of the surface area of the
9 Conservation Area in accordance with the Fort
10 Stanton Area of Critical Environmental Con-
11 cern Final Activity Plan dated March, 2001, or
12 any amendments to the plan, consistent with
13 this subtitle; and

14 (E) scientific investigation and research
15 opportunities within the Conservation Area, in-
16 cluding through partnerships with colleges, uni-
17 versities, schools, scientific institutions, re-
18 searchers, and scientists to conduct research
19 and provide educational and interpretive serv-
20 ices within the Conservation Area.

21 (b) WITHDRAWALS.—Subject to valid existing rights,
22 all Federal surface and subsurface land within the Con-
23 servation Area and all land and interests in the land that
24 are acquired by the United States after the date of enact-

1 ment of this Act for inclusion in the Conservation Area,
2 are withdrawn from—

3 (1) all forms of entry, appropriation, or disposal
4 under the general land laws;

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

7 (3) operation under the mineral leasing and
8 geothermal leasing laws.

9 (c) MANAGEMENT PLAN.—

10 (1) IN GENERAL.—Not later than 2 years after
11 the date of enactment of this Act, the Secretary
12 shall develop a comprehensive plan for the long-term
13 management of the Conservation Area.

14 (2) PURPOSES.—The management plan shall—

15 (A) describe the appropriate uses and
16 management of the Conservation Area;

17 (B) incorporate, as appropriate, decisions
18 contained in any other management or activity
19 plan for the land within or adjacent to the Con-
20 servation Area;

21 (C) take into consideration any informa-
22 tion developed in studies of the land and re-
23 sources within or adjacent to the Conservation
24 Area; and

1 (D) provide for a cooperative agreement
2 with Lincoln County, New Mexico, to address
3 the historical involvement of the local commu-
4 nity in the interpretation and protection of the
5 resources of the Conservation Area.

6 (d) ACTIVITIES OUTSIDE CONSERVATION AREA.—

7 The establishment of the Conservation Area shall not—

8 (1) create a protective perimeter or buffer zone
9 around the Conservation Area; or

10 (2) preclude uses or activities outside the Con-
11 servation Area that are permitted under other appli-
12 cable laws, even if the uses or activities are prohib-
13 ited within the Conservation Area.

14 (e) RESEARCH AND INTERPRETIVE FACILITIES.—

15 (1) IN GENERAL.—The Secretary may establish
16 facilities for—

17 (A) the conduct of scientific research; and

18 (B) the interpretation of the historical, cul-
19 tural, scientific, archaeological, natural, and
20 educational resources of the Conservation Area.

21 (2) COOPERATIVE AGREEMENTS.—The Sec-
22 retary may, in a manner consistent with this sub-
23 title, enter into cooperative agreements with the
24 State of New Mexico and other institutions and or-

1 organizations to carry out the purposes of this sub-
2 title.

3 (f) WATER RIGHTS.—Nothing in this subtitle con-
4 stitutes an express or implied reservation of any water
5 right.

6 **SEC. 224. AUTHORIZATION OF APPROPRIATIONS.**

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

9 **Subtitle D—Snake River Birds of**
10 **Prey National Conservation Area**

11 **SEC. 231. SNAKE RIVER BIRDS OF PREY NATIONAL CON-**
12 **SERVATION AREA.**

13 (a) RENAMING.—Public Law 103–64 is amended—

14 (1) in section 2(2) (16 U.S.C. 460iii–1(2)), by
15 inserting “Morley Nelson” before “Snake River
16 Birds of Prey National Conservation Area”; and

17 (2) in section 3(a)(1) (16 U.S.C. 460iii–
18 2(a)(1)), by inserting “Morley Nelson” before
19 “Snake River Birds of Prey National Conservation
20 Area”.

21 (b) REFERENCES.—Any reference in a law, map, reg-
22 ulation, document, paper, or other record of the United
23 States to the Snake River Birds of Prey National Con-
24 servation Area shall be deemed to be a reference to the

1 Morley Nelson Snake River Birds of Prey National Con-
 2 servation Area.

3 (c) TECHNICAL CORRECTIONS.—Public Law 103–64
 4 is further amended—

5 (1) in section 3(a)(1) (16 U.S.C. 460iii–
 6 2(a)(1)), by striking “(hereafter referred to as the
 7 ‘conservation area’)”; and

8 (2) in section 4 (16 U.S.C. 460iii–3)—

9 (A) in subsection (a)(2), by striking “Con-
 10 servation Area” and inserting “conservation
 11 area”; and

12 (B) in subsection (d), by striking “Visitors
 13 Center” and inserting “visitors center”.

14 **Subtitle E—Rio Puerco Watershed**
 15 **Management Program**

16 **SEC. 241. RIO PUERCO WATERSHED MANAGEMENT PRO-**
 17 **GRAM.**

18 (a) RIO PUERCO MANAGEMENT COMMITTEE.—Sec-
 19 tion 401(b) of the Omnibus Parks and Public Lands Man-
 20 agement Act of 1996 (Public Law 104–333; 110 Stat.
 21 4147) is amended—

22 (1) in paragraph (2)—

23 (A) by redesignating subparagraphs (I)
 24 through (N) as subparagraphs (J) through (O),
 25 respectively; and

1 (B) by inserting after subparagraph (H)
2 the following:

3 “(I) the Environmental Protection Agen-
4 cy;”; and

5 (2) in paragraph (4), by striking “enactment of
6 this Act” and inserting “enactment of the Omnibus
7 Public Lands Management Act of 2008”.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
9 401(e) of the Omnibus Parks and Public Lands Manage-
10 ment Act of 1996 (Public Law 104–333; 110 Stat. 4148)
11 is amended by striking “enactment of this Act” and in-
12 serting “enactment of the Omnibus Public Lands Manage-
13 ment Act of 2008”.

14 **Subtitle F—Land Conveyances and** 15 **Exchanges**

16 **SEC. 251. PIMA COUNTY, ARIZONA, LAND EXCHANGE.**

17 (a) DEFINITIONS.—In this section:

18 (1) CONSERVATION AREA.—The term “Con-
19 servation Area” means the Las Cienegas National
20 Conservation Area.

21 (2) COUNTY.—The term “County” means Pima
22 County, Arizona.

23 (3) FEDERAL LAND.—The term “Federal land”
24 means the parcel of land consisting of approximately
25 1,196 acres, as generally depicted on the map enti-

1 tled “Las Cienegas Enhancement Act—Federal
2 Land” and dated April 17, 2007.

3 (4) NON-FEDERAL LAND.—The term “non-Fed-
4 eral land” means—

5 (A) the Empirita-Simonson parcel of land
6 consisting of approximately 2,568 acres, as gen-
7 erally depicted on the map entitled “Las
8 Cienegas Enhancement Act—Non-Federal
9 Land” and dated April 17, 2007; and

10 (B) the Bloom parcel of land consisting of
11 approximately 160 acres, as generally depicted
12 on the map entitled “Saguaro National Park,
13 Bloom Tract” and dated April 17, 2007.

14 (5) PARK.—The term “Park” means Saguaro
15 National Park.

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

18 (7) WELL SITE.—The term “well site” means a
19 well site that consists of approximately 98 acres of
20 land, as generally depicted on the map entitled “Las
21 Cienegas Enhancement Act—Non-Federal Land”
22 and dated April 17, 2007.

23 (b) LAND EXCHANGE.—

24 (1) IN GENERAL.—If the owner of the non-Fed-
25 eral land offers to convey to the Secretary title to

1 the non-Federal land that is acceptable to the Sec-
2 retary, the Secretary shall—

3 (A) accept the offer; and

4 (B) simultaneously convey to the owner of
5 the non-Federal land all right, title, and inter-
6 est of the United States in and to the Federal
7 land.

8 (2) VALUATION, APPRAISALS, AND EQUALI-
9 ZATION.—

10 (A) IN GENERAL.—The value of the Fed-
11 eral land and the non-Federal land—

12 (i) shall be equal, as determined by
13 appraisals conducted in accordance with
14 subparagraph (B); or

15 (ii) if not equal, shall be equalized in
16 accordance with subparagraph (C).

17 (B) APPRAISALS.—

18 (i) IN GENERAL.—The Federal land
19 and the non-Federal land shall be ap-
20 praised by an independent, qualified ap-
21 praiser that is agreed to by the Secretary
22 and the owner of the non-Federal land.

23 (ii) REQUIREMENTS.—An appraisal
24 under clause (i) shall—

1 (I) be conducted in accordance
2 with—

3 (aa) the Uniform Appraisal
4 Standards for Federal Land Ac-
5 quisition; and

6 (bb) the Uniform Standards
7 of Professional Appraisal Prac-
8 tice; and

9 (II) not later than 180 days after
10 the date of enactment of this Act, be
11 submitted to the Secretary and the
12 owner of the non-Federal land for ap-
13 proval.

14 (C) EQUALIZATION.—

15 (i) IN GENERAL.—If the value of the
16 Federal land and the non-Federal land is
17 not equal, the value may be equalized by—

18 (I) the Secretary making a cash
19 equalization payment to the owner of
20 the non-Federal land;

21 (II) the owner of the non-Federal
22 land making a cash equalization pay-
23 ment to the Secretary; or

1 (III) reducing the acreage of the
 2 Federal land or the non-Federal land
 3 to be exchanged, as appropriate.

4 (ii) CASH EQUALIZATION PAY-
 5 MENTS.—

6 (I) DISPOSITION.—Any cash
 7 equalization payments received by the
 8 Secretary under clause (i)(II) shall be
 9 deposited in the Federal Land Dis-
 10 posal Account established by section
 11 206(a) of the Federal Land Trans-
 12 action Facilitation Act (43 U.S.C.
 13 2305(a)).

14 (II) USE.—Amounts deposited
 15 under subclause (I) shall be available
 16 to the Secretary, without further ap-
 17 propriation and until expended, for
 18 the acquisition of land and interests
 19 in land in southern Arizona.

20 (3) CONDITIONS OF CONVEYANCE.—

21 (A) IN GENERAL.—As a condition of the
 22 conveyance of the Federal land, the owner of
 23 the non-Federal land shall—

24 (i) pay the costs of carrying out the
 25 exchange of the Federal land and the non-

1 Federal land under this subsection, includ-
2 ing any direct costs relating to any envi-
3 ronmental reviews and any required miti-
4 gation of the Federal land;

5 (ii) enter into an agreement with the
6 County to convey to the County the well
7 site; and

8 (iii) relinquish to the County any
9 water rights to the well site held by the
10 owner of the non-Federal land.

11 (B) VALID EXISTING RIGHTS.—The ex-
12 change of Federal land and non-Federal land
13 shall be subject to any easements, rights-of-
14 way, and other valid encumbrances in existence
15 on the date of enactment of this Act.

16 (4) LEGAL DESCRIPTIONS.—The Secretary and
17 the owner of the non-Federal land may mutually
18 agree to—

19 (A) correct minor errors in the legal de-
20 scriptions of the Federal land and the non-Fed-
21 eral land; or

22 (B) make minor adjustments to the bound-
23 aries of the Federal land and the non-Federal
24 land.

1 (5) DEADLINE FOR COMPLETION OF EX-
2 CHANGE.—It is the intent of Congress that the land
3 exchange under this subsection shall be completed
4 not later than 1 year after the date of enactment of
5 this Act.

6 (c) ADMINISTRATION.—

7 (1) ADMINISTRATION OF LAND ACQUIRED BY
8 THE UNITED STATES.—

9 (A) EMPIRITA-SIMONSON PARCEL.—On ac-
10 quisition by the Secretary, the parcel of non-
11 Federal land described in subsection (a)(4)(A)
12 shall—

13 (i) become part of the Conservation
14 Area; and

15 (ii) be administered by the Secretary
16 in accordance with Public Law 106–538
17 (16 U.S.C. 460000 et seq.).

18 (B) BLOOM PARCEL.—On acquisition by
19 the Secretary, the parcel of non-Federal land
20 described in subsection (a)(4)(B) shall—

21 (i) become part of the Park; and

22 (ii) be administered by the Secretary
23 in accordance with the Saguaro National
24 Park Establishment Act of 1994 (16
25 U.S.C. 410zz et seq.).

1 eral land located in Henderson, Nevada, and identi-
2 fied as “Limited Transition Area” on the map enti-
3 tled “Southern Nevada Limited Transition Area
4 Act” and dated March 20, 2006.

5 (b) SOUTHERN NEVADA LIMITED TRANSITION
6 AREA.—

7 (1) CONVEYANCE.—Notwithstanding the Fed-
8 eral Land Policy and Management Act of 1976 (43
9 U.S.C. 1701 et seq.), on request of the City, the
10 Secretary shall, without consideration and subject to
11 all valid existing rights, convey to the City all right,
12 title, and interest of the United States in and to the
13 Transition Area.

14 (2) USE OF LAND FOR NONRESIDENTIAL DE-
15 VELOPMENT.—

16 (A) IN GENERAL.—After the conveyance to
17 the City under paragraph (1), the City may sell,
18 lease, or otherwise convey any portion or por-
19 tions of the Transition Area for purposes of
20 nonresidential development.

21 (B) METHOD OF SALE.—

22 (i) IN GENERAL.—The sale, lease, or
23 conveyance of land under subparagraph
24 (A) shall be through a competitive bidding
25 process.

1 (ii) FAIR MARKET VALUE.—Any land
2 sold, leased, or otherwise conveyed under
3 subparagraph (A) shall be for not less than
4 fair market value.

5 (C) COMPLIANCE WITH CHARTER.—Except
6 as provided in subparagraphs (B) and (D), the
7 City may sell, lease, or otherwise convey parcels
8 within the Transition Area only in accordance
9 with the procedures for conveyances established
10 in the City Charter.

11 (D) DISPOSITION OF PROCEEDS.—The
12 gross proceeds from the sale of land under sub-
13 paragraph (A) shall be distributed in accord-
14 ance with section 4(e) of the Southern Nevada
15 Public Land Management Act of 1998 (112
16 Stat. 2345).

17 (3) USE OF LAND FOR RECREATION OR OTHER
18 PUBLIC PURPOSES.—The City may elect to retain
19 parcels in the Transition Area for public recreation
20 or other public purposes consistent with the Act of
21 June 14, 1926 (commonly known as the “Recreation
22 and Public Purposes Act”) (43 U.S.C. 869 et seq.)
23 by providing to the Secretary written notice of the
24 election.

1 (4) NOISE COMPATIBILITY REQUIREMENTS.—

2 The City shall—

3 (A) plan and manage the Transition Area
4 in accordance with section 47504 of title 49,
5 United States Code (relating to airport noise
6 compatibility planning), and regulations pro-
7 mulgated in accordance with that section; and

8 (B) agree that if any land in the Transi-
9 tion Area is sold, leased, or otherwise conveyed
10 by the City, the sale, lease, or conveyance shall
11 contain a limitation to require uses compatible
12 with that airport noise compatibility planning.

13 (5) REVERSION.—

14 (A) IN GENERAL.—If any parcel of land in
15 the Transition Area is not conveyed for nonresi-
16 dential development under this section or re-
17 served for recreation or other public purposes
18 under paragraph (3) by the date that 20 years
19 after the date of enactment of this Act, the par-
20 cel of land shall, at the discretion of the Sec-
21 retary, revert to the United States.

22 (B) INCONSISTENT USE.—If the City uses
23 any parcel of land within the Transition Area
24 in a manner that is inconsistent with the uses
25 specified in this subsection—

1 (i) at the discretion of the Secretary,
2 the parcel shall revert to the United
3 States; or

4 (ii) if the Secretary does not make an
5 election under clause (i), the City shall sell
6 the parcel of land in accordance with this
7 subsection.

8 **SEC. 253. NEVADA CANCER INSTITUTE LAND CONVEYANCE.**

9 (a) DEFINITIONS.—In this section:

10 (1) ALTA-HUALAPAI SITE.—The term “Alta-
11 Hualapai Site” means the approximately 80 acres of
12 land that is—

13 (A) patented to the City under the Act of
14 June 14, 1926 (commonly known as the
15 “Recreation and Public Purposes Act”) (43
16 U.S.C. 869 et seq.); and

17 (B) identified on the map as the “Alta-
18 Hualapai Site”.

19 (2) CITY.—The term “City” means the city of
20 Las Vegas, Nevada.

21 (3) INSTITUTE.—The term “Institute” means
22 the Nevada Cancer Institute, a nonprofit organiza-
23 tion described under section 501(c)(3) of the Inter-
24 nal Revenue Code of 1986, the principal place of

1 business of which is at 10441 West Twain Avenue,
2 Las Vegas, Nevada.

3 (4) MAP.—The term “map” means the map ti-
4 tled “Nevada Cancer Institute Expansion Act” and
5 dated July 17, 2006.

6 (5) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior, acting through the Di-
8 rector of the Bureau of Land Management.

9 (6) WATER DISTRICT.—The term “Water Dis-
10 trict” means the Las Vegas Valley Water District.

11 (b) LAND CONVEYANCE.—

12 (1) SURVEY AND LEGAL DESCRIPTION.—The
13 City shall prepare a survey and legal description of
14 the Alta-Hualapai Site. The survey shall conform to
15 the Bureau of Land Management cadastral survey
16 standards and be subject to approval by the Sec-
17 retary.

18 (2) ACCEPTANCE.—The Secretary may accept
19 the relinquishment by the City of all or part of the
20 Alta-Hualapai Site.

21 (3) CONVEYANCE FOR USE AS NONPROFIT CAN-
22 CER INSTITUTE.—After relinquishment of all or part
23 of the Alta-Hualapai Site to the Secretary, and not
24 later than 180 days after request of the Institute,
25 the Secretary shall convey to the Institute, subject

1 to valid existing rights, the portion of the Alta-
2 Hualapai Site that is necessary for the development
3 of a nonprofit cancer institute.

4 (4) ADDITIONAL CONVEYANCES.—Not later
5 than 180 days after a request from the City, the
6 Secretary shall convey to the City, subject to valid
7 existing rights, any remaining portion of the Alta-
8 Hualapai Site necessary for ancillary medical or
9 nonprofit use compatible with the mission of the In-
10 stitute.

11 (5) APPLICABLE LAW.—Any conveyance by the
12 City of any portion of the land received under this
13 section shall be for no less than fair market value
14 and the proceeds shall be distributed in accordance
15 with section 4(e)(1) of Public Law 105–263 (112
16 Stat. 2345).

17 (6) TRANSACTION COSTS.—All land conveyed by
18 the Secretary under this section shall be at no cost,
19 except that the Secretary may require the recipient
20 to bear any costs associated with transfer of title or
21 any necessary land surveys.

22 (7) REPORT.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary
24 shall submit to the Committee on Natural Resources
25 of the House of Representatives and the Committee

1 on Energy and Natural Resources of the Senate a
2 report on all transactions conducted under Public
3 Law 105–263 (112 Stat. 2345).

4 (c) RIGHTS-OF-WAY.—Consistent with the Federal
5 Land Policy and Management Act of 1976 (43 U.S.C.
6 1701), the Secretary may grant rights-of-way to the Water
7 District on a portion of the Alta-Hualapai Site for a flood
8 control project and a water pumping facility.

9 (d) REVERSION.—Any property conveyed pursuant to
10 this section which ceases to be used for the purposes speci-
11 fied in this section shall, at the discretion of the Secretary,
12 revert to the United States, along with any improvements
13 thereon or thereto.

14 **SEC. 254. TURNABOUT RANCH LAND CONVEYANCE, UTAH.**

15 (a) DEFINITIONS.—In this section:

16 (1) FEDERAL LAND.—The term “Federal land”
17 means the approximately 25 acres of Bureau of
18 Land Management land identified on the map as
19 “Lands to be conveyed to Turnabout Ranch”.

20 (2) MAP.—The term “map” means the map en-
21 titled “Turnabout Ranch Conveyance” dated May
22 12, 2006, and on file in the office of the Director
23 of the Bureau of Land Management.

1 (3) MONUMENT.—The term “Monument”
2 means the Grand Staircase-Escalante National
3 Monument located in southern Utah.

4 (4) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (5) TURNABOUT RANCH.—The term “Turn-
7 about Ranch” means the Turnabout Ranch in
8 Escalante, Utah, owned by Aspen Education Group.

9 (b) CONVEYANCE OF FEDERAL LAND TO TURN-
10 ABOUT RANCH.—

11 (1) IN GENERAL.—Notwithstanding the land
12 use planning requirements of sections 202 and 203
13 of the Federal Land Policy and Management Act of
14 1976 (43 U.S.C. 1712, 1713), if not later than 30
15 days after completion of the appraisal required
16 under paragraph (2), Turnabout Ranch of
17 Escalante, Utah, submits to the Secretary an offer
18 to acquire the Federal land for the appraised value,
19 the Secretary shall, not later than 30 days after the
20 date of the offer, convey to Turnabout Ranch all
21 right, title, and interest to the Federal land, subject
22 to valid existing rights.

23 (2) APPRAISAL.—Not later than 90 days after
24 the date of enactment of this Act, the Secretary
25 shall complete an appraisal of the Federal land. The

1 appraisal shall be completed in accordance with the
2 “Uniform Appraisal Standards for Federal Land Ac-
3 quisitions” and the “Uniform Standards of Profes-
4 sional Appraisal Practice”. All costs associated with
5 the appraisal shall be born by Turnabout Ranch.

6 (3) PAYMENT OF CONSIDERATION.—Not later
7 than 30 days after the date on which the Federal
8 land is conveyed under paragraph (1), as a condition
9 of the conveyance, Turnabout Ranch shall pay to the
10 Secretary an amount equal to the appraised value of
11 the Federal land, as determined under paragraph
12 (2).

13 (4) COSTS OF CONVEYANCE.—As a condition of
14 the conveyance, any costs of the conveyance under
15 this section shall be paid by Turnabout Ranch.

16 (5) DISPOSITION OF PROCEEDS.—The Sec-
17 retary shall deposit the proceeds from the convey-
18 ance of the Federal land under paragraph (1) in the
19 Federal Land Deposit Account established by sec-
20 tion 206 of the Federal Land Transaction Facilita-
21 tion Act(43 U.S.C. 2305), to be expended in accord-
22 ance with that Act.

23 (c) MODIFICATION OF MONUMENT BOUNDARY.—

24 When the conveyance authorized by subsection (b) is com-
25 pleted, the boundaries of the Grand Staircase-Escalante

1 National Monument in the State of Utah are hereby modi-
2 fied to exclude the Federal land conveyed to Turnabout
3 Ranch.

4 **SEC. 255. BOY SCOUTS LAND EXCHANGE, UTAH.**

5 (a) DEFINITIONS.—In this section:

6 (1) BOY SCOUTS.—The term “Boy Scouts”
7 means the Utah National Parks Council of the Boy
8 Scouts of America.

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

11 (b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—

12 (1) AUTHORITY TO CONVEY.—

13 (A) IN GENERAL.—Subject to paragraph
14 (3) and notwithstanding the Act of June 14,
15 1926 (commonly known as the “Recreation and
16 Public Purposes Act”) (43 U.S.C. 869 et seq.),
17 the Boy Scouts may convey to Brian Head Re-
18 sort, subject to valid existing rights and, except
19 as provided in subparagraph (B), any rights re-
20 served by the United States, all right, title, and
21 interest granted to the Boy Scouts by the origi-
22 nal patent to the parcel described in paragraph
23 (2)(A) in exchange for the conveyance by Brian
24 Head Resort to the Boy Scouts of all right,

1 title, and interest in and to the parcels de-
2 scribed in paragraph (2)(B).

3 (B) REVERSIONARY INTEREST.—On con-
4 veyance of the parcel of land described in para-
5 graph (2)(A), the Secretary shall have discre-
6 tion with respect to whether or not the rever-
7 sionary interests of the United States are to be
8 exercised.

9 (2) DESCRIPTION OF LAND.—The parcels of
10 land referred to in paragraph (1) are—

11 (A) the 120-acre parcel that is part of a
12 tract of public land acquired by the Boy Scouts
13 under the Act of June 14, 1926 (commonly
14 known as the “Recreation and Public Purposes
15 Act”) (43 U.S.C. 869 et seq.) for the purpose
16 of operating a camp, which is more particularly
17 described as the W 1/2 SE 1/4 and SE 1/4 SE
18 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base
19 and Meridian; and

20 (B) the 2 parcels of private land owned by
21 Brian Head Resort that total 120 acres, which
22 are more particularly described as—

23 (i) NE 1/4 NW 1/4 and NE 1/4 NE
24 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake
25 Base and Meridian; and

1 (ii) SE 1/4 SE 1/4 sec. 24, T. 35. S.,
2 R. 9 W., Salt Lake Base Meridian.

3 (3) CONDITIONS.—On conveyance to the Boy
4 Scouts under paragraph (1)(A), the parcels of land
5 described in paragraph (2)(B) shall be subject to the
6 terms and conditions imposed on the entire tract of
7 land acquired by the Boy Scouts for a camp under
8 the Bureau of Land Management patent numbered
9 43–75–0010.

10 (4) MODIFICATION OF PATENT.—On completion
11 of the exchange under paragraph (1)(A), the Sec-
12 retary shall amend the original Bureau of Land
13 Management patent providing for the conveyance to
14 the Boy Scouts under the Act of June 14, 1926
15 (commonly known as the “Recreation and Public
16 Purposes Act”) (43 U.S.C. 869 et seq.) numbered
17 43–75–0010 to take into account the exchange
18 under paragraph (1)(A).

19 **SEC. 256. DOUGLAS COUNTY, WASHINGTON, LAND CONVEY-**
20 **ANCE.**

21 (a) DEFINITIONS.—In this section:

22 (1) PUBLIC LAND.—The term “public land”
23 means the approximately 622 acres of Federal land
24 managed by the Bureau of Land Management and
25 identified for conveyance on the map prepared by

1 the Bureau of Land Management entitled “Douglas
2 County Public Utility District Proposal” and dated
3 March 2, 2006.

4 (2) PUD.—The term “PUD” means the Public
5 Utility District No. 1 of Douglas County, Wash-
6 ington.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (4) WELLS HYDROELECTRIC PROJECT.—The
10 term “Wells Hydroelectric Project” means Federal
11 Energy Regulatory Commission Project No. 2149.

12 (b) CONVEYANCE OF PUBLIC LAND, WELLS HYDRO-
13 ELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF
14 DOUGLAS COUNTY, WASHINGTON.—

15 (1) CONVEYANCE REQUIRED.—Notwithstanding
16 the land use planning requirements of sections 202
17 and 203 of the Federal Land Policy and Manage-
18 ment Act of 1976 (43 U.S.C. 1712, 1713), and not-
19 withstanding section 24 of the Federal Power Act
20 (16 U.S.C. 818) and Federal Power Order for
21 Project 2149, and subject to valid existing rights, if
22 not later than 45 days after the date of completion
23 of the appraisal required under paragraph (2), the
24 Public Utility District No. 1 of Douglas County,
25 Washington, submits to the Secretary an offer to ac-

1 quire the public land for the appraised value, the
2 Secretary shall convey, not later than 30 days after
3 the date of the offer, to the PUD all right, title, and
4 interest of the United States in and to the public
5 land.

6 (2) APPRAISAL.—Not later than 60 days after
7 the date of enactment of this Act, the Secretary
8 shall complete an appraisal of the public land. The
9 appraisal shall be conducted in accordance with the
10 “Uniform Appraisal Standards for Federal Land Ac-
11 quisitions” and the “Uniform Standards of Profes-
12 sional Appraisal Practice”.

13 (3) PAYMENT.—Not later than 30 days after
14 the date on which the public land is conveyed under
15 this subsection, the PUD shall pay to the Secretary
16 an amount equal to the appraised value of the public
17 land as determined under paragraph (2).

18 (4) MAP AND LEGAL DESCRIPTIONS.—As soon
19 as practicable after the date of enactment of this
20 Act, the Secretary shall finalize legal descriptions of
21 the public land to be conveyed under this subsection.
22 The Secretary may correct any minor errors in the
23 map referred to in subsection (a)(1) or in the legal
24 descriptions. The map and legal descriptions shall be

1 on file and available for public inspection in appro-
2 priate offices of the Bureau of Land Management.

3 (5) COSTS OF CONVEYANCE.—As a condition of
4 conveyance, any costs related to the conveyance
5 under this subsection shall be paid by the PUD.

6 (6) DISPOSITION OF PROCEEDS.—The Sec-
7 retary shall deposit the proceeds from the sale in the
8 Federal Land Disposal Account established by sec-
9 tion 206 of the Federal Land Transaction Facilita-
10 tion Act (43 U.S.C. 2305) to be expended to im-
11 prove access to public lands administered by the Bu-
12 reau of Land Management in the State of Wash-
13 ington.

14 (c) SEGREGATION OF LANDS.—

15 (1) WITHDRAWAL.—Except as provided in sub-
16 section (b)(1), effective immediately upon enactment
17 of this Act, and subject to valid existing rights, the
18 public land is withdrawn from—

19 (A) all forms of entry, appropriation, or
20 disposal under the public land laws, and all
21 amendments thereto;

22 (B) location, entry, and patenting under
23 the mining laws, and all amendments thereto;
24 and

1 (C) operation of the mineral leasing, min-
2 eral materials, and geothermal leasing laws, and
3 all amendments thereto.

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

8 (d) RETAINED AUTHORITY.—The Secretary shall re-
9 tain the authority to place conditions on the license to in-
10 sure adequate protection and utilization of the public land
11 granted to the Secretary in section 4(e) of the Federal
12 Power Act (16 U.S.C. 797(e)) until the Federal Energy
13 Regulatory Commission has issued a new license for the
14 Wells Hydroelectric Project, to replace the original license
15 expiring May 31, 2012, consistent with section 15 of the
16 Federal Power Act (16 U.S.C. 808).

17 **TITLE III—FOREST SERVICE**
18 **AUTHORIZATIONS**

19 **Subtitle A—Watershed Restoration**
20 **and Enhancement**

21 **SEC. 301. WATERSHED RESTORATION AND ENHANCEMENT**
22 **AGREEMENTS.**

23 Section 323 of the Department of the Interior and
24 Related Agencies Appropriations Act, 1999 (16 U.S.C.
25 1011 note; Public Law 105–277), is amended—

1 (1) in subsection (a), by striking “each of fiscal
2 years 2006 through 2011” and inserting “fiscal year
3 2006 and each fiscal year thereafter”;

4 (2) by redesignating subsection (d) as sub-
5 section (e); and

6 (3) by inserting after subsection (c) the fol-
7 lowing:

8 “(d) APPLICABLE LAW.—Chapter 63 of title 31,
9 United States Code, shall not apply to—

10 “(1) a watershed restoration and enhancement
11 agreement entered into under this section; or

12 “(2) an agreement entered into under the first
13 section of Public Law 94–148 (16 U.S.C. 565a–1).”.

14 **Subtitle B—Wildland Firefighter**
15 **Safety**

16 **SEC. 311. WILDLAND FIREFIGHTER SAFETY.**

17 (a) DEFINITIONS.—In this section:

18 (1) SECRETARIES.—The term “Secretaries”
19 means—

20 (A) the Secretary of the Interior, acting
21 through the Directors of the Bureau of Land
22 Management, the United States Fish and Wild-
23 life Service, the National Park Service, and the
24 Bureau of Indian Affairs; and

1 (B) the Secretary of Agriculture, acting
2 through the Chief of the Forest Service.

3 (2) WILDLAND FIREFIGHTER.—The term
4 “wildland firefighter” means any person who partici-
5 pates in wildland firefighting activities—

6 (A) under the direction of either of the
7 Secretaries; or

8 (B) under a contract or compact with a
9 federally recognized Indian tribe.

10 (b) ANNUAL REPORT TO CONGRESS.—

11 (1) IN GENERAL.—The Secretaries shall jointly
12 submit to Congress an annual report on the wildland
13 firefighter safety practices of the Secretaries, includ-
14 ing training programs and activities for wildland fire
15 suppression, prescribed burning, and wildland fire
16 use, during the preceding calendar year.

17 (2) TIMELINE.—Each report under paragraph
18 (1) shall—

19 (A) be submitted by not later than March
20 of the year following the calendar year covered
21 by the report; and

22 (B) include—

23 (i) a description of, and any changes
24 to, wildland firefighter safety practices, in-
25 cluding training programs and activities

1 for wildland fire suppression, prescribed
2 burning, and wildland fire use;

3 (ii) statistics and trend analyses;

4 (iii) an estimate of the amount of
5 Federal funds expended by the Secretaries
6 on wildland firefighter safety practices, in-
7 cluding training programs and activities
8 for wildland fire suppression, prescribed
9 burning, and wildland fire use;

10 (iv) progress made in implementing
11 recommendations from the Inspector Gen-
12 eral, the Government Accountability Office,
13 the Occupational Safety and Health Ad-
14 ministration, or an agency report relating
15 to a wildland firefighting fatality issued
16 during the preceding 10 years; and

17 (v) a description of—

18 (I) the provisions relating to
19 wildland firefighter safety practices in
20 any Federal contract or other agree-
21 ment governing the provision of
22 wildland firefighters by a non-Federal
23 entity;

24 (II) a summary of any actions
25 taken by the Secretaries to ensure

1 that the provisions relating to safety
 2 practices, including training, are com-
 3 plied with by the non-Federal entity;
 4 and
 5 (III) the results of those actions.

6 **Subtitle C—Wyoming Range**

7 **SEC. 321. DEFINITIONS.**

8 In this subtitle:

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

11 (2) **WYOMING RANGE WITHDRAWAL AREA.**—
 12 The term “Wyoming Range Withdrawal Area”
 13 means all National Forest System land and federally
 14 owned minerals located within the boundaries of the
 15 Bridger-Teton National Forest identified on the map
 16 entitled “Wyoming Range Withdrawal Area” and
 17 dated October 17, 2007, on file with the Office of
 18 the Chief of the Forest Service and the Office of the
 19 Supervisor of the Bridger-Teton National Forest.

20 **SEC. 322. WITHDRAWAL OF CERTAIN LAND IN THE WYO-** 21 **MING RANGE.**

22 (a) **WITHDRAWAL.**—Except as provided in subsection
 23 (f), subject to valid existing rights as of the date of enact-
 24 ment of this Act and the provisions of this subtitle, land

1 in the Wyoming Range Withdrawal Area is withdrawn
2 from—

3 (1) all forms of appropriation or disposal under
4 the public land laws;

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

7 (3) disposition under laws relating to mineral
8 and geothermal leasing.

9 (b) EXISTING RIGHTS.—If any right referred to in
10 subsection (a) is relinquished or otherwise acquired by the
11 United States (including through donation under section
12 323) after the date of enactment of this Act, the land sub-
13 ject to that right shall be withdrawn in accordance with
14 this section.

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

16 (1) the creation of a protective perimeter or
17 buffer area outside the boundaries of the Wyoming
18 Range Withdrawal Area; or

19 (2) any prohibition on activities outside of the
20 boundaries of the Wyoming Range Withdrawal Area
21 that can be seen or heard from within the bound-
22 aries of the Wyoming Range Withdrawal Area.

23 (d) LAND AND RESOURCE MANAGEMENT PLAN.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 the Bridger-Teton National Land and Resource

1 Management Plan (including any revisions to the
2 Plan) shall apply to any land within the Wyoming
3 Range Withdrawal Area.

4 (2) CONFLICTS.—If there is a conflict between
5 this subtitle and the Bridger-Teton National Land
6 and Resource Management Plan, this subtitle shall
7 apply.

8 (e) PRIOR LEASE SALES.—Nothing in this section
9 prohibits the Secretary from taking any action necessary
10 to issue, deny, remove the suspension of, or cancel a lease,
11 or any sold lease parcel that has not been issued, pursuant
12 to any lease sale conducted prior to the date of enactment
13 of this Act, including the completion of any requirements
14 under the National Environmental Policy Act of 1969 (42
15 U.S.C. 4321 et seq.).

16 (f) EXCEPTION.—Notwithstanding the withdrawal in
17 subsection (a), the Secretary may lease oil and gas re-
18 sources in the Wyoming Range Withdrawal Area that are
19 within 1 mile of the boundary of the Wyoming Range
20 Withdrawal Area in accordance with the Mineral Leasing
21 Act (30 U.S.C. 181 et seq.) and subject to the following
22 conditions:

23 (1) The lease may only be accessed by direc-
24 tional drilling from a lease held by production on the
25 date of enactment of this Act on National Forest

1 System land that is adjacent to, and outside of, the
2 Wyoming Range Withdrawal Area.

3 (2) The lease shall prohibit, without exception
4 or waiver, surface occupancy and surface disturb-
5 ance for any activities, including activities related to
6 exploration, development, or production.

7 (3) The directional drilling may extend no fur-
8 ther than 1 mile inside the boundary of the Wyo-
9 ming Range Withdrawal Area.

10 **SEC. 323. ACCEPTANCE OF THE DONATION OF VALID EXIST-**
11 **ING MINING OR LEASING RIGHTS IN THE WY-**
12 **OMING RANGE.**

13 (a) NOTIFICATION OF LEASEHOLDERS.—Not later
14 than 120 days after the date of enactment of this Act,
15 the Secretary shall provide notice to holders of valid exist-
16 ing mining or leasing rights within the Wyoming Range
17 Withdrawal Area of the potential opportunity for repur-
18 chase of those rights and retirement under this section.

19 (b) REQUEST FOR LEASE RETIREMENT.—

20 (1) IN GENERAL.—A holder of a valid existing
21 mining or leasing right within the Wyoming Range
22 Withdrawal Area may submit a written notice to the
23 Secretary of the interest of the holder in the retire-
24 ment and repurchase of that right.

1 (2) LIST OF INTERESTED HOLDERS.—The Sec-
2 retary shall prepare a list of interested holders and
3 make the list available to any non-Federal entity or
4 person interested in acquiring that right for retire-
5 ment by the Secretary.

6 (c) PROHIBITION.—The Secretary may not use any
7 Federal funds to purchase any right referred to in sub-
8 section (a).

9 (d) DONATION AUTHORITY.—The Secretary shall—
10 (1) accept the donation of any valid existing
11 mining or leasing right in the Wyoming Range With-
12 drawal Area from the holder of that right or from
13 any non-Federal entity or person that acquires that
14 right; and

15 (2) on acceptance, cancel that right.

16 (e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing
17 in this subtitle affects any authority the Secretary may
18 otherwise have to modify, suspend, or terminate a lease
19 without compensation, or to recognize the transfer of a
20 valid existing mining or leasing right, if otherwise author-
21 ized by law.

1 **Subtitle D—Land Conveyances and**
2 **Exchanges**

3 **SEC. 331. LAND CONVEYANCE TO CITY OF COFFMAN COVE,**
4 **ALASKA.**

5 (a) DEFINITIONS.—In this section:

6 (1) CITY.—The term “City” means the city of
7 Coffman Cove, Alaska.

8 (2) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture.

10 (b) CONVEYANCE.—

11 (1) IN GENERAL.—Subject to valid existing
12 rights, the Secretary shall convey to the City, with-
13 out consideration and by quitclaim deed all right,
14 title, and interest of the United States, except as
15 provided in paragraphs (3) and (4), in and to the
16 parcel of National Forest System land described in
17 paragraph (2).

18 (2) DESCRIPTION OF LAND.—

19 (A) IN GENERAL.—The parcel of National
20 Forest System land referred to in paragraph
21 (1) is the approximately 12 acres of land identi-
22 fied in U.S. Survey 10099, as depicted on the
23 plat entitled “Subdivision of U.S. Survey No.
24 10099” and recorded as Plat 2003–1 on Janu-

1 ary 21, 2003, Petersburg Recording District,
2 Alaska.

3 (B) EXCLUDED LAND.—The parcel of Na-
4 tional Forest System land conveyed under para-
5 graph (1) does not include the portion of U.S.
6 Survey 10099 that is north of the right-of-way
7 for Forest Development Road 3030–295 and
8 southeast of Tract CC–8.

9 (3) RIGHT-OF-WAY.—The United States may
10 reserve a right-of-way to provide access to the Na-
11 tional Forest System land excluded from the convey-
12 ance to the City under paragraph (2)(B).

13 (4) REVERSION.—If any portion of the land
14 conveyed under paragraph (1) (other than a portion
15 of land sold under paragraph (5)) ceases to be used
16 for public purposes, the land shall, at the option of
17 the Secretary, revert to the United States.

18 (5) CONDITIONS ON SUBSEQUENT CONVEY-
19 ANCES.—If the City sells any portion of the land
20 conveyed to the City under paragraph (1)—

21 (A) the amount of consideration for the
22 sale shall reflect fair market value, as deter-
23 mined by an appraisal; and

24 (B) the City shall pay to the Secretary an
25 amount equal to the gross proceeds of the sale,

1 which shall be available, without further appro-
2 priation, for the Tongass National Forest.

3 **SEC. 332. BEAVERHEAD-DEERLODGE NATIONAL FOREST**
4 **LAND CONVEYANCE, MONTANA.**

5 (a) DEFINITIONS.—In this section:

6 (1) COUNTY.—The term “County” means Jef-
7 ferson County, Montana.

8 (2) MAP.—The term “map” means the map
9 that is—

10 (A) entitled “Elkhorn Cemetery”;

11 (B) dated May 9, 2005; and

12 (C) on file in the office of the Beaverhead-
13 Deerlodge National Forest Supervisor.

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of Agriculture.

16 (b) CONVEYANCE TO JEFFERSON COUNTY, MON-
17 TANA.—

18 (1) CONVEYANCE.—Not later than 180 days
19 after the date of enactment of this Act and subject
20 to valid existing rights, the Secretary (acting
21 through the Regional Forester, Northern Region,
22 Missoula, Montana) shall convey by quitclaim deed
23 to the County for no consideration, all right, title,
24 and interest of the United States, except as provided

1 in paragraph (5), in and to the parcel of land de-
2 scribed in paragraph (2).

3 (2) DESCRIPTION OF LAND.—The parcel of
4 land referred to in paragraph (1) is the parcel of ap-
5 proximately 9.67 acres of National Forest System
6 land (including any improvements to the land) in the
7 County that is known as the “Elkhorn Cemetery”,
8 as generally depicted on the map.

9 (3) USE OF LAND.—As a condition of the con-
10 veyance under paragraph (1), the County shall—

11 (A) use the land described in paragraph
12 (2) as a County cemetery; and

13 (B) agree to manage the cemetery with
14 due consideration and protection for the historic
15 and cultural values of the cemetery, under such
16 terms and conditions as are agreed to by the
17 Secretary and the County.

18 (4) EASEMENT.—In conveying the land to the
19 County under paragraph (1), the Secretary, in ac-
20 cordance with applicable law, shall grant to the
21 County an easement across certain National Forest
22 System land, as generally depicted on the map, to
23 provide access to the land conveyed under that para-
24 graph.

1 (5) REVERSION.—In the quitclaim deed to the
 2 County, the Secretary shall provide that the land
 3 conveyed to the County under paragraph (1) shall
 4 revert to the Secretary, at the election of the Sec-
 5 retary, if the 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. 333. 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,
 16 as depicted on the map.

17 (2) LANDOWNER.—The term “landowner”
 18 means the 1 or more owners of the non-Federal
 19 land.

20 (3) MAP.—The term “map” means the map en-
 21 titled “Proposed Land Exchange for Pecos National
 22 Historical Park”, numbered 430/80,054, dated No-
 23 vember 19, 1999, and revised September 18, 2000.

24 (4) NON-FEDERAL LAND.—The term “non-Fed-
 25 eral land” means the approximately 154 acres of

1 non-Federal land in the Park, as depicted on the
2 map.

3 (5) PARK.—The term “Park” means the Pecos
4 National Historical Park in the State.

5 (6) SECRETARIES.—The term “Secretaries”
6 means the Secretary of the Interior and the Sec-
7 retary of Agriculture, acting jointly.

8 (7) STATE.—The term “State” means the State
9 of New Mexico.

10 (b) LAND EXCHANGE.—

11 (1) IN GENERAL.—On conveyance by the land-
12 owner to the Secretary of the Interior of the non-
13 Federal land, title to which is acceptable to the Sec-
14 retary of the Interior—

15 (A) the Secretary of Agriculture shall, sub-
16 ject to the conditions of this section, convey to
17 the landowner the Federal land; and

18 (B) the Secretary of the Interior shall,
19 subject to the conditions of this section, grant
20 to the landowner the easement described in
21 paragraph (2).

22 (2) EASEMENT.—

23 (A) IN GENERAL.—The easement referred
24 to in paragraph (1)(B) is an easement (includ-
25 ing an easement for service access) for water

1 pipelines to 2 well sites located in the Park, as
2 generally depicted on the map.

3 (B) ROUTE.—The Secretary of the Inte-
4 rior, in consultation with the landowner, shall
5 determine the appropriate route of the ease-
6 ment through the Park.

7 (C) TERMS AND CONDITIONS.—The ease-
8 ment shall include such terms and conditions
9 relating to the use of, and access to, the well
10 sites and pipeline, as the Secretary of the Inte-
11 rior, in consultation with the landowner, deter-
12 mines to be appropriate.

13 (D) APPLICABLE LAW.—The easement
14 shall be established, operated, and maintained
15 in compliance with applicable Federal law.

16 (3) VALUATION, APPRAISALS, AND EQUALI-
17 ZATION.—

18 (A) IN GENERAL.—The value of the Fed-
19 eral land and non-Federal land—

20 (i) shall be equal, as determined by
21 appraisals conducted in accordance with
22 subparagraph (B); or

23 (ii) if the value is not equal, shall be
24 equalized in accordance with subparagraph
25 (C).

1 (B) APPRAISALS.—

2 (i) IN GENERAL.—The Federal land
3 and non-Federal land shall be appraised by
4 an independent appraiser selected by the
5 Secretaries.

6 (ii) REQUIREMENTS.—An appraisal
7 conducted under clause (i) shall be con-
8 ducted in accordance with—

9 (I) the Uniform Appraisal Stand-
10 ards for Federal Land Acquisition;
11 and

12 (II) the Uniform Standards of
13 Professional Appraisal Practice.

14 (iii) APPROVAL.—The appraisals con-
15 ducted under this subparagraph shall be
16 submitted to the Secretaries for approval.

17 (C) EQUALIZATION OF VALUES.—

18 (i) IN GENERAL.—If the values of the
19 non-Federal land and the Federal land are
20 not equal, the values may be equalized
21 by—

22 (I) the Secretary of the Interior
23 making a cash equalization payment
24 to the landowner;

1 (II) the landowner making a cash
2 equalization payment to the Secretary
3 of Agriculture; or

4 (III) reducing the acreage of the
5 non-Federal land or the Federal land,
6 as appropriate.

7 (ii) CASH EQUALIZATION PAY-
8 MENTS.—Any amounts received by the
9 Secretary of Agriculture as a cash equali-
10 zation payment under section 206(b) of the
11 Federal Land Policy and Management Act
12 of 1976 (43 U.S.C. 1716(b)) shall—

13 (I) be deposited in the fund es-
14 tablished by Public Law 90–171
15 (commonly known as the “Sisk Act”)
16 (16 U.S.C. 484a); and

17 (II) be available for expenditure,
18 without further appropriation, for the
19 acquisition of land and interests in
20 land in the State.

21 (4) COSTS.—Before the completion of the ex-
22 change under this subsection, the Secretaries and
23 the landowner shall enter into an agreement that al-
24 locates the costs of the exchange among the Secre-
25 taries and the landowner.

1 (5) APPLICABLE LAW.—Except as otherwise
2 provided in this section, the exchange of land and in-
3 terests in land under this section shall be in accord-
4 ance with—

5 (A) section 206 of the Federal Land Policy
6 and Management Act of 1976 (43 U.S.C.
7 1716); and

8 (B) other applicable laws, including the
9 National Environmental Policy Act of 1969 (42
10 U.S.C. 4321 et seq.).

11 (6) ADDITIONAL TERMS AND CONDITIONS.—
12 The Secretaries may require, in addition to any re-
13 quirements under this section, such terms and condi-
14 tions relating to the exchange of Federal land and
15 non-Federal land and the granting of easements
16 under this section as the Secretaries determine to be
17 appropriate to protect the interests of the United
18 States.

19 (7) COMPLETION OF THE EXCHANGE.—

20 (A) IN GENERAL.—The exchange of Fed-
21 eral land and non-Federal land shall be com-
22 pleted not later than 180 days after the later
23 of—

24 (i) the date on which the requirements
25 of the National Environmental Policy Act

1 of 1969 (42 U.S.C. 4321 et seq.) have
2 been met;

3 (ii) the date on which the Secretary of
4 the Interior approves the appraisals under
5 paragraph (3)(B)(iii); or

6 (iii) the date on which the Secretaries
7 and the landowner agree on the costs of
8 the exchange and any other terms and con-
9 ditions of the exchange under this sub-
10 section.

11 (B) NOTICE.—The Secretaries shall sub-
12 mit to the Committee on Energy and Natural
13 Resources of the Senate and the Committee on
14 Resources of the House of Representatives no-
15 tice of the completion of the exchange of Fed-
16 eral land and non-Federal land under this sub-
17 section.

18 (c) ADMINISTRATION.—

19 (1) IN GENERAL.—The Secretary of the Inte-
20 rior shall administer the non-Federal land acquired
21 under this section in accordance with the laws gen-
22 erally applicable to units of the National Park Sys-
23 tem, including the Act of August 25, 1916 (com-
24 monly known as the “National Park Service Organic
25 Act”) (16 U.S.C. 1 et seq.).

1 (2) MAPS.—

2 (A) IN GENERAL.—The map shall be on
3 file and available for public inspection in the
4 appropriate offices of the Secretaries.

5 (B) TRANSMITTAL OF REVISED MAP TO
6 CONGRESS.—Not later than 180 days after
7 completion of the exchange, the Secretaries
8 shall transmit to the Committee on Energy and
9 Natural Resources of the Senate and the Com-
10 mittee on Resources of the House of Represent-
11 atives a revised map that depicts—

12 (i) the Federal land and non-Federal
13 land exchanged under this section; and

14 (ii) the easement described in sub-
15 section (b)(2).

16 **SEC. 334. SANTA FE NATIONAL FOREST LAND CONVEY-**
17 **ANCE, NEW MEXICO.**

18 (a) DEFINITIONS.—In this section:

19 (1) CLAIM.—The term “Claim” means a claim
20 of the Claimants to any right, title, or interest in
21 any land located in lot 10, sec. 22, T. 18 N., R. 12
22 E., New Mexico Principal Meridian, San Miguel
23 County, New Mexico, except as provided in sub-
24 section (b)(1).

1 (2) CLAIMANTS.—The term “Claimants” means
2 Ramona Lawson and Boyd Lawson.

3 (3) FEDERAL LAND.—The term “Federal land”
4 means a parcel of National Forest System land in
5 the Santa Fe National Forest, New Mexico, that
6 is—

7 (A) comprised of approximately 6.20 acres
8 of land; and

9 (B) described and delineated in the survey.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Agriculture, acting through the
12 Forest Service Regional Forester, Southwestern Re-
13 gion.

14 (5) SURVEY.—The term “survey” means the
15 survey plat entitled “Boundary Survey and Con-
16 servation Easement Plat”, prepared by Chris A.
17 Chavez, Land Surveyor, Forest Service,
18 NMPLS#12793, and recorded on February 27,
19 2007, at book 55, page 93, of the land records of
20 San Miguel County, New Mexico.

21 (b) SANTA FE NATIONAL FOREST LAND CONVEY-
22 ANCE.—

23 (1) IN GENERAL.—The Secretary shall, except
24 as provided in subparagraph (A) and subject to valid
25 existing rights, convey and quitclaim to the Claim-

1 ants all right, title, and interest of the United States
2 in and to the Federal land in exchange for—

3 (A) the grant by the Claimants to the
4 United States of a scenic easement to the Fed-
5 eral land that—

6 (i) protects the purposes for which the
7 Federal land was designated under the
8 Wild and Scenic Rivers Act (16 U.S.C.
9 1271 et seq.); and

10 (ii) is determined to be acceptable by
11 the Secretary; and

12 (B) a release of the United States by the
13 Claimants of—

14 (i) the Claim; and

15 (ii) any additional related claims of
16 the Claimants against the United States.

17 (2) SURVEY.—The Secretary, with the approval
18 of the Claimants, may make minor corrections to the
19 survey and legal description of the Federal land to
20 correct clerical, typographical, and surveying errors.

21 (3) SATISFACTION OF CLAIM.—The conveyance
22 of Federal land under paragraph (1) shall constitute
23 a full satisfaction of the Claim.

1 **SEC. 335. KITTITAS COUNTY, WASHINGTON LAND CONVEY-**
2 **ANCE.**

3 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
4 riculture shall convey, without consideration, to the King
5 and Kittitas Counties Fire District #51 of King and
6 Kittitas Counties, Washington (in this section referred to
7 as the “District”), all right, title, and interest of the
8 United States in and to a parcel of National Forest Sys-
9 tem land in Kittitas County, Washington, consisting of ap-
10 proximately 1.5 acres within the SW¹/₄ of the SE¹/₄ of
11 section 4, township 22 north, range 11 east, Willamette
12 meridian, for the purpose of permitting the District to use
13 the parcel as a site for a new Snoqualmie Pass fire and
14 rescue station.

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

25 (c) SURVEY.—If necessary, the exact acreage and
26 legal description of the lands to be conveyed under sub-

1 section (a) shall be determined by a survey satisfactory
 2 to the Secretary. The cost of a survey shall be borne by
 3 the District.

4 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
 5 Secretary may require such additional terms and condi-
 6 tions in connection with the conveyance under subsection
 7 (a) as the Secretary considers appropriate to protect the
 8 interests of the United States.

9 **SEC. 336. MAMMOTH COMMUNITY WATER DISTRICT USE**
 10 **RESTRICTIONS.**

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

19 **TITLE IV—FOREST LANDSCAPE**
 20 **RESTORATION**

21 **SEC. 401. PURPOSE.**

22 The purpose of this title is to encourage the collabo-
 23 rative, science-based ecosystem restoration of priority for-
 24 est landscapes through a process that—

1 (1) encourages ecological, economic, and social
2 sustainability;

3 (2) leverages local resources with national and
4 private resources;

5 (3) facilitates the reduction of wildfire manage-
6 ment costs, including through reestablishing natural
7 fire regimes and reducing the risk of
8 uncharacteristic wildfire; and

9 (4) demonstrates the degree to which—

10 (A) various ecological restoration tech-
11 niques—

12 (i) achieve ecological and watershed
13 health objectives; and

14 (ii) affect wildfire activity and man-
15 agement costs; and

16 (B) the use of forest restoration byprod-
17 ucts can offset treatment costs while benefitting
18 local rural economies and improving forest
19 health.

20 **SEC. 402. DEFINITIONS.**

21 In this title:

22 (1) **FUND.**—The term “Fund” means the Col-
23 laborative Forest Landscape Restoration Fund es-
24 tablished by section 403(f).

1 (2) PROGRAM.—The term “program” means
2 the Collaborative Forest Landscape Restoration Pro-
3 gram established under section 403(a).

4 (3) PROPOSAL.—The term “proposal” means a
5 collaborative forest landscape restoration proposal
6 described in section 403(b).

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture, acting through the
9 Chief of the Forest Service.

10 (5) STRATEGY.—The term “strategy” means a
11 landscape restoration strategy described in section
12 403(b)(1).

13 **SEC. 403. COLLABORATIVE FOREST LANDSCAPE RESTORA-**
14 **TION PROGRAM.**

15 (a) IN GENERAL.—The Secretary, in consultation
16 with the Secretary of the Interior, shall establish a Col-
17 laborative Forest Landscape Restoration Program to se-
18 lect and fund ecological restoration treatments for priority
19 forest landscapes in accordance with—

20 (1) the Endangered Species Act of 1973 (16
21 U.S.C. 1531 et seq.);

22 (2) the National Environmental Policy Act of
23 1969 (42 U.S.C. 4321 et seq.); and

24 (3) any other applicable law.

1 (b) ELIGIBILITY CRITERIA.—To be eligible for nomi-
2 nation under subsection (c), a collaborative forest land-
3 scape restoration proposal shall—

4 (1) be based on a landscape restoration strategy
5 that—

6 (A) is complete or substantially complete;

7 (B) identifies and prioritizes ecological res-
8 toration treatments for a 10-year period within
9 a landscape that is—

10 (i) at least 50,000 acres;

11 (ii) comprised primarily of forested
12 National Forest System land, but may also
13 include land under the jurisdiction of the
14 Bureau of Land Management, land under
15 the jurisdiction of the Bureau of Indian
16 Affairs, or other Federal, State, tribal, or
17 private land;

18 (iii) in need of active ecosystem res-
19 toration; and

20 (iv) accessible by existing or proposed
21 wood-processing infrastructure at an ap-
22 propriate scale to use woody biomass and
23 small-diameter wood removed in ecological
24 restoration treatments;

1 (C) incorporates the best available science
2 and scientific application tools in ecological res-
3 toration strategies;

4 (D) fully maintains, or contributes toward
5 the restoration of, the structure and composi-
6 tion of old growth stands according to the pre-
7 fire suppression old growth conditions char-
8 acteristic of the forest type, taking into account
9 the contribution of the stand to landscape fire
10 adaptation and watershed health and retaining
11 the large trees contributing to old growth struc-
12 ture;

13 (E) would carry out any forest restoration
14 treatments that reduce hazardous fuels by—

15 (i) focusing on small diameter trees,
16 thinning, strategic fuel breaks, and fire use
17 to modify fire behavior, as measured by
18 the projected reduction of
19 uncharacteristically severe wildfire effects
20 for the forest type (such as adverse soil
21 impacts, tree mortality or other impacts);
22 and

23 (ii) maximizing the retention of large
24 trees, as appropriate for the forest type, to

1 the extent that the trees promote fire-resil-
2 ient stands; and

3 (F)(i) does not include the establishment
4 of permanent roads; and

5 (ii) would commit funding to decommission
6 all temporary roads constructed to carry out
7 the strategy;

8 (2) be developed and implemented through a
9 collaborative process that—

10 (A) includes multiple interested persons
11 representing diverse interests; and

12 (B)(i) is transparent and nonexclusive; or

13 (ii) meets the requirements for a resource
14 advisory committee under subsections (e)
15 through (f) of section 205 of Public Law 106–
16 393 (16 U.S.C. 500 note);

17 (3) describe plans to—

18 (A) reduce the risk of uncharacteristic
19 wildfire, including through the use of fire for
20 ecological restoration and maintenance and re-
21 establishing natural fire regimes, where appro-
22 priate;

23 (B) improve fish and wildlife habitat, in-
24 cluding for endangered, threatened, and sen-
25 sitive species;

1 (C) maintain or improve water quality and
2 watershed function;

3 (D) prevent, remediate, or control inva-
4 sions of exotic species;

5 (E) maintain, decommission, and rehabili-
6 tate roads and trails;

7 (F) use woody biomass and small-diameter
8 trees produced from projects implementing the
9 strategy;

10 (G) report annually on performance, in-
11 cluding through performance measures from the
12 plan entitled the “10 Year Comprehensive
13 Strategy Implementation Plan” and dated De-
14 cember 2006; and

15 (H) take into account any applicable com-
16 munity wildfire protection plan;

17 (4) analyze any anticipated cost savings, includ-
18 ing those resulting from—

19 (A) reduced wildfire management costs;
20 and

21 (B) a decrease in the unit costs of imple-
22 menting ecological restoration treatments over
23 time;

24 (5) estimate—

1 (A) the annual Federal funding necessary
2 to implement the proposal; and

3 (B) the amount of new non-Federal invest-
4 ment for carrying out the proposal that would
5 be leveraged;

6 (6) describe the collaborative process through
7 which the proposal was developed, including a de-
8 scription of—

9 (A) participation by or consultation with
10 State, local, and Tribal governments; and

11 (B) any established record of successful
12 collaborative planning and implementation of
13 ecological restoration projects on National For-
14 est System land and other land included in the
15 proposal by the collaborators; and

16 (7) benefit local economies by providing local
17 employment or training opportunities through con-
18 tracts, grants, or agreements for restoration plan-
19 ning, design, implementation, or monitoring with—

20 (A) local private, nonprofit, or cooperative
21 entities;

22 (B) Youth Conservation Corps crews or re-
23 lated partnerships, with State, local, and non-
24 profit youth groups;

1 (C) existing or proposed small or micro-
2 businesses, clusters, or incubators; or

3 (D) other entities that will hire or train
4 local people to complete such contracts, grants,
5 or agreements; and

6 (8) be subject to any other requirements that
7 the Secretary, in consultation with the Secretary of
8 the Interior, determines to be necessary for the effi-
9 cient and effective administration of the program.

10 (c) NOMINATION PROCESS.—

11 (1) SUBMISSION.—A proposal shall be sub-
12 mitted to—

13 (A) the appropriate Regional Forester; and

14 (B) if actions under the jurisdiction of the
15 Secretary of the Interior are proposed, the ap-
16 propriate—

17 (i) State Director of the Bureau of
18 Land Management;

19 (ii) Regional Director of the Bureau
20 of Indian Affairs; or

21 (iii) other official of the Department
22 of the Interior.

23 (2) NOMINATION.—

24 (A) IN GENERAL.—A Regional Forester
25 may nominate for selection by the Secretary

1 any proposals that meet the eligibility criteria
2 established by subsection (b).

3 (B) CONCURRENCE.—Any proposal nomi-
4 nated by the Regional Forester that proposes
5 actions under the jurisdiction of the Secretary
6 of the Interior shall include the concurrence of
7 the appropriate—

8 (i) State Director of the Bureau of
9 Land Management;

10 (ii) Regional Director of the Bureau
11 of Indian Affairs; or

12 (iii) other official of the Department
13 of the Interior.

14 (3) DOCUMENTATION.—With respect to each
15 proposal that is nominated under paragraph (2)—

16 (A) the appropriate Regional Forester
17 shall—

18 (i) include a plan to use Federal funds
19 allocated to the region to fund those costs
20 of planning and carrying out ecological res-
21 toration treatments on National Forest
22 System land, consistent with the strategy,
23 that would not be covered by amounts
24 transferred to the Secretary from the
25 Fund; and

1 (ii) provide evidence that amounts
2 proposed to be transferred to the Secretary
3 from the Fund during the first 2 fiscal
4 years following selection would be used to
5 carry out ecological restoration treatments
6 consistent with the strategy during the
7 same fiscal year in which the funds are
8 transferred to the Secretary;

9 (B) if actions under the jurisdiction of the
10 Secretary of the Interior are proposed, the nom-
11 ination shall include a plan to fund such ac-
12 tions, consistent with the strategy, by the ap-
13 propriate—

14 (i) State Director of the Bureau of
15 Land Management;

16 (ii) Regional Director of the Bureau
17 of Indian Affairs; or

18 (iii) other official of the Department
19 of the Interior; and

20 (C) if actions on land not under the juris-
21 diction of the Secretary or the Secretary of the
22 Interior are proposed, the appropriate Regional
23 Forester shall provide evidence that the land-
24 owner intends to participate in, and provide ap-
25 propriate funding to carry out, the actions.

1 (d) SELECTION PROCESS.—

2 (1) IN GENERAL.—After consulting with the ad-
3 visory panel established under subsection (e), the
4 Secretary, in consultation with the Secretary of the
5 Interior, shall, subject to paragraph (2), select the
6 best proposals that—

7 (A) have been nominated under subsection
8 (e)(2); and

9 (B) meet the eligibility criteria established
10 by subsection (b).

11 (2) CRITERIA.—In selecting proposals under
12 paragraph (1), the Secretary shall give special con-
13 sideration to—

14 (A) the strength of the proposal and strat-
15 egy;

16 (B) the strength of the ecological case of
17 the proposal and the proposed ecological res-
18 toration strategies;

19 (C) the strength of the collaborative proc-
20 ess and the likelihood of successful collaboration
21 throughout implementation;

22 (D) whether the proposal is likely to
23 achieve reductions in long-term wildfire man-
24 agement costs;

1 (E) whether the proposal would reduce the
2 relative costs of carrying out ecological restora-
3 tion treatments as a result of the use of woody
4 biomass and small-diameter trees; and

5 (F) whether an appropriate level of non-
6 Federal investment would be leveraged in car-
7 rying out the proposal.

8 (3) LIMITATION.—The Secretary may select not
9 more than—

10 (A) 10 proposals to be funded during any
11 fiscal year;

12 (B) 2 proposals in any 1 region of the Na-
13 tional Forest System to be funded during any
14 fiscal year; and

15 (C) the number of proposals that the Sec-
16 retary determines are likely to receive adequate
17 funding.

18 (e) ADVISORY PANEL.—

19 (1) IN GENERAL.—The Secretary shall establish
20 and maintain an advisory panel comprised of not
21 more than 15 members to evaluate, and provide rec-
22 ommendations on, each proposal that has been nomi-
23 nated under subsection (c)(2).

24 (2) REPRESENTATION.—The Secretary shall en-
25 sure that the membership of the advisory panel is

1 fairly balanced in terms of the points of view rep-
2 resented and the functions to be performed by the
3 advisory panel.

4 (3) INCLUSION.—The advisory panel shall in-
5 clude experts in ecological restoration, fire ecology,
6 fire management, rural economic development, strat-
7 egies for ecological adaptation to climate change,
8 fish and wildlife ecology, and woody biomass and
9 small-diameter tree utilization.

10 (f) COLLABORATIVE FOREST LANDSCAPE RESTORA-
11 TION FUND.—

12 (1) ESTABLISHMENT.—There is established in
13 the Treasury of the United States a fund, to be
14 known as the “Collaborative Forest Landscape Res-
15 toration Fund”, to be used to pay up to 50 percent
16 of the cost of carrying out and monitoring ecological
17 restoration treatments on National Forest System
18 land for each proposal selected to be carried out
19 under subsection (d).

20 (2) INCLUSION.—The cost of carrying out eco-
21 logical restoration treatments as provided in para-
22 graph (1) may, as the Secretary determines to be
23 appropriate, include cancellation and termination
24 costs required to be obligated for contracts to carry
25 out ecological restoration treatments on National

1 Forest System land for each proposal selected to be
2 carried out under subsection (d).

3 (3) CONTENTS.—The Fund shall consist of
4 such amounts as are appropriated to the Fund
5 under paragraph (6).

6 (4) EXPENDITURES FROM FUND.—

7 (A) IN GENERAL.—On request by the Sec-
8 retary, the Secretary of the Treasury shall
9 transfer from the Fund to the Secretary such
10 amounts as the Secretary determines are appro-
11 priate, in accordance with paragraph (1).

12 (B) LIMITATION.—The Secretary shall not
13 expend money from the Fund on any 1 pro-
14 posal—

15 (i) during a period of more than 10
16 fiscal years; or

17 (ii) in excess of \$4,000,000 in any 1
18 fiscal year.

19 (5) ACCOUNTING AND REPORTING SYSTEM.—
20 The Secretary shall establish an accounting and re-
21 porting system for the Fund.

22 (6) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to the Fund
24 \$40,000,000 for each of fiscal years 2009 through
25 2019, to remain available until expended.

1 (g) PROGRAM IMPLEMENTATION AND MONI-
2 TORING.—

3 (1) WORK PLAN.—Not later than 180 days
4 after the date on which a proposal is selected to be
5 carried out, the Secretary shall create, in collabora-
6 tion with the interested persons, an implementation
7 work plan and budget to implement the proposal
8 that includes—

9 (A) a description of the manner in which
10 the proposal would be implemented to achieve
11 ecological and community economic benefit, in-
12 cluding capacity building to accomplish restora-
13 tion;

14 (B) a business plan that addresses—

15 (i) the anticipated unit treatment cost
16 reductions over 10 years;

17 (ii) the anticipated costs for infra-
18 structure needed for the proposal;

19 (iii) the projected sustainability of the
20 supply of woody biomass and small-diame-
21 ter trees removed in ecological restoration
22 treatments; and

23 (iv) the projected local economic bene-
24 fits of the proposal;

1 (C) documentation of the non-Federal in-
2 vestment in the priority landscape, including
3 the sources and uses of the investments; and

4 (D) a plan to decommission any temporary
5 roads established to carry out the proposal.

6 (2) PROJECT IMPLEMENTATION.—Amounts
7 transferred to the Secretary from the Fund shall be
8 used to carry out ecological restoration treatments
9 that are—

10 (A) consistent with the proposal and strat-
11 egy; and

12 (B) identified through the collaborative
13 process described in subsection (b)(2).

14 (3) ANNUAL REPORT.—The Secretary, in col-
15 laboration with the Secretary of the Interior and in-
16 terested persons, shall prepare an annual report on
17 the accomplishments of each selected proposal that
18 includes—

19 (A) a description of all acres (or other ap-
20 propriate unit) treated and restored through
21 projects implementing the strategy;

22 (B) an evaluation of progress, including
23 performance measures and how prior year eval-
24 uations have contributed to improved project
25 performance;

1 (C) a description of community benefits
2 achieved, including any local economic benefits;

3 (D) the results of the multiparty moni-
4 toring, evaluation, and accountability process
5 under paragraph (4); and

6 (E) a summary of the costs of—

7 (i) treatments; and

8 (ii) relevant fire management activi-
9 ties.

10 (4) MULTIPARTY MONITORING.—The Secretary
11 shall, in collaboration with the Secretary of the Inte-
12 rior and interested persons, use a multiparty moni-
13 toring, evaluation, and accountability process to as-
14 sess the positive or negative ecological, social, and
15 economic effects of projects implementing a selected
16 proposal for not less than 15 years after project im-
17 plementation commences.

18 (h) REPORT.—Not later than 5 years after the first
19 fiscal year in which funding is made available to carry out
20 ecological restoration projects under the program, and
21 every 5 years thereafter, the Secretary, in consultation
22 with the Secretary of the Interior, shall submit a report
23 on the program, including an assessment of whether, and
24 to what extent, the program is fulfilling the purposes of
25 this title, to—

1 (1) the Committee on Energy and Natural Re-
2 sources of the Senate;

3 (2) the Committee on Appropriations of the
4 Senate;

5 (3) the Committee on Natural Resources of the
6 House of Representatives; and

7 (4) the Committee on Appropriations of the
8 House of Representatives.

9 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to the Sec-
11 retary and the Secretary of the Interior such sums as are
12 necessary to carry out this title.

13 **TITLE V—RIVERS AND TRAILS**
14 **Subtitle A—Additions to the Na-**
15 **tional Wild and Scenic Rivers**
16 **System**

17 **SEC. 501. FOSSIL CREEK, ARIZONA.**

18 Section 3(a) of the Wild and Scenic Rivers Act (16
19 U.S.C. 1274(a)) (as amended by section 154(a)) is amend-
20 ed by adding at the end the following:

21 “(196) FOSSIL CREEK, ARIZONA.—Approxi-
22 mately 16.8 miles of Fossil Creek from the con-
23 fluence of Sand Rock and Calf Pen Canyons to the
24 confluence with the Verde River, to be administered

1 by the Secretary of Agriculture in the following
2 classes:

3 “(A) The approximately 2.7-mile segment
4 from the confluence of Sand Rock and Calf Pen
5 Canyons to the point where the segment exits
6 the Fossil Spring Wilderness, as a wild river.

7 “(B) The approximately 7.5-mile segment
8 from where the segment exits the Fossil Creek
9 Wilderness to the boundary of the Mazatzal
10 Wilderness, as a recreational river.

11 “(C) The 6.6-mile segment from the
12 boundary of the Mazatzal Wilderness down-
13 stream to the confluence with the Verde River,
14 as a wild river.”.

15 **SEC. 502. SNAKE RIVER HEADWATERS, WYOMING.**

16 (a) FINDINGS; PURPOSES.—

17 (1) FINDINGS.—Congress finds that—

18 (A) the headwaters of the Snake River
19 System in northwest Wyoming feature some of
20 the cleanest sources of freshwater, healthiest
21 native trout fisheries, and most intact rivers
22 and streams in the lower 48 States;

23 (B) the rivers and streams of the head-
24 waters of the Snake River System—

1 (i) provide unparalleled fishing, hunt-
2 ing, boating, and other recreational activi-
3 ties for—

4 (I) local residents; and

5 (II) millions of visitors from
6 around the world; and

7 (ii) are national treasures;

8 (C) each year, recreational activities on the
9 rivers and streams of the headwaters of the
10 Snake River System generate millions of dollars
11 for the economies of—

12 (i) Teton County, Wyoming; and

13 (ii) Lincoln County, Wyoming;

14 (D) to ensure that future generations of
15 citizens of the United States enjoy the benefits
16 of the rivers and streams of the headwaters of
17 the Snake River System, Congress should apply
18 the protections provided by the Wild and Scenic
19 Rivers Act (16 U.S.C. 1271 et seq.) to those
20 rivers and streams; and

21 (E) the designation of the rivers and
22 streams of the headwaters of the Snake River
23 System under the Wild and Scenic Rivers Act
24 (16 U.S.C. 1271 et seq.) will signify to the citi-
25 zens of the United States the importance of

1 maintaining the outstanding and remarkable
2 qualities of the Snake River System while—

3 (i) preserving public access to those
4 rivers and streams;

5 (ii) respecting private property rights
6 (including existing water rights); and

7 (iii) continuing to allow historic uses
8 of the rivers and streams.

9 (2) PURPOSES.—The purposes of this section
10 are—

11 (A) to protect for current and future gen-
12 erations of citizens of the United States the
13 outstandingly remarkable scenic, natural, wild-
14 life, fishery, recreational, scientific, historic, and
15 ecological values of the rivers and streams of
16 the headwaters of the Snake River System,
17 while continuing to deliver water and operate
18 and maintain valuable irrigation water infra-
19 structure; and

20 (B) to designate approximately 387.7 miles
21 of the rivers and streams of the headwaters of
22 the Snake River System as additions to the Na-
23 tional Wild and Scenic Rivers System.

24 (b) DEFINITIONS.—In this section:

1 (1) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means—

3 (A) the Secretary of Agriculture (acting
4 through the Chief of the Forest Service), with
5 respect to each river segment described in para-
6 graph (197) of section 3(a) of the Wild and
7 Scenic Rivers Act (16 U.S.C. 1274(a)) (as
8 added by subsection (c)) that is not located
9 in—

10 (i) Grand Teton National Park;

11 (ii) Yellowstone National Park;

12 (iii) the John D. Rockefeller, Jr. Me-
13 morial Parkway; or

14 (iv) the National Elk Refuge; and

15 (B) the Secretary of the Interior, with re-
16 spect to each river segment described in para-
17 graph (197) of section 3(a) of the Wild and
18 Scenic Rivers Act (16 U.S.C. 1274(a)) (as
19 added by subsection (c)) that is located in—

20 (i) Grand Teton National Park;

21 (ii) Yellowstone National Park;

22 (iii) the John D. Rockefeller, Jr. Me-
23 morial Parkway; or

24 (iv) the National Elk Refuge.

1 (2) STATE.—The term “State” means the State
2 of Wyoming.

3 (c) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE
4 RIVER SYSTEM.—Section 3(a) of the Wild and Scenic Riv-
5 ers Act (16 U.S.C. 1274(a)) (as amended by section 501)
6 is amended by adding at the end the following:

7 “(197) WILD AND SCENIC RIVER DESIGNA-
8 TIONS, SNAKE RIVER SYSTEM.—The following seg-
9 ments of the Snake River System, in the State of
10 Wyoming:

11 “(A) BAILEY CREEK.—The 7-mile segment
12 of Bailey Creek, from the divide with the Little
13 Greys River north to its confluence with the
14 Snake River, as a wild river.

15 “(B) BLACKROCK CREEK.—The 22-mile
16 segment from its source to the Bridger-Teton
17 National Forest boundary, as a scenic river.

18 “(C) BUFFALO FORK OF THE SNAKE
19 RIVER.—The portions of the Buffalo Fork of
20 the Snake River, consisting of—

21 “(i) the 55-mile segment consisting of
22 the North Fork, the Soda Fork, and the
23 South Fork, upstream from Turpin Mead-
24 ows, as a wild river;

1 “(ii) the 14-mile segment from Turpin
2 Meadows to the upstream boundary of
3 Grand Teton National Park, as a scenic
4 river; and

5 “(iii) the 7.7-mile segment from the
6 upstream boundary of Grand Teton Na-
7 tional Park to its confluence with the
8 Snake River, as a scenic river.

9 “(D) CRYSTAL CREEK.—The portions of
10 Crystal Creek, consisting of—

11 “(i) the 14-mile segment from its
12 source to the Gros Ventre Wilderness
13 boundary, as a wild river; and

14 “(ii) the 5-mile segment from the
15 Gros Ventre Wilderness boundary to its
16 confluence with the Gros Ventre River, as
17 a scenic river.

18 “(E) GRANITE CREEK.—The portions of
19 Granite Creek, consisting of—

20 “(i) the 12-mile segment from its
21 source to the end of Granite Creek Road,
22 as a wild river; and

23 “(ii) the 9.5-mile segment from Gran-
24 ite Hot Springs to the point 1 mile up-

1 stream from its confluence with the
2 Hoback River, as a scenic river.

3 “(F) GROS VENTRE RIVER.—The portions
4 of the Gros Ventre River, consisting of—

5 “(i) the 16.5-mile segment from its
6 source to Darwin Ranch, as a wild river;

7 “(ii) the 39-mile segment from Dar-
8 win Ranch to the upstream boundary of
9 Grand Teton National Park, excluding the
10 section along Lower Slide Lake, as a sce-
11 nic river; and

12 “(iii) the 3.3-mile segment flowing
13 across the southern boundary of Grand
14 Teton National Park to the Highlands
15 Drive Loop Bridge, as a scenic river.

16 “(G) HOBACK RIVER.—The 10-mile seg-
17 ment from the point 10 miles upstream from its
18 confluence with the Snake River to its con-
19 fluence with the Snake River, as a recreational
20 river.

21 “(H) LEWIS RIVER.—The portions of the
22 Lewis River, consisting of—

23 “(i) the 5-mile segment from Sho-
24 shone Lake to Lewis Lake, as a wild river;
25 and

1 “(ii) the 12-mile segment from the
2 outlet of Lewis Lake to its confluence with
3 the Snake River, as a scenic river.

4 “(I) PACIFIC CREEK.—The portions of Pa-
5 cific Creek, consisting of—

6 “(i) the 22.5-mile segment from its
7 source to the Teton Wilderness boundary,
8 as a wild river; and

9 “(ii) the 11-mile segment from the
10 Wilderness boundary to its confluence with
11 the Snake River, as a scenic river.

12 “(J) SHOAL CREEK.—The 8-mile segment
13 from its source to the point 8 miles downstream
14 from its source, as a wild river.

15 “(K) SNAKE RIVER.—The portions of the
16 Snake River, consisting of—

17 “(i) the 47-mile segment from its
18 source to Jackson Lake, as a wild river;

19 “(ii) the 24.8-mile segment from 1
20 mile downstream of Jackson Lake Dam to
21 1 mile downstream of the Teton Park
22 Road bridge at Moose, Wyoming, as a sce-
23 nic river; and

24 “(iii) the 19-mile segment from the
25 mouth of the Hoback River to the point 1

1 mile upstream from the Highway 89 bridge
2 at Alpine Junction, as a recreational river,
3 the boundary of the western edge of the
4 corridor for the portion of the segment ex-
5 tending from the point 3.3 miles down-
6 stream of the mouth of the Hoback River
7 to the point 4 miles downstream of the
8 mouth of the Hoback River being the ordi-
9 nary high water mark.

10 “(L) WILLOW CREEK.—The 16.2-mile seg-
11 ment from the point 16.2 miles upstream from
12 its confluence with the Hoback River to its con-
13 fluence with the Hoback River, as a wild river.

14 “(M) WOLF CREEK.—The 7-mile segment
15 from its source to its confluence with the Snake
16 River, as a wild river.”.

17 (d) MANAGEMENT.—

18 (1) IN GENERAL.—Each river segment de-
19 scribed in paragraph (197) of section 3(a) of the
20 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as
21 added by subsection (c)) shall be managed by the
22 Secretary concerned.

23 (2) MANAGEMENT PLAN.—

24 (A) IN GENERAL.—In accordance with
25 subparagraph (A), not later than 3 years after

1 the date of enactment of this Act, the Secretary
2 concerned shall develop a management plan for
3 each river segment described in paragraph
4 (197) of section 3(a) of the Wild and Scenic
5 Rivers Act (16 U.S.C. 1274(a)) (as added by
6 subsection (c)) that is located in an area under
7 the jurisdiction of the Secretary concerned.

8 (B) REQUIRED COMPONENT.—Each man-
9 agement plan developed by the Secretary con-
10 cerned under subparagraph (A) shall contain,
11 with respect to the river segment that is the
12 subject of the plan, a section that contains an
13 analysis and description of the availability and
14 compatibility of future development with the
15 wild and scenic character of the river segment
16 (with particular emphasis on each river segment
17 that contains 1 or more parcels of private land).

18 (3) QUANTIFICATION OF WATER RIGHTS RE-
19 SERVED BY RIVER SEGMENTS.—

20 (A) The Secretary concerned shall apply
21 for the quantification of the water rights re-
22 served by each river segment designated by this
23 section in accordance with the procedural re-
24 quirements of the laws of the State of Wyo-
25 ming.

1 (B) For the purpose of the quantification
2 of water rights under this subsection, with re-
3 spect to each Wild and Scenic River segment
4 designated by this section—

5 (i) the purposes for which the seg-
6 ments are designated, as set forth in this
7 section, are declared to be beneficial uses;
8 and

9 (ii) the priority date of such right
10 shall be the date of enactment of this Act.

11 (4) STREAM GAUGES.—Consistent with the
12 Wild and Scenic Rivers Act (16 U.S.C. 1271 et
13 seq.), the Secretary may carry out activities at
14 United States Geological Survey stream gauges that
15 are located on the Snake River (including tributaries
16 of the Snake River), including flow measurements
17 and operation, maintenance, and replacement.

18 (5) CONSENT OF PROPERTY OWNER.—No prop-
19 erty or interest in property located within the bound-
20 aries of any river segment described in paragraph
21 (197) of section 3(a) of the Wild and Scenic Rivers
22 Act (16 U.S.C. 1274(a)) (as added by subsection
23 (c)) may be acquired by the Secretary without the
24 consent of the owner of the property or interest in
25 property.

1 (6) EFFECT OF DESIGNATIONS.—

2 (A) IN GENERAL.—Nothing in this section
3 affects valid existing rights, including—

4 (i) all interstate water compacts in ex-
5 istence on the date of enactment of this
6 Act (including full development of any ap-
7 portionment made in accordance with the
8 compacts);

9 (ii) water rights in the States of Idaho
10 and Wyoming; and

11 (iii) water rights held by the United
12 States.

13 (B) JACKSON LAKE; JACKSON LAKE
14 DAM.—Nothing in this section shall affect the
15 management and operation of Jackson Lake or
16 Jackson Lake Dam.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out this section.

20 **SEC. 503. TAUNTON RIVER, MASSACHUSETTS.**

21 (a) DESIGNATION.—Section 3(a) of the Wild and
22 Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by
23 section 502) is amended by adding at the end the fol-
24 lowing:

1 “(198) TAUNTON RIVER, MASSACHUSETTS.—
2 The main stem of the Taunton River from its head-
3 waters at the confluence of the Town and Matfield
4 Rivers in the Town of Bridgewater downstream 40
5 miles to the confluence with the Quequechan River
6 at the Route 195 Bridge in the City of Fall River,
7 to be administered by the Secretary of the Interior
8 in cooperation with the Taunton River Stewardship
9 Council as follows:

10 “(A) The 18-mile segment from the con-
11 fluence of the Town and Matfield Rivers to
12 Route 24 in the Town of Raynham, as a scenic
13 river.

14 “(B) The 5-mile segment from Route 24 to
15 0.5 miles below Weir Bridge in the City of
16 Taunton, as a recreational river.

17 “(C) The 8-mile segment from 0.5 miles
18 below Weir Bridge to Muddy Cove in the Town
19 of Dighton, as a scenic river.

20 “(D) The 9-mile segment from Muddy
21 Cove to the confluence with the Quequechan
22 River at the Route 195 Bridge in the City of
23 Fall River, as a recreational river.”.

24 (b) MANAGEMENT OF TAUNTON RIVER, MASSACHU-
25 SETTS.—

1 (1) TAUNTON RIVER STEWARDSHIP PLAN.—

2 (A) IN GENERAL.—Each river segment
3 designated by section 3(a)(198) of the Wild and
4 Scenic Rivers Act (as added by subsection (a))
5 shall be managed in accordance with the Taun-
6 ton River Stewardship Plan, dated July 2005
7 (including any amendment to the Taunton
8 River Stewardship Plan that the Secretary of
9 the Interior (referred to in this subsection as
10 the “Secretary”) determines to be consistent
11 with this section).

12 (B) EFFECT.—The Taunton River Stew-
13 ardship Plan described in subparagraph (A)
14 shall be considered to satisfy each requirement
15 relating to the comprehensive management plan
16 required under section 3(d) of the Wild and
17 Scenic Rivers Act (16 U.S.C. 1274(d)).

18 (2) COOPERATIVE AGREEMENTS.—To provide
19 for the long-term protection, preservation, and en-
20 hancement of each river segment designated by sec-
21 tion 3(a)(198) of the Wild and Scenic Rivers Act (as
22 added by subsection (a)), pursuant to sections 10(e)
23 and 11(b)(1) of the Wild and Scenic Rivers Act (16
24 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may
25 enter into cooperative agreements (which may in-

1 clude provisions for financial and other assistance)
2 with—

3 (A) the Commonwealth of Massachusetts
4 (including political subdivisions of the Common-
5 wealth of Massachusetts);

6 (B) the Taunton River Stewardship Coun-
7 cil; and

8 (C) any appropriate nonprofit organiza-
9 tion, as determined by the Secretary.

10 (3) RELATION TO NATIONAL PARK SYSTEM.—

11 Notwithstanding section 10(c) of the Wild and Scenic
12 Rivers Act (16 U.S.C. 1281(c)), each river seg-
13 ment designated by section 3(a)(198) of the Wild
14 and Scenic Rivers Act (as added by subsection (a))
15 shall not be—

16 (A) administered as a unit of the National
17 Park System; or

18 (B) subject to the laws (including regula-
19 tions) that govern the administration of the Na-
20 tional Park System.

21 (4) LAND MANAGEMENT.—

22 (A) ZONING ORDINANCES.—The zoning or-
23 dinances adopted by the Towns of Bridgewater,
24 Halifax, Middleborough, Raynham, Berkley,
25 Dighton, Freetown, and Somerset, and the Cit-

1 ies of Taunton and Fall River, Massachusetts
2 (including any provision of the zoning ordi-
3 nances relating to the conservation of
4 floodplains, wetlands, and watercourses associ-
5 ated with any river segment designated by sec-
6 tion 3(a)(198) of the Wild and Scenic Rivers
7 Act (as added by subsection (a))), shall be con-
8 sidered to satisfy each standard and require-
9 ment described in section 6(c) of the Wild and
10 Scenic Rivers Act (16 U.S.C. 1277(c)).

11 (B) VILLAGES.—For the purpose of sec-
12 tion 6(c) of the Wild and Scenic Rivers Act (16
13 U.S.C. 1277(c)), each town described in sub-
14 paragraph (A) shall be considered to be a vil-
15 lage.

16 (C) ACQUISITION OF LAND.—

17 (i) LIMITATION OF AUTHORITY OF
18 SECRETARY.—With respect to each river
19 segment designated by section 3(a)(198) of
20 the Wild and Scenic Rivers Act (as added
21 by subsection (a)), the Secretary may only
22 acquire parcels of land—

23 (I) by donation; or

24 (II) with the consent of the
25 owner of the parcel of land.

1 (ii) PROHIBITION RELATING TO AC-
2 QUISSION OF LAND BY CONDEMNATION.—
3 In accordance with section 6(c) of the Wild
4 and Scenic Rivers Act (16 U.S.C.
5 1277(c)), with respect to each river seg-
6 ment designated by section 3(a)(198) of
7 the Wild and Scenic Rivers Act (as added
8 by subsection (a)), the Secretary may not
9 acquire any parcel of land by condemna-
10 tion.

11 **Subtitle B—Additions to the** 12 **National Trails System**

13 **SEC. 511. ARIZONA NATIONAL SCENIC TRAIL.**

14 Section 5(a) of the National Trails System Act (16
15 U.S.C. 1244(a)) is amended by adding at the end the fol-
16 lowing:

17 “(27) ARIZONA NATIONAL SCENIC TRAIL.—

18 “(A) IN GENERAL.—The Arizona National
19 Scenic Trail, extending approximately 807 miles
20 across the State of Arizona from the U.S.–Mex-
21 ico international border to the Arizona–Utah
22 border, as generally depicted on the map enti-
23 tled ‘Arizona National Scenic Trail’ and dated
24 December 5, 2007, to be administered by the
25 Secretary of Agriculture, in consultation with

1 the Secretary of the Interior and appropriate
2 State, tribal, and local governmental agencies.

3 “(B) AVAILABILITY OF MAP.—The map
4 shall be on file and available for public inspec-
5 tion in appropriate offices of the Forest Serv-
6 ice.”.

7 **SEC. 512. NEW ENGLAND NATIONAL SCENIC TRAIL.**

8 (a) AUTHORIZATION AND ADMINISTRATION.—Sec-
9 tion 5(a) of the National Trails System Act (16 U.S.C.
10 1244(a)) (as amended by section 511) is amended by add-
11 ing at the end the following:

12 “(28) NEW ENGLAND NATIONAL SCENIC
13 TRAIL.—The New England National Scenic Trail, a
14 continuous trail extending approximately 220 miles
15 from the border of New Hampshire in the town of
16 Royalston, Massachusetts to Long Island Sound in
17 the town of Guilford, Connecticut, as generally de-
18 picted on the map titled ‘New England National
19 Scenic Trail Proposed Route’, numbered T06/
20 80,000, and dated October 2007. The map shall be
21 on file and available for public inspection in the ap-
22 propriate offices of the National Park Service. The
23 Secretary of the Interior, in consultation with appro-
24 priate Federal, State, tribal, regional, and local
25 agencies, and other organizations, shall administer

1 the trail after considering the recommendations of
2 the report titled the ‘Metacomet Monadnock
3 Mattabesset Trail System National Scenic Trail
4 Feasibility Study and Environmental Assessment’,
5 prepared by the National Park Service, and dated
6 Spring 2006. The United States shall not acquire
7 for the trail any land or interest in land without the
8 consent of the owner.”.

9 (b) MANAGEMENT.—The Secretary of the Interior
10 (referred to in this section as the “Secretary”) shall con-
11 sider the actions outlined in the Trail Management Blue-
12 print described in the report titled the “Metacomet Mo-
13 nadnock Mattabesett Trail System National Scenic Trail
14 Feasibility Study and Environmental Assessment”, pre-
15 pared by the National Park Service, and dated Spring
16 2006, as the framework for management and administra-
17 tion of the New England National Scenic Trail. Additional
18 or more detailed plans for administration, management,
19 protection, access, maintenance, or development of the
20 trail may be developed consistent with the Trail Manage-
21 ment Blueprint, and as approved by the Secretary.

22 (c) COOPERATIVE AGREEMENTS.—The Secretary is
23 authorized to enter into cooperative agreements with the
24 Commonwealth of Massachusetts (and its political subdivi-
25 sions), the State of Connecticut (and its political subdivi-

1 sions), and other regional, local, and private organizations
2 deemed necessary and desirable to accomplish cooperative
3 trail administrative, management, and protection objec-
4 tives consistent with the Trail Management Blueprint. An
5 agreement under this subsection may include provisions
6 for limited financial assistance to encourage participation
7 in the planning, acquisition, protection, operation, develop-
8 ment, or maintenance of the trail.

9 (d) **ADDITIONAL TRAIL SEGMENTS.**—Pursuant to
10 section 6 of the National Trails System Act (16 U.S.C.
11 1245), the Secretary is encouraged to work with the State
12 of New Hampshire and appropriate local and private orga-
13 nizations to include that portion of the Metacomet-Monad-
14nock Trail in New Hampshire (which lies between
15 Royalston, Massachusetts and Jaffrey, New Hampshire)
16 as a component of the New England National Scenic
17 Trail. Inclusion of this segment, as well as other potential
18 side or connecting trails, is contingent upon written appli-
19 cation to the Secretary by appropriate State and local ju-
20 risdictions and a finding by the Secretary that trail man-
21 agement and administration is consistent with the Trail
22 Management Blueprint.

23 **SEC. 513. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.**

24 (a) **FINDINGS; PURPOSE.**—

25 (1) **FINDINGS.**—Congress finds that—

1 (A) at the end of the last Ice Age, some
2 12,000 to 17,000 years ago, a series of cata-
3 clysmic floods occurred in what is now the
4 northwest region of the United States, leaving
5 a lasting mark of dramatic and distinguishing
6 features on the landscape of parts of the States
7 of Montana, Idaho, Washington and Oregon;

8 (B) geological features that have excep-
9 tional value and quality to illustrate and inter-
10 pret this extraordinary natural phenomenon are
11 present on Federal, State, tribal, county, mu-
12 nicipal, and private land in the region; and

13 (C) in 2001, a joint study team headed by
14 the National Park Service that included about
15 70 members from public and private entities
16 completed a study endorsing the establishment
17 of an Ice Age Floods National Geologic Trail—

18 (i) to recognize the national signifi-
19 cance of this phenomenon; and

20 (ii) to coordinate public and private
21 sector entities in the presentation of the
22 story of the Ice Age floods.

23 (2) PURPOSE.—The purpose of this section is
24 to designate the Ice Age Floods National Geologic
25 Trail in the States of Montana, Idaho, Washington,

1 and Oregon, enabling the public to view, experience,
2 and learn about the features and story of the Ice
3 Age floods through the collaborative efforts of public
4 and private entities.

5 (b) DEFINITIONS.—In this section:

6 (1) ICE AGE FLOODS; FLOODS.—The term “Ice
7 Age floods” or “floods” means the cataclysmic floods
8 that occurred in what is now the northwestern
9 United States during the last Ice Age from massive,
10 rapid and recurring drainage of Glacial Lake in Mis-
11 soula, Montana.

12 (2) PLAN.—The term “plan” means the cooper-
13 ative management and interpretation plan author-
14 ized under subsection (f)(5).

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (4) TRAIL.—The term “Trail” means the Ice
18 Age Floods National Geologic Trail designated by
19 subsection (c).

20 (c) DESIGNATION.—In order to provide for public ap-
21 preciation, understanding, and enjoyment of the nationally
22 significant natural and cultural features of the Ice Age
23 floods and to promote collaborative efforts for interpreta-
24 tion and education among public and private entities lo-

1 cated along the pathways of the floods, there is designated
2 the Ice Age Floods National Geologic Trail.

3 (d) LOCATION.—

4 (1) MAP.—The route of the Trail shall be gen-
5 erally depicted on the map entitled “Ice Age Floods
6 National Geologic Trail,” numbered P43/80,000 and
7 dated June 2004.

8 (2) ROUTE.—The route shall generally follow
9 public roads and highways.

10 (3) REVISION.—The Secretary may revise the
11 map by publication in the Federal Register of a no-
12 tice of availability of a new map as part of the plan.

13 (e) MAP AVAILABILITY.—The map referred to in sub-
14 section (d)(1) shall be on file and available for public in-
15 spection in the appropriate offices of the National Park
16 Service.

17 (f) ADMINISTRATION.—

18 (1) IN GENERAL.—The Secretary, acting
19 through the Director of the National Park Service,
20 shall administer the Trail in accordance with this
21 section.

22 (2) LIMITATION.—Except as provided in para-
23 graph (6)(B), the Trail shall not be considered to be
24 a unit of the National Park System.

1 (3) TRAIL MANAGEMENT OFFICE.—To improve
2 management of the Trail and coordinate Trail activi-
3 ties with other public agencies and private entities,
4 the Secretary may establish and operate a trail man-
5 agement office at a central location within the vicin-
6 ity of the Trail.

7 (4) INTERPRETIVE FACILITIES.—The Secretary
8 may plan, design, and construct interpretive facili-
9 ties for sites associated with the Trail if the facilities
10 are constructed in partnership with State, local, trib-
11 al, or non-profit entities and are consistent with the
12 plan.

13 (5) MANAGEMENT PLAN.—

14 (A) IN GENERAL.—Not later than 3 years
15 after funds are made available to carry out this
16 section, the Secretary shall prepare a coopera-
17 tive management and interpretation plan for
18 the Trail.

19 (B) CONSULTATION.—The Secretary shall
20 prepare the plan in consultation with—

- 21 (i) State, local, and tribal govern-
22 ments;
- 23 (ii) the Ice Age Floods Institute;
- 24 (iii) private property owners; and
- 25 (iv) other interested parties.

1 (C) CONTENTS.—The plan shall—

2 (i) confirm and, if appropriate, ex-
3 pand on the inventory of features of the
4 floods contained in the National Park
5 Service study entitled “Ice Age Floods,
6 Study of Alternatives and Environmental
7 Assessment” (February 2001) by—

8 (I) locating features more accu-
9 rately;

10 (II) improving the description of
11 features; and

12 (III) reevaluating the features in
13 terms of their interpretive potential;

14 (ii) review and, if appropriate, modify
15 the map of the Trail referred to in sub-
16 section (d)(1);

17 (iii) describe strategies for the coordi-
18 nated development of the Trail, including
19 an interpretive plan for facilities, waysides,
20 roadside pullouts, exhibits, media, and pro-
21 grams that present the story of the floods
22 to the public effectively; and

23 (iv) identify potential partnering op-
24 portunities in the development of interpre-
25 tive facilities and educational programs to

1 educate the public about the story of the
2 floods.

3 (6) COOPERATIVE MANAGEMENT.—

4 (A) IN GENERAL.—In order to facilitate
5 the development of coordinated interpretation,
6 education, resource stewardship, visitor facility
7 development and operation, and scientific re-
8 search associated with the Trail and to promote
9 more efficient administration of the sites associ-
10 ated with the Trail, the Secretary may enter
11 into cooperative management agreements with
12 appropriate officials in the States of Montana,
13 Idaho, Washington, and Oregon in accordance
14 with the authority provided for units of the Na-
15 tional Park System under section 3(l) of Public
16 Law 91–383 (16 U.S.C. 1a–2(l)).

17 (B) AUTHORITY.—For purposes of this
18 paragraph only, the Trail shall be considered a
19 unit of the National Park System.

20 (7) COOPERATIVE AGREEMENTS.—The Sec-
21 retary may enter into cooperative agreements with
22 public or private entities to carry out this section.

23 (8) EFFECT ON PRIVATE PROPERTY RIGHTS.—
24 Nothing in this section—

1 (A) requires any private property owner to
 2 allow public access (including Federal, State, or
 3 local government access) to private property; or

4 (B) modifies any provision of Federal,
 5 State, or local law with respect to public access
 6 to or use of private land.

7 (9) LIABILITY.—Designation of the Trail by
 8 subsection (c) does not create any liability for, or af-
 9 fect any liability under any law of, any private prop-
 10 erty owner with respect to any person injured on the
 11 private property.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated such sums as are nec-
 14 essary to carry out this section, of which not more than
 15 \$12,000,000 may be used for development of the Trail.

16 **SEC. 514. WASHINGTON-ROCHAMBEAU REVOLUTIONARY**
 17 **ROUTE NATIONAL HISTORIC TRAIL.**

18 Section 5(a) of the National Trails System Act (16
 19 U.S.C. 1244(a)) (as amended by section 512(a)) is amend-
 20 ed by adding at the end the following:

21 “(29) WASHINGTON-ROCHAMBEAU REVOLU-
 22 TIONARY ROUTE NATIONAL HISTORIC TRAIL.—

23 “(A) IN GENERAL.—The Washington-Ro-
 24 chambeau Revolutionary Route National His-
 25 toric Trail, a corridor of approximately 600

1 miles following the route taken by the armies of
2 General George Washington and Count Ro-
3 chambeau between Newport, Rhode Island, and
4 Yorktown, Virginia, in 1781 and 1782, as gen-
5 erally depicted on the map entitled ‘WASH-
6 INGTON-ROCHAMBEAU REVOLU-
7 TIONARY ROUTE NATIONAL HISTORIC
8 TRAIL’, numbered T01/80,001, and dated
9 June 2007.

10 “(B) MAP.—The map referred to in sub-
11 paragraph (A) shall be on file and available for
12 public inspection in the appropriate offices of
13 the National Park Service.

14 “(C) ADMINISTRATION.—The trail shall be
15 administered by the Secretary of the Interior,
16 in consultation with—

17 “(i) other Federal, State, tribal, re-
18 gional, and local agencies; and

19 “(ii) the private sector.

20 “(D) LAND ACQUISITION.—The United
21 States shall not acquire for the trail any land
22 or interest in land outside the exterior boundary
23 of any federally-managed area without the con-
24 sent of the owner of the land or interest in
25 land.”.

1 **Subtitle C—National Trail System**
2 **Amendments**

3 **SEC. 521. NATIONAL TRAILS SYSTEM WILLING SELLER AU-**
4 **THORITY.**

5 (a) AUTHORITY TO ACQUIRE LAND FROM WILLING
6 SELLERS FOR CERTAIN TRAILS.—

7 (1) OREGON NATIONAL HISTORIC TRAIL.—Sec-
8 tion 5(a)(3) of the National Trails System Act (16
9 U.S.C. 1244(a)(3)) is amended by adding at the end
10 the following: “No land or interest in land outside
11 the exterior boundaries of any federally administered
12 area may be acquired by the Federal Government
13 for the trail except with the consent of the owner of
14 the land or interest in land. The authority of the
15 Federal Government to acquire fee title under this
16 paragraph shall be limited to an average of not more
17 than ¼ mile on either side of the trail.”.

18 (2) MORMON PIONEER NATIONAL HISTORIC
19 TRAIL.—Section 5(a)(4) of the National Trails Sys-
20 tem Act (16 U.S.C. 1244(a)(4)) is amended by add-
21 ing at the end the following: “No land or interest in
22 land outside the exterior boundaries of any federally
23 administered area may be acquired by the Federal
24 Government for the trail except with the consent of
25 the owner of the land or interest in land. The au-

1 thority of the Federal Government to acquire fee
2 title under this paragraph shall be limited to an av-
3 erage of not more than $\frac{1}{4}$ mile on either side of the
4 trail.”.

5 (3) CONTINENTAL DIVIDE NATIONAL SCENIC
6 TRAIL.—Section 5(a)(5) of the National Trails Sys-
7 tem Act (16 U.S.C. 1244(a)(5)) is amended by add-
8 ing at the end the following: “No land or interest in
9 land outside the exterior boundaries of any federally
10 administered area may be acquired by the Federal
11 Government for the trail except with the consent of
12 the owner of the land or interest in land. The au-
13 thority of the Federal Government to acquire fee
14 title under this paragraph shall be limited to an av-
15 erage of not more than $\frac{1}{4}$ mile on either side of the
16 trail.”.

17 (4) LEWIS AND CLARK NATIONAL HISTORIC
18 TRAIL.—Section 5(a)(6) of the National Trails Sys-
19 tem Act (16 U.S.C. 1244(a)(6)) is amended by add-
20 ing at the end the following: “No land or interest in
21 land outside the exterior boundaries of any federally
22 administered area may be acquired by the Federal
23 Government for the trail except with the consent of
24 the owner of the land or interest in land. The au-
25 thority of the Federal Government to acquire fee

1 title under this paragraph shall be limited to an av-
2 erage of not more than $\frac{1}{4}$ mile on either side of the
3 trail.”.

4 (5) IDITAROD NATIONAL HISTORIC TRAIL.—
5 Section 5(a)(7) of the National Trails System Act
6 (16 U.S.C. 1244(a)(7)) is amended by adding at the
7 end the following: “No land or interest in land out-
8 side the exterior boundaries of any federally admin-
9 istered area may be acquired by the Federal Govern-
10 ment for the trail except with the consent of the
11 owner of the land or interest in land. The authority
12 of the Federal Government to acquire fee title under
13 this paragraph shall be limited to an average of not
14 more than $\frac{1}{4}$ mile on either side of the trail.”.

15 (6) NORTH COUNTRY NATIONAL SCENIC
16 TRAIL.—Section 5(a)(8) of the National Trails Sys-
17 tem Act (16 U.S.C. 1244(a)(8)) is amended by add-
18 ing at the end the following: “No land or interest in
19 land outside the exterior boundaries of any federally
20 administered area may be acquired by the Federal
21 Government for the trail except with the consent of
22 the owner of the land or interest in land.”.

23 (7) ICE AGE NATIONAL SCENIC TRAIL.—Section
24 5(a)(10) of the National Trails System Act (16
25 U.S.C. 1244(a)(10)) is amended by adding at the

1 end the following: “No land or interest in land out-
2 side the exterior boundaries of any federally admin-
3 istered area may be acquired by the Federal Govern-
4 ment for the trail except with the consent of the
5 owner of the land or interest in land.”.

6 (8) POTOMAC HERITAGE NATIONAL SCENIC
7 TRAIL.—Section 5(a)(11) of the National Trails Sys-
8 tem Act (16 U.S.C. 1244(a)(11)) is amended—

9 (A) by striking the fourth and fifth sen-
10 tences; and

11 (B) by adding at the end the following:
12 “No land or interest in land outside the exterior
13 boundaries of any federally administered area
14 may be acquired by the Federal Government for
15 the trail except with the consent of the owner
16 of the land or interest in land.”.

17 (9) NEZ PERCE NATIONAL HISTORIC TRAIL.—
18 Section 5(a)(14) of the National Trails System Act
19 (16 U.S.C. 1244(a)(14)) is amended—

20 (A) by striking the fourth and fifth sen-
21 tences; and

22 (B) by adding at the end the following:
23 “No land or interest in land outside the exterior
24 boundaries of any federally administered area
25 may be acquired by the Federal Government for

1 the trail except with the consent of the owner
2 of the land or interest in land. The authority of
3 the Federal Government to acquire fee title
4 under this paragraph shall be limited to an av-
5 erage of not more than $\frac{1}{4}$ mile on either side
6 of the trail.”.

7 (b) CONFORMING AMENDMENT.—Section 10 of the
8 National Trails System Act (16 U.S.C. 1249) is amended
9 by striking subsection (c) and inserting the following:

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—Except as otherwise pro-
12 vided in this Act, there are authorized to be appro-
13 priated such sums as are necessary to implement the
14 provisions of this Act relating to the trails des-
15 ignated by section 5(a).

16 “(2) NATCHEZ TRACE NATIONAL SCENIC
17 TRAIL.—

18 “(A) IN GENERAL.—With respect to the
19 Natchez Trace National Scenic Trail (referred
20 to in this paragraph as the ‘trail’) designated
21 by section 5(a)(12)—

22 “(i) not more than \$500,000 shall be
23 appropriated for the acquisition of land or
24 interests in land for the trail; and

1 “(ii) not more than \$2,000,000 shall
2 be appropriated for the development of the
3 trail.

4 “(B) PARTICIPATION BY VOLUNTEER
5 TRAIL GROUPS.—The administering agency for
6 the trail shall encourage volunteer trail groups
7 to participate in the development of the trail.”.

8 **SEC. 522. REVISION OF FEASIBILITY AND SUITABILITY**
9 **STUDIES OF EXISTING NATIONAL HISTORIC**
10 **TRAILS.**

11 Section 5 of the National Trails System Act (16
12 U.S.C. 1244) is amended by adding at the end the fol-
13 lowing:

14 “(g) REVISION OF FEASIBILITY AND SUITABILITY
15 STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

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

17 “(A) ROUTE.—The term ‘route’ includes a
18 trail segment commonly known as a cutoff.

19 “(B) SHARED ROUTE.—The term ‘shared
20 route’ means a route that was a segment of
21 more than 1 historic trail, including a route
22 shared with an existing national historic trail.

23 “(2) REQUIREMENTS FOR REVISION.—

24 “(A) IN GENERAL.—The Secretary of the
25 Interior shall revise the feasibility and suit-

1 ability studies for certain national trails for
2 consideration of possible additions to the trails.

3 “(B) STUDY REQUIREMENTS AND OBJEC-
4 TIVES.—The study requirements and objectives
5 specified in subsection (b) shall apply to a study
6 required by this subsection.

7 “(C) COMPLETION AND SUBMISSION OF
8 STUDY.—A study listed in this subsection shall
9 be completed and submitted to Congress not
10 later than 3 complete fiscal years from the date
11 funds are made available for the study.

12 “(3) OREGON NATIONAL HISTORIC TRAIL.—

13 “(A) STUDY REQUIRED.—The Secretary of
14 the Interior shall undertake a study of the
15 routes of the Oregon Trail listed in subpara-
16 graph (B) and generally depicted on the map
17 entitled ‘Western Emigrant Trails 1830/1870’
18 and dated 1991/1993, and of such other routes
19 of the Oregon Trail that the Secretary con-
20 sidered appropriate, to determine the feasibility
21 and suitability of designation of 1 or more of
22 the routes as components of the Oregon Na-
23 tional Historic Trail.

1 “(B) COVERED ROUTES.—The routes to be
2 studied under subparagraph (A) shall include
3 the following:

4 “(i) Whitman Mission route.

5 “(ii) Upper Columbia River.

6 “(iii) Cowlitz River route.

7 “(iv) Meek cutoff.

8 “(v) Free Emigrant Road.

9 “(vi) North Alternate Oregon Trail.

10 “(vii) Goodale’s cutoff.

11 “(viii) North Side alternate route.

12 “(ix) Cutoff to Barlow road.

13 “(x) Naches Pass Trail.

14 “(4) PONY EXPRESS NATIONAL HISTORIC
15 TRAIL.—The Secretary of the Interior shall under-
16 take a study of the approximately 20-mile southern
17 alternative route of the Pony Express Trail from
18 Wathena, Kansas, to Troy, Kansas, and such other
19 routes of the Pony Express Trail that the Secretary
20 considers appropriate, to determine the feasibility
21 and suitability of designation of 1 or more of the
22 routes as components of the Pony Express National
23 Historic Trail.

24 “(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

1 “(A) STUDY REQUIRED.—The Secretary of
2 the Interior shall undertake a study of the Mis-
3 souri Valley, central, and western routes of the
4 California Trail listed in subparagraph (B) and
5 generally depicted on the map entitled ‘Western
6 Emigrant Trails 1830/1870’ and dated 1991/
7 1993, and of such other and shared Missouri
8 Valley, central, and western routes that the
9 Secretary considers appropriate, to determine
10 the feasibility and suitability of designation of
11 1 or more of the routes as components of the
12 California National Historic Trail.

13 “(B) COVERED ROUTES.—The routes to be
14 studied under subparagraph (A) shall include
15 the following:

16 “(i) MISSOURI VALLEY ROUTES.—

17 “(I) Blue Mills-Independence
18 Road.

19 “(II) Westport Landing Road.

20 “(III) Westport-Lawrence Road.

21 “(IV) Fort Leavenworth-Blue
22 River route.

23 “(V) Road to Amazonia.

24 “(VI) Union Ferry Route.

- 1 “(VII) Old Wyoming-Nebraska
2 City cutoff.
- 3 “(VIII) Lower Plattsmouth
4 Route.
- 5 “(IX) Lower Bellevue Route.
- 6 “(X) Woodbury cutoff.
- 7 “(XI) Blue Ridge cutoff.
- 8 “(XII) Westport Road.
- 9 “(XIII) Gum Springs-Fort Leav-
10 enworth route.
- 11 “(XIV) Atchison/Independence
12 Creek routes.
- 13 “(XV) Fort Leavenworth-Kansas
14 River route.
- 15 “(XVI) Nebraska City cutoff
16 routes.
- 17 “(XVII) Minersville-Nebraska
18 City Road.
- 19 “(XVIII) Upper Plattsmouth
20 route.
- 21 “(XIX) Upper Bellevue route.
- 22 “(ii) CENTRAL ROUTES.—
- 23 “(I) Cherokee Trail, including
24 splits.

- 1 “(II) Weber Canyon route of
2 Hastings cutoff.
- 3 “(III) Bishop Creek cutoff.
- 4 “(IV) McAuley cutoff.
- 5 “(V) Diamond Springs cutoff.
- 6 “(VI) Secret Pass.
- 7 “(VII) Greenhorn cutoff.
- 8 “(VIII) Central Overland Trail.
- 9 “(iii) WESTERN ROUTES.—
- 10 “(I) Bidwell-Bartleson route.
- 11 “(II) Georgetown/Dagget Pass
12 Trail.
- 13 “(III) Big Trees Road.
- 14 “(IV) Grizzly Flat cutoff.
- 15 “(V) Nevada City Road.
- 16 “(VI) Yreka Trail.
- 17 “(VII) Henness Pass route.
- 18 “(VIII) Johnson cutoff.
- 19 “(IX) Luther Pass Trail.
- 20 “(X) Volcano Road.
- 21 “(XI) Sacramento-Coloma
22 Wagon Road.
- 23 “(XII) Burnett cutoff.
- 24 “(XIII) Placer County Road to
25 Auburn.

1 “(6) MORMON PIONEER NATIONAL HISTORIC
2 TRAIL.—

3 “(A) STUDY REQUIRED.—The Secretary of
4 the Interior shall undertake a study of the
5 routes of the Mormon Pioneer Trail listed in
6 subparagraph (B) and generally depicted in the
7 map entitled ‘Western Emigrant Trails 1830/
8 1870’ and dated 1991/1993, and of such other
9 routes of the Mormon Pioneer Trail that the
10 Secretary considers appropriate, to determine
11 the feasibility and suitability of designation of
12 1 or more of the routes as components of the
13 Mormon Pioneer National Historic Trail.

14 “(B) COVERED ROUTES.—The routes to be
15 studied under subparagraph (A) shall include
16 the following:

17 “(i) 1846 Subsequent routes A and B
18 (Lucas and Clarke Counties, Iowa).

19 “(ii) 1856–57 Handcart route (Iowa
20 City to Council Bluffs).

21 “(iii) Keokuk route (Iowa).

22 “(iv) 1847 Alternative Elkhorn and
23 Loup River Crossings in Nebraska.

24 “(v) Fort Leavenworth Road; Ox Bow
25 route and alternates in Kansas and Mis-

1 souri (Oregon and California Trail routes
2 used by Mormon emigrants).

3 “(vi) 1850 Golden Pass Road in
4 Utah.

5 “(7) SHARED CALIFORNIA AND OREGON TRAIL
6 ROUTES.—

7 “(A) STUDY REQUIRED.—The Secretary of
8 the Interior shall undertake a study of the
9 shared routes of the California Trail and Or-
10 regon Trail listed in subparagraph (B) and gen-
11 erally depicted on the map entitled ‘Western
12 Emigrant Trails 1830/1870’ and dated 1991/
13 1993, and of such other shared routes that the
14 Secretary considers appropriate, to determine
15 the feasibility and suitability of designation of
16 1 or more of the routes as shared components
17 of the California National Historic Trail and
18 the Oregon National Historic Trail.

19 “(B) COVERED ROUTES.—The routes to be
20 studied under subparagraph (A) shall include
21 the following:

22 “(i) St. Joe Road.

23 “(ii) Council Bluffs Road.

24 “(iii) Sublette cutoff.

25 “(iv) Applegate route.

1 “(v) Old Fort Kearny Road (Oxbow
2 Trail).

3 “(vi) Childs cutoff.

4 “(vii) Raft River to Applegate.”.

5 **TITLE VI—DEPARTMENT OF THE**
6 **INTERIOR AUTHORIZATIONS**
7 **Subtitle A—National Parks and**
8 **Federal Recreational Lands**
9 **Pass Discount**

10 **SEC. 601. NATIONAL PARKS AND FEDERAL RECREATIONAL**
11 **LANDS PASS FOR ELIGIBLE INDIVIDUALS.**

12 Section 805(b) of division J of the Consolidated Ap-
13 propriations Act, 2005 (16 U.S.C. 6804(b)), is amended
14 by adding at the end the following:

15 “(3) COST TO ELIGIBLE INDIVIDUALS.—

16 “(A) IN GENERAL.—The Secretary shall
17 make the National Parks and Federal Rec-
18 reational Lands Pass available, at a cost of \$10
19 (subject to the same rate of increase as the reg-
20 ular cost of the National Parks and Federal
21 Recreational Lands Pass), to any individual de-
22 termined to be eligible under subparagraph (C).

23 “(B) TERM.—A National Parks and Fed-
24 eral Recreational Lands Pass issued under this

1 paragraph shall be valid for 1 year after the
2 date of issuance of the pass.

3 “(C) PROOF OF ELIGIBILITY.—The Sec-
4 retary, after consultation with the Secretary of
5 Veterans Affairs and the Secretary of Defense,
6 shall determine the appropriate documentation
7 that a veteran or an active duty or reserve
8 member of the United States Armed Forces
9 shall provide as proof that the veteran or mem-
10 ber is eligible for the discount available under
11 this paragraph.”.

12 **Subtitle B—Competitive Status for**
13 **Federal Employees in Alaska**

14 **SEC. 611. COMPETITIVE STATUS FOR CERTAIN FEDERAL**
15 **EMPLOYEES IN THE STATE OF ALASKA.**

16 Section 1308 of the Alaska National Interest Lands
17 Conservation Act (16 U.S.C. 3198) is amended by adding
18 at the end the following:

19 “(e) COMPETITIVE STATUS.—

20 “(1) IN GENERAL.—Nothing in subsection (a)
21 provides that any person hired pursuant to the pro-
22 gram established under that subsection is not eligi-
23 ble for competitive status in the same manner as
24 any other employee hired as part of the competitive
25 service.

1 “(2) REDESIGNATION OF CERTAIN POSI-
2 TIONS.—

3 “(A) PERSONS SERVING IN ORIGINAL POSI-
4 TIONS.—Not later than 60 days after the date
5 of enactment of this subsection, with respect to
6 any person hired into a permanent position pur-
7 suant to the program established under sub-
8 section (a) who is serving in that position as of
9 the date of enactment of this subsection, the
10 Secretary shall redesignate that position and
11 the person serving in that position as having
12 been part of the competitive service as of the
13 date that the person was hired into that posi-
14 tion.

15 “(B) PERSONS NO LONGER SERVING IN
16 ORIGINAL POSITIONS.—With respect to any per-
17 son who was hired pursuant to the program es-
18 tablished under subsection (a) that is no longer
19 serving in that position as of the date of enact-
20 ment of this subsection—

21 “(i) the person may provide to the
22 Secretary a request for redesignation of
23 the service as part of the competitive serv-
24 ice that includes evidence of the employ-
25 ment; and

1 “(ii) not later than 90 days of the
 2 submission of a request under clause (i),
 3 the Secretary shall redesignate the service
 4 of the person as being part of the competi-
 5 tive service.”.

6 **Subtitle C—National Tropical** 7 **Botanical Garden**

8 **SEC. 621. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
 9 **TIONAL TROPICAL BOTANICAL GARDEN.**

10 Chapter 1535 of title 36, United States Code, is
 11 amended by adding at the end the following:

12 **“§ 153514. Authorization of appropriations**

13 “(a) IN GENERAL.—Subject to subsection (b), there
 14 is authorized to be appropriated to the corporation for op-
 15 eration and maintenance expenses \$500,000 for each of
 16 fiscal years 2008 through 2017.

17 “(b) LIMITATION.—Any Federal funds made avail-
 18 able under subsection (a) shall be matched on a 1-to-1
 19 basis by non-Federal funds.”.

20 **Subtitle D—Management of the** 21 **Baca National Wildlife Refuge**

22 **SEC. 631. BACA NATIONAL WILDLIFE REFUGE.**

23 Section 6 of the Great Sand Dunes National Park
 24 and Preserve Act of 2000 (16 U.S.C. 410hhh–4) is
 25 amended—

1 (1) in subsection (a)—

2 (A) by striking “(a) ESTABLISHMENT.—

3 (1) When” and inserting the following:

4 “(a) ESTABLISHMENT AND PURPOSE.—

5 “(1) ESTABLISHMENT.—

6 “(A) IN GENERAL.—When”;

7 (B) in paragraph (2), by striking “(2)

8 Such establishment” and inserting the fol-

9 lowing:

10 “(B) EFFECTIVE DATE.—The establish-

11 ment of the refuge under subparagraph (A)”;

12 and

13 (C) by adding at the end the following:

14 “(2) PURPOSE.—The purpose of the Baca Na-

15 tional Wildlife Refuge shall be to restore, enhance,

16 and maintain wetland, upland, riparian, and other

17 habitats for native wildlife, plant, and fish species in

18 the San Luis Valley.”;

19 (2) in subsection (c)—

20 (A) by striking “The Secretary” and in-

21 serting the following:

22 “(1) IN GENERAL.—The Secretary”; and

23 (B) by adding at the end the following:

1 “(2) REQUIREMENTS.—In administering the
2 Baca National Wildlife Refuge, the Secretary shall,
3 to the maximum extent practicable—

4 “(A) emphasize migratory bird conserva-
5 tion; and

6 “(B) take into consideration the role of the
7 Refuge in broader landscape conservation ef-
8 forts.”; and

9 (3) in subsection (d)—

10 (A) in paragraph (1), by striking “and” at
11 the end;

12 (B) in paragraph (2), by striking the pe-
13 riod at the end and inserting “; and”; and

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

15 “(3) subject to any agreement in existence as of
16 the date of enactment of this paragraph, and to the
17 extent consistent with the purposes of the Refuge,
18 use decreed water rights on the Refuge in approxi-
19 mately the same manner that the water rights have
20 been used historically.”.

21 **Subtitle E—Paleontological**
22 **Resources Preservation**

23 **SEC. 641. DEFINITIONS.**

24 In this subtitle:

1 (1) CASUAL COLLECTING.—The term “casual
2 collecting” means the collecting of a reasonable
3 amount of common invertebrate and plant paleon-
4 tological resources for non-commercial personal use,
5 either by surface collection or the use of non-pow-
6 ered hand tools resulting in only negligible disturb-
7 ance to the Earth’s surface and other resources. As
8 used in this paragraph, the terms “reasonable
9 amount”, “common invertebrate and plant paleon-
10 tological resources” and “negligible disturbance”
11 shall be determined by the Secretary.

12 (2) FEDERAL LAND.—The term “Federal land”
13 means—

14 (A) land controlled or administered by the
15 Secretary of the Interior, except Indian land; or

16 (B) National Forest System land con-
17 trolled or administered by the Secretary of Ag-
18 riculture.

19 (3) INDIAN LAND.—The term “Indian Land”
20 means land of Indian tribes, or Indian individuals,
21 which are either held in trust by the United States
22 or subject to a restriction against alienation imposed
23 by the United States.

24 (4) PALEONTOLOGICAL RESOURCE.—The term
25 “paleontological resource” means any fossilized re-

1 mains, traces, or imprints of organisms, preserved in
2 or on the earth's crust, that are of paleontological
3 interest and that provide information about the his-
4 tory of life on earth, except that the term does not
5 include—

6 (A) any materials associated with an ar-
7 chaeological resource (as defined in section 3(1)
8 of the Archaeological Resources Protection Act
9 of 1979 (16 U.S.C. 470bb(1)); or

10 (B) any cultural item (as defined in section
11 2 of the Native American Graves Protection
12 and Repatriation Act (25 U.S.C. 3001)).

13 (5) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior with respect to land
15 controlled or administered by the Secretary of the
16 Interior or the Secretary of Agriculture with respect
17 to National Forest System land controlled or admin-
18 istered by the Secretary of Agriculture.

19 (6) STATE.—The term “State” means the 50
20 States, the District of Columbia, the Commonwealth
21 of Puerto Rico, and any other territory or possession
22 of the United States.

23 **SEC. 642. MANAGEMENT.**

24 (a) IN GENERAL.—The Secretary shall manage and
25 protect paleontological resources on Federal land using

1 scientific principles and expertise. The Secretary shall de-
2 velop appropriate plans for inventory, monitoring, and the
3 scientific and educational use of paleontological resources,
4 in accordance with applicable agency laws, regulations,
5 and policies. These plans shall emphasize interagency co-
6 ordination and collaborative efforts where possible with
7 non-Federal partners, the scientific community, and the
8 general public.

9 (b) COORDINATION.—To the extent possible, the Sec-
10 retary of the Interior and the Secretary of Agriculture
11 shall coordinate in the implementation of this subtitle.

12 **SEC. 643. PUBLIC AWARENESS AND EDUCATION PROGRAM.**

13 The Secretary shall establish a program to increase
14 public awareness about the significance of paleontological
15 resources.

16 **SEC. 644. COLLECTION OF PALEONTOLOGICAL RE-**
17 **SOURCES.**

18 (a) PERMIT REQUIREMENT.—

19 (1) IN GENERAL.—Except as provided in this
20 subtitle, a paleontological resource may not be col-
21 lected from Federal land without a permit issued
22 under this subtitle by the Secretary.

23 (2) CASUAL COLLECTING EXCEPTION.—The
24 Secretary may allow casual collecting without a per-
25 mit on Federal land controlled or administered by

1 the Bureau of Land Management, the Bureau of
2 Reclamation, and the Forest Service, where such col-
3 lection is consistent with the laws governing the
4 management of those Federal land and this subtitle.

5 (3) PREVIOUS PERMIT EXCEPTION.—Nothing in
6 this section shall affect a valid permit issued prior
7 to the date of enactment of this Act.

8 (b) CRITERIA FOR ISSUANCE OF A PERMIT.—The
9 Secretary may issue a permit for the collection of a paleon-
10 tological resource pursuant to an application if the Sec-
11 retary determines that—

12 (1) the applicant is qualified to carry out the
13 permitted activity;

14 (2) the permitted activity is undertaken for the
15 purpose of furthering paleontological knowledge or
16 for public education;

17 (3) the permitted activity is consistent with any
18 management plan applicable to the Federal land
19 concerned; and

20 (4) the proposed methods of collecting will not
21 threaten significant natural or cultural resources.

22 (c) PERMIT SPECIFICATIONS.—A permit for the col-
23 lection of a paleontological resource issued under this sec-
24 tion shall contain such terms and conditions as the Sec-

1 retary deems necessary to carry out the purposes of this
2 subtitle. Every permit shall include requirements that—

3 (1) the paleontological resource that is collected
4 from Federal land under the permit will remain the
5 property of the United States;

6 (2) the paleontological resource and copies of
7 associated records will be preserved for the public in
8 an approved repository, to be made available for sci-
9 entific research and public education; and

10 (3) specific locality data will not be released by
11 the permittee or repository without the written per-
12 mission of the Secretary.

13 (d) MODIFICATION, SUSPENSION, AND REVOCATION
14 OF PERMITS.—

15 (1) The Secretary may modify, suspend, or re-
16 voke a permit issued under this section—

17 (A) for resource, safety, or other manage-
18 ment considerations; or

19 (B) when there is a violation of term or
20 condition of a permit issued pursuant to this
21 section.

22 (2) The permit shall be revoked if any person
23 working under the authority of the permit is con-
24 victed under section 646 or is assessed a civil pen-
25 alty under section 647.

1 (e) AREA CLOSURES.—In order to protect paleon-
2 tological or other resources and to provide for public safe-
3 ty, the Secretary may restrict access to or close areas
4 under the Secretary's jurisdiction to the collection of pale-
5 ontological resources.

6 **SEC. 645. CURATION OF RESOURCES.**

7 Any paleontological resource, and any data and
8 records associated with the resource, collected under a per-
9 mit, shall be deposited in an approved repository. The Sec-
10 retary may enter into agreements with non-Federal reposi-
11 tories regarding the curation of these resources, data, and
12 records.

13 **SEC. 646. PROHIBITED ACTS; CRIMINAL PENALTIES.**

14 (a) IN GENERAL.—A person may not—

15 (1) excavate, remove, damage, or otherwise
16 alter or deface or attempt to excavate, remove, dam-
17 age, or otherwise alter or deface any paleontological
18 resources located on Federal land unless such activ-
19 ity is conducted in accordance with this subtitle;

20 (2) exchange, transport, export, receive, or offer
21 to exchange, transport, export, or receive any pale-
22 ontological resource if, in the exercise of due care,
23 the person knew or should have known such resource
24 to have been excavated or removed from Federal
25 land in violation of any provisions, rule, regulation,

1 law, ordinance, or permit in effect under Federal
2 law, including this subtitle; or

3 (3) sell or purchase or offer to sell or purchase
4 any paleontological resource if, in the exercise of due
5 care, the person knew or should have known such re-
6 source to have been excavated, removed, sold, pur-
7 chased, exchanged, transported, or received from
8 Federal land.

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

13 (c) PENALTIES.—A person who knowingly violates or
14 counsels, procures, solicits, or employs another person to
15 violate subsection (a) or (b) shall, upon conviction, be
16 fined in accordance with title 18, United States Code, or
17 imprisoned not more than 10 years, or both; but if the
18 sum of the commercial and paleontological value of the
19 paleontological resources involved and the cost of restora-
20 tion and repair of such resources does not exceed \$500,
21 such person shall be fined in accordance with title 18,
22 United States Code, or imprisoned not more than 1 year,
23 or both.

24 (d) GENERAL EXCEPTION.—Nothing in subsection
25 (a) shall apply to any person with respect to any paleon-

1 tological resource which was in the lawful possession of
2 such person prior to the date of enactment of this Act.

3 **SEC. 647. CIVIL PENALTIES.**

4 (a) IN GENERAL.—

5 (1) HEARING.—A person who violates any pro-
6 hibition contained in an applicable regulation or per-
7 mit issued under this subtitle may be assessed a
8 penalty by the Secretary after the person is given
9 notice and opportunity for a hearing with respect to
10 the violation. Each violation shall be considered a
11 separate offense for purposes of this section.

12 (2) AMOUNT OF PENALTY.—The amount of
13 such penalty assessed under paragraph (1) shall be
14 determined under regulations promulgated pursuant
15 to this subtitle, taking into account the following
16 factors:

17 (A) The scientific or fair market value,
18 whichever is greater, of the paleontological re-
19 source involved, as determined by the Secretary.

20 (B) The cost of response, restoration, and
21 repair of the resource and the paleontological
22 site involved.

23 (C) Any other factors considered relevant
24 by the Secretary assessing the penalty.

1 (3) MULTIPLE OFFENSES.—In the case of a
2 second or subsequent violation by the same person,
3 the amount of a penalty assessed under paragraph
4 (2) may be doubled.

5 (4) LIMITATION.—The amount of any penalty
6 assessed under this subsection for any 1 violation
7 shall not exceed an amount equal to double the cost
8 of response, restoration, and repair of resources and
9 paleontological site damage plus double the scientific
10 or fair market value of resources destroyed or not
11 recovered.

12 (b) PETITION FOR JUDICIAL REVIEW; COLLECTION
13 OF UNPAID ASSESSMENTS.—

14 (1) JUDICIAL REVIEW.—Any person against
15 whom an order is issued assessing a penalty under
16 subsection (a) may file a petition for judicial review
17 of the order in the United States District Court for
18 the District of Columbia or in the district in which
19 the violation is alleged to have occurred within the
20 30-day period beginning on the date the order mak-
21 ing the assessment was issued. Upon notice of such
22 filing, the Secretary shall promptly file such a cer-
23 tified copy of the record on which the order was
24 issued. The court shall hear the action on the record
25 made before the Secretary and shall sustain the ac-

1 tion if it is supported by substantial evidence on the
2 record considered as a whole.

3 (2) FAILURE TO PAY.—If any person fails to
4 pay a penalty under this section within 30 days—

5 (A) after the order making assessment has
6 become final and the person has not filed a pe-
7 tition for judicial review of the order in accord-
8 ance with paragraph (1); or

9 (B) after a court in an action brought in
10 paragraph (1) has entered a final judgment up-
11 holding the assessment of the penalty, the Sec-
12 retary may request the Attorney General to in-
13 stitute a civil action in a district court of the
14 United States for any district in which the per-
15 son if found, resides, or transacts business, to
16 collect the penalty (plus interest at currently
17 prevailing rates from the date of the final order
18 or the date of the final judgment, as the case
19 may be). The district court shall have jurisdic-
20 tion to hear and decide any such action. In
21 such action, the validity, amount, and appro-
22 priateness of such penalty shall not be subject
23 to review. Any person who fails to pay on a
24 timely basis the amount of an assessment of a
25 civil penalty as described in the first sentence of

1 this paragraph shall be required to pay, in addi-
2 tion to such amount and interest, attorneys fees
3 and costs for collection proceedings.

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

7 (d) USE OF RECOVERED AMOUNTS.—Penalties col-
8 lected under this section shall be available to the Secretary
9 and without further appropriation may be used only as
10 follows:

11 (1) To protect, restore, or repair the paleon-
12 tological resources and sites which were the subject
13 of the action, or to acquire sites with equivalent re-
14 sources, and to protect, monitor, and study the re-
15 sources and sites. Any acquisition shall be subject to
16 any limitations contained in the organic legislation
17 for such Federal land.

18 (2) To provide educational materials to the
19 public about paleontological resources and sites.

20 (3) To provide for the payment of rewards as
21 provided in section 648.

22 **SEC. 648. REWARDS AND FORFEITURE.**

23 (a) REWARDS.—The Secretary may pay from pen-
24 alties collected under section 646 or 647—

1 (1) consistent with amounts established in regu-
2 lations by the Secretary; or

3 (2) if no such regulation exists, an amount
4 equal to the lesser of $\frac{1}{2}$ of the penalty or \$500, to
5 any person who furnishes information which leads to
6 the finding of a civil violation, or the conviction of
7 criminal violation, with respect to which the penalty
8 was paid. If several persons provided the informa-
9 tion, the amount shall be divided among the persons.
10 No officer or employee of the United States or of
11 any State or local government who furnishes infor-
12 mation or renders service in the performance of his
13 official duties shall be eligible for payment under
14 this subsection.

15 (b) FORFEITURE.—All paleontological resources with
16 respect to which a violation under section 646 or 647 oc-
17 curred and which are in the possession of any person, and
18 all vehicles and equipment of any person that were used
19 in connection with the violation, shall be subject to civil
20 forfeiture, or upon conviction, to criminal forfeiture. All
21 provisions of law relating to the seizure, forfeiture, and
22 condemnation of property for a violation of this subtitle,
23 the disposition of such property or the proceeds from the
24 sale thereof, and remission or mitigation of such for-
25 feiture, as well as the procedural provisions of chapter 46

1 of title 18, United States Code, shall apply to the seizures
2 and forfeitures incurred or alleged to have incurred under
3 the provisions of this subtitle.

4 (c) TRANSFER OF SEIZED RESOURCES.—The Sec-
5 retary may transfer administration of seized paleontolog-
6 ical resources to Federal or non-Federal educational insti-
7 tutions to be used for scientific or educational purposes.

8 **SEC. 649. CONFIDENTIALITY.**

9 Information concerning the nature and specific loca-
10 tion of a paleontological resource the collection of which
11 requires a permit under this subtitle or under any other
12 provision of Federal law shall be exempt from disclosure
13 under section 552 of title 5, United States Code, and any
14 other law unless the Secretary determines that disclosure
15 would—

- 16 (1) further the purposes of this subtitle;
- 17 (2) not create risk of harm to or theft or de-
18 struction of the resource or the site containing the
19 resource; and
- 20 (3) be in accordance with other applicable laws.

21 **SEC. 650. REGULATIONS.**

22 As soon as practical after the date of enactment of
23 this Act, the Secretary shall issue such regulations as are
24 appropriate to carry out this subtitle, providing opportuni-
25 ties for public notice and comment.

1 **SEC. 651. SAVINGS PROVISIONS.**

2 Nothing in this subtitle shall be construed to—

3 (1) invalidate, modify, or impose any additional
4 restrictions or permitting requirements on any ac-
5 tivities permitted at any time under the general min-
6 ing laws, the mineral or geothermal leasing laws,
7 laws providing for minerals materials disposal, or
8 laws providing for the management or regulation of
9 the activities authorized by the aforementioned laws
10 including but not limited to the Federal Land Policy
11 Management Act (43 U.S.C. 1701–1784), Public
12 Law 94–429 (commonly known as the “Mining in
13 the Parks Act”) (16 U.S.C. 1901 et seq.), the Sur-
14 face Mining Control and Reclamation Act of 1977
15 (30 U.S.C. 1201–1358), and the Organic Adminis-
16 tration Act (16 U.S.C. 478, 482, 551);

17 (2) invalidate, modify, or impose any additional
18 restrictions or permitting requirements on any ac-
19 tivities permitted at any time under existing laws
20 and authorities relating to reclamation and multiple
21 uses of Federal land;

22 (3) apply to, or require a permit for, casual col-
23 lecting of a rock, mineral, or invertebrate or plant
24 fossil that is not protected under this subtitle;

25 (4) affect any land other than Federal land or
26 affect the lawful recovery, collection, or sale of pale-

1 ontological resources from land other than Federal
2 land;

3 (5) alter or diminish the authority of a Federal
4 agency under any other law to provide protection for
5 paleontological resources on Federal land in addition
6 to the protection provided under this subtitle; or

7 (6) create any right, privilege, benefit, or enti-
8 tlement for any person who is not an officer or em-
9 ployee of the United States acting in that capacity.

10 No person who is not an officer or employee of the
11 United States acting in that capacity shall have
12 standing to file any civil action in a court of the
13 United States to enforce any provision or amend-
14 ment made by this subtitle.

15 **SEC. 652. AUTHORIZATION OF APPROPRIATIONS.**

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

18 **TITLE VII—NATIONAL PARK**
19 **SERVICE AUTHORIZATIONS**
20 **Subtitle A—Additions to the**
21 **National Park System**

22 **SEC. 701. PATERSON GREAT FALLS NATIONAL HISTORICAL**
23 **PARK, NEW JERSEY.**

24 (a) DEFINITIONS.—In this section:

1 (1) CITY.—The term “City” means the City of
2 Paterson, New Jersey.

3 (2) COMMISSION.—The term “Commission”
4 means the Paterson Great Falls National Historical
5 Park Advisory Commission established by subsection
6 (e)(1).

7 (3) HISTORIC DISTRICT.—The term “Historic
8 District” means the Great Falls Historic District in
9 the State.

10 (4) MANAGEMENT PLAN.—The term “manage-
11 ment plan” means the management plan for the
12 Park developed under subsection (d).

13 (5) MAP.—The term “Map” means the map en-
14 titled “Paterson Great Falls National Historical
15 Park–Proposed Boundary”, numbered T03/80,001,
16 and dated May 2008.

17 (6) PARK.—The term “Park” means the
18 Paterson Great Falls National Historical Park es-
19 tablished by subsection (b)(1)(A).

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

22 (8) STATE.—The term “State” means the State
23 of New Jersey.

24 (b) PATERSON GREAT FALLS NATIONAL HISTORICAL
25 PARK.—

1 (1) ESTABLISHMENT.—

2 (A) IN GENERAL.—Subject to subpara-
3 graph (B), there is established in the State a
4 unit of the National Park System to be known
5 as the “Paterson Great Falls National Histor-
6 ical Park”.

7 (B) CONDITIONS FOR ESTABLISHMENT.—
8 The Park shall not be established until the date
9 on which the Secretary determines that—

10 (i)(I) the Secretary has acquired suffi-
11 cient land or an interest in land within the
12 boundary of the Park to constitute a man-
13 ageable unit; or

14 (II) the State or City, as appropriate,
15 has entered into a written agreement with
16 the Secretary to donate—

17 (aa) the Great Falls State Park,
18 including facilities for Park adminis-
19 tration and visitor services; or

20 (bb) any portion of the Great
21 Falls State Park agreed to between
22 the Secretary and the State or City;
23 and

24 (ii) the Secretary has entered into a
25 written agreement with the State, City, or

1 other public entity, as appropriate, pro-
2 viding that—

3 (I) land owned by the State,
4 City, or other public entity within the
5 Historic District will be managed con-
6 sistent with this section; and

7 (II) future uses of land within
8 the Historic District will be compat-
9 ible with the designation of the Park.

10 (2) PURPOSE.—The purpose of the Park is to
11 preserve and interpret for the benefit of present and
12 future generations certain historical, cultural, and
13 natural resources associated with the Historic Dis-
14 trict.

15 (3) BOUNDARIES.—The Park shall include the
16 following sites, as generally depicted on the Map:

17 (A) The upper, middle, and lower race-
18 ways.

19 (B) Mary Ellen Kramer (Great Falls)
20 Park and adjacent land owned by the City.

21 (C) A portion of Upper Raceway Park, in-
22 cluding the Ivanhoe Wheelhouse and the Society
23 for Establishing Useful Manufactures Gate-
24 house.

1 (D) Overlook Park and adjacent land, in-
2 cluding the Society for Establishing Useful
3 Manufactures Hydroelectric Plant and Adminis-
4 tration Building.

5 (E) The Allied Textile Printing site, in-
6 cluding the Colt Gun Mill ruins, Mallory Mill
7 ruins, Waverly Mill ruins, and Todd Mill ruins.

8 (F) The Rogers Locomotive Company
9 Erecting Shop, including the Paterson Museum.

10 (G) The Great Falls Visitor Center.

11 (4) AVAILABILITY OF MAP.—The Map shall be
12 on file and available for public inspection in the ap-
13 propriate offices of the National Park Service.

14 (5) PUBLICATION OF NOTICE.—Not later than
15 60 days after the date on which the conditions in
16 clauses (i) and (ii) of paragraph (1)(B) are satisfied,
17 the Secretary shall publish in the Federal Register
18 notice of the establishment of the Park, including an
19 official boundary map for the Park.

20 (c) ADMINISTRATION.—

21 (1) IN GENERAL.—The Secretary shall admin-
22 ister the Park in accordance with—

23 (A) this section; and

24 (B) the laws generally applicable to units
25 of the National Park System, including—

1 (i) the National Park Service Organic
2 Act (16 U.S.C. 1 et seq.); and

3 (ii) the Act of August 21, 1935 (16
4 U.S.C. 461 et seq.).

5 (2) STATE AND LOCAL JURISDICTION.—Noth-
6 ing in this section enlarges, diminishes, or modifies
7 any authority of the State, or any political subdivi-
8 sion of the State (including the City)—

9 (A) to exercise civil and criminal jurisdic-
10 tion; or

11 (B) to carry out State laws (including reg-
12 ulations) and rules on non-Federal land located
13 within the boundary of the Park.

14 (3) COOPERATIVE AGREEMENTS.—

15 (A) IN GENERAL.—As the Secretary deter-
16 mines to be appropriate to carry out this sec-
17 tion, the Secretary may enter into cooperative
18 agreements with the owner of the Great Falls
19 Visitor Center or any nationally significant
20 properties within the boundary of the Park
21 under which the Secretary may identify, inter-
22 pret, restore, and provide technical assistance
23 for the preservation of the properties.

24 (B) RIGHT OF ACCESS.—A cooperative
25 agreement entered into under subparagraph (A)

1 shall provide that the Secretary, acting through
2 the Director of the National Park Service, shall
3 have the right of access at all reasonable times
4 to all public portions of the property covered by
5 the agreement for the purposes of—

6 (i) conducting visitors through the
7 properties; and

8 (ii) interpreting the properties for the
9 public.

10 (C) CHANGES OR ALTERATIONS.—No
11 changes or alterations shall be made to any
12 properties covered by a cooperative agreement
13 entered into under subparagraph (A) unless the
14 Secretary and the other party to the agreement
15 agree to the changes or alterations.

16 (D) CONVERSION, USE, OR DISPOSAL.—
17 Any payment made by the Secretary under this
18 paragraph shall be subject to an agreement that
19 the conversion, use, or disposal of a project for
20 purposes contrary to the purposes of this sec-
21 tion, as determined by the Secretary, shall enti-
22 tle the United States to reimbursement in
23 amount equal to the greater of—

24 (i) the amounts made available to the
25 project by the United States; or

1 (ii) the portion of the increased value
2 of the project attributable to the amounts
3 made available under this paragraph, as
4 determined at the time of the conversion,
5 use, or, disposal.

6 (E) MATCHING FUNDS.—

7 (i) IN GENERAL.—As a condition of
8 the receipt of funds under this paragraph,
9 the Secretary shall require that any Fed-
10 eral funds made available under a coopera-
11 tive agreement shall be matched on a 1-to-
12 1 basis by non-Federal funds.

13 (ii) FORM.—With the approval of the
14 Secretary, the non-Federal share required
15 under clause (i) may be in the form of do-
16 nated property, goods, or services from a
17 non-Federal source.

18 (4) ACQUISITION OF LAND.—

19 (A) IN GENERAL.—The Secretary may ac-
20 quire land or interests in land within the
21 boundary of the Park by donation, purchase
22 from a willing seller with donated or appro-
23 priated funds, or exchange.

24 (B) DONATION OF STATE OWNED LAND.—

25 Land or interests in land owned by the State or

1 any political subdivision of the State may only
2 be acquired by donation.

3 (5) TECHNICAL ASSISTANCE AND PUBLIC IN-
4 TERPRETATION.—The Secretary may provide tech-
5 nical assistance and public interpretation of related
6 historic and cultural resources within the boundary
7 of the Historic District.

8 (d) MANAGEMENT PLAN.—

9 (1) IN GENERAL.—Not later than 3 fiscal years
10 after the date on which funds are made available to
11 carry out this subsection, the Secretary, in consulta-
12 tion with the Commission, shall complete a manage-
13 ment plan for the Park in accordance with—

14 (A) section 12(b) of Public Law 91–383
15 (commonly known as the “National Park Serv-
16 ice General Authorities Act”) (16 U.S.C. 1a–
17 7(b)); and

18 (B) other applicable laws.

19 (2) COST SHARE.—The management plan shall
20 include provisions that identify costs to be shared by
21 the Federal Government, the State, and the City,
22 and other public or private entities or individuals for
23 necessary capital improvements to, and maintenance
24 and operations of, the Park.

1 (3) SUBMISSION TO CONGRESS.—On completion
2 of the management plan, the Secretary shall submit
3 the management plan to—

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

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

8 (e) PATERSON GREAT FALLS NATIONAL HISTORICAL
9 PARK ADVISORY COMMISSION.—

10 (1) ESTABLISHMENT.—There is established a
11 commission to be known as the “Paterson Great
12 Falls National Historical Park Advisory Commis-
13 sion”.

14 (2) DUTIES.—The duties of the Commission
15 shall be to advise the Secretary in the development
16 and implementation of the management plan.

17 (3) MEMBERSHIP.—

18 (A) COMPOSITION.—The Commission shall
19 be composed of 9 members, to be appointed by
20 the Secretary, of whom—

21 (i) 4 members shall be appointed after
22 consideration of recommendations sub-
23 mitted by the Governor of the State;

1 (ii) 2 members shall be after consider-
 2 ation of recommendations submitted by the
 3 City Council of Paterson, New Jersey;

4 (iii) 1 member shall be after consider-
 5 ation of recommendations submitted by the
 6 Board of Chosen Freeholders of Passaic
 7 County, New Jersey; and

8 (iv) 2 members shall have experience
 9 with national parks and historic preserva-
 10 tion.

11 (B) INITIAL APPOINTMENTS.—The Sec-
 12 retary shall appoint the initial members of the
 13 Commission not later than the earlier of—

14 (i) the date that is 30 days after the
 15 date on which the Secretary has received
 16 all of the recommendations for appoint-
 17 ments under subparagraph (A); or

18 (ii) the date that is 30 days after the
 19 Park is established in accordance with sub-
 20 section (b).

21 (4) TERM; VACANCIES.—

22 (A) TERM.—

23 (i) IN GENERAL.—A member shall be
 24 appointed for a term of 3 years.

1 (ii) REAPPOINTMENT.—A member
2 may be reappointed for not more than 1
3 additional term.

4 (B) VACANCIES.—A vacancy on the Com-
5 mission shall be filled in the same manner as
6 the original appointment was made.

7 (5) MEETINGS.—The Commission shall meet at
8 the call of—

9 (A) the Chairperson; or

10 (B) a majority of the members of the Com-
11 mission.

12 (6) QUORUM.—A majority of the Commission
13 shall constitute a quorum.

14 (7) CHAIRPERSON AND VICE CHAIRPERSON.—

15 (A) IN GENERAL.—The Commission shall
16 select a Chairperson and Vice Chairperson from
17 among the members of the Commission.

18 (B) VICE CHAIRPERSON.—The Vice Chair-
19 person shall serve as Chairperson in the ab-
20 sence of the Chairperson.

21 (C) TERM.—A member may serve as
22 Chairperson or Vice Chairman for not more
23 than 1 year in each office.

24 (8) COMMISSION PERSONNEL MATTERS.—

25 (A) COMPENSATION OF MEMBERS.—

1 (i) IN GENERAL.—Members of the
2 Commission shall serve without compensa-
3 tion.

4 (ii) TRAVEL EXPENSES.—Members of
5 the Commission shall be allowed travel ex-
6 penses, including per diem in lieu of sub-
7 sistence, at rates authorized for an em-
8 ployee of an agency under subchapter I of
9 chapter 57 of title 5, United States Code,
10 while away from the home or regular place
11 of business of the member in the perform-
12 ance of the duties of the Commission.

13 (B) STAFF.—

14 (i) IN GENERAL.—The Secretary shall
15 provide the Commission with any staff
16 members and technical assistance that the
17 Secretary, after consultation with the Com-
18 mission, determines to be appropriate to
19 enable the Commission to carry out the du-
20 ties of the Commission.

21 (ii) DETAIL OF EMPLOYEES.—The
22 Secretary may accept the services of per-
23 sonnel detailed from—

24 (I) the State;

1 (II) any political subdivision of
2 the State; or

3 (III) any entity represented on
4 the Commission.

5 (9) FACA NONAPPLICABILITY.—Section 14(b)
6 of the Federal Advisory Committee Act (5 U.S.C.
7 App.) shall not apply to the Commission.

8 (10) TERMINATION.—The Commission shall
9 terminate 10 years after the date of enactment of
10 this Act.

11 (f) STUDY OF HINCHLIFFE STADIUM.—

12 (1) IN GENERAL.—Not later than 3 fiscal years
13 after the date on which funds are made available to
14 carry out this section, the Secretary shall complete
15 a study regarding the preservation and interpreta-
16 tion of Hinchliffe Stadium, which is listed on the
17 National Register of Historic Places.

18 (2) INCLUSIONS.—The study shall include an
19 assessment of—

20 (A) the potential for listing the stadium as
21 a National Historic Landmark; and

22 (B) options for maintaining the historic in-
23 tegrity of Hinchliffe Stadium.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.

4 **SEC. 702. THOMAS EDISON NATIONAL HISTORICAL PARK,**
5 **NEW JERSEY.**

6 (a) PURPOSES.—The purposes of this section are—

7 (1) to recognize and pay tribute to Thomas
8 Alva Edison and his innovations; and

9 (2) to preserve, protect, restore, and enhance
10 the Edison National Historic Site to ensure public
11 use and enjoyment of the Site as an educational, sci-
12 entific, and cultural center.

13 (b) ESTABLISHMENT.—

14 (1) IN GENERAL.—There is established the
15 Thomas Edison National Historical Park as a unit
16 of the National Park System (referred to in this sec-
17 tion as the “Historical Park”).

18 (2) BOUNDARIES.—The Historical Park shall
19 be comprised of all property owned by the United
20 States in the Edison National Historic Site as well
21 as all property authorized to be acquired by the Sec-
22 retary of the Interior (referred to in this section as
23 the “Secretary”) for inclusion in the Edison Na-
24 tional Historic Site before the date of the enactment
25 of this Act, as generally depicted on the map entitled

1 the “Thomas Edison National Historical Park”,
2 numbered 403/80,000, and dated April 2008.

3 (3) MAP.—The map of the Historical Park
4 shall be on file and available for public inspection in
5 the appropriate offices of the National Park Service.

6 (c) ADMINISTRATION.—

7 (1) IN GENERAL.—The Secretary shall admin-
8 ister the Historical Park in accordance with this sec-
9 tion and with the provisions of law generally applica-
10 ble to units of the National Park System, including
11 the Acts entitled “An Act to establish a National
12 Park Service, and for other purposes,” approved Au-
13 gust 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.)
14 and “An Act to provide for the preservation of his-
15 toric American sites, buildings, objects, and antiq-
16 uities of national significance, and for other pur-
17 poses,” approved August 21, 1935 (16 U.S.C. 461
18 et seq.).

19 (2) ACQUISITION OF PROPERTY.—

20 (A) REAL PROPERTY.—The Secretary may
21 acquire land or interests in land within the
22 boundaries of the Historical Park, from willing
23 sellers only, by donation, purchase with donated
24 or appropriated funds, or exchange.

1 (B) PERSONAL PROPERTY.—The Secretary
2 may acquire personal property associated with,
3 and appropriate for, interpretation of the His-
4 torical Park.

5 (3) COOPERATIVE AGREEMENTS.—The Sec-
6 retary may consult and enter into cooperative agree-
7 ments with interested entities and individuals to pro-
8 vide for the preservation, development, interpreta-
9 tion, and use of the Historical Park.

10 (4) REPEAL OF SUPERSEDED LAW.—Public
11 Law 87–628 (76 Stat. 428), regarding the establish-
12 ment and administration of the Edison National
13 Historic Site, is repealed.

14 (5) REFERENCES.—Any reference in a law,
15 map, regulation, document, paper, or other record of
16 the United States to the “Edison National Historic
17 Site” shall be deemed to be a reference to the
18 “Thomas Edison National Historical Park”.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated such sums as may be nec-
21 essary to carry out this section.

1 **Subtitle B—Amendments to Exist-**
2 **ing Units of the National Park**
3 **System**

4 **SEC. 711. FUNDING FOR KEWEENAW NATIONAL HISTOR-**
5 **ICAL PARK.**

6 (a) ACQUISITION OF PROPERTY.—Section 4 of Public
7 Law 102–543 (16 U.S.C. 410yy–3) is amended by striking
8 subsection (d).

9 (b) MATCHING FUNDS.—Section 8(b) of Public Law
10 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking
11 “\$4” and inserting “\$1”.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
13 10 of Public Law 102–543 (16 U.S.C. 410yy–9) is amend-
14 ed—

15 (1) in subsection (a)—

16 (A) by striking “\$25,000,000” and insert-
17 ing “\$50,000,000”; and

18 (B) by striking “\$3,000,000” and insert-
19 ing “\$25,000,000”; and

20 (2) in subsection (b), by striking “\$100,000”
21 and all that follows through “those duties” and in-
22 serting “\$250,000”.

1 **SEC. 712. LOCATION OF VISITOR AND ADMINISTRATIVE FA-**
2 **CILITIES FOR WEIR FARM NATIONAL HIS-**
3 **TORIC SITE.**

4 Section 4(d) of the Weir Farm National Historic Site
5 Establishment Act of 1990 (16 U.S.C. 461 note) is
6 amended—

7 (1) in paragraph (1)(B), by striking “contig-
8 uous to” and all that follows and inserting “within
9 Fairfield County.”;

10 (2) by amending paragraph (2) to read as fol-
11 lows:

12 “(2) DEVELOPMENT.—

13 “(A) MAINTAINING NATURAL CHAR-
14 ACTER.—The Secretary shall keep development
15 of the property acquired under paragraph (1) to
16 a minimum so that the character of the ac-
17 quired property will be similar to the natural
18 and undeveloped landscape of the property de-
19 scribed in subsection (b).

20 “(B) TREATMENT OF PREVIOUSLY DEVEL-
21 OPED PROPERTY.—Nothing in subparagraph
22 (A) shall either prevent the Secretary from ac-
23 quiring property under paragraph (1) that,
24 prior to the Secretary’s acquisition, was devel-
25 oped in a manner inconsistent with subpara-
26 graph (A), or require the Secretary to reme-

1 diate such previously developed property to re-
 2 flect the natural character described in sub-
 3 paragraph (A).”; and

4 (3) in paragraph (3), in the matter preceding
 5 subparagraph (A), by striking “the appropriate zon-
 6 ing authority” and all that follows through “Wilton,
 7 Connecticut,” and inserting “the local governmental
 8 entity that, in accordance with applicable State law,
 9 has jurisdiction over any property acquired under
 10 paragraph (1)(A)”.

11 **SEC. 713. LITTLE RIVER CANYON NATIONAL PRESERVE**
 12 **BOUNDARY EXPANSION.**

13 Section 2 of the Little River Canyon National Pre-
 14 serve Act of 1992 (16 U.S.C. 698q) is amended—

15 (1) in subsection (b)—

16 (A) by striking “The Preserve” and insert-
 17 ing the following:

18 “(1) IN GENERAL.—The Preserve”; and

19 (B) by adding at the end the following:

20 “(2) BOUNDARY EXPANSION.—The boundary of
 21 the Preserve is modified to include the land depicted
 22 on the map entitled ‘Little River Canyon National
 23 Preserve Proposed Boundary’, numbered 152/
 24 80,004, and dated December 2007.”; and

1 (2) in subsection (c), by striking “map” and in-
2 serting “maps”.

3 **SEC. 714. HOPEWELL CULTURE NATIONAL HISTORICAL**
4 **PARK BOUNDARY EXPANSION.**

5 Section 2 of the Act entitled “An Act to rename and
6 expand the boundaries of the Mound City Group National
7 Monument in Ohio”, approved May 27, 1992 (106 Stat.
8 185), is amended—

9 (1) by striking “and” at the end of subsection
10 (a)(3);

11 (2) by striking the period at the end of sub-
12 section (a)(4) and inserting “; and”;

13 (3) by adding after subsection (a)(4) the fol-
14 lowing new paragraph:

15 “(5) the map entitled ‘Hopewell Culture Na-
16 tional Historical Park, Ohio Proposed Boundary Ad-
17 justment’ numbered 353/80,049 and dated June,
18 2006.”; and

19 (4) by adding after subsection (d)(2) the fol-
20 lowing new paragraph:

21 “(3) The Secretary may acquire lands added by
22 subsection (a)(5) only from willing sellers.”.

1 **SEC. 715. JEAN LAFITTE NATIONAL HISTORICAL PARK AND**
2 **PRESERVE BOUNDARY ADJUSTMENT.**

3 (a) IN GENERAL.—Section 901 of the National Parks
4 and Recreation Act of 1978 (16 U.S.C. 230) is amended
5 in the second sentence by striking “of approximately twen-
6 ty thousand acres generally depicted on the map entitled
7 ‘Barataria Marsh Unit-Jean Lafitte National Historical
8 Park and Preserve’ numbered 90,000B and dated April
9 1978,” and inserting “generally depicted on the map enti-
10 tled ‘Boundary Map, Barataria Preserve Unit, Jean La-
11 fitte National Historical Park and Preserve’, numbered
12 467/80100A, and dated December 2007,”.

13 (b) ACQUISITION OF LAND.—Section 902 of the Na-
14 tional Parks and Recreation Act of 1978 (16 U.S.C. 230a)
15 is amended—

16 (1) in subsection (a)—

17 (A) by striking “(a) Within the” and all
18 that follows through the first sentence and in-
19 serting the following:

20 “(a) IN GENERAL.—

21 “(1) BARATARIA PRESERVE UNIT.—

22 “(A) IN GENERAL.—The Secretary may
23 acquire any land, water, and interests in land
24 and water within the Barataria Preserve Unit
25 by donation, purchase with donated or appro-

1 priedated funds, transfer from any other Federal
2 agency, or exchange.

3 “(B) LIMITATIONS.—

4 “(i) IN GENERAL.—Any non-Federal
5 land depicted on the map described in sec-
6 tion 901 as ‘Lands Proposed for Addition’
7 may be acquired by the Secretary only with
8 the consent of the owner of the land.

9 “(ii) BOUNDARY ADJUSTMENT.—On
10 the date on which the Secretary acquires a
11 parcel of land described in clause (i), the
12 boundary of the Barataria Preserve Unit
13 shall be adjusted to reflect the acquisition.

14 “(iii) JURISDICTION OF NATIONAL
15 PARK SERVICE.—Administrative jurisdic-
16 tion over any Federal land within the areas
17 depicted on the map described in section
18 901 as ‘Lands Proposed for Addition’ is
19 transferred, without consideration, to the
20 administrative jurisdiction of the National
21 Park Service, to be administered as part of
22 the Barataria Preserve Unit.

23 “(iv) EASEMENTS.—To ensure ade-
24 quate hurricane protection of the commu-
25 nities located in the area, any land identi-

1 fied on the map described in section 901
2 that is acquired or transferred shall be
3 subject to any easements that have been
4 agreed to by the Secretary and the Sec-
5 retary of the Army.”;

6 (B) in the second sentence, by striking
7 “The Secretary may also acquire by any of the
8 foregoing methods” and inserting the following:
9 “(2) FRENCH QUARTER.—The Secretary may
10 acquire by any of the methods referred to in para-
11 graph (1)(A)”;

12 (C) in the third sentence, by striking
13 “Lands, waters, and interests therein” and in-
14 serting the following:

15 “(3) ACQUISITION OF STATE LAND.—Land,
16 water, and interests in land and water”;

17 (D) in the fourth sentence, by striking “In
18 acquiring” and inserting the following:

19 “(4) ACQUISITION OF OIL AND GAS RIGHTS.—
20 In acquiring”;

21 (2) by striking subsections (b) through (f) and
22 inserting the following:

23 “(b) RESOURCE PROTECTION.—With respect to the
24 land, water, and interests in land and water of the

1 Barataria Preserve Unit, the Secretary shall preserve and
2 protect—

3 “(1) fresh water drainage patterns;

4 “(2) vegetative cover;

5 “(3) the integrity of ecological and biological
6 systems; and

7 “(4) water and air quality.

8 “(c) ADJACENT LAND.—With the consent of the
9 owner and the parish governing authority, the Secretary
10 may—

11 “(1) acquire land, water, and interests in land
12 and water, by any of the methods referred to in sub-
13 section (a)(1)(A) (including use of appropriations
14 from the Land and Water Conservation Fund); and

15 “(2) revise the boundaries of the Barataria Pre-
16 serve Unit to include adjacent land and water.”; and

17 (3) by redesignating subsection (g) as sub-
18 section (d).

19 (c) DEFINITION OF IMPROVED PROPERTY.—Section
20 903 of the National Parks and Recreation Act of 1978
21 (16 U.S.C. 230b) is amended in the fifth sentence by in-
22 serting “(or January 1, 2007, for areas added to the park
23 after that date)” after “January 1, 1977”.

24 (d) HUNTING, FISHING, AND TRAPPING.—Section
25 905 of the National Parks and Recreation Act of 1978

1 (16 U.S.C. 230d) is amended in the first sentence by
2 striking “, except that within the core area and on those
3 lands acquired by the Secretary pursuant to section 902(c)
4 of this title, he” and inserting “on land, and interests in
5 land and water managed by the Secretary, except that the
6 Secretary”.

7 (e) ADMINISTRATION.—Section 906 of the National
8 Parks and Recreation Act of 1978 (16 U.S.C. 230e) is
9 amended—

10 (1) by striking the first sentence; and

11 (2) in the second sentence, by striking “Pend-
12 ing such establishment and thereafter the” and in-
13 serting “The”.

14 (f) REFERENCES IN LAW.—

15 (1) IN GENERAL.—Any reference in a law (in-
16 cluding regulations), map, document, paper, or other
17 record of the United States—

18 (A) to the Barataria Marsh Unit shall be
19 considered to be a reference to the Barataria
20 Preserve Unit; or

21 (B) to the Jean Lafitte National Historical
22 Park shall be considered to be a reference to
23 the Jean Lafitte National Historical Park and
24 Preserve.

1 (2) CONFORMING AMENDMENTS.—Title IX of
2 the National Parks and Recreation Act of 1978 (16
3 U.S.C. 230 et seq.) is amended—

4 (A) by striking “Barataria Marsh Unit”
5 each place it appears and inserting “Barataria
6 Preserve Unit”; and

7 (B) by striking “Jean Lafitte National
8 Historical Park” each place it appears and in-
9 serting “Jean Lafitte National Historical Park
10 and Preserve”.

11 **SEC. 716. MINUTE MAN NATIONAL HISTORICAL PARK.**

12 (a) DEFINITIONS.—In this section:

13 (1) MAP.—The term “map” means the map en-
14 titled “Minute Man National Historical Park Pro-
15 posed Boundary”, numbered 406/81001, and dated
16 July 2007.

17 (2) PARK.—The term “Park” means the
18 Minute Man National Historical Park in the State
19 of Massachusetts.

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

22 (b) MINUTE MAN NATIONAL HISTORICAL PARK.—

23 (1) BOUNDARY ADJUSTMENT.—

1 (A) IN GENERAL.—The boundary of the
2 Park is modified to include the area generally
3 depicted on the map.

4 (B) AVAILABILITY OF MAP.—The map
5 shall be on file and available for inspection in
6 the appropriate offices of the National Park
7 Service.

8 (2) ACQUISITION OF LAND.—The Secretary
9 may acquire the land or an interest in the land de-
10 scribed in paragraph (1)(A) by—

11 (A) purchase from willing sellers with do-
12 nated or appropriated funds;

13 (B) donation; or

14 (C) exchange.

15 (3) ADMINISTRATION OF LAND.—The Secretary
16 shall administer the land added to the Park under
17 paragraph (1)(A) in accordance with applicable laws
18 (including regulations).

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as are nec-
21 essary to carry out this section.

22 **SEC. 717. EVERGLADES NATIONAL PARK.**

23 (a) DEFINITIONS.—In this section:

24 (1) HURRICANE HOLE.—The term “Hurricane
25 Hole” means the natural salt-water body of water

1 within the Duesenbury Tracts of the eastern parcel
2 of the Tarpon Basin boundary adjustment and
3 accessed by Duesenbury Creek.

4 (2) MAP.—The term “map” means the map en-
5 titled “Proposed Tarpon Basin Boundary Revision”,
6 numbered 160/80,012, and dated May 2008.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (4) TARPON BASIN PROPERTY.—The term
10 “Tarpon Basin property” means land that—

11 (A) is comprised of approximately 600
12 acres of land and water surrounding Hurricane
13 Hole, as generally depicted on the map; and

14 (B) is located in South Key Largo.

15 (b) BOUNDARY REVISION.—

16 (1) BOUNDARY REVISION.—The boundary of
17 the Everglades National Park is adjusted to include
18 the Tarpon Basin property.

19 (2) ACQUISITION AUTHORITY.—The Secretary
20 may acquire from willing sellers by donation, pur-
21 chase with donated or appropriated funds, or ex-
22 change, land, water, or interests in land and water,
23 within the area depicted on the map, to be added to
24 Everglades National Park.

1 (3) AVAILABILITY OF MAP.—The map shall be
2 on file and available for public inspection in the ap-
3 propriate offices of the National Park Service.

4 (4) ADMINISTRATION.—Land added to Ever-
5 glades National Park by this section shall be admin-
6 istered as part of Everglades National Park in ac-
7 cordance with applicable laws (including regula-
8 tions).

9 (c) HURRICANE HOLE.—The Secretary may allow
10 use of Hurricane Hole by sailing vessels during emer-
11 gencies, subject to such terms and conditions as the Sec-
12 retary determines to be necessary.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as are nec-
15 essary to carry out this section.

16 **SEC. 718. KALAUPAPA NATIONAL HISTORICAL PARK.**

17 (a) IN GENERAL.—The Secretary of Interior shall
18 authorize Ka ‘Ohana O Kalaupapa, a non-profit organiza-
19 tion consisting of patient residents at Kalaupapa National
20 Historical Park, and their family members and friends,
21 to establish a memorial at a suitable location or locations
22 approved by the Secretary at Kalawao or Kalaupapa with-
23 in the boundaries of Kalaupapa National Historical Park
24 located on the island of Molokai, in the State of Hawaii,
25 to honor and perpetuate the memory of those individuals

1 who were forcibly relocated to Kalaupapa Peninsula from
2 1866 to 1969.

3 (b) DESIGN.—

4 (1) IN GENERAL.—The memorial authorized by
5 subsection (a) shall—

6 (A) display in an appropriate manner the
7 names of the first 5,000 individuals sent to the
8 Kalaupapa Peninsula between 1866 and 1896,
9 most of whom lived at Kalawao; and

10 (B) display in an appropriate manner the
11 names of the approximately 3,000 individuals
12 who arrived at Kalaupapa in the second part of
13 its history, when most of the community was
14 concentrated on the Kalaupapa side of the pe-
15 ninsula.

16 (2) APPROVAL.—The location, size, design, and
17 inscriptions of the memorial authorized by sub-
18 section (a) shall be subject to the approval of the
19 Secretary of the Interior.

20 (c) FUNDING.—Ka ‘Ohana O Kalaupapa, a nonprofit
21 organization, shall be solely responsible for acceptance of
22 contributions for and payment of the expenses associated
23 with the establishment of the memorial.

1 **SEC. 719. BOSTON HARBOR ISLANDS NATIONAL RECRE-**
2 **ATION AREA.**

3 (a) COOPERATIVE AGREEMENTS.—Section 1029(d)
4 of the Omnibus Parks and Public Lands Management Act
5 of 1996 (16 U.S.C. 460kkk(d)) is amended by striking
6 paragraph (3) and inserting the following:

7 “(3) AGREEMENTS.—

8 “(A) DEFINITION OF ELIGIBLE ENTITY.—

9 In this paragraph, the term ‘eligible entity’
10 means—

11 “(i) the Commonwealth of Massachu-
12 setts;

13 “(ii) a political subdivision of the
14 Commonwealth of Massachusetts; or

15 “(iii) any other entity that is a mem-
16 ber of the Boston Harbor Islands Partner-
17 ship described in subsection (e)(2).

18 “(B) AUTHORITY OF SECRETARY.—Subject
19 to subparagraph (C), the Secretary may consult
20 with an eligible entity on, and enter into with
21 the eligible entity—

22 “(i) a cooperative management agree-
23 ment to acquire from, and provide to, the
24 eligible entity goods and services for the
25 cooperative management of land within the
26 recreation area; and

1 “(ii) notwithstanding section 6305 of
2 title 31, United States Code, a cooperative
3 agreement for the construction of recre-
4 ation area facilities on land owned by an
5 eligible entity for purposes consistent with
6 the management plan under subsection (f).

7 “(C) CONDITIONS.—The Secretary may
8 enter into an agreement with an eligible entity
9 under subparagraph (B) only if the Secretary
10 determines that—

11 “(i) appropriations for carrying out
12 the purposes of the agreement are avail-
13 able; and

14 “(ii) the agreement is in the best in-
15 terests of the United States.”.

16 (b) TECHNICAL AMENDMENTS.—

17 (1) MEMBERSHIP.—Section 1029(e)(2)(B) of
18 the Omnibus Parks and Public Lands Management
19 Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amend-
20 ed by striking “Coast Guard” and inserting “Coast
21 Guard.”.

22 (2) DONATIONS.—Section 1029(e)(11) of the
23 Omnibus Parks and Public Lands Management Act
24 of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by

1 striking “Notwithstanding” and inserting “Not-
2 withstanding”.

3 **Subtitle C—Special Resource**
4 **Studies**

5 **SEC. 721. WILLIAM JEFFERSON CLINTON BIRTHPLACE**
6 **HOME NATIONAL HISTORIC SITE.**

7 (a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF
8 HISTORIC SITE.—Should the Secretary of the Interior ac-
9 quire, by donation only from the Clinton Birthplace Foun-
10 dation, Inc., fee simple, unencumbered title to the William
11 Jefferson Clinton Birthplace Home site located at 117
12 South Hervey Street, Hope, Arkansas, 71801, and to any
13 personal property related to that site, the Secretary shall
14 designate the William Jefferson Clinton Birthplace Home
15 site as a National Historic Site and unit of the National
16 Park System, to be known as the “President William Jef-
17 ferson Clinton Birthplace Home National Historic Site”.

18 (b) APPLICABILITY OF OTHER LAWS.—The Sec-
19 retary shall administer the President William Jefferson
20 Clinton Birthplace Home National Historic Site in accord-
21 ance with the laws generally applicable to national historic
22 sites, including the Act entitled “An Act to establish a Na-
23 tional Park Service, and for other purposes”, approved
24 August 25, 1916 (16 U.S.C. 1–4), and the Act entitled
25 “An Act to provide for the preservation of historic Amer-

1 ican sites, buildings, objects and antiquities of national
2 significance, and for other purposes”, approved August
3 21, 1935 (16 U.S.C. 461 et seq.).

4 **SEC. 722. WALNUT CANYON STUDY.**

5 (a) DEFINITIONS.—In this section:

6 (1) MAP.—The term “map” means the map en-
7 titled “Walnut Canyon Proposed Study Area” and
8 dated July 17, 2007.

9 (2) SECRETARIES.—The term “Secretaries”
10 means the Secretary of the Interior and the Sec-
11 retary of Agriculture, acting jointly.

12 (3) STUDY AREA.—The term “study area”
13 means the area identified on the map as the “Wal-
14 nut Canyon Proposed Study Area”.

15 (b) STUDY.—

16 (1) IN GENERAL.—The Secretaries shall con-
17 duct a study of the study area to assess—

18 (A) the suitability and feasibility of desig-
19 nating all or part of the study area as an addi-
20 tion to Walnut Canyon National Monument, in
21 accordance with section 8(c) of Public Law 91–
22 383 (16 U.S.C. 1a–5(c));

23 (B) continued management of the study
24 area by the Forest Service; or

1 (C) any other designation or management
2 option that would provide for—

3 (i) protection of resources within the
4 study area; and

5 (ii) continued access to, and use of,
6 the study area by the public.

7 (2) CONSULTATION.—The Secretaries shall pro-
8 vide for public comment in the preparation of the
9 study, including consultation with appropriate Fed-
10 eral, State, and local governmental entities.

11 (3) REPORT.—Not later than 18 months after
12 the date on which funds are made available to carry
13 out this section, the Secretaries shall submit to the
14 Committee on Energy and Natural Resources of the
15 Senate and the Committee on Natural Resources of
16 the House of Representatives a report that de-
17 scribes—

18 (A) the results of the study; and

19 (B) any recommendations of the Secre-
20 taries.

21 (4) AUTHORIZATION OF APPROPRIATIONS.—
22 There are authorized to be appropriated such sums
23 as are necessary to carry out this section.

24 **SEC. 723. TULE LAKE SEGREGATION CENTER, CALIFORNIA.**

25 (a) STUDY.—

1 (1) IN GENERAL.—The Secretary of the Inte-
2 rior (referred to in this section as the “Secretary”)
3 shall conduct a special resource study of the Tule
4 Lake Segregation Center to determine the national
5 significance of the site and the suitability and feasi-
6 bility of including the site in the National Park Sys-
7 tem.

8 (2) STUDY GUIDELINES.—The study shall be
9 conducted in accordance with the criteria for the
10 study of areas for potential inclusion in the National
11 Park System under section 8 of Public Law 91–383
12 (16 U.S.C. 1a–5).

13 (3) CONSULTATION.—In conducting the study,
14 the Secretary shall consult with—

- 15 (A) Modoc County;
16 (B) the State of California;
17 (C) appropriate Federal agencies;
18 (D) tribal and local government entities;
19 (E) private and nonprofit organizations;
20 and
21 (F) private landowners.

22 (4) SCOPE OF STUDY.—The study shall include
23 an evaluation of—

- 24 (A) the significance of the site as a part of
25 the history of World War II;

1 (B) the significance of the site as the site
2 relates to other war relocation centers;

3 (C) the historical resources of the site, in-
4 cluding the stockade, that are intact and in
5 place;

6 (D) the contributions made by the local ag-
7 ricultural community to the World War II ef-
8 fort; and

9 (E) the potential impact of designation of
10 the site as a unit of the National Park System
11 on private landowners.

12 (b) REPORT.—Not later than 3 years after the date
13 on which funds are made available to conduct the study
14 required under this section, the Secretary shall submit to
15 the Committee on Natural Resources of the House of Rep-
16 resentatives and the Committee on Energy and Natural
17 Resources of the Senate a report describing the findings,
18 conclusions, and recommendations of the study.

19 **SEC. 724. ESTATE GRANGE, ST. CROIX.**

20 (a) STUDY.—

21 (1) IN GENERAL.—The Secretary of the Inte-
22 rior (referred to in this section as the “Secretary”),
23 in consultation with the Governor of the Virgin Is-
24 lands, shall conduct a special resource study of Es-
25 tate Grange and other sites and resources associated

1 with Alexander Hamilton's life on St. Croix in the
2 United States Virgin Islands.

3 (2) CONTENTS.—In conducting the study under
4 paragraph (1), the Secretary shall evaluate—

5 (A) the national significance of the sites
6 and resources; and

7 (B) the suitability and feasibility of desig-
8 nating the sites and resources as a unit of the
9 National Park System.

10 (3) CRITERIA.—The criteria for the study of
11 areas for potential inclusion in the National Park
12 System contained in section 8 of Public Law 91–383
13 (16 U.S.C. 1a–5) shall apply to the study under
14 paragraph (1).

15 (4) REPORT.—Not later than 3 years after the
16 date on which funds are first made available for the
17 study under paragraph (1), the Secretary shall sub-
18 mit to the Committee on Natural Resources of the
19 House of Representatives and the Committee on En-
20 ergy and Natural Resources of the Senate a report
21 containing—

22 (A) the results of the study; and

23 (B) any findings, conclusions, and rec-
24 ommendations of the Secretary.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.

4 **SEC. 725. HARRIET BEECHER STOWE HOUSE, MAINE.**

5 (a) STUDY.—

6 (1) IN GENERAL.—Not later than 3 years after
7 the date on which funds are made available to carry
8 out this section, the Secretary of the Interior (re-
9 ferred to in this section as the “Secretary”) shall
10 complete a special resource study of the Harriet
11 Beecher Stowe House in Brunswick, Maine, to
12 evaluate—

13 (A) the national significance of the Harriet
14 Beecher Stowe House and surrounding land;
15 and

16 (B) the suitability and feasibility of desig-
17 nating the Harriet Beecher Stowe House and
18 surrounding land as a unit of the National
19 Park System.

20 (2) STUDY GUIDELINES.—In conducting the
21 study authorized under paragraph (1), the Secretary
22 shall use the criteria for the study of areas for po-
23 tential inclusion in the National Park System con-
24 tained in section 8(c) of Public Law 91–383 (16
25 U.S.C. 1a–5(e)).

1 (b) REPORT.—On completion of the study required
2 under subsection (a), the Secretary shall submit to the
3 Committee on Energy and Natural Resources of the Sen-
4 ate and the Committee on Natural Resources of the House
5 of Representatives a report containing the findings, con-
6 clusions, and recommendations of the study.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as are nec-
9 essary to carry out this section.

10 **SEC. 726. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.**

11 (a) SPECIAL RESOURCES STUDY.—The Secretary of
12 the Interior (referred to in this section as the “Secretary”)
13 shall conduct a special resource study relating to the Bat-
14 tle of Shepherdstown in Shepherdstown, West Virginia, to
15 evaluate—

16 (1) the national significance of the
17 Shepherdstown battlefield and sites relating to the
18 Shepherdstown battlefield; and

19 (2) the suitability and feasibility of adding the
20 Shepherdstown battlefield and sites relating to the
21 Shepherdstown battlefield as part of—

22 (A) Harpers Ferry National Historical
23 Park; or

24 (B) Antietam National Battlefield.

1 (b) CRITERIA.—In conducting the study authorized
2 under subsection (a), the Secretary shall use the criteria
3 for the study of areas for potential inclusion in the Na-
4 tional Park System contained in section 8(c) of Public
5 Law 91–383 (16 U.S.C. 1a–5(c)).

6 (c) REPORT.—Not later than 3 years after the date
7 on which funds are made available to carry out this sec-
8 tion, the Secretary shall submit to the Committee on En-
9 ergy and Natural Resources of the Senate and the Com-
10 mittee on Natural Resources of the House of Representa-
11 tives a report containing the findings, conclusions, and
12 recommendations of the study conducted under subsection
13 (a).

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as are nec-
16 essary to carry out this section.

17 **SEC. 727. GREEN MCADOO SCHOOL, TENNESSEE.**

18 (a) IN GENERAL.—The Secretary of the Interior (re-
19 ferred to in this section as the “Secretary”) shall conduct
20 a special resource study of the site of Green McAdoo
21 School in Clinton, Tennessee, (referred to in this section
22 as the “site”) to evaluate—

- 23 (1) the national significance of the site; and
24 (2) the suitability and feasibility of designating
25 the site as a unit of the National Park System.

1 (b) CRITERIA.—In conducting the study under sub-
2 section (a), the Secretary shall use the criteria for the
3 study of areas for potential inclusion in the National Park
4 System under section 8(c) of Public Law 91–383 (16
5 U.S.C. 1a–5(c)).

6 (c) CONTENTS.—The study authorized by this section
7 shall—

8 (1) determine the suitability and feasibility of
9 designating the site as a unit of the National Park
10 System;

11 (2) include cost estimates for any necessary ac-
12 quisition, development, operation, and maintenance
13 of the site; and

14 (3) identify alternatives for the management,
15 administration, and protection of the site.

16 (d) REPORT.—Not later than 3 years after the date
17 on which funds are made available to carry out this sec-
18 tion, the Secretary shall submit to the Committee on Nat-
19 ural Resources of the House of Representatives and the
20 Committee on Energy and Natural Resources of the Sen-
21 ate a report that describes—

22 (1) the findings and conclusions of the study;
23 and

24 (2) any recommendations of the Secretary.

1 **SEC. 728. HARRY S TRUMAN BIRTHPLACE, MISSOURI.**

2 (a) IN GENERAL.—The Secretary of the Interior (re-
3 ferred to in this section as the “Secretary”) shall conduct
4 a special resource study of the Harry S Truman Birth-
5 place State Historic Site (referred to in this section as
6 the “birthplace site”) in Lamar, Missouri, to determine—

7 (1) the suitability and feasibility of—

8 (A) adding the birthplace site to the Harry
9 S Truman National Historic Site; or

10 (B) designating the birthplace site as a
11 separate unit of the National Park System; and

12 (2) the methods and means for the protection
13 and interpretation of the birthplace site by the Na-
14 tional Park Service, other Federal, State, or local
15 government entities, or private or nonprofit organi-
16 zations.

17 (b) STUDY REQUIREMENTS.—The Secretary shall
18 conduct the study required under subsection (a) in accord-
19 ance with section 8(c) of Public Law 91–383 (16 U.S.C.
20 1a–5(c)).

21 (c) REPORT.—Not later than 3 years after the date
22 on which funds are made available to carry out this sec-
23 tion, the Secretary shall submit to the Committee on Nat-
24 ural Resources of the House of Representatives and the
25 Committee on Energy and Natural Resources of the Sen-
26 ate a report containing—

1 (1) the results of the study conducted under
2 subsection (a); and

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

5 **SEC. 729. BATTLE OF MATEWAN SPECIAL RESOURCE**
6 **STUDY.**

7 (a) **IN GENERAL.**—The Secretary of the Interior (re-
8 ferred to in this section as the “Secretary”) shall conduct
9 a special resource study of the sites and resources at
10 Matewan, West Virginia, associated with the Battle of
11 Matewan (also known as the “Matewan Massacre”) of
12 May 19, 1920, to determine—

13 (1) the suitability and feasibility of designating
14 certain historic areas of Matewan, West Virginia, as
15 a unit of the National Park System; and

16 (2) the methods and means for the protection
17 and interpretation of the historic areas by the Na-
18 tional Park Service, other Federal, State, or local
19 government entities, or private or nonprofit organi-
20 zations.

21 (b) **STUDY REQUIREMENTS.**—The Secretary shall
22 conduct the study required under subsection (a) in accord-
23 ance with section 8(c) of Public Law 91–383 (16 U.S.C.
24 1a–5(c)).

1 (c) REPORT.—Not later than 3 years after the date
2 on which funds are made available to carry out this sec-
3 tion, the Secretary shall submit to the Committee on Nat-
4 ural Resources of the House of Representatives and the
5 Committee on Energy and Natural Resources of the Sen-
6 ate a report containing—

7 (1) the results of the study conducted under
8 subsection (a); and

9 (2) any recommendations of the Secretary with
10 respect to the historic areas.

11 **SEC. 730. BUTTERFIELD OVERLAND TRAIL.**

12 (a) IN GENERAL.—The Secretary of the Interior (re-
13 ferred to in this section as the “Secretary”) shall conduct
14 a special resource study along the route known as the “Ox-
15 Bow Route” of the Butterfield Overland Trail (referred
16 to in this section as the “route”) in the States of Missouri,
17 Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Ari-
18 zona, and California to evaluate—

19 (1) a range of alternatives for protecting and
20 interpreting the resources of the route, including al-
21 ternatives for potential addition of the Trail to the
22 National Trails System; and

23 (2) the methods and means for the protection
24 and interpretation of the route by the National Park

1 Service, other Federal, State, or local government
2 entities, or private or nonprofit organizations.

3 (b) STUDY REQUIREMENTS.—The Secretary shall
4 conduct the study required under subsection (a) in accord-
5 ance with section 8(c) of Public Law 91–383 (16 U.S.C.
6 1a–5(c)) or section 5(b) of the National Trails System Act
7 (16 U.S.C. 1244(b)), as appropriate.

8 (c) REPORT.—Not later than 3 years after the date
9 on which funds are made available to carry out this sec-
10 tion, the Secretary shall submit to the Committee on Nat-
11 ural Resources of the House of Representatives and the
12 Committee on Energy and Natural Resources of the Sen-
13 ate a report containing—

14 (1) the results of the study conducted under
15 subsection (a); and

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

18 **Subtitle D—Program**

19 **Authorizations**

20 **SEC. 741. AMERICAN BATTLEFIELD PROTECTION PRO-**
21 **GRAM.**

22 The American Battlefield Protection Act of 1996 (16
23 U.S.C. 469k) is amended—

1 (1) in subsection (d)(7)(A), by striking “fiscal
2 years 2004 through 2008” and inserting “fiscal
3 years 2009 through 2013”; and

4 (2) by striking subsection (e).

5 **SEC. 742. PRESERVE AMERICA PROGRAM.**

6 (a) PURPOSE.—The purpose of this section is to au-
7 thorize the Preserve America Program, including—

8 (1) the Preserve America grant program within
9 the Department of the Interior;

10 (2) the recognition programs administered by
11 the Advisory Council on Historic Preservation; and

12 (3) the related efforts of Federal agencies,
13 working in partnership with State, tribal, and local
14 governments and the private sector, to support and
15 promote the preservation of historic resources.

16 (b) DEFINITIONS.—In this section:

17 (1) COUNCIL.—The term “Council” means the
18 Advisory Council on Historic Preservation.

19 (2) HERITAGE TOURISM.—The term “heritage
20 tourism” means the conduct of activities to attract
21 and accommodate visitors to a site or area based on
22 the unique or special aspects of the history, land-
23 scape (including trail systems), and culture of the
24 site or area.

1 (3) PROGRAM.—The term “program” means
2 the Preserve America Program established under
3 subsection (c)(1).

4 (4) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (c) ESTABLISHMENT.—

7 (1) IN GENERAL.—There is established in the
8 Department of the Interior the Preserve America
9 Program, under which the Secretary, in partnership
10 with the Council, may provide competitive grants to
11 States, local governments (including local govern-
12 ments in the process of applying for designation as
13 Preserve America Communities under subsection
14 (d)), Indian tribes, communities designated as Pre-
15 serve America Communities under subsection (d),
16 State historic preservation offices, and tribal historic
17 preservation offices to support preservation efforts
18 through heritage tourism, education, and historic
19 preservation planning activities.

20 (2) ELIGIBLE PROJECTS.—

21 (A) IN GENERAL.—The following projects
22 shall be eligible for a grant under this section:

23 (i) A project for the conduct of—

1 (I) research on, and documenta-
2 tion of, the history of a community;
3 and

4 (II) surveys of the historic re-
5 sources of a community.

6 (ii) An education and interpretation
7 project that conveys the history of a com-
8 munity or site.

9 (iii) A planning project (other than
10 building rehabilitation) that advances eco-
11 nomic development using heritage tourism
12 and historic preservation.

13 (iv) A training project that provides
14 opportunities for professional development
15 in areas that would aid a community in
16 using and promoting its historic resources.

17 (v) A project to support heritage tour-
18 ism in a Preserve America Community des-
19 ignated under subsection (d).

20 (vi) Other nonconstruction projects
21 that identify or promote historic properties
22 or provide for the education of the public
23 about historic properties that are con-
24 sistent with the purposes of this section.

1 (B) LIMITATION.—In providing grants
2 under this section, the Secretary shall only pro-
3 vide 1 grant to each eligible project selected for
4 a grant.

5 (3) PREFERENCE.—In providing grants under
6 this section, the Secretary may give preference to
7 projects that carry out the purposes of both the pro-
8 gram and the Save America’s Treasures Program.

9 (4) CONSULTATION AND NOTIFICATION.—

10 (A) CONSULTATION.—The Secretary shall
11 consult with the Council in preparing the list of
12 projects to be provided grants for a fiscal year
13 under the program.

14 (B) NOTIFICATION.—Not later than 30
15 days before the date on which the Secretary
16 provides grants for a fiscal year under the pro-
17 gram, the Secretary shall submit to the Com-
18 mittee on Energy and Natural Resources of the
19 Senate, the Committee on Appropriations of the
20 Senate, the Committee on Natural Resources of
21 the House of Representatives, and the Com-
22 mittee on Appropriations of the House of Rep-
23 resentatives a list of any eligible projects that
24 are to be provided grants under the program
25 for the fiscal year.

1 (5) COST-SHARING REQUIREMENT.—

2 (A) IN GENERAL.—The non-Federal share
3 of the cost of carrying out a project provided a
4 grant under this section shall be not less than
5 50 percent of the total cost of the project.

6 (B) FORM OF NON-FEDERAL SHARE.—The
7 non-Federal share required under subparagraph
8 (A) shall be in the form of—

9 (i) cash; or

10 (ii) donated supplies and related serv-
11 ices, the value of which shall be determined
12 by the Secretary.

13 (C) REQUIREMENT.—The Secretary shall
14 ensure that each applicant for a grant has the
15 capacity to secure, and a feasible plan for se-
16 curing, the non-Federal share for an eligible
17 project required under subparagraph (A) before
18 a grant is provided to the eligible project under
19 the program.

20 (d) DESIGNATION OF PRESERVE AMERICA COMMU-
21 NITIES.—

22 (1) APPLICATION.—To be considered for des-
23 ignation as a Preserve America Community, a com-
24 munity, tribal area, or neighborhood shall submit to

1 the Council an application containing such informa-
2 tion as the Council may require.

3 (2) CRITERIA.—To be designated as a Preserve
4 America Community under the program, a commu-
5 nity, tribal area, or neighborhood that submits an
6 application under paragraph (1) shall, as determined
7 by the Council, in consultation with the Secretary,
8 meet criteria required by the Council and, in addi-
9 tion, consider—

10 (A) protection and celebration of the herit-
11 age of the community, tribal area, or neighbor-
12 hood;

13 (B) use of the historic assets of the com-
14 munity, tribal area, or neighborhood for eco-
15 nomic development and community revitaliza-
16 tion; and

17 (C) encouragement of people to experience
18 and appreciate local historic resources through
19 education and heritage tourism programs.

20 (3) LOCAL GOVERNMENTS PREVIOUSLY CER-
21 TIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—

22 The Council shall establish an expedited process for
23 Preserve America Community designation for local
24 governments previously certified for historic preser-
25 vation activities under section 101(c)(1) of the Na-

1 tional Historic Preservation Act (16 U.S.C.
2 470a(c)(1)).

3 (4) GUIDELINES.—The Council, in consultation
4 with the Secretary, shall establish any guidelines
5 that are necessary to carry out this subsection.

6 (e) REGULATIONS.—The Secretary shall develop any
7 guidelines and issue any regulations that the Secretary de-
8 termines to be necessary to carry out this section.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$25,000,000 for each fiscal year, to remain available until
12 expended.

13 **SEC. 743. SAVE AMERICA'S TREASURES PROGRAM.**

14 (a) PURPOSE.—The purpose of this section is to au-
15 thorize within the Department of the Interior the Save
16 America's Treasures Program, to be carried out by the
17 Director of the National Park Service, in partnership
18 with—

19 (1) the National Endowment for the Arts;

20 (2) the National Endowment for the Human-
21 ities;

22 (3) the Institute of Museum and Library Serv-
23 ices;

24 (4) the National Trust for Historic Preserva-
25 tion;

1 (5) the National Conference of State Historic
2 Preservation Officers;

3 (6) the National Association of Tribal Historic
4 Preservation Officers; and

5 (7) the President’s Committee on the Arts and
6 the Humanities.

7 (b) DEFINITIONS.—In this section:

8 (1) COLLECTION.—The term “collection”
9 means a collection of intellectual and cultural arti-
10 facts, including documents, sculpture, and works of
11 art.

12 (2) ELIGIBLE ENTITY.—The term “eligible enti-
13 ty” means a Federal entity, State, local, or tribal
14 government, educational institution, or nonprofit or-
15 ganization.

16 (3) HISTORIC PROPERTY.—The term “historic
17 property” has the meaning given the term in section
18 301 of the National Historic Preservation Act (16
19 U.S.C. 470w).

20 (4) NATIONALLY SIGNIFICANT.—The term “na-
21 tionally significant” means a collection or historic
22 property that meets the applicable criteria for na-
23 tional significance, in accordance with regulations
24 promulgated by the Secretary pursuant to section

1 101(a)(2) of the National Historic Preservation Act
2 (16 U.S.C. 470a(a)(2)).

3 (5) PROGRAM.—The term “program” means
4 the Save America’s Treasures Program established
5 under subsection (c)(1).

6 (6) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior, acting through the Di-
8 rector of the National Park Service.

9 (c) ESTABLISHMENT.—

10 (1) IN GENERAL.—There is established in the
11 Department of the Interior the Save America’s
12 Treasures program, under which the amounts made
13 available to the Secretary under subsection (e) shall
14 be used by the Secretary, in consultation with the
15 organizations described in subsection (a), subject to
16 paragraph (6)(A)(ii), to provide grants to eligible en-
17 tities for projects to preserve nationally significant
18 collections and historic properties.

19 (2) DETERMINATION OF GRANTS.—Of the
20 amounts made available for grants under subsection
21 (e), not less than 50 percent shall be made available
22 for grants for projects to preserve collections and
23 historic properties, to be distributed through a com-
24 petitive grant process administered by the Secretary,

1 subject to the eligibility criteria established under
2 paragraph (5).

3 (3) APPLICATIONS FOR GRANTS.—To be consid-
4 ered for a competitive grant under the program an
5 eligible entity shall submit to the Secretary an appli-
6 cation containing such information as the Secretary
7 may require.

8 (4) COLLECTIONS AND HISTORIC PROPERTIES
9 ELIGIBLE FOR COMPETITIVE GRANTS.—

10 (A) IN GENERAL.—A collection or historic
11 property shall be provided a competitive grant
12 under the program only if the Secretary deter-
13 mines that the collection or historic property
14 is—

- 15 (i) nationally significant; and
16 (ii) threatened or endangered.

17 (B) ELIGIBLE COLLECTIONS.—A deter-
18 mination by the Secretary regarding the na-
19 tional significance of collections under subpara-
20 graph (A)(i) shall be made in consultation with
21 the organizations described in subsection (a), as
22 appropriate.

23 (C) ELIGIBLE HISTORIC PROPERTIES.—To
24 be eligible for a competitive grant under the

1 program, a historic property shall, as of the
2 date of the grant application—

3 (i) be listed in the National Register
4 of Historic Places at the national level of
5 significance; or

6 (ii) be designated as a National His-
7 toric Landmark.

8 (5) SELECTION CRITERIA FOR GRANTS.—

9 (A) IN GENERAL.—The Secretary shall not
10 provide a grant under this section to a project
11 for an eligible collection or historic property un-
12 less the project—

13 (i) eliminates or substantially miti-
14 gates the threat of destruction or deterio-
15 ration of the eligible collection or historic
16 property;

17 (ii) has a clear public benefit; and

18 (iii) is able to be completed on sched-
19 ular and within the budget described in the
20 grant application.

21 (B) PREFERENCE.—In providing grants
22 under this section, the Secretary may give pref-
23 erence to projects that carry out the purposes
24 of both the program and the Preserve America
25 Program.

1 (C) LIMITATION.—In providing grants
2 under this section, the Secretary shall only pro-
3 vide 1 grant to each eligible project selected for
4 a grant.

5 (6) CONSULTATION AND NOTIFICATION BY SEC-
6 RETARY.—

7 (A) CONSULTATION.—

8 (i) IN GENERAL.—Subject to clause
9 (ii), the Secretary shall consult with the or-
10 ganizations described in subsection (a) in
11 preparing the list of projects to be pro-
12 vided grants for a fiscal year by the Sec-
13 retary under the program.

14 (ii) LIMITATION.—If an entity de-
15 scribed in clause (i) has submitted an ap-
16 plication for a grant under the program,
17 the entity shall be recused by the Secretary
18 from the consultation requirements under
19 that clause and paragraph (1).

20 (B) NOTIFICATION.—Not later than 30
21 days before the date on which the Secretary
22 provides grants for a fiscal year under the pro-
23 gram, the Secretary shall submit to the Com-
24 mittee on Energy and Natural Resources of the
25 Senate, the Committee on Appropriations of the

1 Senate, the Committee on Natural Resources of
2 the House of Representatives, and the Com-
3 mittee on Appropriations of the House of Rep-
4 resentatives a list of any eligible projects that
5 are to be provided grants under the program
6 for the fiscal year.

7 (7) COST-SHARING REQUIREMENT.—

8 (A) IN GENERAL.—The non-Federal share
9 of the cost of carrying out a project provided a
10 grant under this section shall be not less than
11 50 percent of the total cost of the project.

12 (B) FORM OF NON-FEDERAL SHARE.—The
13 non-Federal share required under subparagraph
14 (A) shall be in the form of—

15 (i) cash; or

16 (ii) donated supplies or related serv-
17 ices, the value of which shall be determined
18 by the Secretary.

19 (C) REQUIREMENT.—The Secretary shall
20 ensure that each applicant for a grant has the
21 capacity and a feasible plan for securing the
22 non-Federal share for an eligible project re-
23 quired under subparagraph (A) before a grant
24 is provided to the eligible project under the pro-
25 gram.

1 (d) REGULATIONS.—The Secretary shall develop any
 2 guidelines and issue any regulations that the Secretary de-
 3 termines to be necessary to carry out this section.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 authorized to be appropriated to carry out this section
 6 \$50,000,000 for each fiscal year, to remain available until
 7 expended.

8 **Subtitle E—Advisory Commission**

9 **SEC. 744. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY** 10 **COMMISSION.**

11 Section 505(f)(7) of the National Parks and Recre-
 12 ation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by
 13 striking “ten years after the date of enactment of the Na
 14 Hoa Pili Kaloko-Honokohau Re-establishment Act of
 15 1996” and inserting “on December 31, 2017”.

16 **TITLE VIII—NATIONAL** 17 **HERITAGE AREAS**

18 **Subtitle A—National Heritage Area** 19 **Program**

20 **SEC. 801. PURPOSES.**

21 The purposes of this subtitle are—

22 (1) to promote public understanding, apprecia-
 23 tion, and enjoyment of many places, events and peo-
 24 ple that have contributed to the story of the United
 25 States;

1 (2) to promote innovative and partnership-driv-
2 en management strategies that recognize regional
3 values, encourage locally tailored resource steward-
4 ship and interpretation, and provide for the effective
5 leveraging of Federal funds with other local, State,
6 and private funding sources;

7 (3) to unify national standards and processes
8 for conducting feasibility studies, designating a sys-
9 tem of National Heritage Areas, and approving
10 management plans for National Heritage Areas;

11 (4) to provide appropriate linkages between
12 units of the National Park System and communities,
13 governments, and organizations within National
14 Heritage Areas; and

15 (5) to provide financial and technical assistance
16 to National Heritage Area local coordinating entities
17 that act as a catalyst for diverse regions, commu-
18 nities, organizations, and citizens to undertake
19 projects and programs for collaborative resource
20 stewardship and interpretation.

21 **SEC. 802. DEFINITIONS.**

22 In this subtitle:

23 (1) LOCAL COORDINATING ENTITY.—The term
24 “local coordinating entity” means the entity des-
25 ignated by Congress—

1 (A) to develop, in partnership with others,
2 the management plan for a National Heritage
3 Area; and

4 (B) to act as a catalyst for the implemen-
5 tation of projects and programs among diverse
6 partners in the National Heritage Area.

7 (2) MANAGEMENT PLAN.—The term “manage-
8 ment plan” means the plan prepared by the local co-
9 ordinating entity for a National Heritage Area des-
10 ignated by Congress that specifies actions, policies,
11 strategies, performance goals, and recommendations
12 to meet the goals of the National Heritage Area, in
13 accordance with section 806.

14 (3) NATIONAL HERITAGE AREA.—The term
15 “National Heritage Area” means an area designated
16 by Congress that is nationally important to the her-
17 itage of the United States and meets the criteria es-
18 tablished under section 804(a).

19 (4) NATIONAL IMPORTANCE.—The term “na-
20 tional importance” means possession of—

21 (A) unique natural, historical, cultural,
22 educational, scenic, or recreational resources of
23 exceptional value or quality; and

1 (B) a high degree of integrity of location,
2 setting, or association in illustrating or inter-
3 preting the heritage of the United States.

4 (5) PROPOSED NATIONAL HERITAGE AREA.—
5 The term “proposed National Heritage Area” means
6 an area under study by the Secretary or other par-
7 ties for potential designation by Congress as a Na-
8 tional Heritage Area.

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

11 (7) STUDY.—The term “study” means a study
12 conducted by the Secretary, or conducted by 1 or
13 more other interested parties and reviewed by the
14 Secretary, in accordance with the criteria and proc-
15 esses established under section 804, to determine
16 whether an area meets the criteria to be designated
17 as a National Heritage Area by Congress.

18 (8) SYSTEM.—The term “system” means the
19 system of National Heritage Areas established under
20 section 803(a).

21 **SEC. 803. NATIONAL HERITAGE AREAS SYSTEM.**

22 (a) IN GENERAL.—In order to recognize certain
23 areas of the United States that tell nationally important
24 stories and to protect, enhance, and interpret the natural,
25 historic, scenic, and cultural resources of the areas that

1 together illustrate significant aspects of the heritage of the
2 United States, there is established a system of National
3 Heritage Areas through which the Secretary shall provide
4 technical and financial assistance to local coordinating en-
5 tities to support the establishment, development, and con-
6 tinuity of the National Heritage Areas.

7 (b) SYSTEM.—The system of National Heritage
8 Areas shall be composed of—

9 (1) National Heritage Areas established by
10 Congress before or on the date of enactment of this
11 Act; and

12 (2) National Heritage Areas established by
13 Congress after the date of enactment of this Act, as
14 provided for in this subtitle.

15 (c) RELATIONSHIP TO THE NATIONAL PARK SYS-
16 TEM.—

17 (1) RELATIONSHIP TO NATIONAL PARK
18 UNITS.—The Secretary shall—

19 (A) ensure, to the maximum extent prac-
20 ticable, participation and assistance by units of
21 the National Park System located near or en-
22 compassed by National Heritage Areas in local
23 initiatives for National Heritage Areas that
24 conserve and interpret resources consistent with
25 an approved management plan; and

1 (B) work with National Heritage Areas to
2 promote public enjoyment of units of the Na-
3 tional Park System and park-related resources.

4 (2) APPLICABILITY OF LAWS.—National Herit-
5 age Areas shall not be—

6 (A) considered to be units of the National
7 Park System; or

8 (B) subject to the laws applicable to units
9 of the National Park System.

10 (d) DUTIES.—Under the system, the Secretary
11 shall—

12 (1)(A) conduct studies, as directed by Congress,
13 to assess the suitability and feasibility of designating
14 proposed National Heritage Areas; or

15 (B) review and comment on studies undertaken
16 by other parties to make such assessment;

17 (2) provide technical and financial assistance,
18 on a reimbursable or non-reimbursable basis (as de-
19 termined by the Secretary), for the development and
20 implementation of management plans for designated
21 National Heritage Areas;

22 (3) enter into cooperative agreements with in-
23 terested parties to carry out this subtitle;

24 (4) provide information, promote under-
25 standing, and encourage research on National Herit-

1 age Areas in partnership with local coordinating en-
2 tities;

3 (5) provide national oversight, analysis, coordi-
4 nation, and technical and financial assistance and
5 support to ensure consistency and accountability
6 under the system;

7 (6) submit annually to the Committee on Nat-
8 ural Resources of the House of Representatives and
9 the Committee on Energy and Natural Resources of
10 the Senate a report describing the allocation and ex-
11 penditure of funds for activities conducted with re-
12 spect to National Heritage Areas under this subtitle;
13 and

14 (7) conduct an evaluation of, and prepare a re-
15 port on, National Heritage Areas in accordance with
16 section 807.

17 **SEC. 804. STUDIES.**

18 (a) CRITERIA.—In conducting or reviewing a study,
19 the Secretary shall apply the following criteria to deter-
20 mine the suitability and feasibility of designating a pro-
21 posed National Heritage Area:

22 (1) An area—

23 (A) has an assemblage of natural, historic,
24 cultural, educational, scenic, or recreational re-

1 sources that together are nationally important
2 to the heritage of the United States;

3 (B) represents distinctive aspects of the
4 heritage of the United States worthy of recogni-
5 tion, conservation, interpretation, and con-
6 tinuing use;

7 (C) is best managed as such an assemblage
8 through partnerships among public and private
9 entities at the local or regional level;

10 (D) reflects traditions, customs, beliefs,
11 and folklife that are a valuable part of the her-
12 itage of the United States;

13 (E) provides outstanding opportunities to
14 conserve natural, historical, cultural, or scenic
15 features;

16 (F) provides outstanding recreational or
17 educational opportunities; and

18 (G) has resources and traditional uses that
19 have national importance.

20 (2) Residents, business interests, nonprofit or-
21 ganizations, and governments (including relevant
22 Federal land management agencies) within the pro-
23 posed area are involved in the planning and have
24 demonstrated significant support through letters and

1 other means for National Heritage Area designation
2 and management.

3 (3) The local coordinating entity responsible for
4 preparing and implementing the management plan is
5 identified.

6 (4) The proposed local coordinating entity and
7 units of government supporting the designation are
8 willing and have documented a significant commit-
9 ment to work in partnership to protect, enhance, in-
10 terpret, fund, manage, and develop resources within
11 the National Heritage Area.

12 (5) The proposed local coordinating entity has
13 developed a conceptual financial plan that outlines
14 the roles of all participants (including the Federal
15 Government) in the management of the National
16 Heritage Area.

17 (6) The proposal is consistent with continued
18 economic activity within the area.

19 (7) A conceptual boundary map has been devel-
20 oped and is supported by the public and partici-
21 pating Federal agencies.

22 (b) CONSULTATION.—In conducting or reviewing a
23 study, the Secretary shall consult with the managers of
24 any Federal land within the proposed National Heritage
25 Area and secure the concurrence of the managers with the

1 findings of the study before making a determination for
2 designation.

3 (c) APPROVAL.—On completion or receipt of a study
4 for a National Heritage Area, the Secretary shall—

5 (1) review, comment on, and determine if the
6 study meets the criteria specified in subsection (a)
7 for designation as a National Heritage Area;

8 (2) consult with the Governor of each State in
9 which the proposed National Heritage Area is lo-
10 cated; and

11 (3) transmit to the Committee on Natural Re-
12 sources of the House of Representatives and the
13 Committee on Energy and Natural Resources of the
14 Senate, the study, including—

15 (A) any comments received from the Gov-
16 ernor of each State in which the proposed Na-
17 tional Heritage Area is located; and

18 (B) a finding as to whether the proposed
19 National Heritage Area meets the criteria for
20 designation.

21 (d) DISAPPROVAL.—If the Secretary determines that
22 any proposed National Heritage Area does not meet the
23 criteria for designation, the Secretary shall include within
24 the study submitted under subsection (c)(3) a description
25 of the reasons for the determination.

1 **SEC. 805. DESIGNATION OF NATIONAL HERITAGE AREAS.**

2 (a) IN GENERAL.—The designation of a National
3 Heritage Area shall be—

4 (1) by Act of Congress; and

5 (2) contingent on the prior completion of a
6 study and an affirmative determination by the Sec-
7 retary that the area meets the criteria established
8 under section 804(a).

9 (b) COMPONENT OF THE SYSTEM.—Any National
10 Heritage Area designated under subsection (a) shall be a
11 component of the system.

12 **SEC. 806. MANAGEMENT PLANS.**

13 (a) REQUIREMENTS.—The management plan for any
14 National Heritage Area shall—

15 (1) describe comprehensive policies, goals, strat-
16 egies, and recommendations for telling the story of
17 the heritage of the area covered by the National
18 Heritage Area and encouraging long-term resource
19 protection, enhancement, interpretation, funding,
20 management, and development of the National Her-
21 itage Area;

22 (2) include a description of actions and commit-
23 ments that governments, private organizations, and
24 citizens will take to protect, enhance, interpret, fund,
25 manage, and develop the natural, historical, cultural,

1 educational, scenic, and recreational resources of the
2 National Heritage Area;

3 (3) specify existing and potential sources of
4 funding or economic development strategies to pro-
5 tect, enhance, interpret, fund, manage, and develop
6 the National Heritage Area;

7 (4) include an inventory of the natural, histor-
8 ical, cultural, educational, scenic, and recreational
9 resources of the National Heritage Area related to
10 the national importance and themes of the National
11 Heritage Area that should be protected, enhanced,
12 interpreted, managed, funded, and developed;

13 (5) recommend policies and strategies for re-
14 source management, including the development of
15 intergovernmental and interagency agreements to
16 protect, enhance, interpret, fund, manage, and de-
17 velop the natural, historical, cultural, educational,
18 scenic, and recreational resources of the National
19 Heritage Area;

20 (6) describe a program for implementation for
21 the management plan, including—

22 (A) performance goals;

23 (B) plans for resource protection, enhance-
24 ment, interpretation, funding, management, and
25 development; and

1 (C) specific commitments for implementa-
2 tion that have been made by the local coordi-
3 nating entity or any government agency, organi-
4 zation, business, or individual;

5 (7) include an analysis of, and recommenda-
6 tions for, means by which Federal, State, and local
7 programs may best be coordinated (including the
8 role of the National Park Service and other Federal
9 agencies associated with the National Heritage
10 Area) to further the purposes of this subtitle; and

11 (8) include a business plan that—

12 (A) describes the role, operation, financing,
13 and functions of the local coordinating entity
14 and of each of the major activities contained in
15 the management plan; and

16 (B) provides adequate assurances that the
17 local coordinating entity has the partnerships
18 and financial and other resources necessary to
19 implement the management plan for the Na-
20 tional Heritage Area.

21 (b) DEADLINE.—

22 (1) IN GENERAL.—Not later than 3 years after
23 the date on which funds are first made available to
24 develop the management plan after designation as a
25 National Heritage Area, the local coordinating entity

1 shall submit the management plan to the Secretary
2 for approval.

3 (2) TERMINATION OF FUNDING.—If the man-
4 agement plan is not submitted to the Secretary in
5 accordance with paragraph (1), the local coordi-
6 nating entity shall not qualify for any additional fi-
7 nancial assistance under this subtitle until such time
8 as the management plan is submitted to and ap-
9 proved by the Secretary.

10 (c) APPROVAL OF MANAGEMENT PLAN.—

11 (1) REVIEW.—Not later than 180 days after re-
12 ceiving the plan, the Secretary shall review and ap-
13 prove or disapprove the management plan for a Na-
14 tional Heritage Area on the basis of the criteria es-
15 tablished under paragraph (3).

16 (2) CONSULTATION.—The Secretary shall con-
17 sult with the Governor of each State in which the
18 National Heritage Area is located before approving
19 a management plan for the National Heritage Area.

20 (3) CRITERIA FOR APPROVAL.—In determining
21 whether to approve a management plan for a Na-
22 tional Heritage Area, the Secretary shall consider
23 whether—

24 (A) the local coordinating entity represents
25 the diverse interests of the National Heritage

1 Area, including governments, natural and his-
2 toric resource protection organizations, edu-
3 cational institutions, businesses, recreational or-
4 ganizations, community residents, and private
5 property owners;

6 (B) the local coordinating entity—

7 (i) has afforded adequate opportunity
8 for public and governmental involvement
9 (including through workshops and hear-
10 ings) in the preparation of the manage-
11 ment plan; and

12 (ii) provides for at least semiannual
13 public meetings to ensure adequate imple-
14 mentation of the management plan;

15 (C) the resource protection, enhancement,
16 interpretation, funding, management, and de-
17 velopment strategies described in the manage-
18 ment plan, if implemented, would adequately
19 protect, enhance, interpret, fund, manage, and
20 develop the natural, historic, cultural, edu-
21 cational, scenic, and recreational resources of
22 the National Heritage Area;

23 (D) the management plan would not ad-
24 versely affect any activities authorized on Fed-

1 eral land under public land laws or land use
2 plans;

3 (E) the local coordinating entity has dem-
4 onstrated the financial capability, in partner-
5 ship with others, to carry out the plan;

6 (F) the Secretary has received adequate
7 assurances from the appropriate State and local
8 officials whose support is needed to ensure the
9 effective implementation of the State and local
10 elements of the management plan; and

11 (G) the management plan demonstrates
12 partnerships among the local coordinating enti-
13 ty, Federal, State, and local governments, re-
14 gional planning organizations, nonprofit organi-
15 zations, or private sector parties for implemen-
16 tation of the management plan.

17 (4) DISAPPROVAL.—

18 (A) IN GENERAL.—If the Secretary dis-
19 approves the management plan, the Secretary—

20 (i) shall advise the local coordinating
21 entity in writing of the reasons for the dis-
22 approval; and

23 (ii) may make recommendations to the
24 local coordinating entity for revisions to
25 the management plan.

1 (B) DEADLINE.—Not later than 180 days
2 after receiving a revised management plan, the
3 Secretary shall approve or disapprove the re-
4 vised management plan.

5 (5) AMENDMENTS.—

6 (A) IN GENERAL.—An amendment to the
7 management plan that substantially alters the
8 purposes of the National Heritage Area shall be
9 reviewed by the Secretary and approved or dis-
10 approved in the same manner as the original
11 management plan.

12 (B) IMPLEMENTATION.—The local coordi-
13 nating entity shall not use Federal funds au-
14 thorized by this subtitle to implement an
15 amendment to the management plan until the
16 Secretary approves the amendment.

17 **SEC. 807. EVALUATION; REPORT.**

18 (a) IN GENERAL.—Not later than 3 years before the
19 date on which authority for Federal funding terminates
20 for a National Heritage Area under section 812(b)(2), the
21 Secretary shall—

22 (1) conduct an evaluation of the accomplish-
23 ments of the National Heritage Area; and

24 (2) prepare a report in accordance with sub-
25 section (c).

1 (b) EVALUATION.—An evaluation conducted under
2 subsection (a)(1) shall—

3 (1) assess the progress of the local coordinating
4 entity with respect to—

5 (A) accomplishing the purposes of the au-
6 thORIZING legislation for the National Heritage
7 Area; and

8 (B) achieving the goals and objectives of
9 the approved management plan for the National
10 Heritage Area;

11 (2) analyze the Federal, State, local, and pri-
12 vate investments in the National Heritage Area to
13 determine the leverage and impact of the invest-
14 ments; and

15 (3) review the management structure, partner-
16 ship relationships, and funding of the National Her-
17 itage Area for purposes of identifying the critical
18 components for sustainability of the National Herit-
19 age Area.

20 (c) REPORT.—

21 (1) IN GENERAL.—Based on the evaluation con-
22 ducted under subsection (a)(1), the Secretary shall
23 prepare a report that includes recommendations for
24 the future role of the National Park Service, if any,
25 with respect to the National Heritage Area.

1 (2) REQUIRED ANALYSIS.—If the report pre-
2 pared under paragraph (1) recommends that Fed-
3 eral funding for the National Heritage Area be reau-
4 thorized, the report shall include an analysis of—

5 (A) ways in which Federal funding for the
6 National Heritage Area may be reduced or
7 eliminated; and

8 (B) the appropriate time period necessary
9 to achieve the recommended reduction or elimi-
10 nation.

11 (3) SUBMISSION TO CONGRESS.—On completion
12 of the report, the Secretary shall submit the report
13 to—

14 (A) the Committee on Energy and Natural
15 Resources of the Senate; and

16 (B) the Committee on Natural Resources
17 of the House of Representatives.

18 **SEC. 808. LOCAL COORDINATING ENTITIES.**

19 (a) DUTIES.—To further the purposes of the Na-
20 tional Heritage Area, the local coordinating entity shall—

21 (1) prepare a management plan for the Na-
22 tional Heritage Area, and submit the management
23 plan to the Secretary, in accordance with section
24 806;

1 (2) submit an annual report to the Secretary
2 for each fiscal year for which the local coordinating
3 entity receives Federal funds under this subtitle,
4 specifying—

5 (A) the specific performance goals and ac-
6 complishments of the local coordinating entity;

7 (B) the expenses and income of the local
8 coordinating entity;

9 (C) the amounts and sources of matching
10 funds;

11 (D) the amounts leveraged with Federal
12 funds and sources of the leveraging; and

13 (E) grants made to any other entities dur-
14 ing the fiscal year;

15 (3) make available for audit for each fiscal year
16 for which the local coordinating entity receives Fed-
17 eral funds under this subtitle, all information per-
18 taining to the expenditure of the funds and any
19 matching funds; and

20 (4) encourage economic viability and sustain-
21 ability that is consistent with the purposes of the
22 National Heritage Area.

23 (b) AUTHORITIES.—For the purposes of preparing
24 and implementing the approved management plan for the

1 National Heritage Area, the local coordinating entity may
2 use Federal funds made available under this subtitle to—

3 (1) make grants to political jurisdictions, non-
4 profit organizations, and other parties within the
5 National Heritage Area;

6 (2) enter into cooperative agreements with or
7 provide technical assistance to political jurisdictions,
8 nonprofit organizations, Federal agencies, and other
9 interested parties;

10 (3) hire and compensate staff, including individ-
11 uals with expertise in—

12 (A) natural, historical, cultural, edu-
13 cational, scenic, and recreational resource con-
14 servation;

15 (B) economic and community development;
16 and

17 (C) heritage planning;

18 (4) obtain funds or services from any source,
19 including other Federal laws or programs;

20 (5) contract for goods or services; and

21 (6) support activities of partners and any other
22 activities that further the purposes of the National
23 Heritage Area and are consistent with the approved
24 management plan.

1 (c) PROHIBITION ON ACQUISITION OF REAL PROP-
2 ERTY.—The local coordinating entity may not use Federal
3 funds authorized under this subtitle to acquire any inter-
4 est in real property.

5 **SEC. 809. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

6 (a) IN GENERAL.—Nothing in this subtitle affects
7 the authority of a Federal agency to provide technical or
8 financial assistance under any other law.

9 (b) CONSULTATION AND COORDINATION.—The head
10 of any Federal agency planning to conduct activities that
11 may have an impact on a National Heritage Area is en-
12 couraged to consult and coordinate the activities with the
13 Secretary and the local coordinating entity to the max-
14 imum extent practicable.

15 (c) OTHER FEDERAL AGENCIES.—Nothing in this
16 subtitle—

17 (1) modifies, alters, or amends any law or regu-
18 lation authorizing a Federal agency to manage Fed-
19 eral land under the jurisdiction of the Federal agen-
20 cy;

21 (2) limits the discretion of a Federal land man-
22 ager to implement an approved land use plan within
23 the boundaries of a National Heritage Area; or

1 (5) diminishes the authority of the State to
2 manage fish and wildlife, including the regulation of
3 fishing and hunting within the National Heritage
4 Area; or

5 (6) 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 **SEC. 811. PARTNERSHIP SUPPORT.**

10 (a) TECHNICAL ASSISTANCE.—On termination of the
11 15-year period for which assistance is provided under sec-
12 tion 812, the Secretary may, on request of a local coordi-
13 nating entity, continue to provide technical assistance to
14 a National Heritage Area under section 803.

15 (b) GRANT ASSISTANCE.—

16 (1) IN GENERAL.—The Secretary may establish
17 a grant program under which the Secretary provides
18 grants, on a competitive basis, to local coordinating
19 entities for the conduct of individual projects at Na-
20 tional Heritage Areas for which financial assistance
21 has terminated under section 812.

22 (2) CONDITIONS.—The provision of a grant
23 under paragraph (1) shall be subject to the condition
24 that—

1 (A) a project must be approved by the
2 local coordinating entity as promoting the pur-
3 poses of the management plan required under
4 section 806;

5 (B) a project may receive only 1 grant of
6 no more than \$250,000 in any 1 fiscal year;

7 (C) a maximum of \$250,000 may be re-
8 ceived by a local coordinating entity for projects
9 funded under this subsection in any 1 fiscal
10 year; and

11 (D) a project shall not be eligible for fund-
12 ing under this section in any fiscal year that a
13 local coordinating entity receives an appropria-
14 tion through the National Park Service (exclud-
15 ing technical assistance) for the National Herit-
16 age Area at which the project is being con-
17 ducted.

18 (e) REPORT.—For each fiscal year in which assist-
19 ance is provided under this section, the Secretary shall
20 submit to the Committee on Appropriations of the House
21 of Representatives and the Committee on Appropriations
22 of the Senate a list of the projects provided assistance for
23 the fiscal year.

1 **SEC. 812. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) STUDIES.—There is authorized to be appro-
3 priated to conduct and review studies under section 804
4 \$750,000 for each fiscal year, of which not more than
5 \$250,000 for any fiscal year may be used for any indi-
6 vidual study for a proposed National Heritage Area.

7 (b) LOCAL COORDINATING ENTITIES.—

8 (1) IN GENERAL.—There is authorized to be
9 appropriated to carry out section 808 \$25,000,000
10 for each fiscal year, of which not more than—

11 (A) \$1,000,000 may be made available for
12 any fiscal year for any individual National Her-
13 itage Area, to remain available until expended;
14 and

15 (B) a total of \$10,000,000 may be made
16 available for all such fiscal years for any indi-
17 vidual National Heritage Area.

18 (2) TERMINATION DATE.—

19 (A) IN GENERAL.—The authority of the
20 Secretary to provide financial assistance to an
21 individual local coordinating entity under this
22 section (excluding technical assistance and ad-
23 ministrative oversight) shall terminate on the
24 date that is 15 years after the date of the ini-
25 tial receipt of the assistance by the local coordi-
26 nating entity.

1 (B) DESIGNATION.—A National Heritage
2 Area shall retain the designation as a National
3 Heritage Area after the termination date pre-
4 scribed in subparagraph (A).

5 (3) ADMINISTRATION.—Not more than 5 per-
6 cent of the amount of funds made available under
7 paragraph (1) for a fiscal year may be used by the
8 Secretary for technical assistance, oversight, and ad-
9 ministrative purposes.

10 (c) HERITAGE PARTNERSHIP GRANT ASSISTANCE.—
11 There is authorized to be appropriated to the Secretary
12 to carry out section 811 \$5,000,000 for each fiscal year.

13 (d) MATCHING FUNDS.—

14 (1) IN GENERAL.—As a condition of receiving a
15 grant under this subtitle, the recipient of the grant
16 shall provide matching funds in an amount that is
17 equal to the amount of the grant.

18 (2) ADMINISTRATION.—The recipient matching
19 funds—

20 (A) shall be derived from non-Federal
21 sources; and

22 (B) may be made in the form of in-kind
23 contributions of goods or services fairly valued.

1 **Subtitle B—Designation of**
2 **National Heritage Areas**

3 **SEC. 821. SANGRE DE CRISTO NATIONAL HERITAGE AREA,**
4 **COLORADO.**

5 (a) DEFINITIONS.—In this section:

6 (1) HERITAGE AREA.—The term “Heritage
7 Area” means the Sangre de Cristo National Herit-
8 age Area established by subsection (b)(1).

9 (2) MANAGEMENT ENTITY.—The term “man-
10 agement entity” means the management entity for
11 the Heritage Area designated by subsection (b)(4).

12 (3) MANAGEMENT PLAN.—The term “manage-
13 ment plan” means the management plan for the
14 Heritage Area required under subsection (d).

15 (4) MAP.—The term “map” means the map en-
16 titled “Proposed Sangre De Cristo National Herit-
17 age Area” and dated November 2005.

18 (5) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (6) STATE.—The term “State” means the State
21 of Colorado.

22 (b) SANGRE DE CRISTO NATIONAL HERITAGE
23 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
5 consist 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 enact-
4 ment of this Act.

5 (c) ADMINISTRATION.—

6 (1) AUTHORITIES.—For purposes of carrying
7 out the management plan, the Secretary, acting
8 through the management entity, may use amounts
9 made available under this section to—

10 (A) make grants to the State or a political
11 subdivision of the State, nonprofit organiza-
12 tions, and other persons;

13 (B) enter into cooperative agreements
14 with, or provide technical assistance to, the
15 State or a political subdivision of the State,
16 nonprofit organizations, and other interested
17 parties;

18 (C) hire and compensate staff, which shall
19 include individuals with expertise in natural,
20 cultural, and historical resources protection,
21 and heritage programming;

22 (D) obtain money or services from any
23 source including any that are provided under
24 any other Federal law or program;

25 (E) contract for goods or services; and

1 (F) undertake to be a catalyst for any
2 other activity that furthers the Heritage Area
3 and is consistent with the approved manage-
4 ment plan.

5 (2) DUTIES.—The management entity shall—

6 (A) in accordance with subsection (d), pre-
7 pare and submit a management plan for the
8 Heritage Area to the Secretary;

9 (B) assist units of local government, re-
10 gional planning organizations, and nonprofit or-
11 ganizations in carrying out the approved man-
12 agement plan by—

13 (i) carrying out programs and projects
14 that recognize, protect, and enhance im-
15 portant resource values in the Heritage
16 Area;

17 (ii) establishing and maintaining in-
18 terpretive exhibits and programs in the
19 Heritage Area;

20 (iii) developing recreational and edu-
21 cational opportunities in the Heritage
22 Area;

23 (iv) increasing public awareness of,
24 and appreciation for, natural, historical,

1 scenic, and cultural resources of the Herit-
2 age Area;

3 (v) protecting and restoring historic
4 sites and buildings in the Heritage Area
5 that are consistent with Heritage Area
6 themes;

7 (vi) ensuring that clear, consistent,
8 and appropriate signs identifying points of
9 public access, and sites of interest are
10 posted throughout the Heritage Area; and

11 (vii) promoting a wide range of part-
12 nerships among governments, organiza-
13 tions, and individuals to further the Herit-
14 age Area;

15 (C) consider the interests of diverse units
16 of government, businesses, organizations, and
17 individuals in the Heritage Area in the prepara-
18 tion and implementation of the management
19 plan;

20 (D) conduct meetings open to the public at
21 least semiannually regarding the development
22 and implementation of the management plan;

23 (E) for any year that Federal funds have
24 been received under this section—

1 (i) submit an annual report to the
2 Secretary that describes the activities, ex-
3 penses, and income of the management en-
4 tity (including grants to any other entities
5 during the year that the report is made);

6 (ii) make available to the Secretary
7 for audit all records relating to the expend-
8 iture of the funds and any matching funds;

9 (iii) require, with respect to all agree-
10 ments authorizing expenditure of Federal
11 funds by other organizations, that the or-
12 ganizations receiving the funds make avail-
13 able to the Secretary for audit all records
14 concerning the expenditure of the funds;
15 and

16 (F) encourage by appropriate means eco-
17 nomic viability that is consistent with the Herit-
18 age Area.

19 (3) PROHIBITION ON THE ACQUISITION OF
20 REAL PROPERTY.—The management entity shall not
21 use Federal funds made available under this section
22 to acquire real property or any interest in real prop-
23 erty.

24 (4) COST-SHARING REQUIREMENT.—The Fed-
25 eral share of the cost of any activity carried out

1 using any assistance made available under this sec-
2 tion shall be 50 percent.

3 (d) MANAGEMENT PLAN.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of enactment of this Act, the management
6 entity shall submit to the Secretary for approval a
7 proposed management plan for the Heritage Area.

8 (2) REQUIREMENTS.—The management plan
9 shall—

10 (A) incorporate an integrated and coopera-
11 tive approach for the protection, enhancement,
12 and interpretation of the natural, cultural, his-
13 toric, scenic, and recreational resources of the
14 Heritage Area;

15 (B) take into consideration State and local
16 plans;

17 (C) include—

18 (i) an inventory of—

19 (I) the resources located in the
20 core area described in subsection
21 (b)(2); and

22 (II) any other property in the
23 core area that—

24 (aa) is related to the themes
25 of the Heritage Area; and

1 (bb) should be preserved, re-
2 stored, managed, or maintained
3 because of the significance of the
4 property;

5 (ii) comprehensive policies, strategies
6 and recommendations for conservation,
7 funding, management, and development of
8 the Heritage Area;

9 (iii) a description of actions that gov-
10 ernments, private organizations, and indi-
11 viduals have agreed to take to protect the
12 natural, historical and cultural resources of
13 the Heritage Area;

14 (iv) a program of implementation for
15 the management plan by the management
16 entity that includes a description of—

17 (I) actions to facilitate ongoing
18 collaboration among partners to pro-
19 mote plans for resource protection,
20 restoration, and construction; and

21 (II) specific commitments for im-
22 plementation that have been made by
23 the management entity or any govern-
24 ment, organization, or individual for
25 the first 5 years of operation;

1 (v) the identification of sources of
2 funding for carrying out the management
3 plan;

4 (vi) analysis and recommendations for
5 means by which local, State, and Federal
6 programs, including the role of the Na-
7 tional Park Service in the Heritage Area,
8 may best be coordinated to carry out this
9 section; and

10 (vii) an interpretive plan for the Her-
11 itage Area; and

12 (D) recommend policies and strategies for
13 resource management that consider and detail
14 the application of appropriate land and water
15 management techniques, including the develop-
16 ment of intergovernmental and interagency co-
17 operative agreements to protect the natural,
18 historical, cultural, educational, scenic, and rec-
19 reational resources of the Heritage Area.

20 (3) DEADLINE.—If a proposed management
21 plan is not submitted to the Secretary by the date
22 that is 3 years after the date of enactment of this
23 Act, the management entity shall be ineligible to re-
24 ceive additional funding under this section until the

1 date that the Secretary receives and approves the
2 management plan.

3 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
4 MENT PLAN.—

5 (A) IN GENERAL.—Not later than 180
6 days after the date of receipt of the manage-
7 ment plan under paragraph (1), the Secretary,
8 in consultation with the State, shall approve or
9 disapprove the management plan.

10 (B) CRITERIA FOR APPROVAL.—In deter-
11 mining whether to approve the management
12 plan, the Secretary shall consider whether—

13 (i) the management entity is rep-
14 resentative of the diverse interests of the
15 Heritage Area, including governments, nat-
16 ural and historic resource protection orga-
17 nizations, educational institutions, busi-
18 nesses, and recreational organizations;

19 (ii) the management entity has af-
20 farded adequate opportunity, including
21 public hearings, for public and govern-
22 mental involvement in the preparation of
23 the management plan; and

24 (iii) the resource protection and inter-
25 pretation strategies contained in the man-

1 agement plan, if implemented, would ade-
2 quately protect the natural, historical, and
3 cultural resources of the Heritage Area.

4 (C) ACTION FOLLOWING DISAPPROVAL.—If
5 the Secretary disapproves the management plan
6 under subparagraph (A), the Secretary shall—

7 (i) advise the management entity in
8 writing of the reasons for the disapproval;

9 (ii) make recommendations for revi-
10 sions to the management plan; and

11 (iii) not later than 180 days after the
12 receipt of any proposed revision of the
13 management plan from the management
14 entity, approve or disapprove the proposed
15 revision.

16 (D) AMENDMENTS.—

17 (i) IN GENERAL.—The Secretary shall
18 approve or disapprove each amendment to
19 the management plan that the Secretary
20 determines make a substantial change to
21 the management plan.

22 (ii) USE OF FUNDS.—The manage-
23 ment entity shall not use Federal funds
24 authorized by this section to carry out any
25 amendments to the management plan until

1 the Secretary has approved the amend-
2 ments.

3 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
4 CIES.—

5 (1) IN GENERAL.—Nothing in this section af-
6 fects the authority of a Federal agency to provide
7 technical or financial assistance under any other law.

8 (2) CONSULTATION AND COORDINATION.—The
9 head of any Federal agency planning to conduct ac-
10 tivities that may have an impact on the Heritage
11 Area is encouraged to consult and coordinate the ac-
12 tivities with the Secretary and the management enti-
13 ty to the maximum extent practicable.

14 (3) OTHER FEDERAL AGENCIES.—Nothing in
15 this section—

16 (A) modifies, alters, or amends any law or
17 regulation authorizing a Federal agency to
18 manage Federal land under the jurisdiction of
19 the Federal agency;

20 (B) limits the discretion of a Federal land
21 manager to implement an approved land use
22 plan within the boundaries of the Heritage
23 Area; or

1 (C) modifies, alters, or amends any author-
2 ized use of Federal land under the jurisdiction
3 of a Federal agency.

4 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
5 TIONS.—Nothing in this section—

6 (1) abridges the rights of any property owner
7 (whether public or private), including the right to re-
8 frain from participating in any plan, project, pro-
9 gram, or activity conducted within the Heritage
10 Area;

11 (2) requires any property owner to permit pub-
12 lic access (including access by Federal, State, or
13 local agencies) to the property of the property
14 owner, or to modify public access or use of property
15 of the property owner under any other Federal,
16 State, or local law;

17 (3) alters any duly adopted land use regulation,
18 approved land use plan, or other regulatory author-
19 ity of any Federal, State or local agency, or conveys
20 any land use or other regulatory authority to the
21 management entity;

22 (4) authorizes or implies the reservation or ap-
23 propriation of water or water rights;

1 (5) diminishes the authority of the State to
2 manage fish and wildlife, including the regulation of
3 fishing and hunting within the Heritage Area; or

4 (6) creates any liability, or affects any liability
5 under any other law, of any private property owner
6 with respect to any person injured on the private
7 property.

8 (g) EVALUATION; REPORT.—

9 (1) IN GENERAL.—Not later than 3 years be-
10 fore the date on which authority for Federal funding
11 terminates for the Heritage Area, the Secretary
12 shall—

13 (A) conduct an evaluation of the accom-
14 plishments of the Heritage Area; and

15 (B) prepare a report in accordance with
16 paragraph (3).

17 (2) EVALUATION.—An evaluation conducted
18 under paragraph (1)(A) shall—

19 (A) assess the progress of the management
20 entity with respect to—

21 (i) accomplishing the purposes of this
22 section for the Heritage Area; and

23 (ii) achieving the goals and objectives
24 of the approved management plan for the
25 Heritage Area;

1 (B) analyze the Federal, State, local, and
2 private investments in the Heritage Area to de-
3 termine the leverage and impact of the invest-
4 ments; and

5 (C) review the management structure,
6 partnership relationships, and funding of the
7 Heritage Area for purposes of identifying the
8 critical components for sustainability of the
9 Heritage Area.

10 (3) REPORT.—

11 (A) IN GENERAL.—Based on the evalua-
12 tion conducted under paragraph (1)(A), the
13 Secretary shall prepare a report that includes
14 recommendations for the future role of the Na-
15 tional Park Service, if any, with respect to the
16 Heritage Area.

17 (B) REQUIRED ANALYSIS.—If the report
18 prepared under subparagraph (A) recommends
19 that Federal funding for the Heritage Area be
20 reauthorized, the report shall include an anal-
21 ysis of—

22 (i) ways in which Federal funding for
23 the Heritage Area may be reduced or
24 eliminated; and

1 (ii) the appropriate time period nec-
2 essary to achieve the recommended reduc-
3 tion or elimination.

4 (C) SUBMISSION TO CONGRESS.—On com-
5 pletion of the report, the Secretary shall submit
6 the report to—

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

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

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$10,000,000, of which not more than \$1,000,000 may be
14 made available for any fiscal year.

15 (i) TERMINATION OF AUTHORITY.—The authority of
16 the Secretary to provide assistance under this section ter-
17 minates on the date that is 15 years after the date of en-
18 actment of this Act.

19 **SEC. 822. CACHE LA POUFRE RIVER NATIONAL HERITAGE**
20 **AREA, COLORADO.**

21 (a) DEFINITIONS.—In this section:

22 (1) HERITAGE AREA.—The term “Heritage
23 Area” means the Cache La Poudre River National
24 Heritage Area established by subsection (b)(1).

1 (2) LOCAL COORDINATING ENTITY.—The term
2 “local coordinating entity” means the Poudre Herit-
3 age Alliance, the local coordinating entity for the
4 Heritage Area designated by subsection (b)(4).

5 (3) MANAGEMENT PLAN.—The term “manage-
6 ment plan” means the management plan for the
7 Heritage Area required under subsection (d)(1).

8 (4) MAP.—The term “map” means the map en-
9 titled “Cache La Poudre River National Heritage
10 Area”, numbered 960/80,003, and dated April,
11 2004.

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (6) STATE.—The term “State” means the State
15 of Colorado.

16 (b) CACHE LA POUFRE RIVER NATIONAL HERITAGE
17 AREA.—

18 (1) ESTABLISHMENT.—There is established in
19 the State the Cache La Poudre River National Her-
20 itage Area.

21 (2) BOUNDARIES.—The Heritage Area shall
22 consist of the area depicted on the map.

23 (3) MAP.—The map shall be on file and avail-
24 able for public inspection in the appropriate offices
25 of—

1 (A) the National Park Service; and

2 (B) the local coordinating entity.

3 (4) LOCAL COORDINATING ENTITY.—The local
4 coordinating entity for the Heritage Area shall be
5 the Poudre Heritage Alliance, a nonprofit organiza-
6 tion incorporated in the State.

7 (c) ADMINISTRATION.—

8 (1) AUTHORITIES.—To carry out the manage-
9 ment plan, the Secretary, acting through the local
10 coordinating entity, may use amounts made available
11 under this section—

12 (A) to make grants to the State (including
13 any political subdivision of the State), nonprofit
14 organizations, and other individuals;

15 (B) to enter into cooperative agreements
16 with, or provide technical assistance to, the
17 State (including any political subdivision of the
18 State), nonprofit organizations, and other inter-
19 ested parties;

20 (C) to hire and compensate staff, which
21 shall include individuals with expertise in nat-
22 ural, cultural, and historical resource protec-
23 tion, and heritage programming;

1 (D) to obtain funds or services from any
2 source, including funds or services that are pro-
3 vided under any other Federal law or program;

4 (E) to enter into contracts for goods or
5 services; and

6 (F) to serve as a catalyst for any other ac-
7 tivity that—

8 (i) furthers the purposes and goals of
9 the Heritage Area; and

10 (ii) is consistent with the approved
11 management plan.

12 (2) DUTIES.—The local coordinating entity
13 shall—

14 (A) in accordance with subsection (d), pre-
15 pare and submit to the Secretary a manage-
16 ment plan for the Heritage Area;

17 (B) assist units of local government, re-
18 gional planning organizations, and nonprofit or-
19 ganizations in carrying out the approved man-
20 agement plan by—

21 (i) carrying out programs and projects
22 that recognize, protect, and enhance im-
23 portant resource values located in the Her-
24 itage Area;

1 (ii) establishing and maintaining in-
2 terpretive exhibits and programs in the
3 Heritage Area;

4 (iii) developing recreational and edu-
5 cational opportunities in the Heritage
6 Area;

7 (iv) increasing public awareness of,
8 and appreciation for, the natural, histor-
9 ical, scenic, and cultural resources of the
10 Heritage Area;

11 (v) protecting and restoring historic
12 sites and buildings in the Heritage Area
13 that are consistent with Heritage Area
14 themes;

15 (vi) ensuring that clear, consistent,
16 and appropriate signs identifying points of
17 public access, and sites of interest, are
18 posted throughout the Heritage Area; and

19 (vii) promoting a wide range of part-
20 nerships among governments, organiza-
21 tions, and individuals to further the Herit-
22 age Area;

23 (C) consider the interests of diverse units
24 of government, businesses, organizations, and
25 individuals in the Heritage Area in the prepara-

1 tion and implementation of the management
2 plan;

3 (D) conduct meetings open to the public at
4 least semiannually regarding the development
5 and implementation of the management plan;

6 (E) for any year for which Federal funds
7 have been received under this section—

8 (i) submit an annual report to the
9 Secretary that describes the activities, ex-
10 penses, and income of the local coordi-
11 nating entity (including grants to any
12 other entities during the year that the re-
13 port is made);

14 (ii) make available to the Secretary
15 for audit all records relating to the expend-
16 iture of the funds and any matching funds;
17 and

18 (iii) require, with respect to all agree-
19 ments authorizing expenditure of Federal
20 funds by other organizations, that the or-
21 ganizations receiving the funds make avail-
22 able to the Secretary for audit all records
23 concerning the expenditure of the funds;
24 and

1 (F) encourage by appropriate means eco-
2 nomic viability that is consistent with the Herit-
3 age Area.

4 (3) PROHIBITION ON THE ACQUISITION OF
5 REAL PROPERTY.—The local coordinating entity
6 shall not use Federal funds made available under
7 this section to acquire real property or any interest
8 in real property.

9 (d) MANAGEMENT PLAN.—

10 (1) IN GENERAL.—Not later than 3 years after
11 the date of enactment of this Act, the local coordi-
12 nating entity shall submit to the Secretary for ap-
13 proval a proposed management plan for the Heritage
14 Area.

15 (2) REQUIREMENTS.—The management plan
16 shall—

17 (A) incorporate an integrated and coopera-
18 tive approach for the protection, enhancement,
19 and interpretation of the natural, cultural, his-
20 toric, scenic, educational, and recreational re-
21 sources of the Heritage Area;

22 (B) take into consideration State and local
23 plans;

24 (C) include—

- 1 (i) an inventory of the resources lo-
2 cated in the Heritage Area;
- 3 (ii) comprehensive policies, strategies,
4 and recommendations for conservation,
5 funding, management, and development of
6 the Heritage Area;
- 7 (iii) a description of actions that gov-
8 ernments, private organizations, and indi-
9 viduals have agreed to take to protect the
10 natural, cultural, historic, scenic, edu-
11 cational, and recreational resources of the
12 Heritage Area;
- 13 (iv) a program of implementation for
14 the management plan by the local coordi-
15 nating entity that includes a description
16 of—
- 17 (I) actions to facilitate ongoing
18 collaboration among partners to pro-
19 mote plans for resource protection,
20 restoration, and construction; and
- 21 (II) specific commitments for im-
22 plementation that have been made by
23 the local coordinating entity or any
24 government, organization, or indi-

1 vidual for the first 5 years of oper-
2 ation;

3 (v) the identification of sources of
4 funding for carrying out the management
5 plan;

6 (vi) analysis and recommendations for
7 means by which local, State, and Federal
8 programs, including the role of the Na-
9 tional Park Service in the Heritage Area,
10 may best be coordinated to carry out this
11 section; and

12 (vii) an interpretive plan for the Her-
13 itage Area; and

14 (D) recommend policies and strategies for
15 resource management that consider and detail
16 the application of appropriate land and water
17 management techniques, including the develop-
18 ment of intergovernmental and interagency co-
19 operative agreements to protect the natural,
20 cultural, historic, scenic, educational, and rec-
21 reational resources of the Heritage Area.

22 (3) DEADLINE.—If a proposed management
23 plan is not submitted to the Secretary by the date
24 that is 3 years after the date of enactment of this
25 Act, the local coordinating entity shall be ineligible

1 to receive additional funding under this section until
2 the date on which the Secretary approves a manage-
3 ment plan.

4 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
5 MENT PLAN.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of receipt of the manage-
8 ment plan under paragraph (1), the Secretary,
9 in consultation with the State, shall approve or
10 disapprove the management plan.

11 (B) CRITERIA FOR APPROVAL.—In deter-
12 mining whether to approve the management
13 plan, the Secretary shall consider whether—

14 (i) the local coordinating entity is rep-
15 resentative of the diverse interests of the
16 Heritage Area, including governments, nat-
17 ural and historic resource protection orga-
18 nizations, educational institutions, busi-
19 nesses, and recreational organizations;

20 (ii) the local coordinating entity has
21 afforded adequate opportunity, including
22 public hearings, for public and govern-
23 mental involvement in the preparation of
24 the management plan; and

1 (iii) the resource protection and inter-
2 pretation strategies contained in the man-
3 agement plan, if implemented, would ade-
4 quately protect the natural, cultural, his-
5 toric, scenic, educational, and recreational
6 resources of the Heritage Area.

7 (C) ACTION FOLLOWING DISAPPROVAL.—If
8 the Secretary disapproves the management plan
9 under subparagraph (A), the Secretary shall—

10 (i) advise the local coordinating entity
11 in writing of the reasons for the dis-
12 approval;

13 (ii) make recommendations for revi-
14 sions to the management plan; and

15 (iii) not later than 180 days after the
16 date of receipt of any proposed revision of
17 the management plan from the local co-
18 ordinating entity, approve or disapprove
19 the proposed revision.

20 (5) AMENDMENTS.—

21 (A) IN GENERAL.—The Secretary shall ap-
22 prove or disapprove each amendment to the
23 management plan that the Secretary determines
24 would make a substantial change to the man-
25 agement plan.

1 (B) USE OF FUNDS.—The local coordi-
2 nating entity shall not use Federal funds au-
3 thorized to be appropriated by this section to
4 carry out any amendments to the management
5 plan until the Secretary has approved the
6 amendments.

7 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
8 CIES.—

9 (1) IN GENERAL.—Nothing in this section af-
10 fects the authority of a Federal agency to provide
11 technical or financial assistance under any other law
12 (including regulations).

13 (2) CONSULTATION AND COORDINATION.—To
14 the maximum extent practicable, the head of any
15 Federal agency planning to conduct activities that
16 may have an impact on the Heritage Area is encour-
17 aged to consult and coordinate the activities with the
18 Secretary and the local coordinating entity.

19 (3) OTHER FEDERAL AGENCIES.—Nothing in
20 this section—

21 (A) modifies, alters, or amends any law
22 (including any regulation) authorizing a Fed-
23 eral agency to manage Federal land under the
24 jurisdiction of the Federal agency;

1 (B) limits the discretion of a Federal land
2 manager to implement an approved land use
3 plan within the boundaries of the Heritage
4 Area; or

5 (C) modifies, alters, or amends any author-
6 ized use of Federal land under the jurisdiction
7 of a Federal agency.

8 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
9 TIONS.—Nothing in this section—

10 (1) abridges the rights of any 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
20 Federal, State, or local law;

21 (3) alters any duly adopted land use regulation,
22 approved land use plan, or other regulatory author-
23 ity of any Federal, State, or local agency;

24 (4) conveys any land use or other regulatory
25 authority to the local coordinating entity;

1 (5) authorizes or implies the reservation or ap-
2 propriation of water or water rights;

3 (6) diminishes the authority of the State to
4 manage fish and wildlife, including the regulation of
5 fishing and hunting within the Heritage Area; or

6 (7) creates any liability, or affects any liability
7 under any other law (including regulations), of any
8 private property owner with respect to any individual
9 injured on the private property.

10 (g) EVALUATION; REPORT.—

11 (1) IN GENERAL.—Not later than 3 years be-
12 fore the date on which authority for Federal funding
13 terminates for the Heritage Area, the Secretary
14 shall—

15 (A) conduct an evaluation of the accom-
16 plishments of the Heritage Area; and

17 (B) prepare a report in accordance with
18 paragraph (3).

19 (2) EVALUATION.—An evaluation conducted
20 under paragraph (1)(A) shall—

21 (A) assess the progress of the local coordi-
22 nating entity with respect to—

23 (i) accomplishing the purposes of this
24 section for the Heritage Area; and

1 (ii) achieving the goals and objectives
2 of the approved management plan for the
3 Heritage Area;

4 (B) analyze the Federal, State, local, and
5 private investments in the Heritage Area to de-
6 termine the leverage and impact of the invest-
7 ments; and

8 (C) review the management structure,
9 partnership relationships, and funding of the
10 Heritage Area to identify the critical compo-
11 nents for sustainability of the Heritage Area.

12 (3) REPORT.—

13 (A) IN GENERAL.—Based on the evalua-
14 tion conducted under paragraph (1)(A), the
15 Secretary shall prepare a report that includes
16 recommendations for the future role of the Na-
17 tional Park Service, if any, with respect to the
18 Heritage Area.

19 (B) REQUIRED ANALYSIS.—If the report
20 prepared under subparagraph (A) recommends
21 that Federal funding for the Heritage Area be
22 reauthorized, the report shall include an anal-
23 ysis of—

1 (i) ways in which Federal funding for
2 the Heritage Area may be reduced or
3 eliminated; and

4 (ii) the appropriate time period nec-
5 essary to achieve the recommended reduc-
6 tion or elimination.

7 (C) SUBMISSION TO CONGRESS.—On com-
8 pletion of the report, the Secretary shall submit
9 the report to—

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

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

14 (h) 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
19 year.

20 (2) COST-SHARING REQUIREMENT.—The Fed-
21 eral share of the cost of any activity carried out
22 using any assistance made available under this sec-
23 tion shall be 50 percent.

24 (i) TERMINATION OF AUTHORITY.—The authority of
25 the Secretary to provide assistance under this section ter-

1 minates on the date that is 15 years after the date of en-
2 actment of this Act.

3 (j) CONFORMING AMENDMENT.—The Cache La
4 Poudre River Corridor Act (16 U.S.C. 461 note; Public
5 Law 104–323) is repealed.

6 **SEC. 823. SOUTH PARK NATIONAL HERITAGE AREA, COLO-**
7 **RADO.**

8 (a) DEFINITIONS.—In this section:

9 (1) BOARD.—The term “Board” means the
10 Board of Directors of the South Park National Her-
11 itage Area, comprised initially of the individuals,
12 agencies, organizations, and governments that were
13 involved in the planning and development of the
14 Heritage Area before the date of enactment of this
15 Act.

16 (2) HERITAGE AREA.—The term “Heritage
17 Area” means the South Park National Heritage
18 Area established by subsection (b)(1).

19 (3) MANAGEMENT ENTITY.—The term “man-
20 agement entity” means the management entity for
21 the Heritage Area designated by subsection
22 (b)(4)(A).

23 (4) MANAGEMENT PLAN.—The term “manage-
24 ment plan” means the management plan for the
25 Heritage Area required by subsection (d).

1 (5) MAP.—The term “map” means the map en-
2 titled “South Park National Heritage Area Map
3 (Proposed)”, 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
22 consist 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 Her-
9 itage 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
19 REAL PROPERTY.—The management entity shall not
20 use Federal funds made available under this section
21 to acquire real property or any interest in real prop-
22 erty.

23 (2) AUTHORITIES.—For purposes of carrying
24 out the management plan, the Secretary, acting

1 through the management entity, may use amounts
2 made available under this section to—

3 (A) make grants to the State or a political
4 subdivision of the State, nonprofit organiza-
5 tions, and other persons;

6 (B) enter into cooperative agreements
7 with, or provide technical assistance to, the
8 State or a political subdivision of the State,
9 nonprofit organizations, and other interested
10 parties;

11 (C) hire and compensate staff, which shall
12 include individuals with expertise in natural,
13 cultural, and historical resources protection,
14 fundraising, heritage facility planning and de-
15 velopment, and heritage tourism programming;

16 (D) obtain funds or services from any
17 source, including funds or services that are pro-
18 vided under any other Federal law or program;

19 (E) enter into contracts for goods or serv-
20 ices; and

21 (F) to facilitate the conduct of other
22 projects and activities that further the Heritage
23 Area and are consistent with the approved man-
24 agement plan.

25 (3) DUTIES.—The management entity shall—

1 (A) in accordance with subsection (d), pre-
2 pare and submit a management plan for the
3 Heritage Area to the Secretary;

4 (B) assist units of local government, local
5 property owners and businesses, and nonprofit
6 organizations in carrying out the approved
7 management plan by—

8 (i) carrying out programs and projects
9 that recognize, protect, enhance, and pro-
10 mote important resource values in the Her-
11 itage Area;

12 (ii) establishing and maintaining in-
13 terpretive exhibits and programs in the
14 Heritage Area;

15 (iii) developing economic, recreational
16 and educational opportunities in the Herit-
17 age Area;

18 (iv) increasing public awareness of,
19 and appreciation for, historical, cultural,
20 scenic, recreational, agricultural, and nat-
21 ural resources of the Heritage Area;

22 (v) protecting and restoring historic
23 sites and buildings in the Heritage Area
24 that are consistent with Heritage Area
25 themes;

1 (vi) ensuring that clear, consistent,
2 and appropriate signs identifying points of
3 public access, and sites of interest are
4 posted throughout the Heritage Area;

5 (vii) promoting a wide range of part-
6 nerships among governments, organiza-
7 tions, and individuals to further the Herit-
8 age Area; and

9 (viii) planning and developing new
10 heritage attractions, products and services;

11 (C) consider the interests of diverse units
12 of government, businesses, organizations, and
13 individuals in the Heritage Area in the prepara-
14 tion and implementation of the management
15 plan;

16 (D) conduct meetings open to the public at
17 least semiannually regarding the development
18 and implementation of the management plan;

19 (E) for any year for which Federal funds
20 have been received under this section—

21 (i) submit to the Secretary an annual
22 report that describes the activities, ex-
23 penses, and income of the management en-
24 tity (including grants to any other entities
25 during the year that the report is made);

1 (ii) make available to the Secretary
2 for audit all records relating to the expend-
3 iture of the Federal funds and any match-
4 ing funds; and

5 (iii) require, with respect to all agree-
6 ments authorizing expenditure of Federal
7 funds by other organizations, that the or-
8 ganizations receiving the funds make avail-
9 able to the Secretary for audit all records
10 concerning the expenditure of the funds;
11 and

12 (F) encourage by appropriate means eco-
13 nomic viability that is consistent with the Herit-
14 age Area.

15 (4) COST-SHARING REQUIREMENT.—The Fed-
16 eral share of the cost of any activity carried out
17 using any assistance made available under this sec-
18 tion shall be 50 percent.

19 (d) MANAGEMENT PLAN.—

20 (1) IN GENERAL.—Not later than 3 years after
21 the date of enactment of this Act, the management
22 entity, with public participation, shall submit to the
23 Secretary for approval a proposed management plan
24 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 interpretation, development, and promotion of
6 the historical, cultural, scenic, recreational, ag-
7 ricultural, and natural resources of the Herit-
8 age Area;

9 (B) take into consideration State and local
10 plans;

11 (C) include—

12 (i) an inventory of—

13 (I) the resources located within
14 the areas included in the map; and

15 (II) any other eligible and par-
16 ticipating property within the areas
17 included in the map that—

18 (aa) is related to the themes
19 of the Heritage Area; and

20 (bb) should be preserved, re-
21 stored, managed, maintained, de-
22 veloped, or promoted because of
23 the significance of the property;

24 (ii) comprehensive policies, strategies,
25 and recommendations for conservation,

1 funding, management, development, and
2 promotion of the Heritage Area;

3 (iii) a description of actions that gov-
4 ernments, private organizations, and indi-
5 viduals have agreed to take to manage pro-
6 tect the historical, cultural, scenic, rec-
7 reational, agricultural, and natural re-
8 sources of the Heritage Area;

9 (iv) a program of implementation for
10 the management plan by the management
11 entity that includes a description of—

12 (I) actions to facilitate ongoing
13 and effective collaboration among
14 partners to promote plans for resource
15 protection, enhancement, interpreta-
16 tion, restoration, and construction;
17 and

18 (II) specific commitments for im-
19 plementation that have been made by
20 the management entity or any govern-
21 ment, organization, or individual for
22 the first 5 years of operation;

23 (v) the identification of sources of
24 funding for carrying out the management
25 plan;

1 (vi) an analysis of and recommenda-
2 tions for means by which Federal, State,
3 and local programs, including the role of
4 the National Park Service in the Heritage
5 Area, may best be coordinated to carry out
6 this section; and

7 (vii) an interpretive plan for the Her-
8 itage Area; and

9 (D) recommend policies and strategies for
10 resource management that consider and detail
11 the application of appropriate land and water
12 management techniques, including the develop-
13 ment of intergovernmental and interagency co-
14 operative agreements to protect the historical,
15 cultural, scenic, recreational, agricultural, and
16 natural resources of the Heritage Area.

17 (3) DEADLINE.—If a proposed management
18 plan is not submitted to the Secretary by the date
19 that is 3 years after the date of enactment of this
20 Act, the management entity shall be ineligible to re-
21 ceive additional funding under this section until the
22 date on which the Secretary receives and approves
23 the management plan.

24 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
25 MENT PLAN.—

1 (A) IN GENERAL.—Not later than 180
2 days after the date of receipt of the manage-
3 ment plan under paragraph (1), the Secretary,
4 in consultation with the State, shall approve or
5 disapprove the management plan.

6 (B) CRITERIA FOR APPROVAL.—In deter-
7 mining whether to approve the management
8 plan, the Secretary shall consider whether—

9 (i) the management entity is rep-
10 resentative of the diverse interests of the
11 Heritage Area, including governments, nat-
12 ural and historical resource protection or-
13 ganizations, educational institutions, local
14 businesses and industries, community or-
15 ganizations, recreational organizations, and
16 tourism organizations;

17 (ii) the management entity has af-
18 farded adequate opportunity, including
19 public hearings, for public and govern-
20 mental involvement in the preparation of
21 the management plan; and

22 (iii) strategies contained in the man-
23 agement plan, if implemented, would ade-
24 quately balance the voluntary protection,
25 development, and interpretation of the nat-

1 ural, historical, cultural, scenic, rec-
2 reational, and agricultural resources of the
3 Heritage Area.

4 (C) ACTION FOLLOWING DISAPPROVAL.—If
5 the Secretary disapproves the management plan
6 under subparagraph (A), the Secretary shall—

7 (i) advise the management entity in
8 writing of the reasons for the disapproval;

9 (ii) make recommendations for revi-
10 sions to the management plan; and

11 (iii) not later than 180 days after the
12 receipt of any proposed revision of the
13 management plan from the management
14 entity, approve or disapprove the proposed
15 revision.

16 (D) AMENDMENTS.—

17 (i) IN GENERAL.—The Secretary shall
18 approve or disapprove each amendment to
19 the management plan that the Secretary
20 determines makes a substantial change to
21 the management plan.

22 (ii) USE OF FUNDS.—The manage-
23 ment entity shall not use Federal funds
24 authorized by this section to carry out any
25 amendments to the management plan until

1 the Secretary has approved the amend-
2 ments.

3 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
4 CIES.—

5 (1) IN GENERAL.—Nothing in this section af-
6 fects the authority of a Federal agency to provide
7 technical or financial assistance under any other law.

8 (2) CONSULTATION AND COORDINATION.—The
9 head of any Federal agency planning to conduct ac-
10 tivities that may have an impact on the Heritage
11 Area is encouraged to consult and coordinate the ac-
12 tivities with the Secretary and the management enti-
13 ty to the maximum extent practicable.

14 (3) OTHER FEDERAL AGENCIES.—Nothing in
15 this section—

16 (A) modifies, alters, or amends any law or
17 regulation authorizing a Federal agency to
18 manage Federal land under the jurisdiction of
19 the Federal agency;

20 (B) limits the discretion of a Federal land
21 manager to implement an approved land use
22 plan within the boundaries of the Heritage
23 Area; or

1 (C) modifies, alters, or amends any author-
2 ized use of Federal land under the jurisdiction
3 of a Federal agency.

4 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
5 TIONS.—Nothing in this section—

6 (1) abridges the rights of any property owner
7 (whether public or private), including the right to re-
8 frain from participating in any plan, project, pro-
9 gram, or activity conducted within the Heritage
10 Area;

11 (2) requires any property owner to permit pub-
12 lic access (including access by Federal, State, or
13 local agencies) to the property of the property
14 owner, or to modify public access or use of property
15 of the property owner under any other Federal,
16 State, or local law;

17 (3) alters any duly adopted land use regulation,
18 approved land use plan, or other regulatory author-
19 ity of any Federal, State or local agency, or conveys
20 any land use or other regulatory authority to the
21 management entity;

22 (4) authorizes or implies the reservation or ap-
23 propriation of water or water rights;

1 (5) diminishes the authority of the State to
2 manage fish and wildlife, including the regulation of
3 fishing and hunting within the Heritage Area; or

4 (6) creates any liability, or affects any liability
5 under any other law, of any private property owner
6 with respect to any person injured on the private
7 property.

8 (g) EVALUATION; REPORT.—

9 (1) IN GENERAL.—Not later than 3 years be-
10 fore the date on which authority for Federal funding
11 terminates for the Heritage Area, the Secretary
12 shall—

13 (A) conduct an evaluation of the accom-
14 plishments of the Heritage Area; and

15 (B) prepare a report in accordance with
16 paragraph (3).

17 (2) EVALUATION.—An evaluation conducted
18 under paragraph (1)(A) shall—

19 (A) assess the progress of the management
20 entity with respect to—

21 (i) accomplishing the purposes of this
22 section for the Heritage Area; and

23 (ii) achieving the goals and objectives
24 of the approved management plan for the
25 Heritage Area;

1 (B) analyze the Federal, State, local, and
2 private investments in the Heritage Area to de-
3 termine the leverage and impact of the invest-
4 ments; and

5 (C) review the management structure,
6 partnership relationships, and funding of the
7 Heritage Area for purposes of identifying the
8 critical components for sustainability of the
9 Heritage Area.

10 (3) REPORT.—

11 (A) IN GENERAL.—Based on the evalua-
12 tion conducted under paragraph (1)(A), the
13 Secretary shall prepare a report that includes
14 recommendations for the future role of the Na-
15 tional Park Service, if any, with respect to the
16 Heritage Area.

17 (B) REQUIRED ANALYSIS.—If the report
18 prepared under subparagraph (A) recommends
19 that Federal funding for the Heritage Area be
20 reauthorized, the report shall include an anal-
21 ysis of—

22 (i) ways in which Federal funding for
23 the Heritage Area may be reduced or
24 eliminated; and

1 (2) LOCAL COORDINATING ENTITY.—The term
2 “local coordinating entity” means the Northern
3 Plains Heritage Foundation, the local coordinating
4 entity for the Heritage Area designated by sub-
5 section (c)(1).

6 (3) MANAGEMENT PLAN.—The term “manage-
7 ment plan” means the management plan for the
8 Heritage Area required under subsection (d).

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

11 (5) STATE.—The term “State” means the State
12 of North Dakota.

13 (b) ESTABLISHMENT.—

14 (1) IN GENERAL.—There is established the
15 Northern Plains National Heritage Area in the State
16 of North Dakota.

17 (2) BOUNDARIES.—The Heritage Area shall
18 consist of—

19 (A) a core area of resources in Burleigh,
20 McLean, Mercer, Morton, and Oliver Counties
21 in the State; and

22 (B) any sites, buildings, and districts with-
23 in the core area recommended by the manage-
24 ment plan for inclusion in the Heritage Area.

1 (3) MAP.—A map of the Heritage Area shall
2 be—

3 (A) included in the management plan; and

4 (B) on file and available for public inspec-
5 tion in the appropriate offices of the local co-
6 ordinating entity and the National Park Serv-
7 ice.

8 (c) LOCAL COORDINATING ENTITY.—

9 (1) IN GENERAL.—The local coordinating entity
10 for the Heritage Area shall be the Northern Plains
11 Heritage Foundation, a nonprofit corporation estab-
12 lished under the laws of the State.

13 (2) DUTIES.—To further the purposes of the
14 Heritage Area, the Northern Plains Heritage Foun-
15 dation, as the local coordinating entity, shall—

16 (A) prepare a management plan for the
17 Heritage Area, and submit the management
18 plan to the Secretary, in accordance with this
19 section;

20 (B) submit an annual report to the Sec-
21 retary for each fiscal year for which the local
22 coordinating entity receives Federal funds
23 under this section, specifying—

- 1 (i) the specific performance goals and
2 accomplishments of the local coordinating
3 entity;
- 4 (ii) the expenses and income of the
5 local coordinating entity;
- 6 (iii) the amounts and sources of
7 matching funds;
- 8 (iv) the amounts leveraged with Fed-
9 eral funds and sources of the leveraged
10 funds; and
- 11 (v) grants made to any other entities
12 during the fiscal year;
- 13 (C) make available for audit for each fiscal
14 year for which the local coordinating entity re-
15 ceives Federal funds under this section, all in-
16 formation pertaining to the expenditure of the
17 funds and any matching funds; and
- 18 (D) encourage economic viability and sus-
19 tainability that is consistent with the purposes
20 of the Heritage Area.
- 21 (3) AUTHORITIES.—For the purposes of pre-
22 paring and implementing the approved management
23 plan for the Heritage Area, the local coordinating
24 entity may use Federal funds made available under
25 this section to—

1 (A) make grants to political jurisdictions,
2 nonprofit organizations, and other parties with-
3 in the Heritage Area;

4 (B) enter into cooperative agreements with
5 or provide technical assistance to political jurisdic-
6 tions, nonprofit organizations, Federal agen-
7 cies, and other interested parties;

8 (C) hire and compensate staff, including
9 individuals with expertise in—

10 (i) natural, historical, cultural, edu-
11 cational, scenic, and recreational resource
12 conservation;

13 (ii) economic and community develop-
14 ment; and

15 (iii) heritage planning;

16 (D) obtain funds or services from any
17 source, including other Federal programs;

18 (E) contract for goods or services; and

19 (F) support activities of partners and any
20 other activities that further the purposes of the
21 Heritage Area and are consistent with the ap-
22 proved management plan.

23 (4) PROHIBITION ON ACQUISITION OF REAL
24 PROPERTY.—The local coordinating entity may not
25 use Federal funds authorized to be appropriated

1 under this section to acquire any interest in real
2 property.

3 (5) OTHER SOURCES.—Nothing in this section
4 precludes the local coordinating entity from using
5 Federal funds from other sources for authorized
6 purposes.

7 (d) MANAGEMENT PLAN.—

8 (1) IN GENERAL.—Not later than 3 years after
9 the date of enactment of this Act, the local coordi-
10 nating entity shall submit to the Secretary for ap-
11 proval a proposed management plan for the Heritage
12 Area.

13 (2) REQUIREMENTS.—The management plan
14 for the Heritage Area shall—

15 (A) describe comprehensive policies, goals,
16 strategies, and recommendations for telling the
17 story of the heritage of the area covered by the
18 Heritage Area and encouraging long-term re-
19 source protection, enhancement, interpretation,
20 funding, management, and development of the
21 Heritage Area;

22 (B) include a description of actions and
23 commitments that Federal, State, tribal, and
24 local governments, private organizations, and
25 citizens will take to protect, enhance, interpret,

1 fund, manage, and develop the natural, histor-
2 ical, cultural, educational, scenic, and rec-
3 reational resources of the Heritage Area;

4 (C) specify existing and potential sources
5 of funding or economic development strategies
6 to protect, enhance, interpret, fund, manage,
7 and develop the Heritage Area;

8 (D) include an inventory of the natural,
9 historical, cultural, educational, scenic, and rec-
10 reational resources of the Heritage Area relat-
11 ing to the national importance and themes of
12 the Heritage Area that should be protected, en-
13 hanced, interpreted, managed, funded, and de-
14 veloped;

15 (E) recommend policies and strategies for
16 resource management, including the develop-
17 ment of intergovernmental and interagency
18 agreements to protect, enhance, interpret, fund,
19 manage, and develop the natural, historical, cul-
20 tural, educational, scenic, and recreational re-
21 sources of the Heritage Area;

22 (F) describe a program for implementation
23 for the management plan, including—

24 (i) performance goals;

1 (ii) plans for resource protection, en-
2 hancement, interpretation, funding, man-
3 agement, and development; and

4 (iii) specific commitments for imple-
5 mentation that have been made by the
6 local coordinating entity or any Federal,
7 State, tribal, or local government agency,
8 organization, business, or individual;

9 (G) include an analysis of, and rec-
10 ommendations for, means by which Federal,
11 State, tribal, and local programs may best be
12 coordinated (including the role of the National
13 Park Service and other Federal agencies associ-
14 ated with the Heritage Area) to further the
15 purposes of this section; and

16 (H) include a business plan that—

17 (i) describes the role, operation, fi-
18 nancing, and functions of the local coordi-
19 nating entity and of each of the major ac-
20 tivities described in the management plan;
21 and

22 (ii) provides adequate assurances that
23 the local coordinating entity has the part-
24 nerships and financial and other resources

1 necessary to implement the management
2 plan for the Heritage Area.

3 (3) DEADLINE.—

4 (A) IN GENERAL.—Not later than 3 years
5 after the date on which funds are first made
6 available to develop the management plan after
7 designation of the Heritage Area, the local co-
8 ordinating entity shall submit the management
9 plan to the Secretary for approval.

10 (B) TERMINATION OF FUNDING.—If the
11 management plan is not submitted to the Sec-
12 retary in accordance with subparagraph (A),
13 the local coordinating entity shall not qualify
14 for any additional financial assistance under
15 this section until such time as the management
16 plan is submitted to and approved by the Sec-
17 retary.

18 (4) APPROVAL OF MANAGEMENT PLAN.—

19 (A) REVIEW.—Not later than 180 days
20 after receiving the plan, the Secretary shall re-
21 view and approve or disapprove the manage-
22 ment plan for the Heritage Area on the basis
23 of the criteria established under subparagraph
24 (B).

1 (B) CRITERIA FOR APPROVAL.—In deter-
2 mining whether to approve a management plan
3 for the Heritage Area, the Secretary shall con-
4 sider whether—

5 (i) the local coordinating entity rep-
6 resents the diverse interests of the Herit-
7 age Area, including Federal, State, tribal,
8 and local governments, natural, and his-
9 toric resource protection organizations,
10 educational institutions, businesses, rec-
11 reational organizations, community resi-
12 dents, and private property owners;

13 (ii) the local coordinating entity—

14 (I) has afforded adequate oppor-
15 tunity for public and Federal, State,
16 tribal, and local governmental involve-
17 ment (including through workshops
18 and hearings) in the preparation of
19 the management plan; and

20 (II) provides for at least semi-
21 annual public meetings to ensure ade-
22 quate implementation of the manage-
23 ment plan;

24 (iii) the resource protection, enhance-
25 ment, interpretation, funding, manage-

1 ment, and development strategies described
2 in the management plan, if implemented,
3 would adequately protect, enhance, inter-
4 pret, fund, manage, and develop the nat-
5 ural, historic, cultural, educational, scenic,
6 and recreational resources of the Heritage
7 Area;

8 (iv) the management plan would not
9 adversely affect any activities authorized
10 on Federal land under public land laws or
11 land use plans;

12 (v) the local coordinating entity has
13 demonstrated the financial capability, in
14 partnership with others, to carry out the
15 plan;

16 (vi) the Secretary has received ade-
17 quate assurances from the appropriate
18 State, tribal, and local officials whose sup-
19 port is needed to ensure the effective im-
20 plementation of the State, tribal, and local
21 elements of the management plan; and

22 (vii) the management plan dem-
23 onstrates partnerships among the local co-
24 ordinating entity, Federal, State, tribal,
25 and local governments, regional planning

1 organizations, nonprofit organizations, or
2 private sector parties for implementation of
3 the management plan.

4 (C) DISAPPROVAL.—

5 (i) IN GENERAL.—If the Secretary
6 disapproves the management plan, the Sec-
7 retary—

8 (I) shall advise the local coordi-
9 nating entity in writing of the reasons
10 for the disapproval; and

11 (II) may make recommendations
12 to the local coordinating entity for re-
13 visions to the management plan.

14 (ii) DEADLINE.—Not later than 180
15 days after receiving a revised management
16 plan, the Secretary shall approve or dis-
17 approve the revised management plan.

18 (D) AMENDMENTS.—

19 (i) IN GENERAL.—An amendment to
20 the management plan that substantially al-
21 ters the purposes of the Heritage Area
22 shall be reviewed by the Secretary and ap-
23 proved or disapproved in the same manner
24 as the original management plan.

1 (ii) IMPLEMENTATION.—The local co-
2 ordinating entity shall not use Federal
3 funds authorized to be appropriated by this
4 section to implement an amendment to the
5 management plan until the Secretary ap-
6 proves the amendment.

7 (E) AUTHORITIES.—The Secretary may—

8 (i) provide technical assistance under
9 this section for the development and imple-
10 mentation of the management plan; and

11 (ii) enter into cooperative agreements
12 with interested parties to carry out this
13 section.

14 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
15 CIES.—

16 (1) IN GENERAL.—Nothing in this section af-
17 fects the authority of a Federal agency to provide
18 technical or financial assistance under any other law.

19 (2) TECHNICAL AND FINANCIAL ASSISTANCE.—

20 (A) IN GENERAL.—On the request of the
21 local coordinating entity, the Secretary may
22 provide financial assistance and, on a reimburs-
23 able or nonreimbursable basis, technical assist-
24 ance to the local coordinating entity to develop
25 and implement the management plan.

1 (B) COOPERATIVE AGREEMENTS.—The
2 Secretary may enter into cooperative agree-
3 ments with the local coordinating entity and
4 other public or private entities to provide tech-
5 nical or financial assistance under subpara-
6 graph (A).

7 (C) PRIORITY.—In assisting the Heritage
8 Area, the Secretary shall give priority to actions
9 that assist in—

10 (i) conserving the significant natural,
11 historic, cultural, and scenic resources of
12 the Heritage Area; and

13 (ii) providing educational, interpretive,
14 and recreational opportunities consistent
15 with the purposes of the Heritage Area.

16 (3) CONSULTATION AND COORDINATION.—To
17 the maximum extent practicable, the head of any
18 Federal agency planning to conduct activities that
19 may have an impact on the Heritage Area is encour-
20 aged to consult and coordinate the activities with the
21 Secretary and the local coordinating entity.

22 (4) OTHER FEDERAL AGENCIES.—Nothing in
23 this section—

24 (A) modifies or alters any laws (including
25 regulations) authorizing a Federal agency to

1 manage Federal land under the jurisdiction of
2 the Federal agency;

3 (B) limits the discretion of a Federal land
4 manager to implement an approved land use
5 plan within the boundaries of the Heritage
6 Area; or

7 (C) modifies, alters, or amends any author-
8 ized use of Federal land under the jurisdiction
9 of a Federal agency.

10 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
11 TIONS.—Nothing in this section—

12 (1) abridges the rights of any owner of public
13 or private property, including the right to refrain
14 from participating in any plan, project, program, or
15 activity conducted within the Heritage Area;

16 (2) requires any property owner to—

17 (A) permit public access (including access
18 by Federal, State, or local agencies) to the
19 property of the property owner; or

20 (B) modify public access to, or use of, the
21 property of the property owner under any other
22 Federal, State, or local law;

23 (3) alters any duly adopted land use regulation,
24 approved land use plan, or other regulatory author-
25 ity of any Federal, State, tribal, or local agency;

1 (4) conveys any land use or other regulatory
2 authority to the local coordinating entity;

3 (5) authorizes or implies the reservation or ap-
4 propriation of water or water rights;

5 (6) diminishes the authority of the State to
6 manage fish and wildlife, including the regulation of
7 fishing and hunting within the Heritage Area; or

8 (7) creates any liability, or affects any liability
9 under any other law, of any private property owner
10 with respect to any person injured on the private
11 property.

12 (g) EVALUATION; REPORT.—

13 (1) IN GENERAL.—Not later than 3 years be-
14 fore the date on which authority for Federal funding
15 terminates for the Heritage Area under subsection
16 (i), the Secretary shall—

17 (A) conduct an evaluation of the accom-
18 plishments of the Heritage Area; and

19 (B) prepare a report in accordance with
20 paragraph (3).

21 (2) EVALUATION.—An evaluation conducted
22 under paragraph (1)(A) shall—

23 (A) assess the progress of the local coordi-
24 nating entity with respect to—

1 (i) accomplishing the purposes of this
2 section for the Heritage Area; and

3 (ii) achieving the goals and objectives
4 of the approved management plan for the
5 Heritage Area;

6 (B) analyze the Federal, State, local, and
7 private investments in the Heritage Area to de-
8 termine the leverage and impact of the invest-
9 ments; and

10 (C) review the management structure,
11 partnership relationships, and funding of the
12 Heritage Area for purposes of identifying the
13 critical components for sustainability of the
14 Heritage Area.

15 (3) REPORT.—

16 (A) IN GENERAL.—Based on the evalua-
17 tion conducted under paragraph (1)(A), the
18 Secretary shall prepare a report that includes
19 recommendations for the future role of the Na-
20 tional Park Service, if any, with respect to the
21 Heritage Area.

22 (B) REQUIRED ANALYSIS.—If the report
23 prepared under subparagraph (A) recommends
24 that Federal funding for the Heritage Area be

1 reauthorized, the report shall include an anal-
2 ysis of—

3 (i) ways in which Federal funding for
4 the Heritage Area may be reduced or
5 eliminated; and

6 (ii) the appropriate time period nec-
7 essary to achieve the recommended reduc-
8 tion or elimination.

9 (C) SUBMISSION TO CONGRESS.—On com-
10 pletion of the report, the Secretary shall submit
11 the report to—

12 (i) the Committee on Energy and
13 Natural Resources of the Senate; and

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

16 (h) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be
18 appropriated to carry out this section \$10,000,000,
19 of which not more than \$1,000,000 may be made
20 available for any fiscal year.

21 (2) COST-SHARING REQUIREMENT.—

22 (A) IN GENERAL.—The Federal share of
23 the total cost of any activity under this section
24 shall be not more than 50 percent.

1 (B) FORM.—The non-Federal contribution
2 may be in the form of in-kind contributions of
3 goods or services fairly valued.

4 (i) TERMINATION OF AUTHORITY.—The authority of
5 the Secretary to provide assistance under this section ter-
6 minates on the date that is 15 years after the date of en-
7 actment of this Act.

8 **SEC. 825. BALTIMORE NATIONAL HERITAGE AREA, MARY-**
9 **LAND.**

10 (a) DEFINITIONS.—In this section:

11 (1) HERITAGE AREA.—The term “Heritage
12 Area” means the Baltimore National Heritage Area,
13 established by subsection (b)(1).

14 (2) LOCAL COORDINATING ENTITY.—The term
15 “local coordinating entity” means the local coordi-
16 nating entity for the Heritage Area designated by
17 subsection (b)(4).

18 (3) MANAGEMENT PLAN.—The term “manage-
19 ment plan” means the management plan for the
20 Heritage Area required under subsection (c)(1)(A).

21 (4) MAP.—The term “map” means the map en-
22 titled “Baltimore National Heritage Area”, num-
23 bered T10/80,000, and dated October 2007.

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (6) STATE.—The term “State” means the State
2 of Maryland.

3 (b) BALTIMORE NATIONAL HERITAGE AREA.—

4 (1) ESTABLISHMENT.—There is established the
5 Baltimore National Heritage Area in the State.

6 (2) BOUNDARIES.—The Heritage Area shall be
7 comprised of the following areas, as described on the
8 map:

9 (A) The area encompassing the Baltimore
10 City Heritage Area certified by the Maryland
11 Heritage Areas Authority in October 2001 as
12 part of the Baltimore City Heritage Area Man-
13 agement Action Plan.

14 (B) The Mount Auburn Cemetery.

15 (C) The Cylburn Arboretum.

16 (D) The Middle Branch of the Patapsco
17 River and surrounding shoreline, including—

18 (i) the Cruise Maryland Terminal;

19 (ii) new marina construction;

20 (iii) the National Aquarium Aquatic
21 Life Center;

22 (iv) the Westport Redevelopment;

23 (v) the Gwynns Falls Trail;

24 (vi) the Baltimore Rowing Club; and

1 (vii) the Masonville Cove Environ-
2 mental Center.

3 (3) AVAILABILITY OF MAP.—The map shall be
4 on file and available for public inspection in the ap-
5 propriate offices of the National Park Service and
6 the Baltimore Heritage Area Association.

7 (4) LOCAL COORDINATING ENTITY.—The Balti-
8 more Heritage Area Association shall be the local co-
9 ordinating entity for the Heritage Area.

10 (c) DUTIES AND AUTHORITIES OF LOCAL COORDI-
11 NATING ENTITY.—

12 (1) DUTIES OF THE LOCAL COORDINATING EN-
13 TITY.—To further the purposes of the Heritage
14 Area, the local coordinating entity shall—

15 (A) prepare, and submit to the Secretary,
16 in accordance with subsection (d), a manage-
17 ment plan for the Heritage Area;

18 (B) assist units of local government, re-
19 gional planning organizations, and nonprofit or-
20 ganizations in implementing the approved man-
21 agement plan by—

22 (i) carrying out programs and projects
23 that recognize, protect, and enhance im-
24 portant resource values within the Herit-
25 age Area;

- 1 (ii) establishing and maintaining in-
2 terpretive exhibits and programs within the
3 Heritage Area;
- 4 (iii) developing recreational and edu-
5 cational opportunities in the Heritage
6 Area;
- 7 (iv) increasing public awareness of,
8 and appreciation for, natural, historic, sce-
9 nic, and cultural resources of the Heritage
10 Area;
- 11 (v) protecting and restoring historic
12 sites and buildings in the Heritage Area
13 that are consistent with the themes of the
14 Heritage Area;
- 15 (vi) ensuring that signs identifying
16 points of public access and sites of interest
17 are posted throughout the Heritage Area;
18 and
- 19 (vii) promoting a wide range of part-
20 nerships among governments, organiza-
21 tions, and individuals to further the pur-
22 poses of the Heritage Area;
- 23 (C) consider the interests of diverse units
24 of government, businesses, organizations, and
25 individuals in the Heritage Area in the prepara-

1 tion and implementation of the management
2 plan;

3 (D) conduct meetings open to the public at
4 least semiannually regarding the development
5 and implementation of the management plan;

6 (E) submit an annual report to the Sec-
7 retary for each fiscal year for which the local
8 coordinating entity receives Federal funds
9 under this section specifying—

10 (i) the accomplishments of the local
11 coordinating entity;

12 (ii) the expenses and income of the
13 local coordinating entity;

14 (iii) the amounts and sources of
15 matching funds;

16 (iv) the amounts leveraged with Fed-
17 eral funds and sources of the leveraged
18 funds; and

19 (v) grants made to any other entities
20 during the fiscal year;

21 (F) make available for audit for each fiscal
22 year for which the local coordinating entity re-
23 ceives Federal funds under this section, all in-
24 formation pertaining to the expenditure of the
25 funds and any matching funds;

1 (G) require in all agreements authorizing
2 expenditures of Federal funds by other organi-
3 zations, that the receiving organizations make
4 available for audit all records and other infor-
5 mation pertaining to the expenditure of the
6 funds; and

7 (H) encourage, by appropriate means, eco-
8 nomic development that is consistent with the
9 purposes of the Heritage Area.

10 (2) AUTHORITIES.—The local coordinating enti-
11 ty may, subject to the prior approval of the Sec-
12 retary, for the purposes of preparing and imple-
13 menting the management plan, use Federal funds
14 made available under this section to—

15 (A) make grants to the State, political sub-
16 divisions of the State, nonprofit organizations,
17 and other persons;

18 (B) enter into cooperative agreements
19 with, or provide technical assistance to, the
20 State, political subdivisions of the State, non-
21 profit organizations, Federal agencies, and
22 other interested parties;

23 (C) hire and compensate staff;

1 (D) obtain funds or services from any
2 source, including funds and services provided
3 under any other Federal law or program;

4 (E) contract for goods or services; and

5 (F) support activities of partners and any
6 other activities that further the purposes of the
7 Heritage Area and are consistent with the ap-
8 proved management plan.

9 (3) PROHIBITION ON ACQUISITION OF REAL
10 PROPERTY.—The local coordinating entity may not
11 use Federal funds received under this section to ac-
12 quire any interest in real property.

13 (d) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date on which funds are made available to de-
16 velop the management plan, the local coordinating
17 entity shall submit to the Secretary for approval a
18 proposed management plan for the Heritage Area.

19 (2) REQUIREMENTS.—The management plan
20 for the Heritage Area shall—

21 (A) describe comprehensive policies, goals,
22 strategies, and recommendations for telling the
23 story of the heritage of the region and encour-
24 aging long-term resource protection, enhance-

1 ment, interpretation, funding, management, and
2 development of the Heritage Area;

3 (B) take into consideration existing State,
4 county, and local plans in the development and
5 implementation of the management plan;

6 (C) include a description of actions and
7 commitments that governments, private organi-
8 zations, and citizens plan to take to protect, en-
9 hance, and interpret the natural, historic, sce-
10 nic, and cultural resources of the Heritage
11 Area;

12 (D) specify existing and potential sources
13 of funding or economic development strategies
14 to protect, enhance, interpret, fund, manage,
15 and develop the Heritage Area;

16 (E) include an inventory of the natural,
17 historic, cultural, educational, scenic, and rec-
18 reational resources of the Heritage Area relat-
19 ing to the stories and themes of the region that
20 should be protected, enhanced, managed, or de-
21 veloped;

22 (F) recommend policies and strategies for
23 resource management including, the develop-
24 ment of intergovernmental and interagency
25 agreements to protect the natural, historic, cul-

1 tural, educational, scenic, and recreational re-
2 sources of the Heritage Area;

3 (G) describe a program for implementation
4 of the management plan, including—

5 (i) performance goals;

6 (ii) plans for resource protection, en-
7 hancement, and interpretation; and

8 (iii) specific commitments for imple-
9 mentation that have been made by the
10 local coordinating entity or any govern-
11 ment, organization, business, or individual;

12 (H) include an analysis of, and rec-
13 ommendations for, ways in which Federal,
14 State, tribal, and local programs may best be
15 coordinated (including the role of the National
16 Park Service and other Federal agencies associ-
17 ated with the Heritage Area) to further the
18 purposes of this section;

19 (I) include an interpretive plan for the
20 Heritage Area; and

21 (J) include a business plan that—

22 (i) describes the role, operation, fi-
23 nancing, and functions of the local coordi-
24 nating entity and of each of the major ac-

1 activities described in the management plan;
2 and

3 (ii) provides adequate assurances that
4 the local coordinating entity has the part-
5 nerships and financial and other resources
6 necessary to implement the management
7 plan for the Heritage Area.

8 (3) TERMINATION OF FUNDING.—If the man-
9 agement plan is not submitted to the Secretary in
10 accordance with this section, the local coordinating
11 entity shall not qualify for additional financial as-
12 sistance under this section until the management
13 plan is submitted to, and approved by, the Sec-
14 retary.

15 (4) APPROVAL OF MANAGEMENT PLAN.—

16 (A) REVIEW.—Not later than 180 days
17 after the date on which the Secretary receives
18 the management plan, the Secretary shall ap-
19 prove or disapprove the management plan.

20 (B) CONSULTATION REQUIRED.—The Sec-
21 retary shall consult with the Governor of the
22 State and any tribal government in which the
23 Heritage Area is located before approving the
24 management plan.

1 (C) CRITERIA FOR APPROVAL.—In deter-
2 mining whether to approve the management
3 plan, the Secretary shall consider whether—

4 (i) the local coordinating entity rep-
5 resents the diverse interests of the Herit-
6 age Area, including governments, natural
7 and historic resource protection organiza-
8 tions, educational institutions, businesses,
9 community residents, and recreational or-
10 ganizations;

11 (ii) the local coordinating entity has
12 afforded adequate opportunity for public
13 and governmental involvement (including
14 through workshops and public meetings) in
15 the preparation of the management plan;

16 (iii) the resource protection and inter-
17 pretation strategies described in the man-
18 agement plan, if implemented, would ade-
19 quately protect the natural, historic, and
20 cultural resources of the Heritage Area;

21 (iv) the management plan would not
22 adversely affect any activities authorized
23 on Federal or tribal land under applicable
24 laws or land use plans;

1 (v) the Secretary has received ade-
2 quate assurances from the appropriate
3 State, tribal, and local officials whose sup-
4 port is needed to ensure the effective im-
5 plementation of the State, tribal, and local
6 aspects of the management plan; and

7 (vi) the local coordinating entity has
8 demonstrated the financial capability, in
9 partnership with others, to carry out the
10 management plan.

11 (D) ACTION FOLLOWING DISAPPROVAL.—

12 (i) IN GENERAL.—If the Secretary
13 disapproves the management plan, the Sec-
14 retary—

15 (I) shall advise the local coordi-
16 nating entity in writing of the reasons
17 for the disapproval; and

18 (II) may make recommendations
19 to the local coordinating entity for re-
20 visions to the management plan.

21 (ii) DEADLINE.—Not later than 180
22 days after receiving a revised management
23 plan, the Secretary shall approve or dis-
24 approve the revised management plan.

25 (E) AMENDMENTS.—

1 (i) IN GENERAL.—An amendment to
2 the management plan that substantially al-
3 ters the purposes of the Heritage Area
4 shall be reviewed by the Secretary and ap-
5 proved or disapproved in the same manner
6 as the original management plan.

7 (ii) IMPLEMENTATION.—The local co-
8 ordinating entity shall not use Federal
9 funds authorized to be appropriated by this
10 section to implement an amendment to the
11 management plan until the Secretary ap-
12 proves the amendment.

13 (e) DUTIES AND AUTHORITIES OF THE SEC-
14 RETARY.—

15 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

16 (A) IN GENERAL.—On the request of the
17 local coordinating entity, the Secretary may
18 provide technical and financial assistance, on a
19 reimbursable or nonreimbursable basis (as de-
20 termined by the Secretary), to the local coordi-
21 nating entity to develop and implement the
22 management plan.

23 (B) COOPERATIVE AGREEMENTS.—The
24 Secretary may enter into cooperative agree-
25 ments with the local coordinating entity and

1 other public or private entities to provide tech-
2 nical or financial assistance under subpara-
3 graph (A).

4 (C) PRIORITY.—In assisting the Heritage
5 Area, the Secretary shall give priority to actions
6 that assist in—

7 (i) conserving the significant natural,
8 historic, cultural, and scenic resources of
9 the Heritage Area; and

10 (ii) providing educational, interpretive,
11 and recreational opportunities consistent
12 with the purposes of the Heritage Area.

13 (2) EVALUATION; REPORT.—

14 (A) IN GENERAL.—Not later than 3 years
15 before the date on which authority for Federal
16 funding terminates for the Heritage Area under
17 subsection (i), the Secretary shall—

18 (i) conduct an evaluation of the ac-
19 complishments of the Heritage Area; and

20 (ii) prepare a report with rec-
21 ommendations for the future role of the
22 National Park Service, if any, with respect
23 to the Heritage Area, in accordance with
24 subparagraph (C).

1 (B) EVALUATION.—An evaluation con-
2 ducted under subparagraph (A)(i) shall—

3 (i) assess the progress of the local co-
4 ordinating entity with respect to—

5 (I) accomplishing the purposes of
6 this section for the Heritage Area;
7 and

8 (II) achieving the goals and ob-
9 jectives of the approved management
10 plan for the Heritage Area;

11 (ii) analyze the Federal, State, local,
12 and private investments in the Heritage
13 Area to determine the leverage and impact
14 of the investments; and

15 (iii) review the management structure,
16 partnership relationships, and funding of
17 the Heritage Area for purposes of identi-
18 fying the critical components for sustain-
19 ability of the Heritage Area.

20 (C) REPORT.—

21 (i) IN GENERAL.—Based on the eval-
22 uation conducted under subparagraph
23 (A)(i), the Secretary shall prepare a report
24 that includes recommendations for the fu-

1 ture role of the National Park Service, if
2 any, with respect to the Heritage Area.

3 (ii) REQUIRED ANALYSIS.—If the re-
4 port prepared under this subparagraph
5 recommends that Federal funding for the
6 Heritage Area be reauthorized, the report
7 shall include an analysis of—

8 (I) ways in which Federal fund-
9 ing for the Heritage Area may be re-
10 duced or eliminated; and

11 (II) the appropriate time period
12 necessary to achieve the recommended
13 reduction or elimination.

14 (iii) SUBMISSION TO CONGRESS.—On
15 completion of a report under this subpara-
16 graph, the Secretary shall submit the re-
17 port to—

18 (I) the Committee on Energy and
19 Natural Resources of the Senate; and

20 (II) the Committee on Natural
21 Resources of the House of Represent-
22 atives.

23 (f) RELATIONSHIP TO OTHER FEDERAL AGEN-
24 CIES.—

1 (1) IN GENERAL.—Nothing in this section af-
2 fects the authority of a Federal agency to provide
3 technical or financial assistance under any other law.

4 (2) CONSULTATION AND COORDINATION.—To
5 the maximum extent practicable, the head of any
6 Federal agency planning to conduct activities that
7 may have an impact on the Heritage Area is encour-
8 aged to consult and coordinate the activities with the
9 Secretary and the local coordinating entity.

10 (3) OTHER FEDERAL AGENCIES.—Nothing in
11 this section—

12 (A) modifies, alters, or amends any laws
13 (including regulations) authorizing a Federal
14 agency to manage Federal land under the juris-
15 diction of the Federal agency;

16 (B) limits the discretion of a Federal land
17 manager to implement an approved land use
18 plan within the boundaries of the Heritage
19 Area; or

20 (C) modifies, alters, or amends any author-
21 ized use of Federal land under the jurisdiction
22 of a Federal agency.

23 (g) PROPERTY OWNERS AND REGULATORY PROTEC-
24 TIONS.—Nothing in this section—

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

5 (2) requires any property owner to—

6 (A) permit public access (including Fed-
7 eral, tribal, State, or local government access)
8 to the property; or

9 (B) modify any provisions of Federal, trib-
10 al, State, or local law with regard to public ac-
11 cess or use of private land;

12 (3) alters any duly adopted land use regula-
13 tions, approved land use plan, or any other regu-
14 latory authority of any Federal, State, or local agen-
15 cy, or tribal government;

16 (4) conveys any land use or other regulatory
17 authority to the local coordinating entity;

18 (5) authorizes or implies the reservation or ap-
19 propriation of water or water rights;

20 (6) diminishes the authority of the State to
21 manage fish and wildlife, including the regulation of
22 fishing and hunting within the Heritage Area; or

23 (7) creates any liability, or affects any liability
24 under any other law, of any private property owner

1 with respect to any person injured on the private
2 property.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out this section \$10,000,000,
6 of which not more than \$1,000,000 may be made
7 available for any fiscal year.

8 (2) COST-SHARING REQUIREMENT.—

9 (A) IN GENERAL.—The Federal share of
10 the total cost of any activity under this section
11 shall be not more than 50 percent.

12 (B) FORM.—The non-Federal contribu-
13 tion—

14 (i) shall be from non-Federal sources;

15 and

16 (ii) may be in the form of in-kind con-
17 tributions of goods or services fairly val-
18 ued.

19 (i) TERMINATION OF EFFECTIVENESS.—The author-
20 ity of the Secretary to provide assistance under this sec-
21 tion terminates on the date that is 15 years after the date
22 of enactment of this Act.

23 **SEC. 826. FREEDOM'S WAY NATIONAL HERITAGE AREA,**
24 **MASSACHUSETTS AND NEW HAMPSHIRE.**

25 (a) PURPOSES.—The purposes of this section are—

1 (1) to foster a close working relationship be-
2 tween the Secretary and all levels of government, the
3 private sector, and local communities in the States
4 of Massachusetts and New Hampshire;

5 (2) to assist the entities described in paragraph
6 (1) to preserve the special historic identity of the
7 Heritage Area; and

8 (3) to manage, preserve, protect, and interpret
9 the cultural, historic, and natural resources of the
10 Heritage Area for the educational and inspirational
11 benefit of future generations.

12 (b) DEFINITIONS.—In this section:

13 (1) HERITAGE AREA.—The term “Heritage
14 Area” means the Freedom’s Way National Heritage
15 Area established by subsection (c)(1).

16 (2) LOCAL COORDINATING ENTITY.—The term
17 “local coordinating entity” means the local coordi-
18 nating entity for the Heritage Area designated by
19 subsection (c)(4).

20 (3) MANAGEMENT PLAN.—The term “manage-
21 ment plan” means the management plan for the
22 Heritage Area required under subsection (d)(1)(A).

23 (4) MAP.—The term “map” means the map en-
24 titled “Freedom’s Way National Heritage Area”,
25 numbered T04/80,000, and dated July 2007.

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

3 (c) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is established the
5 Freedom’s Way National Heritage Area in the
6 States of Massachusetts and New Hampshire.

7 (2) BOUNDARIES.—

8 (A) IN GENERAL.—The boundaries of the
9 Heritage Area shall be as generally depicted on
10 the map.

11 (B) REVISION.—The boundaries of the
12 Heritage Area may be revised if the revision
13 is—

14 (i) proposed in the management plan;

15 (ii) approved by the Secretary in ac-
16 cordance with subsection (e)(4); and

17 (iii) placed on file in accordance with
18 paragraph (3).

19 (3) AVAILABILITY OF MAP.—The map shall be
20 on file and available for public inspection in the ap-
21 propriate offices of the National Park Service and
22 the local coordinating entity.

23 (4) LOCAL COORDINATING ENTITY.—The Free-
24 dom’s Way Heritage Association, Inc., shall be the
25 local coordinating entity for the Heritage Area.

1 (d) DUTIES AND AUTHORITIES OF LOCAL COORDI-
2 NATING ENTITY.—

3 (1) DUTIES OF THE LOCAL COORDINATING EN-
4 TITY.—To further the purposes of the Heritage
5 Area, the local coordinating entity shall—

6 (A) prepare, and submit to the Secretary,
7 in accordance with subsection (e), a manage-
8 ment plan for the Heritage Area;

9 (B) assist units of local government, re-
10 gional planning organizations, and nonprofit or-
11 ganizations in implementing the approved man-
12 agement plan by—

13 (i) carrying out programs and projects
14 that recognize and protect important re-
15 source values within the Heritage Area;

16 (ii) establishing and maintaining in-
17 terpretive exhibits and programs within the
18 Heritage Area;

19 (iii) developing recreational and edu-
20 cational opportunities in the Heritage
21 Area;

22 (iv) increasing public awareness of,
23 and appreciation for, natural, historic, and
24 cultural resources of the Heritage Area;

1 (v) protecting and restoring historic
2 buildings in the Heritage Area that are
3 consistent with the themes of the Heritage
4 Area; and

5 (vi) ensuring that signs identifying
6 points of public access and sites of interest
7 are posted throughout the Heritage Area;

8 (C) consider the interests of diverse units
9 of government, businesses, organizations, and
10 individuals in the Heritage Area in the prepara-
11 tion and implementation of the management
12 plan;

13 (D) conduct meetings open to the public at
14 least quarterly regarding the development and
15 implementation of the management plan;

16 (E) submit an annual report to the Sec-
17 retary for each fiscal year for which the local
18 coordinating entity receives Federal funds
19 under this section specifying—

20 (i) the accomplishments of the local
21 coordinating entity;

22 (ii) the expenses and income of the
23 local coordinating entity;

24 (iii) the amounts and sources of
25 matching funds;

1 (iv) the amounts leveraged with Fed-
2 eral funds and sources of the leveraged
3 funds; and

4 (v) grants made to any other entities
5 during the fiscal year;

6 (F) make available for audit for each fiscal
7 year for which the local coordinating entity re-
8 ceives Federal funds under this section, all in-
9 formation pertaining to the expenditure of the
10 funds and any matching funds;

11 (G) require in all agreements authorizing
12 expenditures of Federal funds by other organi-
13 zations, that the receiving organizations make
14 available for audit all records and other infor-
15 mation pertaining to the expenditure of the
16 funds; and

17 (H) encourage, by appropriate means, eco-
18 nomic development that is consistent with the
19 purposes of the Heritage Area.

20 (2) AUTHORITIES.—The local coordinating enti-
21 ty may, subject to the prior approval of the Sec-
22 retary, for the purposes of preparing and imple-
23 menting the management plan, use Federal funds
24 made available under this section to—

1 (A) make grants to the States of Massa-
2 chusetts and New Hampshire, political subdivi-
3 sions of the States, nonprofit organizations, and
4 other persons;

5 (B) enter into cooperative agreements
6 with, or provide technical assistance to, the
7 States of Massachusetts and New Hampshire,
8 political subdivisions of the States, nonprofit or-
9 ganizations, Federal agencies, and other inter-
10 ested parties;

11 (C) hire and compensate staff;

12 (D) obtain funds or services from any
13 source, including funds and services provided
14 under any other Federal law or program;

15 (E) contract for goods or services; and

16 (F) support activities of partners and any
17 other activities that further the purposes of the
18 Heritage Area and are consistent with the ap-
19 proved management plan.

20 (3) PROHIBITION ON ACQUISITION OF REAL
21 PROPERTY.—The local coordinating entity may not
22 use Federal funds received under this section to ac-
23 quire any interest in real property.

24 (4) USE OF FUNDS FOR NON-FEDERAL PROP-
25 erty.—The local coordinating entity may use Fed-

1 eral funds made available under this section to assist
2 non-Federal property that is—

3 (A) described in the management plan; or

4 (B) listed, or eligible for listing, on the Na-
5 tional Register of Historic Places.

6 (e) MANAGEMENT PLAN.—

7 (1) IN GENERAL.—Not later than 3 years after
8 the date on which funds are made available to de-
9 velop the management plan, the local coordinating
10 entity shall submit to the Secretary for approval a
11 proposed management plan for the Heritage Area.

12 (2) REQUIREMENTS.—The management plan
13 for the Heritage Area shall—

14 (A) describe comprehensive policies, goals,
15 strategies, and recommendations for the con-
16 servation, funding, management, and develop-
17 ment of the Heritage Area;

18 (B) take into consideration existing State,
19 county, and local plans in the development and
20 implementation of the management plan;

21 (C) provide a framework for coordination
22 of the plans considered under subparagraph (B)
23 to present a unified historic preservation and
24 interpretation plan;

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

4 (E) include a description of actions and
5 commitments that governments, private organi-
6 zations, and citizens plan to take to protect, en-
7 hance, and interpret the natural, historic, sce-
8 nic, and cultural resources of the Heritage
9 Area;

10 (F) specify existing and potential sources
11 of funding or economic development strategies
12 to conserve, manage, and develop the Heritage
13 Area;

14 (G) include an inventory of the natural,
15 historic, and recreational resources of the Her-
16 itage Area, including a list of properties that—

17 (i) are related to the themes of the
18 Heritage Area; and

19 (ii) should be conserved, restored,
20 managed, developed, or maintained;

21 (H) recommend policies and strategies for
22 resource management that—

23 (i) apply appropriate land and water
24 management techniques;

- 1 (ii) include the development of inter-
2 governmental and interagency agreements
3 to protect the natural, historic, and cul-
4 tural resources of the Heritage Area; and
- 5 (iii) support economic revitalization
6 efforts;
- 7 (I) describe a program for implementation
8 of the management plan, including—
- 9 (i) restoration and construction plans
10 or goals;
- 11 (ii) a program of public involvement;
- 12 (iii) annual work plans; and
- 13 (iv) annual reports;
- 14 (J) include an analysis of, and rec-
15 ommendations for, ways in which Federal,
16 State, tribal, and local programs may best be
17 coordinated (including the role of the National
18 Park Service and other Federal agencies associ-
19 ated with the Heritage Area) to further the
20 purposes of this section;
- 21 (K) include an interpretive plan for the
22 Heritage Area; and
- 23 (L) include a business plan that—
- 24 (i) describes the role, operation, fi-
25 nancing, and functions of the local coordi-

1 nating entity and of each of the major ac-
2 tivities described in the management plan;
3 and

4 (ii) provides adequate assurances that
5 the local coordinating entity has the part-
6 nerships and financial and other resources
7 necessary to implement the management
8 plan for the Heritage Area.

9 (3) TERMINATION OF FUNDING.—If the man-
10 agement plan is not submitted to the Secretary in
11 accordance with this section, the local coordinating
12 entity shall not qualify for additional financial as-
13 sistance under this section until the management
14 plan is submitted to, and approved by, the Sec-
15 retary.

16 (4) APPROVAL OF MANAGEMENT PLAN.—

17 (A) REVIEW.—Not later than 180 days
18 after the date on which the Secretary receives
19 the management plan, the Secretary shall ap-
20 prove or disapprove the management plan.

21 (B) CRITERIA FOR APPROVAL.—In deter-
22 mining whether to approve the management
23 plan, the Secretary shall consider whether—

24 (i) the local coordinating entity rep-
25 resents the diverse interests of the Herit-

1 age Area, including governments, natural
2 and historic resource protection organiza-
3 tions, educational institutions, businesses,
4 community residents, and recreational or-
5 ganizations;

6 (ii) the local coordinating entity has
7 afforded adequate opportunity for public
8 and governmental involvement (including
9 through workshops and public meetings) in
10 the preparation of the management plan;

11 (iii) the resource protection and inter-
12 pretation strategies described in the man-
13 agement plan, if implemented, would ade-
14 quately protect the natural, historic, and
15 cultural resources of the Heritage Area;

16 (iv) the management plan would not
17 adversely affect any activities authorized
18 on Federal or tribal land under applicable
19 laws or land use plans;

20 (v) the Secretary has received ade-
21 quate assurances from the appropriate
22 State, tribal, and local officials whose sup-
23 port is needed to ensure the effective im-
24 plementation of the State, tribal, and local
25 aspects of the management plan; and

1 (vi) the local coordinating entity has
2 demonstrated the financial capability, in
3 partnership with others, to carry out the
4 management plan.

5 (C) ACTION FOLLOWING DISAPPROVAL.—

6 (i) IN GENERAL.—If the Secretary
7 disapproves the management plan, the Sec-
8 retary—

9 (I) shall advise the local coordi-
10 nating entity in writing of the reasons
11 for the disapproval; and

12 (II) may make recommendations
13 to the local coordinating entity for re-
14 visions to the management plan.

15 (ii) DEADLINE.—Not later than 180
16 days after receiving a revised management
17 plan, the Secretary shall approve or dis-
18 approve the revised management plan.

19 (D) AMENDMENTS.—

20 (i) IN GENERAL.—An amendment to
21 the management plan that substantially al-
22 ters the purposes of the Heritage Area
23 shall be reviewed by the Secretary and ap-
24 proved or disapproved in the same manner
25 as the original management plan.

1 (ii) IMPLEMENTATION.—The local co-
2 ordinating entity shall not use Federal
3 funds authorized to be appropriated by this
4 section to implement an amendment to the
5 management plan until the Secretary ap-
6 proves the amendment.

7 (f) DUTIES AND AUTHORITIES OF THE SEC-
8 RETARY.—

9 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

10 (A) IN GENERAL.—On the request of the
11 local coordinating entity, the Secretary may
12 provide technical and financial assistance, on a
13 reimbursable or nonreimbursable basis (as de-
14 termined by the Secretary), to the local coordi-
15 nating entity to develop and implement the
16 management plan.

17 (B) COOPERATIVE AGREEMENTS.—The
18 Secretary may enter into cooperative agree-
19 ments with the local coordinating entity and
20 other public or private entities to provide tech-
21 nical or financial assistance under subpara-
22 graph (A).

23 (C) PRIORITY.—In assisting the Heritage
24 Area, the Secretary shall give priority to actions
25 that assist in—

1 (i) conserving the significant natural,
2 historic, and cultural resources of the Her-
3 itage Area; and

4 (ii) providing educational, interpretive,
5 and recreational opportunities consistent
6 with the purposes of the Heritage Area.

7 (2) EVALUATION; REPORT.—

8 (A) IN GENERAL.—Not later than 3 years
9 before the date on which authority for Federal
10 funding terminates for the Heritage Area under
11 subsection (j), the Secretary shall—

12 (i) conduct an evaluation of the ac-
13 complishments of the Heritage Area; and

14 (ii) prepare a report with rec-
15 ommendations for the future role of the
16 National Park Service, if any, with respect
17 to the Heritage Area, in accordance with
18 subparagraph (C).

19 (B) EVALUATION.—An evaluation con-
20 ducted under subparagraph (A)(i) shall—

21 (i) assess the progress of the local co-
22 ordinating entity with respect to—

23 (I) accomplishing the purposes of
24 this section for the Heritage Area;
25 and

1 (II) achieving the goals and ob-
2 jectives of the approved management
3 plan for the Heritage Area;

4 (ii) analyze the Federal, State, local,
5 and private investments in the Heritage
6 Area to determine the leverage and impact
7 of the investments; and

8 (iii) review the management structure,
9 partnership relationships, and funding of
10 the Heritage Area for purposes of identi-
11 fying the critical components for sustain-
12 ability of the Heritage Area.

13 (C) REPORT.—

14 (i) IN GENERAL.—Based on the eval-
15 uation conducted under subparagraph
16 (A)(i), the Secretary shall prepare a report
17 that includes recommendations for the fu-
18 ture role of the National Park Service, if
19 any, with respect to the Heritage Area.

20 (ii) REQUIRED ANALYSIS.—If the re-
21 port prepared under this subparagraph
22 recommends that Federal funding for the
23 Heritage Area be reauthorized, the report
24 shall include an analysis of—

1 (I) ways in which Federal fund-
2 ing for the Heritage Area may be re-
3 duced or eliminated; and

4 (II) the appropriate time period
5 necessary to achieve the recommended
6 reduction or elimination.

7 (iii) SUBMISSION TO CONGRESS.—On
8 completion of a report under this subpara-
9 graph, the Secretary shall submit the re-
10 port to—

11 (I) the Committee on Energy and
12 Natural Resources of the Senate; and

13 (II) the Committee on Natural
14 Resources of the House of Represent-
15 atives.

16 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-
17 CIES.—

18 (1) IN GENERAL.—Nothing in this section af-
19 fects the authority of a Federal agency to provide
20 technical or financial assistance under any other law.

21 (2) CONSULTATION AND COORDINATION.—To
22 the maximum extent practicable, the head of any
23 Federal agency planning to conduct activities that
24 may have an impact on the Heritage Area is encour-

1 aged to consult and coordinate the activities with the
2 Secretary and the local coordinating entity.

3 (3) OTHER FEDERAL AGENCIES.—Nothing in
4 this section—

5 (A) modifies, alters, or amends any laws
6 (including regulations) authorizing a Federal
7 agency to manage Federal land under the juris-
8 diction of the Federal agency;

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

13 (C) modifies, alters, or amends any author-
14 ized use of Federal land under the jurisdiction
15 of a Federal agency.

16 (h) PROPERTY OWNERS AND REGULATORY PROTEC-
17 TIONS.—Nothing in this section—

18 (1) abridges the rights of any owner of public
19 or private property, including the right to refrain
20 from participating in any plan, project, program, or
21 activity conducted within the Heritage Area;

22 (2) requires any property owner to—

23 (A) permit public access (including Fed-
24 eral, tribal, State, or local government access)
25 to the property; or

1 (B) modify any provisions of Federal, trib-
2 al, State, or local law with regard to public ac-
3 cess or use of private land;

4 (3) alters any duly adopted land use regula-
5 tions, approved land use plan, or any other regu-
6 latory authority of any Federal, State, or local agen-
7 cy, or tribal government;

8 (4) conveys any land use or other regulatory
9 authority to the local coordinating entity;

10 (5) authorizes or implies the reservation or ap-
11 propriation of water or water rights;

12 (6) diminishes the authority of the States of
13 Massachusetts and New Hampshire to manage fish
14 and wildlife, including the regulation of fishing and
15 hunting within the Heritage Area; or

16 (7) creates any liability, or affects any liability
17 under any other law, of any private property owner
18 with respect to any person injured on the private
19 property.

20 (i) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated to carry out this section \$10,000,000,
23 of which not more than \$1,000,000 may be made
24 available for any fiscal year.

1 (2) AVAILABILITY.—Funds made available
2 under paragraph (1) shall remain available until ex-
3 pended.

4 (3) COST-SHARING REQUIREMENT.—

5 (A) IN GENERAL.—The Federal share of
6 the total cost of any activity under this section
7 shall be not more than 50 percent.

8 (B) FORM.—The non-Federal contribution
9 may be in the form of in-kind contributions of
10 goods or services fairly valued.

11 (j) TERMINATION OF FINANCIAL ASSISTANCE.—The
12 authority of the Secretary to provide financial assistance
13 under this section terminates on the date that is 15 years
14 after the date of enactment of this Act.

15 **SEC. 827. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.**

16 (a) DEFINITIONS.—In this section:

17 (1) HERITAGE AREA.—The term “Heritage
18 Area” means the Mississippi Hills National Heritage
19 Area established by subsection (b)(1).

20 (2) LOCAL COORDINATING ENTITY.—The term
21 “local coordinating entity” means the local coordi-
22 nating entity for Heritage Area designated by sub-
23 section (b)(3)(A).

1 (3) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan for the
3 Heritage Area required under subsection (c)(1)(A).

4 (4) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (5) STATE.—The term “State” means the State
7 of Mississippi.

8 (b) MISSISSIPPI HILLS NATIONAL HERITAGE
9 AREA.—

10 (1) ESTABLISHMENT.—There is established the
11 Mississippi Hills National Heritage Area in the
12 State.

13 (2) BOUNDARIES.—

14 (A) AFFECTED COUNTIES.—The Heritage
15 Area shall consist of all, or portions of, as spec-
16 ified by the boundary description in subpara-
17 graph (B), Alcorn, Attala, Benton, Calhoun,
18 Carroll, Chickasaw, Choctaw, Clay, DeSoto,
19 Grenada, Holmes, Itawamba, Lafayette, Lee,
20 Lowndes, Marshall, Monroe, Montgomery,
21 Noxubee, Oktibbeha, Panola, Pontotoc,
22 Prentiss, Tate, Tippah, Tishomingo, Union,
23 Webster, Winston, and Yalobusha Counties in
24 the State.

1 (B) BOUNDARY DESCRIPTION.—The Herit-
2 age Area shall have the following boundary de-
3 scription:

4 (i) traveling counterclockwise, the
5 Heritage Area shall be bounded to the west
6 by U.S. Highway 51 from the Tennessee
7 State line until it intersects Interstate 55
8 (at Geeslin Corner approximately $\frac{1}{2}$ mile
9 due north of Highway Interchange 208);

10 (ii) from this point, Interstate 55
11 shall be the western boundary until it
12 intersects with Mississippi Highway 12 at
13 Highway Interchange 156, the intersection
14 of which shall be the southwest terminus of
15 the Heritage Area;

16 (iii) from the southwest terminus, the
17 boundary shall—

18 (I) extend east along Mississippi
19 Highway 12 until it intersects U.S.
20 Highway 51;

21 (II) follow Highway 51 south
22 until it is intersected again by High-
23 way 12;

1 (III) extend along Highway 12
2 into downtown Kosciusko where it
3 intersects Mississippi Highway 35;

4 (IV) follow Highway 35 south
5 until it is intersected by Mississippi
6 Highway 14; and

7 (V) extend along Highway 14
8 until it reaches the Alabama State
9 line, the intersection of which shall be
10 the southeast terminus of the Herit-
11 age Area;

12 (iv) from the southeast terminus, the
13 boundary of the Heritage Area shall follow
14 the Mississippi-Alabama State line until it
15 reaches the Mississippi-Tennessee State
16 line, the intersection of which shall be the
17 northeast terminus of the Heritage Area;
18 and

19 (v) the boundary shall extend due
20 west until it reaches U.S. Highway 51, the
21 intersection of which shall be the northwest
22 terminus of the Heritage Area.

23 (3) LOCAL COORDINATING ENTITY.—

24 (A) IN GENERAL.—The local coordinating
25 entity for the Heritage Area shall be the Mis-

1 Mississippi Hills Heritage Area Alliance, a non-
2 profit organization registered by the State, with
3 the cooperation and support of the University
4 of Mississippi.

5 (B) BOARD OF DIRECTORS.—

6 (i) IN GENERAL.—The local coordi-
7 nating entity shall be governed by a Board
8 of Directors comprised of not more than
9 30 members.

10 (ii) COMPOSITION.—Members of the
11 Board of Directors shall consist of—

12 (I) not more than 1 representa-
13 tive from each of the counties de-
14 scribed in paragraph (2)(A); and

15 (II) any ex-officio members that
16 may be appointed by the Board of Di-
17 rectors, as the Board of Directors de-
18 termines to be necessary.

19 (c) DUTIES AND AUTHORITIES OF LOCAL COORDI-
20 NATING ENTITY.—

21 (1) DUTIES OF THE LOCAL COORDINATING EN-
22 TITY.—To further the purposes of the Heritage
23 Area, the local coordinating entity shall—

1 (A) prepare, and submit to the Secretary,
2 in accordance with subsection (d), a manage-
3 ment plan for the Heritage Area;

4 (B) assist units of local government, re-
5 gional planning organizations, and nonprofit or-
6 ganizations in implementing the approved man-
7 agement plan by—

8 (i) establishing and maintaining inter-
9 pretive exhibits and programs within the
10 Heritage Area;

11 (ii) developing recreational opportuni-
12 ties in the Heritage Area;

13 (iii) increasing public awareness of,
14 and appreciation for, natural, historical,
15 cultural, archaeological, and recreational
16 resources of the Heritage Area;

17 (iv) restoring historic sites and build-
18 ings in the Heritage Area that are con-
19 sistent with the themes of the Heritage
20 Area; and

21 (v) carrying out any other activity
22 that the local coordinating entity deter-
23 mines to be consistent with this section;

1 (C) conduct meetings open to the public at
2 least annually regarding the development and
3 implementation of the management plan;

4 (D) submit an annual report to the Sec-
5 retary for each fiscal year for which the local
6 coordinating entity receives Federal funds
7 under this section specifying—

8 (i) the accomplishments of the local
9 coordinating entity;

10 (ii) the expenses and income of the
11 local coordinating entity;

12 (iii) the amounts and sources of
13 matching funds;

14 (iv) the amounts leveraged with Fed-
15 eral funds and sources of the leveraged
16 funds; and

17 (v) grants made to any other entities
18 during the fiscal year;

19 (E) make available for audit for each fiscal
20 year for which the local coordinating entity re-
21 ceives Federal funds under this section, all in-
22 formation pertaining to the expenditure of the
23 funds and any matching funds;

24 (F) require in all agreements authorizing
25 expenditures of Federal funds by other organi-

1 zations, that the receiving organizations make
2 available for audit all records and other infor-
3 mation pertaining to the expenditure of the
4 funds; and

5 (G) ensure that each county included in
6 the Heritage Area is appropriately represented
7 on any oversight advisory committee established
8 under this section to coordinate the Heritage
9 Area.

10 (2) AUTHORITIES.—The local coordinating enti-
11 ty may, subject to the prior approval of the Sec-
12 retary, for the purposes of preparing and imple-
13 menting the management plan, use Federal funds
14 made available under this section to—

15 (A) make grants and loans to the State,
16 political subdivisions of the State, nonprofit or-
17 ganizations, and other persons;

18 (B) enter into cooperative agreements
19 with, or provide technical assistance to, the
20 State, political subdivisions of the State, non-
21 profit organizations, and other organizations;

22 (C) hire and compensate staff;

23 (D) obtain funds or services from any
24 source, including funds and services provided
25 under any other Federal law or program; and

1 (E) contract for goods or services.

2 (3) PROHIBITION ON ACQUISITION OF REAL
3 PROPERTY.—The local coordinating entity may not
4 use Federal funds received under this section to ac-
5 quire any interest in real property.

6 (d) MANAGEMENT PLAN.—

7 (1) IN GENERAL.—Not later than 3 years after
8 the date on which funds are made available to de-
9 velop the management plan, the local coordinating
10 entity shall submit to the Secretary for approval a
11 proposed management plan for the Heritage Area.

12 (2) REQUIREMENTS.—The management plan
13 for the Heritage Area shall—

14 (A) provide recommendations for the pres-
15 ervation, conservation, enhancement, funding,
16 management, interpretation, development, and
17 promotion of the cultural, historical, archae-
18 ological, natural, and recreational resources of
19 the Heritage Area;

20 (B) specify existing and potential sources
21 of funding or economic development strategies
22 to protect, enhance, interpret, fund, manage,
23 and develop the Heritage Area;

24 (C) include—

1 (i) an inventory of the natural, histor-
2 ical, cultural, archaeological, and rec-
3 reational resources of the Heritage Area;
4 and

5 (ii) an analysis of how Federal, State,
6 tribal, and local programs may best be co-
7 ordinated to promote and carry out this
8 section;

9 (D) provide recommendations for edu-
10 cational and interpretive programs to provide
11 information to the public on the resources of
12 the Heritage Area; and

13 (E) involve residents of affected commu-
14 nities and tribal and local governments.

15 (3) TERMINATION OF FUNDING.—If the man-
16 agement plan is not submitted to the Secretary in
17 accordance with this subsection, the local coordi-
18 nating entity shall not qualify for additional finan-
19 cial assistance under this section until the manage-
20 ment plan is submitted to, and approved by, the Sec-
21 retary.

22 (4) APPROVAL OF MANAGEMENT PLAN.—

23 (A) REVIEW.—Not later than 180 days
24 after the date on which the Secretary receives

1 the management plan, the Secretary shall ap-
2 prove or disapprove the management plan.

3 (B) CONSULTATION REQUIRED.—The Sec-
4 retary shall consult with the Governor of the
5 State and any tribal government in which the
6 Heritage Area is located before approving the
7 management plan.

8 (C) CRITERIA FOR APPROVAL.—In deter-
9 mining whether to approve the management
10 plan, the Secretary shall consider whether—

11 (i) the local coordinating entity rep-
12 resents the diverse interests of the Herit-
13 age Area, including governments, natural
14 and historical resource protection organiza-
15 tions, educational institutions, businesses,
16 community residents, and recreational or-
17 ganizations;

18 (ii) the local coordinating entity has
19 afforded adequate opportunity for public
20 and governmental involvement (including
21 through workshops and public meetings) in
22 the preparation of the management plan;

23 (iii) the resource protection and inter-
24 pretation strategies described in the man-
25 agement plan, if implemented, would ade-

1 quately protect the natural, historical, cul-
2 tural, archaeological, and recreational re-
3 sources of the Heritage Area;

4 (iv) the management plan would not
5 adversely affect any activities authorized
6 on Federal or tribal land under applicable
7 laws or land use plans;

8 (v) the Secretary has received ade-
9 quate assurances from the appropriate
10 State, tribal, and local officials whose sup-
11 port is needed to ensure the effective im-
12 plementation of the State, tribal, and local
13 aspects of the management plan; and

14 (vi) the local coordinating entity has
15 demonstrated the financial capability, in
16 partnership with others, to carry out the
17 management plan.

18 (D) ACTION FOLLOWING DISAPPROVAL.—

19 (i) IN GENERAL.—If the Secretary
20 disapproves the management plan, the Sec-
21 retary—

22 (I) shall advise the local coordi-
23 nating entity in writing of the reasons
24 for the disapproval; and

1 (II) may make recommendations
2 to the local coordinating entity for re-
3 visions to the management plan.

4 (ii) DEADLINE.—Not later than 180
5 days after receiving a revised management
6 plan, the Secretary shall approve or dis-
7 approve the revised management plan.

8 (E) REVIEW; AMENDMENTS.—

9 (i) IN GENERAL.—After approval by
10 the Secretary of the management plan, the
11 Alliance shall periodically—

12 (I) review the management plan;
13 and

14 (II) submit to the Secretary, for
15 review and approval by the Secretary,
16 any recommendations for revisions to
17 the management plan.

18 (ii) IN GENERAL.—An amendment to
19 the management plan that substantially al-
20 ters the purposes of the Heritage Area
21 shall be reviewed by the Secretary and ap-
22 proved or disapproved in the same manner
23 as the original management plan.

24 (iii) IMPLEMENTATION.—The local co-
25 ordinating entity shall not use Federal

1 funds authorized to be appropriated by this
2 section to implement an amendment to the
3 management plan until the Secretary ap-
4 proves the amendment.

5 (e) DUTIES AND AUTHORITIES OF THE SEC-
6 RETARY.—

7 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

8 (A) IN GENERAL.—On the request of the
9 local coordinating entity, the Secretary may
10 provide technical and financial assistance, on a
11 reimbursable or nonreimbursable basis (as de-
12 termined by the Secretary), to the local coordi-
13 nating entity to develop and implement the
14 management plan.

15 (B) COOPERATIVE AGREEMENTS.—The
16 Secretary may enter into cooperative agree-
17 ments with the local coordinating entity and
18 other public or private entities to provide tech-
19 nical or financial assistance under subpara-
20 graph (A).

21 (C) PRIORITY.—In assisting the Heritage
22 Area, the Secretary shall give priority to actions
23 that assist in—

24 (i) conserving the significant natural,
25 historical, cultural, archaeological, and rec-

1 reational resources of the Heritage Area;

2 and

3 (ii) providing educational, interpretive,
4 and recreational opportunities consistent
5 with the purposes of the Heritage Area.

6 (2) EVALUATION; REPORT.—

7 (A) IN GENERAL.—Not later than 3 years
8 before the date on which authority for Federal
9 funding terminates for the Heritage Area under
10 subsection (i), the Secretary shall—

11 (i) conduct an evaluation of the ac-
12 complishments of the Heritage Area; and

13 (ii) prepare a report with rec-
14 ommendations for the future role of the
15 National Park Service, if any, with respect
16 to the Heritage Area, in accordance with
17 subparagraph (C).

18 (B) EVALUATION.—An evaluation con-
19 ducted under subparagraph (A)(i) shall—

20 (i) assess the progress of the local co-
21 ordinating entity with respect to—

22 (I) accomplishing the purposes of
23 this section for the Heritage Area;
24 and

1 (II) achieving the goals and ob-
2 jectives of the approved management
3 plan for the Heritage Area;

4 (ii) analyze the Federal, State, local,
5 and private investments in the Heritage
6 Area to determine the leverage and impact
7 of the investments; and

8 (iii) review the management structure,
9 partnership relationships, and funding of
10 the Heritage Area for purposes of identi-
11 fying the critical components for sustain-
12 ability of the Heritage Area.

13 (C) REPORT.—

14 (i) IN GENERAL.—Based on the eval-
15 uation conducted under subparagraph
16 (A)(i), the Secretary shall prepare a report
17 that includes recommendations for the fu-
18 ture role of the National Park Service, if
19 any, with respect to the Heritage Area.

20 (ii) REQUIRED ANALYSIS.—If the re-
21 port prepared under this subparagraph
22 recommends that Federal funding for the
23 Heritage Area be reauthorized, the report
24 shall include an analysis of—

1 (I) ways in which Federal fund-
2 ing for the Heritage Area may be re-
3 duced or eliminated; and

4 (II) the appropriate time period
5 necessary to achieve the recommended
6 reduction or elimination.

7 (iii) SUBMISSION TO CONGRESS.—On
8 completion of a report under this subpara-
9 graph, the Secretary shall submit the re-
10 port to—

11 (I) the Committee on Energy and
12 Natural Resources of the Senate; and

13 (II) the Committee on Natural
14 Resources of the House of Represent-
15 atives.

16 (f) RELATIONSHIP TO OTHER FEDERAL AGEN-
17 CIES.—

18 (1) IN GENERAL.—Nothing in this section af-
19 fects the authority of a Federal agency to provide
20 technical or financial assistance under any other law.

21 (2) CONSULTATION AND COORDINATION.—To
22 the maximum extent practicable, the head of any
23 Federal agency planning to conduct activities that
24 may have an impact on the Heritage Area is encour-

1 aged to consult and coordinate the activities with the
2 Secretary and the local coordinating entity.

3 (3) OTHER FEDERAL AGENCIES.—Nothing in
4 this section—

5 (A) modifies, alters, or amends any laws
6 (including regulations) authorizing a Federal
7 agency to manage Federal land under the juris-
8 diction of the Federal agency;

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

13 (C) modifies, alters, or amends any author-
14 ized use of Federal land under the jurisdiction
15 of a Federal agency.

16 (g) EFFECT.—

17 (1) PROPERTY OWNERS AND REGULATORY PRO-
18 TECTIONS.—Nothing in this section—

19 (A) abridges the rights of any owner of
20 public or private property, including the right
21 to refrain from participating in any plan,
22 project, program, or activity conducted within
23 the Heritage Area;

24 (B) requires any property owner to—

1 (i) permit public access (including
2 Federal, tribal, State, or local government
3 access) to the property; or

4 (ii) modify any provisions of Federal,
5 tribal, State, or local law with regard to
6 public access or use of private land;

7 (C) alters any duly adopted land use regu-
8 lations, approved land use plan, or any other
9 regulatory authority of any Federal, State, or
10 local agency, or tribal government;

11 (D) conveys any land use or other regu-
12 latory authority to the local coordinating entity;

13 (E) authorizes or implies the reservation or
14 appropriation of water or water rights;

15 (F) diminishes the authority of the State
16 to manage fish and wildlife, including the regu-
17 lation of fishing and hunting within the Herit-
18 age Area; or

19 (G) creates any liability, or affects any li-
20 ability under any other law, of any private
21 property owner with respect to any person in-
22 jured on the private property.

23 (2) NO EFFECT ON INDIAN TRIBES.—Nothing
24 in this section—

1 (A) restricts an Indian tribe from pro-
2 tecting cultural or religious sites on tribal land;
3 or

4 (B) diminishes the trust responsibilities or
5 government-to-government obligations of the
6 United States to any Indian tribe recognized by
7 the Federal Government.

8 (h) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated to carry out this section \$10,000,000,
11 of which not more than \$1,000,000 may be made
12 available for any fiscal year.

13 (2) AVAILABILITY.—Amounts made available
14 under paragraph (1) shall remain available until ex-
15 pended.

16 (3) COST-SHARING REQUIREMENT.—

17 (A) IN GENERAL.—The Federal share of
18 the total cost of any activity under this section
19 shall be not more than 50 percent.

20 (B) FORM.—The non-Federal contribu-
21 tion—

22 (i) shall be from non-Federal sources;
23 and

1 (ii) may be in the form of in-kind con-
2 tributions of goods or services fairly val-
3 ued.

4 (i) TERMINATION OF FINANCIAL ASSISTANCE.—The
5 authority of the Secretary to provide financial assistance
6 under this section terminates on the date that is 15 years
7 after the date of enactment of this Act.

8 **SEC. 828. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.**

9 (a) DEFINITIONS.—In this section:

10 (1) BOARD.—The term “Board” means the
11 Board of Directors of the local coordinating entity.

12 (2) HERITAGE AREA.—The term “Heritage
13 Area” means the Mississippi Delta National Herit-
14 age Area established by subsection (b)(1).

15 (3) LOCAL COORDINATING ENTITY.—The term
16 “local coordinating entity” means the local coordi-
17 nating entity for the Heritage Area designated by
18 subsection (b)(4)(A).

19 (4) MANAGEMENT PLAN.—The term “manage-
20 ment plan” means the management plan for the
21 Heritage Area developed under subsection (d).

22 (5) MAP.—The term “map” means the map en-
23 titled “Mississippi Delta National Heritage Area”,
24 numbered T13/80,000, and dated April 2008.

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

3 (7) STATE.—The term “State” means the State
4 of Mississippi.

5 (b) ESTABLISHMENT.—

6 (1) ESTABLISHMENT.—There is established in
7 the State the Mississippi Delta National Heritage
8 Area.

9 (2) BOUNDARIES.—The Heritage Area shall in-
10 clude all counties in the State that contain land lo-
11 cated in the alluvial floodplain of the Mississippi
12 Delta, including Bolivar, Carroll, Coahoma, Desoto,
13 Holmes, Humphreys, Issaquena, Leflore, Panola,
14 Quitman, Sharkey, Sunflower, Tallahatchie, Tate,
15 Tunica, Warren, Washington, and Yazoo Counties in
16 the State, as depicted on the map.

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

20 (4) LOCAL COORDINATING ENTITY.—

21 (A) DESIGNATION.—The Mississippi Delta
22 National Heritage Area Partnership shall be
23 the local coordinating entity for the Heritage
24 Area.

25 (B) BOARD OF DIRECTORS.—

1 (i) COMPOSITION.—

2 (I) IN GENERAL.—The local co-
3 ordinating entity shall be governed by
4 a Board of Directors composed of 15
5 members, of whom—

6 (aa) 1 member shall be ap-
7 pointed by Delta State Univer-
8 sity;

9 (bb) 1 member shall be ap-
10 pointed by Mississippi Valley
11 State University;

12 (cc) 1 member shall be ap-
13 pointed by Alcorn State Univer-
14 sity;

15 (dd) 1 member shall be ap-
16 pointed by the Delta Foundation;

17 (ee) 1 member shall be ap-
18 pointed by the Smith Robertson
19 Museum;

20 (ff) 1 member shall be ap-
21 pointed from the office of the
22 Governor of the State;

23 (gg) 1 member shall be ap-
24 pointed by Delta Council;

1 (hh) 1 member shall be ap-
2 pointed from the Mississippi Arts
3 Commission;

4 (ii) 1 member shall be ap-
5 pointed from the Mississippi De-
6 partment of Archives and His-
7 tory;

8 (jj) 1 member shall be ap-
9 pointed from the Mississippi Hu-
10 manities Council; and

11 (kk) up to 5 additional
12 members shall be appointed for
13 staggered 1- and 2-year terms by
14 County boards in the Heritage
15 Area.

16 (II) RESIDENCY REQUIRE-
17 MENTS.—At least 7 members of the
18 Board shall reside in the Heritage
19 Area.

20 (ii) OFFICERS.—

21 (I) IN GENERAL.—At the initial
22 meeting of the Board, the members of
23 the Board shall appoint a Chair-
24 person, Vice Chairperson, and Sec-
25 retary/Treasurer.

1 (II) DUTIES.—

2 (aa) CHAIRPERSON.—The
3 duties of the Chairperson shall
4 include—

5 (AA) presiding over
6 meetings of the Board;

7 (BB) executing docu-
8 ments of the Board; and

9 (CC) coordinating ac-
10 tivities of the Heritage Area
11 with Federal, State, local,
12 and nongovernmental offi-
13 cials.

14 (bb) VICE CHAIRPERSON.—
15 The Vice Chairperson shall act as
16 Chairperson in the absence or
17 disability of the Chairperson.

18 (iii) MANAGEMENT AUTHORITY.—

19 (I) IN GENERAL.—The Board
20 shall—

21 (aa) exercise all corporate
22 powers of the local coordinating
23 entity;

1 (bb) manage the activities
2 and affairs of the local coordi-
3 nating entity; and

4 (cc) subject to any limita-
5 tions in the articles and bylaws of
6 the local coordinating entity, this
7 section, and any other applicable
8 Federal or State law, establish
9 the policies of the local coordi-
10 nating entity.

11 (II) STAFF.—The Board shall
12 have the authority to employ any serv-
13 ices and staff that are determined to
14 be necessary by a majority vote of the
15 Board.

16 (iv) BYLAWS.—

17 (I) IN GENERAL.—The Board
18 may amend or repeal the bylaws of
19 the local coordinating entity at any
20 meeting of the Board by a majority
21 vote of the Board.

22 (II) NOTICE.—The Board shall
23 provide notice of any meeting of the
24 Board at which an amendment to the
25 bylaws is to be considered that in-

1 includes the text or a summary of the
2 proposed amendment.

3 (v) MINUTES.—Not later than 60
4 days after a meeting of the Board, the
5 Board shall distribute the minutes of the
6 meeting among all Board members and the
7 county supervisors in each county within
8 the Heritage Area.

9 (c) DUTIES AND AUTHORITIES OF LOCAL COORDI-
10 NATING ENTITY.—

11 (1) DUTIES OF THE LOCAL COORDINATING EN-
12 TITY.—To further the purposes of the Heritage
13 Area, the local coordinating entity shall—

14 (A) prepare, and submit to the Secretary,
15 in accordance with subsection (d), a manage-
16 ment plan for the Heritage Area;

17 (B) assist units of local government, re-
18 gional planning organizations, and nonprofit or-
19 ganizations in implementing the approved man-
20 agement plan by—

21 (i) carrying out programs and projects
22 that recognize, protect, and enhance im-
23 portant resource values within the Herit-
24 age Area;

- 1 (ii) establishing and maintaining in-
2 terpretive exhibits and programs within the
3 Heritage Area;
- 4 (iii) developing recreational and edu-
5 cational opportunities in the Heritage
6 Area;
- 7 (iv) increasing public awareness of,
8 and appreciation for, natural, historic, sce-
9 nic, and cultural resources of the Heritage
10 Area;
- 11 (v) protecting and restoring historic
12 sites and buildings in the Heritage Area
13 that are consistent with the themes of the
14 Heritage Area;
- 15 (vi) ensuring that signs identifying
16 points of public access and sites of interest
17 are posted throughout the Heritage Area;
18 and
- 19 (vii) promoting a wide range of part-
20 nerships among governments, organiza-
21 tions, and individuals to further the pur-
22 poses of the Heritage Area;
- 23 (C) consider the interests of diverse units
24 of government, businesses, organizations, and
25 individuals in the Heritage Area in the prepara-

1 tion and implementation of the management
2 plan;

3 (D) conduct meetings open to the public at
4 least semiannually regarding the development
5 and implementation of the management plan;

6 (E) submit an annual report to the Sec-
7 retary for each fiscal year for which the local
8 coordinating entity receives Federal funds
9 under this section specifying—

10 (i) the accomplishments of the local
11 coordinating entity;

12 (ii) the expenses and income of the
13 local coordinating entity;

14 (iii) the amounts and sources of
15 matching funds;

16 (iv) the amounts leveraged with Fed-
17 eral funds and sources of the leveraged
18 funds; and

19 (v) grants made to any other entities
20 during the fiscal year;

21 (F) make available for audit for each fiscal
22 year for which the local coordinating entity re-
23 ceives Federal funds under this section, all in-
24 formation pertaining to the expenditure of the
25 funds and any matching funds;

1 (G) require in all agreements authorizing
2 expenditures of Federal funds by other organi-
3 zations, that the receiving organizations make
4 available for audit all records and other infor-
5 mation pertaining to the expenditure of the
6 funds; and

7 (H) encourage, by appropriate means, eco-
8 nomic development that is consistent with the
9 purposes of the Heritage Area.

10 (2) AUTHORITIES.—The local coordinating enti-
11 ty may, subject to the prior approval of the Sec-
12 retary, for the purposes of preparing and imple-
13 menting the management plan, use Federal funds
14 made available under this section to—

15 (A) make grants to the State, political sub-
16 divisions of the State, nonprofit organizations,
17 and other persons;

18 (B) enter into cooperative agreements
19 with, or provide technical assistance to, the
20 State, political subdivisions of the State, non-
21 profit organizations, Federal agencies, and
22 other interested parties;

23 (C) hire and compensate staff;

1 (D) obtain funds or services from any
2 source, including funds and services provided
3 under any other Federal law or program;

4 (E) contract for goods or services; and

5 (F) support activities of partners and any
6 other activities that further the purposes of the
7 Heritage Area and are consistent with the ap-
8 proved management plan.

9 (3) PROHIBITION ON ACQUISITION OF REAL
10 PROPERTY.—The local coordinating entity may not
11 use Federal funds received under this section to ac-
12 quire any interest in real property.

13 (d) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date on which funds are made available to de-
16 velop the management plan, the local coordinating
17 entity shall submit to the Secretary for approval a
18 proposed management plan for the Heritage Area.

19 (2) REQUIREMENTS.—The management plan
20 for the Heritage Area shall—

21 (A) describe comprehensive policies, goals,
22 strategies, and recommendations for telling the
23 story of the heritage of the region and encour-
24 aging long-term resource protection, enhance-

1 ment, interpretation, funding, management, and
2 development of the Heritage Area;

3 (B) take into consideration existing State,
4 county, and local plans in the development and
5 implementation of the management plan;

6 (C) include a description of actions and
7 commitments that governments, private organi-
8 zations, and citizens plan to take to protect, en-
9 hance, and interpret the cultural, historical, ar-
10 chaeological, natural, and recreational resources
11 of the Heritage Area;

12 (D) specify existing and potential sources
13 of funding or economic development strategies
14 to protect, enhance, interpret, fund, manage,
15 and develop the Heritage Area;

16 (E) include an inventory of the cultural,
17 historical, archaeological, natural, and rec-
18 reational resources of the Heritage Area relat-
19 ing to the stories and themes of the region that
20 should be protected, enhanced, managed, or de-
21 veloped;

22 (F) recommend policies and strategies for
23 resource management including, the develop-
24 ment of intergovernmental and interagency
25 agreements to protect the natural, historic, cul-

1 tural, educational, scenic, and recreational re-
2 sources of the Heritage Area;

3 (G) describe a program for implementation
4 of the management plan, including—

5 (i) performance goals;

6 (ii) plans for resource protection, en-
7 hancement, and interpretation; and

8 (iii) specific commitments for imple-
9 mentation that have been made by the
10 local coordinating entity or any govern-
11 ment, organization, business, or individual;

12 (H) include an analysis of, and rec-
13 ommendations for, ways in which Federal,
14 State, tribal, and local programs may best be
15 coordinated (including the role of the National
16 Park Service and other Federal agencies associ-
17 ated with the Heritage Area) to further the
18 purposes of this section;

19 (I) include an interpretive plan for the
20 Heritage Area; and

21 (J) include a business plan that—

22 (i) describes the role, operation, fi-
23 nancing, and functions of the local coordi-
24 nating entity and of each of the major ac-

1 activities described in the management plan;
2 and

3 (ii) provides adequate assurances that
4 the local coordinating entity has the part-
5 nerships and financial and other resources
6 necessary to implement the management
7 plan for the Heritage Area.

8 (3) TERMINATION OF FUNDING.—If the man-
9 agement plan is not submitted to the Secretary in
10 accordance with this subsection, the local coordi-
11 nating entity shall not qualify for additional finan-
12 cial assistance under this section until the manage-
13 ment plan is submitted to, and approved by, the Sec-
14 retary.

15 (4) APPROVAL OF MANAGEMENT PLAN.—

16 (A) REVIEW.—Not later than 180 days
17 after the date on which the Secretary receives
18 the management plan, the Secretary shall ap-
19 prove or disapprove the management plan.

20 (B) CONSULTATION REQUIRED.—The Sec-
21 retary shall consult with the Governor of the
22 State and any tribal government in which the
23 Heritage Area is located before approving the
24 management plan.

1 (C) CRITERIA FOR APPROVAL.—In deter-
2 mining whether to approve the management
3 plan, the Secretary shall consider whether—

4 (i) the local coordinating entity rep-
5 resents the diverse interests of the Herit-
6 age Area, including governments, natural
7 and historic resource protection organiza-
8 tions, educational institutions, businesses,
9 community residents, and recreational or-
10 ganizations;

11 (ii) the local coordinating entity has
12 afforded adequate opportunity for public
13 and governmental involvement (including
14 through workshops and public meetings) in
15 the preparation of the management plan;

16 (iii) the resource protection and inter-
17 pretation strategies described in the man-
18 agement plan, if implemented, would ade-
19 quately protect the cultural, historical, ar-
20 chaeological, natural, and recreational re-
21 sources of the Heritage Area;

22 (iv) the management plan would not
23 adversely affect any activities authorized
24 on Federal or tribal land under applicable
25 laws or land use plans;

1 (v) the Secretary has received ade-
2 quate assurances from the appropriate
3 State, tribal, and local officials whose sup-
4 port is needed to ensure the effective im-
5 plementation of the State, tribal, and local
6 aspects of the management plan; and

7 (vi) the local coordinating entity has
8 demonstrated the financial capability, in
9 partnership with others, to carry out the
10 management plan.

11 (D) ACTION FOLLOWING DISAPPROVAL.—

12 (i) IN GENERAL.—If the Secretary
13 disapproves the management plan, the Sec-
14 retary—

15 (I) shall advise the local coordi-
16 nating entity in writing of the reasons
17 for the disapproval; and

18 (II) may make recommendations
19 to the local coordinating entity for re-
20 visions to the management plan.

21 (ii) DEADLINE.—Not later than 180
22 days after receiving a revised management
23 plan, the Secretary shall approve or dis-
24 approve the revised management plan.

25 (E) AMENDMENTS.—

1 (i) IN GENERAL.—An amendment to
2 the management plan that substantially al-
3 ters the purposes of the Heritage Area
4 shall be reviewed by the Secretary and ap-
5 proved or disapproved in the same manner
6 as the original management plan.

7 (ii) IMPLEMENTATION.—The local co-
8 ordinating entity shall not use Federal
9 funds authorized to be appropriated by this
10 section to implement an amendment to the
11 management plan until the Secretary ap-
12 proves the amendment.

13 (e) DUTIES AND AUTHORITIES OF THE SEC-
14 RETARY.—

15 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

16 (A) IN GENERAL.—On the request of the
17 local coordinating entity, the Secretary may
18 provide technical and financial assistance, on a
19 reimbursable or nonreimbursable basis (as de-
20 termined by the Secretary), to the local coordi-
21 nating entity to develop and implement the
22 management plan.

23 (B) COOPERATIVE AGREEMENTS.—The
24 Secretary may enter into cooperative agree-
25 ments with the local coordinating entity and

1 other public or private entities to provide tech-
2 nical or financial assistance under subpara-
3 graph (A).

4 (C) PRIORITY.—In assisting the Heritage
5 Area, the Secretary shall give priority to actions
6 that assist in—

7 (i) conserving the significant cultural,
8 historical, archaeological, natural, and rec-
9 reational resources of the Heritage Area;
10 and

11 (ii) providing educational, interpretive,
12 and recreational opportunities consistent
13 with the purposes of the Heritage Area.

14 (D) PROHIBITION OF CERTAIN REQUIRE-
15 MENTS.—The Secretary may not, as a condition
16 of the provision of technical or financial assist-
17 ance under this subsection, require any recipi-
18 ent of the assistance to impose or modify any
19 land use restriction or zoning ordinance.

20 (2) EVALUATION; REPORT.—

21 (A) IN GENERAL.—Not later than 3 years
22 before the date on which authority for Federal
23 funding terminates for the Heritage Area under
24 subsection (i), the Secretary shall—

1 (i) conduct an evaluation of the ac-
2 complishments of the Heritage Area; and

3 (ii) prepare a report with rec-
4 ommendations for the future role of the
5 National Park Service, if any, with respect
6 to the Heritage Area, in accordance with
7 subparagraph (C).

8 (B) EVALUATION.—An evaluation con-
9 ducted under subparagraph (A)(i) shall—

10 (i) assess the progress of the local co-
11 ordinating entity with respect to—

12 (I) accomplishing the purposes of
13 this section for the Heritage Area;
14 and

15 (II) achieving the goals and ob-
16 jectives of the approved management
17 plan for the Heritage Area;

18 (ii) analyze the Federal, State, local,
19 and private investments in the Heritage
20 Area to determine the leverage and impact
21 of the investments; and

22 (iii) review the management structure,
23 partnership relationships, and funding of
24 the Heritage Area for purposes of identi-

1 fying the critical components for sustain-
2 ability of the Heritage Area.

3 (C) REPORT.—

4 (i) IN GENERAL.—Based on the eval-
5 uation conducted under subparagraph
6 (A)(i), the Secretary shall prepare a report
7 that includes recommendations for the fu-
8 ture role of the National Park Service, if
9 any, with respect to the Heritage Area.

10 (ii) REQUIRED ANALYSIS.—If the re-
11 port prepared under this subparagraph
12 recommends that Federal funding for the
13 Heritage Area be reauthorized, the report
14 shall include an analysis of—

15 (I) ways in which Federal fund-
16 ing for the Heritage Area may be re-
17 duced or eliminated; and

18 (II) the appropriate time period
19 necessary to achieve the recommended
20 reduction or elimination.

21 (iii) SUBMISSION TO CONGRESS.—On
22 completion of a report under this subpara-
23 graph, the Secretary shall submit the re-
24 port to—

1 (I) the Committee on Energy and
2 Natural Resources of the Senate; and
3 (II) the Committee on Natural
4 Resources of the House of Represent-
5 atives.

6 (f) RELATIONSHIP TO OTHER FEDERAL AGEN-
7 CIES.—

8 (1) IN GENERAL.—Nothing in this section af-
9 fects the authority of a Federal agency to provide
10 technical or financial assistance under any other law.

11 (2) CONSULTATION AND COORDINATION.—To
12 the maximum extent practicable, the head of any
13 Federal agency planning to conduct activities that
14 may have an impact on the Heritage Area is encour-
15 aged to consult and coordinate the activities with the
16 Secretary and the local coordinating entity.

17 (3) OTHER FEDERAL AGENCIES.—Nothing in
18 this section—

19 (A) modifies, alters, or amends any laws
20 (including regulations) authorizing a Federal
21 agency to manage Federal land under the juris-
22 diction of the Federal agency;

23 (B) limits the discretion of a Federal land
24 manager to implement an approved land use

1 plan within the boundaries of the Heritage
2 Area; or

3 (C) modifies, alters, or amends any author-
4 ized use of Federal land under the jurisdiction
5 of a Federal agency.

6 (g) PROPERTY OWNERS AND REGULATORY PROTEC-
7 TIONS.—Nothing in this section—

8 (1) abridges the rights of any owner of public
9 or private property, including the right to refrain
10 from participating in any plan, project, program, or
11 activity conducted within the Heritage Area;

12 (2) requires any property owner to—

13 (A) permit public access (including Fed-
14 eral, tribal, State, or local government access)
15 to the property; or

16 (B) modify any provisions of Federal, trib-
17 al, State, or local law with regard to public ac-
18 cess or use of private land;

19 (3) alters any duly adopted land use regula-
20 tions, approved land use plan, or any other regu-
21 latory authority of any Federal, State, or local agen-
22 cy, or tribal government;

23 (4) conveys any land use or other regulatory
24 authority to the local coordinating entity;

1 (5) authorizes or implies the reservation or ap-
2 propriation of water or water rights;

3 (6) diminishes the authority of the State to
4 manage fish and wildlife, including the regulation of
5 fishing and hunting within the Heritage Area;

6 (7) creates any liability, or affects any liability
7 under any other law, of any private property owner
8 with respect to any person injured on the private
9 property;

10 (8) restricts an Indian tribe from protecting
11 cultural or religious sites on tribal land; or

12 (9) diminishes the trust responsibilities of gov-
13 ernment-to-government obligations of the United
14 States of any federally recognized Indian tribe.

15 (h) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to carry out this section \$10,000,000,
18 of which not more than \$1,000,000 may be made
19 available for any fiscal year.

20 (2) COST-SHARING REQUIREMENT.—

21 (A) IN GENERAL.—The Federal share of
22 the total cost of any activity under this section
23 shall be not more than 50 percent.

24 (B) FORM.—The non-Federal contribu-
25 tion—

- 1 (i) shall be from non-Federal sources;
2 and
3 (ii) may be in the form of in-kind con-
4 tributions of goods or services fairly val-
5 ued.

6 (i) TERMINATION OF FINANCIAL ASSISTANCE.—The
7 authority of the Secretary to provide financial assistance
8 under this section terminates on the date that is 15 years
9 after the date of enactment of this Act.

10 **SEC. 829. MUSCLE SHOALS NATIONAL HERITAGE AREA,**
11 **ALABAMA.**

12 (a) PURPOSES.—The purposes of this section are—

13 (1) to preserve, support, conserve, and interpret
14 the legacy of the region represented by the Heritage
15 Area as described in the feasibility study prepared
16 by the National Park Service;

17 (2) to promote heritage, cultural, and rec-
18 reational tourism, and to develop educational and
19 cultural programs for visitors and the general public;

20 (3) to recognize and interpret important events
21 and geographic locations representing key develop-
22 ments in the growth of the United States, including
23 the Native American, Colonial American, European
24 American, and African American heritage;

1 (4) to recognize and interpret the manner by
2 which the distinctive geography of the region has
3 shaped the development of the settlement, defense,
4 transportation, commerce, and culture of the region;

5 (5) to provide a cooperative management frame-
6 work to foster a close working relationship with all
7 levels of government, the private sector, and the
8 local communities in the region to identify, preserve,
9 interpret, and develop the historical, cultural, scenic,
10 and natural resources of the region for the edu-
11 cational and inspirational benefit of current and fu-
12 ture generations; and

13 (6) to provide appropriate linkages between
14 units of the National Park System and communities,
15 governments, and organizations within the Heritage
16 Area.

17 (b) DEFINITIONS.—In this section:

18 (1) HERITAGE AREA.—The term “Heritage
19 Area” means the Muscle Shoals National Heritage
20 Area established by subsection (c)(1).

21 (2) LOCAL COORDINATING ENTITY.—The term
22 “local coordinating entity” means the Muscle Shoals
23 Regional Center, the local coordinating entity for the
24 Heritage Area designated by subsection (c)(4).

1 (3) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the plan for the Heritage Area
3 required under subsection (d)(1)(A).

4 (4) MAP.—The term “map” means the map en-
5 titled “Muscle Shoals National Heritage Area”,
6 numbered T08/80,000, and dated October 2007.

7 (5) STATE.—The term “State” means the State
8 of Alabama.

9 (c) ESTABLISHMENT.—

10 (1) IN GENERAL.—There is established the
11 Muscle Shoals National Heritage Area in the State.

12 (2) BOUNDARIES.—The Heritage Area shall be
13 comprised of the following areas, as depicted on the
14 map:

15 (A) The Counties of Colbert, Franklin,
16 Lauderdale, Lawrence, Limestone, and Morgan,
17 Alabama.

18 (B) The Wilson Dam.

19 (C) The Handy Home.

20 (D) The birthplace of Helen Keller.

21 (3) AVAILABILITY MAP.—The map shall be on
22 file and available for public inspection in the appro-
23 priate offices of the National Park Service and the
24 local coordinating entity.

1 (4) LOCAL COORDINATING ENTITY.—The Mus-
2 cle Shoals Regional Center shall be the local coordi-
3 nating entity for the Heritage Area.

4 (d) DUTIES AND AUTHORITIES OF LOCAL COORDI-
5 NATING ENTITY.—

6 (1) DUTIES OF THE LOCAL COORDINATING EN-
7 TITY.—To further the purposes of the Heritage
8 Area, the local coordinating entity shall—

9 (A) prepare, and submit to the Secretary,
10 in accordance with subsection (e), a manage-
11 ment plan for the Heritage Area;

12 (B) submit an annual report to the Sec-
13 retary for each fiscal year for which the local
14 coordinating entity receives Federal funds
15 under this section specifying—

16 (i) the accomplishments of the local
17 coordinating entity;

18 (ii) the expenses and income of the
19 local coordinating entity;

20 (iii) the amounts and sources of
21 matching funds;

22 (iv) the amounts leveraged with Fed-
23 eral funds and sources of the leveraged
24 funds; and

1 (v) grants made to any other entities
2 during the fiscal year;

3 (C) make available for audit for each fiscal
4 year for which the local coordinating entity re-
5 ceives Federal funds under this section, all in-
6 formation pertaining to the expenditure of the
7 funds and any matching funds;

8 (D) encourage, by appropriate means, eco-
9 nomic development that is consistent with the
10 purposes of the Heritage Area; and

11 (E) serve as a catalyst for the implementa-
12 tion of projects and programs among diverse
13 partners in the Heritage Area.

14 (2) AUTHORITIES.—The local coordinating enti-
15 ty may, subject to the prior approval of the Sec-
16 retary, for the purposes of preparing and imple-
17 menting the management plan, use Federal funds
18 made available under this section to—

19 (A) make grants to the State, political sub-
20 divisions of the State, nonprofit organizations,
21 and other persons;

22 (B) enter into cooperative agreements
23 with, or provide technical assistance to, the
24 State, political subdivisions of the State, non-

1 profit organizations, Federal agencies, and
2 other interested parties;

3 (C) hire and compensate staff, including
4 individuals with expertise in—

5 (i) natural, historical, cultural, edu-
6 cational, scenic, and recreational resource
7 conservation;

8 (ii) economic and community develop-
9 ment; and

10 (iii) heritage planning;

11 (D) obtain funds or services from any
12 source, including funds and services provided
13 under any other Federal law or program;

14 (E) contract for goods or services; and

15 (F) support activities of partners and any
16 other activities that further the purposes of the
17 Heritage Area and are consistent with the ap-
18 proved management plan.

19 (3) PROHIBITION ON ACQUISITION OF REAL
20 PROPERTY.—The local coordinating entity may not
21 use Federal funds received under this section to ac-
22 quire any interest in real property.

23 (e) MANAGEMENT PLAN.—

24 (1) IN GENERAL.—Not later than 3 years after
25 the date on which funds are made available to de-

1 velop the management plan, the local coordinating
2 entity shall submit to the Secretary for approval a
3 proposed management plan for the Heritage Area.

4 (2) REQUIREMENTS.—The management plan
5 for the Heritage Area shall—

6 (A) describe comprehensive policies, goals,
7 strategies, and recommendations for telling the
8 story of the heritage of the area covered by the
9 Heritage Area and encouraging long-term re-
10 source protection, enhancement, interpretation,
11 funding, management, and development of the
12 Heritage Area;

13 (B) include a description of actions and
14 commitments that Federal, State, tribal, and
15 local governments, private organizations, and
16 citizens plan to take to protect, enhance, inter-
17 pret, fund, manage, and develop the natural,
18 historic, cultural, educational, scenic, and rec-
19 reational resources of the Heritage Area;

20 (C) specify existing and potential sources
21 of funding or economic development strategies
22 to protect, enhance, interpret, fund, manage,
23 and develop the Heritage Area;

24 (D) include an inventory of the natural,
25 historic, cultural, educational, scenic, and rec-

1 reational resources of the Heritage Area relat-
2 ing to the stories and themes of the Heritage
3 Area that should be protected, enhanced, inter-
4 preted, managed, funded, or developed;

5 (E) recommend policies and strategies for
6 resource management, including the develop-
7 ment of intergovernmental and interagency
8 agreements to protect, enhance, interpret, fund,
9 manage, and develop the natural, historic, cul-
10 tural, educational, scenic, and recreational re-
11 sources of the Heritage Area;

12 (F) describe a program for implementation
13 of the management plan, including—

14 (i) performance goals;

15 (ii) plans for resource protection, en-
16 hancement, interpretation, funding, man-
17 agement, and development; and

18 (iii) specific commitments for imple-
19 mentation that have been made by the
20 local coordinating entity or any Federal,
21 State, tribal, or local government agency,
22 organization, business, or individual;

23 (G) include an analysis of, and rec-
24 ommendations for, ways in which Federal,
25 State, tribal, and local programs may best be

1 coordinated (including the role of the National
2 Park Service and other Federal agencies associ-
3 ated with the Heritage Area) to further the
4 purposes of this section; and

5 (H) include a business plan that—

6 (i) describes the role, operation, fi-
7 nancing, and functions of the local coordi-
8 nating entity and of each of the major ac-
9 tivities described in the management plan;
10 and

11 (ii) provides adequate assurances that
12 the local coordinating entity has the part-
13 nerships and financial and other resources
14 necessary to implement the management
15 plan for the Heritage Area.

16 (3) TERMINATION OF FUNDING.—If the man-
17 agement plan is not submitted to the Secretary by
18 the date that is 3 years after the date on which
19 funds are first made available to develop the man-
20 agement plan, the local coordinating entity shall not
21 qualify for additional financial assistance under this
22 section until the management plan is submitted to,
23 and approved by, the Secretary.

24 (4) APPROVAL OF MANAGEMENT PLAN.—

1 (A) REVIEW.—Not later than 180 days
2 after the date on which the Secretary receives
3 the management plan, the Secretary shall ap-
4 prove or disapprove the management plan.

5 (B) CONSULTATION REQUIRED.—The Sec-
6 retary shall consult with the Governor of the
7 State in which the Heritage Area is located be-
8 fore approving the management plan.

9 (C) CRITERIA FOR APPROVAL.—In deter-
10 mining whether to approve the management
11 plan, the Secretary shall consider whether—

12 (i) the local coordinating entity rep-
13 resents the diverse interests of the Herit-
14 age Area, including Federal, State, tribal,
15 and local governments, natural and historic
16 resource protection organizations, edu-
17 cational institutions, businesses, commu-
18 nity residents, recreational organizations,
19 and private property owners;

20 (ii) the local coordinating entity—

21 (I) has afforded adequate oppor-
22 tunity for public and Federal, State,
23 tribal, and local governmental involve-
24 ment (including through workshops

- 1 and public meetings) in the prepara-
2 tion of the management plan; and
- 3 (II) provides for at least semi-
4 annual public meetings to ensure ade-
5 quate implementation of the manage-
6 ment plan;
- 7 (iii) the resource protection, enhance-
8 ment, interpretation, funding, manage-
9 ment, and development strategies described
10 in the management plan, if implemented,
11 would adequately protect, enhance, inter-
12 pret, fund, manage, and develop the nat-
13 ural, historic, cultural, scenic, and rec-
14 reational resources of the Heritage Area;
- 15 (iv) the management plan would not
16 adversely affect any activities authorized
17 on Federal land under applicable laws or
18 land use plans;
- 19 (v) the Secretary has received ade-
20 quate assurances from the appropriate
21 State, tribal, and local officials whose sup-
22 port is needed to ensure the effective im-
23 plementation of the State, tribal, and local
24 aspects of the management plan;

1 (vi) the local coordinating entity has
2 demonstrated the financial capability, in
3 partnership with others, to carry out the
4 management plan; and

5 (vii) the management plan dem-
6 onstrates partnerships among the local co-
7 ordinating entity, Federal, State, tribal,
8 and local governments, regional planning
9 organizations, nonprofit organizations, and
10 private sector parties for implementation of
11 the management plan.

12 (D) DISAPPROVAL.—

13 (i) IN GENERAL.—If the Secretary
14 disapproves the management plan, the Sec-
15 retary—

16 (I) shall advise the local coordi-
17 nating entity in writing of the reasons
18 for the disapproval; and

19 (II) may make recommendations
20 to the local coordinating entity for re-
21 visions to the management plan.

22 (ii) DEADLINE.—Not later than 180
23 days after receiving a revised management
24 plan, the Secretary shall approve or dis-
25 approve the revised management plan.

1 (E) AMENDMENTS.—

2 (i) IN GENERAL.—An amendment to
3 the management plan that substantially al-
4 ters the purposes of the Heritage Area
5 shall be reviewed by the Secretary and ap-
6 proved or disapproved in the same manner
7 as the original management plan.

8 (ii) IMPLEMENTATION.—The local co-
9 ordinating entity shall not use Federal
10 funds authorized by this section to imple-
11 ment an amendment to the management
12 plan until the Secretary approves the
13 amendment.

14 (F) AUTHORITIES.—The Secretary may—

15 (i) provide technical assistance under
16 the authority of this section for the devel-
17 opment and implementation of the man-
18 agement plan; and

19 (ii) enter into cooperative agreements
20 with interested parties to carry out this
21 section.

22 (f) DUTIES AND AUTHORITIES OF THE SEC-
23 RETARY.—

24 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

1 (A) IN GENERAL.—On the request of the
2 local coordinating entity, the Secretary may
3 provide technical and financial assistance, on a
4 reimbursable or nonreimbursable basis (as de-
5 termined by the Secretary), to the local coordi-
6 nating entity to develop and implement the
7 management plan.

8 (B) COOPERATIVE AGREEMENTS.—The
9 Secretary may enter into cooperative agree-
10 ments with the local coordinating entity and
11 other public or private entities to provide tech-
12 nical or financial assistance under subpara-
13 graph (A).

14 (2) EVALUATION; REPORT.—

15 (A) IN GENERAL.—Not later than 3 years
16 before the date on which authority for Federal
17 funding terminates for the Heritage Area under
18 subsection (j), the Secretary shall—

19 (i) conduct an evaluation of the ac-
20 complishments of the Heritage Area; and

21 (ii) prepare a report with rec-
22 ommendations for the future role of the
23 National Park Service, if any, with respect
24 to the Heritage Area, in accordance with
25 subparagraph (C).

1 (B) EVALUATION.—An evaluation con-
2 ducted under subparagraph (A)(i) shall—

3 (i) assess the progress of the local co-
4 ordinating entity with respect to—

5 (I) accomplishing the purposes of
6 this section for the Heritage Area;
7 and

8 (II) achieving the goals and ob-
9 jectives of the approved management
10 plan for the Heritage Area;

11 (ii) analyze the Federal, State, tribal,
12 local, and private investments in the Herit-
13 age Area to determine the leverage and im-
14 pact of the investments; and

15 (iii) review the management structure,
16 partnership relationships, and funding of
17 the Heritage Area for purposes of identi-
18 fying the critical components for sustain-
19 ability of the Heritage Area.

20 (C) REPORT.—

21 (i) IN GENERAL.—Based on the eval-
22 uation conducted under subparagraph
23 (A)(i), the Secretary shall prepare a report
24 that includes recommendations for the fu-

1 ture role of the National Park Service, if
2 any, with respect to the Heritage Area.

3 (ii) REQUIRED ANALYSIS.—If the re-
4 port prepared under this subparagraph
5 recommends that Federal funding for the
6 Heritage Area be reauthorized, the report
7 shall include an analysis of—

8 (I) ways in which Federal fund-
9 ing for the Heritage Area may be re-
10 duced or eliminated; and

11 (II) the appropriate time period
12 necessary to achieve the recommended
13 reduction or elimination.

14 (iii) SUBMISSION TO CONGRESS.—On
15 completion of a report under this subpara-
16 graph, the Secretary shall submit the re-
17 port to—

18 (I) the Committee on Energy and
19 Natural Resources of the Senate; and

20 (II) the Committee on Natural
21 Resources of the House of Represent-
22 atives.

23 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-
24 CIES.—

1 (1) IN GENERAL.—Nothing in this section af-
2 fects the authority of a Federal agency to provide
3 technical or financial assistance under any other law.

4 (2) CONSULTATION AND COORDINATION.—To
5 the maximum extent practicable, the head of any
6 Federal agency planning to conduct activities that
7 may have an impact on the Heritage Area is encour-
8 aged to consult and coordinate the activities with the
9 Secretary and the local coordinating entity to the
10 maximum extent practicable.

11 (3) OTHER FEDERAL AGENCIES.—Nothing in
12 this section—

13 (A) modifies, alters, or amends any laws
14 (including regulations) authorizing a Federal
15 agency to manage Federal land under the juris-
16 diction of the Federal agency;

17 (B) limits the discretion of a Federal land
18 manager to implement an approved land use
19 plan within the boundaries of the Heritage
20 Area; or

21 (C) modifies, alters, or amends any author-
22 ized use of Federal land under the jurisdiction
23 of a Federal agency.

24 (h) PROPERTY OWNERS AND REGULATORY PROTEC-
25 TIONS.—Nothing in this section—

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

5 (2) requires any property owner to—

6 (A) permit public access (including Fed-
7 eral, tribal, State, or local government access)
8 to the property; or

9 (B) modify any provisions of Federal, trib-
10 al, State, or local law with regard to public ac-
11 cess or use of private land;

12 (3) alters any duly adopted land use regula-
13 tions, approved land use plan, or any other regu-
14 latory authority of any Federal, State, or local agen-
15 cy, or tribal government;

16 (4) conveys any land use or other regulatory
17 authority to the local coordinating entity;

18 (5) authorizes or implies the reservation or ap-
19 propriation of water or water rights;

20 (6) diminishes the authority of the State to
21 manage fish and wildlife, including the regulation of
22 fishing and hunting within the Heritage Area; or

23 (7) creates any liability, or affects any liability
24 under any other law, of any private property owner

1 with respect to any person injured on the private
2 property.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out this section \$10,000,000,
6 of which not more than \$1,000,000 may be made
7 available for any fiscal year.

8 (2) AVAILABILITY.—Funds made available
9 under paragraph (1) shall remain available until ex-
10 pended.

11 (3) COST-SHARING REQUIREMENT.—

12 (A) IN GENERAL.—The Federal share of
13 the total cost of any activity under this section
14 shall be not more than 50 percent.

15 (B) FORM.—The non-Federal contribution
16 may be in the form of in-kind contributions of
17 goods or services fairly valued.

18 (4) USE OF FEDERAL FUNDS FROM OTHER
19 SOURCES.—Nothing in this section precludes the
20 local coordinating entity from using Federal funds
21 available under provisions of law other than this sec-
22 tion for the purposes for which those funds were au-
23 thorized.

24 (j) TERMINATION OF EFFECTIVENESS.—The author-
25 ity of the Secretary to provide financial assistance under

1 this section terminates on the date that is 15 years after
2 the date of enactment of this Act.

3 **SEC. 830. SANTA CRUZ VALLEY NATIONAL HERITAGE AREA,**
4 **ARIZONA.**

5 (a) PURPOSES.—The purposes of this section are—

6 (1) to establish the Santa Cruz Valley National
7 Heritage Area in the State of Arizona;

8 (2) to implement the recommendations of—

9 (A) the “Alternative Concepts for Com-
10 memorating Spanish Colonization” study com-
11 pleted by the National Park Service in 1991;
12 and

13 (B) the “Feasibility Study for the Santa
14 Cruz Valley National Heritage Area” prepared
15 by the Center for Desert Archaeology in July
16 2005;

17 (3) to provide a management framework—

18 (A) to foster a close working relationship
19 with all levels of government, the private sector,
20 and the local communities in the region; and

21 (B) to conserve the heritage of the region
22 while continuing to pursue compatible economic
23 opportunities;

24 (4) to assist communities, organizations, and
25 citizens in the State in identifying, preserving, inter-

1 preting, and developing the historic, cultural, scenic,
2 and natural resources of the region for the edu-
3 cational and inspirational benefit of current and fu-
4 ture generations; and

5 (5) to provide appropriate linkages between
6 units of the National Park System and communities,
7 governments, and organizations in the Heritage
8 Area.

9 (b) DEFINITIONS.—In this section:

10 (1) HERITAGE AREA.—The term “Heritage
11 Area” means the Santa Cruz Valley National Herit-
12 age Area established by subsection (c)(1).

13 (2) LOCAL COORDINATING ENTITY.—The term
14 “local coordinating entity” means the local coordi-
15 nating entity for the Heritage Area designated by
16 subsection (c)(4).

17 (3) MANAGEMENT PLAN.—The term “manage-
18 ment plan” means the plan for the Heritage Area
19 required under subsection (d)(1)(A).

20 (4) MAP.—The term “map” means the map en-
21 titled “Santa Cruz Valley National Heritage Area,
22 Pima and Santa Cruz Counties, Arizona”, numbered
23 T09/80,000, and dated November 13, 2007.

24 (5) STATE.—The term “State” means the State
25 of Arizona.

1 (c) ESTABLISHMENT.—

2 (1) IN GENERAL.—There is established the
3 Santa Cruz Valley National Heritage Area in the
4 State.

5 (2) BOUNDARIES.—The Heritage Area shall
6 consist of portions of Santa Cruz and Pima Coun-
7 ties, Arizona, as depicted on the map.

8 (3) AVAILABILITY OF MAP.—The map shall be
9 on file and available for public inspection in the ap-
10 propriate offices of—

11 (A) the National Park Service; and

12 (B) the local coordinating entity.

13 (4) LOCAL COORDINATING ENTITY.—The Santa
14 Cruz Valley Heritage Alliance, Inc., shall be the
15 local coordinating entity for the Heritage Area.

16 (d) DUTIES AND AUTHORITIES OF LOCAL COORDI-
17 NATING ENTITY.—

18 (1) DUTIES.—To further the purposes of the
19 Heritage Area, the local coordinating entity shall—

20 (A) prepare a management plan for the
21 Heritage Area, and submit the management
22 plan to the Secretary, in accordance with this
23 section;

24 (B) submit an annual report to the Sec-
25 retary for each fiscal year for which the local

1 coordinating entity receives Federal funds
2 under this section, specifying—

3 (i) the specific performance goals and
4 accomplishments of the local coordinating
5 entity;

6 (ii) the expenses and income of the
7 local coordinating entity;

8 (iii) the amounts and sources of
9 matching funds;

10 (iv) the amounts leveraged with Fed-
11 eral funds and sources of the leveraged
12 funds; and

13 (v) grants made to any other entities
14 during the fiscal year;

15 (C) make available for audit for each fiscal
16 year for which the local coordinating entity re-
17 ceives Federal funds under this section, all in-
18 formation pertaining to the expenditure of the
19 funds and any matching funds; and

20 (D) encourage, by appropriate means, eco-
21 nomic viability and sustainability that is con-
22 sistent with the purposes of the Heritage Area.

23 (2) AUTHORITIES.—For the purposes of pre-
24 paring and implementing the approved management
25 plan for the Heritage Area, the local coordinating

1 entity may use Federal funds made available under
2 this section to—

3 (A) make grants to the State, political sub-
4 divisions of the State, nonprofit organizations,
5 and other persons;

6 (B) enter into cooperative agreements with
7 or provide technical assistance to political sub-
8 divisions of the State, nonprofit organizations,
9 Federal agencies, and other interested parties;

10 (C) hire and compensate staff, including
11 individuals with expertise in—

12 (i) natural, historical, cultural, edu-
13 cational, scenic, and recreational resource
14 conservation;

15 (ii) economic and community develop-
16 ment; and

17 (iii) heritage planning;

18 (D) obtain funds or services from any
19 source, including funds and services provided
20 under any other Federal law or program;

21 (E) contract for goods or services; and

22 (F) support activities of partners and any
23 other activities that further the purposes of the
24 Heritage Area and are consistent with the ap-
25 proved management plan.

1 (3) PROHIBITION ON ACQUISITION OF REAL
2 PROPERTY.—The local coordinating entity may not
3 use Federal funds received under this section to ac-
4 quire any interest in real property.

5 (4) OTHER SOURCES.—Nothing in this section
6 precludes the local coordinating entity from using
7 Federal funds from other sources for authorized
8 purposes.

9 (e) MANAGEMENT PLAN.—

10 (1) IN GENERAL.—Not later than 3 years after
11 the date on which funds are made available to de-
12 velop the management plan, the local coordinating
13 entity shall submit to the Secretary for approval a
14 proposed management plan for the Heritage Area.

15 (2) REQUIREMENTS.—The management plan
16 for the Heritage Area shall—

17 (A) describe comprehensive policies, goals,
18 strategies, and recommendations for telling the
19 story of the heritage of the region and encour-
20 aging long-term resource protection, enhance-
21 ment, interpretation, funding, management, and
22 development of the Heritage Area;

23 (B) include a description of actions and
24 commitments that Federal, State, tribal, and
25 local governments, private organizations, and

1 citizens plan to take to protect, enhance, inter-
2 pret, fund, manage, and develop the natural,
3 historic, cultural, scenic, and recreational re-
4 sources of the Heritage Area;

5 (C) specify existing and potential sources
6 of funding or economic development strategies
7 to protect, enhance, interpret, fund, manage,
8 and develop the Heritage Area;

9 (D) include an inventory of the natural,
10 historic, cultural, educational, scenic, and rec-
11 reational resources of the Heritage Area relat-
12 ing to the stories and themes of the region that
13 should be protected, enhanced, interpreted,
14 managed, funded, and developed;

15 (E) recommend policies and strategies for
16 resource management including, the develop-
17 ment of intergovernmental and interagency
18 agreements to protect, enhance, interpret, fund,
19 manage, and develop the natural, historic, cul-
20 tural, educational, scenic, and recreational re-
21 sources of the Heritage Area;

22 (F) describe a program for implementation
23 of the management plan, including—

24 (i) performance goals;

1 (ii) plans for resource protection, en-
2 hancement, interpretation, funding, man-
3 agement, and development; and

4 (iii) specific commitments for imple-
5 mentation that have been made by the
6 local coordinating entity or any Federal,
7 State, tribal, or local government, organi-
8 zation, business, or individual;

9 (G) include an analysis of, and rec-
10 ommendations for, means by which Federal,
11 State, tribal, and local programs may best be
12 coordinated (including the role of the National
13 Park Service and other Federal agencies associ-
14 ated with the Heritage Area) to further the
15 purposes of this section; and

16 (H) include a business plan that—

17 (i) describes the role, operation, fi-
18 nancing, and functions of the local coordi-
19 nating entity and of each of the major ac-
20 tivities described in the management plan;
21 and

22 (ii) provides adequate assurances that
23 the local coordinating entity has the part-
24 nerships and financial and other resources

1 necessary to implement the management
2 plan for the Heritage Area.

3 (3) TERMINATION OF FUNDING.—If the man-
4 agement plan is not submitted to the Secretary in
5 accordance with this section, the local coordinating
6 entity shall not qualify for additional financial as-
7 sistance under this section until the management
8 plan is submitted to, and approved by, the Sec-
9 retary.

10 (4) APPROVAL OF MANAGEMENT PLAN.—

11 (A) REVIEW.—Not later than 180 days
12 after the date on which the Secretary receives
13 the management plan, the Secretary shall ap-
14 prove or disapprove the management plan.

15 (B) CONSULTATION REQUIRED.—The Sec-
16 retary shall consult with the Governor of the
17 State and any tribal government in which the
18 Heritage Area is located before approving the
19 management plan.

20 (C) CRITERIA FOR APPROVAL.—In deter-
21 mining whether to approve the management
22 plan, the Secretary shall consider whether—

23 (i) the local coordinating entity rep-
24 resents the diverse interests of the Herit-
25 age Area, including governments, natural

1 and historic resource protection organiza-
2 tions, educational institutions, businesses,
3 community residents, and recreational or-
4 ganizations;

5 (ii) the local coordinating entity—

6 (I) has afforded adequate oppor-
7 tunity for public and Federal, State,
8 tribal, and local governmental involve-
9 ment (including through workshops
10 and public meetings) in the prepara-
11 tion of the management plan; and

12 (II) provides for at least semi-
13 annual public meetings to ensure ade-
14 quate implementation of the manage-
15 ment plan;

16 (iii) the resource protection, enhance-
17 ment, interpretation, funding, manage-
18 ment, and development strategies described
19 in the management plan, if implemented,
20 would adequately protect, enhance, inter-
21 pret, fund, manage, and develop the nat-
22 ural, historic, cultural, scenic, and rec-
23 reational resources of the Heritage Area;

24 (iv) the management plan would not
25 adversely affect any activities authorized

1 on Federal or tribal land under applicable
2 public land laws or land use plans;

3 (v) the Secretary has received ade-
4 quate assurances from the appropriate
5 State, tribal, and local officials whose sup-
6 port is needed to ensure the effective im-
7 plementation of the State, tribal, and local
8 aspects of the management plan;

9 (vi) the local coordinating entity has
10 demonstrated the financial capability, in
11 partnership with others, to carry out the
12 management plan; and

13 (vii) the management plan dem-
14 onstrates partnerships among the local co-
15 ordinating entity, Federal, State, tribal,
16 and local governments, regional planning
17 organizations, nonprofit organizations, or
18 private sector parties for implementation of
19 the management plan.

20 (D) ACTION FOLLOWING DISAPPROVAL.—

21 (i) IN GENERAL.—If the Secretary
22 disapproves the management plan, the Sec-
23 retary—

1 (I) shall advise the local coordi-
2 nating entity in writing of the reasons
3 for the disapproval; and

4 (II) may make recommendations
5 to the local coordinating entity for re-
6 visions to the management plan.

7 (ii) DEADLINE.—Not later than 180
8 days after receiving a revised management
9 plan, the Secretary shall approve or dis-
10 approve the revised management plan.

11 (E) AMENDMENTS.—

12 (i) IN GENERAL.—An amendment to
13 the management plan that substantially al-
14 ters the purposes of the Heritage Area
15 shall be reviewed by the Secretary and ap-
16 proved or disapproved in the same manner
17 as the original management plan.

18 (ii) IMPLEMENTATION.—The local co-
19 ordinating entity shall not use Federal
20 funds authorized 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 SEC-
25 RETARY.—

1 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

2 (A) IN GENERAL.—On the request of the
3 local coordinating entity, the Secretary may
4 provide technical and financial assistance, on a
5 reimbursable or nonreimbursable basis (as de-
6 termined by the Secretary), to the local coordi-
7 nating entity to develop and implement the
8 management plan.

9 (B) COOPERATIVE AGREEMENTS.—The
10 Secretary may enter into cooperative agree-
11 ments with the local coordinating entity and
12 other public or private entities to provide tech-
13 nical or financial assistance under subpara-
14 graph (A).

15 (2) EVALUATION; REPORT.—

16 (A) IN GENERAL.—Not later than 3 years
17 before the date on which authority for Federal
18 funding terminates for the Heritage Area under
19 subsection (j), the Secretary shall—

20 (i) conduct an evaluation of the ac-
21 complishments of the Heritage Area; and

22 (ii) prepare a report with rec-
23 ommendations for the future role of the
24 National Park Service, if any, with respect

1 to the Heritage Area, in accordance with
2 subparagraph (C).

3 (B) EVALUATION.—An evaluation con-
4 ducted under subparagraph (A)(i) shall—

5 (i) assess the progress of the local co-
6 ordinating entity with respect to—

7 (I) accomplishing the purposes of
8 this section for the Heritage Area;
9 and

10 (II) achieving the goals and ob-
11 jectives of the approved management
12 plan for the Heritage Area;

13 (ii) analyze the Federal, State, local,
14 and private investments in the Heritage
15 Area to determine the leverage and impact
16 of the investments; and

17 (iii) review the management structure,
18 partnership relationships, and funding of
19 the Heritage Area for purposes of identi-
20 fying the critical components for sustain-
21 ability of the Heritage Area.

22 (C) REPORT.—

23 (i) IN GENERAL.—Based on the eval-
24 uation conducted under subparagraph
25 (A)(i), the Secretary shall prepare a report

1 that includes recommendations for the fu-
2 ture role of the National Park Service, if
3 any, with respect to the Heritage Area.

4 (ii) REQUIRED ANALYSIS.—If the re-
5 port prepared under this subparagraph
6 recommends that Federal funding for the
7 Heritage Area be reauthorized, the report
8 shall include an analysis of—

9 (I) ways in which Federal fund-
10 ing for the Heritage Area may be re-
11 duced or eliminated; and

12 (II) the appropriate time period
13 necessary to achieve the recommended
14 reduction or elimination.

15 (iii) SUBMISSION TO CONGRESS.—On
16 completion of a report under this subpara-
17 graph, the Secretary shall submit the re-
18 port to—

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

21 (II) the Committee on Natural
22 Resources of the House of Represent-
23 atives.

24 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-
25 CIES.—

1 (1) IN GENERAL.—Nothing in this section af-
2 fects the authority of a Federal agency to provide
3 technical or financial assistance under any other law.

4 (2) CONSULTATION AND COORDINATION.—To
5 the maximum extent practicable, the head of any
6 Federal agency planning to conduct activities that
7 may have an impact on the Heritage Area is encour-
8 aged to consult and coordinate the activities with the
9 Secretary and the local coordinating entity.

10 (3) OTHER FEDERAL AGENCIES.—Nothing in
11 this section—

12 (A) modifies, alters, or amends any laws
13 (including regulations) authorizing a Federal
14 agency to manage Federal land under the juris-
15 diction of the Federal agency;

16 (B) limits the discretion of a Federal land
17 manager to implement an approved land use
18 plan within the boundaries of the Heritage
19 Area; or

20 (C) modifies, alters, or amends any author-
21 ized use of Federal land under the jurisdiction
22 of a Federal agency.

23 (h) PROPERTY OWNERS AND REGULATORY PROTEC-
24 TIONS.—Nothing in this section—

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

5 (2) requires any property owner to—

6 (A) permit public access (including Fed-
7 eral, tribal, State, or local government access)
8 to the property; or

9 (B) modify any provisions of Federal, trib-
10 al, State, or local law with regard to public ac-
11 cess or use of private land;

12 (3) alters any duly adopted land use regula-
13 tions, approved land use plan, or any other regu-
14 latory authority of any Federal, State, or local agen-
15 cy, or tribal government;

16 (4) conveys any land use or other regulatory
17 authority to the local coordinating entity;

18 (5) authorizes or implies the reservation or ap-
19 propriation of water or water rights;

20 (6) diminishes the authority of the State to
21 manage fish and wildlife, including the regulation of
22 fishing and hunting within the Heritage Area; or

23 (7) creates any liability, or affects any liability
24 under any other law, of any private property owner

1 with respect to any person injured on the private
2 property.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out this section \$10,000,000,
6 of which not more than \$1,000,000 may be made
7 available for any fiscal year.

8 (2) AVAILABILITY.—Amounts made available
9 under paragraph (1) shall remain available until ex-
10 pended.

11 (3) COST-SHARING REQUIREMENT.—

12 (A) IN GENERAL.—The Federal share of
13 the total cost of any activity under this section
14 shall be not more than 50 percent.

15 (B) FORM.—The non-Federal contribution
16 may be in the form of in-kind contributions of
17 goods or services fairly valued.

18 (j) TERMINATION OF AUTHORITY.—The authority of
19 the Secretary to provide financial assistance under this
20 section terminates on the date that is 15 years after the
21 date of enactment of this Act.

22 **Subtitle C—Studies**

23 **SEC. 841. CHATTAHOOCHEE TRACE, ALABAMA AND GEOR-** 24 **GIA.**

25 (a) DEFINITIONS.—In this section:

1 (1) CORRIDOR.—The term “Corridor” means
2 the Chattahoochee Trace National Heritage Cor-
3 ridor.

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

6 (3) STUDY AREA.—The term “study area”
7 means the study area described in subsection (b)(2).

8 (b) STUDY.—

9 (1) IN GENERAL.—The Secretary, in consulta-
10 tion with State historic preservation officers, State
11 historical societies, State tourism offices, and other
12 appropriate organizations or agencies, shall conduct
13 a study to assess the suitability and feasibility of
14 designating the study area as the Chattahoochee
15 Trace National Heritage Corridor.

16 (2) STUDY AREA.—The study area includes—

17 (A) the portion of the Apalachicola-Chat-
18 tahoochee-Flint River Basin and surrounding
19 areas, as generally depicted on the map entitled
20 “Chattahoochee Trace National Heritage Cor-
21 ridor, Alabama/Georgia”, numbered T05/80000,
22 and dated July 2007; and

23 (B) any other areas in the State of Ala-
24 bama or Georgia that—

1 (i) have heritage aspects that are
2 similar to the areas depicted on the map
3 described in subparagraph (A); and

4 (ii) are adjacent to, or in the vicinity
5 of, those areas.

6 (3) REQUIREMENTS.—The study shall include
7 analysis, documentation, and determinations on
8 whether the study area—

9 (A) has an assemblage of natural, historic,
10 and cultural resources that—

11 (i) represent distinctive aspects of the
12 heritage of the United States;

13 (ii) are worthy of recognition, con-
14 servation, interpretation, and continuing
15 use; and

16 (iii) would be best managed—

17 (I) through partnerships among
18 public and private entities; and

19 (II) by linking diverse and some-
20 times noncontiguous resources and ac-
21 tive communities;

22 (B) reflects traditions, customs, beliefs,
23 and folklife that are a valuable part of the story
24 of the United States;

25 (C) provides—

- 1 (i) outstanding opportunities to con-
2 serve natural, historic, cultural, or scenic
3 features; and
- 4 (ii) outstanding recreational and edu-
5 cational opportunities;
- 6 (D) contains resources that—
- 7 (i) are important to any identified
8 themes of the study area; and
- 9 (ii) retain a degree of integrity capa-
10 ble of supporting interpretation;
- 11 (E) includes residents, business interests,
12 nonprofit organizations, and State and local
13 governments that—
- 14 (i) are involved in the planning of the
15 Corridor;
- 16 (ii) have developed a conceptual finan-
17 cial plan that outlines the roles of all par-
18 ticipants in the Corridor, including the
19 Federal Government; and
- 20 (iii) have demonstrated support for
21 the designation of the Corridor;
- 22 (F) has a potential management entity to
23 work in partnership with the individuals and
24 entities described in subparagraph (E) to de-

1 velop the Corridor while encouraging State and
2 local economic activity; and

3 (G) has a conceptual boundary map that is
4 supported by the public.

5 (c) REPORT.—Not later than the 3rd fiscal year after
6 the date on which funds are first made available to carry
7 out this section, the Secretary shall submit to the Com-
8 mittee on Natural Resources of the House of Representa-
9 tives and the Committee on Energy and Natural Re-
10 sources of the Senate a report that describes—

11 (1) the findings of the study; and

12 (2) any conclusions and recommendations of the
13 Secretary.

14 **SEC. 842. NORTHERN NECK, VIRGINIA.**

15 (a) DEFINITIONS.—In this section:

16 (1) PROPOSED HERITAGE AREA.—The term
17 “proposed Heritage Area” means the proposed
18 Northern Neck National Heritage Area.

19 (2) STATE.—The term “State” means the State
20 of Virginia.

21 (3) STUDY AREA.—The term “study area”
22 means the area that is comprised of—

23 (A) the area of land located between the
24 Potomac and Rappahannock rivers of the east-
25 ern coastal region of the State;

1 (B) Westmoreland, Northumberland, Rich-
2 mond, King George, and Lancaster Counties of
3 the State; and

4 (C) any other area that—

5 (i) has heritage aspects that are simi-
6 lar to the heritage aspects of the areas de-
7 scribed in subparagraph (A) or (B); and

8 (ii) is located adjacent to, or in the vi-
9 cinity of, those areas.

10 (b) STUDY.—

11 (1) IN GENERAL.—In accordance with para-
12 graphs (2) and (3), the Secretary, in consultation
13 with appropriate State historic preservation officers,
14 State historical societies, and other appropriate or-
15 ganizations, shall conduct a study to determine the
16 suitability and feasibility of designating the study
17 area as the Northern Neck National Heritage Area.

18 (2) REQUIREMENTS.—The study shall include
19 analysis, documentation, and determinations on
20 whether the study area—

21 (A) has an assemblage of natural, histor-
22 ical, cultural, educational, scenic, or rec-
23 reational resources that together are nationally
24 important to the heritage of the United States;

1 (B) represents distinctive aspects of the
2 heritage of the United States worthy of recogni-
3 tion, conservation, interpretation, and con-
4 tinuing use;

5 (C) is best managed as such an assemblage
6 through partnerships among public and private
7 entities at the local or regional level;

8 (D) reflects traditions, customs, beliefs,
9 and folklife that are a valuable part of the her-
10 itage of the United States;

11 (E) provides outstanding opportunities to
12 conserve natural, historical, cultural, or scenic
13 features;

14 (F) provides outstanding recreational or
15 educational opportunities;

16 (G) contains resources and has traditional
17 uses that have national importance;

18 (H) includes residents, business interests,
19 nonprofit organizations, and appropriate Fed-
20 eral agencies and State and local governments
21 that are involved in the planning of, and have
22 demonstrated significant support for, the des-
23 ignation and management of the proposed Her-
24 itage Area;

1 (I) has a proposed local coordinating entity
2 that is responsible for preparing and imple-
3 menting the management plan developed for the
4 proposed Heritage Area;

5 (J) with respect to the designation of the
6 study area, has the support of the proposed
7 local coordinating entity and appropriate Fed-
8 eral agencies and State and local governments,
9 each of which has documented the commitment
10 of the entity to work in partnership with each
11 other entity to protect, enhance, interpret, fund,
12 manage, and develop the resources located in
13 the study area;

14 (K) through the proposed local coordi-
15 nating entity, has developed a conceptual finan-
16 cial plan that outlines the roles of all partici-
17 pants (including the Federal Government) in
18 the management of the proposed Heritage Area;

19 (L) has a proposal that is consistent with
20 continued economic activity within the area;
21 and

22 (M) has a conceptual boundary map that is
23 supported by the public and appropriate Fed-
24 eral 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 consulta-
12 tion with the Governor of the State, shall review,
13 comment on, and determine if the study area meets
14 each requirement described in subsection (b)(2) for
15 designation 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
24 Natural Resources of the Senate; and

1 (ii) the Committee on Natural Re-
2 sources of the House of Representatives.

3 (B) REQUIREMENTS.—

4 (i) IN GENERAL.—The report shall
5 contain—

6 (I) any comments that the Sec-
7 retary has received from the Governor
8 of the State relating to the designa-
9 tion of the study area as a national
10 heritage area; and

11 (II) a finding as to whether the
12 study area meets each requirement
13 described 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
20 in the report a description of each reason
21 for the determination.

1 **Subtitle D—Amendments Relating**
2 **to National Heritage Corridors**

3 **SEC. 851. QUINEBAUG AND SHETUCKET RIVERS VALLEY**
4 **NATIONAL HERITAGE CORRIDOR.**

5 (a) **TERMINATION OF AUTHORITY.**—Section 106(b)
6 of the Quinebaug and Shetucket Rivers Valley National
7 Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Pub-
8 lic Law 103–449) is amended by striking “September 30,
9 2009” and inserting “September 30, 2015”.

10 (b) **EVALUATION; REPORT.**—Section 106 of the
11 Quinebaug and Shetucket Rivers Valley National Heritage
12 Corridor Act of 1994 (16 U.S.C. 461 note; Public Law
13 103–449) is amended by adding at the end the following:

14 “(c) **EVALUATION; REPORT.**—

15 “(1) **IN GENERAL.**—Not later than 3 years be-
16 fore the date on which authority for Federal funding
17 terminates 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 manage-
25 ment entity with respect to—

1 “(i) accomplishing the purposes of
2 this 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 deter-
7 mine the leverage and impact of the invest-
8 ments; and

9 “(C) review the management structure,
10 partnership relationships, and funding of the
11 Corridor for purposes of identifying the critical
12 components for sustainability of the Corridor.

13 “(3) REPORT.—

14 “(A) IN GENERAL.—Based on the evalua-
15 tion conducted under paragraph (1)(A), the
16 Secretary shall prepare a report that includes
17 recommendations for the future role of the Na-
18 tional Park Service, if any, with respect to the
19 Corridor.

20 “(B) REQUIRED ANALYSIS.—If the report
21 prepared under subparagraph (A) recommends
22 that Federal funding for the Corridor be reau-
23 thorized, the report shall include an analysis
24 of—

1 “(i) ways in which Federal funding
2 for the Corridor 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
8 completion of the report, the Secretary shall
9 submit 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. 852. DELAWARE AND LEHIGH NATIONAL HERITAGE**
20 **CORRIDOR.**

21 The Delaware and Lehigh National Heritage Cor-
22 ridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–
23 692) is 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 2008, the Corporation
8 shall be the local coordinating entity for the Corridor.

9 “(c) IMPLEMENTATION OF MANAGEMENT PLAN.—
10 The Corporation shall assume the duties of the Commis-
11 sion for the implementation of the Plan.

12 “(d) USE OF FUNDS.—The Corporation may use
13 Federal 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 Com-
17 monwealth, 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 Cor-
22 poration may not use Federal funds made available under
23 this Act to acquire land or an interest in land.”;

24 (2) in section 10—

1 (A) in the first sentence of subsection (c),
2 by striking “shall assist the Commission” and
3 inserting “shall, on the request of the Corpora-
4 tion, 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
16 the Corporation and other public or private entities
17 for 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
21 shall give priority to activities that assist in—

22 “(A) conserving the significant natural,
23 historic, cultural, and scenic resources of the
24 Corridor; 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 memo-
7 randum of understanding with the Corporation to en-
8 sure—

9 “(1) appropriate transition of management of
10 the Corridor from the Commission to the Corpora-
11 tion; and

12 “(2) coordination regarding the implementation
13 of the Plan.”;

14 (3) in section 11, in the matter preceding para-
15 graph (1), by striking “directly affecting”;

16 (4) in section 12—

17 (A) in subsection (a), by striking “Com-
18 mission” each place it appears and inserting
19 “Corporation”;

20 (B) in subsection (c)(1), by striking
21 “2007” and inserting “2012”; and

22 (C) by adding at the end the following:

23 “(d) TERMINATION OF ASSISTANCE.—The authority
24 of the Secretary to provide financial assistance under this

1 Act terminates on the date that is 5 years after the date
2 of enactment of this subsection.”; and

3 (5) in section 14—

4 (A) by redesignating paragraphs (4), (5),
5 and (6) as paragraphs (5), (6), and (7), respec-
6 tively; and

7 (B) by inserting after paragraph (3) the
8 following:

9 “(4) the term ‘Corporation’ means the Dela-
10 ware & Lehigh National Heritage Corridor, Incor-
11 porated, an organization described in section
12 501(c)(3), and exempt from Federal tax under sec-
13 tion 501(a), of the Internal Revenue Code of 1986;”.

14 **SEC. 853. ERIE CANALWAY NATIONAL HERITAGE COR-**
15 **RIDOR.**

16 The Erie Canalway National Heritage Corridor Act
17 (16 U.S.C. 461 note; Public Law 106–554) is amended—

18 (1) in section 804—

19 (A) in subsection (b)—

20 (i) in the matter preceding paragraph
21 (1), by striking “27” and inserting “at
22 least 21 members, but not more than 27”;

23 (ii) in paragraph (2), by striking “En-
24 vironment” and inserting “Environ-
25 mental”; and

1 (iii) in paragraph (3)—

2 (I) in the matter preceding sub-
3 paragraph (A), by striking “19”;

4 (II) by striking subparagraph
5 (A);

6 (III) by redesignating subpara-
7 graphs (B) and (C) as subparagraphs
8 (A) and (B), respectively;

9 (IV) in subparagraph (B) (as re-
10 designated by subclause (III)), by
11 striking the second sentence; and

12 (V) by inserting after subpara-
13 graph (B) (as redesignated by sub-
14 clause (III)) the following:

15 “(C) The remaining members shall be—

16 “(i) appointed by the Secretary, based
17 on recommendations from each member of
18 the House of Representatives, the district
19 of which encompasses the Corridor; and

20 “(ii) persons that are residents of, or
21 employed within, the applicable congres-
22 sional districts.”;

23 (B) in subsection (f), by striking “Four-
24 teen members of the Commission” and inserting
25 “A majority of the serving Commissioners”;

1 (C) in subsection (g), by striking “14 of its
2 members” and inserting “a majority of the
3 serving Commissioners”;

4 (D) in subsection (h), by striking para-
5 graph (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,
8 subject to the provisions of title 5, United States
9 Code, relating to appointments in the competitive
10 service; 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
17 years” 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
24 availability of appropriations, the Superintendent of Sara-
25 toga National Historical Park may, on request, provide

1 to public and private organizations in the Corridor (includ-
 2 ing the Commission) any operational assistance that is ap-
 3 propriate to assist with the implementation of the
 4 Canalway Plan.”; and

5 (3) in section 810(a)(1), in the first sentence,
 6 by striking “any fiscal year” and inserting “any fis-
 7 cal year, to remain available until expended”.

8 **SEC. 854. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY**
 9 **NATIONAL HERITAGE CORRIDOR.**

10 Section 3(b)(2) of Public Law 99–647 (16 U.S.C.
 11 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

12 (1) by striking “shall be the the” and inserting
 13 “shall be the”; and

14 (2) by striking “Directors from Massachusetts
 15 and Rhode Island;” and inserting “Directors from
 16 Massachusetts and Rhode Island, ex officio, or their
 17 delegates;”.

18 **TITLE IX—BUREAU OF REC-**
 19 **LAMATION AUTHORIZATIONS**
 20 **Subtitle A—Feasibility Studies**

21 **SEC. 901. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS,**
 22 **IDAHO.**

23 (a) IN GENERAL.—The Secretary of the Interior, act-
 24 ing through the Bureau of Reclamation, may conduct fea-
 25 sibility studies on projects that address water shortages

1 within the Snake, Boise, and Payette River systems in the
2 State of Idaho, and are considered appropriate for further
3 study by the Bureau of Reclamation Boise Payette water
4 storage assessment report issued during 2006.

5 (b) BUREAU OF RECLAMATION.—A study conducted
6 under this section shall comply with Bureau of Reclama-
7 tion policy standards and guidelines for studies.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Secretary of the Inte-
10 rior to carry out this section \$3,000,000.

11 (d) TERMINATION OF EFFECTIVENESS.—The au-
12 thority provided by this section terminates on the date
13 that is 10 years after the date of enactment of this Act.

14 **SEC. 902. SIERRA VISTA SUBWATERSHED, ARIZONA.**

15 (a) DEFINITIONS.—In this section:

16 (1) APPRAISAL REPORT.—The term “appraisal
17 report” means the appraisal report concerning the
18 augmentation alternatives for the Sierra Vista Sub-
19 watershed in the State of Arizona, dated June 2007
20 and prepared by the Bureau of Reclamation.

21 (2) PRINCIPLES AND GUIDELINES.—The term
22 “principles and guidelines” means the report entitled
23 “Economic and Environmental Principles and
24 Guidelines for Water and Related Land Resources
25 Implementation Studies” issued on March 10, 1983,

1 by the Water Resources Council established under
2 title I of the Water Resources Planning Act (42
3 U.S.C. 1962a et seq.).

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (b) SIERRA VISTA SUBWATERSHED FEASIBILITY
7 STUDY.—

8 (1) STUDY.—

9 (A) IN GENERAL.—In accordance with the
10 reclamation laws and the principles and guide-
11 lines, the Secretary, acting through the Com-
12 missioner of Reclamation, may complete a feasi-
13 bility study of alternatives to augment the
14 water supplies within the Sierra Vista Sub-
15 watershed in the State of Arizona that are iden-
16 tified as appropriate for further study in the
17 appraisal report.

18 (B) INCLUSIONS.—In evaluating the feasi-
19 bility of alternatives under subparagraph (A),
20 the Secretary shall—

21 (i) include—

22 (I) any required environmental
23 reviews;

24 (II) the construction costs and
25 projected operations, maintenance,

1 and replacement costs for each alter-
2 native; and

3 (III) the economic feasibility of
4 each alternative;

5 (ii) take into consideration the ability
6 of Federal, tribal, State, and local govern-
7 ment sources and private sources to fund
8 capital construction costs and annual oper-
9 ation, maintenance, energy, and replace-
10 ment costs;

11 (iii) establish the basis for—

12 (I) any cost-sharing allocations;

13 and

14 (II) anticipated repayment, if
15 any, of Federal contributions; and

16 (iv) perform a cost-benefit analysis.

17 (2) COST SHARING REQUIREMENT.—

18 (A) IN GENERAL.—The Federal share of
19 the total costs of the study under paragraph (1)
20 shall not exceed 45 percent.

21 (B) FORM OF NON-FEDERAL SHARE.—The
22 non-Federal share required under subparagraph
23 (A) may be in the form of any in-kind service
24 that the Secretary determines would contribute

1 substantially toward the conduct and comple-
 2 tion of the study under paragraph (1).

3 (3) STATEMENT OF CONGRESSIONAL INTENT
 4 RELATING TO COMPLETION OF STUDY.—It is the in-
 5 tent of Congress that the Secretary complete the
 6 study under paragraph (1) by a date that is not
 7 later than 30 months after the date of enactment of
 8 this Act.

9 (4) AUTHORIZATION OF APPROPRIATIONS.—
 10 There is authorized to be appropriated to the Sec-
 11 retary to carry out this subsection \$1,260,000.

12 (c) WATER RIGHTS.—Nothing in this section af-
 13 fects—

14 (1) any valid or vested water right in existence
 15 on the date of enactment of this Act; or

16 (2) any application for water rights pending be-
 17 fore the date of enactment of this Act.

18 **Subtitle B—Project Authorizations**

19 **SEC. 911. TUMALO IRRIGATION DISTRICT WATER CON-** 20 **SERVATION PROJECT, OREGON.**

21 (a) DEFINITIONS.—In this section:

22 (1) DISTRICT.—The term “District” means the
 23 Tumalo Irrigation District, Oregon.

1 (2) PROJECT.—The term “Project” means the
2 Tumalo Irrigation District Water Conservation
3 Project authorized under subsection (b)(1).

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (b) AUTHORIZATION TO PLAN, DESIGN AND CON-
7 STRUCT THE TUMALO WATER CONSERVATION
8 PROJECT.—

9 (1) AUTHORIZATION.—The Secretary, in co-
10 operation with the District—

11 (A) may participate in the planning, de-
12 sign, and construction of the Tumalo Irrigation
13 District Water Conservation Project in
14 Deschutes County, Oregon; and

15 (B) for purposes of planning and designing
16 the Project, shall take into account any appro-
17 priate studies and reports prepared by the Dis-
18 trict.

19 (2) COST-SHARING REQUIREMENT.—

20 (A) FEDERAL SHARE.—The Federal share
21 of the total cost of the Project shall be 25 per-
22 cent, which shall be nonreimbursable to the
23 United States.

24 (B) CREDIT TOWARD NON-FEDERAL
25 SHARE.—The Secretary shall credit toward the

1 non-Federal share of the Project any amounts
2 that the District provides toward the design,
3 planning, and construction before the date of
4 enactment of this Act.

5 (3) TITLE.—The District shall hold title to any
6 facilities constructed under this section.

7 (4) OPERATION AND MAINTENANCE COSTS.—
8 The District shall pay the operation and mainte-
9 nance costs of the Project.

10 (5) EFFECT.—Any assistance provided under
11 this section shall not be considered to be a supple-
12 mental or additional benefit under Federal reclama-
13 tion law (the Act of June 17, 1902 (32 Stat. 388,
14 chapter 1093), and Acts supplemental to and
15 amendatory of that Act (43 U.S.C. 371 et seq.).

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Secretary for the
18 Federal share of the cost of the Project \$4,000,000.

19 (d) TERMINATION OF AUTHORITY.—The authority of
20 the Secretary to carry out this section shall expire on the
21 date that is 10 years after the date of enactment of this
22 Act.

23 **SEC. 912. MADERA WATER SUPPLY ENHANCEMENT**
24 **PROJECT, CALIFORNIA.**

25 (a) DEFINITIONS.—In this section:

1 (1) DISTRICT.—The term “District” means the
2 Madera Irrigation District, Madera, California.

3 (2) PROJECT.—The term “Project” means the
4 Madera Water Supply Enhancement Project, a
5 groundwater bank on the 13,646-acre Madera Ranch
6 in Madera, California, owned, operated, maintained,
7 and managed by the District that will plan, design,
8 and construct recharge, recovery, and delivery sys-
9 tems able to store up to 250,000 acre-feet of water
10 and recover up to 55,000 acre-feet of water per year,
11 as substantially described in the California Environ-
12 mental Quality Act, Final Environmental Impact
13 Report for the Madera Irrigation District Water
14 Supply Enhancement Project, September 2005.

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (4) TOTAL COST.—The term “total cost” means
18 all reasonable costs, such as the planning, design,
19 permitting, and construction of the Project and the
20 acquisition costs of lands used or acquired by the
21 District for the Project.

22 (b) PROJECT FEASIBILITY.—

23 (1) PROJECT FEASIBLE.—Pursuant to the Rec-
24 lamation Act of 1902 (32 Stat. 388) and Acts
25 amendatory thereof and supplemental thereto, the

1 Project is feasible and no further studies or actions
2 regarding feasibility are necessary.

3 (2) APPLICABILITY OF OTHER LAWS.—The Sec-
4 retary shall implement the authority provided in this
5 section in accordance with all applicable Federal
6 laws, including the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4321 et seq.) and the En-
8 dangered Species Act of 1973 (7 U.S.C. 136; 16
9 U.S.C. 460 et seq.).

10 (c) COOPERATIVE AGREEMENT.—All final planning
11 and design and the construction of the Project authorized
12 by this section shall be undertaken in accordance with a
13 cooperative agreement between the Secretary and the Dis-
14 trict for the Project. Such cooperative agreement shall set
15 forth in a manner acceptable to the Secretary and the Dis-
16 trict the responsibilities of the District for participating,
17 which shall include—

18 (1) engineering and design;

19 (2) construction; and

20 (3) the administration of contracts pertaining
21 to any of the foregoing.

22 (d) AUTHORIZATION FOR THE MADERA WATER SUP-
23 PLY AND ENHANCEMENT PROJECT.—

24 (1) AUTHORIZATION OF CONSTRUCTION.—The
25 Secretary, acting pursuant to the Federal reclama-

1 tion laws (Act of June 17, 1902; 32 Stat. 388), and
2 Acts amendatory thereof or supplementary thereto,
3 is authorized to enter into a cooperative agreement
4 through the Bureau of Reclamation with the District
5 for the support of the final design and construction
6 of the Project.

7 (2) TOTAL COST.—The total cost of the Project
8 for the purposes of determining the Federal cost
9 share shall not exceed \$90,000,000.

10 (3) COST SHARE.—The Federal share of the
11 capital costs of the Project shall not exceed 25 per-
12 cent of the total cost. Capital, planning, design, per-
13 mitting, construction, and land acquisition costs in-
14 curred by the District prior to the date of the enact-
15 ment of this Act shall be considered a portion of the
16 non-Federal cost share.

17 (4) CREDIT FOR NON-FEDERAL WORK.—The
18 District shall receive credit toward the non-Federal
19 share of the cost of the Project for—

20 (A) in-kind services that the Secretary de-
21 termines would contribute substantially toward
22 the completion of the project;

23 (B) reasonable costs incurred by the Dis-
24 trict as a result of participation in the planning,

1 design, permitting, and construction of the
2 Project; and

3 (C) the acquisition costs of lands used or
4 acquired by the District for the Project.

5 (5) LIMITATION.—The Secretary shall not pro-
6 vide funds for the operation or maintenance of the
7 Project authorized by this section. The operation,
8 ownership, and maintenance of the Project shall be
9 the sole responsibility of the District.

10 (6) PLANS AND ANALYSES CONSISTENT WITH
11 FEDERAL LAW.—Before obligating funds for design
12 or construction under this section, the Secretary
13 shall work cooperatively with the District to use, to
14 the extent possible, plans, designs, and engineering
15 and environmental analyses that have already been
16 prepared by the District for the Project. The Sec-
17 retary shall ensure that such information as is used
18 is consistent with applicable Federal laws and regu-
19 lations.

20 (7) TITLE; RESPONSIBILITY; LIABILITY.—Noth-
21 ing in this section or the assistance provided under
22 this section shall be construed to transfer title, re-
23 sponsibility, or liability related to the Project to the
24 United States.

1 (8) AUTHORIZATION OF APPROPRIATION.—

2 There is authorized to be appropriated to the Sec-
3 retary to carry out this section \$22,500,000 or 25
4 percent of the total cost of the Project, whichever is
5 less.

6 (e) SUNSET.—The authority of the Secretary to carry
7 out any provisions of this section shall terminate 10 years
8 after the date of the enactment of this Act.

9 **SEC. 913. EASTERN NEW MEXICO RURAL WATER SYSTEM**
10 **PROJECT, NEW MEXICO.**

11 (a) DEFINITIONS.—In this section:

12 (1) AUTHORITY.—The term “Authority” means
13 the Eastern New Mexico Rural Water Authority, an
14 entity formed under State law for the purposes of
15 planning, financing, developing, and operating the
16 System.

17 (2) ENGINEERING REPORT.—The term “engi-
18 neering report” means the report entitled “Eastern
19 New Mexico Rural Water System Preliminary Engi-
20 neering Report” and dated October 2006.

21 (3) PLAN.—The term “plan” means the oper-
22 ation, maintenance, and replacement plan required
23 by subsection (c)(2).

24 (4) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (5) STATE.—The term “State” means the State
2 of New Mexico.

3 (6) SYSTEM.—

4 (A) IN GENERAL.—The term “System”
5 means the Eastern New Mexico Rural Water
6 System, a water delivery project designed to de-
7 liver approximately 16,500 acre-feet of water
8 per year from the Ute Reservoir to the cities of
9 Clovis, Elida, Grady, Melrose, Portales, and
10 Texico and other locations in Curry, Roosevelt,
11 and Quay Counties in the State.

12 (B) INCLUSIONS.—The term “System” in-
13 cludes the major components and associated in-
14 frastructure identified as the “Best Technical
15 Alternative” in the engineering report.

16 (7) UTE RESERVOIR.—The term “Ute Res-
17 ervoir” means the impoundment of water created in
18 1962 by the construction of the Ute Dam on the Ca-
19 nadian River, located approximately 32 miles up-
20 stream of the border between New Mexico and
21 Texas.

22 (b) EASTERN NEW MEXICO RURAL WATER SYS-
23 TEM.—

24 (1) FINANCIAL ASSISTANCE.—

1 (A) IN GENERAL.—The Secretary may
2 provide financial and technical assistance to the
3 Authority to assist in planning, designing, con-
4 ducting related preconstruction activities for,
5 and constructing the System.

6 (B) USE.—

7 (i) IN GENERAL.—Any financial as-
8 sistance provided under subparagraph (A)
9 shall be obligated and expended only in ac-
10 cordance with a cooperative agreement en-
11 tered into under subsection (d)(1)(B).

12 (ii) LIMITATIONS.—Financial assist-
13 ance provided under clause (i) shall not be
14 used—

15 (I) for any activity that is incon-
16 sistent with constructing the System;
17 or

18 (II) to plan or construct facilities
19 used to supply irrigation water for ir-
20 rigated agricultural purposes.

21 (2) COST-SHARING REQUIREMENT.—

22 (A) IN GENERAL.—The Federal share of
23 the total cost of any activity or construction
24 carried out using amounts made available under

1 this section shall be not more than 75 percent
2 of the total cost of the System.

3 (B) SYSTEM DEVELOPMENT COSTS.—For
4 purposes of subparagraph (A), the total cost of
5 the System shall include any costs incurred by
6 the Authority or the State on or after October
7 1, 2003, for the development of the System.

8 (3) LIMITATION.—No amounts made available
9 under this section may be used for the construction
10 of the System until—

11 (A) a plan is developed under subsection
12 (c)(2); and

13 (B) the Secretary and the Authority have
14 complied with any requirements of the National
15 Environmental Policy Act of 1969 (42 U.S.C.
16 4321 et seq.) applicable to the System.

17 (4) TITLE TO PROJECT WORKS.—Title to the
18 infrastructure of the System shall be held by the Au-
19 thority or as may otherwise be specified under State
20 law.

21 (c) OPERATION, MAINTENANCE, AND REPLACEMENT
22 COSTS.—

23 (1) IN GENERAL.—The Authority shall be re-
24 sponsible for the annual operation, maintenance, and
25 replacement costs associated with the System.

1 (2) OPERATION, MAINTENANCE, AND REPLACE-
2 MENT PLAN.—The Authority, in consultation with
3 the Secretary, shall develop an operation, mainte-
4 nance, and replacement plan that establishes the
5 rates and fees for beneficiaries of the System in the
6 amount necessary to ensure that the System is prop-
7 erly maintained and capable of delivering approxi-
8 mately 16,500 acre-feet of water per year.

9 (d) ADMINISTRATIVE PROVISIONS.—

10 (1) COOPERATIVE AGREEMENTS.—

11 (A) IN GENERAL.—The Secretary may
12 enter into any contract, grant, cooperative
13 agreement, or other agreement that is necessary
14 to carry out this section.

15 (B) COOPERATIVE AGREEMENT FOR PRO-
16 VISION OF FINANCIAL ASSISTANCE.—

17 (i) IN GENERAL.—The Secretary shall
18 enter into a cooperative agreement with
19 the Authority to provide financial assist-
20 ance and any other assistance requested by
21 the Authority for planning, design, related
22 preconstruction activities, and construction
23 of the System.

24 (ii) REQUIREMENTS.—The cooperative
25 agreement entered into under clause (i)

1 shall, at a minimum, specify the respon-
2 sibilities of the Secretary and the Author-
3 ity with respect to—

4 (I) ensuring that the cost-share
5 requirements established by sub-
6 section (b)(2) are met;

7 (II) completing the planning and
8 final design of the System;

9 (III) any environmental and cul-
10 tural resource compliance activities re-
11 quired for the System; and

12 (IV) the construction of the Sys-
13 tem.

14 (2) TECHNICAL ASSISTANCE.—At the request of
15 the Authority, the Secretary may provide to the Au-
16 thority any technical assistance that is necessary to
17 assist the Authority in planning, designing, con-
18 structing, and operating the System.

19 (3) BIOLOGICAL ASSESSMENT.—The Secretary
20 shall consult with the New Mexico Interstate Stream
21 Commission and the Authority in preparing any bio-
22 logical assessment under the Endangered Species
23 Act of 1973 (16 U.S.C. 1531 et seq.) that may be
24 required for planning and constructing the System.

25 (4) EFFECT.—Nothing in this section—

1 (A) affects or preempts—

2 (i) State water law; or

3 (ii) an interstate compact relating to
4 the allocation of water; or

5 (B) confers on any non-Federal entity the
6 ability to exercise any Federal rights to—

7 (i) the water of a stream; or

8 (ii) any groundwater resource.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—In accordance with the ad-
11 justment carried out under paragraph (2), there is
12 authorized to be appropriated to the Secretary to
13 carry out this section an amount not greater than
14 \$327,000,000.

15 (2) ADJUSTMENT.—The amount made available
16 under paragraph (1) shall be adjusted to reflect
17 changes in construction costs occurring after Janu-
18 ary 1, 2007, as indicated by engineering cost indices
19 applicable to the types of construction necessary to
20 carry out this section.

21 (3) NONREIMBURSABLE AMOUNTS.—Amounts
22 made available to the Authority in accordance with
23 the cost-sharing requirement under subsection (b)(2)
24 shall be nonreimbursable and nonreturnable to the
25 United States.

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

5 **SEC. 914. RANCHO CALIFORNIA WATER DISTRICT PROJECT,**
6 **CALIFORNIA.**

7 (a) IN GENERAL.—The Reclamation Wastewater and
8 Groundwater Study and Facilities Act (Public Law 102–
9 575, title XVI; 43 U.S.C. 390h et seq.) is amended by
10 adding after section 16____ the following:

11 **“SEC. 16____. RANCHO CALIFORNIA WATER DISTRICT**
12 **PROJECT, CALIFORNIA.**

13 “(a) AUTHORIZATION.—The Secretary, in coopera-
14 tion with the Rancho California Water District, California,
15 may participate in the design, planning, and construction
16 of permanent facilities for water recycling,
17 demineralization, and desalination, and distribution of
18 non-potable water supplies in Southern Riverside County,
19 California.

20 “(b) COST SHARING.—The Federal share of the cost
21 of the project described in subsection (a) shall not exceed
22 25 percent of the total cost of the project or \$20,000,000,
23 whichever is less.

1 “(c) LIMITATION.—Funds provided by the Secretary
2 under this section shall not be used for operation or main-
3 tenance of the project described in subsection (a).”.

4 (b) CLERICAL AMENDMENT.—The table of items in
5 section 2 of Public Law 102–575 is amended by inserting
6 after the item relating to section 16____ the following:

“Sec. 16____. Rancho California Water District Project, California.”.

7 **Subtitle C—Title Transfers and** 8 **Clarifications**

9 **SEC. 921. TRANSFER OF MCGEE CREEK PIPELINE AND FA-** 10 **CILITIES.**

11 (a) DEFINITIONS.—In this section:

12 (1) AGREEMENT.—The term “Agreement”
13 means the agreement numbered 06–AG–60–2115
14 and entitled “Agreement Between the United States
15 of America and McGee Creek Authority for the Pur-
16 pose of Defining Responsibilities Related to and Im-
17 plementing the Title Transfer of Certain Facilities
18 at the McGee Creek Project, Oklahoma”.

19 (2) AUTHORITY.—The term “Authority” means
20 the McGee Creek Authority located in Oklahoma
21 City, Oklahoma.

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (b) CONVEYANCE OF MCGEE CREEK PROJECT PIPE-
25 LINE AND ASSOCIATED FACILITIES.—

1 (1) AUTHORITY TO CONVEY.—

2 (A) IN GENERAL.—In accordance with all
3 applicable laws and consistent with any terms
4 and conditions provided in the Agreement, the
5 Secretary may convey to the Authority all right,
6 title, and interest of the United States in and
7 to the pipeline and any associated facilities de-
8 scribed in the Agreement, including—

9 (i) the pumping plant;

10 (ii) the raw water pipeline from the
11 McGee Creek pumping plant to the rate of
12 flow control station at Lake Atoka;

13 (iii) the surge tank;

14 (iv) the regulating tank;

15 (v) the McGee Creek operation and
16 maintenance complex, maintenance shop,
17 and pole barn; and

18 (vi) any other appurtenances, ease-
19 ments, and fee title land associated with
20 the facilities described in clauses (i)
21 through (v), in accordance with the Agree-
22 ment.

23 (B) EXCLUSION OF MINERAL ESTATE
24 FROM CONVEYANCE.—

1 (i) IN GENERAL.—The mineral estate
2 shall be excluded from the conveyance of
3 any land or facilities under subparagraph
4 (A).

5 (ii) MANAGEMENT.—Any mineral in-
6 terests retained by the United States
7 under this section shall be managed—

8 (I) consistent with Federal law;
9 and

10 (II) in a manner that would not
11 interfere with the purposes for which
12 the McGee Creek Project was author-
13 ized.

14 (C) COMPLIANCE WITH AGREEMENT; AP-
15 PPLICABLE LAW.—

16 (i) AGREEMENT.—All parties to the
17 conveyance under subparagraph (A) shall
18 comply with the terms and conditions of
19 the Agreement, to the extent consistent
20 with this section.

21 (ii) APPLICABLE LAW.—Before any
22 conveyance under subparagraph (A), the
23 Secretary shall complete any actions re-
24 quired under—

1 (I) the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321
3 et seq.);

4 (II) the Endangered Species Act
5 of 1973 (16 U.S.C. 1531 et seq.);

6 (III) the National Historic Pres-
7 ervation Act (16 U.S.C. 470 et seq.);
8 and

9 (IV) any other applicable laws.

10 (2) OPERATION OF TRANSFERRED FACILI-
11 TIES.—

12 (A) IN GENERAL.—On the conveyance of
13 the land and facilities under paragraph (1)(A),
14 the Authority shall comply with all applicable
15 Federal, State, and local laws (including regula-
16 tions) in the operation of any transferred facili-
17 ties.

18 (B) OPERATION AND MAINTENANCE
19 COSTS.—

20 (i) IN GENERAL.—After the convey-
21 ance of the land and facilities under para-
22 graph (1)(A) and consistent with the
23 Agreement, the Authority shall be respon-
24 sible for all duties and costs associated
25 with the operation, replacement, mainte-

1 nance, enhancement, and betterment of the
2 transferred land and facilities.

3 (ii) LIMITATION ON FUNDING.—The
4 Authority shall not be eligible to receive
5 any Federal funding to assist in the oper-
6 ation, replacement, maintenance, enhance-
7 ment, and betterment of the transferred
8 land and facilities, except for funding that
9 would be available to any comparable enti-
10 ty that is not subject to reclamation laws.

11 (3) RELEASE FROM LIABILITY.—

12 (A) IN GENERAL.—Effective beginning on
13 the date of the conveyance of the land and fa-
14 cilities under paragraph (1)(A), the United
15 States shall not be liable for damages of any
16 kind arising out of any act, omission, or occur-
17 rence relating to any land or facilities conveyed,
18 except for damages caused by acts of negligence
19 committed by the United States (including any
20 employee or agent of the United States) before
21 the date of the conveyance.

22 (B) NO ADDITIONAL LIABILITY.—Nothing
23 in this paragraph adds to any liability that the
24 United States may have under chapter 171 of
25 title 28, United States Code.

1 (4) CONTRACTUAL OBLIGATIONS.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), any rights and obligations
4 under the contract numbered 0–07–50–X0822
5 and dated October 11, 1979, between the Au-
6 thority and the United States for the construc-
7 tion, operation, and maintenance of the McGee
8 Creek Project, shall remain in full force and ef-
9 fect.

10 (B) AMENDMENTS.—With the consent of
11 the Authority, the Secretary may amend the
12 contract described in subparagraph (A) to re-
13 flect the conveyance of the land and facilities
14 under paragraph (1)(A).

15 (5) APPLICABILITY OF THE RECLAMATION
16 LAWS.—Notwithstanding the conveyance of the land
17 and facilities under paragraph (1)(A), the reclama-
18 tion laws shall continue to apply to any project
19 water provided to the Authority.

20 **SEC. 922. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO,**
21 **TITLE CLARIFICATION.**

22 (a) PURPOSE.—The purpose of this section is to di-
23 rect the Secretary of the Interior to issue a quitclaim deed
24 conveying any right, title, and interest the United States
25 may have in and to Tingley Beach, San Gabriel Park, or

1 the BioPark Parcels to the City, thereby removing a po-
2 tential cloud on the City's title to these lands.

3 (b) DEFINITIONS.—In this section:

4 (1) CITY.—The term “City” means the City of
5 Albuquerque, New Mexico.

6 (2) BIOPARK PARCELS.—The term “BioPark
7 Parcels” means a certain area of land containing
8 19.16 acres, more or less, situated within the Town
9 of Albuquerque Grant, in Projected Section 13,
10 Township 10 North, Range 2 East, N.M.P.M., City
11 of Albuquerque, Bernalillo County, New Mexico,
12 comprised of the following platted tracts and lot,
13 and MRGCD tracts:

14 (A) Tracts A and B, Albuquerque Biologi-
15 cal Park, as the same are shown and designated
16 on the Plat of Tracts A & B, Albuquerque Bio-
17 logical Park, recorded in the Office of the
18 County Clerk of Bernalillo County, New Mexico
19 on February 11, 1994 in Book 94C, Page 44;
20 containing 17.9051 acres, more or less.

21 (B) Lot B-1, Roger Cox Addition, as the
22 same is shown and designated on the Plat of
23 Lots B-1 and B-2 Roger Cox Addition, re-
24 corded in the Office of the County Clerk of
25 Bernalillo County, New Mexico on October 3,

1 1985 in Book C28, Page 99; containing 0.6289
2 acres, more or less.

3 (C) Tract 361 of MRGCD Map 38, bound-
4 ed on the north by Tract A, Albuquerque Bio-
5 logical Park, on the east by the westerly right-
6 of-way of Central Avenue, on the south by
7 Tract 332B MRGCD Map 38, and on the west
8 by Tract B, Albuquerque Biological Park; con-
9 taining 0.30 acres, more or less.

10 (D) Tract 332B of MRGCD Map 38;
11 bounded on the north by Tract 361, MRGCD
12 Map 38, on the west by Tract 32A-1-A,
13 MRGCD Map 38, and on the south and east by
14 the westerly right-of-way of Central Avenue;
15 containing 0.25 acres, more or less.

16 (E) Tract 331A-1A of MRGCD Map 38,
17 bounded on the west by Tract B, Albuquerque
18 Biological Park, on the east by Tract 332B,
19 MRGCD Map 38, and on the south by the
20 westerly right-of-way of Central Avenue and
21 Tract A, Albuquerque Biological Park; con-
22 taining 0.08 acres, more or less.

23 (3) MIDDLE RIO GRANDE CONSERVANCY DIS-
24 TRICT.—The terms “Middle Rio Grande Conser-
25 vancy District” and “MRGCD” mean a political

1 subdivision of the State of New Mexico, created in
2 1925 to provide and maintain flood protection and
3 drainage, and maintenance of ditches, canals, and
4 distribution systems for irrigation and water delivery
5 and operations in the Middle Rio Grande Valley.

6 (4) MIDDLE RIO GRANDE PROJECT.—The term
7 “Middle Rio Grande Project” means the works asso-
8 ciated with water deliveries and operations in the
9 Rio Grande basin as authorized by the Flood Con-
10 trol Act of 1948 (Public Law 80–858; 62 Stat.
11 1175) and the Flood Control Act of 1950 (Public
12 Law 81–516; 64 Stat. 170).

13 (5) SAN GABRIEL PARK.—The term “San Ga-
14 briel Park” means the tract of land containing
15 40.2236 acres, more or less, situated within Section
16 12 and Section 13, T10N, R2E, N.M.P.M., City of
17 Albuquerque, Bernalillo County, New Mexico, and
18 described by New Mexico State Plane Grid Bearings
19 (Central Zone) and ground distances in a Special
20 Warranty Deed conveying the property from
21 MRGCD to the City, dated November 25, 1997.

22 (6) TINGLEY BEACH.—The term “Tingley
23 Beach” means the tract of land containing 25.2005
24 acres, more or less, situated within Section 13 and
25 Section 24, T10N, R2E, and secs. 18 and 19,

1 T10N, R3E, N.M.P.M., City of Albuquerque,
2 Bernalillo County, New Mexico, and described by
3 New Mexico State Plane Grid Bearings (Central
4 Zone) and ground distances in a Special Warranty
5 Deed conveying the property from MRGCD to the
6 City, dated November 25, 1997.

7 (c) CLARIFICATION OF PROPERTY INTEREST.—

8 (1) REQUIRED ACTION.—The Secretary of the
9 Interior shall issue a quitclaim deed conveying any
10 right, title, and interest the United States may have
11 in and to Tingley Beach, San Gabriel Park, and the
12 BioPark Parcels to the City.

13 (2) TIMING.—The Secretary shall carry out the
14 action in paragraph (1) as soon as practicable after
15 the date of enactment of this Act and in accordance
16 with all applicable law.

17 (3) NO ADDITIONAL PAYMENT.—The City shall
18 not be required to pay any additional costs to the
19 United States for the value of San Gabriel Park,
20 Tingley Beach, and the BioPark Parcels.

21 (d) OTHER RIGHTS, TITLE, AND INTERESTS UNAF-
22 FECTED.—

23 (1) IN GENERAL.—Except as expressly provided
24 in subsection (c), nothing in this section shall be
25 construed to affect any right, title, or interest in and

1 to any land associated with the Middle Rio Grande
2 Project.

3 (2) ONGOING LITIGATION.—Nothing contained
4 in this section shall be construed or utilized to affect
5 or otherwise interfere with any position set forth by
6 any party in the lawsuit pending before the United
7 States District Court for the District of New Mex-
8 ico, 99-CV-01320-JAP-RHS, entitled Rio Grande
9 Silvery Minnow v. John W. Keys, III, concerning the
10 right, title, or interest in and to any property associ-
11 ated with the Middle Rio Grande Project.

12 **Subtitle D—San Gabriel Basin** 13 **Restoration Fund**

14 **SEC. 931. RESTORATION FUND.**

15 Section 110 of division B of the Miscellaneous Appro-
16 priations Act, 2001 (114 Stat. 2763A–222), as enacted
17 into law by section 1(a)(4) of the Consolidated Appropria-
18 tions Act, 2001 (Public Law 106–554, as amended by
19 Public Law 107–66), is further amended—

20 (1) in subsection (a)(3)(B), by inserting after
21 clause (iii) the following:

22 “(iv) NON-FEDERAL MATCH.—After
23 \$85,000,000 has cumulatively been appro-
24 priated under subsection (d)(1), the re-
25 mainder of Federal funds appropriated

1 under subsection (d) shall be subject to the
2 following matching requirement:

3 “(I) SAN GABRIEL BASIN WATER
4 QUALITY AUTHORITY.—The San Ga-
5 briel Basin Water Quality Authority
6 shall be responsible for providing a 35
7 percent non-Federal match for Fed-
8 eral funds made available to the Au-
9 thority under this Act.

10 “(II) CENTRAL BASIN MUNICIPAL
11 WATER DISTRICT.—The Central Basin
12 Municipal Water District shall be re-
13 sponsible for providing a 35 percent
14 non-Federal match for Federal funds
15 made available to the District under
16 this Act.”;

17 (2) in subsection (a), by adding at the end the
18 following:

19 “(4) INTEREST ON FUNDS IN RESTORATION
20 FUND.—No amounts appropriated above the cumu-
21 lative amount of \$85,000,000 to the Restoration
22 Fund under subsection (d)(1) shall be invested by
23 the Secretary of the Treasury in interest-bearing se-
24 curities of the United States.”; and

1 (3) by amending subsection (d) to read as fol-
2 lows:

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There is authorized to be
5 appropriated to the Restoration Fund established
6 under subsection (a) \$146,200,000. Such funds shall
7 remain available until expended.

8 “(2) SET-ASIDE.—Of the amounts appropriated
9 under paragraph (1), no more than \$21,200,000
10 shall be made available to carry out the Central
11 Basin Water Quality Project.”.

12 **Subtitle E—Lower Colorado River**
13 **Multi-Species Conservation Pro-**
14 **gram**

15 **SEC. 941. DEFINITIONS.**

16 In this subtitle:

17 (1) LOWER COLORADO RIVER MULTI-SPECIES
18 CONSERVATION PROGRAM.—The term “Lower Colo-
19 rado River Multi-Species Conservation Program” or
20 “LCR MSCP” means the cooperative effort on the
21 Lower Colorado River between Federal and non-
22 Federal entities in Arizona, California, and Nevada
23 approved by the Secretary of the Interior on April
24 2, 2005.

1 (2) LOWER COLORADO RIVER.—The term
2 “Lower Colorado River” means the segment of the
3 Colorado River within the planning area as provided
4 in section 2(B) of the Implementing Agreement, a
5 Program Document.

6 (3) PROGRAM DOCUMENTS.—The term “Pro-
7 gram Documents” means the Habitat Conservation
8 Plan, Biological Assessment and Biological and Con-
9 ference Opinion, Environmental Impact Statement/
10 Environmental Impact Report, Funding and Man-
11 agement Agreement, Implementing Agreement, and
12 Section 10(a)(1)(B) Permit issued and, as applica-
13 ble, executed in connection with the LCR MSCP,
14 and any amendments or successor documents that
15 are developed consistent with existing agreements
16 and applicable law.

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

19 (5) STATE.—The term “State” means each of
20 the States of Arizona, California, and Nevada.

21 **SEC. 942. IMPLEMENTATION AND WATER ACCOUNTING.**

22 (a) IMPLEMENTATION.—The Secretary is authorized
23 to manage and implement the LCR MSCP in accordance
24 with the Program Documents.

1 (b) WATER ACCOUNTING.—The Secretary is author-
2 ized to enter into an agreement with the States providing
3 for the use of water from the Lower Colorado River for
4 habitat creation and maintenance in accordance with the
5 Program Documents.

6 **SEC. 943. ENFORCEABILITY OF PROGRAM DOCUMENTS.**

7 (a) IN GENERAL.—Any party to the Funding and
8 Management Agreement or the Implementing Agreement,
9 and any permittee under the Section 10(a)(1)(B) Permit,
10 may commence a civil action in United States district
11 court to adjudicate, confirm, validate or decree the rights
12 and obligations of the parties under those Program Docu-
13 ments.

14 (b) JURISDICTION.—The district court shall have ju-
15 risdiction over such actions and may issue such orders,
16 judgments, and decrees as are consistent with the court's
17 exercise of jurisdiction under this section.

18 (c) UNITED STATES AS DEFENDANT.—

19 (1) IN GENERAL.—The United States or any
20 agency of the United States may be named as a de-
21 fendant in such actions.

22 (2) SOVEREIGN IMMUNITY.—Subject to para-
23 graph (3), the sovereign immunity of the United
24 States is waived for purposes of actions commenced
25 pursuant to this section.

1 (3) NONWAIVER FOR CERTAIN CLAIMS.—Noth-
2 ing in this section waives the sovereign immunity of
3 the United States to claims for money damages,
4 monetary compensation, the provision of indemnity,
5 or any claim seeking money from the United States.

6 (d) RIGHTS UNDER FEDERAL AND STATE LAW.—
7 Except as specifically provided in this section, nothing in
8 this section limits any rights of any party under Federal
9 or State law.

10 (e) VENUE.—Any suit pursuant to this section may
11 be brought in any United States district court in the State
12 in which any non-Federal party to the suit is situated.

13 **SEC. 944. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to be appro-
15 priated to the Secretary such sums as may be necessary
16 to meet the obligations of the Secretary under the Pro-
17 gram Documents, to remain available until expended.

18 (b) NON-REIMBURSABLE AND NON-RETURNABLE.—
19 All amounts appropriated to and expended by the Sec-
20 retary for the LCR MSCP shall be non-reimbursable and
21 non-returnable.

1 **TITLE X—WATER SETTLEMENTS**

2 **Subtitle A—San Joaquin River**

3 **Restoration Settlement**

4 **PART I—SAN JOAQUIN RIVER RESTORATION**

5 **SETTLEMENT ACT**

6 **SEC. 1001. SHORT TITLE.**

7 This part may be cited as the “San Joaquin River
8 Restoration Settlement Act”.

9 **SEC. 1002. PURPOSE.**

10 The purpose of this part is to authorize implementa-
11 tion of the Settlement.

12 **SEC. 1003. DEFINITIONS.**

13 In this part:

14 (1) The terms “Friant Division long-term con-
15 tractors”, “Interim Flows”, “Restoration Flows”,
16 “Recovered Water Account”, “Restoration Goal”,
17 and “Water Management Goal” have the meanings
18 given the terms in the Settlement.

19 (2) The term “Secretary” means the Secretary
20 of the Interior.

21 (3) The term “Settlement” means the Stipula-
22 tion of Settlement dated September 13, 2006, in the
23 litigation entitled Natural Resources Defense Coun-
24 cil, et al. v. Kirk Rodgers, et al., United States Dis-

1 trict Court, Eastern District of California, No. CIV.
2 S-88-1658-LKK/GGH.

3 **SEC. 1004. IMPLEMENTATION OF SETTLEMENT.**

4 (a) IN GENERAL.—The Secretary of the Interior is
5 hereby authorized and directed to implement the terms
6 and conditions of the Settlement in cooperation with the
7 State of California, including the following measures as
8 these measures are prescribed in the Settlement:

9 (1) Design and construct channel and struc-
10 tural improvements as described in paragraph 11 of
11 the Settlement, provided, however, that the Sec-
12 retary shall not make or fund any such improve-
13 ments to facilities or property of the State of Cali-
14 fornia without the approval of the State of Cali-
15 fornia and the State's agreement in 1 or more
16 memoranda of understanding to participate where
17 appropriate.

18 (2) Modify Friant Dam operations so as to pro-
19 vide Restoration Flows and Interim Flows.

20 (3) Acquire water, water rights, or options to
21 acquire water as described in paragraph 13 of the
22 Settlement, provided, however, such acquisitions
23 shall only be made from willing sellers and not
24 through eminent domain.

1 (4) Implement the terms and conditions of
2 paragraph 16 of the Settlement related to recircula-
3 tion, recapture, reuse, exchange, or transfer of water
4 released for Restoration Flows or Interim Flows, for
5 the purpose of accomplishing the Water Manage-
6 ment Goal of the Settlement, subject to—

7 (A) applicable provisions of California
8 water law;

9 (B) the Secretary's use of Central Valley
10 Project facilities to make Project water (other
11 than water released from Friant Dam pursuant
12 to the Settlement) and water acquired through
13 transfers available to existing south-of-Delta
14 Central Valley Project contractors; and

15 (C) the Secretary's performance of the
16 Agreement of November 24, 1986, between the
17 United States of America and the Department
18 of Water Resources of the State of California
19 for the coordinated operation of the Central
20 Valley Project and the State Water Project as
21 authorized by Congress in section 2(d) of the
22 Act of August 26, 1937 (50 Stat. 850, 100
23 Stat. 3051), including any agreement to resolve
24 conflicts arising from said Agreement.

1 (5) Develop and implement the Recovered
2 Water Account as specified in paragraph 16(b) of
3 the Settlement, including the pricing and payment
4 crediting provisions described in paragraph 16(b)(3)
5 of the Settlement, provided that all other provisions
6 of Federal reclamation law shall remain applicable.

7 (b) AGREEMENTS.—

8 (1) AGREEMENTS WITH THE STATE.—In order
9 to facilitate or expedite implementation of the Settle-
10 ment, the Secretary is authorized and directed to
11 enter into appropriate agreements, including cost-
12 sharing agreements, with the State of California.

13 (2) OTHER AGREEMENTS.—The Secretary is
14 authorized to enter into contracts, memoranda of
15 understanding, financial assistance agreements, cost
16 sharing agreements, and other appropriate agree-
17 ments with State, tribal, and local governmental
18 agencies, and with private parties, including agree-
19 ments related to construction, improvement, and op-
20 eration and maintenance of facilities, subject to any
21 terms and conditions that the Secretary deems nec-
22 essary to achieve the purposes of the Settlement.

23 (c) ACCEPTANCE AND EXPENDITURE OF NON-FED-
24 ERAL FUNDS.—The Secretary is authorized to accept and

1 expend non-Federal funds in order to facilitate implemen-
2 tation of the Settlement.

3 (d) MITIGATION OF IMPACTS.—Prior to the imple-
4 mentation of decisions or agreements to construct, im-
5 prove, operate, or maintain facilities that the Secretary de-
6 termines are needed to implement the Settlement, the Sec-
7 retary shall identify—

8 (1) the impacts associated with such actions;
9 and

10 (2) the measures which shall be implemented to
11 mitigate impacts on adjacent and downstream water
12 users and landowners.

13 (e) DESIGN AND ENGINEERING STUDIES.—The Sec-
14 retary is authorized to conduct any design or engineering
15 studies that are necessary to implement the Settlement.

16 (f) EFFECT ON CONTRACT WATER ALLOCATIONS.—
17 Except as otherwise provided in this section, the imple-
18 mentation of the Settlement and the reintroduction of
19 California Central Valley Spring Run Chinook salmon
20 pursuant to the Settlement and section 1011, shall not
21 result in the involuntary reduction in contract water allo-
22 cations to Central Valley Project long-term contractors,
23 other than Friant Division long-term contractors.

24 (g) EFFECT ON EXISTING WATER CONTRACTS.—Ex-
25 cept as provided in the Settlement and this part, nothing

1 in this part shall modify or amend the rights and obliga-
2 tions of the parties to any existing water service, repay-
3 ment, purchase, or exchange contract.

4 **SEC. 1005. ACQUISITION AND DISPOSAL OF PROPERTY;**
5 **TITLE TO FACILITIES.**

6 (a) TITLE TO FACILITIES.—Unless acquired pursu-
7 ant to subsection (b), title to any facility or facilities,
8 stream channel, levees, or other real property modified or
9 improved in the course of implementing the Settlement au-
10 thorized by this part, and title to any modifications or im-
11 provements of such facility or facilities, stream channel,
12 levees, or other real property—

13 (1) shall remain in the owner of the property;
14 and

15 (2) shall not be transferred to the United
16 States on account of such modifications or improve-
17 ments.

18 (b) ACQUISITION OF PROPERTY.—

19 (1) IN GENERAL.—The Secretary is authorized
20 to acquire through purchase from willing sellers any
21 property, interests in property, or options to acquire
22 real property needed to implement the Settlement
23 authorized by this part.

24 (2) APPLICABLE LAW.—The Secretary is au-
25 thorized, but not required, to exercise all of the au-

1 thorities provided in section 2 of the Act of August
2 26, 1937 (50 Stat. 844, chapter 832), to carry out
3 the measures authorized in this section and section
4 1004.

5 (c) DISPOSAL OF PROPERTY.—

6 (1) IN GENERAL.—Upon the Secretary's deter-
7 mination that retention of title to property or inter-
8 ests in property acquired pursuant to this part is no
9 longer needed to be held by the United States for
10 the furtherance of the Settlement, the Secretary is
11 authorized to dispose of such property or interest in
12 property on such terms and conditions as the Sec-
13 retary deems appropriate and in the best interest of
14 the United States, including possible transfer of
15 such property to the State of California.

16 (2) RIGHT OF FIRST REFUSAL.—In the event
17 the Secretary determines that property acquired pur-
18 suant to this part through the exercise of its emi-
19 nent domain authority is no longer necessary for im-
20 plementation of the Settlement, the Secretary shall
21 provide a right of first refusal to the property owner
22 from whom the property was initially acquired, or
23 his or her successor in interest, on the same terms
24 and conditions as the property is being offered to
25 other parties.

1 (3) DISPOSITION OF PROCEEDS.—Proceeds
2 from the disposal by sale or transfer of any such
3 property or interests in such property shall be depos-
4 ited in the fund established by section 1009(c).

5 (d) GROUNDWATER BANK.—Nothing in this part au-
6 thorizes the Secretary to operate a groundwater bank
7 along or adjacent to the San Joaquin River upstream of
8 the confluence with the Merced River, and any such
9 groundwater bank shall be operated by a non-Federal enti-
10 ty.

11 **SEC. 1006. COMPLIANCE WITH APPLICABLE LAW.**

12 (a) APPLICABLE LAW.—

13 (1) IN GENERAL.—In undertaking the measures
14 authorized by this part, the Secretary and the Sec-
15 retary of Commerce shall comply with all applicable
16 Federal and State laws, rules, and regulations, in-
17 cluding the National Environmental Policy Act of
18 1969 (42 U.S.C. 4321 et seq.) and the Endangered
19 Species Act of 1973 (16 U.S.C. 1531 et seq.), as
20 necessary.

21 (2) ENVIRONMENTAL REVIEWS.—The Secretary
22 and the Secretary of Commerce are authorized and
23 directed to initiate and expeditiously complete appli-
24 cable environmental reviews and consultations as

1 may be necessary to effectuate the purposes of the
2 Settlement.

3 (b) EFFECT ON STATE LAW.—Nothing in this part
4 shall preempt State law or modify any existing obligation
5 of the United States under Federal reclamation law to op-
6 erate the Central Valley Project in conformity with State
7 law.

8 (c) USE OF FUNDS FOR ENVIRONMENTAL RE-
9 VIEWS.—

10 (1) DEFINITION OF ENVIRONMENTAL RE-
11 VIEW.—For purposes of this subsection, the term
12 “environmental review” includes any consultation
13 and planning necessary to comply with subsection
14 (a).

15 (2) PARTICIPATION IN ENVIRONMENTAL RE-
16 VIEW PROCESS.—In undertaking the measures au-
17 thorized by section 1004, and for which environ-
18 mental review is required, the Secretary may provide
19 funds made available under this part to affected
20 Federal agencies, State agencies, local agencies, and
21 Indian tribes if the Secretary determines that such
22 funds are necessary to allow the Federal agencies,
23 State agencies, local agencies, or Indian tribes to ef-
24 fectively participate in the environmental review
25 process.

1 (3) LIMITATION.—Funds may be provided
2 under paragraph (2) only to support activities that
3 directly contribute to the implementation of the
4 terms and conditions of the Settlement.

5 (d) NONREIMBURSABLE FUNDS.—The United
6 States' share of the costs of implementing this part shall
7 be nonreimbursable under Federal reclamation law, pro-
8 vided that nothing in this subsection shall limit or be con-
9 strued to limit the use of the funds assessed and collected
10 pursuant to sections 3406(e)(1) and 3407(d)(2) of the
11 Reclamation Projects Authorization and Adjustment Act
12 of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for
13 implementation of the Settlement, nor shall it be con-
14 strued to limit or modify existing or future Central Valley
15 Project ratesetting policies.

16 **SEC. 1007. COMPLIANCE WITH CENTRAL VALLEY PROJECT**
17 **IMPROVEMENT ACT.**

18 Congress hereby finds and declares that the Settle-
19 ment satisfies and discharges all of the obligations of the
20 Secretary contained in section 3406(e)(1) of the Reclama-
21 tion Projects Authorization and Adjustment Act of 1992
22 (Public Law 102–575; 106 Stat. 4721), provided, how-
23 ever, that—

24 (1) the Secretary shall continue to assess and
25 collect the charges provided in section 3406(e)(1) of

1 the Reclamation Projects Authorization and Adjust-
2 ment Act of 1992 (Public Law 102–575; 106 Stat.
3 4721), as provided in the Settlement; and

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

9 **SEC. 1008. NO PRIVATE RIGHT OF ACTION.**

10 (a) IN GENERAL.—Nothing in this part confers upon
11 any person or entity not a party to the Settlement a pri-
12 vate right of action or claim for relief to interpret or en-
13 force the provisions of this part or the Settlement.

14 (b) APPLICABLE LAW.—This section shall not alter
15 or curtail any right of action or claim for relief under any
16 other applicable law.

17 **SEC. 1009. APPROPRIATIONS; SETTLEMENT FUND.**

18 (a) IMPLEMENTATION COSTS.—

19 (1) IN GENERAL.—The costs of implementing
20 the Settlement shall be covered by payments or in-
21 kind contributions made by Friant Division contrac-
22 tors and other non-Federal parties, including the
23 funds provided in paragraphs (1) through (4) of
24 subsection (c), estimated to total \$440,000,000, of
25 which the non-Federal payments are estimated to

1 total \$200,000,000 (at October 2006 price levels)
2 and the amount from repaid Central Valley Project
3 capital obligations is estimated to total
4 \$240,000,000, the additional Federal appropriation
5 of \$250,000,000 authorized pursuant to subsection
6 (b)(1), and such additional funds authorized pursu-
7 ant to subsection (b)(2); provided however, that the
8 costs of implementing the provisions of section
9 1004(a)(1) shall be shared by the State of California
10 pursuant to the terms of a memorandum of under-
11 standing executed by the State of California and the
12 Parties to the Settlement on September 13, 2006,
13 which includes at least \$110,000,000 of State funds.

14 (2) ADDITIONAL AGREEMENTS.—

15 (A) IN GENERAL.—The Secretary shall
16 enter into 1 or more agreements to fund or im-
17 plement improvements on a project-by-project
18 basis with the State of California.

19 (B) REQUIREMENTS.—Any agreements en-
20 tered into under subparagraph (A) shall provide
21 for recognition of either monetary or in-kind
22 contributions toward the State of California's
23 share of the cost of implementing the provisions
24 of section 1004(a)(1).

1 (3) LIMITATION.—Except as provided in the
2 Settlement, to the extent that costs incurred solely
3 to implement this Settlement would not otherwise
4 have been incurred by any entity or public or local
5 agency or subdivision of the State of California, such
6 costs shall not be borne by any such entity, agency,
7 or subdivision of the State of California, unless such
8 costs are incurred on a voluntary basis.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—In addition to the funding
11 provided in subsection (c), there are also authorized
12 to be appropriated not to exceed \$250,000,000 (at
13 October 2006 price levels) to implement this part
14 and the Settlement, to be available until expended;
15 provided however, that the Secretary is authorized to
16 spend such additional appropriations only in
17 amounts equal to the amount of funds deposited in
18 the Fund (not including payments under subsection
19 (c)(2) and proceeds under subsection (c)(3)), the
20 amount of in-kind contributions, and other non-Fed-
21 eral payments actually committed to the implemen-
22 tation of this part or the Settlement.

23 (2) USE OF THE CENTRAL VALLEY PROJECT
24 RESTORATION FUND.—The Secretary is authorized
25 to use monies from the Central Valley Project Res-

1 toration Fund created under section 3407 of the
2 Reclamation Projects Authorization and Adjustment
3 Act of 1992 (Public Law 102–575; 106 Stat. 4727)
4 for purposes of this part in an amount not to exceed
5 \$2,000,000 (October 2006 price levels) in any fiscal
6 year.

7 (c) FUND.—There is hereby established within the
8 Treasury of the United States a fund, to be known as the
9 San Joaquin River Restoration Fund, into which the fol-
10 lowing shall be deposited and used solely for the purpose
11 of implementing the Settlement except as otherwise pro-
12 vided in subsections (a) and (b) of section 1033, to be
13 available for expenditure without further appropriation:

14 (1) At the beginning of the fiscal year following
15 enactment of this part, all payments received pursu-
16 ant to section 3406(c)(1) of the Reclamation
17 Projects Authorization and Adjustment Act of 1992
18 (Public Law 102–575; 106 Stat. 4721).

19 (2) The construction cost component (not oth-
20 erwise needed to cover operation and maintenance
21 costs) of payments made by Friant Division, Hidden
22 Unit, and Buchanan Unit long-term contractors pur-
23 suant to long-term water service contracts or pursu-
24 ant to repayment contracts, including repayment
25 contracts executed pursuant to section 1010. The

1 construction cost repayment obligation assigned such
2 contractors under such contracts shall be reduced by
3 the amount paid pursuant to this paragraph and the
4 appropriate share of the existing Federal investment
5 in the Central Valley Project to be recovered by the
6 Secretary pursuant to Public Law 99–546 (100
7 Stat. 3050) shall be reduced by an equivalent sum.

8 (3) Proceeds from the sale of water pursuant to
9 the Settlement, or from the sale of property or inter-
10 ests in property as provided in section 1005.

11 (4) Any non-Federal funds, including State
12 cost-sharing funds, contributed to the United States
13 for implementation of the Settlement, which the Sec-
14 retary may expend without further appropriation for
15 the purposes for which contributed.

16 (d) LIMITATION ON CONTRIBUTIONS.—Payments
17 made by long-term contractors who receive water from the
18 Friant Division and Hidden and Buchanan Units of the
19 Central Valley Project pursuant to sections 3406(e)(1)
20 and 3407(d)(2) of the Reclamation Projects Authorization
21 and Adjustment Act of 1992 (Public Law 102–575; 106
22 Stat. 4721, 4727) and payments made pursuant to para-
23 graph 16(b)(3) of the Settlement and subsection (e)(2)
24 shall be the limitation of such entities' direct financial con-

1 tribution to the Settlement, subject to the terms and con-
2 ditions of paragraph 21 of the Settlement.

3 (e) NO ADDITIONAL EXPENDITURES REQUIRED.—

4 Nothing in this part shall be construed to require a Fed-
5 eral official to expend Federal funds not appropriated by
6 Congress, or to seek the appropriation of additional funds
7 by Congress, for the implementation of the Settlement.

8 (f) REACH 4B.—

9 (1) STUDY.—

10 (A) IN GENERAL.—In accordance with the
11 Settlement and the memorandum of under-
12 standing executed pursuant to paragraph 6 of
13 the Settlement, the Secretary shall conduct a
14 study that specifies—

15 (i) the costs of undertaking any work
16 required under paragraph 101(a)(3) of the
17 Settlement to increase the capacity of
18 reach 4B prior to reinitiation of Restora-
19 tion Flows;

20 (ii) the impacts associated with re-
21 initiation of such flows; and

22 (iii) measures that shall be imple-
23 mented to mitigate impacts.

1 (B) DEADLINE.—The study under sub-
2 paragraph (A) shall be completed prior to res-
3 toration of any flows other than Interim Flows.

4 (2) REPORT.—

5 (A) IN GENERAL.—The Secretary shall file
6 a report with Congress not later than 90 days
7 after issuing a determination, as required by
8 the Settlement, on whether to expand channel
9 conveyance capacity to 4500 cubic feet per sec-
10 ond in reach 4B of the San Joaquin River, or
11 use an alternative route for pulse flows, that—

12 (i) explains whether the Secretary has
13 decided to expand Reach 4B capacity to
14 4500 cubic feet per second; and

15 (ii) addresses the following matters:

16 (I) The basis for the Secretary's
17 determination, whether set out in en-
18 vironmental review documents or oth-
19 erwise, as to whether the expansion of
20 Reach 4B would be the preferable
21 means to achieve the Restoration Goal
22 as provided in the Settlement, includ-
23 ing how different factors were as-
24 sessed such as comparative biological
25 and habitat benefits, comparative

1 costs, relative availability of State
2 cost-sharing funds, and the compara-
3 tive benefits and impacts on water
4 temperature, water supply, private
5 property, and local and downstream
6 flood control.

7 (II) The Secretary's final cost es-
8 timate for expanding Reach 4B capac-
9 ity to 4500 cubic feet per second, or
10 any alternative route selected, as well
11 as the alternative cost estimates pro-
12 vided by the State, by the Restoration
13 Administrator, and by the other par-
14 ties to the Settlement.

15 (III) The Secretary's plan for
16 funding the costs of expanding Reach
17 4B or any alternative route selected,
18 whether by existing Federal funds
19 provided under this subtitle, by non-
20 Federal funds, by future Federal ap-
21 propriations, or some combination of
22 such sources.

23 (B) DETERMINATION REQUIRED.—The
24 Secretary shall, to the extent feasible, make the
25 determination in subparagraph (A) prior to un-

1 dertaking any substantial construction work to
2 increase capacity in reach 4B.

3 (3) COSTS.—If the Secretary’s estimated Fed-
4 eral cost for expanding reach 4B in paragraph (2),
5 in light of the Secretary’s funding plan set out in
6 that paragraph, would exceed the remaining Federal
7 funding authorized by this part (including all funds
8 reallocated, all funds dedicated, and all new funds
9 authorized by this part and separate from all com-
10 mitments of State and other non-Federal funds and
11 in-kind commitments), then before the Secretary
12 commences actual construction work in reach 4B
13 (other than planning, design, feasibility, or other
14 preliminary measures) to expand capacity to 4500
15 cubic feet per second to implement this Settlement,
16 Congress must have increased the applicable author-
17 ization ceiling provided by this part in an amount at
18 least sufficient to cover the higher estimated Federal
19 costs.

20 **SEC. 1010. 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
25 long-term contracts with the following Friant Divi-

1 sion, Hidden Unit, and Buchanan Unit contractors,
2 entered under subsection (e) of section 9 of the Act
3 of August 4, 1939 (53 Stat. 1196), to contracts
4 under subsection (d) of section 9 of said Act (53
5 Stat. 1195), under mutually agreeable terms and
6 conditions: Arvin-Edison Water Storage District;
7 Delano-Earlimart Irrigation District; Exeter Irriga-
8 tion District; Fresno Irrigation District; Ivanhoe Ir-
9 rigation District; Lindmore Irrigation District; Lind-
10 say-Strathmore Irrigation District; Lower Tule
11 River Irrigation District; Orange Cove Irrigation
12 District; Porterville Irrigation District; Saucelito Ir-
13 rigation District; Shafter-Wasco Irrigation District;
14 Southern San Joaquin Municipal Utility District;
15 Stone Corral Irrigation District; Tea Pot Dome
16 Water District; Terra Bella Irrigation District;
17 Tulare Irrigation District; Madera Irrigation Dis-
18 trict; and Chowchilla Water District. Upon request
19 of the contractor, the Secretary is authorized to con-
20 vert, prior to December 31, 2010, other existing
21 long-term contracts with Friant Division contractors
22 entered under subsection (e) of section 9 of the Act
23 of August 4, 1939 (53 Stat. 1196), to contracts
24 under subsection (d) of section 9 of said Act (53

1 Stat. 1195), under mutually agreeable terms and
2 conditions.

3 (2) Upon request of the contractor, the Sec-
4 retary is further authorized to convert, prior to De-
5 cember 31, 2010, any existing Friant Division long-
6 term contract entered under subsection (c)(2) of sec-
7 tion 9 of the Act of August 4, 1939 (53 Stat. 1194),
8 to a contract under subsection (c)(1) of section 9 of
9 said Act, under mutually agreeable terms and condi-
10 tions.

11 (3) All such contracts entered into pursuant to
12 paragraph (1) shall—

13 (A) require the repayment, either in lump
14 sum or by accelerated prepayment, of the re-
15 maining amount of construction costs identified
16 in the Central Valley Project Schedule of Irriga-
17 tion Capital Rates by Contractor 2007 Irriga-
18 tion Water Rates, dated January 25, 2007, as
19 adjusted to reflect payments not reflected in
20 such schedule, and properly assignable for ulti-
21 mate return by the contractor, no later than
22 January 31, 2011, or if made in approximately
23 equal annual installments, no later than Janu-
24 ary 31, 2014; such amount to be discounted by
25 $\frac{1}{2}$ the Treasury Rate. An estimate of the re-

1 maintaining amount of construction costs as of
2 January 31, 2011, as adjusted, shall be pro-
3 vided by the Secretary to each contractor no
4 later than June 30, 2010;

5 (B) require that, notwithstanding sub-
6 section (c)(2), construction costs or other cap-
7 italized costs incurred after the effective date of
8 the contract or not reflected in the schedule ref-
9 erenced in subparagraph (A), and properly as-
10 signable to such contractor, shall be repaid in
11 not more than 5 years after notification of the
12 allocation if such amount is a result of a collec-
13 tive annual allocation of capital costs to the
14 contractors exercising contract conversions
15 under this subsection of less than \$5,000,000.
16 If such amount is \$5,000,000 or greater, such
17 cost shall be repaid as provided by applicable
18 Reclamation law, provided that the reference to
19 the amount of \$5,000,000 shall not be a prece-
20 dent in any other context;

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

1 (D) conform to the Settlement and this
2 part and shall continue so long as the con-
3 tractor pays applicable charges, consistent with
4 subsection (c)(2) and applicable law.

5 (4) All such contracts entered into pursuant to
6 paragraph (2) shall—

7 (A) require the repayment in lump sum of
8 the remaining amount of construction costs
9 identified in the most current version of the
10 Central Valley Project Schedule of Municipal
11 and Industrial Water Rates, as adjusted to re-
12 flect payments not reflected in such schedule,
13 and properly assignable for ultimate return by
14 the contractor, no later than January 31, 2014.
15 An estimate of the remaining amount of con-
16 struction costs as of January 31, 2014, as ad-
17 justed, shall be provided by the Secretary to
18 each contractor no later than June 30, 2013;

19 (B) require that, notwithstanding sub-
20 section (c)(2), construction costs or other cap-
21 italized costs incurred after the effective date of
22 the contract or not reflected in the schedule ref-
23 erenced in subparagraph (A), and properly as-
24 signable to such contractor, shall be repaid in
25 not more than 5 years after notification of the

1 allocation if such amount is a result of a collec-
2 tive annual allocation of capital costs to the
3 contractors exercising contract conversions
4 under this subsection of less than \$5,000,000.
5 If such amount is \$5,000,000 or greater, such
6 cost shall be repaid as provided by applicable
7 Reclamation law, provided that the reference to
8 the amount of \$5,000,000 shall not be a prece-
9 dent in any other context; and

10 (C) conform to the Settlement and this
11 part and shall continue so long as the con-
12 tractor pays applicable charges, consistent with
13 subsection (c)(2) and applicable law.

14 (b) FINAL ADJUSTMENT.—The amounts paid pursu-
15 ant to subsection (a) shall be subject to adjustment fol-
16 lowing a final cost allocation by the Secretary upon com-
17 pletion of the construction of the Central Valley Project.
18 In the event that the final cost allocation indicates that
19 the costs properly assignable to the contractor are greater
20 than what has been paid by the contractor, the contractor
21 shall be obligated to pay the remaining allocated costs.
22 The term of such additional repayment contract shall be
23 no less than 1 year and no more than 10 years, however,
24 mutually agreeable provisions regarding the rate of repay-
25 ment of such amount may be developed by the parties.

1 In the event that the final cost allocation indicates that
2 the costs properly assignable to the contractor are less
3 than what the contractor has paid, the Secretary is au-
4 thorized and directed to credit such overpayment as an
5 offset against any outstanding or future obligation of the
6 contractor.

7 (c) APPLICABILITY OF CERTAIN PROVISIONS.—

8 (1) Notwithstanding any repayment obligation
9 under subsection (a)(3)(B) or subsection (b), upon a
10 contractor's compliance with and discharge of the
11 obligation of repayment of the construction costs as
12 provided in subsection (a)(3)(A), the provisions of
13 section 213(a) and (b) of the Reclamation Reform
14 Act of 1982 (96 Stat. 1269) shall apply to lands in
15 such district.

16 (2) Notwithstanding any repayment obligation
17 under paragraph (3)(B) or (4)(B) of subsection (a),
18 or subsection (b), upon a contractor's compliance
19 with and discharge of the obligation of repayment of
20 the construction costs as provided in paragraphs
21 (3)(A) and (4)(A) of subsection (a), the Secretary
22 shall waive the pricing provisions of section 3405(d)
23 of the Reclamation Projects Authorization and Ad-
24 justment Act of 1992 (Public Law 102-575) for
25 such contractor, provided that such contractor shall

1 continue to pay applicable operation and mainte-
2 nance costs and other charges applicable to such re-
3 payment contracts pursuant to the then-current
4 rate-setting policy and applicable law.

5 (3) Provisions of the Settlement applying to
6 Friant Division, Hidden Unit, and Buchanan Unit
7 long-term water service contracts shall also apply to
8 contracts executed pursuant to this section.

9 (d) REDUCTION OF CHARGE FOR THOSE CONTRACTS
10 CONVERTED PURSUANT TO SUBSECTION (A)(1).—

11 (1) At the time all payments by the contractor
12 required by subsection (a)(3)(A) have been com-
13 pleted, the Secretary shall reduce the charge man-
14 dated in section 1007(1) of this part, from 2020
15 through 2039, to offset the financing costs as de-
16 fined in section 1010(d)(3). The reduction shall be
17 calculated at the time all payments by the contractor
18 required by subsection (a)(3)(A) have been com-
19 pleted. The calculation shall remain fixed from 2020
20 through 2039 and shall be based upon anticipated
21 average annual water deliveries, as mutually agreed
22 upon by the Secretary and the contractor, for the
23 period from 2020 through 2039, and the amounts of
24 such reductions shall be discounted using the Treas-
25 ury Rate; provided, that such charge shall not be re-

1 duced to less than \$4.00 per acre foot of project
2 water delivered; provided further, that such reduc-
3 tion shall be implemented annually unless the Sec-
4 retary determines, based on the availability of other
5 monies, that the charges mandated in section
6 1007(1) are otherwise needed to cover ongoing fed-
7 eral costs of the Settlement, including any federal
8 operation and maintenance costs of facilities that the
9 Secretary determines are needed to implement the
10 Settlement. If the Secretary determines that such
11 charges are necessary to cover such ongoing federal
12 costs, the Secretary shall, instead of making the re-
13 duction in such charges, reduce the contractor's op-
14 eration and maintenance obligation by an equivalent
15 amount, and such amount shall not be recovered by
16 the United States from any Central Valley Project
17 contractor, provided nothing herein shall affect the
18 obligation of the contractor to make payments pur-
19 suant to a transfer agreement with a non-federal op-
20 erating entity.

21 (2) If the calculated reduction in paragraph (1),
22 taking into consideration the minimum amount re-
23 quired, does not result in the contractor offsetting
24 its financing costs, the Secretary is authorized and
25 directed to reduce, after 2019, any outstanding or

1 future obligations of the contractor to the Bureau of
2 Reclamation, other than the charge assessed and col-
3 lected under section 3407(d) of Public law 102-575,
4 by the amount of such deficiency, with such amount
5 indexed to 2020 using the Treasury Rate and such
6 amount shall be not be recovered by the United
7 States from any Central Valley Project contractor,
8 provided nothing herein shall affect the obligation of
9 the contractor to make payments pursuant to a
10 transfer agreement with a non-Federal operating en-
11 tity.

12 (3) Financing costs, for the purposes of this
13 subsection, shall be computed as the difference of
14 the net present value of the construction cost identi-
15 fied in subsection (a)(3)(A) using the full Treasury
16 Rate as compared to using one half of the Treasury
17 Rate and applying those rates against a calculated
18 average annual capital repayment through 2030.

19 (4) Effective in 2040, the charge shall revert to
20 the amount called for in section 1007(1) of this
21 part.

22 (5) For purposes of this section, “Treasury
23 Rate” shall be defined as the 20 year Constant Ma-
24 turity Treasury (CMT) rate published by the United

1 States Department of the Treasury as of October 1,
2 2010.

3 (e) SATISFACTION OF CERTAIN PROVISIONS.—

4 (1) IN GENERAL.—Upon the first release of In-
5 terim Flows or Restoration Flows, pursuant to para-
6 graphs 13 or 15 of the Settlement, any short- or
7 long-term agreement, to which 1 or more long-term
8 Friant Division, Hidden Unit, or Buchanan Unit
9 contractor that converts its contract pursuant to
10 subsection (a) is a party, providing for the transfer
11 or exchange of water not released as Interim Flows
12 or Restoration Flows shall be deemed to satisfy the
13 provisions of subsection 3405(a)(1)(A) and (I) of the
14 Reclamation Projects Authorization and Adjustment
15 Act of 1992 (Public Law 102–575) without the fur-
16 ther concurrence of the Secretary as to compliance
17 with said subsections if the contractor provides, not
18 later than 90 days before commencement of any
19 such transfer or exchange for a period in excess of
20 1 year, and not later than 30 days before commence-
21 ment of any proposed transfer or exchange with du-
22 ration of less than 1 year, written notice to the Sec-
23 retary stating how the proposed transfer or ex-
24 change is intended to reduce, avoid, or mitigate im-
25 pacts to water deliveries caused by the Interim

1 Flows or Restoration Flows or is intended to other-
2 wise facilitate the Water Management Goal, as de-
3 scribed in the Settlement. The Secretary shall
4 promptly make such notice publicly available.

5 (2) DETERMINATION OF REDUCTIONS TO
6 WATER DELIVERIES.—Water transferred or ex-
7 changed under an agreement that meets the terms
8 of this subsection shall not be counted as a replace-
9 ment or an offset for purposes of determining reduc-
10 tions to water deliveries to any Friant Division long-
11 term contractor except as provided in paragraph
12 16(b) of the Settlement. The Secretary shall, at least
13 annually, make publicly available a compilation of
14 the number of transfer or exchange agreements exer-
15 cising the provisions of this subsection to reduce,
16 avoid, or mitigate impacts to water deliveries caused
17 by the Interim Flows or Restoration Flows or to fa-
18 cilitate the Water Management Goal, as well as the
19 volume of water transferred or exchanged under
20 such agreements.

21 (3) STATE LAW.—Nothing in this subsection al-
22 ters State law or permit conditions, including any
23 applicable geographical restrictions on the place of
24 use of water transferred or exchanged pursuant to
25 this subsection.

1 (f) CERTAIN REPAYMENT OBLIGATIONS NOT AL-
2 TERED.—Implementation of the provisions of this section
3 shall not alter the repayment obligation of any other long-
4 term water service or repayment contractor receiving
5 water from the Central Valley Project, or shift any costs
6 that would otherwise have been properly assignable to the
7 Friant contractors absent this section, including oper-
8 ations and maintenance costs, construction costs, or other
9 capitalized costs incurred after the date of enactment of
10 this Act, to other such contractors.

11 (g) STATUTORY INTERPRETATION.—Nothing in this
12 part shall be construed to affect the right of any Friant
13 Division, Hidden Unit, or Buchanan Unit long-term con-
14 tractor to use a particular type of financing to make the
15 payments required in paragraph (3)(A) or (4)(A) of sub-
16 section (a).

17 **SEC. 1011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHI-**
18 **NOOK SALMON.**

19 (a) FINDING.—Congress finds that the implementa-
20 tion of the Settlement to resolve 18 years of contentious
21 litigation regarding restoration of the San Joaquin River
22 and the reintroduction of the California Central Valley
23 Spring Run Chinook salmon is a unique and unprece-
24 dented circumstance that requires clear expressions of
25 Congressional intent regarding how the provisions of the

1 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
2 are utilized to achieve the goals of restoration of the San
3 Joaquin River and the successful reintroduction of Cali-
4 fornia Central Valley Spring Run Chinook salmon.

5 (b) REINTRODUCTION IN THE SAN JOAQUIN
6 RIVER.—California Central Valley Spring Run Chinook
7 salmon shall be reintroduced in the San Joaquin River
8 below Friant Dam pursuant to section 10(j) of the Endan-
9 gered Species Act of 1973 (16 U.S.C. 1539(j)) and the
10 Settlement, provided that the Secretary of Commerce
11 finds that a permit for the reintroduction of California
12 Central Valley Spring Run Chinook salmon may be issued
13 pursuant to section 10(a)(1)(A) of the Endangered Spe-
14 cies Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

15 (c) FINAL RULE.—

16 (1) DEFINITION OF THIRD PARTY.—For the
17 purpose of this subsection, the term “third party”
18 means persons or entities diverting or receiving
19 water pursuant to applicable State and Federal laws
20 and shall include Central Valley Project contractors
21 outside of the Friant Division of the Central Valley
22 Project and the State Water Project.

23 (2) ISSUANCE.—The Secretary of Commerce
24 shall issue a final rule pursuant to section 4(d) of
25 the Endangered Species Act of 1973 (16 U.S.C.

1 1533(d)) governing the incidental take of reintro-
2 duced California Central Valley Spring Run Chinook
3 salmon prior to the reintroduction.

4 (3) REQUIRED COMPONENTS.—The rule issued
5 under paragraph (2) shall provide that the reintro-
6 duction will not impose more than de minimus:
7 water supply reductions, additional storage releases,
8 or bypass flows on unwilling third parties due to
9 such reintroduction.

10 (4) APPLICABLE LAW.—Nothing in this sec-
11 tion—

12 (A) diminishes the statutory or regulatory
13 protections provided in the Endangered Species
14 Act of 1973 for any species listed pursuant to
15 section 4 of the Endangered Species Act of
16 1973 (16 U.S.C. 1533) other than the reintro-
17 duced population of California Central Valley
18 Spring Run Chinook salmon, including protec-
19 tions pursuant to existing biological opinions or
20 new biological opinions issued by the Secretary
21 or Secretary of Commerce; or

22 (B) precludes the Secretary or Secretary of
23 Commerce from imposing protections under the
24 Endangered Species Act of 1973 (16 U.S.C.
25 1531 et seq.) for other species listed pursuant

1 to section 4 of that Act (16 U.S.C. 1533) be-
2 cause those protections provide incidental bene-
3 fits to such reintroduced California Central Val-
4 ley Spring Run Chinook salmon.

5 (d) REPORT.—

6 (1) IN GENERAL.—Not later than December 31,
7 2024, the Secretary of Commerce shall report to
8 Congress on the progress made on the reintroduction
9 set forth in this section and the Secretary’s plans for
10 future implementation of this section.

11 (2) INCLUSIONS.—The report under paragraph
12 (1) shall include—

13 (A) an assessment of the major challenges,
14 if any, to successful reintroduction;

15 (B) an evaluation of the effect, if any, of
16 the reintroduction on the existing population of
17 California Central Valley Spring Run Chinook
18 salmon existing on the Sacramento River or its
19 tributaries; and

20 (C) an assessment regarding the future of
21 the reintroduction.

22 (e) FERC PROJECTS.—

23 (1) IN GENERAL.—With regard to California
24 Central Valley Spring Run Chinook salmon reintro-
25 duced pursuant to the Settlement, the Secretary of

1 Commerce shall exercise its authority under section
2 18 of the Federal Power Act (16 U.S.C. 811) by re-
3 serving its right to file prescriptions in proceedings
4 for projects licensed by the Federal Energy Regu-
5 latory Commission on the Calaveras, Stanislaus,
6 Tuolumne, Merced, and San Joaquin rivers and oth-
7 erwise consistent with subsection (c) until after the
8 expiration of the term of the Settlement, December
9 31, 2025, or the expiration of the designation made
10 pursuant to subsection (b), whichever ends first.

11 (2) EFFECT OF SUBSECTION.—Nothing in this
12 subsection shall preclude the Secretary of Commerce
13 from imposing prescriptions pursuant to section 18
14 of the Federal Power Act (16 U.S.C. 811) solely for
15 other anadromous fish species because those pre-
16 scriptions provide incidental benefits to such reintro-
17 duced California Central Valley Spring Run Chinook
18 salmon.

19 (f) EFFECT OF SECTION.—Nothing in this section is
20 intended or shall be construed—

21 (1) to modify the Endangered Species Act of
22 1973 (16 U.S.C. 1531 et seq.) or the Federal Power
23 Act (16 U.S.C. 791a et seq.); or

24 (2) to establish a precedent with respect to any
25 other application of the Endangered Species Act of

1 1973 (16 U.S.C. 1531 et seq.) or the Federal Power
2 Act (16 U.S.C. 791a et seq.).

3 **PART II—STUDY TO DEVELOP WATER PLAN;**
4 **REPORT**

5 **SEC. 1021. STUDY TO DEVELOP WATER PLAN; REPORT.**

6 (a) PLAN.—

7 (1) GRANT.—To the extent that funds are
8 made available in advance for this purpose, the Sec-
9 retary of the Interior, acting through the Bureau of
10 Reclamation, shall provide direct financial assistance
11 to the California Water Institute, located at Cali-
12 fornia State University, Fresno, California, to con-
13 duct a study regarding the coordination and integra-
14 tion of sub-regional integrated regional water man-
15 agement plans into a unified Integrated Regional
16 Water Management Plan for the subject counties in
17 the hydrologic basins that would address issues re-
18 lated to—

19 (A) water quality;

20 (B) water supply (both surface, ground
21 water banking, and brackish water desalina-
22 tion);

23 (C) water conveyance;

24 (D) water reliability;

- 1 (E) water conservation and efficient use
2 (by distribution systems and by end users);
3 (F) flood control;
4 (G) water resource-related environmental
5 enhancement; and
6 (H) population growth.

7 (2) STUDY AREA.—The study area referred to
8 in paragraph (1) is the proposed study area of the
9 San Joaquin River Hydrologic Region and Tulare
10 Lake Hydrologic Region, as defined by California
11 Department of Water Resources Bulletin 160–05,
12 volume 3, chapters 7 and 8, including Kern, Tulare,
13 Kings, Fresno, Madera, Merced, Stanislaus, and San
14 Joaquin counties in California.

15 (b) USE OF PLAN.—The Integrated Regional Water
16 Management Plan developed for the 2 hydrologic basins
17 under subsection (a) shall serve as a guide for the counties
18 in the study area described in subsection (a)(2) to use as
19 a mechanism to address and solve long-term water needs
20 in a sustainable and equitable manner.

21 (c) REPORT.—The Secretary shall ensure that a re-
22 port containing the results of the Integrated Regional
23 Water Management Plan for the hydrologic regions is sub-
24 mitted to the Committee on Energy and Natural Re-
25 sources of the Senate and the Committee on Natural Re-

1 sources of the House of Representatives not later than 24
2 months after financial assistance is made available to the
3 California Water Institute under subsection (a)(1).

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$1,000,000 to remain available until expended.

7 **PART III—FRIANT DIVISION IMPROVEMENTS**

8 **SEC. 1031. FEDERAL FACILITY IMPROVEMENTS.**

9 (a) The Secretary of the Interior (hereafter referred
10 to as the “Secretary”) is authorized and directed to con-
11 duct feasibility studies in coordination with appropriate
12 Federal, State, regional, and local authorities on the fol-
13 lowing improvements and facilities in the Friant Division,
14 Central Valley Project, California:

15 (1) Restoration of the capacity of the Friant-
16 Kern Canal and Madera Canal to such capacity as
17 previously designed and constructed by the Bureau
18 of Reclamation.

19 (2) Reverse flow pump-back facilities on the
20 Friant-Kern Canal, with reverse-flow capacity of ap-
21 proximately 500 cubic feet per second at the Poso
22 and Shafter Check Structures and approximately
23 300 cubic feet per second at the Woollomes Check
24 Structure.

1 (b) Upon completion of and consistent with the appli-
2 cable feasibility studies, the Secretary is authorized to con-
3 struct the improvements and facilities identified in sub-
4 section (a) in accordance with all applicable Federal and
5 State laws.

6 (c) The costs of implementing this section shall be
7 in accordance with section 1033, and shall be a non-
8 reimbursable Federal expenditure.

9 **SEC. 1032. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.**

10 (a) AUTHORIZATION.—The Secretary is authorized to
11 provide financial assistance to local agencies within the
12 Central Valley Project, California, for the planning, de-
13 sign, environmental compliance, and construction of local
14 facilities to bank water underground or to recharge
15 groundwater, and that recover such water, provided that
16 the project meets the criteria in subsection (b). The Sec-
17 retary is further authorized to require that any such local
18 agency receiving financial assistance under the terms of
19 this section submit progress reports and accountings to
20 the Secretary, as the Secretary deems appropriate, which
21 such reports shall be publicly available.

22 (b) CRITERIA.—

23 (1) A project shall be eligible for Federal finan-
24 cial assistance under subsection (a) only if all or a
25 portion of the project is designed to reduce, avoid,

1 or offset the quantity of the expected water supply
2 impacts to Friant Division long-term contractors
3 caused by the Interim or Restoration Flows author-
4 ized in part I of this subtitle, and such quantities
5 have not already been reduced, avoided, or offset by
6 other programs or projects.

7 (2) Federal financial assistance shall only apply
8 to the portion of a project that the local agency des-
9 ignates as reducing, avoiding, or offsetting the ex-
10 pected water supply impacts caused by the Interim
11 or Restoration Flows authorized in part I of this
12 subtitle, consistent with the methodology developed
13 pursuant to paragraph (3)(C).

14 (3) No Federal financial assistance shall be pro-
15 vided by the Secretary under this part for construc-
16 tion of a project under subsection (a) unless the Sec-
17 retary—

18 (A) determines that appropriate planning,
19 design, and environmental compliance activities
20 associated with such a project have been com-
21 pleted, and that the Secretary has been offered
22 the opportunity to participate in the project at
23 a price that is no higher than the local agency's
24 own costs, in order to secure necessary storage,
25 extraction, and conveyance rights for water that

1 may be needed to meet the Restoration Goal as
2 described in part I of this subtitle, where such
3 project has capacity beyond that designated for
4 the purposes in paragraph (2) or where it is
5 feasible to expand such project to allow partici-
6 pation by the Secretary;

7 (B) determines, based on information
8 available at the time, that the local agency has
9 the financial capability and willingness to fund
10 its share of the project's construction and all
11 operation and maintenance costs on an annual
12 basis;

13 (C) determines that a method acceptable to
14 the Secretary has been developed for quanti-
15 fying the benefit, in terms of reduction, avoid-
16 ance, or offset of the water supply impacts ex-
17 pected to be caused by the Interim or Restora-
18 tion Flows authorized in part I of this subtitle,
19 that will result from the project, and for ensur-
20 ing appropriate adjustment in the recovered
21 water account pursuant to section 1004(a)(5);
22 and

23 (D) has entered into a cost-sharing agree-
24 ment with the local agency which commits the

1 local agency to funding its share of the project's
2 construction costs on an annual basis.

3 (c) GUIDELINES.—Within 1 year from the date of en-
4 actment of this part, the Secretary shall develop, in con-
5 sultation with the Friant Division long-term contractors,
6 proposed guidelines for the application of the criteria de-
7 fined in subsection (b), and will make the proposed guide-
8 lines available for public comment. Such guidelines may
9 consider prioritizing the distribution of available funds to
10 projects that provide the broadest benefit within the af-
11 fected area and the equitable allocation of funds. Upon
12 adoption of such guidelines, the Secretary shall implement
13 such assistance program, subject to the availability of
14 funds appropriated for such purpose.

15 (d) COST SHARING.—The Federal financial assist-
16 ance provided to local agencies under subsection (a) shall
17 not exceed—

18 (1) 50 percent of the costs associated with plan-
19 ning, design, and environmental compliance activities
20 associated with such a project; and

21 (2) 50 percent of the costs associated with con-
22 struction of any such project.

23 (e) PROJECT OWNERSHIP.—

24 (1) Title to, control over, and operation of,
25 projects funded under subsection (a) shall remain in

1 one or more non-Federal local agencies. Nothing in
2 this part authorizes the Secretary to operate a
3 groundwater bank along or adjacent to the San Joa-
4 quin River upstream of the confluence with the
5 Merced River, and any such groundwater bank shall
6 be operated by a non-Federal entity. All projects
7 funded pursuant to this subsection shall comply with
8 all applicable Federal and State laws, including pro-
9 visions of California water law.

10 (2) All operation, maintenance, and replace-
11 ment and rehabilitation costs of such projects shall
12 be the responsibility of the local agency. The Sec-
13 retary shall not provide funding for any operation,
14 maintenance, or replacement and rehabilitation costs
15 of projects funded under subsection (a).

16 **SEC. 1033. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) The Secretary is authorized and directed to use
18 monies from the fund established under section 1009 to
19 carry out the provisions of section 1031(a)(1), in an
20 amount not to exceed \$35,000,000.

21 (b) In addition to the funds made available pursuant
22 to subsection (a), the Secretary is also authorized to ex-
23 pend such additional funds from the fund established
24 under section 1009 to carry out the purposes of section
25 1031(a)(2), if such facilities have not already been author-

1 ized and funded under the plan provided for pursuant to
 2 section 1004(a)(4), in an amount not to exceed
 3 \$17,000,000, provided that the Secretary first determines
 4 that such expenditure will not conflict with or delay his
 5 implementation of actions required by part I of this sub-
 6 title. Notice of the Secretary's determination shall be pub-
 7 lished not later than his submission of the report to Con-
 8 gress required by section 1009(f)(2).

9 (c) In addition to funds made available in subsections
 10 (a) and (b), there are authorized to be appropriated
 11 \$50,000,000 (October 2008 price levels) to carry out the
 12 purposes of this part which shall be non-reimbursable.

13 **Subtitle B—Northwestern New** 14 **Mexico Rural Water Projects**

15 **SEC. 1041. SHORT TITLE.**

16 This subtitle may be cited as the “Northwestern New
 17 Mexico Rural Water Projects Act”.

18 **SEC. 1042. DEFINITIONS.**

19 In this subtitle:

20 (1) **AAMODT ADJUDICATION.**—The term
 21 “Aamodt adjudication” means the general stream
 22 adjudication that is the subject of the civil action en-
 23 titled “State of New Mexico, ex rel. State Engineer
 24 and United States of America, Pueblo de Nambe,
 25 Pueblo de Pojoaque, Pueblo de San Ildefonso, and

1 Pueblo de Tesuque v. R. Lee Aamodt, et al.”, No.
2 66 CV 6639 MV/LCS (D.N.M.).

3 (2) ABEYTA ADJUDICATION.—The term
4 “Abeyta adjudication” means the general stream ad-
5 judication that is the subject of the civil actions enti-
6 tled “State of New Mexico v. Abeyta and State of
7 New Mexico v. Arrellano”, Civil Nos. 7896–BB
8 (D.N.M) and 7939–BB (D.N.M.) (consolidated).

9 (3) ACRE-FEET.—The term “acre-feet” means
10 acre-feet per year.

11 (4) AGREEMENT.—The term “Agreement”
12 means the agreement among the State of New Mex-
13 ico, the Nation, and the United States setting forth
14 a stipulated and binding agreement signed by the
15 State of New Mexico and the Nation on April 19,
16 2005.

17 (5) ALLOTTEE.—The “allottee” means a person
18 that holds a beneficial real property interest in a
19 Navajo allotment that—

20 (A) is located within the Navajo Reserva-
21 tion or the State of New Mexico;

22 (B) is held in trust by the United States;

23 and

1 (C) was originally granted to an individual
2 member of the Nation by public land order or
3 otherwise.

4 (6) ANIMAS-LA PLATA PROJECT.—The term
5 “Animas-La Plata Project” has the meaning given
6 the term in section 3 of Public Law 100–585 (102
7 Stat. 2973), including Ridges Basin Dam, Lake
8 Nighthorse, the Navajo Nation Municipal Pipeline,
9 and any other features or modifications made pursu-
10 ant to the Colorado Ute Settlement Act Amend-
11 ments of 2000 (Public Law 106–554; 114 Stat.
12 2763A–258).

13 (7) CITY.—The term “City” means the city of
14 Gallup, New Mexico, or a designee of the City, with
15 authority to provide water to the Gallup, New Mex-
16 ico service area.

17 (8) COMPACT.—The term “Compact” means
18 the Upper Colorado River Basin Compact as con-
19 sented to by the Act of April 6, 1949 (63 Stat. 31,
20 chapter 48).

21 (9) CONTRACT.—The term “Contract” means
22 the contract between the United States and the Na-
23 tion setting forth certain commitments, rights, and
24 obligations of the United States and the Nation, as
25 described in paragraph 6.0 of the Agreement.

1 (10) DEPLETION.—The term “depletion”
2 means the depletion of the flow of the San Juan
3 River stream system in the State of New Mexico by
4 a particular use of water (including any depletion in-
5 cident to the use) and represents the diversion from
6 the stream system by the use, less return flows to
7 the stream system from the use.

8 (11) DRAFT IMPACT STATEMENT.—The term
9 “Draft Impact Statement” means the draft environ-
10 mental impact statement prepared by the Bureau of
11 Reclamation for the Project dated March 2007.

12 (12) FUND.—The term “Fund” means the Rec-
13 lamation Waters Settlements Fund established by
14 section 1061(a).

15 (13) HYDROLOGIC DETERMINATION.—The term
16 “hydrologic determination” means the hydrologic de-
17 termination entitled “Water Availability from Nav-
18 ajo Reservoir and the Upper Colorado River Basin
19 for Use in New Mexico,” prepared by the Bureau of
20 Reclamation pursuant to section 11 of the Act of
21 June 13, 1962 (Public Law 87–483; 76 Stat. 99),
22 and dated May 23, 2007.

23 (14) NATION.—The term “Nation” means the
24 Navajo Nation, a body politic and federally-recog-
25 nized Indian nation as provided for in section 101(2)

1 of the Federally Recognized Indian Tribe List of
2 1994 (25 U.S.C. 497a(2)), also known variously as
3 the “Navajo Tribe,” the “Navajo Tribe of Arizona,
4 New Mexico & Utah,” and the “Navajo Tribe of In-
5 dians” and other similar names, and includes all
6 bands of Navajo Indians and chapters of the Navajo
7 Nation.

8 (15) NAVAJO-GALLUP WATER SUPPLY PROJECT;
9 PROJECT.—The term “Navajo-Gallup Water Supply
10 Project” or “Project” means the Navajo-Gallup
11 Water Supply Project authorized under section
12 1072(a), as described as the preferred alternative in
13 the Draft Impact Statement.

14 (16) NAVAJO INDIAN IRRIGATION PROJECT.—
15 The term “Navajo Indian Irrigation Project” means
16 the Navajo Indian irrigation project authorized by
17 section 2 of Public Law 87–483 (76 Stat. 96).

18 (17) NAVAJO RESERVOIR.—The term “Navajo
19 Reservoir” means the reservoir created by the im-
20 poundment of the San Juan River at Navajo Dam,
21 as authorized by the Act of April 11, 1956 (com-
22 monly known as the “Colorado River Storage
23 Project Act”) (43 U.S.C. 620 et seq.).

24 (18) NAVAJO NATION MUNICIPAL PIPELINE;
25 PIPELINE.—The term “Navajo Nation Municipal

1 Pipeline” or “Pipeline” means the pipeline used to
2 convey the water of the Animas-La Plata Project of
3 the Navajo Nation from the City of Farmington,
4 New Mexico, to communities of the Navajo Nation
5 located in close proximity to the San Juan River
6 Valley in the State of New Mexico (including the
7 City of Shiprock), as authorized by section 15(b) of
8 the Colorado Ute Indian Water Rights Settlement
9 Act of 1988 (Public Law 100–585; 102 Stat. 2973;
10 114 Stat. 2763A–263).

11 (19) NON-NAVAJO IRRIGATION DISTRICTS.—

12 The term “Non-Navajo Irrigation Districts”
13 means—

14 (A) the Hammond Conservancy District;

15 (B) the Bloomfield Irrigation District; and

16 (C) any other community ditch organiza-
17 tion in the San Juan River basin in the State
18 of New Mexico.

19 (20) PARTIAL FINAL DECREE.—The term “Par-
20 tial Final Decree” means a final and binding judge-
21 ment and decree entered by a court in the stream
22 adjudication, setting forth the rights of the Nation
23 to use and administer waters of the San Juan River
24 Basin in New Mexico, as set forth in Appendix 1 of
25 the Agreement.

1 (21) PROJECT PARTICIPANTS.—The term
2 “Project Participants” means the City, the Nation,
3 and the Jicarilla Apache Nation.

4 (22) SAN JUAN RIVER BASIN RECOVERY IMPLE-
5 MENTATION PROGRAM.—The term “San Juan River
6 Basin Recovery Implementation Program” means
7 the intergovernmental program established pursuant
8 to the cooperative agreement dated October 21,
9 1992 (including any amendments to the program).

10 (23) SECRETARY.—The term “Secretary”
11 means the Secretary of the Interior, acting through
12 the Commissioner of Reclamation or any other des-
13 ignee.

14 (24) STREAM ADJUDICATION.—The term
15 “stream adjudication” means the general stream ad-
16 judication that is the subject of *New Mexico v.*
17 *United States, et al.*, No. 75–185 (11th Jud. Dist.,
18 San Juan County, New Mexico) (involving claims to
19 waters of the San Juan River and the tributaries of
20 that river).

21 (25) SUPPLEMENTAL PARTIAL FINAL DE-
22 CREE.—The term “Supplemental Partial Final De-
23 cree” means a final and binding judgement and de-
24 cree entered by a court in the stream adjudication,

1 setting forth certain water rights of the Nation, as
2 set forth in Appendix 2 of the Agreement.

3 (26) TRUST FUND.—The term “Trust Fund”
4 means the Navajo Nation Water Resources Develop-
5 ment Trust Fund established by section 1082(a).

6 **SEC. 1043. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

7 (a) EFFECT OF EXECUTION OF AGREEMENT.—The
8 execution of the Agreement under section 1081(a)(2) shall
9 not constitute a major Federal action under the National
10 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
11 seq.).

12 (b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In
13 carrying out this subtitle, the Secretary shall comply with
14 each law of the Federal Government relating to the protec-
15 tion of the environment, including—

16 (1) the National Environmental Policy Act of
17 1969 (42 U.S.C. 4321 et seq.); and

18 (2) the Endangered Species Act of 1973 (16
19 U.S.C. 1531 et seq.).

20 **SEC. 1044. NO REALLOCATION OF COSTS.**

21 (a) EFFECT OF ACT.—Notwithstanding any other
22 provision of law, the Secretary shall not reallocate or reas-
23 sign any costs of projects that have been authorized under
24 the Act of April 11, 1956 (commonly known as the “Colo-

1 rado River Storage Project Act”) (43 U.S.C. 620 et seq.),
2 as of the date of enactment of this Act because of—

3 (1) the authorization of the Navajo-Gallup
4 Water Supply Project under this subtitle; or

5 (2) the changes in the uses of the water di-
6 verted by the Navajo Indian Irrigation Project or
7 the waters stored in the Navajo Reservoir authorized
8 under this subtitle.

9 (b) USE OF POWER REVENUES.—Notwithstanding
10 any other provision of law, no power revenues 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.), shall
13 be used to pay or reimburse any costs of the Navajo In-
14 dian Irrigation Project or Navajo-Gallup Water Supply
15 Project.

16 **SEC. 1045. INTEREST RATE.**

17 Notwithstanding any other provision of law, the inter-
18 est rate applicable to any repayment contract entered into
19 under section 1074 shall be equal to the discount rate for
20 Federal water resources planning, as determined by the
21 Secretary.

1 **PART I—AMENDMENTS TO THE COLORADO**
2 **RIVER STORAGE PROJECT ACT AND PUBLIC**
3 **LAW 87–483**

4 **SEC. 1051. AMENDMENTS TO THE COLORADO RIVER STOR-**
5 **AGE PROJECT ACT.**

6 (a) PARTICIPATING PROJECTS.—Paragraph (2) of
7 the first section of the Act of April 11, 1956 (commonly
8 known as the “Colorado River Storage Project Act”) (43
9 U.S.C. 620(2)) is amended by inserting “the Navajo-Gal-
10 lup Water Supply Project,” after “Fruitland Mesa,”.

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

14 (1) by redesignating section 16 (43 U.S.C.
15 620o) as section 17; and

16 (2) by inserting after section 15 (43 U.S.C.
17 620n) the following:

18 “SEC. 16. (a) The Secretary of the Interior may cre-
19 ate and operate within the available capacity of Navajo
20 Reservoir a top water bank.

21 “(b) Water made available for the top water bank in
22 accordance with subsections (c) and (d) shall not be sub-
23 ject to section 11 of Public Law 87–483 (76 Stat. 99).

24 “(c) The top water bank authorized under subsection
25 (a) shall be operated in a manner that—

1 “(1) is consistent with applicable law, except
2 that, notwithstanding any other provision of law,
3 water for purposes other than irrigation may be
4 stored in the Navajo Reservoir pursuant to the rules
5 governing the top water bank established under this
6 section; and

7 “(2) does not impair the ability of the Secretary
8 of the Interior to deliver water under contracts en-
9 tered into under—

10 “(A) Public Law 87–483 (76 Stat. 96);

11 and

12 “(B) New Mexico State Engineer File Nos.
13 2847, 2848, 2849, and 2917.

14 “(d)(1) The Secretary of the Interior, in cooperation
15 with the State of New Mexico (acting through the Inter-
16 state Stream Commission), shall develop any terms and
17 procedures for the storage, accounting, and release of
18 water in the top water bank that are necessary to comply
19 with subsection (c).

20 “(2) The terms and procedures developed under para-
21 graph (1) shall include provisions requiring that—

22 “(A) the storage of banked water shall be sub-
23 ject to approval under State law by the New Mexico
24 State Engineer to ensure that impairment of any ex-
25 isting water right does not occur, including storage

1 of water under New Mexico State Engineer File No.
2 2849;

3 “(B) water in the top water bank be subject to
4 evaporation and other losses during storage;

5 “(C) water in the top water bank be released
6 for delivery to the owner or assigns of the banked
7 water on request of the owner, subject to reasonable
8 scheduling requirements for making the release;

9 “(D) water in the top water bank be the first
10 water spilled or released for flood control purposes
11 in anticipation of a spill, on the condition that top
12 water bank water shall not be released or included
13 for purposes of calculating whether a release should
14 occur for purposes of satisfying the flow rec-
15 ommendations of the San Juan River Basin Recov-
16 ery Implementation Program; and

17 “(E) water eligible for banking in the top water
18 bank shall be water that otherwise would have been
19 diverted and beneficially used in New Mexico that
20 year.

21 “(e) The Secretary of the Interior may charge fees
22 to water users that use the top water bank in amounts
23 sufficient to cover the costs incurred by the United States
24 in administering the water bank.”.

1 **SEC. 1052. AMENDMENTS TO PUBLIC LAW 87-483.**

2 (a) NAVAJO INDIAN IRRIGATION PROJECT.—Public
3 Law 87-483 (76 Stat. 96) is amended by striking section
4 2 and inserting the following:

5 “SEC. 2. (a) In accordance with the Act of April 11,
6 1956 (commonly known as the ‘Colorado River Storage
7 Project Act’) (43 U.S.C. 620 et seq.), the Secretary of
8 the Interior is authorized to construct, operate, and main-
9 tain the Navajo Indian Irrigation Project to provide irriga-
10 tion water to a service area of not more than 110,630
11 acres of land.

12 “(b)(1) Subject to paragraph (2), the average annual
13 diversion by the Navajo Indian Irrigation Project from the
14 Navajo Reservoir over any consecutive 10-year period shall
15 be the lesser of—

16 “(A) 508,000 acre-feet per year; or

17 “(B) the quantity of water necessary to supply
18 an average depletion of 270,000 acre-feet per year.

19 “(2) The quantity of water diverted for any 1 year
20 shall not exceed the average annual diversion determined
21 under paragraph (1) by more than 15 percent.

22 “(c) In addition to being used for irrigation, the
23 water diverted by the Navajo Indian Irrigation Project
24 under subsection (b) may be used within the area served
25 by Navajo Indian Irrigation Project facilities for the fol-
26 lowing purposes:

1 “(1) Aquaculture purposes, including the
2 rearing of fish in support of the San Juan River
3 Basin Recovery Implementation Program authorized
4 by Public Law 106–392 (114 Stat. 1602).

5 “(2) Domestic, industrial, or commercial pur-
6 poses relating to agricultural production and proc-
7 essing.

8 “(3)(A) The generation of hydroelectric power
9 as an incident to the diversion of water by the Nav-
10 ajo Indian Irrigation Project for authorized pur-
11 poses.

12 “(B) Notwithstanding any other provision of
13 law—

14 “(i) any hydroelectric power generated
15 under this paragraph shall be used or marketed
16 by the Navajo Nation;

17 “(ii) the Navajo Nation shall retain any
18 revenues from the sale of the hydroelectric
19 power; and

20 “(iii) the United States shall have no trust
21 obligation to monitor, administer, or account
22 for the revenues received by the Navajo Nation,
23 or the expenditure of the revenues.

24 “(4) The implementation of the alternate water
25 source provisions described in subparagraph 9.2 of

1 the agreement executed under section 1081(a)(2) of
2 the Northwestern New Mexico Rural Water Projects
3 Act.

4 “(d) The Navajo Indian Irrigation Project water di-
5 verted under subsection (b) may be transferred to areas
6 located within or outside the area served by Navajo Indian
7 Irrigation Project facilities, and within or outside the
8 boundaries of the Navajo Nation, for any beneficial use
9 in accordance with—

10 “(1) the agreement executed under section
11 1081(a)(2) of the Northwestern New Mexico Rural
12 Water Projects Act;

13 “(2) the contract executed under section
14 1074(a)(2)(B) of that Act; and

15 “(3) any other applicable law.

16 “(e) The Secretary may use the capacity of the Nav-
17 ajo Indian Irrigation Project works to convey water sup-
18 plies for—

19 “(1) the Navajo-Gallup Water Supply Project
20 under section 1072 of the Northwestern New Mexico
21 Rural Water Projects Act; or

22 “(2) other nonirrigation purposes authorized
23 under subsection (c) or (d).

24 “(f)(1) Repayment of the costs of construction of the
25 project (as authorized in subsection (a)) shall be in accord-

1 ance with the Act of April 11, 1956 (commonly known
2 as the ‘Colorado River Storage Project Act’) (43 U.S.C.
3 620 et seq.), including section 4(d) of that Act.

4 “(2) The Secretary shall not reallocate, or require re-
5 payment of, construction costs of the Navajo Indian Irri-
6 gation Project because of the conveyance of water supplies
7 for nonirrigation purposes under subsection (e).”.

8 (b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of
9 Public Law 87–483 (76 Stat. 100) is amended by adding
10 at the end the following:

11 “(d)(1) For purposes of implementing in a year of
12 prospective shortage the water allocation procedures es-
13 tablished by subsection (a), the Secretary of the Interior
14 shall determine the quantity of any shortages and the ap-
15 propriate apportionment of water using the normal diver-
16 sion requirements on the flow of the San Juan River origi-
17 nating above Navajo Dam based on the following criteria:

18 “(A) The quantity of diversion or water delivery
19 for the current year anticipated to be necessary to
20 irrigate land in accordance with cropping plans pre-
21 pared by contractors.

22 “(B) The annual diversion or water delivery de-
23 mands for the current year anticipated for non-irri-
24 gation uses under water delivery contracts, including
25 contracts authorized by the Northwestern New Mex-

1 ico Rural Water Projects Act, but excluding any cur-
2 rent demand for surface water for placement into
3 aquifer storage for future recovery and use.

4 “(C) An annual normal diversion demand of
5 135,000 acre-feet for the initial stage of the San
6 Juan-Chama Project authorized by section 8.

7 “(2) The Secretary shall not include in the normal
8 diversion requirements—

9 “(A) the quantity of water that reliably can be
10 anticipated to be diverted or delivered under a con-
11 tract from inflows to the San Juan River arising
12 below Navajo Dam under New Mexico State Engi-
13 neer File No. 3215; or

14 “(B) the quantity of water anticipated to be
15 supplied through reuse.

16 “(e)(1) If the Secretary determines that there is a
17 shortage of water under subsection (a), the Secretary shall
18 respond to the shortage in the Navajo Reservoir water
19 supply by curtailing releases and deliveries in the following
20 order:

21 “(A) The demand for delivery for uses in the
22 State of Arizona under the Navajo-Gallup Water
23 Supply Project authorized by section 1073 of the
24 Northwestern New Mexico Rural Water Projects
25 Act, excluding the quantity of water anticipated to

1 be diverted for the uses from inflows to the San
2 Juan River that arise below Navajo Dam in accord-
3 ance with New Mexico State Engineer File No.
4 3215.

5 “(B) The demand for delivery for uses allocated
6 under paragraph 8.2 of the agreement executed
7 under section 1081(a)(2) of the Northwestern New
8 Mexico Rural Water Projects Act, excluding the
9 quantity of water anticipated to be diverted for such
10 uses under State Engineer File No. 3215.

11 “(C) The uses in the State of New Mexico that
12 are determined under subsection (d), in accordance
13 with the procedure for apportioning the water supply
14 under subsection (a).

15 “(2) For any year for which the Secretary determines
16 and responds to a shortage in the Navajo Reservoir water
17 supply, the Secretary shall not deliver, and contractors of
18 the water supply shall not divert, any of the water supply
19 for placement into aquifer storage for future recovery and
20 use.

21 “(3) To determine the occurrence and amount of any
22 shortage to contracts entered into under this section, the
23 Secretary shall not include as available storage any water
24 stored in a top water bank in Navajo Reservoir established

1 under section 16(a) of the Act of April 11, 1956 (com-
2 monly known as the ‘Colorado River Storage Project Act’).

3 “(f) The Secretary of the Interior shall apportion
4 water under subsections (a), (d), and (e) on an annual
5 volume basis.

6 “(g) The Secretary of the Interior may revise a deter-
7 mination of shortages, apportionments, or allocations of
8 water under subsections (a), (d), and (e) on the basis of
9 information relating to water supply conditions that was
10 not available at the time at which the determination was
11 made.

12 “(h) Nothing in this section prohibits the distribution
13 of water in accordance with cooperative water agreements
14 between water users providing for a sharing of water sup-
15 plies.

16 “(i) Diversions under New Mexico State Engineer
17 File No. 3215 shall be distributed, to the maximum extent
18 water is available, in proportionate amounts to the diver-
19 sion demands of contractors and subcontractors of the
20 Navajo Reservoir water supply that are diverting water
21 below Navajo Dam.”.

22 **SEC. 1053. EFFECT ON FEDERAL WATER LAW.**

23 Unless expressly provided in this subtitle, nothing in
24 this subtitle modifies, conflicts with, preempts, or other-
25 wise affects—

1 (1) the Boulder Canyon Project Act (43 U.S.C.
2 617 et seq.);

3 (2) the Boulder Canyon Project Adjustment Act
4 (54 Stat. 774, chapter 643);

5 (3) the Act of April 11, 1956 (commonly known
6 as the “Colorado River Storage Project Act”) (43
7 U.S.C. 620 et seq.);

8 (4) the Act of September 30, 1968 (commonly
9 known as the “Colorado River Basin Project Act”) (82
10 Stat. 885);

11 (5) Public Law 87–483 (76 Stat. 96);

12 (6) the Treaty between the United States of
13 America and Mexico representing utilization of wa-
14 ters of the Colorado and Tijuana Rivers and of the
15 Rio Grande, signed at Washington February 3, 1944
16 (59 Stat. 1219);

17 (7) the Colorado River Compact of 1922, as ap-
18 proved by the Presidential Proclamation of June 25,
19 1929 (46 Stat. 3000);

20 (8) the Compact;

21 (9) the Act of April 6, 1949 (63 Stat. 31, chap-
22 ter 48);

23 (10) the Jicarilla Apache Tribe Water Rights
24 Settlement Act (106 Stat. 2237); or

1 (11) section 205 of the Energy and Water De-
2 velopment Appropriations Act, 2005 (118 Stat.
3 2949).

4 **PART II—RECLAMATION WATER SETTLEMENTS**
5 **FUND**

6 **SEC. 1061. RECLAMATION WATER SETTLEMENTS FUND.**

7 (a) ESTABLISHMENT.—There is established in the
8 Treasury of the United States a fund, to be known as the
9 “Reclamation Water Settlements Fund”, consisting of—

10 (1) such amounts as are deposited to the Fund
11 under subsection (b); and

12 (2) any interest earned on investment of
13 amounts in the Fund under subsection (d).

14 (b) DEPOSITS TO FUND.—

15 (1) IN GENERAL.—For each of fiscal years
16 2009 through 2023, the Secretary of the Treasury
17 shall deposit in the Fund, if available, \$120,000,000
18 of the revenues that would otherwise be deposited
19 for the fiscal year in the fund established by the
20 first section of the Act of June 17, 1902 (32 Stat.
21 388, chapter 1093).

22 (2) AVAILABILITY OF AMOUNTS.—Amounts de-
23 posited in the Fund under paragraph (1) shall be
24 made available pursuant to this section—

25 (A) without further appropriation; and

1 (B) in addition to amounts appropriated
2 pursuant to any authorization contained in any
3 other provision of law.

4 (c) EXPENDITURES FROM FUND.—

5 (1) IN GENERAL.—

6 (A) EXPENDITURES.—Subject to subpara-
7 graph (B), for each of fiscal years 2009
8 through 2028, the Secretary may expend from
9 the Fund an amount not to exceed
10 \$120,000,000, plus the interest accrued in the
11 Fund, for the fiscal year in which expenditures
12 are made pursuant to paragraphs (2) and (3).

13 (B) ADDITIONAL EXPENDITURES.—The
14 Secretary may expend more than \$120,000,000
15 for any fiscal year if such amounts are available
16 in the Fund due to expenditures not reaching
17 \$120,000,000 for prior fiscal years.

18 (2) AUTHORITY.—The Secretary may expend
19 money from the Fund to implement a settlement
20 agreement approved by Congress that resolves, in
21 whole or in part, litigation involving the United
22 States, if the settlement agreement or implementing
23 legislation requires the Bureau of Reclamation to
24 provide financial assistance for, or plan, design, and
25 construct—

1 (A) water supply infrastructure; or

2 (B) a project—

3 (i) to rehabilitate a water delivery sys-
4 tem to conserve water; or

5 (ii) to restore fish and wildlife habitat
6 or otherwise improve environmental condi-
7 tions associated with or affected by, or lo-
8 cated within the same river basin as, a
9 Federal reclamation project that is in ex-
10 istence on the date of enactment of this
11 Act.

12 (3) USE FOR COMPLETION OF PROJECT AND
13 OTHER SETTLEMENTS.—

14 (A) PRIORITIES.—

15 (i) FIRST PRIORITY.—

16 (I) IN GENERAL.—The first pri-
17 ority for expenditure of amounts in
18 the Fund during the entire period in
19 which the Fund is in existence shall
20 be for the purposes described in, and
21 in the order of, clauses (i) through
22 (iv) of subparagraph (B).

23 (II) RESERVED AMOUNTS.—The
24 Secretary shall reserve amounts de-

1 posited into the Fund in accordance
2 with subclause (I).

3 (ii) OTHER PURPOSES.—Any amounts
4 in the Fund that are not needed for the
5 purposes described in subparagraph (B)
6 may be used for other purposes authorized
7 in paragraph (2).

8 (B) COMPLETION OF PROJECT.—

9 (i) NAVAJO-GALLUP WATER SUPPLY
10 PROJECT.—

11 (I) IN GENERAL.—Subject to
12 subclause (II), effective beginning
13 January 1, 2009, if, in the judgment
14 of the Secretary on an annual basis
15 the deadline described in section
16 1081(f)(1)(A)(ix) is unlikely to be met
17 because a sufficient amount of fund-
18 ing is not otherwise available through
19 appropriations made available pursu-
20 ant to section 1079(a), the Secretary
21 shall expend from the Fund such
22 amounts on an annual basis con-
23 sistent with paragraphs (1) and (2),
24 as are necessary to pay the Federal
25 share of the costs, and substantially

1 complete as expeditiously as prac-
2 ticable, the construction of the water
3 supply infrastructure authorized as
4 part of the Project.

5 (II) MAXIMUM AMOUNT.—

6 (aa) IN GENERAL.—Except
7 as provided under item (bb), the
8 amount expended under sub-
9 clause (I) shall not exceed
10 \$500,000,000 for the period of
11 fiscal years 2009 through 2018.

12 (bb) EXCEPTION.—The limi-
13 tation on the expenditure amount
14 under item (aa) may be exceeded
15 during the entire period in which
16 the Fund is in existence.

17 (ii) OTHER NEW MEXICO SETTLE-
18 MENTS.—

19 (I) IN GENERAL.—Subject to
20 subclause (II), effective beginning
21 January 1, 2009, in addition to the
22 funding made available under clause
23 (i), if in the judgment of the Sec-
24 retary on an annual basis a sufficient
25 amount of funding is not otherwise

1 available through annual appropria-
2 tions, the Secretary shall expend from
3 the Fund such amounts on an annual
4 basis consistent with paragraphs (1)
5 and (2), as are necessary to pay the
6 Federal share of the costs of imple-
7 menting the Indian water rights set-
8 tlement agreements entered into by
9 the State of New Mexico in the
10 Aamodt adjudication and the Abeyta
11 adjudication, if such settlements are
12 subsequently approved and authorized
13 by an Act of Congress.

14 (II) MAXIMUM AMOUNT.—The
15 amount expended under subclause (I)
16 shall not exceed \$250,000,000.

17 (iii) MONTANA SETTLEMENTS.—

18 (I) IN GENERAL.—Subject to
19 subclause (II), effective beginning
20 January 1, 2009, in addition to fund-
21 ing made available pursuant to
22 clauses (i) and (ii), if in the judgment
23 of the Secretary on an annual basis a
24 sufficient amount of funding is not
25 otherwise available through annual

1 appropriations, the Secretary shall ex-
2 pend from the Fund such amounts on
3 an annual basis consistent with para-
4 graphs (1) and (2), as are necessary
5 to pay the Federal share of the costs
6 of implementing Indian water rights
7 settlement agreements entered into by
8 the State of Montana with the Black-
9 feet Tribe, the Crow Tribe, or the
10 Gros Ventre and Assiniboine Tribes of
11 the Fort Belknap Indian Reservation
12 in the judicial proceeding entitled “In
13 re the General Adjudication of All the
14 Rights to Use Surface and Ground-
15 water in the State of Montana”, if a
16 settlement or settlements are subse-
17 quently approved and authorized by
18 an Act of Congress.

19 (II) MAXIMUM AMOUNT.—

20 (aa) IN GENERAL.—Except
21 as provided under item (bb), the
22 amount expended under sub-
23 clause (I) shall not exceed
24 \$350,000,000 for the period of
25 fiscal years 2009 through 2018.

1 (bb) EXCEPTION.—The limi-
2 tation on the expenditure amount
3 under item (aa) may be exceeded
4 during the entire period in which
5 the Fund is in existence.

6 (cc) OTHER FUNDING.—The
7 Secretary shall ensure that any
8 such funding shall be provided in
9 a manner that does not limit the
10 funding available pursuant to
11 clauses (i) and (ii).

12 (iv) ARIZONA SETTLEMENT.—

13 (I) IN GENERAL.—Subject to
14 subclause (II), effective beginning
15 January 1, 2009, in addition to fund-
16 ing made available pursuant to
17 clauses (i), (ii), and (iii), if in the
18 judgment of the Secretary on an an-
19 nual basis a sufficient amount of
20 funding is not otherwise available
21 through annual appropriations, the
22 Secretary shall expend from the Fund
23 such amounts on an annual basis con-
24 sistent with paragraphs (1) and (2),
25 as are necessary to pay the Federal

1 share of the costs of implementing an
2 Indian water rights settlement agree-
3 ment entered into by the State of Ari-
4 zona with the Navajo Nation to re-
5 solve the water rights claims of the
6 Nation in the Lower Colorado River
7 basin in Arizona, if a settlement is
8 subsequently approved and authorized
9 by an Act of Congress.

10 (II) MAXIMUM AMOUNT.—

11 (aa) IN GENERAL.—Except
12 as provided under item (bb), the
13 amount expended under sub-
14 clause (I) shall not exceed
15 \$100,000,000 for the period of
16 fiscal years 2009 through 2018.

17 (bb) EXCEPTION.—The limi-
18 tation on the expenditure amount
19 under item (aa) may be exceeded
20 during the entire period in which
21 the Fund is in existence.

22 (cc) OTHER FUNDING.—The
23 Secretary shall ensure that any
24 such funding shall be provided in
25 a manner that does not limit the

1 funding available pursuant to
2 clauses (i) and (ii).

3 (C) REVERSION.—If the settlements de-
4 scribed in clauses (ii) through (iv) of subpara-
5 graph (B) have not been approved and author-
6 ized by an Act of Congress by December 31,
7 2014, the amounts reserved for the settlements
8 shall no longer be reserved by the Secretary
9 pursuant to subparagraph (A)(i) and shall re-
10 vert to the Fund for any authorized use, as de-
11 termined by the Secretary.

12 (d) INVESTMENT OF AMOUNTS.—

13 (1) IN GENERAL.—The Secretary shall invest
14 such portion of the Fund as is not, in the judgment
15 of the Secretary, required to meet current with-
16 draws.

17 (2) CREDITS TO FUND.—The interest on, and
18 the proceeds from the sale or redemption of, any ob-
19 ligations held in the Fund shall be credited to, and
20 form a part of, the Fund.

21 (e) TRANSFERS OF AMOUNTS.—

22 (1) IN GENERAL.—The amounts required to be
23 transferred to the Fund under this section shall be
24 transferred at least monthly from the general fund

1 of the Treasury to the Fund on the basis of esti-
2 mates made by the Secretary of the Treasury.

3 (2) ADJUSTMENTS.—Proper adjustment shall
4 be made in amounts subsequently transferred to the
5 extent prior estimates were in excess of or less than
6 the amounts required to be transferred.

7 (f) TERMINATION.—On September 30, 2028—

8 (1) the Fund shall terminate; and

9 (2) the unexpended and unobligated balance of
10 the Fund shall be transferred to the appropriate
11 fund of the Treasury.

12 **PART III—NAVAJO-GALLUP WATER SUPPLY**

13 **PROJECT**

14 **SEC. 1071. PURPOSES.**

15 The purposes of this part are—

16 (1) to authorize the Secretary to construct, op-
17 erate, and maintain the Navajo-Gallup Water Supply
18 Project;

19 (2) to allocate the capacity of the Project
20 among the Nation, the City, and the Jicarilla
21 Apache Nation; and

22 (3) to authorize the Secretary to enter into
23 Project repayment contracts with the City and the
24 Jicarilla Apache Nation.

1 **SEC. 1072. AUTHORIZATION OF NAVAJO-GALLUP WATER**
2 **SUPPLY PROJECT.**

3 (a) IN GENERAL.—The Secretary, acting through the
4 Commissioner of Reclamation, is authorized to design,
5 construct, operate, and maintain the Project in substantial
6 accordance with the preferred alternative in the Draft Im-
7 pact Statement.

8 (b) PROJECT FACILITIES.—To provide for the deliv-
9 ery of San Juan River water to Project Participants, the
10 Secretary may construct, operate, and maintain the
11 Project facilities described in the preferred alternative in
12 the Draft Impact Statement, including:

13 (1) A pumping plant on the San Juan River in
14 the vicinity of Kirtland, New Mexico.

15 (2)(A) A main pipeline from the San Juan
16 River near Kirtland, New Mexico, to Shiprock, New
17 Mexico, and Gallup, New Mexico, which follows
18 United States Highway 491.

19 (B) Any pumping plants associated with the
20 pipeline authorized under subparagraph (A).

21 (3)(A) A main pipeline from Cutter Reservoir
22 to Ojo Encino, New Mexico, which follows United
23 States Highway 550.

24 (B) Any pumping plants associated with the
25 pipeline authorized under subparagraph (A).

1 (4)(A) Lateral pipelines from the main pipelines
2 to Nation communities in the States of New Mexico
3 and Arizona.

4 (B) Any pumping plants associated with the
5 pipelines authorized under subparagraph (A).

6 (5) Any water regulation, storage or treatment
7 facility, service connection to an existing public
8 water supply system, power substation, power dis-
9 tribution works, or other appurtenant works (includ-
10 ing a building or access road) that is related to the
11 Project facilities authorized by paragraphs (1)
12 through (4), including power transmission facilities
13 and associated wheeling services to connect Project
14 facilities to existing high-voltage transmission facili-
15 ties and deliver power to the Project.

16 (c) ACQUISITION OF LAND.—

17 (1) IN GENERAL.—The Secretary is authorized
18 to acquire any land or interest in land that is nec-
19 essary to construct, operate, and maintain the
20 Project facilities authorized under subsection (b).

21 (2) LAND OF THE PROJECT PARTICIPANTS.—As
22 a condition of construction of the facilities author-
23 ized under this part, the Project Participants shall
24 provide all land or interest in land, as appropriate,
25 that the Secretary identifies as necessary for acquisi-

1 tion under this subsection at no cost to the Sec-
2 retary.

3 (3) LIMITATION.—The Secretary may not con-
4 demn water rights for purposes of the Project.

5 (d) CONDITIONS.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the Secretary shall not commence con-
8 struction of the facilities authorized under sub-
9 section (b) until such time as—

10 (A) the Secretary executes the Agreement
11 and the Contract;

12 (B) the contracts authorized under section
13 1074 are executed;

14 (C) the Secretary—

15 (i) completes an environmental impact
16 statement for the Project; and

17 (ii) has issued a record of decision
18 that provides for a preferred alternative;
19 and

20 (D) the Secretary has entered into an
21 agreement with the State of New Mexico under
22 which the State of New Mexico will provide a
23 share of the construction costs of the Project of
24 not less than \$50,000,000, except that the
25 State of New Mexico shall receive credit for

1 funds the State has contributed to construct
2 water conveyance facilities to the Project Par-
3 ticipants to the extent that the facilities reduce
4 the cost of the Project as estimated in the
5 Draft Impact Statement.

6 (2) EXCEPTION.—If the Jicarilla Apache Na-
7 tion elects not to enter into a contract pursuant to
8 section 1074, the Secretary, after consulting with
9 the Nation, the City, and the State of New Mexico
10 acting through the Interstate Stream Commission,
11 may make appropriate modifications to the scope of
12 the Project and proceed with Project construction if
13 all other conditions for construction have been satis-
14 fied.

15 (3) EFFECT OF INDIAN SELF-DETERMINATION
16 AND EDUCATION ASSISTANCE ACT.—The Indian
17 Self-Determination and Education Assistance Act
18 (25 U.S.C. 450 et seq.) shall not apply to the de-
19 sign, construction, operation, maintenance, or re-
20 placement of the Project.

21 (e) POWER.—The Secretary shall reserve, from exist-
22 ing reservations of Colorado River Storage Project power
23 for Bureau of Reclamation projects, up to 26 megawatts
24 of power for use by the Project.

1 (f) CONVEYANCE OF TITLE TO PROJECT FACILI-
2 TIES.—

3 (1) IN GENERAL.—The Secretary is authorized
4 to enter into separate agreements with the City and
5 the Nation and, on entering into the agreements,
6 shall convey title to each Project facility or section
7 of a Project facility authorized under subsection (b)
8 (including any appropriate interests in land) to the
9 City and the Nation after—

10 (A) completion of construction of a Project
11 facility or a section of a Project facility that is
12 operating and delivering water; and

13 (B) execution of a Project operations
14 agreement approved by the Secretary and the
15 Project Participants that sets forth—

16 (i) any terms and conditions that the
17 Secretary determines are necessary—

18 (I) to ensure the continuation of
19 the intended benefits of the Project;
20 and

21 (II) to fulfill the purposes of this
22 part;

23 (ii) requirements acceptable to the
24 Secretary and the Project Participants
25 for—

1 (I) the distribution of water
2 under the Project or section of a
3 Project facility; and

4 (II) the allocation and payment
5 of annual operation, maintenance, and
6 replacement costs of the Project or
7 section of a Project facility based on
8 the proportionate uses of Project fa-
9 cilities; and

10 (iii) conditions and requirements ac-
11 ceptable to the Secretary and the Project
12 Participants for operating and maintaining
13 each Project facility on completion of the
14 conveyance of title, including the require-
15 ment that the City and the Nation shall—

16 (I) comply with—

17 (aa) the Compact; and

18 (bb) other applicable law;

19 and

20 (II) be responsible for—

21 (aa) the operation, mainte-
22 nance, and replacement of each
23 Project facility; and

24 (bb) the accounting and
25 management of water conveyance

1 and Project finances, as nec-
2 essary to administer and fulfill
3 the conditions of the Contract ex-
4 ecuted under section
5 1074(a)(2)(B).

6 (2) EFFECT OF CONVEYANCE.—The conveyance
7 of title to each Project facility shall not affect the
8 application of the Endangered Species Act of 1973
9 (16 U.S.C. 1531 et seq.) relating to the use of the
10 water associated with the Project.

11 (3) LIABILITY.—

12 (A) IN GENERAL.—Effective on the date of
13 the conveyance authorized by this subsection,
14 the United States shall not be held liable by
15 any court for damages of any kind arising out
16 of any act, omission, or occurrence relating to
17 the land, buildings, or facilities conveyed under
18 this subsection, other than damages caused by
19 acts of negligence committed by the United
20 States, or by employees or agents of the United
21 States, prior to the date of conveyance.

22 (B) TORT CLAIMS.—Nothing in this sec-
23 tion increases the liability of the United States
24 beyond the liability provided in chapter 171 of

1 title 28, United States Code (commonly known
2 as the “Federal Tort Claims Act”).

3 (4) NOTICE OF PROPOSED CONVEYANCE.—Not
4 later than 45 days before the date of a proposed
5 conveyance of title to any Project facility, the Sec-
6 retary shall submit to the Committee on Resources
7 of the House of Representatives and to the Com-
8 mittee on Energy and Natural Resources of the Sen-
9 ate notice of the conveyance of each Project facility.

10 (g) COLORADO RIVER STORAGE PROJECT POWER.—
11 The conveyance of Project facilities under subsection (f)
12 shall not affect the availability of Colorado River Storage
13 Project power to the Project under subsection (e).

14 (h) REGIONAL USE OF PROJECT FACILITIES.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 Project facilities constructed under subsection (b)
17 may be used to treat and convey non-Project water
18 or water that is not allocated by subsection 1073(b)
19 if—

20 (A) capacity is available without impairing
21 any water delivery to a Project Participant; and

22 (B) the unallocated or non-Project water
23 beneficiary—

24 (i) has the right to use the water;

1 (ii) agrees to pay the operation, main-
2 tenance, and replacement costs assignable
3 to the beneficiary for the use of the Project
4 facilities; and

5 (iii) agrees to pay an appropriate fee
6 that may be established by the Secretary
7 to assist in the recovery of any capital cost
8 allocable to that use.

9 (2) EFFECT OF PAYMENTS.—Any payments to
10 the United States or the Nation for the use of un-
11 used capacity under this subsection or for water
12 under any subcontract with the Nation or the
13 Jicarilla Apache Nation shall not alter the construc-
14 tion repayment requirements or the operation, main-
15 tenance, and replacement payment requirements of
16 the Project Participants.

17 **SEC. 1073. DELIVERY AND USE OF NAVAJO-GALLUP WATER**
18 **SUPPLY PROJECT WATER.**

19 (a) USE OF PROJECT WATER.—

20 (1) IN GENERAL.—In accordance with this sub-
21 title and other applicable law, water supply from the
22 Project shall be used for municipal, industrial, com-
23 mercial, domestic, and stock watering purposes.

24 (2) USE ON CERTAIN LAND.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the Nation may use Project water
3 allocations on—

4 (i) land held by the United States in
5 trust for the Nation and members of the
6 Nation; and

7 (ii) land held in fee by the Nation.

8 (B) TRANSFER.—The Nation may transfer
9 the purposes and places of use of the allocated
10 water in accordance with the Agreement and
11 applicable law.

12 (3) HYDROELECTRIC POWER.—

13 (A) IN GENERAL.—Hydroelectric power
14 may be generated as an incident to the delivery
15 of Project water for authorized purposes under
16 paragraph (1).

17 (B) ADMINISTRATION.—Notwithstanding
18 any other provision of law—

19 (i) any hydroelectric power generated
20 under this paragraph shall be used or mar-
21 keted by the Nation;

22 (ii) the Nation shall retain any reve-
23 nues from the sale of the hydroelectric
24 power; and

1 (iii) the United States shall have no
2 trust obligation or other obligation to mon-
3 itor, administer, or account for the reve-
4 nues received by the Nation, or the ex-
5 penditure of the revenues.

6 (4) STORAGE.—

7 (A) IN GENERAL.—Subject to subpara-
8 graph (B), any water contracted for delivery
9 under paragraph (1) that is not needed for cur-
10 rent water demands or uses may be delivered by
11 the Project for placement in underground stor-
12 age in the State of New Mexico for future re-
13 covery and use.

14 (B) STATE APPROVAL.—Delivery of water
15 under subparagraph (A) is subject to—

16 (i) approval by the State of New Mex-
17 ico under applicable provisions of State law
18 relating to aquifer storage and recovery;
19 and

20 (ii) the provisions of the Agreement
21 and this subtitle.

22 (b) PROJECT WATER AND CAPACITY ALLOCA-
23 TIONS.—

24 (1) DIVERSION.—Subject to availability and
25 consistent with Federal and State law, the Project

1 may divert from the Navajo Reservoir and the San
 2 Juan River a quantity of water to be allocated and
 3 used consistent with the Agreement and this sub-
 4 title, that does not exceed in any 1 year, the lesser
 5 of—

6 (A) 37,760 acre-feet of water; or

7 (B) the quantity of water necessary to sup-
 8 ply a depletion from the San Juan River of
 9 35,890 acre-feet.

10 (2) PROJECT DELIVERY CAPACITY ALLOCA-
 11 TIONS.—

12 (A) IN GENERAL.—The capacity of the
 13 Project shall be allocated to the Project Partici-
 14 pants in accordance with subparagraphs (B)
 15 through (E), other provisions of this subtitle,
 16 and other applicable law.

17 (B) DELIVERY CAPACITY ALLOCATION TO
 18 THE CITY.—The Project may deliver at the
 19 point of diversion from the San Juan River not
 20 more than 7,500 acre-feet of water in any 1
 21 year for which the City has secured rights for
 22 the use of the City.

23 (C) DELIVERY CAPACITY ALLOCATION TO
 24 NAVAJO NATION COMMUNITIES IN NEW MEX-
 25 ICO.—For use by the Nation in the State of

1 New Mexico, the Project may deliver water out
2 of the water rights held by the Secretary for the
3 Nation and confirmed under this subtitle, at the
4 points of diversion from the San Juan River or
5 at Navajo Reservoir in any 1 year, the lesser
6 of—

7 (i) 22,650 acre-feet of water; or

8 (ii) the quantity of water necessary to
9 supply a depletion from the San Juan
10 River of 20,780 acre-feet of water.

11 (D) DELIVERY CAPACITY ALLOCATION TO
12 NAVAJO NATION COMMUNITIES IN ARIZONA.—
13 Subject to subsection (c), the Project may de-
14 liver at the point of diversion from the San
15 Juan River not more than 6,411 acre-feet of
16 water in any 1 year for use by the Nation in
17 the State of Arizona.

18 (E) DELIVERY CAPACITY ALLOCATION TO
19 JICARILLA APACHE NATION.—The Project may
20 deliver at Navajo Reservoir not more than
21 1,200 acre-feet of water in any 1 year of the
22 water rights of the Jicarilla Apache Nation,
23 held by the Secretary and confirmed by the
24 Jicarilla Apache Tribe Water Rights Settlement
25 Act (Public Law 102–441; 106 Stat. 2237), for

1 use by the Jicarilla Apache Nation in the south-
2 ern portion of the Jicarilla Apache Nation Res-
3 ervation in the State of New Mexico.

4 (3) USE IN EXCESS OF DELIVERY CAPACITY AL-
5 LOCATION QUANTITY.—Notwithstanding each deliv-
6 ery capacity allocation quantity limit described in
7 subparagraphs (B), (C), and (E) of paragraph (2),
8 the Secretary may authorize a Project Participant to
9 exceed the delivery capacity allocation quantity limit
10 of that Project Participant if—

11 (A) delivery capacity is available without
12 impairing any water delivery to any other
13 Project Participant; and

14 (B) the Project Participant benefitting
15 from the increased allocation of delivery capac-
16 ity—

17 (i) has the right under applicable law
18 to use the additional water;

19 (ii) agrees to pay the operation, main-
20 tenance, and replacement costs relating to
21 the additional use of any Project facility;
22 and

23 (iii) agrees, if the Project title is held
24 by the Secretary, to pay a fee established
25 by the Secretary to assist in recovering

1 capital costs relating to that additional
2 use.

3 (c) CONDITIONS FOR USE IN ARIZONA.—

4 (1) REQUIREMENTS.—Project water shall not
5 be delivered for use by any community of the Nation
6 located in the State of Arizona under subsection
7 (b)(2)(D) until—

8 (A) the Nation and the State of Arizona
9 have entered into a water rights settlement
10 agreement approved by an Act of Congress that
11 specifies the allocation of Colorado River Sys-
12 tem water to which the use in Arizona will be
13 charged; and

14 (B) the Secretary has determined by hy-
15 drologic investigation that sufficient water is
16 reasonably likely to be available to supply the
17 use in the State of Arizona from water of the
18 Colorado River system allocated to the State.

19 (2) ACCOUNTING OF USES IN ARIZONA.—Pursu-
20 ant to paragraph (1), any depletion of water from
21 the San Juan River stream system in the State of
22 New Mexico that results from the diversion of water
23 by the Project for uses within the State of Arizona
24 (including depletion incidental to the diversion, im-

1 pounding, or conveyance of water in the State of
2 New Mexico for uses in the State of Arizona)—

3 (A) shall be accounted for as a part of the
4 Colorado River System apportionments to the
5 State of Arizona; and

6 (B) shall not increase the total quantity of
7 water to which the State of Arizona is entitled
8 to use under any compact, statute, or court de-
9 cree.

10 (d) FORBEARANCE.—

11 (1) IN GENERAL.—Subject to paragraphs (2)
12 and (3), during any year in which a shortage to the
13 normal diversion requirement for any use relating to
14 the Project within the State of Arizona occurs (as
15 determined under section 11 of Public Law 87–483
16 (76 Stat. 99)), the Nation may temporarily forbear
17 the delivery of the water supply of the Navajo Res-
18 ervoir for uses in the State of New Mexico under the
19 apportionments of water to the Navajo Indian Irri-
20 gation Project and the normal diversion require-
21 ments of the Project to allow an equivalent quantity
22 of water to be delivered from the Navajo Reservoir
23 water supply for municipal and domestic uses of the
24 Nation in the State of Arizona under the Project.

1 (2) LIMITATION OF FORBEARANCE.—The Na-
2 tion may forebear the delivery of water under para-
3 graph (1) of a quantity not exceeding the quantity
4 of the shortage to the normal diversion requirement
5 for any use relating to the Project within the State
6 of Arizona.

7 (3) EFFECT.—The forbearance of the delivery
8 of water under paragraph (1) shall be subject to the
9 requirements in subsection (c).

10 (e) EFFECT.—Nothing in this subtitle—

11 (1) authorizes the marketing, leasing, or trans-
12 fer of the water supplies made available to the Na-
13 tion under the Contract to non-Navajo water users
14 in States other than the State of New Mexico; or

15 (2) authorizes the forbearance of water uses in
16 the State of New Mexico to allow uses of water in
17 other States other than as authorized under sub-
18 section (d).

19 (f) COLORADO RIVER COMPACTS.—Notwithstanding
20 any other provision of law—

21 (1) water may be diverted by the Project from
22 the San Juan River in the State of New Mexico for
23 use within New Mexico in the lower basin, as that
24 term is used in the Colorado River Compact;

1 (2) any water diverted under paragraph (1)
2 shall be a part of, and charged against, the con-
3 sumptive use apportionment made to the State of
4 New Mexico by Article III(a) of the Compact and to
5 the upper basin by Article III(a) of the Colorado
6 River Compact; and

7 (3) any water so diverted by the Project into
8 the lower basin within the State of New Mexico shall
9 not be credited as water reaching Lee Ferry pursu-
10 ant to Articles III(c) and III(d) of the Colorado
11 River Compact.

12 (g) PAYMENT OF OPERATION, MAINTENANCE, AND
13 REPLACEMENT COSTS.—

14 (1) IN GENERAL.—The Secretary is authorized
15 to pay the operation, maintenance, and replacement
16 costs of the Project allocable to the Project Partici-
17 pants under section 1074 until the date on which
18 the Secretary declares any section of the Project to
19 be substantially complete and delivery of water gen-
20 erated by, and through, that section of the Project
21 can be made to a Project participant.

22 (2) PROJECT PARTICIPANT PAYMENTS.—Begin-
23 ning on the date described in paragraph (1), each
24 Project Participant shall pay all allocated operation,
25 maintenance, and replacement costs for that sub-

1 stantially completed section of the Project, in ac-
2 cordance with contracts entered into pursuant to
3 section 1074, except as provided in section 1074(f).

4 **SEC. 1074. PROJECT CONTRACTS.**

5 (a) NAVAJO NATION CONTRACT.—

6 (1) HYDROLOGIC DETERMINATION.—Congress
7 recognizes that the Hydrologic Determination nec-
8 essary to support approval of the Contract has been
9 completed.

10 (2) CONTRACT APPROVAL.—

11 (A) APPROVAL.—

12 (i) IN GENERAL.—Except to the ex-
13 tent that any provision of the Contract
14 conflicts with this subtitle, Congress ap-
15 proves, ratifies, and confirms the Contract.

16 (ii) AMENDMENTS.—To the extent
17 any amendment is executed to make the
18 Contract consistent with this subtitle, that
19 amendment is authorized, ratified, and
20 confirmed.

21 (B) EXECUTION OF CONTRACT.—The Sec-
22 retary, acting on behalf of the United States,
23 shall enter into the Contract to the extent that
24 the Contract does not conflict with this subtitle
25 (including any amendment that is required to

1 make the Contract consistent with this sub-
2 title).

3 (3) NONREIMBURSABILITY OF ALLOCATED
4 COSTS.—The following costs shall be nonreimburs-
5 able and not subject to repayment by the Nation or
6 any other Project beneficiary:

7 (A) Any share of the construction costs of
8 the Nation relating to the Project authorized by
9 section 1072(a).

10 (B) Any costs relating to the construction
11 of the Navajo Indian Irrigation Project that
12 may otherwise be allocable to the Nation for
13 use of any facility of the Navajo Indian Irriga-
14 tion Project to convey water to each Navajo
15 community under the Project.

16 (C) Any costs relating to the construction
17 of Navajo Dam that may otherwise be allocable
18 to the Nation for water deliveries under the
19 Contract.

20 (4) OPERATION, MAINTENANCE, AND REPLACE-
21 MENT OBLIGATION.—Subject to subsection (f), the
22 Contract shall include provisions under which the
23 Nation shall pay any costs relating to the operation,
24 maintenance, and replacement of each facility of the
25 Project that are allocable to the Nation.

1 (5) LIMITATION, CANCELLATION, TERMINATION,
2 AND RESCISSION.—The Contract may be limited by
3 a term of years, canceled, terminated, or rescinded
4 only by an Act of Congress.

5 (b) CITY OF GALLUP CONTRACT.—

6 (1) CONTRACT AUTHORIZATION.—Consistent
7 with this subtitle, the Secretary is authorized to
8 enter into a repayment contract with the City that
9 requires the City—

10 (A) to repay, within a 50-year period, the
11 share of the construction costs of the City relat-
12 ing to the Project, with interest as provided
13 under section 1045; and

14 (B) consistent with section 1073(g), to pay
15 the operation, maintenance, and replacement
16 costs of the Project that are allocable to the
17 City.

18 (2) CONTRACT PREPAYMENT.—

19 (A) IN GENERAL.—The contract author-
20 ized under paragraph (1) may allow the City to
21 satisfy the repayment obligation of the City for
22 construction costs of the Project on the pay-
23 ment of the share of the City prior to the initi-
24 ation of construction.

1 (B) AMOUNT.—The amount of the share
2 of the City described in subparagraph (A) shall
3 be determined by agreement between the Sec-
4 retary and the City.

5 (C) REPAYMENT OBLIGATION.—Any repay-
6 ment obligation established by the Secretary
7 and the City pursuant to subparagraph (A)
8 shall be subject to a final cost allocation by the
9 Secretary on project completion and to the limi-
10 tations set forth in paragraph (3).

11 (3) SHARE OF CONSTRUCTION COSTS.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), the Secretary shall determine the
14 share of the construction costs of the Project
15 allocable to the City and establish the percent-
16 age of the allocated construction costs that the
17 City shall be required to repay pursuant to the
18 contract entered into under paragraph (1),
19 based on the ability of the City to pay.

20 (B) MINIMUM PERCENTAGE.—Notwith-
21 standing subparagraph (A), the repayment obli-
22 gation of the City shall be at least 25 percent
23 of the construction costs of the Project that are
24 allocable to the City, but shall in no event ex-
25 ceed 35 percent.

1 (4) EXCESS CONSTRUCTION COSTS.—Any con-
2 struction costs of the Project allocable to the City in
3 excess of the repayment obligation of the City, as
4 determined under paragraph (3), shall be non-
5 reimbursable.

6 (5) GRANT FUNDS.—A grant from any other
7 Federal source shall not be credited toward the
8 amount required to be repaid by the City under a
9 repayment contract.

10 (6) TITLE TRANSFER.—If title is transferred to
11 the City prior to repayment under section 1072(f),
12 the City shall be required to provide assurances sat-
13 isfactory to the Secretary of fulfillment of the re-
14 maining repayment obligation of the City.

15 (7) WATER DELIVERY SUBCONTRACT.—The
16 Secretary shall not enter into a contract under para-
17 graph (1) with the City until the City has secured
18 a water supply for the City's portion of the Project
19 described in section 1073(b)(2)(B), by entering into,
20 as approved by the Secretary, a water delivery sub-
21 contract for a period of not less than 40 years begin-
22 ning on the date on which the construction of any
23 facility of the Project serving the City is completed,
24 with—

1 (A) the Nation, as authorized by the Con-
2 tract;

3 (B) the Jicarilla Apache Nation, as author-
4 ized by the settlement contract between the
5 United States and the Jicarilla Apache Tribe,
6 authorized by the Jicarilla Apache Tribe Water
7 Rights Settlement Act (Public Law 102-441;
8 106 Stat. 2237); or

9 (C) an acquired alternate source of water,
10 subject to approval of the Secretary and the
11 State of New Mexico, acting through the New
12 Mexico Interstate Stream Commission and the
13 New Mexico State Engineer.

14 (c) JICARILLA APACHE NATION CONTRACT.—

15 (1) CONTRACT AUTHORIZATION.—Consistent
16 with this subtitle, the Secretary is authorized to
17 enter into a repayment contract with the Jicarilla
18 Apache Nation that requires the Jicarilla Apache
19 Nation—

20 (A) to repay, within a 50-year period, the
21 share of any construction cost of the Jicarilla
22 Apache Nation relating to the Project, with in-
23 terest as provided under section 1045; and

24 (B) consistent with section 1073(g), to pay
25 the operation, maintenance, and replacement

1 costs of the Project that are allocable to the
2 Jicarilla Apache Nation.

3 (2) CONTRACT PREPAYMENT.—

4 (A) IN GENERAL.—The contract author-
5 ized under paragraph (1) may allow the
6 Jicarilla Apache Nation to satisfy the repay-
7 ment obligation of the Jicarilla Apache Nation
8 for construction costs of the Project on the pay-
9 ment of the share of the Jicarilla Apache Na-
10 tion prior to the initiation of construction.

11 (B) AMOUNT.—The amount of the share
12 of Jicarilla Apache Nation described in sub-
13 paragraph (A) shall be determined by agree-
14 ment between the Secretary and the Jicarilla
15 Apache Nation.

16 (C) REPAYMENT OBLIGATION.—Any repay-
17 ment obligation established by the Secretary
18 and the Jicarilla Apache Nation pursuant to
19 subparagraph (A) shall be subject to a final
20 cost allocation by the Secretary on project com-
21 pletion and to the limitations set forth in para-
22 graph (3).

23 (3) SHARE OF CONSTRUCTION COSTS.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (B), the Secretary shall determine the

1 share of the construction costs of the Project
2 allocable to the Jicarilla Apache Nation and es-
3 tablish the percentage of the allocated construc-
4 tion costs of the Jicarilla Apache Nation that
5 the Jicarilla Apache Nation shall be required to
6 repay based on the ability of the Jicarilla
7 Apache Nation to pay.

8 (B) MINIMUM PERCENTAGE.—Notwith-
9 standing subparagraph (A), the repayment obli-
10 gation of the Jicarilla Apache Nation shall be
11 at least 25 percent of the construction costs of
12 the Project that are allocable to the Jicarilla
13 Apache Nation, but shall in no event exceed 35
14 percent.

15 (4) EXCESS CONSTRUCTION COSTS.—Any con-
16 struction costs of the Project allocable to the
17 Jicarilla Apache Nation in excess of the repayment
18 obligation of the Jicarilla Apache Nation as deter-
19 mined under paragraph (3), shall be nonreimburs-
20 able.

21 (5) GRANT FUNDS.—A grant from any other
22 Federal source shall not be credited toward the
23 share of the Jicarilla Apache Nation of construction
24 costs.

1 (6) NAVAJO INDIAN IRRIGATION PROJECT
2 COSTS.—The Jicarilla Apache Nation shall have no
3 obligation to repay any Navajo Indian Irrigation
4 Project construction costs that might otherwise be
5 allocable to the Jicarilla Apache Nation for use of
6 the Navajo Indian Irrigation Project facilities to
7 convey water to the Jicarilla Apache Nation, and
8 any such costs shall be nonreimbursable.

9 (d) CAPITAL COST ALLOCATIONS.—

10 (1) IN GENERAL.—For purposes of estimating
11 the capital repayment requirements of the Project
12 Participants under this section, the Secretary shall
13 review and, as appropriate, update the Draft Impact
14 Statement allocating capital construction costs for
15 the Project.

16 (2) FINAL COST ALLOCATION.—The repayment
17 contracts entered into with Project Participants
18 under this section shall require that the Secretary
19 perform a final cost allocation when construction of
20 the Project is determined to be substantially com-
21 plete.

22 (3) REPAYMENT OBLIGATION.—The Secretary
23 shall determine the repayment obligation of the
24 Project Participants based on the final cost alloca-
25 tion identifying reimbursable and nonreimbursable

1 capital costs of the Project consistent with this sub-
2 title.

3 (e) OPERATION, MAINTENANCE, AND REPLACEMENT
4 COST ALLOCATIONS.—For purposes of determining the
5 operation, maintenance, and replacement obligations of
6 the Project Participants under this section, the Secretary
7 shall review and, as appropriate, update the Draft Impact
8 Statement that allocates operation, maintenance, and re-
9 placement costs for the Project.

10 (f) TEMPORARY WAIVERS OF PAYMENTS.—

11 (1) IN GENERAL.—On the date on which the
12 Secretary declares a section of the Project to be sub-
13 stantially complete and delivery of water generated
14 by and through that section of the Project can be
15 made to the Nation, the Secretary may waive, for a
16 period of not more than 10 years, the operation,
17 maintenance, and replacement costs allocable to the
18 Nation for that section of the Project that the Sec-
19 retary determines are in excess of the ability of the
20 Nation to pay.

21 (2) SUBSEQUENT PAYMENT BY NATION.—After
22 a waiver under paragraph (1), the Nation shall pay
23 all allocated operation, maintenance, and replace-
24 ment costs of that section of the Project.

1 (3) PAYMENT BY UNITED STATES.—Any oper-
2 ation, maintenance, or replacement costs waived by
3 the Secretary under paragraph (1) shall be paid by
4 the United States and shall be nonreimbursable.

5 (4) EFFECT ON CONTRACTS.—Failure of the
6 Secretary to waive costs under paragraph (1) be-
7 cause of a lack of availability of Federal funding to
8 pay the costs under paragraph (3) shall not alter the
9 obligations of the Nation or the United States under
10 a repayment contract.

11 (5) TERMINATION OF AUTHORITY.—The au-
12 thority of the Secretary to waive costs under para-
13 graph (1) with respect to a Project facility trans-
14 ferred to the Nation under section 1072(f) shall ter-
15 minate on the date on which the Project facility is
16 transferred.

17 (g) PROJECT CONSTRUCTION COMMITTEE.—The
18 Secretary shall facilitate the formation of a project con-
19 struction committee with the Project Participants and the
20 State of New Mexico—

21 (1) to review cost factors and budgets for con-
22 struction and operation and maintenance activities;

23 (2) to improve construction management
24 through enhanced communication; and

1 (3) to seek additional ways to reduce overall
2 Project costs.

3 **SEC. 1075. NAVAJO NATION MUNICIPAL PIPELINE.**

4 (a) USE OF NAVAJO NATION PIPELINE.—In addition
5 to use of the Navajo Nation Municipal Pipeline to convey
6 the Animas-La Plata Project water of the Nation, the Na-
7 tion may use the Navajo Nation Municipal Pipeline to con-
8 vey non-Animas La Plata Project water for municipal and
9 industrial purposes.

10 (b) CONVEYANCE OF TITLE TO PIPELINE.—

11 (1) IN GENERAL.—On completion of the Navajo
12 Nation Municipal Pipeline, the Secretary may enter
13 into separate agreements with the City of Farm-
14 ington, New Mexico and the Nation to convey title
15 to each portion of the Navajo Nation Municipal
16 Pipeline facility or section of the Pipeline to the City
17 of Farmington and the Nation after execution of a
18 Project operations agreement approved by the Sec-
19 retary, the Nation, and the City of Farmington that
20 sets forth any terms and conditions that the Sec-
21 retary determines are necessary.

22 (2) CONVEYANCE TO THE CITY OF FARMINGTON
23 OR NAVAJO NATION.—In conveying title to the Nav-
24 ajo Nation Municipal Pipeline under this subsection,
25 the Secretary shall convey—

1 (A) to the City of Farmington, the facilities
2 and any land or interest in land acquired
3 by the United States for the construction, operation,
4 and maintenance of the Pipeline that are
5 located within the corporate boundaries of the
6 City; and

7 (B) to the Nation, the facilities and any
8 land or interests in land acquired by the United
9 States for the construction, operation, and
10 maintenance of the Pipeline that are located
11 outside the corporate boundaries of the City of
12 Farmington.

13 (3) EFFECT OF CONVEYANCE.—The conveyance
14 of title to the Pipeline shall not affect the application
15 of the Endangered Species Act of 1973 (16
16 U.S.C. 1531 et seq.) relating to the use of water associated
17 with the Animas-La Plata Project.

18 (4) LIABILITY.—

19 (A) IN GENERAL.—Effective on the date of
20 the conveyance authorized by this subsection,
21 the United States shall not be held liable by
22 any court for damages of any kind arising out
23 of any act, omission, or occurrence relating to
24 the land, buildings, or facilities conveyed under
25 this subsection, other than damages caused by

1 acts of negligence committed by the United
2 States or by employees or agents of the United
3 States prior to the date of conveyance.

4 (B) TORT CLAIMS.—Nothing in this sub-
5 section increases the liability of the United
6 States beyond the liability provided under chap-
7 ter 171 of title 28, United States Code (com-
8 monly known as the “Federal Tort Claims
9 Act”).

10 (5) NOTICE OF PROPOSED CONVEYANCE.—Not
11 later than 45 days before the date of a proposed
12 conveyance of title to the Pipeline, the Secretary
13 shall submit to the Committee on Natural Resources
14 of the House of Representatives and the Committee
15 on Energy and Natural Resources of the Senate, no-
16 tice of the conveyance of the Pipeline.

17 **SEC. 1076. AUTHORIZATION OF CONJUNCTIVE USE WELLS.**

18 (a) CONJUNCTIVE GROUNDWATER DEVELOPMENT
19 PLAN.—Not later than 1 year after the date of enactment
20 of this Act, the Nation, in consultation with the Secretary,
21 shall complete a conjunctive groundwater development
22 plan for the wells described in subsections (b) and (c).

23 (b) WELLS IN THE SAN JUAN RIVER BASIN.—In ac-
24 cordance with the conjunctive groundwater development
25 plan, the Secretary may construct or rehabilitate wells and

1 related pipeline facilities to provide capacity for the diver-
2 sion and distribution of not more than 1,670 acre-feet of
3 groundwater in the San Juan River Basin in the State
4 of New Mexico for municipal and domestic uses.

5 (c) WELLS IN THE LITTLE COLORADO AND RIO
6 GRANDE BASINS.—

7 (1) IN GENERAL.—In accordance with the
8 Project and conjunctive groundwater development
9 plan for the Nation, the Secretary may construct or
10 rehabilitate wells and related pipeline facilities to
11 provide capacity for the diversion and distribution
12 of—

13 (A) not more than 680 acre-feet of ground-
14 water in the Little Colorado River Basin in the
15 State of New Mexico;

16 (B) not more than 80 acre-feet of ground-
17 water in the Rio Grande Basin in the State of
18 New Mexico; and

19 (C) not more than 770 acre-feet of ground-
20 water in the Little Colorado River Basin in the
21 State of Arizona.

22 (2) USE.—Groundwater diverted and distrib-
23 uted under paragraph (1) shall be used for munic-
24 ipal and domestic uses.

25 (d) ACQUISITION OF LAND.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the Secretary may acquire any land or in-
3 terest in land that is necessary for the construction,
4 operation, and maintenance of the wells and related
5 pipeline facilities authorized under subsections (b)
6 and (c).

7 (2) LIMITATION.—Nothing in this subsection
8 authorizes the Secretary to condemn water rights for
9 the purposes described in paragraph (1).

10 (e) CONDITION.—The Secretary shall not commence
11 any construction activity relating to the wells described in
12 subsections (b) and (c) until the Secretary executes the
13 Agreement.

14 (f) CONVEYANCE OF WELLS.—

15 (1) IN GENERAL.—On the determination of the
16 Secretary that the wells and related facilities are
17 substantially complete and delivery of water gen-
18 erated by the wells can be made to the Nation, an
19 agreement with the Nation shall be entered into, to
20 convey to the Nation title to—

21 (A) any well or related pipeline facility
22 constructed or rehabilitated under subsections
23 (a) and (b) after the wells and related facilities
24 have been completed; and

1 (B) any land or interest in land acquired
2 by the United States for the construction, oper-
3 ation, and maintenance of the well or related
4 pipeline facility.

5 (2) OPERATION, MAINTENANCE, AND REPLACE-
6 MENT.—

7 (A) IN GENERAL.—The Secretary is au-
8 thorized to pay operation and maintenance
9 costs for the wells and related pipeline facilities
10 authorized under this subsection until title to
11 the facilities is conveyed to the Nation.

12 (B) SUBSEQUENT ASSUMPTION BY NA-
13 TION.—On completion of a conveyance of title
14 under paragraph (1), the Nation shall assume
15 all responsibility for the operation and mainte-
16 nance of the well or related pipeline facility con-
17 veyed.

18 (3) EFFECT OF CONVEYANCE.—The conveyance
19 of title to the Nation of the conjunctive use wells
20 under paragraph (1) shall not affect the application
21 of the Endangered Species Act of 1973 (16 U.S.C.
22 1531 et seq.).

23 (g) USE OF PROJECT FACILITIES.—The capacities of
24 the treatment facilities, main pipelines, and lateral pipe-
25 lines of the Project authorized by section 1072(b) may be

1 used to treat and convey groundwater to Nation commu-
2 nities if the Nation provides for payment of the operation,
3 maintenance, and replacement costs associated with the
4 use of the facilities or pipelines.

5 (h) LIMITATIONS.—The diversion and use of ground-
6 water by wells constructed or rehabilitated under this sec-
7 tion shall be made in a manner consistent with applicable
8 Federal and State law.

9 **SEC. 1077. SAN JUAN RIVER NAVAJO IRRIGATION**
10 **PROJECTS.**

11 (a) REHABILITATION.—Subject to subsection (b), the
12 Secretary shall rehabilitate—

13 (1) the Fruitland-Cambridge Irrigation Project
14 to serve not more than 3,335 acres of land, which
15 shall be considered to be the total serviceable area
16 of the project; and

17 (2) the Hogback-Cudei Irrigation Project to
18 serve not more than 8,830 acres of land, which shall
19 be considered to be the total serviceable area of the
20 project.

21 (b) CONDITION.—The Secretary shall not commence
22 any construction activity relating to the rehabilitation of
23 the Fruitland-Cambridge Irrigation Project or the Hog-
24 back-Cudei Irrigation Project under subsection (a) until
25 the Secretary executes the Agreement.

1 (c) OPERATION, MAINTENANCE, AND REPLACEMENT
2 OBLIGATION.—The Nation shall continue to be respon-
3 sible for the operation, maintenance, and replacement of
4 each facility rehabilitated under this section.

5 **SEC. 1078. OTHER IRRIGATION PROJECTS.**

6 (a) IN GENERAL.—Not later than 2 years after the
7 date of enactment of this Act, the Secretary, in consulta-
8 tion with the State of New Mexico (acting through the
9 Interstate Stream Commission) and the Non-Navajo Irri-
10 gation Districts that elect to participate, shall—

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

13 (2) based on the study, identify and prioritize
14 a list of projects, with associated cost estimates, that
15 are recommended to be implemented to repair, reha-
16 bilitate, or reconstruct irrigation diversion and ditch
17 facilities to improve water use efficiency.

18 (b) GRANTS.—The Secretary may provide grants to,
19 and enter into cooperative agreements with, the Non-Nav-
20 ajo Irrigation Districts to plan, design, or otherwise imple-
21 ment the projects identified under subsection (a)(2).

22 (c) COST-SHARING.—

23 (1) FEDERAL SHARE.—The Federal share of
24 the total cost of carrying out a project under sub-

1 section (b) shall be not more than 50 percent, and
2 shall be nonreimbursable.

3 (2) FORM.—The non-Federal share required
4 under paragraph (1) may be in the form of in-kind
5 contributions, including the contribution of any valu-
6 able asset or service that the Secretary determines
7 would substantially contribute to a project carried
8 out under subsection (b).

9 (3) STATE CONTRIBUTION.—The Secretary may
10 accept from the State of New Mexico a partial or
11 total contribution toward the non-Federal share for
12 a project carried out under subsection (b).

13 **SEC. 1079. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) AUTHORIZATION OF APPROPRIATIONS FOR NAV-
15 AJO-GALLUP WATER SUPPLY PROJECT.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to the Secretary to plan, design, and
18 construct the Project \$870,000,000 for the period of
19 fiscal years 2009 through 2024, to remain available
20 until expended.

21 (2) ADJUSTMENTS.—The amount under para-
22 graph (1) shall be adjusted by such amounts as may
23 be required by reason of changes since 2007 in con-
24 struction costs, as indicated by engineering cost indi-
25 ces applicable to the types of construction involved.

1 (3) USE.—In addition to the uses authorized
2 under paragraph (1), amounts made available under
3 that paragraph may be used for the conduct of re-
4 lated activities to comply with Federal environmental
5 laws.

6 (4) OPERATION AND MAINTENANCE.—

7 (A) IN GENERAL.—There are authorized to
8 be appropriated such sums as are necessary to
9 operate and maintain the Project consistent
10 with this subtitle.

11 (B) EXPIRATION.—The authorization
12 under subparagraph (A) shall expire 10 years
13 after the year the Secretary declares the Project
14 to be substantially complete.

15 (b) APPROPRIATIONS FOR CONJUNCTIVE USE
16 WELLS.—

17 (1) SAN JUAN WELLS.—There is authorized to
18 be appropriated to the Secretary for the construction
19 or rehabilitation and operation and maintenance of
20 conjunctive use wells under section 1076(b)
21 \$30,000,000, as adjusted under paragraph (3), for
22 the period of fiscal years 2009 through 2019.

23 (2) WELLS IN THE LITTLE COLORADO AND RIO
24 GRANDE BASINS.—There are authorized to be appro-
25 priated to the Secretary for the construction or reha-

1 bilitation and operation and maintenance of conjunc-
2 tive use wells under section 1076(c) such sums as
3 are necessary for the period of fiscal years 2009
4 through 2024.

5 (3) ADJUSTMENTS.—The amount under para-
6 graph (1) shall be adjusted by such amounts as may
7 be required by reason of changes since 2008 in con-
8 struction costs, as indicated by engineering cost indi-
9 ces applicable to the types of construction or reha-
10 bilitation involved.

11 (4) NONREIMBURSABLE EXPENDITURES.—
12 Amounts made available under paragraphs (1) and
13 (2) shall be nonreimbursable to the United States.

14 (5) USE.—In addition to the uses authorized
15 under paragraphs (1) and (2), amounts made avail-
16 able under that paragraph may be used for the con-
17 duct of related activities to comply with Federal en-
18 vironmental laws.

19 (6) LIMITATION.—Appropriations authorized
20 under paragraph (1) shall not be used for operation
21 or maintenance of any conjunctive use wells at a
22 time in excess of 3 years after the well is declared
23 substantially complete.

24 (c) SAN JUAN RIVER IRRIGATION PROJECTS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to the Secretary—

3 (A) to carry out section 1077(a)(1), not
4 more than \$7,700,000, as adjusted under para-
5 graph (2), for the period of fiscal years 2009
6 through 2015, to remain available until ex-
7 pended; and

8 (B) to carry out section 1077(a)(2), not
9 more than \$15,400,000, as adjusted under
10 paragraph (2), for the period of fiscal years
11 2009 through 2018, to remain available until
12 expended.

13 (2) ADJUSTMENT.—The amounts made avail-
14 able under paragraph (1) shall be adjusted by such
15 amounts as may be required by reason of changes
16 since January 1, 2004, in construction costs, as in-
17 dicated by engineering cost indices applicable to the
18 types of construction involved in the rehabilitation.

19 (3) NONREIMBURSABLE EXPENDITURES.—
20 Amounts made available under this subsection shall
21 be nonreimbursable to the United States.

22 (d) OTHER IRRIGATION PROJECTS.—There are au-
23 thorized to be appropriated to the Secretary to carry out
24 section 1078 \$11,000,000 for the period of fiscal years
25 2009 through 2018.

1 (e) CULTURAL RESOURCES.—

2 (1) IN GENERAL.—The Secretary may use not
3 more than 2 percent of amounts made available
4 under subsections (a), (b), and (c) for the survey, re-
5 covery, protection, preservation, and display of ar-
6 chaeological resources in the area of a Project facil-
7 ity or conjunctive use well.

8 (2) NONREIMBURSABLE EXPENDITURES.—Any
9 amounts made available under paragraph (1) shall
10 be nonreimbursable.

11 (f) FISH AND WILDLIFE FACILITIES.—

12 (1) IN GENERAL.—In association with the de-
13 velopment of the Project, the Secretary may use not
14 more than 4 percent of amounts made available
15 under subsections (a), (b), and (c) to purchase land
16 and construct and maintain facilities to mitigate the
17 loss of, and improve conditions for the propagation
18 of, fish and wildlife if any such purchase, construc-
19 tion, or maintenance will not affect the operation of
20 any water project or use of water.

21 (2) NONREIMBURSABLE EXPENDITURES.—Any
22 amounts expended under paragraph (1) shall be
23 nonreimbursable.

1 **PART IV—NAVAJO NATION WATER RIGHTS**

2 **SEC. 1081. AGREEMENT.**

3 (a) **AGREEMENT APPROVAL.—**

4 (1) **APPROVAL BY CONGRESS.—**Except to the
5 extent that any provision of the Agreement conflicts
6 with this subtitle, Congress approves, ratifies, and
7 confirms the Agreement (including any amendments
8 to the Agreement that are executed to make the
9 Agreement consistent with this subtitle).

10 (2) **EXECUTION BY SECRETARY.—**The Sec-
11 retary shall enter into the Agreement to the extent
12 that the Agreement does not conflict with this sub-
13 title, including—

14 (A) any exhibits to the Agreement requir-
15 ing the signature of the Secretary; and

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

19 (3) **AUTHORITY OF SECRETARY.—**The Sec-
20 retary may carry out any action that the Secretary
21 determines is necessary or appropriate to implement
22 the Agreement, the Contract, and this section.

23 (4) **ADMINISTRATION OF NAVAJO RESERVOIR**
24 **RELEASES.—**The State of New Mexico may admin-
25 ister water that has been released from storage in

1 Navajo Reservoir in accordance with subparagraph
2 9.1 of the Agreement.

3 (b) WATER AVAILABLE UNDER CONTRACT.—

4 (1) QUANTITIES OF WATER AVAILABLE.—

5 (A) IN GENERAL.—Water shall be made
6 available annually under the Contract for
7 projects in the State of New Mexico supplied
8 from the Navajo Reservoir and the San Juan
9 River (including tributaries of the River) under
10 New Mexico State Engineer File Numbers
11 2849, 2883, and 3215 in the quantities de-
12 scribed in subparagraph (B).

13 (B) WATER QUANTITIES.—The quantities
14 of water referred to in subparagraph (A) are as
15 follows:

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

16 (C) MAXIMUM QUANTITY.—A diversion of
17 water to the Nation under the Contract for a
18 project described in subparagraph (B) shall not
19 exceed the quantity of water necessary to sup-
20 ply the amount of depletion for the project.

1 (D) TERMS, CONDITIONS, AND LIMITA-
2 TIONS.—The diversion and use of water under
3 the Contract shall be subject to and consistent
4 with the terms, conditions, and limitations of
5 the Agreement, this subtitle, and any other ap-
6 plicable law.

7 (2) AMENDMENTS TO CONTRACT.—The Sec-
8 retary, with the consent of the Nation, may amend
9 the Contract if the Secretary determines that the
10 amendment is—

11 (A) consistent with the Agreement; and

12 (B) in the interest of conserving water or
13 facilitating beneficial use by the Nation or a
14 subcontractor of the Nation.

15 (3) RIGHTS OF THE NATION.—The Nation may,
16 under the Contract—

17 (A) use tail water, wastewater, and return
18 flows attributable to a use of the water by the
19 Nation or a subcontractor of the Nation if—

20 (i) the depletion of water does not ex-
21 ceed the quantities described in paragraph
22 (1); and

23 (ii) the use of tail water, wastewater,
24 or return flows is consistent with the
25 terms, conditions, and limitations of the

1 Agreement, and any other applicable law;
2 and

3 (B) change a point of diversion, change a
4 purpose or place of use, and transfer a right for
5 depletion under this subtitle (except for a point
6 of diversion, purpose or place of use, or right
7 for depletion for use in the State of Arizona
8 under section 1073(b)(2)(D)), to another use,
9 purpose, place, or depletion in the State of New
10 Mexico to meet a water resource or economic
11 need of the Nation if—

12 (i) the change or transfer is subject to
13 and consistent with the terms of the
14 Agreement, the Partial Final Decree de-
15 scribed in paragraph 3.0 of the Agreement,
16 the Contract, and any other applicable law;
17 and

18 (ii) a change or transfer of water use
19 by the Nation does not alter any obligation
20 of the United States, the Nation, or an-
21 other party to pay or repay project con-
22 struction, operation, maintenance, or re-
23 placement costs under this subtitle and the
24 Contract.

25 (c) SUBCONTRACTS.—

1 (1) IN GENERAL.—

2 (A) SUBCONTRACTS BETWEEN NATION
3 AND THIRD PARTIES.—The Nation may enter
4 into subcontracts for the delivery of Project
5 water under the Contract to third parties for
6 any beneficial use in the State of New Mexico
7 (on or off land held by the United States in
8 trust for the Nation or a member of the Nation
9 or land held in fee by the Nation).

10 (B) APPROVAL REQUIRED.—A subcontract
11 entered into under subparagraph (A) shall not
12 be effective until approved by the Secretary in
13 accordance with this subsection and the Con-
14 tract.

15 (C) SUBMITTAL.—The Nation shall submit
16 to the Secretary for approval or disapproval any
17 subcontract entered into under this subsection.

18 (D) DEADLINE.—The Secretary shall ap-
19 prove or disapprove a subcontract submitted to
20 the Secretary under subparagraph (C) not later
21 than the later of—

22 (i) the date that is 180 days after the
23 date on which the subcontract is submitted
24 to the Secretary; and

1 (ii) the date that is 60 days after the
2 date on which a subcontractor complies
3 with—

4 (I) section 102(2)(C) of the Na-
5 tional Environmental Policy Act of
6 1969 (42 U.S.C. 4332(2)(C)); and

7 (II) any other requirement of
8 Federal law.

9 (E) ENFORCEMENT.—A party to a sub-
10 contract may enforce the deadline described in
11 subparagraph (D) under section 1361 of title
12 28, United States Code.

13 (F) COMPLIANCE WITH OTHER LAW.—A
14 subcontract described in subparagraph (A) shall
15 comply with the Agreement, the Partial Final
16 Decree described in paragraph 3.0 of the Agree-
17 ment, and any other applicable law.

18 (G) NO LIABILITY.—The Secretary shall
19 not be liable to any party, including the Nation,
20 for any term of, or any loss or other detriment
21 resulting from, a lease, contract, or other agree-
22 ment entered into pursuant to this subsection.

23 (2) ALIENATION.—

1 (A) PERMANENT ALIENATION.—The Na-
2 tion shall not permanently alienate any right
3 granted to the Nation under the Contract.

4 (B) MAXIMUM TERM.—The term of any
5 water use subcontract (including a renewal)
6 under this subsection shall be not more than 99
7 years.

8 (3) NONINTERCOURSE ACT COMPLIANCE.—This
9 subsection—

10 (A) provides congressional authorization
11 for the subcontracting rights of the Nation; and

12 (B) is deemed to fulfill any requirement
13 that may be imposed by section 2116 of the Re-
14 vised Statutes (25 U.S.C. 177).

15 (4) FORFEITURE.—The nonuse of the water
16 supply secured by a subcontractor of the Nation
17 under this subsection shall not result in forfeiture,
18 abandonment, relinquishment, or other loss of any
19 part of a right decreed to the Nation under the Con-
20 tract or this section.

21 (5) NO PER CAPITA PAYMENTS.—No part of
22 the revenue from a water use subcontract under this
23 subsection shall be distributed to any member of the
24 Nation on a per capita basis.

1 (d) WATER LEASES NOT REQUIRING SUB-
2 CONTRACTS.—

3 (1) AUTHORITY OF NATION.—

4 (A) IN GENERAL.—The Nation may lease,
5 contract, or otherwise transfer to another party
6 or to another purpose or place of use in the
7 State of New Mexico (on or off land that is held
8 by the United States in trust for the Nation or
9 a member of the Nation or held in fee by the
10 Nation) a water right that—

11 (i) is decreed to the Nation under the
12 Agreement; and

13 (ii) is not subject to the Contract.

14 (B) COMPLIANCE WITH OTHER LAW.—In
15 carrying out an action under this subsection,
16 the Nation shall comply with the Agreement,
17 the Partial Final Decree described in paragraph
18 3.0 of the Agreement, the Supplemental Partial
19 Final Decree described in paragraph 4.0 of the
20 Agreement, and any other applicable law.

21 (2) ALIENATION; MAXIMUM TERM.—

22 (A) ALIENATION.—The Nation shall not
23 permanently alienate any right granted to the
24 Nation under the Agreement.

1 (B) MAXIMUM TERM.—The term of any
2 water use lease, contract, or other arrangement
3 (including a renewal) under this subsection
4 shall be not more than 99 years.

5 (3) NO LIABILITY.—The Secretary shall not be
6 liable to any party, including the Nation, for any
7 term of, or any loss or other detriment resulting
8 from, a lease, contract, or other agreement entered
9 into pursuant to this subsection.

10 (4) NONINTERCOURSE ACT COMPLIANCE.—This
11 subsection—

12 (A) provides congressional authorization
13 for the lease, contracting, and transfer of any
14 water right described in paragraph (1)(A); and

15 (B) is deemed to fulfill any requirement
16 that may be imposed by the provisions of sec-
17 tion 2116 of the Revised Statutes (25 U.S.C.
18 177).

19 (5) FORFEITURE.—The nonuse of a water right
20 of the Nation by a lessee or contractor to the Nation
21 under this subsection shall not result in forfeiture,
22 abandonment, relinquishment, or other loss of any
23 part of a right decreed to the Nation under the Con-
24 tract or this section.

25 (e) NULLIFICATION.—

1 (1) DEADLINES.—

2 (A) IN GENERAL.—In carrying out this
3 section, the following deadlines apply with re-
4 spect to implementation of the Agreement:

5 (i) AGREEMENT.—Not later than De-
6 cember 31, 2009, the Secretary shall exe-
7 cute the Agreement.

8 (ii) CONTRACT.—Not later than De-
9 cember 31, 2009, the Secretary and the
10 Nation shall execute the Contract.

11 (iii) PARTIAL FINAL DECREE.—Not
12 later than December 31, 2012, the court in
13 the stream adjudication shall have entered
14 the Partial Final Decree described in para-
15 graph 3.0 of the Agreement.

16 (iv) FRUITLAND-CAMBRIDGE IRRIGA-
17 TION PROJECT.—Not later than December
18 31, 2015, the rehabilitation construction of
19 the Fruitland-Cambridge Irrigation Project
20 authorized under section 1077(a)(1) shall
21 be completed.

22 (v) SUPPLEMENTAL PARTIAL FINAL
23 DECREE.—Not later than December 31,
24 2015, the court in the stream adjudication
25 shall enter the Supplemental Partial Final

1 Decree described in subparagraph 4.0 of
2 the Agreement.

3 (vi) HOGBACK-CUDEI IRRIGATION
4 PROJECT.—Not later than December 31,
5 2018, the rehabilitation construction of the
6 Hogback-Cudei Irrigation Project author-
7 ized under section 1077(a)(2) shall be
8 completed.

9 (vii) TRUST FUND.—Not later than
10 December 31, 2019, the United States
11 shall make all deposits into the Trust
12 Fund under section 1082.

13 (viii) CONJUNCTIVE WELLS.—Not
14 later than December 31, 2019, the funds
15 authorized to be appropriated under sec-
16 tion 1079(b)(1) for the conjunctive use
17 wells authorized under section 1076(b)
18 should be appropriated.

19 (ix) NAVAJO-GALLUP WATER SUPPLY
20 PROJECT.—Not later than December 31,
21 2024, the construction of all Project facili-
22 ties shall be completed.

23 (B) EXTENSION.—A deadline described in
24 subparagraph (A) may be extended if the Na-
25 tion, the United States (acting through the Sec-

1 retary), and the State of New Mexico (acting
2 through the New Mexico Interstate Stream
3 Commission) agree that an extension is reason-
4 ably necessary.

5 (2) REVOCABILITY OF AGREEMENT, CONTRACT
6 AND AUTHORIZATIONS.—

7 (A) PETITION.—If the Nation determines
8 that a deadline described in paragraph (1)(A) is
9 not substantially met, the Nation may submit
10 to the court in the stream adjudication a peti-
11 tion to enter an order terminating the Agree-
12 ment and Contract.

13 (B) TERMINATION.—On issuance of an
14 order to terminate the Agreement and Contract
15 under subparagraph (A)—

16 (i) the Trust Fund shall be termi-
17 nated;

18 (ii) the balance of the Trust Fund
19 shall be deposited in the general fund of
20 the Treasury;

21 (iii) the authorizations for construc-
22 tion and rehabilitation of water projects
23 under this subtitle shall be revoked and
24 any Federal activity related to that con-

1 construction and rehabilitation shall be sus-
2 pended; and

3 (iv) this part and parts I and III shall
4 be null and void.

5 (3) CONDITIONS NOT CAUSING NULLIFICATION
6 OF SETTLEMENT.—

7 (A) IN GENERAL.—If a condition described
8 in subparagraph (B) occurs, the Agreement and
9 Contract shall not be nullified or terminated.

10 (B) CONDITIONS.—The conditions referred
11 to in subparagraph (A) are as follows:

12 (i) A lack of right to divert at the ca-
13 pacities of conjunctive use wells con-
14 structed or rehabilitated under section
15 1076.

16 (ii) A failure—

17 (I) to determine or resolve an ac-
18 counting of the use of water under
19 this subtitle in the State of Arizona;

20 (II) to obtain a necessary water
21 right for the consumptive use of water
22 in Arizona;

23 (III) to contract for the delivery
24 of water for use in Arizona; or

1 (IV) to construct and operate a
2 lateral facility to deliver water to a
3 community of the Nation in Arizona,
4 under the Project.

5 (f) EFFECT ON RIGHTS OF INDIAN TRIBES.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), nothing in the Agreement, the Contract,
8 or this section quantifies or adversely affects the
9 land and water rights, or claims or entitlements to
10 water, of any Indian tribe or community other than
11 the rights, claims, or entitlements of the Nation in,
12 to, and from the San Juan River Basin in the State
13 of New Mexico.

14 (2) EXCEPTION.—The right of the Nation to
15 use water under water rights the Nation has in
16 other river basins in the State of New Mexico shall
17 be forborne to the extent that the Nation supplies
18 the uses for which the water rights exist by diver-
19 sions of water from the San Juan River Basin under
20 the Project consistent with subparagraph 9.13 of the
21 Agreement.

22 **SEC. 1082. TRUST FUND.**

23 (a) ESTABLISHMENT.—There is established in the
24 Treasury a fund to be known as the “Navajo Nation

1 Water Resources Development Trust Fund”, consisting
2 of—

3 (1) such amounts as are appropriated to the
4 Trust Fund under subsection (f); and

5 (2) any interest earned on investment of
6 amounts in the Trust Fund under subsection (d).

7 (b) USE OF FUNDS.—The Nation may use amounts
8 in the Trust Fund—

9 (1) to investigate, construct, operate, maintain,
10 or replace water project facilities, including facilities
11 conveyed to the Nation under this subtitle and facili-
12 ties owned by the United States for which the Na-
13 tion is responsible for operation, maintenance, and
14 replacement costs; and

15 (2) to investigate, implement, or improve a
16 water conservation measure (including a metering or
17 monitoring activity) necessary for the Nation to
18 make use of a water right of the Nation under the
19 Agreement.

20 (c) MANAGEMENT.—The Secretary shall manage the
21 Trust Fund, invest amounts in the Trust Fund, and make
22 amounts available from the Trust Fund for distribution
23 to the Nation in accordance with the American Indian
24 Trust Fund Management Reform Act of 1994 (25 U.S.C.
25 4001 et seq.).

1 (d) INVESTMENT OF THE TRUST FUND.—The Sec-
2 retary shall invest amounts in the Trust Fund in accord-
3 ance with—

4 (1) the Act of April 1, 1880 (25 U.S.C. 161);

5 (2) the first section of the Act of June 24,
6 1938 (25 U.S.C. 162a); and

7 (3) the American Indian Trust Fund Manage-
8 ment Reform Act of 1994 (25 U.S.C. 4001 et seq.).

9 (e) CONDITIONS FOR EXPENDITURES AND WITH-
10 DRAWALS.—

11 (1) TRIBAL MANAGEMENT PLAN.—

12 (A) IN GENERAL.—Subject to paragraph
13 (7), on approval by the Secretary of a tribal
14 management plan in accordance with the Amer-
15 ican Indian Trust Fund Management Reform
16 Act of 1994 (25 U.S.C. 4001 et seq.), the Na-
17 tion may withdraw all or a portion of the
18 amounts in the Trust Fund.

19 (B) REQUIREMENTS.—In addition to any
20 requirements under the American Indian Trust
21 Fund Management Reform Act of 1994 (25
22 U.S.C. 4001 et seq.), the tribal management
23 plan shall require that the Nation only use
24 amounts in the Trust Fund for the purposes
25 described in subsection (b), including the identi-

1 fication of water conservation measures to be
2 implemented in association with the agricultural
3 water use of the Nation.

4 (2) ENFORCEMENT.—The Secretary may take
5 judicial or administrative action to enforce the provi-
6 sions of any tribal management plan to ensure that
7 any amounts withdrawn from the Trust Fund are
8 used in accordance with this subtitle.

9 (3) NO LIABILITY.—Neither the Secretary nor
10 the Secretary of the Treasury shall be liable for the
11 expenditure or investment of any amounts with-
12 drawn from the Trust Fund by the Nation.

13 (4) EXPENDITURE PLAN.—

14 (A) IN GENERAL.—The Nation shall sub-
15 mit to the Secretary for approval an expendi-
16 ture plan for any portion of the amounts in the
17 Trust Fund made available under this section
18 that the Nation does not withdraw under this
19 subsection.

20 (B) DESCRIPTION.—The expenditure plan
21 shall describe the manner in which, and the
22 purposes for which, funds of the Nation remain-
23 ing in the Trust Fund will be used.

24 (C) APPROVAL.—On receipt of an expendi-
25 ture plan under subparagraph (A), the Sec-

1 retary shall approve the plan if the Secretary
2 determines that the plan is reasonable and con-
3 sistent with this subtitle.

4 (5) ANNUAL REPORT.—The Nation shall sub-
5 mit to the Secretary an annual report that describes
6 any expenditures from the Trust Fund during the
7 year covered by the report.

8 (6) LIMITATION.—No portion of the amounts in
9 the Trust Fund shall be distributed to any Nation
10 member on a per capita basis.

11 (7) CONDITIONS.—Any amount authorized to
12 be appropriated to the Trust Fund under subsection
13 (f) shall not be available for expenditure or with-
14 drawal—

15 (A) before December 31, 2019; and

16 (B) until the date on which the court in
17 the stream adjudication has entered—

18 (i) the Partial Final Decree; and

19 (ii) the Supplemental Partial Final
20 Decree.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated for deposit in the Trust
23 Fund—

24 (1) \$6,000,000 for each of fiscal years 2009
25 through 2013; and

1 (2) \$4,000,000 for each of fiscal years 2014
2 through 2018.

3 **SEC. 1083. WAIVERS AND RELEASES.**

4 (a) CLAIMS BY THE NATION AND THE UNITED
5 STATES.—The Nation, on behalf of itself and members of
6 the Nation (other than members in the capacity of the
7 members as allottees), and the United States, acting
8 through the Secretary and in the capacity of the United
9 States as trustee for the Nation, shall each execute a waiv-
10 er and release of—

11 (1) all claims for water rights in, or for waters
12 of, the San Juan River Basin in the State of New
13 Mexico that the Nation, or the United States as
14 trustee for the Nation, asserted, or could have as-
15 serted, in the San Juan River adjudication or in any
16 other court proceeding;

17 (2) all claims that the Nation, or the United
18 States as trustee for the Nation, has asserted or
19 could assert for any damage, loss, or injury to water
20 rights or claims of interference, diversion, or taking
21 of water in the San Juan Basin in the State of New
22 Mexico that, regardless of whether the damage, loss,
23 or injury is unanticipated, unexpected, or un-
24 known—

1 (A) accrued at any time before or on the
2 effective date of the waiver and release under
3 subsection (d); and

4 (B) may or may not be more numerous or
5 more serious than is understood or expected;
6 and

7 (3) all claims of any damage, loss, or injury or
8 for injunctive or other relief because of the condition
9 of or changes in water quality related to, or arising
10 out of, the exercise of water rights.

11 (b) CLAIMS BY THE NATION AGAINST THE UNITED
12 STATES.—The Nation, on behalf of itself and its members
13 (other than members in the capacity of the members as
14 allottees), shall execute a waiver and release of—

15 (1) all causes of action that the Nation or the
16 members of the Nation (other than members in the
17 capacity of the members as allottees) may have
18 against the United States or any agencies or employ-
19 ees of the United States, arising out of claims for
20 water rights in, or waters of, the San Juan River
21 Basin in the State of New Mexico that the United
22 States asserted, or could have asserted, in the
23 stream adjudication or other court proceeding;

24 (2) all claims for any damage, loss, or injury to
25 water rights, claims of interference, diversion or tak-

1 ing of water, or failure to protect, acquire, or de-
2 velop water or water rights for land within the San
3 Juan Basin in the State of New Mexico that, re-
4 gardless whether the damage, loss, or injury is unan-
5 ticipated, unexpected, or unknown—

6 (A) accrued at any time before or on the
7 effective date of the waiver and release under
8 subsection (d); and

9 (B) may or may not be more numerous or
10 more serious than is understood or expected;
11 and

12 (3) all claims arising out of, resulting from, or
13 relating in any manner to the negotiation, execution
14 or adoption of the Agreement, the Contract, or this
15 subtitle (including any specific terms and provisions
16 of the Agreement, the Contract, or this subtitle) that
17 the Nation may have against the United States or
18 any agencies or employees of the United States.

19 (c) RESERVATION OF CLAIMS.—Notwithstanding
20 subsections (a) and (b), the Nation and the members of
21 the Nation (including members in the capacity of the
22 members as allottees) and the United States, as trustee
23 for the Nation and allottees, shall retain—

24 (1) all claims for water rights or injuries to
25 water rights arising out of activities occurring out-

1 side the San Juan River Basin in the State of New
2 Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13
3 and 13.9 of the Agreement;

4 (2) all claims for enforcement of the Agree-
5 ment, the Contract, the Partial Final Decree, the
6 Supplemental Partial Final Decree, or this subtitle,
7 through any legal and equitable remedies available
8 in any court of competent jurisdiction;

9 (3) all rights to use and protect water rights ac-
10 quired pursuant to State law after the effective date
11 of the waivers and releases described in subsection
12 (d);

13 (4) all claims relating to activities affecting the
14 quality of water not related to the exercise of water
15 rights; and

16 (5) all rights, remedies, privileges, immunities,
17 and powers not specifically waived and released
18 under the terms of the Agreement or this subtitle.

19 (d) EFFECTIVE DATE.—

20 (1) IN GENERAL.—The waivers and releases de-
21 scribed in subsection (a) shall be effective on the
22 date on which the Secretary publishes in the Federal
23 Register a statement of findings documenting that
24 each of the deadlines described in section 1081(e)(1)
25 have been met.

1 (2) DEADLINE.—If the deadlines in section
2 1081(e)(1)(A) have not been met by the later of
3 March 1, 2025, or the date of any extension under
4 section 1081(e)(1)(B)—

5 (A) the waivers and releases described in
6 subsection (a) shall be of no effect; and

7 (B) section 1081(e)(2)(B) shall apply.

8 **SEC. 1084. WATER RIGHTS HELD IN TRUST.**

9 A tribal water right adjudicated and described in
10 paragraph 3.0 of the Partial Final Decree and in para-
11 graph 3.0 of the Supplemental Partial Final Decree shall
12 be held in trust by the United States on behalf of the Na-
13 tion.

14 **TITLE XI—UNITED STATES GEO-**
15 **LOGICAL SURVEY AUTHOR-**
16 **IZATIONS**

17 **SEC. 1101. REAUTHORIZATION OF THE NATIONAL GEO-**
18 **LOGIC MAPPING ACT OF 1992.**

19 (a) FINDINGS.—Section 2(a) of the National Geologic
20 Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

21 (1) by striking paragraph (1) and inserting the
22 following:

23 “(1) although significant progress has been
24 made in the production of geologic maps since the
25 establishment of the national cooperative geologic

1 mapping program in 1992, no modern, digital, geo-
2 logic map exists for approximately 75 percent of the
3 United States;” and

4 (2) in paragraph (2)—

5 (A) in subparagraph (C), by inserting
6 “homeland and” after “planning for”;

7 (B) in subparagraph (E), by striking “pre-
8 dicting” and inserting “identifying”;

9 (C) in subparagraph (I), by striking “and”
10 after the semicolon at the end;

11 (D) by redesignating subparagraph (J) as
12 subparagraph (K); and

13 (E) by inserting after subparagraph (I) the
14 following:

15 “(J) recreation and public awareness;
16 and”; and

17 (3) in paragraph (9), by striking “important”
18 and inserting “available”.

19 (b) PURPOSE.—Section 2(b) of the National Geologic
20 Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by
21 inserting “and management” before the period at the end.

22 (c) DEADLINES FOR ACTIONS BY THE UNITED
23 STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the
24 National Geologic Mapping Act of 1992 (43 U.S.C.
25 31c(b)(1)) is amended in the second sentence—

1 (1) in subparagraph (A), by striking “not later
2 than” and all that follows through the semicolon and
3 inserting “not later than 1 year after the date of en-
4 actment of the Omnibus Public Land Management
5 Act of 2008;”;

6 (2) in subparagraph (B), by striking “not later
7 than” and all that follows through “in accordance”
8 and inserting “not later than 1 year after the date
9 of enactment of the Omnibus Public Land Manage-
10 ment Act of 2008 in accordance”; and

11 (3) in the matter preceding clause (i) of sub-
12 paragraph (C), by striking “not later than” and all
13 that follows through “submit” and inserting “submit
14 biennially”.

15 (d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—
16 Section 4(c)(2) of the National Geologic Mapping Act of
17 1992 (43 U.S.C. 31c(c)(2)) is amended—

18 (1) by striking “geophysical-map data base,
19 geochemical-map data base, and a”; and

20 (2) by striking “provide” and inserting “pro-
21 vides”.

22 (e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—
23 Section 4(d)(1)(B)(ii) of the National Geologic Mapping
24 Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

1 (1) in subclause (I), by striking “and” after the
2 semicolon at the end;

3 (2) in subclause (II), by striking the period at
4 the end and inserting “; and”; and

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

6 “(III) the needs of land manage-
7 ment agencies of the Department of
8 the Interior.”.

9 (f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

10 (1) MEMBERSHIP.—Section 5(a) of the Na-
11 tional Geologic Mapping Act of 1992 (43 U.S.C.
12 31d(a)) is amended—

13 (A) in paragraph (2)—

14 (i) by inserting “the Secretary of the
15 Interior or a designee from a land manage-
16 ment agency of the Department of the In-
17 terior,” after “Administrator of the Envi-
18 ronmental Protection Agency or a des-
19 ignee,”;

20 (ii) by inserting “and” after “Energy
21 or a designee,”; and

22 (iii) by striking “, and the Assistant
23 to the President for Science and Tech-
24 nology or a designee”; and

25 (B) in paragraph (3)—

1 (i) by striking “Not later than” and
2 all that follows through “consultation” and
3 inserting “In consultation”;

4 (ii) by striking “Chief Geologist, as
5 Chairman” and inserting “Associate Direc-
6 tor for Geology, as Chair”; and

7 (iii) by striking “one representative
8 from the private sector” and inserting “2
9 representatives from the private sector”.

10 (2) DUTIES.—Section 5(b) of the National Geo-
11 logic Mapping Act of 1992 (43 U.S.C. 31d(b)) is
12 amended—

13 (A) in paragraph (2), by striking “and” at
14 the end;

15 (B) by redesignating paragraph (3) as
16 paragraph (4); and

17 (C) by inserting after paragraph (2) the
18 following:

19 “(3) provide a scientific overview of geologic
20 maps (including maps of geologic-based hazards)
21 used or disseminated by Federal agencies for regula-
22 tion or land-use planning; and”.

23 (3) CONFORMING AMENDMENT.—Section
24 5(a)(1) of the National Geologic Mapping Act of

1 1992 (43 U.S.C. 31d(a)(1)) is amended by striking
2 “10-member” and inserting “11-member”.

3 (g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATA-
4 BASE.—Section 7(a) of the National Geologic Mapping
5 Act of 1992 (43 U.S.C. 31f(a)) is amended—

6 (1) in paragraph (1), by striking “geologic
7 map” and inserting “geologic-map”; and

8 (2) in paragraph (2), by striking subparagraph
9 (A) and inserting the following:

10 “(A) all maps developed with funding pro-
11 vided by the National Cooperative Geologic
12 Mapping Program, including under the Federal,
13 State, and education components;”.

14 (h) BIENNIAL REPORT.—Section 8 of the National
15 Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amend-
16 ed by striking “Not later” and all that follows through
17 “biennially” and inserting “Not later than 3 years after
18 the date of enactment of the Omnibus Public Land Man-
19 agement Act of 2008 and biennially”.

20 (i) AUTHORIZATION OF APPROPRIATIONS; ALLOCA-
21 TION.—Section 9 of the National Geologic Mapping Act
22 of 1992 (43 U.S.C. 31h) is amended—

23 (1) by striking subsection (a) and inserting the
24 following:

1 “(a) IN GENERAL.—There is authorized to be appro-
2 priated to carry out this Act \$64,000,000 for each of fiscal
3 years 2007 through 2016.”; and

4 (2) in subsection (b)—

5 (A) in the matter preceding paragraph (1),
6 by striking “2000” and inserting “2005”;

7 (B) in paragraph (1), by striking “48” and
8 inserting “50”; and

9 (C) in paragraph (2), by striking 2 and in-
10 serting “4”.

11 **SEC. 1102. NEW MEXICO WATER RESOURCES STUDY.**

12 (a) IN GENERAL.—The Secretary of the Interior, act-
13 ing through the Director of the United States Geological
14 Survey (referred to in this section as the “Secretary”),
15 in coordination with the State of New Mexico (referred
16 to in this section as the “State”) and any other entities
17 that the Secretary determines to be appropriate (including
18 other Federal agencies and institutions of higher edu-
19 cation), shall, in accordance with this section and any
20 other applicable law, conduct a study of water resources
21 in the State, including—

22 (1) a survey of groundwater resources, includ-
23 ing an analysis of—

24 (A) aquifers in the State, including the
25 quantity of water in the aquifers;

1 (B) the availability of groundwater re-
2 sources for human use;

3 (C) the salinity of groundwater resources;

4 (D) the potential of the groundwater re-
5 sources to recharge;

6 (E) the interaction between groundwater
7 and surface water;

8 (F) the susceptibility of the aquifers to
9 contamination; and

10 (G) any other relevant criteria; and

11 (2) a characterization of surface and bedrock
12 geology, including the effect of the geology on
13 groundwater yield and quality.

14 (b) STUDY AREAS.—The study carried out under
15 subsection (a) shall include the Estancia Basin, Salt
16 Basin, Tularosa Basin, Hueco Basin, and middle Rio
17 Grande Basin in the State.

18 (c) REPORT.—Not later than 2 years after the date
19 of enactment of this Act, the Secretary shall submit to
20 the Committee on Energy and Natural Resources of the
21 Senate and the Committee on Resources of the House of
22 Representatives a report that describes the results of the
23 study.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated such sums as are nec-
 3 essary to carry out this section.

4 **TITLE XII—MISCELLANEOUS**

5 **SEC. 1201. MANAGEMENT AND DISTRIBUTION OF NORTH** 6 **DAKOTA TRUST FUNDS.**

7 The Act of February 22, 1889 (25 Stat. 676, chapter
 8 180), is amended by adding at the end the following:

9 **“SEC. 26. NORTH DAKOTA TRUST FUNDS.**

10 “(a) DISPOSITION.—Notwithstanding section 11, the
 11 State of North Dakota shall, with respect to any trust
 12 fund in which proceeds from the sale of public land are
 13 deposited under this Act (referred to in this section as the
 14 ‘trust fund’)—

15 “(1) deposit all revenues earned by a trust fund
 16 into the trust fund;

17 “(2) deduct the costs of administering a trust
 18 fund from each trust fund; and

19 “(3) manage each trust fund to—

20 “(A) preserve the purchasing power of the
 21 trust fund; and

22 “(B) maintain stable distributions to trust
 23 fund beneficiaries.

24 “(b) DISTRIBUTIONS.—Notwithstanding section 11,
 25 any distributions from trust funds in the State of North

1 Dakota shall be made in accordance with section 2 of arti-
2 cle IX of the Constitution of the State of North Dakota.

3 “(c) MANAGEMENT OF PROCEEDS.—Notwith-
4 standing section 13, the State of North Dakota shall man-
5 age the proceeds referred to in that section in accordance
6 with subsections (a) and (b).

7 “(d) MANAGEMENT OF LAND AND PROCEEDS.—Not-
8 withstanding sections 14 and 16, the State of North Da-
9 kota shall manage the land granted under that section,
10 including any proceeds from the land, and make distribu-
11 tions in accordance with subsections (a) and (b).”.

12 **SEC. 1202. AMENDMENTS TO THE FISHERIES RESTORATION**
13 **AND IRRIGATION MITIGATION ACT OF 2000.**

14 (a) PRIORITY PROJECTS.—Section 3(e)(3) of the
15 Fisheries Restoration and Irrigation Mitigation Act of
16 2000 (16 U.S.C. 777 note; Public Law 106–502) is
17 amended by striking “\$5,000,000” and inserting
18 “\$2,500,000”.

19 (b) COST SHARING.—Section 7(e) of Fisheries Res-
20 toration and Irrigation Mitigation Act of 2000 (16 U.S.C.
21 777 note; Public Law 106–502) is amended—

22 (1) by striking “The value” and inserting the
23 following:

24 “(1) IN GENERAL.—The value”; and

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

1 “(2) BONNEVILLE POWER ADMINISTRATION.—

2 “(A) IN GENERAL.—The Secretary may,
3 without further appropriation and without fiscal
4 year limitation, accept any amounts provided to
5 the Secretary by the Administrator of the Bon-
6 neville Power Administration.

7 “(B) NON-FEDERAL SHARE.—Any
8 amounts provided by the Bonneville Power Ad-
9 ministration directly or through a grant to an-
10 other entity for a project carried under the Pro-
11 gram shall be credited toward the non-Federal
12 share of the costs of the project.”.

13 (c) REPORT.—Section 9 of the Fisheries Restoration
14 and Irrigation Mitigation Act of 2000 (16 U.S.C. 777
15 note; Public Law 106–502) is amended—

16 (1) by inserting “any” before “amounts are
17 made”; and

18 (2) by inserting after “Secretary shall” the fol-
19 lowing: “, after partnering with local governmental
20 entities and the States in the Pacific Ocean drainage
21 area,”.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
23 10 of the Fisheries Restoration and Irrigation Mitigation
24 Act of 2000 (16 U.S.C. 777 note; Public Law 106–502)
25 is amended—

1 (1) in subsection (a), by striking “2001 through
2 2005” and inserting “ 2009 through 2015”; and

3 (2) in subsection (b), by striking paragraph (2)
4 and inserting the following:

5 “(2) ADMINISTRATIVE EXPENSES.—

6 “(A) DEFINITION OF ADMINISTRATIVE EX-
7 PENSE.—In this paragraph, the term ‘adminis-
8 trative expense’ means, except as provided in
9 subparagraph (B)(iii)(II), any expenditure re-
10 lating to—

11 “(i) staffing and overhead, such as
12 the rental of office space and the acquisi-
13 tion of office equipment; and

14 “(ii) the review, processing, and provi-
15 sion of applications for funding under the
16 Program.

17 “(B) LIMITATION.—

18 “(i) IN GENERAL.—Not more than 6
19 percent of amounts made available to carry
20 out this Act for each fiscal year may be
21 used for Federal and State administrative
22 expenses of carrying out this Act.

23 “(ii) FEDERAL AND STATE SHARES.—
24 To the maximum extent practicable, of the

1 amounts made available for administrative
2 expenses under clause (i)—

3 “(I) 50 percent shall be provided
4 to the State agencies provided assist-
5 ance under the Program; and

6 “(II) an amount equal to the cost
7 of 1 full-time equivalent Federal em-
8 ployee, as determined by the Sec-
9 retary, shall be provided to the Fed-
10 eral agency carrying out the Program.

11 “(iii) STATE EXPENSES.—Amounts
12 made available to States for administrative
13 expenses under clause (i)—

14 “(I) shall be divided evenly
15 among all States provided assistance
16 under the Program; and

17 “(II) may be used by a State to
18 provide technical assistance relating to
19 the program, including any staffing
20 expenditures (including staff travel ex-
21 penses) associated with—

22 “(aa) arranging meetings to
23 promote the Program to potential
24 applicants;

1 “(bb) assisting applicants
2 with the preparation of applica-
3 tions for funding under the Pro-
4 gram; and

5 “(cc) visiting construction
6 sites to provide technical assist-
7 ance, if requested by the appli-
8 cant.”.

9 **SEC. 1203. AMENDMENTS TO THE ALASKA NATURAL GAS**
10 **PIPELINE ACT.**

11 (a) ADMINISTRATION.—Section 106 of the Alaska
12 Natural Gas Pipeline Act (15 U.S.C. 720d) is amended
13 by adding at the end the following:

14 “(h) ADMINISTRATION.—

15 “(1) PERSONNEL APPOINTMENTS.—

16 “(A) IN GENERAL.—The Federal Coordi-
17 nator may appoint and terminate such per-
18 sonnel as the Federal Coordinator determines
19 to be appropriate.

20 “(B) AUTHORITY OF FEDERAL COORDI-
21 NATOR.—Personnel appointed by the Federal
22 Coordinator under subparagraph (A) shall be
23 appointed without regard to the provisions of
24 title 5, United States Code, governing appoint-
25 ments in the competitive service.

1 “(2) COMPENSATION.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), personnel appointed by the Federal
4 Coordinator under paragraph (1)(A) shall be
5 paid without regard to the provisions of chapter
6 51 and subchapter III of chapter 53 of title 5,
7 United States Code (relating to classification
8 and General Schedule pay rates).

9 “(B) MAXIMUM LEVEL OF COMPENSA-
10 TION.—The rate of pay for personnel appointed
11 by the Federal Coordinator under paragraph
12 (1)(A) shall not exceed the maximum level of
13 rate payable for level III of the Executive
14 Schedule.

15 “(C) APPLICABILITY OF SECTION 5941.—
16 Section 5941 of title 5, United States Code,
17 shall apply to personnel appointed by the Fed-
18 eral Coordinator under paragraph (1)(A).

19 “(3) TEMPORARY SERVICES.—

20 “(A) IN GENERAL.—The Federal Coordi-
21 nator may procure temporary and intermittent
22 services in accordance with section 3109(b) of
23 title 5, United States Code.

24 “(B) MAXIMUM LEVEL OF COMPENSA-
25 TION.—The level of compensation of an indi-

1 vidual employed on a temporary or intermittent
2 basis under subparagraph (A) shall not exceed
3 the maximum level of rate payable for level III
4 of the Executive Schedule.

5 “(4) FEES, CHARGES, AND COMMISSIONS.—

6 “(A) IN GENERAL.—The Federal Coordi-
7 nator shall have the authority to establish,
8 change, and abolish reasonable filing and serv-
9 ice fees, charges, and commissions, require de-
10 posits of payments, and provide refunds as pro-
11 vided to the Secretary of the Interior in section
12 304 of the Federal Land Policy and Manage-
13 ment Act of 1976 (43 U.S.C. 1734), except
14 that the authority shall be with respect to the
15 duties of the Federal Coordinator, as described
16 in this Act.

17 “(B) AUTHORITY OF SECRETARY OF THE
18 INTERIOR.—Subparagraph (A) shall not affect
19 the authority of the Secretary of the Interior to
20 establish, change, and abolish reasonable filing
21 and service fees, charges, and commissions, re-
22 quire deposits of payments, and provide refunds
23 under section 304 of the Federal Land Policy
24 and Management Act of 1976 (43 U.S.C.
25 1734).

1 “(C) USE OF FUNDS.—The Federal Coordi-
2 nator is authorized to use, without further ap-
3 propriation, amounts collected under subpara-
4 graph (A) to carry out this section.”.

5 (b) CLARIFICATION OF AUTHORITY.—Section 107(a)
6 of the Alaska Natural Gas Pipeline Act (15 U.S.C.
7 720e(a)) is amended by striking paragraph (3) and insert-
8 ing the following:

9 “(3) the validity of any determination, permit,
10 approval, authorization, review, or other related ac-
11 tion taken under any provision of law relating to a
12 gas transportation project constructed and operated
13 in accordance with section 103, including—

14 “(A) subchapter II of chapter 5, and chap-
15 ter 7, of title 5, United States Code (commonly
16 known as the ‘Administrative Procedure Act’);

17 “(B) the Endangered Species Act of 1973
18 (16 U.S.C. 1531 et seq.);

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

21 “(D) the National Historic Preservation
22 Act (16 U.S.C. 470 et seq.); and

23 “(E) the Alaska National Interest Lands
24 Conservation Act (16 U.S.C. 3101 et seq.)”.

1 **SEC. 1204. ADDITIONAL ASSISTANT SECRETARY FOR DE-**
2 **PARTMENT OF ENERGY.**

3 (a) **IN GENERAL.**—Section 203(a) of the Department
4 of Energy Organization Act (42 U.S.C. 7133(a)) is
5 amended in the first sentence by striking “7 Assistant
6 Secretaries” and inserting “8 Assistant Secretaries”.

7 (b) **CONFORMING AMENDMENT.**—Section 5315 of
8 title 5, United States Code, is amended by striking “As-
9 sistant Secretaries of Energy (7)” and inserting “Assist-
10 ant Secretaries of Energy (8)”.

11 (c) **SENSE OF CONGRESS.**—It is the sense of Con-
12 gress that leadership for missions of the Department of
13 Energy relating to electricity delivery and reliability
14 should be at the Assistant Secretary level.

Calendar No. 855

110TH CONGRESS
2^D SESSION
S. 3213

A BILL

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.

JUNE 27, 2008

Read the second time and placed on the calendar