

CONGRESSIONAL RECORD -- SENATE

110th Congress, 1st Session

153 Cong Rec S 2797

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

March 7, 2007

**REFERENCE:** Vol. 153, No. 39

**SECTION:** Senate

**SPEAKER:** Mr. GRASSLEY; Mr. LEVIN; Mr. HATCH; Mr. KENNEDY; Mr. OBAMA; Mr. CARDIN; Mr. HARKIN; Mrs. BOXER; Mr. CRAPO; Mr. ROCKFELLER; Mr. CORNYN; Mr. KOHL; Mr. DURBIN

**TEXT:** [\*2798]

By Mr. CRAPO:

[S. 802](#). A bill to provide for the implementation of the Owyhee Initiative Agreement, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I am pleased to introduce the Owyhee Initiative Implementation Act of 2007, a bill which is the result of a five-year collaborative effort between all levels of government, multiple users of public lands, and conservationists to resolve decades of heated land-use conflict in the Owyhee Canyonlands in the southwestern part of my home State of Idaho.

This is comprehensive land management legislation that enjoys far-reaching support among a remarkably diverse group of interests that live work and play in this special country.

Owyhee County contains some of the most unique and beautiful canyonlands in the world and offers large areas in which all of us can enjoy the grandeur and experience of untouched western trails, rivers, and open sky. It is truly magical country, and its natural beauty and traditional uses should be preserved for future generations. Owyhee County is traditional ranching country. Seventy-three percent of its land base is owned by the United States, and it is located within an hour's drive of one of the fastest growing areas in the nation, Boise, ID.

This combination of attributes, including location, is having an explosive effect on property values, community expansion and development and ever-increasing demands on public land. Given this confluence of circumstances and events, Owyhee County has been at the core of decades of conflict with heated political and regulatory battles. The diverse land uses co-exist in an area of intense beauty and unique character. The conflict over land management is both inevitable and understandable-how do we manage for this diversity and do so in a way that protects and restores the quality of that fragile environment?

In this context, the Owyhee County Commissioners and several others said "enough is enough" and decided to focus efforts on solving these problems rather than wasting resources on an endless fight. In 2001, The Owyhee County Commissioners, Hal Tolmie, Dick Reynolds, and Chris Salove, met with me and asked for my help. They asked whether I would support them if they could put together, at one table, the interested parties involved in the future of the County to try and reach some solutions. I told them that if they could get together a broad base of interests

who would agree to collaborate in a process committed to problem-solving, I would dedicate myself to working with them and if they were successful, I would introduce resulting legislation. They agreed. Together, we set out on a six-year journey on a road that is as challenging as any in the Owyhee Canyonlands. Sharp turns, steep inclines and declines, big sharp rocks, deep ruts, sand burrs, dust and a constant headwind is exactly what those of us who have worked so hard on this have faced every day.

This is very difficult work and in speaking of difficult work, I want to acknowledge the effort of my friend and colleague from Idaho, Representative Mike Simpson, and the challenge he has taken on as he advocates his Central Idaho Economic Development Act. I support his work and his legislation.

The Commissioners appointed a Chairman, an extraordinary gentleman, Fred Grant. They formed the Work Group which included The **Wilderness** Society, Idaho Conservation League, The Nature Conservancy, Idaho Outfitters and Guides, the United States Air Force, the Sierra Club, the county Soil Conservation Districts, Owyhee Cattleman's Association, the Owyhee Borderlands Trust, People for the Owyhees, and the Shoshone Paiute Tribes to join in their efforts. All accepted, and work on this bill began. As this collaborative process gained momentum, the County Commissioners expanded the Work Group to include the South Idaho Desert Racing Association, Idaho Rivers United and the Owyhee County Farm Bureau. Very recently, the Commissioners have further expanded the effort to include the Foundation for North American Wild Sheep and the Idaho Backcountry Horsemen.

The Commissioners also requested that the Idaho State Department of Lands and the Bureau of Land Management to serve and those agencies have provided important support.

This unique group of people chose to work without a professional facilitator, preferring instead to deal with differences face-to-face and together create new ideas. For me, one of the most gratifying and emotional outcomes has been to see this group transform itself from polarized camps into an extraordinary force that has become known for its intense effort, comity, trust and willingness to work toward a solution.

They operated on a true consensus basis, only making decisions when there was no voiced objection to a proposal. They involved everyone who wanted to participate in the process and spent hundreds of hours discussing their findings, modifying preliminary proposals and ultimately reaching consensus solutions. They have driven thousands of miles inspecting roads and trails, listening to and soliciting ideas from people from all walks of life who have in common deep roots and deep interest in the Owyhee Canyonlands. They sought to ensure that they had a thorough understanding of the issues and could take proper advantage of the insights and experience of all these people.

While this whole process and its outcomes are indeed remarkable, one of the more notable developments is the Memorandum of Agreement between the Shoshone Paiute Tribes and the County that establishes government-to-government cooperation in several areas of mutual interest. I want to particularly note the efforts and support of Mr. Terry Gibson, Chairman of the Shoshone Paiute Tribes, a great leader and a personal friend.

All of these individuals and organizations have asked that I seek Senate approval of their collaborative effort, built from the ground up to chart their path forward.

The Owyhee Initiative transforms conflict and uncertainty into conflict resolution and assurance of future activity. Ranchers can plan for subsequent generations. Off-road vehicle users have access assured. **Wilderness** is established. The Shoshone-Paiute Tribe knows its cultural resources will be protected. The Air Force will continue to train its pilots. Local, State and Federal government agencies will have structure to assist their joint management of the region. And this will all happen within the context of the preservation of environmental and ecological health. This

is indeed a revolutionary land management structure-and one that looks ahead to the future.

Principle features of the legislation include: development, funding and implementation of a landscape-scale program to review, recommend and coordinate landscape conservation and research projects; scientific review process to assist the Bureau of Land Management; designation of **Wilderness** and Wild and Scenic Rivers; release of **Wilderness** Study Areas; protections of tribal cultural and historical resources against intentional and [\*2813]

Page 2813

unintentional abuse and desecration; development and implementation by the BLM of travel plans for public lands; and a board of directors with oversight over the administration and implementation of the Owyhee Initiative.

This can't be called ranching bill, or a **wilderness** bill, or an Air Force bill, or a Tribal bill. It is a comprehensive land management bill. Each interest got enough to enthusiastically support the final product, advocate for its enactment, and, most importantly, support the objectives of those with whom they had previous conflict.

Opposition will come from a few principal sources: those who simply don't want to have **wilderness** designated; those who don't want livestock anywhere on public land; and, those who do not want to see collaboration succeed. While I respect that opposition, I prefer to move forward in an effort that manages conflict and land, rather than exploit disagreements.

The status quo is unacceptable. The Owyhee Canyonlands and its inhabitants, including its people, deserve to have a process of conflict management and a path to sustainability. The need for this path forward is particularly acute given that this area is an hour's drive from one of the Nation's most rapidly-growing communities. The Owyhee Initiative protects water rights, releases **wilderness** study areas and protects traditional uses.

I commend the commitment and leadership of all involved. We have established a longterm, comprehensive management approach. It's been an honor for me to work with so many fine people and I will do everything in my power to turn this into law.

The Owyhee Initiative sets a standard for managing and resolving difficult land management issues in our country. After all, what better place to forge an historical change in our approach to public land management, than in this magnificent land that symbolizes livelihood, heritage, diversity, opportunity and renewal?

And with that, I would like to recognize and thank the people who have been the real driving force behind this process: Fred Grant, Chairman of the Owyhee Initiative Work Group, his assistant Staci Grant, and Dr. Ted Hoffman, Sheriff Gary Aman, the Owyhee County Commissioners: Hal Tolmie, Chris Salova, & Dick Reynolds and Chairman Terry Gibson of the Shoshone Paiute Tribes. I am grateful to Governor Jim Risch of the Great State of Idaho for all of his support. Thanks to: Colonel Rock of the United States Air Force at Mountain Home Air Force Base, Craig Gherke and John McCarthy of The **Wilderness** Society, Rick Johnson & John Robison of the Idaho Conservation League, Inez Jaca representing Owyhee County, Dr. Chad Gibson representing the Owyhee Cattleman's Association, Brenda Richards representing private property owners in Owyhee County, Cindy & Frank Bachman representing the Soil Conservation Districts in Owyhee County, Marcia Argust with the Campaign for America's **Wilderness**, Grant Simmons of the Idaho Outfitters and Guides Association, Bill Sedivy with Idaho Rivers United, Tim Lowry of the Owyhee County Farm Bureau, Bill Walsh representing Southern Idaho Desert Racing Association, Lou Lunte and Will Whelan of the Nature Conservancy for all of their hard work and dedication. I'd also like to thank the Idaho Back Country Horseman, the Foundation for North American Wild Sheep, Roger Singer of the Sierra Club, the South Board of Control and the Owyhee Project managers, and all the other water rights holders who support me today. This process truly benefited from the diversity of these groups and their willingness to cooperate to

reach a common goal of protecting the land on which they live, work, and play.

The Owyhee Canyonlands and its inhabitants are truly a treasure of Idaho and the United States; I hope you will join me in ensuring their future.

I ask unanimous consent that the text of the bill be printed in the Record.

[S. 802](#)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.-This Act may be cited as the "Owyhee Initiative Implementation Act of 2007".

(b) Table of Contents.-The table of contents for this Act is as follows:

Sec.1.Short title; table of contents.

Sec.2.Findings; purpose.

Sec.3.Definitions.

Sec.4.General provisions.

TITLE I-OWYHEE INITIATIVE AGREEMENT

Sec.101.Implementation.

Sec.102.Science review program.

Sec.103.Conservation and research center program.

Sec.104.Authorization of appropriations.

TITLE II-**WILDERNESS** AND WILD AND SCENIC RIVERS

Sec.201.**Wilderness** designation.

Sec.202.Designation of wild and scenic rivers.

Sec.203.Administration of **wilderness** and wild and scenic rivers.

Sec.204.Land exchanges and acquisitions and grazing preferences.

Sec.205.Authorization of appropriations.

TITLE III-TRANSPORTATION AND RECREATION MANAGEMENT

Sec.301.Transportation plans.

Sec.302.Authority.

Sec.303.Cooperative agreements.

Sec.304.Authorization of appropriations.

#### TITLE IV-CULTURAL RESOURCES

Sec.401.Findings.

Sec.402.Implementation.

Sec.403.Authorization of appropriations.

#### SEC. 2. FINDINGS; PURPOSE.

(a) Findings.-Congress finds that-

(1) the Owyhee-Bruneau Canyonlands Region is one of the most spectacular high deserts in the United States, unique in geology and rich in history;

(2) the Shoshone Paiute Indian tribes have put forth claims to aboriginal rights in the Region;

(3) since the 1860s, ranching has been an important part of the heritage, culture, and economy of the Region;

(4) the Region has tremendous opportunities for outdoor recreation;

(5) there has been longstanding conflict over management of the public land in the Region;

(6) in 2001, the Owyhee County Board of Commissioners and the Tribes brought together a diverse group of interests, with the intent that the Tribes and the County, through government-to-government coordination, could mutually launch a process for achieving resolution of land use conflicts, protection of the landscape resource, protection of cultural resources, and economic stability; and

(7) as a result of the process described in paragraph (6), the Owyhee Initiative Agreement, an agreement between a coalition of representatives of landowners, ranchers, environmental organizations, County government, and recreation groups appointed in the County by the Board of County Commissioners, was formed to develop a natural resources project that promotes ecological and economic health within the County.

(b) Purpose.-The purpose of this Act is to provide for the implementation of the Owyhee Initiative Agreement to-

(1) preserve the natural processes that create and maintain a functioning, unfragmented landscape that supports and sustains a flourishing community of human, plant, and animal life;

(2) provide for economic stability by preserving livestock grazing as an economically viable use; and

(3) provide for the protection of cultural resources.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) Board.-The term "Board" means the Board of Directors of the Owyhee Initiative Project.

(2) Bureau.-The term "Bureau" means the Bureau of Land Management.

(3) County.-The term "County" means Owyhee County, Idaho.

(4) Ordinary high water mark.-The term "ordinary high water mark" shall have such meaning as is given the term by the legislature of the State.

(5) Owyhee front.-The term "Owyhee Front" means that area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(6) Owyhee initiative agreement.-The term "Owyhee Initiative Agreement" means the agreement that provides for the implementation of a project for the promotion of ecological and economic health within the County entered into by a coalition of representatives of landowners, ranchers, environmental organizations, County government, and recreation groups appointed in the County by the Board of County Commissioners, entitled "Owyhee Initiative Agreement", as amended on May 10, 2006.

(7) Plan.-The term "Plan" means the Shoshone Paiute Tribal Cultural Resource Protection Plan approved by the Tribes.

(8) Secretary.-The term "Secretary" means the Secretary of the Interior.

(9) State.-The term "State" means the State of Idaho.

(10) Tribes.-The term "Tribes" means the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation.

#### SEC. 4. GENERAL PROVISIONS.

(a) No Precedence.-Nothing in this Act establishes a precedent with regard to any future legislation.

(b) Native American Recognition and Uses.-Nothing in this Act diminishes or otherwise affects-  
[\*2814]

Page 2814

(1) the trust responsibility of the United States to Indian tribes and Indian individuals;

(2) the government-to-government relationship between the United States and federally recognized Indian tribes;

(3) the rights of any Indian tribe, including rights of access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities; or

(4) the sovereignty of any Indian tribe.

#### TITLE I-OWYHEE INITIATIVE AGREEMENT

##### SEC. 101. IMPLEMENTATION.

(a) In General.-The Secretary shall coordinate with the Board and the County in implementing this Act in accordance with applicable laws and regulations.

(b) Effect on Public Participation.-Nothing in this Act diminishes or otherwise affects any

applicable law or regulation relating to public participation.

#### SEC. 102. SCIENCE REVIEW PROGRAM.

(a) In General.-The Secretary shall coordinate with the Board in the conduct of the science review process as described in the Owyhee Initiative Agreement.

(b) Management Actions.-Notwithstanding the review process under this section, the Secretary shall proceed with management actions in a timely manner in accordance with applicable laws (including regulations).

#### SEC. 103. CONSERVATION AND RESEARCH CENTER PROGRAM.

The Secretary shall coordinate with the Board with respect to the conservation and research center program, as described in the Owyhee Initiative Agreement.

#### SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title \$20,000,000.

### TITLE II-WILDERNESS AND WILD AND SCENIC RIVERS

#### SEC. 201. WILDERNESS DESIGNATION.

(a) In General.-In furtherance of the purposes of the **Wilderness Act** ([16 U.S.C. 1131 et seq.](#)), the following land in the State is designated as **wilderness** and as components of the National **Wilderness** Preservation System:

(1) Big jacks creek **wilderness**.-Certain land comprising approximately 51,624 acres, as generally depicted on the map entitled "Big Jacks Creek **Wilderness**" and dated September 1, 2006, which shall be known as the "Big Jacks Creek **Wilderness**".

(2) Bruneau-jarbidge rivers **wilderness**.-Certain land comprising approximately 91,328 acres, as generally depicted on the map entitled "Bruneau-Jarbidge Rivers **Wilderness**" and dated September 1, 2006, which shall be known as the "Bruneau-Jarbidge Rivers **Wilderness**".

(3) Little jacks creek **wilderness**.-Certain land comprising approximately 49,647 acres, as generally depicted on the map entitled "Little Jacks Creek **Wilderness**" and dated September 1, 2006, which shall be known as the "Little Jacks Creek **Wilderness**".

(4) North fork owyhee **wilderness**.-Certain land comprising approximately 43,113 acres, as generally depicted on the map entitled "North Fork Owyhee **Wilderness**" and dated September 1, 2006, which shall be known as the "North Fork Owyhee **Wilderness**".

(5) Owyhee river **wilderness**.-Certain land comprising approximately 269,016 acres, as generally depicted on the map entitled "Owyhee River **Wilderness**" and dated September 1, 2006, which shall be known as the "Owyhee River **Wilderness**".

(6) Pole creek **wilderness**.-Certain land comprising approximately 12,468 acres, as generally depicted on the map entitled "Pole Creek **Wilderness**" and dated September 1, 2006, which shall be known as the "Pole Creek **Wilderness**".

(b) Release of **Wilderness** Study Areas.-

(1) Finding.-Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1782](#)), the public land in the County administered by the

Bureau in the following areas has been adequately studied for **wilderness** designation:

(A) The Sheep Creek East **Wilderness** Study Area.

(B) The Sheep Creek West **Wilderness** Study Area.

(C) The Squaw Creek Canyon **Wilderness** Study Area.

(D) The West Fork Red Canyon **Wilderness** Study Area.

(E) The Upper Deep Creek **Wilderness** Study Area.

(F) The Big Willow Springs **Wilderness** Study Area.

(G) The Middle Fork Owyhee River **Wilderness** Study Area.

(H) Any portion of the **wilderness** study areas-

(i) not designated as **wilderness** by subsection (a); and

(ii) designated for release on the map dated September 1, 2006.

(2) Release.-Any public land described in paragraph (1) that is not designated as **wilderness** by this subsection-

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1782\(c\)](#)); and

(B) shall be managed in accordance with land management plans adopted under section 202 of that Act ([43 U.S.C. 1712](#)).

(c) Maps and Legal Descriptions.-

(1) In general.-As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a map and legal description for each area designated as **wilderness** by this Act.

(2) Effect.-Each map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in such a map or legal description.

(3) Availability of maps.-The maps submitted under paragraph (1) shall be available for public inspection in-

(A) the offices of the Idaho State Director of the Bureau; and

(B) the offices of the Boise and Twin Falls Districts of the Bureau.

## SEC. 202. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) Statement of Intent.-The intent of wild, scenic, and recreational river designations under this subsection is to resolve the wild, scenic, and recreational river status of the segments within the County, as depicted on the maps submitted under section 201(c).

(b) Designation.-Section 3(a) of the Wild and Scenic Rivers Act ([16 U.S.C. 1274\(a\)](#)) is amended-

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

"(170) Battle creek, idaho.-The 23.4 miles of Battle Creek in the State of Idaho from the confluence of the Owyhee River to the upstream boundary of the Owyhee River **Wilderness**, to be administered by the Secretary of the Interior as a wild river.

"(171) Big jacks creek, idaho.-The 35.0 miles of Big Jacks Creek in the State of Idaho from the downstream border of the Big Jacks Creek **Wilderness** in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW1/4 of sec. 26, T. 10 S., R. 2 E., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a wild river.

"(172) Bruneau river, idaho.-

"(A) In general.-Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge **Wilderness** to the upstream confluence with the west fork of the Bruneau River and the Jarbidge River, to be administered by the Secretary of the Interior as a wild river.

"(B) Exception.-Notwithstanding subparagraph (A), the .6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

"(173) West fork of the bruneau river, idaho.-The 6.2 miles of the West Fork of the Bruneau River in the State of Idaho from the confluence with the Jarbidge River to the upstream Bruneau-Jarbidge Rivers **Wilderness** border, to be administered by the Secretary of the Interior as a wild river.

"(174) Camas creek, idaho.-The 3.0 miles of Camas Creek in the State of Idaho from the confluence with Pole Creek to the east boundary of sec. 26, T. 10 S., R. 2 W., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a scenic river.

"(175) Cottonwood creek, idaho.-The 2.6 miles of Cottonwood Creek in the State of Idaho from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek **Wilderness**, to be administered by the Secretary of the Interior as a wild river.

"(176) Deep creek, idaho.-The following segments of Deep Creek in the State of Idaho, to be administered by the Secretary of the Interior:

"(A) The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River **Wilderness** in sec. 30, T. 12 S., R. 2 W., Boise Meridian, Idaho, as a wild river.

"(B) The 26.4-mile segment of Deep Creek from the boundary of Owyhee River **Wilderness** in sec. 30, T. 12 S., R. 2 W., Boise Meridian, Idaho, to the upstream crossing of Mud Flat Road, as a scenic river.

"(177) Dickshooter creek, idaho.-The 11.0 miles of Dickshooter Creek in the State of Idaho from the confluence with Deep Creek to the upstream boundary of the Owyhee River **Wilderness**, to be administered by the Secretary of the Interior as a wild river.

"(178) Duncan creek, idaho.-The following segments of Duncan Creek in the State of Idaho, to be administered by the Secretary of the Interior:

"(A) The 5.2-mile segment of Duncan Creek from the eastern boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, Idaho, upstream to the NW\1/4\ of sec. 1, T. 11 S., R. 3 E., Boise Meridian, Idaho, as a scenic river.

"(B) The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the beginning of the Duncan Creek Scenic River segment, as a wild river.

"(179) Jarbidge river, idaho.-The 28.8 miles of the Jarbidge River in the State of Idaho from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers **Wilderness**, to be administered by the Secretary of the Interior as a wild river.

"(180) Little jacks creek, idaho.-The 13.2 miles of Little Jacks Creek in the State of [\*2815]

Page 2815

Idaho from the downstream boundary of the Little Jacks Creek **Wilderness**, upstream to the NW\1/4\ of sec. 27, T. 9 S., R. 2 E., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a wild river.

"(181) Little owyhee, idaho.-The 11.0 miles of the Little Owyhee in the State of Idaho from the confluence with the South Fork of the Owyhee River to the upstream boundary of the Owyhee River **Wilderness**, to be administered by the Secretary of the Interior as a wild river.

"(182) North fork of the owyhee river, idaho.-The following segments of the North Fork of the Owyhee River in the State of Idaho, to be administered by the Secretary of the Interior:

"(A) The 5.7-mile segment of the North Fork of the Owyhee River from the Idaho-Oregon State border to the Wild River segment of the North Fork of the Owyhee River, as a recreational river.

"(B) The 15.1-mile segment of the North Fork of the Owyhee River from the western/downstream boundary of the North Fork Owyhee River **Wilderness** to the northern/upstream boundary of the North Fork Owyhee River **Wilderness**, as a wild river.

"(183) Ox prong, idaho.-The 1.3 miles of the Ox Prong in the State of Idaho from the confluence with Little Jacks Creek to the upstream boundary of the Little Jacks Creek **Wilderness**, to be administered by the Secretary of the Interior as a wild river.

"(184) Owyhee river, idaho.-The 67.3 miles of the Owyhee River in the State of Idaho from the Idaho-Oregon State border to the upstream boundary of the Owyhee River **Wilderness**, to be administered by the Secretary of the Interior as a wild river, subject to the conditions that-

"(A) motorized access shall be permitted at Crutchers Crossing; and

"(B) any crossing shall remain unconstructed.

"(185) Pole creek, idaho.-The 14.3 miles of Pole Creek in the State of Idaho from the confluence with Deep Creek upstream to the south boundary of sec. 16, T. 10 S., R. 2 W., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a scenic river.

"(186) Red canyon, idaho.-The 4.6 miles of Red Canyon in the State of Idaho from the

confluence of the Owyhee River to the upstream boundary of the Owyhee River **Wilderness**, to be administered by the Secretary of the Interior as a wild river.

"(187) Sheep creek, idaho.-The 25.6 miles of Sheep Creek in the State of Idaho from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers **Wilderness**, to be administered by the Secretary of the Interior as a wild river.

"(188) South fork of the owyhee river, idaho.-

"(A) In general.-Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River from the confluence with the Owyhee River to the upstream boundary of the Owyhee River **Wilderness** at the Idaho-Nevada State border shall be administered by the Secretary of the Interior as a wild river.

"(B) Exception.-Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River across the private lands in secs. 25 and 36, T. 14 S., R. 5 W., Boise Meridian, Idaho, shall be administered by the Secretary of the Interior as a recreational river.

"(189) Wickahoney, idaho.-The 1.5 miles of Wickahoney Creek in the State of Idaho from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek **Wilderness**, to be administered by the Secretary of the Interior as a wild river."

(c) Extent of Boundaries.-Notwithstanding section 3(b) of the Wild and Scenic Rivers Act ([16 U.S.C. 1274\(b\)](#)), the boundaries of the wild and scenic river corridor for a river designated as a wild and scenic river by any of paragraphs (170) through (189) of section 3(a) of that Act ([16 U.S.C. 1274\(a\)](#)) (as added by subsection (b)) shall be the ordinary high water mark.

(d) Maps and Legal Descriptions.-

(1) In general.-As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives the map and legal description of each segment of a river designated as a wild and scenic river under this section or an amendment made by this section.

(2) Effect.-Each map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the maps and legal descriptions.

(3) Availability of maps.-The maps submitted under paragraph (1) shall be available for public inspection in-

(A) the offices of the Idaho State Director of the Bureau; and

(B) the offices of the Boise and Twin Falls districts of the Bureau.

(e) Water Rights.-Water Rights relating to a segment of a river designated as a wild and scenic river under any of paragraphs (170) through (189) of section 3(a) of the Wild and Scenic Rivers Act ([16 U.S.C. 1274\(a\)](#)) (as added by subsection (b)) shall be reserved in accordance with-

(1) the provisions of that Act ([16 U.S.C. 1271 et seq.](#));

(2) the laws and regulations of the State; and

(3) the Owyhee Initiative Agreement.

SEC. 203. ADMINISTRATION OF **WILDERNESS** AND WILD AND SCENIC RIVERS.

(a) Management.-Subject to valid existing rights, each area designated as **wilderness** by section 201 shall be administered by the Secretary in accordance with the **Wilderness Act** ([16 U.S.C. 1131 et seq.](#)), except that-

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

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

(b) Inventory.-In accordance with the Owyhee Initiative Agreement, not later than 1 year after the date on which a **wilderness** is designated under section 201, the Bureau shall conduct an inventory of **wilderness** grazing management facilities and activities in the **wilderness**.

(c) Livestock.-In the **wilderness** areas designated by section 201 that are administered by the Bureau, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the **Wilderness Act** ([16 U.S.C. 1133\(d\)\(4\)](#)) and the guidelines described in Appendix A of House Report 101-405.

(d) Recreational Saddle and Pack Stock.-Nothing in this Act precludes horseback riding or the use of recreational saddle or pack stock in any **wilderness** designated by section 201.

(e) Outfitting and Guiding Activities.-

(1) In general.-Consistent with section 4(d)(6) of the **Wilderness Act** ([16 U.S.C. 1133\(d\)\(6\)](#)) and subject to any regulations that the Secretary determines to be necessary, the Secretary shall permit the continuation of outfitting and guiding activities in any **wilderness** designated by section 201.

(2) Effect of designation.-Designation of an area as **wilderness** areas under section 201 shall not require the Secretary to limit the conduct of outfitting activities or the use of the system of reserved camps and allocated river launches designated for use by members of the public that use outfitter services that are in existence before the date of enactment of this Act.

(f) Access to Non-Federal Land.-Nothing in this Act denies an owner of non-Federal land the right to access the land.

(g) Roads Adjacent to **Wilderness**.-With respect to any road adjacent to a **wilderness** designated by section 201 (as depicted on the applicable map), the boundary of the **wilderness** shall be-

(1) 100 feet from the center line for a primary road;

(2) 50 feet from the center line for a primitive **wilderness** boundary road; and

(3) 30 feet on either side of the center line for an interior **wilderness** division or cherrystem road.

(h) Wildlife Management.-

(1) In general.-In accordance with section 4(d)(7) of the **Wilderness Act** ([16 U.S.C.](#)

[1133\(d\)\(7\)](#)), nothing in this title affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping in any **wilderness** designated by section 201.

(2) Management activities.-

(A) In general.-In furtherance of the purposes and principles of the **Wilderness Act** ([16 U.S.C. 1131 et seq.](#)), management activities to maintain or restore fish and wildlife populations and the habitats necessary to support such populations may be carried out in any **wilderness** designated by section 201, if the management activities are-

(i) consistent with relevant **wilderness** management plans; and

(ii) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101-405.

(B) Inclusions.-Management activities under subparagraph (A) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance **wilderness** values while causing the minimum impact necessary to accomplish the promotion of such outcomes.

(3) Existing activities.-Consistent with section 4(d)(1) of the **Wilderness Act** ([16 U.S.C. 1133\(d\)\(1\)](#)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101-405, the State may continue to use aircraft (including helicopters) in the **wilderness** areas designated by section 201 to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep and feral stock, horses, and burros.

(i) Wildfire Management.-Consistent with section 4 of the **Wilderness Act** ([16 U.S.C. 1133](#)), nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in any **wilderness** designated by section 201.

(j) Incorporation of Acquired Land and Interests.-Any land or interest within the perimeter of, or adjacent to, an area designated as a **wilderness** by section 201 or any land or interest described in section 204 that is acquired by the United States after the date of enactment of this Act shall be added [\*2816]

Page 2816

to and administered as part of the **wilderness** within which the acquired land or interest is located.

(k) Adjacent Management.-

(1) In general.-The designation of a **wilderness** by section 201 shall not create any protective perimeters or buffer zones around the **wilderness**.

(2) Nonwilderness activities.-The fact that nonwilderness activities or uses can be seen or heard from areas within a **wilderness** or wild and scenic river designated under this section shall not preclude the conduct of those activities or uses outside the boundary of the **wilderness** or wild and scenic river.

(l) Military Overflights.-Nothing in this section restricts or precludes-

(1) low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned

aerial vehicles over the areas designated as a **wilderness** by section 201, including military overflights that can be seen or heard within the **wilderness** or wild and scenic river areas;

(2) flight testing and evaluation;

(3) the designation or creation of new units of special use airspace, the expansion of units of special use airspace in existence on the date of enactment of this Act, or the use or establishment of military flight training routes over the **wilderness** or wild and scenic river areas; or

(4) emergency access and response.

(m) Water Rights.-In accordance with section 4(d)(6) of the **Wilderness Act** ([16 U.S.C. 1133\(d\)\(6\)](#)), nothing in this Act provides an express or implied claim or denial of the Federal Government with respect to any exemption from water laws of the State.

#### SEC. 204. LAND EXCHANGES AND ACQUISITIONS AND GRAZING PREFERENCES.

(a) Exchanges and Acquisitions.-

(1) Findings.-Congress finds that-

(A) the consolidation of land ownership would facilitate sound and efficient management for public and private land and serve important public objectives, including-

(i) the enhancement of public access, aesthetics, and recreational opportunities within and adjacent to designated **wilderness** and wild and scenic river areas; and

(ii) the protection and enhancement of wildlife habitat, including sensitive species;

(B) time is of the essence in completing appropriate land exchanges because further delays may force landowners to construct roads in, develop, or sell private land inholdings, and diminish the public values for which the private land is to be acquired; and

(C) it is in the public interest to complete the land exchanges at the earliest practicable date so that the land acquired by the United States can be preserved for protection of **wilderness** character, wildlife habitat, and permanent public use and enjoyment.

(2) Authorization.-The Secretary may acquire, by purchase or other exchange, any land or interest offered by an owner under paragraph (3), subject to the conditions described in paragraph (4).

(3) Offers to convey.-

(A) In general.-An owner of land or an interest identified under the document entitled "Land Exchanges and Acquisitions" and dated September 1, 2006, may offer to convey the land or interest to the Secretary by purchase or exchange if the owner has submitted to the Secretary, on or before the date of enactment of this Act-

(i) a written notice of the intent to exchange or sell the land or interest;

(ii) an identification of each parcel of land and each interest to be exchanged or sold;

(iii) a description of the value of each parcel of land and each interest as described in that document; and

(iv) in the case of an exchange, a description of the Federal land sought for the exchange.

(B) Conveyance by sale.-

(i) In general.-Subject to the availability of funds, the Secretary shall acquire any land or interests offered for purchase under subparagraph (A) as soon as practicable after the date of enactment of this Act.

(ii) Election to receive cash.-If an owner makes an election under subparagraph (C)(iii)(II), the Secretary shall acquire by sale the land or interest of the owner as soon as practicable after the date on which the Secretary receives a notice of the election of the owner.

(C) Conveyance by direct exchange.-

(i) In general.-On the election of an owner that has submitted an appropriate notice under subparagraph (A)(i), the Secretary may acquire land or property interests identified as eligible for exchange in the document entitled "Land Exchanges and Acquisitions" and dated September 1, 2006, in exchange for Federal land that is-

(I) of equal value to the land or property interests, as determined by appraisals of the applicable Federal land, with or without development rights;

(II) located in the County; and

(III) described in the document referred to in subparagraph (A).

(ii) Action by secretary.-Not later than 60 days after the date on which the appraisals of applicable land are completed, the Secretary shall offer to enter into an exchange under this subparagraph with each appropriate owner of land or a property interest offered for exchange under subparagraph (A).

(iii) Decisions by owners.-Not later than 60 days after the date on which the appraisals of applicable land are completed, an owner of land or a property interest subject to an exchange under this subparagraph may elect-

(I) to waive any applicable development right relating to the Federal land to be exchanged, subject to the adjustment of the exchange to achieve like values;

(II) to receive cash in lieu of Federal land for all or any portion of the land or property interest to be exchanged; or

(III) to withdraw from participation in any exchange program.

(iv) Applicability of other law.-Except as otherwise provided in this section, each exchange of Federal land under this section shall be subject to laws (including regulations) applicable to the conveyance and acquisition of land under the jurisdiction of the Bureau of Land Management.

(D) Facilitated land exchanges.-

(i) In general.-Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a facilitated land exchange in accordance with subparagraph (A) and conducted through a land exchange facilitator to be designated by the Board.

(ii) Exchange offer.-

(I) In general.-Not later than 60 days after the date on which the appraisals of applicable land

are completed, the land exchange facilitator shall submit to the Secretary an offer to exchange private land for Federal land in the County.

(II) Requirement.-An offer to exchange under subclause (I) shall demonstrate that the appraised value of the private land is equal or approximately equal to the appraised value, with or without development rights, of the Federal land offered for exchange.

(4) Conditions.-

(A) Title.-Title to any private land conveyed under this subsection shall-

(i) be acceptable to the Secretary; and

(ii) conform with title approval standards applicable to Federal land acquisitions.

(B) Valid existing rights.-Conveyances under this subsection shall be subject to valid existing rights of record.

(5) Effect of subsection.-Nothing in this subsection-

(A) creates any compensable property right or title with respect to grazing preferences; or

(B) affects any public access route on Federal land exchanged under this subsection.

(b) Grazing Preferences.-

(1) In general.-A holder of a valid grazing preference with respect to all or a portion of any Federal land designated by this Act as a **wilderness** may voluntarily offer to the Secretary for sale or donation all or any portion of the grazing preference.

(2) Notice.-To offer a grazing preference for sale or donation under paragraph (1), the holder of the grazing preference shall submit to the Secretary a written notice of the intent of the holder, including-

(A) a description of the Federal land to which the grazing preference applies; and

(B) the date on which the holder will relinquish use of the grazing preference, which shall be not later than 1 year after the date on which the notice is submitted.

(3) Consideration.-The Secretary shall provide to a holder that offers a grazing preference for sale under paragraph (1) consideration in accordance with the schedule of payments described in the document described in subsection (a)(3)(A).

(4) Cancellation and retirement of livestock grazing.-Beginning on the date identified under paragraph (2)(B)-

(A) the applicable grazing preference shall be canceled; and

(B) the associated livestock grazing shall be permanently retired.

(5) Fencing.-The Secretary shall install and maintain any fencing and other structures required to prevent grazing use of any Federal land on which a grazing preference has been voluntarily sold or donated under this subsection.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Bureau such sums as are necessary to carry out this title.

### TITLE III-TRANSPORTATION AND RECREATION MANAGEMENT

#### SEC. 301. TRANSPORTATION PLANS.

(a) In General.-The Bureau shall develop and implement transportation plans for land managed by the Bureau outside of **wilderness** areas in the County.

(b) Consultation and Coordination.-The transportation plans and cooperative agreements shall be developed in consultation and coordination with appropriate Federal Government entities, tribal government entities, and State and local government entities consistent with-

(1) the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1701 et seq.](#));

(2) the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)); and

(3) any other applicable laws.

(c) Inclusions.-The Bureau shall ensure that all areas of the County managed by the Bureau, including areas that are remote and rarely used for motorized recreation, are included and in transportation plans developed under subsection (a) to-

(1) provide for management of anticipated growth in recreational use of the land; and

(2) develop a system to provide a wide range of recreational opportunities and experiences for all users.

(d) Limitation.-Transportation plans under subsection (a) shall not affect the status of any road adjacent to any **wilderness** (as depicted on the applicable map). [\*2817]

Page 2817

(e) System of Routes.-

(1) In general.-Each transportation plan under subsection (a) shall-

(A) establish a system of designated roads and trails;

(B) include a multiple use recreational trail system, that provides a wide range of recreational opportunities and experiences for all users while protecting natural and cultural resources;

(C) limit the use of motorized and mechanized vehicles to designated roads and trails;

(D) address use of snow vehicles on roads, trails, and areas designated for such use;

(E) be based on resource and route inventories;

(F) include designation of routes and route systems that are open or closed; and

(G) include provisions relating to, with respect to the applicable land-

(i) trail construction and reconstruction;

- (ii) road and trail closure;
- (iii) seasonal closures or restrictions;
- (iv) restoration of disturbed areas;
- (v) monitoring;
- (vi) maintenance;
- (vii) maps;
- (viii) signs;
- (ix) education; and
- (x) enforcement.

(2) Temporary limitation.-

(A) In general.-Except as provided in subparagraph (B), until the date on which the Bureau completes transportation planning, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails in existence on the day before the date of enactment of this Act.

(B) Exceptions.-

(i) In general.-Subparagraph (A) shall not apply to areas specifically identified as open, closed, or limited under the Owyhee resource management plan.

(ii) Hemmingway butte area.-Notwithstanding subparagraph (A), the Bureau may take into consideration maintaining the Hemmingway Butte area as open to cross-country travel.

(f) Schedule.-

(1) Owyhee front.-Not later than 1 year after the date of enactment of this Act, the Bureau shall complete a transportation plan for the Owyhee Front.

(2) Other federal lands in the county.-Not later than 3 years after the date of enactment of this Act, the Bureau shall complete a transportation plan for Federal land in the County outside the Owyhee Front.

SEC. 302. AUTHORITY.

Transportation and travel management under this title shall not affect the authority of the Bureau to manage or regulate off-highway vehicle use under title 43, Code of Federal Regulations (as in effect on September 25, 2005).

SEC. 303. COOPERATIVE AGREEMENTS.

(a) In General.-As soon as practicable, after the date of enactment of this Act, the Bureau shall offer to enter into cooperative agreements with the County-

- (1) to establish a cooperative search and rescue program; and
- (2) to implement and enforce the transportation plans described in this section.

(b) Authorization of Appropriations.-There are authorized to be appropriated to the Bureau such sums as are necessary-

(1) to carry out search and rescue operations in the County; and

(2) to develop, implement, and enforce off-highway motor vehicle transportation plans under this section.

#### SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Bureau such sums as are necessary to accelerate completion and implementation by the Bureau of the transportation plan for the Owyhee Front and subsequent transportation plans for the remainder of the County.

#### TITLE IV-CULTURAL RESOURCES

##### SEC. 401. FINDINGS.

Congress finds that-

(1) the County is rich in history and culture going back thousands of years;

(2) the cultural and historical resources important to the people and ancestors of the Tribes must be protected against abuse and desecration, whether intentional or unintentional;

(3) there are opportunities-

(A) to increase knowledge of cultural resources;

(B) to monitor influences from outside forces; and

(C) to improve the inspection and supervision of major cultural sites;

(4) inventory and monitoring programs that identify and document cultural sites and the condition of those sites over time would-

(A) assist in ensuring the preservation of the sites; and

(B) help to focus resources-

(i) to ensure compliance with prohibitions against destruction and or removal of cultural items; and

(ii) to prevent inadvertent negative impacts;

(5) the Owyhee Initiative Agreement will-

(A) support a broad range of measures to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes; and

(B) provide for the implementation of the Plan; and

(6) the implementation of the Plan should-

(A) be consistent with the Indian Self-Determination and Education Assistance Act ([25 U.S.C.](#)

[450 et seq.](#)); and

(B) recognize that-

(i) the right of Indians to self-government results from the inherent sovereignty of Indian tribes;  
and

(ii) the United States-

(I) has a special and unique legal and political relationship with federally recognized Indian tribes; and

(II) is obligated to develop a government-to-government relationship with Indian tribes under the Constitution, treaties, Federal law, and the course of dealings with Indian tribes.

#### SEC. 402. IMPLEMENTATION.

The Tribes shall implement the Plan.

#### SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Tribes to carry out this title-

(1) \$900,000 for fiscal year 2008; and

(2) \$900,000 for each of fiscal years 2009 through 2012.