

allow reasonable and efficient livestock use of the forage resources referred to in paragraph (3).

**(f) Prohibition on construction of facilities**

No new facilities may be constructed on Federal lands included in the Cooperative Management and Protection Area unless the Secretary determines that the structure—

- (1) will be minimal in nature;
- (2) is consistent with the purposes of this subchapter; and
- (3) is necessary—
  - (A) for enhancing botanical, fish, wildlife, or watershed conditions;
  - (B) for public information, health, or safety;
  - (C) for the management of livestock; or
  - (D) for the management of recreation, but not for the promotion of recreation.

**(g) Withdrawal**

Subject to valid existing rights, the Federal lands and interests in lands included in the Cooperative Management and Protection Areas are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, except in the case of land exchanges if the Secretary determines that the exchange furthers the purpose and objectives specified in section 460nnn-12 of this title and so certifies to Congress.

(Pub. L. 106-399, title I, §113, Oct. 30, 2000, 114 Stat. 1661.)

**§ 460nnn-24. Land acquisition authority**

**(a) Acquisition**

**(1) Acquisition authorized**

In addition to the land acquisitions authorized by part F of this subchapter, the Secretary may acquire other non-Federal lands and interests in lands located within the boundaries of the Cooperative Management and Protection Area or the Wilderness Area.

**(2) Acquisition methods**

Lands may be acquired under this subsection only by voluntary exchange, donation, or purchase from willing sellers.

**(b) Treatment of acquired lands**

**(1) In general**

Subject to paragraphs (2) and (3), lands or interests in lands acquired under subsection (a) of this section or part F of this subchapter that are located within the boundaries of the Cooperative Management and Protection Area shall—

- (A) become part of the Cooperative Management and Protection Area; and
- (B) be managed pursuant to the laws applicable to the Cooperative Management and Protection Area.

**(2) Lands within Wilderness Area**

If lands or interests in lands acquired under subsection (a) of this section or part F of this subchapter are within the boundaries of the Wilderness Area, the acquired lands or interests in lands shall—

- (A) become part of the Wilderness Area; and

(B) be managed pursuant to part B of this subchapter and the other laws applicable to the Wilderness Area.

**(3) Lands within wilderness study area**

If the lands or interests in lands acquired under subsection (a) of this section or part F of this subchapter are within the boundaries of a wilderness study area, the acquired lands or interests in lands shall—

- (A) become part of that wilderness study area; and
- (B) be managed pursuant to the laws applicable to that wilderness study area.

**(c) Appraisal**

In appraising non-Federal land, development rights, or conservation easements for possible acquisition under this section or section 460nnn-42 of this title, the Secretary shall disregard any adverse impacts on values resulting from the designation of the Cooperative Management and Protection Area or the Wilderness Area.

(Pub. L. 106-399, title I, §114, Oct. 30, 2000, 114 Stat. 1662.)

**§ 460nnn-25. Special use permits**

The Secretary may renew a special recreational use permit applicable to lands included in the Wilderness Area to the extent that the Secretary determines that the permit is consistent with the Wilderness Act (16 U.S.C. 1131 et seq.). If renewal is not consistent with the Wilderness Act, the Secretary shall seek other opportunities for the permit holder through modification of the permit to realize historic permit use to the extent that the use is consistent with the Wilderness Act and this subchapter, as determined by the Secretary.

(Pub. L. 106-399, title I, §115, Oct. 30, 2000, 114 Stat. 1663.)

REFERENCES IN TEXT

The Wilderness Act, referred to in text, is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

SUBPART 3—COOPERATIVE MANAGEMENT

**§ 460nnn-41. Cooperative management agreements**

**(a) Cooperative efforts**

To further the purposes and objectives for which the Cooperative Management and Protection Area is designated, the Secretary may work with non-Federal landowners and other parties who voluntarily agree to participate in the cooperative management of Federal and non-Federal lands in the Cooperative Management and Protection Area.

**(b) Agreements authorized**

The Secretary may enter into a cooperative management agreement with any party to provide for the cooperative conservation and management of the Federal and non-Federal lands subject to the agreement.

**(c) Other participants**

With the consent of the landowners involved, the Secretary may permit permittees, special-use permit holders, other Federal and State agencies, and interested members of the public to participate in a cooperative management agreement as appropriate to achieve the resource or land use management objectives of the agreement.

**(d) Tribal cultural site protection**

The Secretary may enter into agreements with the Burns Paiute Tribe to protect cultural sites in the Cooperative Management and Protection Area of importance to the tribe.

(Pub. L. 106-399, title I, §121, Oct. 30, 2000, 114 Stat. 1663.)

**§ 460nnn-42. Cooperative efforts to control development and encourage conservation****(a) Policy**

Development on public and private lands within the boundaries of the Cooperative Management and Protection Area which is different from the current character and uses of the lands is inconsistent with the purposes of this subchapter.

**(b) Use of nondevelopment and conservation easements**

The Secretary may enter into a nondevelopment easement or conservation easement with willing landowners to further the purposes of this subchapter.

**(c) Conservation incentive payments**

The Secretary may provide technical assistance, cost-share payments, incentive payments, and education to a private landowner in the Cooperative Management and Protection Area who enters into a contract with the Secretary to protect or enhance ecological resources on the private land covered by the contract if those protections or enhancements benefit public lands.

**(d) Relation to property rights and State and local law**

Nothing in this subchapter is intended to affect rights or interests in real property or supersede State law.

(Pub. L. 106-399, title I, §122, Oct. 30, 2000, 114 Stat. 1664.)

## SUBPART 4—ADVISORY COUNCIL

**§ 460nnn-51. Establishment of advisory council****(a) Establishment**

The Secretary shall establish the Steens Mountain Advisory Council to advise the Secretary in managing the Cooperative Management and Protection Area and in promoting the cooperative management under subpart 3 of this part.

**(b) Members**

The advisory council shall consist of 12 voting members, to be appointed by the Secretary, as follows:

(1) A private landowner in the Cooperative Management and Protection Area, appointed

from nominees submitted by the county court for Harney County, Oregon.

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

(3) A person interested in fish and recreational fishing in the Cooperative Management and Protection Area, appointed from nominees submitted by the Governor of Oregon.

(4) A member of the Burns Paiute Tribe, appointed from nominees submitted by the Burns Paiute Tribe.

(5) Two persons who are recognized environmental representatives, one of whom shall represent the State as a whole, and one of whom is from the local area, appointed from nominees submitted by the Governor of Oregon.

(6) A person who participates in what is commonly called dispersed recreation, such as hiking, camping, nature viewing, nature photography, bird watching, horse back riding, or trail walking, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(7) A person who is a recreational permit holder or is a representative of a commercial recreation operation in the Cooperative Management and Protection Area, appointed from nominees submitted jointly by the Oregon State Director of the Bureau of Land Management and the county court for Harney County, Oregon.

(8) A person who participates in what is commonly called mechanized or consumptive recreation, such as hunting, fishing, off-road driving, hang gliding, or parasailing, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

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

(10) A person who has no financial interest in the Cooperative Management and Protection Area to represent statewide interests, appointed from nominees submitted by the Governor of Oregon.

**(c) Consultation**

In reviewing nominees submitted under subsection (b) of this section for possible appointment to the advisory council, the Secretary shall consult with the respective community of interest that the nominees are to represent to ensure that the nominees have the support of their community of interest.

**(d)<sup>1</sup> Terms****(1) Staggered terms**

Members of the advisory council shall be appointed for terms of 3 years, except that, of the members first appointed, four members shall be appointed for a term of 1 year and four members shall be appointed for a term of 2 years.

<sup>1</sup> So in original. Two subsecs. (d) have been enacted.