

## 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) 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.

sory 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.

**(2) Reappointment**

A member may be reappointed to serve on the advisory council.

**(3) Vacancy**

A vacancy on the advisory council shall be filled in the same manner as the original appointment.

**(d)<sup>1</sup> Chairperson and procedures**

The advisory council shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

**(e) Service without compensation**

Members of the advisory council shall serve without pay, but the Secretary shall reimburse members for reasonable expenses incurred in carrying out official duties as a member of the council.

**(f) Administrative support**

The Secretary shall provide the advisory council with necessary administrative support and shall designate an appropriate officer of the Bureau of Land Management to serve as the Secretary's liaison to the council.

**(g) State liaison**

The Secretary shall appoint one person, nominated by the Governor of Oregon, to serve as the State government liaison to the advisory council.

**(h) Applicable law**

The advisory committee<sup>2</sup> shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the Federal Advisory Committee Act (5 U.S.C. App.).

(Pub. L. 106-399, title I, §131, Oct. 30, 2000, 114 Stat. 1664.)

## REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (h), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (h), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

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

<sup>2</sup> So in original. Probably should be "advisory council".

**§ 460nnn-52. Advisory role in management activities**

**(a) Management recommendations**

The advisory committee<sup>1</sup> shall utilize sound science, existing plans for the management of Federal lands included in the Cooperative Management and Protection Area, and other tools to formulate recommendations for the Secretary regarding—

(1) new and unique approaches to the management of lands within the boundaries of the Cooperative Management and Protection Area; and

(2) cooperative programs and incentives for seamless landscape management that meets human needs and maintains and improves the ecological and economic integrity of the Cooperative Management and Protection Area.

**(b) Preparation of management plan**

The Secretary shall consult with the advisory committee<sup>1</sup> as part of the preparation and implementation of the management plan.

**(c) Submission of recommendations**

No recommendations may be presented to the Secretary by the advisory council without the agreement of at least nine members of the advisory council.

(Pub. L. 106-399, title I, §132, Oct. 30, 2000, 114 Stat. 1665.)

**§ 460nnn-53. Science committee**

The Secretary shall appoint, as needed or at the request of the advisory council, a team of respected, knowledgeable, and diverse scientists to provide advice on questions relating to the management of the Cooperative Management and Protection Area to the Secretary and the advisory council. The Secretary shall seek the advice of the advisory council in making these appointments.

(Pub. L. 106-399, title I, §133, Oct. 30, 2000, 114 Stat. 1666.)

PART B—STEENS MOUNTAIN WILDERNESS AREA

**§ 460nnn-61. Designation of Steens Mountain Wilderness Area**

The Federal lands in the Cooperative Management and Protection Area depicted as wilderness on the map entitled “Steens Mountain Wilderness Area” and dated September 18, 2000, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. The wilderness area shall be known as the Steens Mountain Wilderness Area.

(Pub. L. 106-399, title II, §201, Oct. 30, 2000, 114 Stat. 1666.)

CODIFICATION

Section is comprised of section 201 of Pub. L. 106-399. Section 201 also enacted provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

<sup>1</sup> So in original. Probably should be “advisory council”.

**§ 460nnn-62. Administration of Wilderness Area**

**(a) General rule**

The Secretary shall administer the Wilderness Area in accordance with this part and the Wilderness Act (16 U.S.C. 1131 et seq.). Any reference in the Wilderness Act to the effective date of that Act (or any similar reference) shall be deemed to be a reference to October 30, 2000.

**(b) Wilderness boundaries along roads**

Where a wilderness boundary exists along a road, the wilderness boundary shall be set back from the centerline of the road, consistent with the Bureau of Land Management’s guidelines as established in its Wilderness Management Policy.

**(c) Access to non-Federal lands**

The Secretary shall provide reasonable access to private lands within the boundaries of the Wilderness Area, as provided in section 460nnn-22(d)<sup>1</sup> of this title.

**(d) Grazing**

**(1) Administration**

Except as provided in section 460nnn-23(e)(2) of this title, grazing of livestock shall be administered in accordance with the provision of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the provisions of this subchapter, and in accordance with the guidelines set forth in Appendices A and B of House Report 101-405 of the 101st Congress.

**(2) Retirement of certain permits**

The Secretary shall permanently retire all grazing permits applicable to certain lands in the Wilderness Area, as depicted on the map referred to in section 460nnn-11(a) of this title, and livestock shall be excluded from these lands.

(Pub. L. 106-399, title II, §202, Oct. 30, 2000, 114 Stat. 1666.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (a), 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.

The effective date of the Wilderness Act, referred to in subsec. (a), means Sept. 3, 1964, the date of enactment of Pub. L. 88-577, which enacted chapter 23 of this title.

This subchapter, referred to in subsec. (d)(1), was in the original “this Act”, meaning Pub. L. 106-399, Oct. 30, 2000, 114 Stat. 1655, known as the Steens Mountain Cooperative Management and Protection Act of 2000, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 460nnn of this title and Tables.

**§ 460nnn-63. Water rights**

Nothing in this subchapter shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(Pub. L. 106-399, title II, §203, Oct. 30, 2000, 114 Stat. 1667.)

<sup>1</sup> So in original. Probably should be section “460nnn-22(e)”.