

(D) Nothing in this subchapter shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

(3) Colorado water law

The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Conservation Area and the Wilderness.

(4) New projects

(A) As used in this paragraph, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. Such term does not include any such facilities related to or used for the purpose of livestock grazing.

(B) Except as otherwise provided by subsection (g) or other provisions of this subchapter, on and after October 24, 2000, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this subchapter.

(C) Except as provided in this paragraph, nothing in this subchapter shall be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resource facilities in existence on October 24, 2000, within the boundaries of the Wilderness.

(5) Boundaries along Colorado River

(A) Neither the Conservation Area nor the Wilderness shall include any part of the Colorado River to the 100-year high water mark.

(B) Nothing in this subchapter shall affect the authority that the Secretary may or may not have to manage recreational uses on the Colorado River, except as such authority may be affected by compliance with paragraph (3). Nothing in this subchapter shall be construed to affect the authority of the Secretary to manage the public lands between the boundary of the Conservation Area and the edge of the Colorado River.

(C) Subject to valid existing rights, all lands owned by the Federal Government between the 100-year high water mark on each shore of the Colorado River, as designated on the Map from the line labeled “Line A” on the east to the boundary between the States of Colorado and Utah on the west, are hereby withdrawn from—

- (i) all forms of entry, appropriation, or disposal under the public land laws;
- (ii) location, entry, and patent under the mining laws; and
- (iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(Pub. L. 106-353, §6, Oct. 24, 2000, 114 Stat. 1375.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a)(2)(A), 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 Wilderness Act, referred to in subsec. (e), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, 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. (e), means Sept. 3, 1964, the date of enactment of Pub. L. 88-577, which enacted chapter 23 of this title.

§ 460mmm-5. Maps and legal descriptions

(a) In general

As soon as practicable after October 24, 2000, the Secretary shall submit to Congress a copy of the Map and a legal description of the Conservation Area and of the Wilderness.

(b) Force and effect

The Map and legal descriptions shall have the same force and effect as if included in this subchapter, except that the Secretary may correct clerical and typographical errors in the Map and the legal descriptions.

(c) Public availability

Copies of the Map and the legal descriptions shall be on file and available for public inspection in—

- (1) the Office of the Director of the Bureau of Land Management;
- (2) the Grand Junction District Office of the Bureau of Land Management in Colorado;
- (3) the appropriate office of the Bureau of Land Management in Colorado, if the Grand Junction District Office is not deemed the appropriate office; and
- (4) the appropriate office of the Bureau of Land Management in Utah.

(d) Map controlling

Subject to section 460mmm-4(l)(3)¹ of this title, in the case of a discrepancy between the Map and the descriptions, the Map shall control. (Pub. L. 106-353, §7, Oct. 24, 2000, 114 Stat. 1379.)

§ 460mmm-6. Advisory Council

(a) Establishment

Not later than 6 months after October 24, 2000, the Secretary shall establish an advisory council to be known as the “McInnis Canyons National Conservation Area Advisory Council”.

(b) Duty

The Council shall advise the Secretary with respect to preparation and implementation of the management plan, including budgetary matters, for the Conservation Area and the Wilderness.

(c) Applicable law

The Council shall be subject to—

- (1) the Federal Advisory Committee Act (5 U.S.C. App.); and

¹ So in original. Probably should be section “460mmm-4(l)(5)”.

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) Members

The Council shall consist of 10 members to be appointed by the Secretary including, to the extent practicable:

(1) A member of or nominated by the Mesa County Commission.

(2) A member nominated by the permittees holding grazing allotments within the Conservation Area or the Wilderness.

(3) A member of or nominated by the Northwest Resource Advisory Council.

(4) Seven members residing in, or within reasonable proximity to, Mesa County, Colorado, with recognized backgrounds reflecting—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and the Wilderness.

(Pub. L. 106-353, § 8, Oct. 24, 2000, 114 Stat. 1379; Pub. L. 108-400, § 1(d), Oct. 30, 2004, 118 Stat. 2254.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c)(1), 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.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (c)(2), 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.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-400 substituted “McInnis Canyons” for “Colorado Canyons”.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-400 effective Jan. 1, 2005, see section 1(g) of Pub. L. 108-400, set out as a note under section 460mmm of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 460mmm-7. Public access

(a) In general

The Secretary shall continue to allow private landowners reasonable access to inholdings in the Conservation Area and Wilderness.

(b) Glade Park

The Secretary shall continue to allow public right of access, including commercial vehicles, to Glade Park, Colorado, in accordance with the decision in Board of County Commissioners of

Mesa County v. Watt (634 F. Supp. 1265 (D.Colo.; May 2, 1986)).

(Pub. L. 106-353, § 9, Oct. 24, 2000, 114 Stat. 1380.)

SUBCHAPTER CXXV—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

§ 460nnn. Definitions

In this subchapter:

(1) Advisory council

The term “advisory council” means the Steens Mountain Advisory Council established by part D.¹

(2) Cooperative management agreement

An agreement to plan or implement (or both) cooperative recreation, ecological, grazing, fishery, vegetation, prescribed fire, cultural site protection, wildfire or other measures to beneficially meet public use needs and the public land and private land objectives of this subchapter.

(3) Cooperative Management and Protection Area

The term “Cooperative Management and Protection Area” means the Steens Mountain Cooperative Management and Protection Area designated by part A.

(4) Easements

(A) Conservation easement

The term “conservation easement” means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area under which the landowner, permanently or during a time period specified in the agreement, agrees to conserve or restore habitat, open space, scenic, or other ecological resource values on the land covered by the easement.

(B) Nondevelopment easement

The term “nondevelopment easement” means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area that will, permanently or during a time period specified in the agreement—

- (i) prevent or restrict development on the land covered by the easement; or
- (ii) protect open space or viewshed.

(5) Ecological integrity

The term “ecological integrity” means a landscape where ecological processes are functioning to maintain the structure, composition, activity, and resilience of the landscape over time, including—

(A) a complex of plant communities, habitats and conditions representative of variable and sustainable successional conditions; and

(B) the maintenance of biological diversity, soil fertility, and genetic interchange.

(6) Management plan

The term “management plan” means the management plan for the Cooperative Manage-

¹ See References in Text note below.