

**§ 460iii-2. Establishment****(a) In general**

(1) There is hereby established the Morley Nelson Snake River Birds of Prey National Conservation Area.

(2) The purposes for which the conservation area is established, and shall be managed, are to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values of the public lands in the conservation area.

(3) Subject to the provisions of subsection (d) of this section and section 460iii-3 of this title, uses of the public lands in the conservation area existing on August 4, 1993, shall be allowed to continue.

**(b) Area included**

The conservation area shall consist of approximately 482,457 acres of federally owned lands and interests therein managed by the Bureau of Land Management as generally depicted on the map entitled "Snake River Birds of Prey National Conservation Area", dated November 1991.

**(c) Map and legal description**

As soon as is practicable after August 4, 1993, the map referred to in subsection (b) and a legal description of the conservation area shall be filed by the Secretary with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map shall have the same force and effect as if included in this subchapter; except that the Secretary may correct clerical and typographical errors in such map and legal description. Each such map shall be on file and available for public inspection in the office of the Director and the Idaho State Director of the Bureau of Land Management of the Department of the Interior.

**(d) Withdrawals**

Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat. 377, 43 U.S.C. 321 et seq.; commonly referred to as the "Desert Lands Act"), section 641 of title 43, the Act of July 3, 1890 (Ch. 656, 26 Stat. 215; commonly referred to as the "State of Idaho Admissions Act"), section 851 of title 43, and section 852 of title 43. The Secretary shall return to the applicants any such applications pending on August 4, 1993, without further action. Subject to valid existing rights, as of August 4, 1993, lands within the Birds of Prey Conservation Area are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws, and the mineral material disposal laws, except that mineral materials subject to disposal may be made available from existing sites to the extent compatible with the purposes for which the conservation area is established.

(Pub. L. 103-64, §3, Aug. 4, 1993, 107 Stat. 304; Pub. L. 111-11, title II, §2301(a)(2), (c)(1), Mar. 30, 2009, 123 Stat. 1101.)

## REFERENCES IN TEXT

Act of March 3, 1877, referred to in subsec. (d), is act Mar. 3, 1877, ch. 107, 19 Stat. 377, as amended, which is classified generally to sections 321 to 323, 325, and 327 to 329 of Title 43. For complete classification of this Act to the Code, see Tables.

Act of July 3, 1890, referred to in subsec. (d), is not classified to the Code.

## AMENDMENTS

2009—Subsec. (a)(1). Pub. L. 111-11 inserted "Morley Nelson" before "Snake River Birds of Prey National Conservation Area" and struck out "(hereafter referred to as the 'conservation area')" before period at end.

**§ 460iii-3. Management and use****(a) In general**

(1)(A) Within 1 year after August 4, 1993, the Secretary shall make any revisions in the existing management plan for the conservation area as necessary to assure its conformance with this subchapter, and no later than January 1, 1996, shall finalize a new management plan for the conservation area.

(B) Thereafter, the Secretary shall review the plan at least once every 5 years and shall make such revisions as may be necessary or appropriate.

(C) In reviewing and revising the plan, the Secretary shall provide for appropriate public participation.

(2) Except as otherwise specifically provided in section 460iii-2(d) of this title and subsections (d), (e), and (f) of this section, the Secretary shall allow only such uses of lands in the conservation area as the Secretary determines will further the purposes for which the conservation area is established.

**(b) Management guidance**

After each review pursuant to subsection (a), the Secretary shall make such revisions as may be needed so that the plan and management program to implement the plan include, in addition to any other necessary or appropriate provisions, provisions for—

(1) protection for the raptor populations and habitats and the scientific, cultural, and educational resources and values of the public lands in the conservation area;

(2) identifying levels of continued military use of the Orchard Training Area compatible with paragraph (1) of this subsection;

(3) public use of the conservation area consistent with the purposes of this subchapter;

(4) interpretive and educational opportunities for the public;

(5) a program for continued scientific investigation and study to provide information to support sound management in accordance with this subchapter, to advance knowledge of raptor species and the resources and values of the conservation area, and to provide a process for transferring to other areas of the public lands and elsewhere this knowledge and management experience;

(6) such vegetative enhancement and other measures as may be necessary to restore or enhance prey habitat;

(7) the identification of levels, types, timing, and terms and conditions for the allowable nonmilitary uses of lands within the conservation area that will be compatible with the protection, maintenance, and enhancement of raptor populations and habitats and the other purposes for which the conservation area is established; and

(8) assessing the desirability of imposing appropriate fees for public uses (including, but not limited to, recreational use) of lands in the conservation area, which are not now subject to fees, to be used to further the purposes for which the conservation area is established.

**(c) Visitors center**

The Secretary, acting through the Director of the Bureau of Land Management, is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other resources of the conservation area and the biology of the raptors and their relationships to man.

**(d) Visitors use of area**

In addition to the visitors center, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the protection of raptors and raptor habitat, public safety, and the purposes for which the conservation area is established. To the extent practicable, the Secretary shall make available to visitors and other members of the public a map of the conservation area and such other educational and interpretive materials as may be appropriate.

**(e) National Guard use of area**

(1) Pending completion of the ongoing research concerning military use of lands in the conservation area, or until the date 5 years after August 4, 1993, whichever is the shorter period, the Secretary shall permit continued military use of those portions of the conservation area known as the Orchard Training Area in accordance with the Memorandum of Understanding, to the extent consistent with the use levels identified pursuant to subsection (b)(2) of this section.

(2) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall review the management plan and make such additional revisions therein as may be required to assure that it meets the requirements of this subchapter.

(3) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall submit to the Committees on Natural Resources and Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of the results of such research.

(4) Nothing in this subchapter shall preclude minor adjustment of the boundaries of the Orchard Training Area in accordance with provisions of the Memorandum of Understanding.

(5) After completion of the ongoing research concerning military use of lands in the Orchard

Training Area or after the date 5 years after August 4, 1993, whichever first occurs, the Secretary shall continue to permit military use of such lands, unless the Secretary, on the basis of such research, determines such use is not compatible with the purposes set forth in section 460iii-2(a)(2) of this title. Any such use thereafter shall be permitted in accordance with the Memorandum of Understanding, which may be extended or renewed by the Secretary so long as such use continues to meet the requirements of subsection (b)(2) of this section.

(6) In accordance with the Memorandum of Understanding, the Secretary shall require the State of Idaho Military Division to insure that military units involved maintain a program of decontamination.

(7) Nothing in this subchapter shall be construed as by itself precluding the extension or renewal of the Memorandum of Understanding, or the construction of any improvements or buildings in the Orchard Training Area so long as the requirements of this subsection are met.

**(f) Livestock grazing**

(1) So long as the Secretary determines that domestic livestock grazing is compatible with the purposes for which the conservation area is established, the Secretary shall permit such use of public lands within the conservation area, to the extent such use of such lands is compatible with such purposes. Determinations as to compatibility shall be made in connection with the initial revision of management plans for the conservation area and in connection with each plan review required by subsection (a)(1)(B).

(2) Any livestock grazing on public lands within the conservation area, and activities the Secretary determines necessary to carry out proper and practical grazing management programs on such lands (such as animal damage control activities) shall be managed in accordance with the Act of June 28, 1934 (43 U.S.C. 315 et seq.; commonly referred to as the "Taylor Grazing Act"), section 1752 of title 43, other laws applicable to such use and programs on the public lands, and the management plan for the conservation area.

**(g) Cooperative agreements**

The Secretary is authorized to provide technical assistance to, and to enter into such cooperative agreements and contracts with, the State of Idaho and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and policies of this subchapter.

**(h) Agricultural practices**

Nothing in this subchapter shall be construed as constituting a grant of authority to the Secretary to restrict recognized agricultural practices or other activities on private land adjacent to or within the conservation area boundary.

**(i) Hydroelectric facilities**

Notwithstanding any provision of this subchapter, or regulations and management plans undertaken pursuant to its provisions, the Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydro-

electric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791a et seq.), located within the boundaries of the conservation area.

(Pub. L. 103-64, § 4, Aug. 4, 1993, 107 Stat. 305; Pub. L. 111-11, title II, § 2301(c)(2), Mar. 30, 2009, 123 Stat. 1101.)

#### REFERENCES IN TEXT

Act of June 28, 1934, referred to in subsec. (f), is act June 28, 1934, ch. 865, 48 Stat. 1269, as amended, which is classified principally to subchapter I (§ 315 et seq.) of chapter 8A of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 315 of Title 43 and Tables.

The Federal Power Act, referred to in subsec. (i), is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

#### AMENDMENTS

2009—Subsec. (a)(2). Pub. L. 111-11, § 2301(c)(2)(A), substituted “conservation area is” for “Conservation Area is”.

Subsec. (d). Pub. L. 111-11, § 2301(c)(2)(B), substituted “visitors center” for “Visitors Center”.

#### ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. For treatment of references to Committee on Merchant Marine and Fisheries, see section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

### § 460iii-4. Additions

#### (a) Acquisitions

(1) The Secretary is authorized to acquire lands and interests therein within the boundaries of the conservation area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Idaho or a political subdivision thereof may be acquired only by donation or exchange.

(2) Any lands located within the boundaries of the conservation area that are acquired by the United States on or after August 4, 1993, shall become a part of the conservation area and shall be subject to this subchapter.

#### (b) Purchase of lands

In addition to the authority in section 1748(d) of title 43 and notwithstanding section 200306(a) of title 54, monies appropriated from the Land and Water Conservation Fund may be used as authorized in section 1534(b) of this title, for the purposes of acquiring lands or interests therein within the conservation area for administration as public lands as a part of the conservation area.

#### (c) Land exchanges

The Secretary shall, within 4 years after August 4, 1993, study, identify, and initiate voluntary land exchanges which would resolve ownership related land use conflicts within the conservation area.

(Pub. L. 103-64, § 5, Aug. 4, 1993, 107 Stat. 308; Pub. L. 113-287, § 5(d)(4), Dec. 19, 2014, 128 Stat. 3264.)

#### AMENDMENTS

2014—Subsec. (b). Pub. L. 113-287 substituted “section 200306(a) of title 54” for “section 4607-9(a) of this title”. Amendment was executed to reflect the probable intent of Congress, notwithstanding error in directory language which misquoted language to be substituted for in original.

#### BOUNDARY MODIFICATION

Pub. L. 115-31, div. G, title IV, § 431(a)(1) [§ 2], May 5, 2017, 131 Stat. 502, 842A-3, provided that:

“(a) DEFINITIONS.—In this section:

“(1) CONSERVATION AREA.—The term ‘Conservation Area’ means the Morley Nelson Snake River Birds of Prey National Conservation Area.

“(2) GATEWAY WEST.—The term ‘Gateway West’ means the high-voltage transmission line project in Idaho and Wyoming jointly proposed by the entities Idaho Power Company, incorporated in the State of Idaho, and Rocky Mountain Power, a division of PacifiCorp, an Oregon Corporation.

“(3) MAP.—The term ‘map’ means the map titled ‘Proposed Snake River Birds of Prey NCA Boundary Adjustment’ and dated October 13, 2016.

“(4) SAGE-GROUSE SPECIES.—The term ‘sage-grouse species’ means the greater sage-grouse (*Centrocercus urophasianus*) (including all distinct population segments).

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(b) AREAS TO BE ADDED TO AND REMOVED FROM MORLEY NELSON SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.—The boundary of the Conservation Area is hereby modified—

“(1) to include—

“(A) the approximately 4,726 acres of land generally depicted as ‘BLM Administered Lands’ on the map, to the extent such lands are part of the Lower Saylor Creek Allotment [sic] those lands would continue to be managed by the BLM Jarbird Field Office until terms of the No. CV-04-181-S-BLW Stipulated Settlement Agreement are fully met, after which the lands would be managed by the Morley Nelson Snake River Birds of Prey National Conservation Area office; and

“(B) the approximately 86 acres of land generally depicted as ‘BOR Administered Lands’ on the map; and

“(2) to exclude—

“(A) the approximately 761 acres of land generally depicted as ‘Segment 8 Revised Proposed Route’ on the map, including 125 feet on either side of the center line of the Gateway West Transmission line, the Gateway West Transmission Line shall be sited so that the center line of Segment 8 is no more than 500 feet from the center line of the existing Summer Lake Transmission Line as described in the Summer Lake Transmission Line Right of Way Grant per FLPMA, IDI-008875; and

“(B) the approximately 1,845 acres of land generally depicted as ‘Segment 9 Revised Proposed Route’ on the map including 125 feet on either side of the center line of the Gateway West Transmission line.

“(c) RIGHT-OF-WAY AND CONDITIONS.—

“(1) RIGHT-OF-WAY.—Notwithstanding any other provision of law, not later than 90 days after the date of the enactment of this section [May 5, 2017], the Secretary shall issue to Gateway West a right-of-way for the lands described in subsection (b)(2) to be used for the construction and maintenance of transmission lines, including access roads and activities related to fire prevention and suppression. The right-of-way issued under this paragraph shall contain the conditions described in subsection (c)(2), and be in align-