

retary 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 hydroelectric 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.)

**Editorial Notes**

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”.

**Statutory Notes and Related Subsidiaries**

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 Fish-

eries, 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.)

**Editorial Notes**

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.

**Statutory Notes and Related Subsidiaries**

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 Jarbidge 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 alignment with the revised proposed routes for segments 8 and 9 identified as Alternative 1 in the Supplementary Final Environmental Impact Analysis released October 5, 2016.

“(2) CONDITIONS.—The conditions that the Secretary shall include in the right-of-way described in paragraph (1) shall be in accordance with section 505 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1765) and are as follows:

“(A) MITIGATION.—During the time of construction of each respective line segment, Gateway West shall mitigate for the impacts related to the transmission lines in accordance with the Compensatory Mitigation and Enhancement framework described in the final Supplemental Environmental Impact Statement with the stipulation that Compensatory Mitigation and Enhancement costs shall not exceed \$8,543,440.

“(B) CONSERVATION.—Gateway West shall contribute \$2,000 per acre of right-of-way in the Conservation Area during the time of construction of Segment 8 Revised Proposed Route (comprising 761 acres) and during the construction of Segment 9 Revised Proposed Route (comprising 1,845 acres) to the Bureau of Land Management Foundation that shall be used for the purpose of conservation, including enhancing National Landscape Conservation System Units in Idaho, also known as National Conservation Lands.

“(C) COSTS.—Gateway West shall pay all costs associated with the boundary modification, including the costs of any surveys, recording costs, and other reasonable costs.

“(D) OTHER.—Standard terms and conditions in accordance with section 505 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1765).

“(d) ADMINISTRATION.—The Secretary shall—

“(1) administer the lands described in subsection (b)(1) as part of the Conservation Area in accordance with Public Law 103-64 [16 U.S.C. 460iii et seq.] and as part of the National Landscape Conservation System; and

“(2) continue to administer lands described in subsection (b)(2), but as lands that are not included in a Conservation Area or subject to Public Law 103-64.

“(e) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the approximately 86 acres of land depicted as ‘BOR Administered Lands’ on the map is hereby transferred from the Bureau of Reclamation to the Bureau of Land Management.

“(f) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

“(g) MANAGEMENT PLAN AMENDMENT.—Not later than 18 months after the date of the enactment of this Act [May 5, 2017], the Secretary shall amend the management plan for the Conservation Area to address the long-term management of the lands described in subsection (b)(1) in order to—

“(1) determine appropriate management activities and uses of the lands described in subsection (b)(1) consistent with Public Law 103-64 and this section;

“(2) continue managing the grazing of livestock on the lands described in subsection (b)(1) in which grazing is established as of the date of the enactment of this section such that the grazing shall be allowed to continue, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary;

“(3) allow motorized access on roads existing on the lands described in subsection (b)(1) on the date of the enactment of this section, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

“(4) allow hunting and fishing on the lands described in subsection (b)(1) consistent with applicable laws and regulations.”

#### § 460iii-5. Other laws and administrative provisions

##### (a) Other laws

(1) Nothing in this subchapter shall be construed to supersede, limit, or otherwise affect administration and enforcement of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or to limit the applicability of the National Trails System Act [16 U.S.C. 1241 et seq.] to any lands within the conservation area.

(2) Except as otherwise specifically provided in this subchapter, nothing in this subchapter shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act,<sup>1</sup> the Archaeological Resources Protection Act of 1979 [16 U.S.C. 470aa et seq.], or the Native American Graves Protection and Repatriation Act [25 U.S.C. 3001 et seq.].

(3) Nothing in this subchapter shall be construed as by itself altering the status of any lands that on August 4, 1993, were not managed by the Bureau of Land Management.

(4) Nothing in this subchapter shall be construed as prohibiting the Secretary from engaging qualified persons to use public lands within the conservation area for the propagation of plants (including seeds) to be used for vegetative enhancement of the conservation area in accordance with the plan and in furtherance of the pur-

<sup>1</sup> See References in Text note below.