

“(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,¹ 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-

¹ See References in Text note below.

poses for which the conservation area is established.

(b) Release

The Congress finds and directs that the public lands within the Snake River Birds of Prey Natural Area established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 1782 of title 43. Such lands are hereby released from further management pursuant to section 1782(c) of title 43 and shall be managed in accordance with other applicable provisions of law, including this subchapter.

(c) Existing administrative withdrawal terminated

Public Land Orders 5133 dated October 12, 1971, and 5777 dated November 21, 1980, issued by the Secretary are hereby revoked subject to subsections (d)(3) and (d)(4).

(d) Water

(1) The Congress finds that the United States is currently a party in an adjudication of rights to waters of the Snake River, including water rights claimed by the United States on the basis of the reservation of lands for purposes of conservation of fish and wildlife and that consequently there is no need for this subchapter to effect a reservation by the United States of rights with respect to such waters in order to fulfill the purposes for which the conservation area is established.

(2) Nothing in this subchapter or any action taken pursuant thereto shall constitute either an expressed or implied reservation of water or water rights for any purpose.

(3) Nothing in this subchapter shall be construed as effecting a relinquishment or reduction of any of the water rights held or claimed by the United States within the State of Idaho or elsewhere on or before August 4, 1993.

(4) The Secretary and all other officers of the United States shall take all steps necessary to protect all water rights claimed by the United States in the Snake River adjudication now pending in the district court of the State of Idaho in which the United States is joined under section 666 of title 43.

(Pub. L. 103-64, §6, Aug. 4, 1993, 107 Stat. 308.)

Editorial Notes

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (a)(1), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The National Trails System Act, referred to in subsec. (a)(1), is Pub. L. 90-543, Oct. 2, 1968, 82 Stat. 919, as amended, which is classified generally to chapter 27 (§1241 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1241 of this title and Tables.

The National Historic Preservation Act, referred to in subsec. (a)(2), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, which was classified generally to subchapter II (§470 et seq.) of chapter 1A of this title. The Act, except for section 1, was repealed and restated in division A

(§300101 et seq.) of subtitle III of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Archaeological Resources Protection Act of 1979, referred to in subsec. (a)(2), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§470aa et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of this title and Tables.

The Native American Graves Protection and Repatriation Act, referred to in subsec. (a)(2), is Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 25 and Tables.

§ 460iii-6. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this subchapter.

(Pub. L. 103-64, §7, Aug. 4, 1993, 107 Stat. 310.)

SUBCHAPTER CXXI—JEMEZ NATIONAL RECREATIONAL AREA

§ 460jjj. Establishment

(a) In general

In order to conserve, protect, and restore the recreational, ecological, cultural, religious, and wildlife resource values of the Jemez Mountains, there is hereby established the Jemez National Recreational Area (hereinafter in this subchapter referred to as the “recreation area”), to be administered by the Secretary of Agriculture (hereinafter in this subchapter referred to as the “Secretary”).

(b) Area included

The recreation area shall be comprised of approximately 57,000 acres of lands and interests in lands within the Santa Fe National Forest as generally depicted on the map entitled “Jemez National Recreation Area—Proposed” and dated September 1992. The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia. The Secretary may from time to time, in consultation with local tribal leaders, make minor revisions in the boundary of the recreation area to promote management effectiveness and efficiency in furtherance of the purposes of this subchapter.

(c) Map and description

As soon as practicable after October 12, 1993, the Secretary shall file a map and legal description of the recreation area with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate. Such map and legal description shall have the same force and effect as if included in this subchapter, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.