

**Editorial Notes**

## 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)<sup>1</sup> 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—

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

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

(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 North-west 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.)

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## 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”.

**Statutory Notes and Related Subsidiaries**

## 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 PRO-  
TECTION AREA

**§ 460nnn. Definitions**

In this subchapter:

**(1) Advisory council**

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

**(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 Management and Protection Area and the Wilderness Area required to be prepared by section 460nnn-21(b) of this title.

**(7) Redband Trout Reserve**

The term “Redband Trout Reserve” means the Donner und Blitzen Redband Trout Reserve designated by section 460nnn-72 of this title.

**(8) Secretary**

The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

**(9) Science committee**

The term “science committee” means the committee of independent scientists appointed under section 460nnn-53 of this title.

**(10) Wilderness Area**

The term “Wilderness Area” means the Steens Mountain Wilderness Area designated by part B.

(Pub. L. 106-399, §2, Oct. 30, 2000, 114 Stat. 1656.)

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## REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, meaning Pub. L. 106-399, Oct. 30, 2000, 114 Stat. 1655, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Part D, referred to in par. (1), was in the original “title IV”, meaning title IV of Pub. L. 106-399, but probably should have been a reference to subtitle D of title I of that Act, which is classified generally to subpart 4 of part A of this subchapter. Part D of this subchapter does not relate to the Steens Mountain Advisory Council.

**Statutory Notes and Related Subsidiaries**

## SHORT TITLE

Pub. L. 106-399, §1(a), Oct. 30, 2000, 114 Stat. 1655, provided that: “This Act [enacting this subchapter and provisions listed in a table of Wilderness Areas set out under section 1132 of this title and amending section 1274 of this title] may be cited as the ‘Steens Mountain Cooperative Management and Protection Act of 2000.’”

## PURPOSES

Pub. L. 106-399, §1(b), Oct. 30, 2000, 114 Stat. 1655, provided that: “The purposes of this Act [see Short Title note above] are the following:

“(1) To maintain the cultural, economic, ecological, and social health of the Steens Mountain area in Harney County, Oregon.

“(2) To designate the Steens Mountain Wilderness Area.

“(3) To designate the Steens Mountain Cooperative Management and Protection Area.

“(4) To provide for the acquisition of private lands through exchange for inclusion in the Wilderness Area and the Cooperative Management and Protection Area.

“(5) To provide for and expand cooperative management activities between public and private landowners in the vicinity of the Wilderness Area and surrounding lands.

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