the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, regarding procurement of property, services, supplies, and equipment.''

2001—Subsec. (c). Pub. L. 107–63 substituted ''2004'' for ''2002''.

2000—Subsec. (c). Pub. L. 106–291 added subsec. (c).

SUBCHAPTER CXXIV—McINNIS CANYONS NATIONAL CONSERVATION AREA

§ 460mmm. Findings and purpose

(a) Findings

Congress finds that certain areas located in the Grand Valley in Mesa County, Colorado, and Grand County, Utah, should be protected and enhanced for the benefit and enjoyment of present and future generations. These areas include the following:

(1) The areas making up the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit Valley, which contain unique and valuable scenic, recreational, multiple use opportunities (including grazing), paleontological, natural, and wildlife components enhanced by the rural western setting of the area, provide extensive opportunities for recreational activities, and are publicly used for hiking, camping, and grazing, and are worthy of additional protection as a national conservation area.

(2) The Black Ridge Canyons Wilderness Study Area has wilderness value and offers unique geological, paleontological, scientific, and recreational resources.

(b) Purpose

The purpose of this subchapter is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the public lands described in section 460mmm–2(b) of this title, including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands, by establishing the McInnis Canyons National Conservation Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

(Pub. L. 106–353, § 2, Oct. 24, 2000, 114 Stat. 1374; Pub. L. 108–400, § 1(a), Oct. 30, 2004, 118 Stat. 2254.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–400 substituted ''McInnis Canyons'' for ''Colorado Canyons''.

CHANGE OF NAME

Pub. L. 108–400, § 1(f), Oct. 30, 2004, 118 Stat. 2254, provided that: ''Any reference in a law, map, regulation, document, paper, or other record of the United States to the 'Colorado Canyons National Conservation Area' shall be deemed to be a reference to the 'McInnis Canyons National Conservation Area'.''

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–400, § 1(g), Oct. 30, 2004, 118 Stat. 2254, provided that: ''This section [amending this section and sections 460mmm–1, 460mmm–2, and 460mmm–6 of this title, enacting provisions set out as a note under this section, and amending provisions set out as a note under this section] and the amendments made by this section take effect on January 1, 2005.''

SHORT TITLE

Pub. L. 106–353, § 1, Oct. 24, 2000, 114 Stat. 1374, as amended by Pub. L. 108–400, § 1(e), Oct. 30, 2004, 118 Stat. 2254, provided that: ''This Act [enacting this subchapter and provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the 'McInnis Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000'.''

§ 460mmm–1. Definitions

In this subchapter:

(1) Conservation Area

The term ''Conservation Area'' means the McInnis Canyons National Conservation Area established by section 460mmm–2(a) of this title.

(2) Council

The term ''Council'' means the McInnis Canyons National Conservation Area Advisory Council established under section 460mmm–6 of this title.

(3) Management plan

The term ''management plan'' means the management plan developed for the Conservation Area under section 460mmm–4(h) of this title.

(4) Map

The term ''Map'' means the map entitled ''Proposed Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Area'' and dated July 18, 2000.

(5) Secretary

The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) Wilderness

The term ''Wilderness'' means the Black Ridge Canyons Wilderness so designated in section 460mmm–3 of this title.

(Pub. L. 106–353, § 3, Oct. 24, 2000, 114 Stat. 1374; Pub. L. 108–400, § 1(b), Oct. 30, 2004, 118 Stat. 2254.)

AMENDMENTS

2004—Pars. (1), (2). Pub. L. 108–400 substituted ''McInnis'' for ''Colorado''.

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.

§ 460mmm–2. McInnis Canyons National Conservation Area

(a) In general

There is established the McInnis Canyons National Conservation Area in the State of Colorado and the State of Utah.

(b) Areas included

The Conservation Area shall consist of approximately 122,300 acres of public land as generally depicted on the Map.

(Pub. L. 106–353, § 4, Oct. 24, 2000, 114 Stat. 1375; Pub. L. 108–400, § 1(c), Oct. 30, 2004, 118 Stat. 2254.)

AMENDMENTS

2004—Pub. L. 108–400, § 1(c)(1), substituted ''McInnis'' for ''Colorado'' in section catchline.

Subsec. (a). Pub. L. 108–400, § 1(c)(2), 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.

§ 460mmm–3. Black Ridge Canyons Wilderness designation

Certain lands in Mesa County, Colorado, and Grand County, Utah, which comprise approximately 75,550 acres as generally depicted on the Map, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. Such component shall be known as the Black Ridge Canyons Wilderness.

(Pub. L. 106–353, § 5, Oct. 24, 2000, 114 Stat. 1375.)

§ 460mmm–4. Management

(a) Conservation Area

The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources of the Conservation Area specified in section 460mmm(b)[1] of this title; and

(2) is in accordance with—

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

(B) other applicable law, including this subchapter.

(b) Uses

The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purposes for which the Conservation Area is established.

(c) Withdrawals

Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired for the Conservation Area or the Wilderness by the United States are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subsection shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this subchapter.

(d) Off-highway vehicle use

(1) In general

Except as provided in paragraph (2), use of motorized vehicles in the Conservation Area—

(A) before the effective date of a management plan under subsection (h) of this section, shall be allowed only on roads and trails designated for use of motor vehicles in the management plan that applies on October 24, 2000, to the public lands in the Conservation Area; and

(B) after the effective date of a management plan under subsection (h) of this section, shall be allowed only on roads and trails designated for use of motor vehicles in that management plan.

(2) Administrative and emergency response use

Paragraph (1) shall not limit the use of motor vehicles in the Conservation Area as needed for administrative purposes or to respond to an emergency.

(e) Wilderness

Subject to valid existing rights, lands designated as wilderness by this subchapter shall be managed by the Secretary, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subchapter, except that, with respect to any wilderness areas designated by this subchapter, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to October 24, 2000.

(f) Hunting, trapping, and fishing

(1) In general

Hunting, trapping, and fishing shall be allowed within the Conservation Area and the Wilderness in accordance with applicable laws and regulations of the United States and the States of Colorado and Utah.

(2) Area and time closures

The head of the Colorado Division of Wildlife (in reference to land within the State of Colorado), the head of the Utah Division of Wildlife (in reference to land within the State of Utah), or the Secretary after consultation with the Colorado Division of Wildlife (in reference to land within the State of Colorado) or the head of the Utah Division of Wildlife (in reference to land within the State of Utah), may issue regulations designating zones where, and establishing limited periods when, hunting, trapping, or fishing shall be prohibited in the Conservation Area or the Wilderness for reasons of public safety, administration, or public use and enjoyment.

(g) Grazing

(1) In general

Except as provided by paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area and the Wilderness in accordance with the same laws (including regulations) and Executive orders followed by the Secretary in issuing and administering grazing leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) Grazing in wilderness

Grazing of livestock in the Wilderness shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the guidelines set forth in Appendix A of House Report 101–405 of the 101st Congress.

(h) Management plan

(1) In general

Not later than 3 years after October 24, 2000, the Secretary shall develop a comprehensive management plan for the long-range protec-

[1] So in original. Probably should be section ''460mmm(a)''.

tion and management of the Conservation Area and the Wilderness and the lands described in paragraph (2)(E).

(2) Purposes

The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area and the Wilderness;

(B) take into consideration any information developed in studies of the land within the Conservation Area or the Wilderness;

(C) provide for the continued management of the utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site as such for the land designated on the Map as utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site;

(D) take into consideration the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area and the Wilderness, as well as the Ruby Canyon/Black Ridge Integrated Resource Management Plan, dated March 1998, which was the result of collaborative efforts on the part of the Bureau of Land Management and the local community; and

(E) include all public lands between the boundary of the Conservation Area and the edge of the Colorado River and, on such lands, the Secretary shall allow only such recreational or other uses as are consistent with this subchapter.

(i) No buffer zones

The Congress does not intend for the establishment of the Conservation Area or the Wilderness to lead to the creation of protective perimeters or buffer zones around the Conservation Area or the Wilderness. The fact that there may be activities or uses on lands outside the Conservation Area or the Wilderness that would not be allowed in the Conservation Area or the Wilderness shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area or the Wilderness consistent with other applicable laws.

(j) Acquisition of land

(1) In general

The Secretary may acquire non-federally owned land within the exterior boundaries of the Conservation Area or the Wilderness only through purchase from a willing seller, exchange, or donation.

(2) Management

Land acquired under paragraph (1) shall be managed as part of the Conservation Area or the Wilderness, as the case may be, in accordance with this subchapter.

(k) Interpretive facilities or sites

The Secretary may establish minimal interpretive facilities or sites in cooperation with other public or private entities as the Secretary considers appropriate. Any facilities or sites shall be designed to protect the resources referred to in section 460mmm(b) of this title.

(*l*) Water rights

(1) Findings

Congress finds that—

(A) the lands designated as wilderness by this subchapter are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness or other values of such lands;

(B) the lands designated as wilderness by this subchapter generally are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities;

(C) it is possible to provide for proper management and protection of the wilderness and other values of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this subchapter.

(2) Statutory construction

(A) Nothing in this subchapter shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands designated as a national conservation area or as wilderness by this subchapter.

(B) Nothing in this subchapter shall affect any conditional or absolute water rights in the State of Colorado existing on October 24, 2000.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future national conservation area or wilderness designations.

(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) of this section 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

(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.

[1] So in original. Probably should be section ''460mmm–4(*l*)(5)''.

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 of this subchapter.[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 of this subchapter.

(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 of this subchapter.

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

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 of this subchapter, referred to in par. (1), probably should be a reference to subpart 4 of part A of this

[1] See References in Text note below.