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2d Session }

SENATE

{ REPORT
110-374

OWYHEE PUBLIC LAND MANAGEMENT ACT

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 2833]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2833) to provide for the management of certain public land in Owyhee County, Idaho, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Owyhee Public Land Management Act of 2008”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term “account” means the Owyhee Land Acquisition Account established by section 6(b)(1).

(2) COUNTY.—The term “County” means Owyhee County, Idaho.

(3) OWYHEE FRONT.—The term “Owyhee Front” means the area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(4) PLAN.—The term “plan” means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 8.

(5) PUBLIC LAND.—The term “public land” has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Idaho.

(8) TRIBES.—The term “Tribes” means the Shoshone Paiute Tribes of the Duck Valley Reservation.

SEC. 3. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Tribes, State, and County, and in consultation with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Cen-

ter in the County to conduct research projects to address natural resources management issues affecting public and private rangeland in the County.

(b) PURPOSE.—The purpose of the center established under subsection (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

SEC. 4. WILDERNESS AREAS.

(a) WILDERNESS AREAS DESIGNATION.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) BIG JACKS CREEK WILDERNESS.—Certain land comprising approximately 52,826 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Big Jacks Creek Wilderness”.

(B) BRUNEAU-JARBIDGE RIVERS WILDERNESS.—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled “Bruneau-Jarbridge Rivers Wilderness” and dated May 5, 2008, which shall be known as the “Bruneau-Jarbridge Rivers Wilderness”.

(C) LITTLE JACKS CREEK WILDERNESS.—Certain land comprising approximately 50,929 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Little Jacks Creek Wilderness”.

(D) NORTH FORK OWYHEE WILDERNESS.—Certain land comprising approximately 43,413 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “North Fork Owyhee Wilderness”.

(E) OWYHEE RIVER WILDERNESS.—Certain land comprising approximately 267,328 acres, as generally depicted on the map entitled “Owyhee River Wilderness” and dated May 5, 2008, which shall be known as the “Owyhee River Wilderness”.

(F) POLE CREEK WILDERNESS.—Certain land comprising approximately 12,533 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “Pole Creek Wilderness”.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each area designated as wilderness by this Act.

(B) EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct minor errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the Bureau of Land Management.

(3) RELEASE OF WILDERNESS STUDY AREAS.—

(A) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(B) RELEASE.—Any public land referred to in subparagraph (A) that is not designated as wilderness by this Act—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **WITHDRAWAL.**—Subject to valid existing rights, the Federal land designated as wilderness by this Act is withdrawn from all forms of—

- (A) entry, appropriation, or disposal under the public land laws;
- (B) location, entry, and patent under the mining laws; and
- (C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) **LIVESTOCK.**—

(A) **IN GENERAL.**—In the wilderness areas designated by this Act, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101-405.

(B) **INVENTORY.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this Act.

(C) **FENCING.**—The Secretary may construct and maintain fencing around wilderness areas designated by this Act as the Secretary determines to be appropriate to enhance wilderness values.

(D) **DONATION OF GRAZING PERMITS OR LEASES.**—

(i) **ACCEPTANCE BY SECRETARY.**—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the wilderness areas designated by this Act.

(ii) **TERMINATION.**—With respect to each permit or lease donated under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) **COMMON ALLOTMENTS.**—

(I) **IN GENERAL.**—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) **PARTIAL DONATION.**—

(I) **IN GENERAL.**—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the donation; and

(bb) modify the permit or lease to reflect the revised level of use.

(II) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) **ACQUISITION OF LAND AND INTERESTS IN LAND.**—

(A) **IN GENERAL.**—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this Act by purchase, donation, or exchange.

(B) **INCORPORATION OF ACQUIRED LAND.**—Any land or interest in land, or adjoining the boundary of, a wilderness area designated by this Act that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5) **TRAIL PLAN.**—

(A) **IN GENERAL.**—The Secretary, after providing opportunities for public comment, shall establish a trail plan that addresses hiking and equestrian

trails on the land designated as wilderness by this Act, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) OUTFITTING AND GUIDE ACTIVITIES.—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this Act to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this Act adequate access to the property.

(8) FISH AND WILDLIFE.—

(A) IN GENERAL.—Nothing in this Act affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) MANAGEMENT ACTIVITIES.—

(i) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this Act, if the management activities are—

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405.

(ii) INCLUSIONS.—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101–405, the State may use aircraft (including helicopters) in the wilderness areas designated by this Act to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(10) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—The designation of wilderness area by this Act shall not create any protective perimeter or buffer zone around the wilderness area.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this Act shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) MILITARY OVERFLIGHTS.—Nothing in this Act restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this Act, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness in section 4 shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCLUSIONS.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 5.

SEC. 5. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

“(170) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(171) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW $\frac{1}{4}$ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(172) BRUNEAU RIVER, IDAHO.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbridge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

“(173) WEST FORK BRUNEAU RIVER, IDAHO.—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbridge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(174) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(175) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(176) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream $\frac{1}{4}$ mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(177) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(178) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbridge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbridge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(179) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

“(180) NORTH FORK OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

“(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

“(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

“(181) OWYHEE RIVER, IDAHO.—

“(A) IN GENERAL.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(B) ACCESS.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

“(182) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(183) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbridge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(184) SOUTH FORK OWYHEE RIVER, IDAHO.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho–Nevada State border, to be administered by the Secretary of the Interior as a wild river.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

“(185) WICKAHONEY CREEK, IDAHO.—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.”

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this Act shall extend not more than the shorter of—

- (1) an average distance of $\frac{1}{4}$ mile from the high water mark on both sides of the river segment; or
- (2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner.

SEC. 6. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of the date of enactment of this Act, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a proportion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the “Owyhee Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this Act, including land identified as “Proposed for Acquisition” on the maps described in section 4(a)(1).

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

- (A) the date that is 10 years after the date of enactment of this Act; or
- (B) the date on which a total of \$8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

- (A) credited as sales of public land in the State;

- (B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and
- (C) used in accordance with that Act.

SEC. 7. TRIBAL CULTURAL RESOURCES.

- (a) COORDINATION.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.
- (b) AGREEMENTS.—The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

SEC. 8. RECREATIONAL TRAVEL MANAGEMENT PLANS.

- (a) IN GENERAL.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.
- (b) INVENTORY.—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route inventories of the area covered by the plan.
- (c) LIMITATION TO DESIGNATED ROUTES.—
 - (1) IN GENERAL.—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.
 - (2) EXCEPTION.—Paragraph (1) shall not apply to snowmobiles.
- (d) TEMPORARY LIMITATION.—
 - (1) IN GENERAL.—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the date of enactment of this Act.
 - (2) EXCEPTION.—Paragraph (1) shall not apply to—
 - (A) snowmobiles; or
 - (B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.
- (e) SCHEDULE.—
 - (1) OWYHEE FRONT.—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a transportation plan for the Owyhee Front.
 - (2) OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

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

PURPOSE

The purposes of S. 2833 are to establish the Owyhee Science Review and Conservation Center to provide information for improved rangeland management; to designate approximately 517,000 acres of Bureau of Land Management lands in Owyhee County, Idaho, as wilderness; to release approximately 198,000 acres of lands currently administered as wilderness study areas for multiple use management; and to designate approximately 316 miles of rivers in Owyhee County as components of the National Wild and Scenic Rivers System.

BACKGROUND AND NEED

Owyhee County encompasses over 7,600 square miles of the southwestern corner of Idaho. With a population of just over 11,000, it is a sparsely-populated area. Ranching is the traditional and predominant economic force throughout the county.

In 2000, the Owyhee County Commissioners invited a number of interested parties to begin discussions with the goal of resolving a wide range of natural resource issues in the county. Over time, the discussions included representatives from many interests within the county, including local government officials, tribal representatives, ranchers, conservationists, recreational users, and others. On May 10, 2006, the Owyhee Initiative Agreement was signed by 12 representatives of the organizations and entities involved in the Owyhee Initiative Working Group.

Although S. 2833 does not ratify or incorporate the Owyhee Initiative Agreement, the bill facilitates the implementation of the concept behind the original agreement, consistent with applicable Federal law.

S. 2833 would establish the Owyhee Science Review and Conservation Center, to allow the Bureau of Land Management, in coordination with other Tribal, State, and local governmental entities, and in consultation with the University of Idaho, Federal grazing permittees, and the public, to conduct research and analysis to allow for improved rangeland management in Owyhee County.

The wilderness areas to be designated by S. 2833 range from deep river canyons to vast sagebrush and grassland plateaus that provide habitat for sage grouse, pronghorn antelope, bighorn sheep, songbirds, raptors, and numerous rare plant species. Many of the river canyons within the proposed wilderness areas are more than 1,000 feet deep. Rivers meander for hundreds of miles through southwestern Idaho and form what may be the largest, most unaltered, desert region remaining in the continental United States.

The additions to the Wild and Scenic River System are rugged, isolated, and unique. The Owyhee Uplands region is unlike any other desert region in the United States because it is dissected by hundreds of miles of free-flowing rivers. The rivers begin in the mountains of northern Nevada, flowing north across southwestern Idaho. Each river has cut a deep canyon through alternating layers of black and red volcanic rock. Each river also provides important habitat for wildlife, including bighorn sheep and large flocks of waterfowl. There are no paved roads along any of these rivers, although there are several improved and unimproved dirt roads, which provide limited access to these remote streams and ranches in the area. The larger rivers, like the Owyhee and Bruneau, contain some of the most challenging whitewater in the United States.

LEGISLATIVE HISTORY

S. 2833 was introduced by Senator Crapo on April 9, 2008. Senator Crapo introduced a related bill, S. 802, on March 7, 2007. In the 109th Congress, Senator Crapo introduced S. 3794, which was identical to S. 802. The Subcommittee on Public Lands and Forests held a hearing on S. 3794 on September 27, 2006. No further action was taken on that bill.

The Subcommittee on Public Lands and Forests held a hearing on the bill on April 22, 2008. At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered S. 2833 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 2833, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 2833, the Committee adopted an amendment in the nature of a substitute. The amendment updates the map and acreage references for the designated wilderness areas and makes several other technical, clarifying, and conforming changes. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “Owyhee Public Land Management Act of 2008”.

Section 2 defines key terms used in the bill.

Section 3(a) directs the Secretary of the Interior, in coordination with the Shoshone Paiute Tribes of the Duck Valley Reservation, the State of Idaho, and Owyhee County, and in consultation with the University of Idaho, Federal grazing permittees, and the public, to establish the Owyhee Science Review and Conservation Center in Owyhee County to conduct research projects to address natural resource management issues affecting public and private rangeland in the county.

Subsection (b) states that the purpose of the Center is to facilitate the collection and analysis of information to provide Federal and State agencies, the tribes, the county, private landowners, and the public with information on improved rangeland management.

Section 4(a)(1) designates the following areas as wilderness, to be administered by the Bureau of Land Management in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.):

Big Jacks Creek Wilderness	52,826 acres
Bruneau—Jarvis Rivers Wilderness	89,996 acres
Little Jacks Creek Wilderness	50,929 acres
North Fork Owyhee Wilderness	43,413 acres
Owyhee River Wilderness	267,328 acres
Pole Creek Wilderness	12,533 acres

Paragraph (2) directs the Secretary to submit a map and legal description for each wilderness area designated by this Act to the House and Senate authorizing committees.

Paragraph (3) provides for the release of approximately 198,000 acres of BLM lands from wilderness study status and directs that the lands be managed in accordance with applicable land use plans.

Subsection (b)(1) provides for the administration of the areas designated as wilderness by this Act in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

Paragraph (2) withdraws all of the land designated as wilderness by this Act from entry, appropriation, or disposal under the public lands laws, from location, entry, and patent under the mining laws, and from disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

Paragraph (3) provides for continued grazing of livestock within the wilderness areas, where the use is established as of the date of enactment of this Act. The Secretary is directed to conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas within one year after the date of enactment.

Subparagraph (D) requires the Secretary to accept the donation of any valid grazing permit or lease, if any portion of the permit or lease is within a wilderness area designated by this Act. If a permit or lease is donated, the Secretary is directed to terminate the permit or lease to ensure a permanent end to grazing on the affected land. If the land covered by a donated permit or lease is part of a common allotment, the Secretary is directed to reduce the authorized grazing level on the land to reflect the donation of the permit or lease and shall not allow grazing use to exceed the authorized level. The subparagraph also makes clear that a permittee may make a partial donation of the authorized grazing use.

Paragraph (4) authorizes the Secretary to acquire lands and interests therein within the wilderness areas by purchase, donation, or exchange.

Paragraph (5) directs the Secretary to establish a trail plan that addresses hiking and equestrian trails within the wilderness areas, consistent with the Wilderness Act.

Paragraph (6) clarifies that commercial services, including authorized outfitting and guide activities, are authorized within the wilderness areas to the extent necessary for activities that fulfill the recreational or other wilderness purpose of the area.

Paragraph (7) provides for access to private property located within the wilderness areas in accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)).

Paragraph (8) states that nothing in this Act affects the jurisdiction of the State of Idaho with respect to fish and wildlife on public lands. The Secretary is authorized to conduct wildlife management activities in the wilderness areas in furtherance of the Wilderness Act, if the activities are consistent with relevant wilderness management plans and conducted in accordance with appropriate policies, as described in Appendix B of House Report 101-405. The activities may include the occasional and temporary use of motor vehicles, if necessary to promote healthy, viable, and more naturally distributed wildlife populations.

Paragraph (9) mirrors language in the Wilderness Act which states that the Secretary may take any measures the Secretary determines necessary to control fire, insects, or diseases.

Paragraph (10) clarifies that the designation of a wilderness area shall not create a protective perimeter or "buffer zone" around the area.

Paragraph (11) provides that nothing in this Act restricts or precludes low-level overflights of military aircraft over the designated wilderness areas, flight testing and evaluation, the designation or creation of new units of special use airspace, or the establishment of military flight training routes over the wilderness areas.

Paragraph (12) states that the designation of wilderness shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes. The paragraph clarifies that this denial of a Federal reserved water right

does not apply to the components of the National Wild and Scenic Rivers System designated by this Act.

Section 5(a) amends section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to add 16 river segments as additions to the Wild and Scenic Rivers System. The combined length of the designated river segments is approximately 316 miles.

Subsection (b) limits the boundary of a river segment designated by subsection (a) to the shorter of an average distance of one-quarter mile from the high water mark on both sides of the river segment, or the distance to the nearest confined canyon rim.

Subsection (c) prohibits the Secretary from acquiring any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner.

Section 6(a) authorizes the Secretary to sell public land located within the Boise District of the Bureau of Land Management that, as of the date of enactment of this Act, has been identified for disposal in appropriate resource management plans.

Subsection (b) provides that notwithstanding any other provision of law (other than a law providing for a portion of land sale revenues to be distributed to a State education trust fund), proceeds from the sale of lands under subsection (a) shall be deposited in a separate account in the Treasury known as the "Owyhee Land Acquisition Account". Amounts deposited in the special account shall be available to the Secretary, without further appropriation, to purchase lands, or interests therein, in or adjacent to the wilderness areas designated by this Act, including lands depicted on the referenced map. Any land purchases using the special account are to be conducted in accordance with applicable law. The subsection applies to any public lands sold in the Boise District on or after January 1, 2008.

Subsection (c) terminates the authority provided under this section either ten years after the date of enactment, or the date on which at least \$8 million is expended, whichever is earlier. Any funds remaining in the special account shall be transferred to the Federal Land Disposal Account established under the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)) to be used for purchase of lands in Idaho in accordance with that Act.

Section 7 directs the Secretary to coordinate with the Shoshone Paiute Tribes of the Duck Valley Reservation in the implementation of the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the tribes.

Section 8(a) requires the Secretary, in accordance with the Federal Land Policy and Management Act of 1976, and in coordination with the Tribes, the State of Idaho, and Owyhee County, to prepare one or more travel management plans to address motorized and mechanized off-highway vehicle recreation for BLM-managed lands in Owyhee County.

Subsection (b) states that the Secretary is required to conduct resource and route inventories of the area before preparing the plan.

Subsection (c) provides that, with the exception of snowmobiles, the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

Subsection (d) provides that until the plan is completed, all recreational motorized and mechanized off-highway vehicle use is limited to roads and trails lawfully in existence prior to the date of enactment of this Act.

Subsection (e) states that it is the intent of Congress that the Secretary shall complete a transportation plan for the Owyhee Front area not later than one year after the date of enactment of this Act, and that the transportation plan for the remaining areas in Owyhee County be completed no later than three years after the date of enactment of this Act.

Section 9 authorizes the appropriation of such sums as may be necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 2833—Owyhee Public Land Management Act of 2008

S. 2833 would designate land and waterways in southwestern Idaho as wilderness or as wild or recreational rivers. The bill also would authorize the Bureau of Land Management (BLM) to sell certain lands in Idaho and spend the proceeds on acquiring other properties in the state. Based on information provided by BLM, CBO estimates that implementing the bill would have no significant effect on discretionary spending. We estimate that enacting the bill would result in additional direct spending of about \$5 million over the 2009–2013 period. The legislation would not affect revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

Under S. 2833, about 517,000 acres of land, most of which is already owned by BLM, would be added to the National Wilderness Preservation System. About 316 miles of rivers and creeks in the same area would be added to the Wild and Scenic River System. Most of the acreage designated by the bill is currently in wilderness study areas (WSA), which are managed by BLM to protect their wilderness values; no additional resources would be required to manage that acreage (or the small amount of other BLM land not in a WSA) as wilderness. The agency could incur additional discretionary costs to revise brochures, maps, and signs to reflect the new designations (of both wilderness and wild or recreational rivers), but CBO estimates that such costs would be minimal because most such revisions would take place in conjunction with scheduled reprinting and routine maintenance. Other expenses—for possible fencing, resource inventories, and other costs—would be minor.

Enacting S. 2833 would result in additional direct spending because the bill would allow BLM to spend proceeds from sales that would, under existing law, be deposited into the U.S. Treasury. Under the bill, BLM could sell federal lands in the Boise area that were identified for disposal before the legislation's enactment and spend, without further appropriation, up to \$8 million of those proceeds to purchase other land for the new wilderness area. BLM is already authorized to dispose of all of that land under existing law,

but the authority to spend the proceeds of such sales only applies to land that was identified for disposal before July 25, 2000. CBO expects that BLM would receive about \$5 million from selling land that was identified for disposal after that date, resulting in additional direct spending of that amount over the 2009–2013 period.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2833. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2833, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 2833, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined by rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the April 22, 2008 hearing on S. 2833 follows:

STATEMENT OF JULIE JACOBSON, DEPUTY ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for inviting me to testify on S. 2833, the Owyhee Public Lands Management Act of 2008. This bill seeks to resolve a wide range of public land management issues and opportunities on lands managed by the Bureau of Land Management (BLM) in Owyhee County, Idaho. It is the result of years of intensive efforts by the Idaho delegation, and particularly Senator Crapo, working with local governments and the public to reach consensus on difficult issues in the spirit of cooperative conservation. We respect the resolution of local land use conflicts in this matter, and support the bill with modification of the formula for distributing the proceeds from any land sales to ensure that an appropriate share of the proceeds is returned to the Federal taxpayers. We would, like to work to address this, and other areas of concern, with the sponsor and the Committee.

BACKGROUND

Owyhee County encompasses over 7,600 square miles of the southwestern corner of Idaho. It is the homeland of the Shoshone-Paiute people and encompasses the Duck Valley Reservation. With a population of just over 11,000, it is a sparsely-peopled land where magnificent canyons, rushing rivers, and wide-open skies dominate the landscape. Ranching is the traditional and predominant economic activity throughout Owyhee County.

In 2000, the Owyhee County Commissioners invited a number of interested parties to begin discussions with an eye toward resolving a wide range of natural resource issues in the County. Innumerable meetings, conversations, and dialogues ensued. Over time, this effort included representatives from many interests within the County, including local government officials, tribal representatives, ranchers, conservationists, recreationists, and others.

The legislation before this Committee, S. 2833, is an effort to realize those efforts. Senator Crapo deserves recognition for his commitment to working toward collaborative solutions in the spirit of cooperative conservation and proposing this legislation to help resolve Owyhee County's public land issues.

OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER

Section 3 of this bill requires the Secretary of the Interior to establish the Owyhee Science Review and Conservation Center in Owyhee County, Idaho. The stated intention of the Center is to conduct research projects to address natural resources management issues as they affect public and private rangelands in Owyhee County with a goal of providing information for improved rangeland management.

We do not oppose the establishment of this Center; however we are concerned about the ongoing costs of establishing and operating such a Center. We urge the Committee and the sponsor to consider making section 3 subject to adequate appropriations.

WILDERNESS AND WILD & SCENIC RIVERS DESIGNATIONS

The Department of the Interior supports the Wilderness and Wild and Scenic River designations in the bill, subject to adjustments in boundaries and management language as is routine in such proposed designations. In general, the Department supports the efforts of Congressional delegations to resolve wilderness issues in their states. Congress has the sole authority to designate lands to be managed as wilderness and we have repeatedly urged that these issues be addressed legislatively.

Section 4 of S. 2833 designates as wilderness 517,128 acres in six separate areas and releases approximately 198,073 acres from WSA status and will return these lands to the full range of multiple public uses authorized by the Federal Land Policy and Management Act (FLPMA). The

Department generally supports the designations and releases proposed by the legislation and would like the opportunity to work with the sponsor and the Committee on possible minor boundary adjustments to ensure efficient manageability.

The areas identified to be designated as wilderness include: Big Jacks Creek Wilderness, Bruneau-Jarbridge Rivers Wilderness, Little Jacks Creek Wilderness, North Fork Owyhee Wilderness, Owyhee River Wilderness and Pole Creek Wilderness. These proposed wilderness areas contain beautiful and remote desert landscapes. The terrain within the proposed wilderness is diverse, ranging from deep river canyons to vast sagebrush and grassland plateaus that provide habitat for sage-grouse, pronghorn antelope, bighorn sheep, songbirds, raptors, and numerous rare plant species. The river canyons are spectacular. Many are more than 1,000 feet deep, nearly twice as deep as the Washington Monument is tall. Rivers meander for hundreds of miles through southwestern Idaho and form what may be the largest, most unaltered, desert region remaining in the continental United States.

Section 5 would designate more than 315 miles of waterways as segments of the Wild and Scenic Rivers System. These river segments, ranging from $\frac{3}{10}$ of a mile to over 67 miles, would be established on 16 different rivers and creeks including the Owyhee, Bruneau, and Jarbridge Rivers. As with wilderness, it is the prerogative of the Congress to make determinations for additions to the Wild and Scenic River System and we generally defer to the consensus of individual congressional delegations while providing input on manageability and potential conflicts.

The proposed additions to the Wild and Scenic River System are rugged, isolated, and unique. This region, the Owyhee Uplands, is unlike any other desert region in the United States because it is dissected by hundreds of miles of free-flowing rivers. The rivers begin in the mountains of northern Nevada and, flowing north, radiate like spokes across southwestern Idaho. Each river has cut a deep, magnificent canyon through alternating layers of black and red volcanic rock. Each river is also an oasis for wildlife, including bighorn sheep and large flocks of waterfowl. There are no paved roads along any of these rivers and only a few dirt roads provide limited access to these remote streams. The larger rivers, like the Owyhee and Bruneau, contain some of the most challenging whitewater in the United States. River enthusiasts come from around the country to float these rivers and experience some of the ultimate river adventures in the United States.

RELINQUISHMENT AND RETIREMENT OF GRAZING PERMITS

Section 4(b)(3)(D) of S. 2833 provides for the voluntary relinquishment of grazing permits or leases by permittees to the Secretary of the Interior for authorized grazing on BLM-managed lands within areas designated as wilderness by S. 2833. Under the bill, the Secretary is required

to accept the donation of those permits or leases and is required to permanently retire the allotments covered by the permits or leases from grazing. Partial relinquishment and congruent retirement of allotments is also provided for under this subsection.

The BLM believes that grazing is a compatible use within wilderness and there is a long history of legislation accommodating grazing within wilderness designations. The BLM is also concerned about retiring grazing permits. Were it not for the Congressional acknowledgement of the choice of individual permittees, and the rigor of the collaborative process underlying these designations, BLM could only retire grazing permits through land use planning processes. However, the BLM also recognizes the value of working cooperatively and collaboratively with local stakeholders to fulfill its multiple-use mission on BLM lands. The BLM is committed to working with the Committee, the sponsor, and stakeholders in the spirit of cooperative conservation within our existing authority.

DISPOSAL AND ACQUISITION OF LAND

Section 6 of S. 2833 provides for the sale of lands identified for disposal within the Boise District of the BLM and the subsequent use of those proceeds for the acquisition of private lands from willing sellers, within or adjacent to the wilderness areas designated by this bill. Specifically, section 6(a) authorizes the sale of lands identified for disposal prior to the date of enactment of the legislation. The proceeds from any such sales taking place after January 1, 2008, would be deposited in a special account and would be available for the acquisition of private lands identified on the maps referenced by the legislation or any other private lands within or adjacent to the wilderness designated by S. 2833. This authority expires at the end of 10 years or on the date when \$8 million has been expended from the account, whichever happens first. Amounts remaining in the account upon termination would be transferred to the Federal Land Deposit Account authorized by the Federal Land Transaction Facilitation Act (FLTFA) and expended in accordance with FLTFA.

The Department notes that all such sales and acquisitions would be undertaken consistent with applicable laws, including FLPMA, and would be subject to appraisals completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisition and the Uniform Standards of Professional Appraisal Practice.

In addition, the manner in which the proceeds from land sales are distributed requires significant modifications. As noted above, we will work with the sponsors to ensure that this bill returns an appropriate share of these proceeds to the Federal taxpayer, consistent with the Administration's proposed changes to the FLTFA. Our proposal would provide for a consistent approach to the distribution of land sales proceeds at the National level.

ADDITIONAL PROVISIONS

Section 7 requires the Secretary to coordinate with the Shoshone Paiute Tribes in implementation of the Shoshone Paiute Cultural Resource Protection Plan and seek agreements with the Tribes to implement the plan in order to protect cultural sites and resources important to the Tribes. One provision of that plan includes a federally reimbursable law enforcement agreement with Owyhee County for services from the Tribes. The BLM and the Shoshone-Paiute Tribes have an excellent cooperative relationship and work together effectively on a wide range of public land management issues in southwest Idaho. The Administration supports and endorses BLM's continuing and expanding this cooperative relationship.

Finally, section 8 requires the BLM to prepare travel management plan for public lands within Owyhee County. Providing for the wise management and balance of all modes of travel and user needs continues to be a priority for the BLM. The BLM is currently in the process of developing travel management plans throughout the West. We are committed to completing those plans with full public participation in Owyhee County and on all BLM-managed public lands. We would like the opportunity to work with the sponsor and the Committee to ensure this section provides for comprehensive travel and transportation management planning.

We are concerned about the long-term costs of the bill not only to the Department of the Interior and the BLM but also to the Federal Treasury. Public expectations for large infusions of Federal funds to accomplish this bill's authorizations without a clear source of dollars could result in disappointment and frustrate local working relationships.

Thank you for the opportunity to testify on this legislation. S. 2833 is the result of years of intensive efforts by Senator Crapo and many interested parties. We applaud these efforts and look forward to working with the Committee and Sponsor to address the issues addressed above, as well as technical and conforming amendments. I will be happy to answer any questions that you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2833 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(Public Law 90-542; Approved October 2, 1968)

[16 U.S.C. 1271 et seq.]

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

* * * * *

[()] (167) WHITE SALMON RIVER, WASHINGTON.—The 20 miles of river segments of the main stem of the White Salmon River and Cascade Creek, Washington, to be administered by the Secretary of Agriculture in the following classifications:

(A) The approximately 1.6-mile segment of the main stem of the White Salmon River from the headwaters on Mount Adams in section 17, township 8 north, range 10 east, downstream to the Mount Adams Wilderness boundary as a wild river.

(B) The approximately 5.1-mile segment of Cascade Creek from its headwaters on Mount Adams in section 10, township 8 north, range 10 east, downstream to the Mount Adams Wilderness boundary as a wild river.

(C) The approximately 1.50-mile segment of Cascade Creek from the Mount Adams Wilderness boundary downstream to its confluence with the White Salmon River as a scenic river.

(D) The approximately 11.8-mile segment of the main stem of the White Salmon River from the Mount Adams Wilderness boundary downstream to the Gifford Pinchot National Forest boundary as a scenic river.

[()] (168) BLACK BUTTE RIVER, CALIFORNIA.—The following segments of the Black Butte River in the State of California, to be administered by the Secretary of Agriculture:

(A) The 16 miles of Black Butte River, from the Mendocino County Line to its confluence with Jumpoff Creek, as a wild river.

(B) The 3.5 miles of Black Butte River from its confluence with Jumpoff Creek to its confluence with Middle Eel River, as a scenic river.

(C) The 1.5 miles of Cold Creek from the Mendocino County Line to its confluence with Black Butte River, as a wild river.

[(167)] (169) MUSCONETCONG RIVER, NEW JERSEY.—

(A) DESIGNATION.—The 24.2 miles of river segments in New Jersey, consisting of—

(i) the approximately 3.5-mile segment from Saxton Falls to the Route 46 bridge, to be administered by the Secretary of the Interior as a scenic river; and

(ii) the approximately 20.7-mile segment from the Kings Highway bridge to the railroad tunnels at Musconetcong Gorge, to be administered by the Secretary of the Interior as a recreational river.

(B) ADMINISTRATION.—Notwithstanding section 10(c) the river segments designated under subparagraph (A) shall not be administered as part of the National Park System.

(170) *BATTLE CREEK, IDAHO.*—*The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.*

(171) *BIG JACKS CREEK, IDAHO.*—*The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW¹/₄ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.*

(172) *BRUNEAU RIVER, IDAHO.*—

(A) *IN GENERAL.*—*Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.*

(B) *EXCEPTION.*—*Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.*

(173) *WEST FORK BRUNEAU RIVER, IDAHO.*—*The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbidge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.*

(174) *COTTONWOOD CREEK, IDAHO.*—*The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.*

(175) *DEEP CREEK, IDAHO.*—*The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.*

(176) *DICKSHOOTER CREEK, IDAHO.*—*The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream ¹/₄ mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.*

(177) *DUNCAN CREEK, IDAHO.*—*The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.*

(178) *JARBIDGE RIVER, IDAHO.*—*The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.*

(179) *LITTLE JACKS CREEK, IDAHO.*—*The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks*

Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

(180) *NORTH FORK OWYHEE RIVER, IDAHO.*—*The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:*

(A) *The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.*

(B) *The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.*

(181) *OWYHEE RIVER, IDAHO.*—

(A) *IN GENERAL.*—*Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.*

(B) *ACCESS.*—*The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.*

(182) *RED CANYON, IDAHO.*—*The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.*

(183) *SHEEP CREEK, IDAHO.*—*The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbridge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.*

(184) *SOUTH FORK OWYHEE RIVER, IDAHO.*—

(A) *IN GENERAL.*—*Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nevada State border, to be administered by the Secretary of the Interior as a wild river.*

(B) *EXCEPTION.*—*Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in 4 sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.*

(185) *WICKAHONEY CREEK, IDAHO.*—*The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.*