

115TH CONGRESS
1ST SESSION

H. R. 1728

To modify the boundaries of the Morley Nelson Snake River Birds of Prey
National Conservation Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2017

Mr. SIMPSON (for himself and Mr. LABRADOR) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To modify the boundaries of the Morley Nelson Snake River
Birds of Prey National Conservation Area, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BOUNDARY MODIFICATION, MORLEY NELSON**
4 **SNAKE RIVER BIRDS OF PREY NATIONAL**
5 **CONSERVATION AREA, IDAHO.**

6 (a) DEFINITIONS.—In this section:

7 (1) CONSERVATION AREA.—The term “Con-
8 servation Area” means the Morley Nelson Snake
9 River Birds of Prey National Conservation Area.

1 (2) GATEWAY WEST.—The term “Gateway
2 West” means the high-voltage transmission line
3 project in Idaho and Wyoming jointly proposed by
4 the entities Idaho Power Company, incorporated in
5 the State of Idaho, and Rocky Mountain Power, a
6 division of PacifiCorp, an Oregon Corporation.

7 (3) MAP.—The term “map” means the map ti-
8 tled “Proposed Snake River Birds of Prey NCA
9 Boundary Adjustment” and dated October 13, 2016.

10 (4) SAGE-GROUSE SPECIES.—The term “sage-
11 grouse species” means the greater sage-grouse
12 (*Centrocercus urophasianus*) (including all distinct
13 population segments).

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (b) AREAS TO BE ADDED TO AND REMOVED FROM
17 MORLEY NELSON SNAKE RIVER BIRDS OF PREY NA-
18 TIONAL CONSERVATION AREA.—The boundary of the
19 Conservation Area is hereby modified—

20 (1) to include—

21 (A) the approximately 4726 acres of land
22 generally depicted as “BLM Administered
23 Lands” on the map, to the extent such lands
24 are part of the Lower Saylor Creek Allotment
25 those lands would continue to be managed by

1 the BLM Jarbidge Field Office until terms of
2 the No. CV-04-181-S-BLW Stipulated Settle-
3 ment Agreement are fully met, after which the
4 lands would be managed by the Morley Nelson
5 Snake River Birds of Prey National Conserva-
6 tion Area office; and

7 (B) the approximately 86 acres of land
8 generally depicted as “BOR Administered
9 Lands” on the map; and

10 (2) to exclude—

11 (A) the approximately 761 acres land gen-
12 erally depicted as “Segment 8 Revised Proposed
13 Route” on the map, including 125 feet on ei-
14 ther side of the center line of the Gateway West
15 Transmission line, the Gateway West Trans-
16 mission Line shall be sited so that the center
17 line of Segment 8 is no more than 500 feet
18 from the center line of the existing Summer
19 Lake Transmission Line as described in the
20 Summer Lake Transmission Line Right of Way
21 Grant per FLPMA, IDI-008875; and

22 (B) the approximately 1,845 acres land
23 generally depicted as “Segment 9 Revised Pro-
24 posed Route” on the map including 125 feet on

1 either side of the center line of the Gateway
2 West Transmission line.

3 (c) RIGHT-OF-WAY AND CONDITIONS.—

4 (1) RIGHT-OF-WAY.—Notwithstanding any
5 other provision of law, not later than 90 days after
6 the date of the enactment of this section, the Sec-
7 retary shall issue to Gateway West a right-of-way
8 for the lands described in subsection (b)(2) to be
9 used for the construction and maintenance of trans-
10 mission lines, including access roads and activities
11 related to fire prevention and suppression. The
12 right-of-way issued under this paragraph shall con-
13 tain the conditions described in subsection (c)(2),
14 and be in alignment with the revised proposed routes
15 for segments 8 and 9 identified as Alternative 1 in
16 the Supplementary Final Environmental Impact
17 Analysis released October 5, 2016.

18 (2) CONDITIONS.—The conditions that the Sec-
19 retary shall include in the right-of-way described in
20 paragraph (1) shall be in accordance with section
21 505 of the Federal Land Policy and Management
22 Act of 1976 (43 U.S.C. 1765) and are as follows:

23 (A) MITIGATION.—During the time of con-
24 struction of each respective line segment, Gate-
25 way West shall mitigate for the impacts related

1 to the transmission lines in accordance with the
2 Compensatory Mitigation and Enhancement
3 framework described in the final Supplemental
4 Environmental Impact Statement with the stip-
5 ulation that Compensatory Mitigation and En-
6 hancement costs shall not exceed \$8,543,440.

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

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

23 (D) OTHER.—Standard terms and condi-
24 tions in accordance with section 505 of the

1 Federal Land Policy and Management Act of
2 1976 (43 U.S.C. 1765).

3 (d) ADMINISTRATION.—The Secretary shall—

4 (1) administer the lands described in subsection
5 (b)(1) as part of the Conservation Area in accord-
6 ance with Public Law 103–64 and as part of the
7 National Landscape Conservation System; and

8 (2) continue to administer lands described in
9 subsection (b)(2), but as lands that are not included
10 in a Conservation Area or subject to Public Law
11 103–64.

12 (e) TRANSFER OF ADMINISTRATIVE JURISDIC-
13 TION.—Administrative jurisdiction over the approximately
14 86 acres of land depicted as “BOR Administered Lands”
15 on the map is hereby transferred from the Bureau of Rec-
16 lamation to the Bureau of Land Management.

17 (f) AVAILABILITY OF MAP.—The map shall be on file
18 and available for public inspection in the appropriate of-
19 fices of the Bureau of Land Management.

20 (g) MANAGEMENT PLAN AMENDMENT.—Not later
21 than 18 months after the date of the enactment of this
22 Act, the Secretary shall amend the management plan for
23 the Conservation Area to address the long-term manage-
24 ment of the lands described in subsection (b)(1) in order
25 to—

1 (1) determine appropriate management activi-
2 ties and uses of the lands described in subsection
3 (b)(1) consistent with Public Law 103–64 and this
4 section;

5 (2) continue managing the grazing of livestock
6 on the lands described in subsection (b)(1) in which
7 grazing is established as of the date of the enact-
8 ment of this section such that the grazing shall be
9 allowed to continue, subject to such reasonable regu-
10 lations, policies, and practices that the Secretary
11 considers necessary;

12 (3) allow motorized access on roads existing on
13 the lands described in subsection (b)(1) on the date
14 of the enactment of this section, subject to such rea-
15 sonable regulations, policies, and practices that the
16 Secretary considers necessary; and

17 (4) allow hunting and fishing on the lands de-
18 scribed in subsection (b)(1) consistent with applica-
19 ble laws and regulations.

20 **SEC. 2. COTTEREL WIND POWER PROJECT.**

21 The approximately 203 acres of Federal land identi-
22 fied as “Project Area” on the map titled “Cotterel Wind
23 Power Project” and dated March 1, 2006, may not be
24 used for the production of electricity from wind.

1 **SEC. 3. BUREAU OF LAND MANAGEMENT FOUNDATION.**

2 The Secretary of the Interior shall—

3 (1) establish a Bureau of Land Management
4 Foundation as a charitable and nonprofit corpora-
5 tion under section 501(c)(3) of the Internal Revenue
6 Code of 1986; and

7 (2) grant to such Foundation the same authori-
8 ties granted to the National Park Foundation for its
9 activities to benefit the National Park Service under
10 subchapter II of chapter 1011 of title 54, United
11 States Code, for the purpose of providing opportuni-
12 ties for the Bureau of Land Management to address
13 a variety of specific challenges that could be better
14 addressed with the support of a foundation, includ-
15 ing—

16 (A) reclamation of legacy wells, contami-
17 nated native lands, and abandoned mine land
18 sites;

19 (B) sustainable management of wild horses
20 and burros;

21 (C) expanded scientific understanding of
22 responsible development techniques;

23 (D) voluntary conservation activities; and

24 (E) proper identification and cataloging of
25 cultural and historical treasure on public lands.