

**Appendix D
Morley Nelson Snake River Birds of Prey National Conservation Area
Boundary Modification Act of 2017**

115TH CONGRESS
1ST SESSION

H. R. 2104

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

APRIL 20, 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. SHORT TITLE.**

4 This Act may be cited as the “Morley Nelson Snake
5 River Birds of Prey National Conservation Area Boundary
6 Modification Act of 2017”.

7 **SEC. 2. BOUNDARY MODIFICATION, MORLEY NELSON**
8 **SNAKE RIVER BIRDS OF PREY NATIONAL**
9 **CONSERVATION AREA, IDAHO.**

10 (a) DEFINITIONS.—In this section:

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

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

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

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

17 (5) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

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

23 (1) to include—

24 (A) the approximately 4,726 acres of land
25 generally depicted as “BLM Administered

1 Lands” on the map, to the extent such lands
2 are part of the Lower Saylor Creek Allotment
3 those lands would continue to be managed by
4 the BLM Jarbidge Field Office until terms of
5 the No. CV-04-181-S-BLW Stipulated Settle-
6 ment Agreement are fully met, after which the
7 lands would be managed by the Morley Nelson
8 Snake River Birds of Prey National Conserva-
9 tion Area office; and

10 (B) the approximately 86 acres of land
11 generally depicted as “BOR Administered
12 Lands” on the map; and

13 (2) to exclude—

14 (A) the approximately 761 acres of land
15 generally depicted as “Segment 8 Revised Pro-
16 posed Route” on the map, including 125 feet on
17 either side of the center line of the Gateway
18 West Transmission line, the Gateway West
19 Transmission Line shall be sited so that the
20 center line of Segment 8 is no more than 500
21 feet from the center line of the existing Sum-
22 mer Lake Transmission Line as described in
23 the Summer Lake Transmission Line Right of
24 Way Grant per FLPMA, IDI-008875; and

1 (B) the approximately 1,845 acres of land
2 generally depicted as “Segment 9 Revised Pro-
3 posed Route” on the map including 125 feet on
4 either side of the center line of the Gateway
5 West Transmission line.

6 (c) RIGHT-OF-WAY AND CONDITIONS.—

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

21 (2) CONDITIONS.—The conditions that the Sec-
22 retary shall include in the right-of-way described in
23 paragraph (1) shall be in accordance with section
24 505 of the Federal Land Policy and Management
25 Act of 1976 (43 U.S.C. 1765) and are as follows:

1 (A) MITIGATION.—During the time of con-
2 struction of each respective line segment, Gate-
3 way West shall mitigate for the impacts related
4 to the transmission lines in accordance with the
5 Compensatory Mitigation and Enhancement
6 framework described in the final Supplemental
7 Environmental Impact Statement with the stip-
8 ulation that Compensatory Mitigation and En-
9 hancement costs shall not exceed \$8,543,440.

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

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

1 (D) OTHER.—Standard terms and condi-
2 tions in accordance with section 505 of the
3 Federal Land Policy and Management Act of
4 1976 (43 U.S.C. 1765).

5 (d) ADMINISTRATION.—The Secretary shall—

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

10 (2) continue to administer lands described in
11 subsection (b)(2), but as lands that are not included
12 in a Conservation Area or subject to Public Law
13 103–64.

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

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

22 (g) MANAGEMENT PLAN AMENDMENT.—Not later
23 than 18 months after the date of the enactment of this
24 Act, the Secretary shall amend the management plan for
25 the Conservation Area to address the long-term manage-

1 ment of the lands described in subsection (b)(1) in order
2 to—

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

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

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

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

22 **SEC. 3. COTTEREL WIND POWER PROJECT.**

23 The approximately 203 acres of Federal land identi-
24 fied as “Project Area” on the map titled “Cotterel Wind

- 1 Power Project” and dated March 1, 2006, may not be
- 2 used for the production of electricity from wind.

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