

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.

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## 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

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## 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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