

111TH CONGRESS  
1ST SESSION

# S. 2921

To provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, to require the Secretary of the Interior to designate certain offices to serve as Renewable Energy Coordination Offices for coordination of Federal permits for renewable energy projects and transmission lines to integrate renewable energy development, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 21 (legislative day, DECEMBER 20), 2009

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, to require the Secretary of the Interior to designate certain offices to serve as Renewable Energy Coordination Offices for coordination of Federal permits for renewable energy projects and transmission lines to integrate renewable energy development, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “California Desert Protection Act of 2010”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—CALIFORNIA DESERT CONSERVATION AND RECREATION**

Sec. 101. Amendments to the California Desert Protection Act of 1994.

Sec. 102. Designation of wild and scenic rivers.

**TITLE II—DESERT RENEWABLE ENERGY PERMITTING**

Sec. 201. Renewable Energy Coordination Offices to improve Federal permit  
coordination for renewable energy.

Sec. 202. Deadlines for consideration of applications for wind and solar energy  
right-of-way use authorizations.

Sec. 203. Programmatic environmental impact statements and land use plan-  
ning.

Sec. 204. Military installations study.

Sec. 205. Habitat mitigation zones.

Sec. 206. Bonding.

Sec. 207. Meteorological site testing and monitoring categorical exclusion.

Sec. 208. Report on renewable energy permitting in Western States.

Sec. 209. Support for qualified advanced electric transmission manufacturing  
plants, qualified high efficiency transmission property, and  
qualified advanced electric transmission property.

6 **TITLE I—CALIFORNIA DESERT**  
7 **CONSERVATION AND RECRE-**  
8 **ATION**

9 **SEC. 101. AMENDMENTS TO THE CALIFORNIA DESERT PRO-**  
10 **TECTION ACT OF 1994.**

11 (a) **IN GENERAL.**—Public Law 103–433 (16 U.S.C.  
12 410aaa et seq.) is amended by adding at the end the fol-  
13 lowing:

1       **“TITLE XIII—MOJAVE TRAILS**  
2               **NATIONAL MONUMENT**

3       **“SEC. 1301. DEFINITIONS.**

4               “In this title:

5                       “(1) MAP.—The term ‘map’ means the map en-  
6               titled ‘Boundary Map, Mojave Trails National  
7               Monument’ and dated November 19, 2009.

8                       “(2) MONUMENT.—The term ‘Monument’  
9               means the Mojave Trails National Monument estab-  
10              lished by section 1302(a).

11                      “(3) STUDY AREA.—The term ‘study area’  
12              means the land that—

13                              “(A) is described in—

14                                      “(i) the notice of the Bureau of Land  
15                                      Management of September 15, 2008, enti-  
16                                      tled ‘Notice of Proposed Legislative With-  
17                                      drawal and Opportunity for Public Meet-  
18                                      ing; California’ (73 Fed. Reg. 53269); or

19                                      “(ii) any subsequent notice in the  
20                                      Federal Register that is related to the no-  
21                                      tice described in clause (i); and

22                              “(B) has been segregated by the Director  
23              of the Bureau of Land Management.

1 **“SEC. 1302. ESTABLISHMENT OF THE MOJAVE TRAILS NA-**  
2 **TIONAL MONUMENT.**

3 “(a) ESTABLISHMENT.—There is designated in the  
4 State the Mojave Trails National Monument.

5 “(b) PURPOSES.—The purposes of the Monument  
6 are—

7 “(1) to preserve the nationally significant bio-  
8 logical, cultural, recreational, geological, educational,  
9 historic, scenic, and scientific values—

10 “(A) in the Central and Eastern Mojave  
11 Desert; and

12 “(B) along historic Route 66; and

13 “(2) to secure the opportunity for present and  
14 future generations to experience and enjoy the mag-  
15 nificent vistas, wildlife, land forms, and natural and  
16 cultural resources of the Monument.

17 “(c) BOUNDARIES.—

18 “(1) IN GENERAL.—Except as provided in para-  
19 graph (2), the Monument shall consist of the Fed-  
20 eral land and Federal interests in land within the  
21 boundaries depicted on the map.

22 “(2) EXCLUSIONS.—

23 “(A) STUDY AREA.—Subject to subpara-  
24 graph (B), the study area shall be excluded  
25 from the Monument to permit the Secretary of

1 the Navy to study the land within the study  
2 area for—

3 “(i) withdrawal in accordance with the  
4 Act of February 28, 1958 (43 U.S.C. 155  
5 et seq.); and

6 “(ii) potential inclusion into the Ma-  
7 rine Corps Air Ground Combat Center at  
8 Twentynine Palms, California, for national  
9 defense purposes.

10 “(B) INCORPORATION IN MONUMENT.—  
11 After action by the Secretary of Defense and  
12 Congress regarding the withdrawal under sub-  
13 paragraph (A), any land within the study area  
14 that is not withdrawn shall be incorporated into  
15 the Monument.

16 “(d) MAP; LEGAL DESCRIPTIONS.—

17 “(1) LEGAL DESCRIPTION.—As soon as prac-  
18 ticable after the date of enactment of this title, the  
19 Secretary shall submit to the Committee on Natural  
20 Resources of the House of Representatives and the  
21 Committee on Energy and Natural Resources of the  
22 Senate legal descriptions of the Monument, based on  
23 the map.

24 “(2) CORRECTIONS.—The map and legal de-  
25 scriptions of the Monument shall have the same

1 force and effect as if included in this title, except  
2 that the Secretary may correct clerical and typo-  
3 graphical errors in the map and legal descriptions.

4 “(3) AVAILABILITY OF MAP.—The map shall be  
5 on file and available for public inspection in the ap-  
6 propriate offices of the Bureau of Land Manage-  
7 ment.

8 **“SEC. 1303. MANAGEMENT OF THE MONUMENT.**

9 “(a) IN GENERAL.—The Secretary shall—

10 “(1) only allow uses of the Monument that—

11 “(A) further the purposes described in sec-  
12 tion 1302(b);

13 “(B) are included in the management plan  
14 developed under subsection (g); and

15 “(C) do not interfere with the utility  
16 rights-of-way or corridors authorized under sec-  
17 tion 1304(f); and

18 “(2) subject to valid existing rights, manage the  
19 Monument to protect the resources of the Monu-  
20 ment, in accordance with—

21 “(A) this Act;

22 “(B) the Federal Land Policy and Man-  
23 agement Act of 1976 (43 U.S.C. 1701 et seq.);

24 and

25 “(C) any other applicable provisions of law.

1       “(b) COOPERATION AGREEMENTS; GENERAL AU-  
 2 THORITY.—Consistent with the management plan and ex-  
 3 isting authorities applicable to the Monument, the Sec-  
 4 retary may enter into cooperative agreements and shared  
 5 management arrangements (including special use permits  
 6 with any person (including educational institutions and In-  
 7 dian tribes)), for the purposes of interpreting, researching,  
 8 and providing education on the resources of the Monu-  
 9 ment.

10       “(c) ADMINISTRATION OF SUBSEQUENTLY AC-  
 11 QUIRED LAND.—Any land or interest in land within the  
 12 boundaries of the Monument that is acquired by the Sec-  
 13 retary after the date of enactment of this title shall be  
 14 managed by the Secretary in accordance with this title.

15       “(d) LIMITATIONS.—

16           “(1) PROPERTY RIGHTS.—The establishment of  
 17 the Monument does not—

18                   “(A) affect—

19                           “(i) any property rights of an Indian  
 20 reservation, individually held trust land, or  
 21 any other Indian allotments;

22                           “(ii) any land or interests in land held  
 23 by the State, any political subdivision of  
 24 the State, or any special district; or

1                   “(iii) any private property rights with-  
2                   in the boundaries of the Monument; or

3                   “(B) grant to the Secretary any authority  
4                   on or over non-Federal land not already pro-  
5                   vided by law.

6                   “(2) AUTHORITY.—The authority of the Sec-  
7                   retary under this title extends only to Federal land  
8                   and Federal interests in land included in the Monu-  
9                   ment.

10                  “(e) ADJACENT MANAGEMENT.—

11                   “(1) IN GENERAL.—Nothing in this title creates  
12                   any protective perimeter or buffer zone around the  
13                   Monument.

14                   “(2) ACTIVITIES OUTSIDE MONUMENT.—The  
15                   fact that an activity or use on land outside the  
16                   Monument can be seen or heard within the Monu-  
17                   ment shall not preclude the activity or use outside  
18                   the boundary of the Monument.

19                   “(3) NO ADDITIONAL REGULATION.—Nothing  
20                   in this title requires additional regulation of activi-  
21                   ties on land outside the boundary of the Monument.

22                   “(f) AIR AND WATER QUALITY.—Nothing in this title  
23                   affects the standards governing air or water quality out-  
24                   side the boundary of the Monument.

25                   “(g) MANAGEMENT PLAN.—



1 “(1) IN GENERAL.—The Secretary shall—

2 “(A) not later than 3 years after the date  
3 of enactment of this title, complete a manage-  
4 ment plan for the conservation and protection  
5 of the Monument; and

6 “(B) on completion of the management  
7 plan—

8 “(i) submit the management plan  
9 to—

10 “(I) the Committee on Natural  
11 Resources of the House of Represent-  
12 atives; and

13 “(II) the Committee on Energy  
14 and Natural Resources of the Senate;  
15 and

16 “(ii) make the management plan  
17 available to the public.

18 “(2) INCLUSIONS.—The management plan shall  
19 include provisions that—

20 “(A) provide for the conservation and pro-  
21 tection of the Monument;

22 “(B) authorize the continued recreational  
23 uses of the Monument (including hiking, camp-  
24 ing, hunting, mountain biking, sightseeing, off-  
25 highway vehicle recreation on designated routes,

1 rockhounding, and horseback riding), if the rec-  
2 reational uses are consistent with this section  
3 and any other applicable law;

4 “(C) address the need for and, as nec-  
5 essary, establish plans for, the installation, con-  
6 struction, and maintenance of public utility en-  
7 ergy transport facilities within rights-of-way in  
8 the Monument, including provisions that re-  
9 quire that the activities be conducted in a man-  
10 ner that minimizes the impact on Monument re-  
11 sources (including resources relating to the eco-  
12 logical, cultural, historic, and scenic viewshed of  
13 the Monument), in accordance with any other  
14 applicable law;

15 “(D) address the designation and mainte-  
16 nance of roads, trails, and paths in the Monu-  
17 ment;

18 “(E) address regional fire management  
19 planning and coordination between the Director  
20 of the Bureau of Land Management, the Direc-  
21 tor of the National Park Service, and San  
22 Bernardino County; and

23 “(F) address the establishment of a visitor  
24 center to serve the Monument and adjacent  
25 public land.

1 “(3) PREPARATION AND IMPLEMENTATION.—

2 “(A) APPLICABLE LAW.—The Secretary  
3 shall prepare and implement the management  
4 plan in accordance with the National Environ-  
5 mental Policy Act of 1969 (42 U.S.C. 4321 et  
6 seq.) and any other applicable laws.

7 “(B) CONSULTATION.—In preparing and  
8 implementing the management plan, the Sec-  
9 retary shall periodically consult with—

10 “(i) the advisory committee estab-  
11 lished under section 1306;

12 “(ii) interested private property own-  
13 ers and holders of valid existing rights lo-  
14 cated within the boundaries of the Monu-  
15 ment; and

16 “(iii) representatives of the Fort Mo-  
17 jave Indian tribe, the Colorado River In-  
18 dian Tribe, the Chemehuevi Indian tribe,  
19 and other Indian tribes with historic or  
20 cultural ties to land within, or adjacent to,  
21 the Monument regarding the management  
22 of portions of the Monument containing  
23 sacred sites or cultural importance to the  
24 Indian tribes.

1           “(4) INTERIM MANAGEMENT.—Except as other-  
2           wise provided in this Act, pending completion of the  
3           management plan for the Monument, the Secretary  
4           shall manage any Federal land and Federal interests  
5           in land within the boundary of the Monument—

6                   “(A) consistent with the existing permitted  
7                   uses of the land;

8                   “(B) in accordance with the general guide-  
9                   lines and authorities of the existing manage-  
10                  ment plans of the Bureau of Land Management  
11                  for the land; and

12                  “(C) in a manner consistent with—

13                          “(i) the purposes described in section  
14                          1302(b);

15                          “(ii) the provisions of the manage-  
16                          ment plan under paragraph (2); and

17                          “(iii) applicable Federal law.

18           “(h) EFFECT OF SECTION.—Nothing in this section  
19           diminishes or alters existing authorities applicable to Fed-  
20           eral land included in the Monument.

21   **“SEC. 1304. USES OF THE MONUMENT.**

22           “(a) USE OF OFF-HIGHWAY VEHICLES.—

23                   “(1) IN GENERAL.—The use of off-highway ve-  
24                   hicles in the Monument (including the use of off-  
25                   highway vehicles for commercial touring) shall be

1 permitted to continue on designated routes, subject  
2 to all applicable law and and authorized by the man-  
3 agement plan.

4 “(2) NONDESIGNATED ROUTES.—Off-highway  
5 vehicle access shall be permitted on nondesignated  
6 routes and trails in the Monument—

7 “(A) for administrative purposes;

8 “(B) to respond to an emergency; or

9 “(C) as authorized under the management  
10 plan.

11 “(3) INVENTORY.—Not later than 2 years after  
12 the date of enactment of this title, the Director of  
13 the Bureau of Land Management shall complete an  
14 inventory of all existing routes in the Monument.

15 “(b) HUNTING, TRAPPING, AND FISHING.—

16 “(1) IN GENERAL.—Except as provided in para-  
17 graph (2), the Secretary shall permit hunting, trap-  
18 ping, and fishing within the Monument in accord-  
19 ance with applicable Federal and State laws (includ-  
20 ing regulations) in effect as of the date of enactment  
21 of this title.

22 “(2) TRAPPING.—No amphibians or reptiles  
23 may be collected within the Monument.

24 “(3) REGULATIONS.—The Secretary, after con-  
25 sultation with the California Department of Fish

1 and Game, may issue regulations designating zones  
2 where, and establishing periods during which, no  
3 hunting, trapping, or fishing shall be permitted in  
4 the Monument for reasons of public safety, adminis-  
5 tration, resource protection, or public use and enjoy-  
6 ment.

7 “(c) GRAZING.—

8 “(1) IN GENERAL.—Nothing in this title termi-  
9 nates any valid existing grazing allotment within the  
10 Monument.

11 “(2) EFFECT ON BLAIR PERMIT.—Nothing in  
12 this title affects the Lazy Daisy grazing permit (per-  
13 mittee number 9076) on land included in the Monu-  
14 ment, including the transfer of title to the grazing  
15 permit to the Secretary or to a private party.

16 “(3) PERMIT RETIREMENT.—The Secretary  
17 may acquire base property and associated grazing  
18 permits within the Monument for purposes of per-  
19 manently retiring the permit if—

20 “(A) the permittee is a willing seller;

21 “(B) the permittee and Secretary reach an  
22 agreement concerning the terms and conditions  
23 of the acquisition; and

1           “(C) termination of the allotment would  
2           further the purposes of the Monument de-  
3           scribed in section 1302(b).

4           “(d) ACCESS TO STATE AND PRIVATE LAND.—The  
5 Secretary shall provide adequate access to each owner of  
6 non-Federal land or interests in non-Federal land within  
7 the boundary of the Monument to ensure the reasonable  
8 use and enjoyment of the land or interest by the owner.

9           “(e) LIMITATIONS.—

10           “(1) COMMERCIAL ENTERPRISES.—Except as  
11 provided in paragraphs (2) and (3), or as required  
12 for the maintenance, upgrade, expansion, or develop-  
13 ment of energy transport facilities in the corridors  
14 described in subsection (g), no commercial enter-  
15 prises shall be authorized within the boundary of the  
16 Monument after the date of enactment of this title.

17           “(2) AUTHORIZED EXCEPTIONS.—The Sec-  
18 retary may authorize exceptions to paragraph (1) if  
19 the Secretary determines that the commercial enter-  
20 prises would further the purposes described in sec-  
21 tion 1302(b).

22           “(3) APPLICABILITY.—This subsection does not  
23 apply to—

24           “(A) transmission and telecommunication  
25 facilities that are owned or operated by a utility

1 subject to regulation by the Federal Govern-  
2 ment or a State government or a State utility  
3 with a service obligation (as those terms are de-  
4 fined in section 217 of the Federal Power Act  
5 (16 U.S.C. 824q)); or

6 “(B) commercial vehicular touring enter-  
7 prises within the Monument that operate on  
8 designated routes.

9 “(f) UTILITY RIGHTS-OF-WAY.—

10 “(1) IN GENERAL.—Nothing in this title pre-  
11 cludes, prevents, or inhibits the maintenance, up-  
12 grade, expansion, or development of energy trans-  
13 port facilities within the Monument that are critical  
14 to reducing the effects of climate change on the envi-  
15 ronment.

16 “(2) AUTHORIZATION.—The Secretary shall, to  
17 the maximum extent practicable—

18 “(A) permit rights-of-way and alignments  
19 that best protect the values and resources of  
20 the Monument described in section 1302(b);  
21 and

22 “(B) ensure that existing rights-of-way  
23 and utility corridors within the Monument are  
24 fully utilized before permitting new rights-of-



1 way or designating new utility corridors within  
2 the Monument.

3 “(3) EFFECT ON EXISTING FACILITIES AND  
4 RIGHTS-OF-WAY.—Nothing in this section terminates  
5 or limits—

6 “(A) any valid right-of-way within the  
7 Monument in existence on the date of enact-  
8 ment of this title (including customary oper-  
9 ation, maintenance, repair, or replacement ac-  
10 tivities in a right-of-way); or

11 “(B) a right-of-way authorization issued on  
12 the expiration of an existing right-of-way au-  
13 thorization described in subparagraph (A).

14 “(4) UPGRADING AND EXPANSION OF EXISTING  
15 RIGHTS-OF-WAY.—Nothing in this subsection pro-  
16 hibits the upgrading (including the construction or  
17 replacement), expansion, or assignment of an exist-  
18 ing utility transmission line for the purpose of in-  
19 creasing the capacity of—

20 “(A) a transmission line in existing rights-  
21 of-way; or

22 “(B) a right-of-way issued, granted, or  
23 permitted by the Secretary that is contiguous or  
24 adjacent to existing transmission line rights-of-  
25 way.

1           “(5) INTERSTATE 40 TRANSPORTATION COR-  
2 RIDOR.—For purposes of underground utility rights-  
3 of-way under this subsection, the Secretary shall  
4 consider the Interstate 40 transportation corridor to  
5 be equivalent to an existing utility right-of-way cor-  
6 ridor.

7           “(6) NEW RIGHTS-OF-WAY.—

8           “(A) IN GENERAL.—Any new rights-of-way  
9 or new uses within existing rights-of-way  
10 shall—

11           “(i) only be permitted in energy cor-  
12 ridors or expansions of energy corridors  
13 that are designated as of the date of enact-  
14 ment of this title; and

15           “(ii) subject to subparagraph (B), re-  
16 quire review and approval under the Na-  
17 tional Environmental Policy Act of 1969  
18 (42 U.S.C. 4321 et seq.).

19           “(B) APPROVAL.—New rights-of-way or  
20 uses or expansions of existing corridors under  
21 subparagraph (A) shall only be approved if the  
22 head of the applicable lead Federal agency, in  
23 consultation with other agencies as appropriate,  
24 determines that the new rights-of-way, uses, or  
25 expansions are consistent with—

- 1 “(i) this title;
- 2 “(ii) other applicable laws;
- 3 “(iii) the purposes of the Monument
- 4 described in section 1302(b); and
- 5 “(iv) the management plan for the
- 6 Monument.

7 “(g) WEST WIDE ENERGY CORRIDOR.—

8 “(1) ALTERNATIVE ALIGNMENT.—Subject to

9 paragraph (2), to further the purposes of the Monu-

10 ment described in section 1302(b), the Secretary

11 may require a realignment of the energy right-of-

12 way corridor numbered 27–41 and designated under

13 the energy corridor planning process established by

14 section 368 of the Energy Policy Act of 2005 (42

15 U.S.C. 15926) if an alternative alignment within the

16 Monument—

17 “(A) provides substantially similar energy

18 transmission capacity and reliability;

19 “(B) does not impair other existing rights-

20 of-way; and

21 “(C) is compatible with military training

22 requirements.

23 “(2) CONSULTATION.—Before establishing an

24 alternative alignment of the energy right-of-way cor-

1       ridor under paragraph (1), the Secretary shall con-  
2       sult with—

3               “(A) the Secretary of Energy;

4               “(B) the Secretary of Defense;

5               “(C) the State, including the transmission  
6       permitting agency of the State;

7               “(D) units of local government in the  
8       State; and

9               “(E) any entities possessing valid existing  
10      rights-of-way within—

11              “(i) the energy corridor described in  
12      paragraph (1); or

13              “(ii) any potential alternative energy  
14      corridor.

15              “(3) EFFECT ON ENERGY TRANSPORT COR-  
16      RIDORS.—Nothing in this subsection diminishes the  
17      utility of energy transport corridors located within  
18      the Monument and identified under section 368 of  
19      the Energy Policy Act of 2005 (42 U.S.C. 15926),  
20      Energy Corridors E or I (as designated in the Cali-  
21      fornia Desert Conservation Area Plan), or energy  
22      corridors numbered 27–41 and 27–225 and des-  
23      ignated by a record of decision—

24              “(A) to provide locations for—

1           “(i) electric transmission facilities  
2           that improve reliability, relieve congestion,  
3           and enhance the national grid; and

4           “(ii) oil, gas, and hydrogen pipelines;  
5           and

6           “(B) to provide locations for electric trans-  
7           mission facilities that—

8           “(i) promote renewable energy genera-  
9           tion;

10           “(ii) otherwise further the interest of  
11           the United States if the transmission fa-  
12           cilities are identified as critical—

13           “(I) in a Federal law; or

14           “(II) through a regional trans-  
15           mission planning process; or

16           “(iii) consist of high-voltage trans-  
17           mission facilities critical to the purposes  
18           described in clause (i) or (ii).

19           “(4) LAND USE PLANNING.—In conducting  
20           land use planning for the Monument, the Sec-  
21           retary—

22           “(A) shall consider the existing locations of  
23           the corridors described in paragraph (3); and

24           “(B) subject to paragraph (5), may amend  
25           the location of any energy corridors to comply

1 with purposes of the Monument if the amended  
2 corridor—

3 “(i) provides connectivity across the  
4 landscape that is equivalent to the  
5 connectivity provided by the existing loca-  
6 tion;

7 “(ii) meets the criteria established  
8 by—

9 “(I) section 368 of the Energy  
10 Policy Act of 2005 (42 U.S.C.  
11 15926); and

12 “(II) the record of decision for  
13 the applicable corridor; and

14 “(iii) does not impair or restrict the  
15 uses of existing rights-of-way.

16 “(5) CONSULTATION REQUIRED.—Before  
17 amending a corridor under paragraph (4)(B), the  
18 Secretary shall consult with all interested parties  
19 (including the persons identified in section 368(a) of  
20 the Energy Policy Act of 2005 (42 U.S.C.  
21 15926(a))), in accordance with applicable laws (in-  
22 cluding regulations).

23 “(h) OVERFLIGHTS.—Nothing in this title or the  
24 management plan restricts or precludes—

1           “(1) overflights (including low-level overflights)  
2 of military, commercial, and general aviation aircraft  
3 that can be seen or heard within the Monument;

4           “(2) the designation or creation of new units of  
5 special use airspace; or

6           “(3) the establishment of military flight train-  
7 ing routes over the Monument.

8           “(i) WITHDRAWALS.—

9           “(1) IN GENERAL.—Subject to valid existing  
10 rights and except as provided in paragraph (2), the  
11 Federal land and interests in Federal land included  
12 within the Monument are withdrawn from—

13           “(A) all forms of entry, appropriation, or  
14 disposal under the public land laws;

15           “(B) location, entry, and patent under the  
16 public land mining laws;

17           “(C) operation of the mineral leasing, geo-  
18 thermal leasing, and mineral materials laws;  
19 and

20           “(D) energy development and power gen-  
21 eration.

22           “(2) EXCHANGE.—Paragraph (1) does not  
23 apply to an exchange that the Secretary determines  
24 would further the protective purposes of the Monu-  
25 ment.

1 “(j) ACCESS TO RENEWABLE ENERGY FACILITIES.—

2 “(1) IN GENERAL.—On a determination that no  
3 reasonable alternative access exists and subject to  
4 paragraph (2), the Secretary may allow new right-  
5 of-ways within the Monument to provide vehicular  
6 access to renewable energy project sites outside the  
7 boundaries of the Monument.

8 “(2) RESTRICTIONS.—To the maximum extent  
9 practicable, the rights-of-way shall be designed and  
10 sited to be consistent with the purposes of the  
11 Monument described in section 1302(b).

12 **“SEC. 1305. ACQUISITION OF LAND.**

13 “(a) IN GENERAL.—The Secretary may acquire for  
14 inclusion in the Monument any land or interests in land  
15 within the boundary of the Monument owned by the State,  
16 units of local government, Indian tribes, or private individ-  
17 uals only by—

18 “(1) donation;

19 “(2) exchange with a willing party; or

20 “(3) purchase from a willing seller for fair mar-  
21 ket value.

22 “(b) USE OF EASEMENTS.—To the maximum extent  
23 practicable and only with the approval of the landowner,  
24 the Secretary may use permanent conservation easements



1 to acquire an interest in land in the Monument rather  
2 than acquiring fee simple title to the land.

3 “(c) INCORPORATION OF ACQUIRED LAND AND IN-  
4 TERESTS IN LAND.—Any land or interest in land within  
5 the boundaries of the Monument that is acquired by the  
6 United States after the date of enactment of this title shall  
7 be added to and administered as part of the Monument.

8 “(d) DONATED AND ACQUIRED LAND.—

9 “(1) IN GENERAL.—All land within the bound-  
10 ary of the Monument donated to the United States  
11 or acquired using amounts from the land and water  
12 conservation fund established under section 2 of the  
13 Land and Water Conservation Fund Act of 1965  
14 (16 U.S.C. 4601–5) before, on, or after the date of  
15 enactment of this title—

16 “(A) is withdrawn from mineral entry;

17 “(B) shall be managed in accordance with  
18 section 1904; and

19 “(C) shall be managed consistent with the  
20 purposes of the Monument described in section  
21 1302(b).

22 “(2) EFFECT ON MONUMENT.—Land within the  
23 boundary of the Monument that is contiguous to  
24 land donated to the United States or acquired using  
25 amounts from the land and water conservation fund

1 established under section 2 of the Land and Water  
2 Conservation Fund Act of 1965 (16 U.S.C. 4601–5)  
3 shall be managed in a manner consistent with con-  
4 servation purposes, subject to applicable law.

5 **“SEC. 1306. ADVISORY COMMITTEE.**

6 “(a) IN GENERAL.—The Secretary shall establish an  
7 advisory committee for the Monument, the purpose of  
8 which is to advise the Secretary with respect to the prepa-  
9 ration and implementation of the management plan re-  
10 quired by section 1303(g).

11 “(b) MEMBERSHIP.—To the extent practicable, the  
12 advisory committee shall include the following members,  
13 to be appointed by the Secretary:

14 “(1) A representative with expertise in natural  
15 science and research selected from a regional univer-  
16 sity or research institute.

17 “(2) A representative of the California Natural  
18 Resources Agency.

19 “(3) A representative of the California Public  
20 Utilities Commission.

21 “(4) A representative of the County of San  
22 Bernardino, California.

23 “(5) A representative of each of the cities of  
24 Barstow, Needles, Twentynine Palms, and Yucca  
25 Valley, California.

1           “(6) A representative of each of the Colorado  
2 River, Fort Mojave, and the Chemehuevi Indian  
3 tribes.

4           “(7) A representative from the Department of  
5 Defense.

6           “(8) A representative of the Wildlands Conser-  
7 vancy.

8           “(9) A representative of a local conservation or-  
9 ganization.

10           “(10) A representative of a historical preserva-  
11 tion organization.

12           “(11) A representative from each of the fol-  
13 lowing recreational activities:

14                   “(A) Off-highway vehicles.

15                   “(B) Hunting.

16                   “(C) Rockhounding.

17           “(c) TERMS.—

18                   “(1) IN GENERAL.—In appointing members  
19 under paragraphs (1) through (11) of subsection  
20 (b), the Secretary shall appoint 1 primary member  
21 and 1 alternate member that meets the qualifica-  
22 tions described in each of those paragraphs.

23                   “(2) VACANCY.—

24                           “(A) PRIMARY MEMBER.—A vacancy on  
25 the advisory committee with respect to a pri-

1           mary member shall be filled by the applicable  
2           alternate member.

3           “(B) ALTERNATE MEMBER.—The Sec-  
4           retary shall appoint a new alternate members in  
5           the event of a vacancy with respect to an alter-  
6           nate member of the advisory committee.

7           “(3) TERMINATION.—

8           “(A) IN GENERAL.—The term of all mem-  
9           bers of the advisory committee shall terminate  
10          on the termination of the advisory committee  
11          under subsection (g).

12          “(B) NEW ADVISORY COMMITTEE.—At the  
13          discretion of the Secretary, the Secretary may  
14          establish a new advisory committee on the ter-  
15          mination of the advisory committee under sub-  
16          section (g) to provide ongoing recommendations  
17          on the management of the Monument.

18          “(d) QUORUM.—A quorum of the advisory committee  
19          shall consist of a majority of the primary members.

20          “(e) CHAIRPERSON AND PROCEDURES.—

21          “(1) IN GENERAL.—The advisory committee  
22          shall select a chairperson and vice chairperson from  
23          among the primary members of the advisory com-  
24          mittee.

1           “(2) DUTIES.—The chairperson and vice chair-  
 2           person selected under paragraph (1) shall establish  
 3           any rules and procedures for the advisory committee  
 4           that the chairperson and vice-chairperson determine  
 5           to be necessary or desirable.

6           “(f) SERVICE WITHOUT COMPENSATION.—Members  
 7           of the advisory committee shall serve without pay.

8           “(g) TERMINATION.—The advisory committee shall  
 9           cease to exist on—

10           “(1) the date on which the management plan is  
 11           officially adopted by the Secretary; or

12           “(2) at the discretion of the Secretary, a later  
 13           date established by the Secretary.

14           **“SEC. 1307. RENEWABLE ENERGY RIGHT-OF-WAY APPLICA-**  
 15           **TIONS.**

16           “(a) IN GENERAL.—Applicants for rights-of-way for  
 17           the development of solar energy facilities that have been  
 18           terminated by the establishment of the Monument shall  
 19           be granted the right of first refusal to apply for replace-  
 20           ment sites that—

21           “(1) have not previously been encumbered by  
 22           right-of-way applications; and

23           “(2) are located within the Solar Energy Zones  
 24           designated by the Solar Energy Programmatic Envi-

1       ronmental Impact Statement of the Department of  
2       the Interior and the Department of Energy.

3       “(b) ELIGIBILITY.—To be eligible for a right of first  
4 refusal under subsection (a), an applicant shall have, on  
5 or before December 1, 2009—

6             “(1) submitted an application for a right-of-way  
7       to the Bureau of Land Management;

8             “(2) completed a plan of development to de-  
9       velop a solar energy facility on land within the  
10       Monument;

11            “(3) submitted cost recovery funds to the Bu-  
12       reau of Land Management to assist with the costs  
13       of processing the right-of-way application;

14            “(4) successfully submitted an application for  
15       an interconnection agreement with an electrical grid  
16       operator that is registered with the North American  
17       Electric Reliability Corporation; and

18            “(5)(A) secured a power purchase agreement;  
19       or

20            “(B) a financially and technically viable solar  
21       energy facility project, as determined by the Director  
22       of the Bureau of Land Management.

23       “(c) EQUIVALENT ENERGY PRODUCTION.—Each  
24 right-of-way for a replacement site granted under this sec-  
25 tion shall—

1           “(1) authorize the same energy production at  
2           the replacement site as had been applied for at the  
3           site that had been the subject of the terminated ap-  
4           plication; and

5           “(2) have—

6                   “(A) appropriate solar insolation and  
7                   geotechnical attributes; and

8                   “(B) adequate access to existing trans-  
9                   mission or feasible new transmission.

10          “(d) EXISTING RIGHTS-OF-WAY APPLICATIONS.—

11          Nothing in this section alters, affects, or displaces primary  
12          rights-of-way applications within the Solar Energy Study  
13          Areas unless the applications are otherwise altered, af-  
14          fected, or displaced as a result of the Solar Energy Pro-  
15          grammatic Environmental Impact Statement of the De-  
16          partment of the Interior and the Department of Energy.

17          “(e) DEADLINES.—A right of first refusal granted  
18          under this section shall only be exercisable by the later  
19          of—

20                   “(1) the date that is 180 days after the date of  
21                   enactment of this title; or

22                   “(2) the date that is 180 days after the date of  
23                   the designation of the Solar Energy Zones under the  
24                   Solar Energy Programmatic Environmental Impact  
25                   Statement.

1       “(f) EXPEDITED APPLICATION PROCESSING.—The  
 2 Secretary shall expedite the review of replacement site ap-  
 3 plications from eligible applicants, as described in sub-  
 4 section (b).

5           **“TITLE XIV—SAND TO SNOW**  
 6           **NATIONAL MONUMENT**

7   **“SEC. 1401. DEFINITIONS.**

8       “In this title:

9           “(1) MAP.—The term ‘map’ means the map en-  
 10 titled ‘Boundary Map, Sand to Snow National  
 11 Monument’ and dated October 26, 2009.

12          “(2) MONUMENT.—The term ‘Monument’  
 13 means the Sand to Snow National Monument estab-  
 14 lished by section 1402(a).

15          “(3) SECRETARIES.—The term ‘Secretaries’  
 16 means the Secretary of the Interior and the Sec-  
 17 retary of Agriculture, acting jointly.

18   **“SEC. 1402. ESTABLISHMENT OF THE SAND TO SNOW NA-**  
 19           **TIONAL MONUMENT.**

20          “(a) ESTABLISHMENT.—There is designated in the  
 21 State the Sand to Snow National Monument.

22          “(b) PURPOSES.—The purposes of the Monument  
 23 are—

24           “(1) to preserve the nationally significant bio-  
 25 logical, cultural, educational, geological, historic, sce-



1 nic, and recreational values at the convergence of  
2 the Mojave and Colorado Desert and the San  
3 Bernardino Mountains; and

4 “(2) to secure the opportunity for present and  
5 future generations to experience and enjoy the mag-  
6 nificent vistas, wildlife, land forms, and natural and  
7 cultural resources of the Monument.

8 “(c) BOUNDARIES.—The Monument shall consist of  
9 the Federal land and Federal interests in land within the  
10 boundaries depicted on the map.

11 “(d) MAP; LEGAL DESCRIPTIONS.—

12 “(1) LEGAL DESCRIPTION.—As soon as prac-  
13 ticable after the date of enactment of this title, the  
14 Secretary shall submit to the Committee on Natural  
15 Resources of the House of Representatives and the  
16 Committee on Energy and Natural Resources of the  
17 Senate legal descriptions of the Monument, based on  
18 the map.

19 “(2) CORRECTIONS.—The map and legal de-  
20 scriptions of the Monument shall have the same  
21 force and effect as if included in this title, except  
22 that the Secretary may correct clerical and typo-  
23 graphical errors in the map and legal descriptions.

1           “(3) AVAILABILITY OF MAP.—The map shall be  
2           on file and available for public inspection in appro-  
3           priate offices of the Bureau of Land Management.

4 **“SEC. 1403. MANAGEMENT OF THE MONUMENT.**

5           “(a) IN GENERAL.—The Secretary shall—

6           “(1) only allow uses of the Monument that—

7           “(A) further the purposes described in sec-  
8           tion 1402(b);

9           “(B) are included in the management plan  
10          developed under subsection (g); and

11          “(C) do not interfere with the utility  
12          rights-of-way authorized under section 1405(e);  
13          and

14          “(2) subject to valid existing rights, manage the  
15          Monument to protect the resources of the Monu-  
16          ment, in accordance with—

17          “(A) this title;

18          “(B) the Federal Land Policy and Man-  
19          agement Act of 1976 (43 U.S.C. 1701 et seq.);  
20          and

21          “(C) any other applicable provisions of law.

22          “(b) COOPERATION AGREEMENTS; GENERAL AU-  
23          THORITY.—Consistent with the management plan and ex-  
24          isting authorities applicable to the Monument, the Sec-  
25          retary may enter into cooperative agreements and shared

1 management arrangements (including special use permits  
 2 with any person (including educational institutions and In-  
 3 dian tribes)), for the purposes of interpreting, researching,  
 4 and providing education on the resources of the Monu-  
 5 ment.

6       “(c) ADMINISTRATION OF SUBSEQUENTLY AC-  
 7 QUIRED LAND.—Any land or interest in land within the  
 8 boundaries of the Monument that is acquired by the Sec-  
 9 retary of the Interior or the Secretary of Agriculture after  
 10 the date of enactment of this title shall be managed by  
 11 the Secretary of Agriculture or the Secretary of the Inte-  
 12 rior, respectively, in accordance with this title.

13       “(d) LIMITATIONS.—

14               “(1) PROPERTY RIGHTS.—The establishment of  
 15 the Monument does not—

16                       “(A) affect—

17                               “(i) any property rights of an Indian  
 18 reservation, individually held trust land, or  
 19 any other Indian allotments;

20                               “(ii) any land or interests in land held  
 21 by the State, any political subdivision of  
 22 the State, or any special district; or

23                               “(iii) any private property rights with-  
 24 in the boundaries of the Monument; or

1           “(B) grant to the Secretary any authority  
2           on or over non-Federal land not already pro-  
3           vided by law.

4           “(2) AUTHORITY.—The authority of the Sec-  
5           retary under this title extends only to Federal land  
6           and Federal interests in land included in the Monu-  
7           ment.

8           “(e) ADJACENT MANAGEMENT.—

9           “(1) IN GENERAL.—Nothing in this title creates  
10          any protective perimeter or buffer zone around the  
11          Monument.

12          “(2) ACTIVITIES OUTSIDE MONUMENT.—The  
13          fact that an activity or use on land outside the  
14          Monument can be seen or heard within the Monu-  
15          ment shall not preclude the activity or use outside  
16          the boundary of the Monument.

17          “(3) NO ADDITIONAL REGULATION.—Nothing  
18          in this title requires additional regulation of activi-  
19          ties on land outside the boundary of the Monument.

20          “(f) AIR AND WATER QUALITY.—Nothing in this title  
21          affects the standards governing air or water quality out-  
22          side the boundary of the Monument.

23          “(g) MANAGEMENT PLAN.—

24          “(1) IN GENERAL.—The Secretaries shall—

1           “(A) not later than 3 years after the date  
2 of enactment of this title, complete a manage-  
3 ment plan for the conservation and protection  
4 of the Monument; and

5           “(B) on completion of the management  
6 plan—

7                   “(i) submit the management plan  
8 to—

9                           “(I) the Committee on Natural  
10 Resources of the House of Represent-  
11 atives; and

12                           “(II) the Committee on Energy  
13 and Natural Resources of the Senate;  
14 and

15                   “(ii) make the management plan  
16 available to the public.

17           “(2) INCLUSIONS.—The management plan shall  
18 include provisions that—

19                   “(A) provide for the conservation and pro-  
20 tection of the Monument;

21                   “(B) authorize the continued recreational  
22 uses of the Monument (including hiking, camp-  
23 ing, hunting, mountain biking, sightseeing, off-  
24 highway vehicle recreation on designated routes,  
25 rockhounding, and horseback riding), if the rec-

1 reational uses are consistent with this title and  
2 any other applicable law;

3 “(C) address the need for and, as nec-  
4 essary, establish plans for, the installation, con-  
5 struction, and maintenance of public utility en-  
6 ergy transport facilities within rights-of-way in  
7 the Monument outside of designated wilderness  
8 areas, including provisions that require that—

9 “(i) the activities be conducted in a  
10 manner that minimizes the impact on  
11 Monument resources (including resources  
12 relating to the ecological, cultural, historic,  
13 and scenic viewshed of the Monument), in  
14 accordance with any other applicable law;  
15 and

16 “(ii) the facilities are consistent with  
17 this section and any other applicable law;

18 “(D) address the designation and mainte-  
19 nance of roads, trails, and paths in the Monu-  
20 ment;

21 “(E) address regional fire management  
22 planning and coordination between the Director  
23 of the Bureau of Land Management, the Chief  
24 of the Forest Service, Riverside County, and  
25 San Bernardino County; and

1           “(F) address the establishment of a visitor  
2 center to serve the Monument and adjacent  
3 public land.

4           “(3) PREPARATION AND IMPLEMENTATION.—

5           “(A) APPLICABLE LAW.—The Secretary  
6 shall prepare and implement the management  
7 plan in accordance with the National Environ-  
8 mental Policy Act of 1969 (42 U.S.C. 4321 et  
9 seq.) and any other applicable laws.

10           “(B) CONSULTATION.—In preparing and  
11 implementing the management plan, the Sec-  
12 retary shall periodically consult with—

13           “(i) the advisory committee estab-  
14 lished under section 1406;

15           “(ii) interested private property own-  
16 ers and holders of valid existing rights lo-  
17 cated within the boundaries of the Monu-  
18 ment; and

19           “(iii) representatives of the Morongo  
20 Band of Mission Indians and other Indian  
21 tribes with historic or cultural ties to land  
22 within, or adjacent to, the Monument re-  
23 garding the management of portions of the  
24 Monument that are of cultural importance  
25 to the Indian tribes.

1           “(4) INTERIM MANAGEMENT.—Except as other-  
2           wise prohibited by this Act, pending completion of  
3           the management plan for the Monument, the Sec-  
4           retary shall manage any Federal land and Federal  
5           interests in land within the boundary of the Monu-  
6           ment—

7                   “(A) consistent with the existing permitted  
8                   uses of the land;

9                   “(B) in accordance with the general guide-  
10                  lines and authorities of the existing manage-  
11                  ment plans of the Bureau of Land Management  
12                  and the Forest Service for the land; and

13                  “(C) in a manner consistent with—

14                          “(i) the purposes described in section  
15                          1402(b);

16                          “(ii) the provisions of the manage-  
17                          ment plan under paragraph (2); and

18                          “(iii) applicable Federal law.

19           “(5) EFFECT OF SECTION.—Nothing in this  
20           section diminishes or alters existing authorities ap-  
21           plicable to Federal land included in the Monument.

22 **“SEC. 1404. USES OF THE MONUMENT.**

23           “(a) USE OF OFF-HIGHWAY VEHICLES.—

24                   “(1) IN GENERAL.—The use of off-highway ve-  
25                   hicles in the Monument (including the use of off-



1 highway vehicles for commercial touring) shall be  
2 permitted to continue on designated routes, subject  
3 to all applicable law and authorized by the manage-  
4 ment plan.

5 “(2) NONDESIGNATED ROUTES.—Off-highway  
6 vehicle access shall be permitted on nondesignated  
7 routes and trails in the Monument—

8 “(A) for administrative purposes;

9 “(B) to respond to an emergency; or

10 “(C) as authorized under the management  
11 plan.

12 “(3) INVENTORY.—Not later than 2 years after  
13 the date of enactment of this title, the Director of  
14 the Bureau of Land Management shall complete an  
15 inventory of all existing routes in the Monument.

16 “(b) HUNTING, TRAPPING, AND FISHING.—

17 “(1) IN GENERAL.—Except as provided in para-  
18 graph (2), the Secretary shall permit hunting, trap-  
19 ping, and fishing within the Monument in accord-  
20 ance with applicable Federal and State laws (includ-  
21 ing regulations) as of the date of enactment of this  
22 title.

23 “(2) TRAPPING.—No amphibians or reptiles  
24 may be collected within the Monument.

1           “(3) REGULATIONS.—The Secretary, after con-  
2           sultation with the California Department of Fish  
3           and Game, may issue regulations designating zones  
4           where, and establishing periods during which, no  
5           hunting, trapping, or fishing shall be permitted in  
6           the Monument for reasons of public safety, adminis-  
7           tration, resource protection, or public use and enjoy-  
8           ment.

9           “(c) ACCESS TO STATE AND PRIVATE LAND.—The  
10          Secretary shall provide adequate access to each owner of  
11          non-Federal land or interests in non-Federal land within  
12          the boundary of the Monument to ensure the reasonable  
13          use and enjoyment of the land or interest by the owner.

14          “(d) LIMITATIONS.—

15                 “(1) COMMERCIAL ENTERPRISES.—Except as  
16                 provided in paragraphs (2) and (3), or as required  
17                 for the maintenance, upgrade, expansion, or develop-  
18                 ment of energy transport facilities in the corridors  
19                 described in subsection (e), no commercial enter-  
20                 prises shall be authorized within the boundary of the  
21                 Monument after the date of enactment of this title.

22                 “(2) AUTHORIZED EXCEPTIONS.—The Sec-  
23                 retary may authorize exceptions to paragraph (1) if  
24                 the Secretary determines that the commercial enter-

1       prises would further the purposes described in sec-  
2       tion 1402(b).

3               “(3) TRANSMISSION AND TELECOMMUNICATION  
4       FACILITIES.—This subsection does not apply to—

5               “(A) transmission and telecommunication  
6       facilities that are owned or operated by a utility  
7       subject to regulation by the Federal Govern-  
8       ment or a State government or a State utility  
9       with a service obligation (as those terms are de-  
10      fined in section 217 of the Federal Power Act  
11      (16 U.S.C. 824q)); or

12              “(B) commercial vehicular touring enter-  
13      prises within the Monument that operate on  
14      designated routes.

15       “(e) UTILITY RIGHTS-OF-WAY.—

16              “(1) IN GENERAL.—Nothing in this Act pre-  
17      cludes, prevents, or inhibits the maintenance, up-  
18      grade, expansion, or development of energy trans-  
19      port facilities within the Monument that are critical  
20      to reducing the effects of climate change on the envi-  
21      ronment.

22              “(2) RIGHT-OF-WAY.—To the maximum extent  
23      practicable—

24              “(A) the Secretary shall permit rights of  
25      way and alignments that best protect the values

1 and resources of the Monument described in  
2 section 1402(b); and

3 “(B) the Secretary shall ensure that exist-  
4 ing rights-of-way and utility corridors within  
5 the Monument are fully utilized before permit-  
6 ting new rights-of-way or designating new util-  
7 ity corridors within the Monument.

8 “(3) EFFECT ON EXISTING FACILITIES AND  
9 RIGHTS-OF-WAY.—Nothing in this section terminates  
10 or limits—

11 “(A) any valid right-of-way in existence  
12 within the Monument on the date of enactment  
13 of this title (including customary operation,  
14 maintenance, repair, or replacement activities in  
15 a right-of-way); or

16 “(B) a right-of-way authorization issued on  
17 the expiration or the assignment of an existing  
18 right-of-way authorization described in subpara-  
19 graph (A).

20 “(4) UPGRADING AND EXPANSION OF EXISTING  
21 RIGHTS-OF-WAY.—Nothing in this subsection pro-  
22 hibits the upgrading (including the construction or  
23 replacement), expansion, or assignment of an exist-  
24 ing utility transmission line for the purpose of in-  
25 creasing the capacity of—

1           “(A) a transmission line in existing rights-  
2 of-way; or

3           “(B) a right-of-way issued, granted, or  
4 permitted by the Secretary that is contiguous or  
5 adjacent to existing transmission line rights-of-  
6 way.

7           “(5) NEW RIGHTS-OF-WAY.—

8           “(A) IN GENERAL.—Any new rights-of-way  
9 or new uses within existing rights-of-way shall,  
10 subject to subparagraph (B), require review and  
11 approval under the National Environmental  
12 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

13           “(B) APPROVAL.—New uses under sub-  
14 paragraph (A) shall only be approved if the  
15 head of the applicable lead Federal agency, in  
16 consultation with other applicable agencies, de-  
17 termine that the uses are consistent with—

18                   “(i) this title;

19                   “(ii) other applicable laws;

20                   “(iii) the purposes of the Monument  
21 described in section 1402(b); and

22                   “(iv) the management plan for the  
23 Monument.

24           “(6) EFFECT ON ENERGY TRANSPORT COR-  
25 RIDORS.—Nothing in this subsection diminishes the

1 utility of energy transport corridors located within  
2 the Monument designated by a record of decision—

3 “(A) to provide locations for—

4 “(i) electric transmission facilities  
5 that improve reliability, relieve congestion,  
6 and enhance the national grid; and

7 “(ii) oil, gas, and hydrogen pipelines;  
8 and

9 “(B) to provide locations for electric trans-  
10 mission facilities that—

11 “(i) promote renewable energy genera-  
12 tion;

13 “(ii) otherwise further the interest of  
14 the United States if the transmission fa-  
15 cilities are identified as critical in law or  
16 through a regional transmission planning  
17 process; or

18 “(iii) consist of high-voltage trans-  
19 mission facilities critical to the purposes  
20 described in clause (i) or (ii).

21 “(7) LAND USE PLANNING.—In conducting  
22 land use planning for the Monument, the Sec-  
23 retary—

24 “(A) shall consider the existing locations of  
25 the corridors described in paragraph (6); and

1           “(B) subject to paragraph (8), may amend  
2           the location of any energy corridors to comply  
3           with purposes of the Monument if the amended  
4           corridor—

5                   “(i) provides connectivity across the  
6                   landscape that is equivalent to the  
7                   connectivity provided by the existing loca-  
8                   tion;

9                   “(ii) meets the criteria established  
10                  by—

11                           “(I) section 368 of the Energy  
12                           Policy Act of 2005 (42 U.S.C.  
13                           15926); and

14                           “(II) the record of decision for  
15                           the applicable corridor; and

16                           “(iii) does not impair or restrict the  
17                           uses of existing rights-of-way.

18           “(8)   CONSULTATION    REQUIRED.—Before  
19           amending a corridor under paragraph (7)(B), the  
20           Secretary shall consult with all interested parties  
21           (including the persons identified in section 368(a) of  
22           the Energy Policy Act of 2005 (42 U.S.C.  
23           15926(a))), in accordance with applicable laws (in-  
24           cluding regulations).

1       “(f) OVERFLIGHTS.—Nothing in this title or the  
2 management plan restricts or precludes—

3           “(1) overflights (including low-level overflights)  
4 of military, commercial, and general aviation aircraft  
5 that can be seen or heard within the Monument;

6           “(2) the designation or creation of new units of  
7 special use airspace; or

8           “(3) the establishment of military flight train-  
9 ing routes over the Monument.

10       “(g) WITHDRAWALS.—

11           “(1) IN GENERAL.—Subject to valid existing  
12 rights and except as provided in paragraph (2), the  
13 Federal land and interests in Federal land included  
14 within the Monument are withdrawn from—

15           “(A) all forms of entry, appropriation, or  
16 disposal under the public land laws;

17           “(B) location, entry, and patent under the  
18 public land mining laws;

19           “(C) operation of the mineral leasing, geo-  
20 thermal leasing, and mineral materials laws;  
21 and

22           “(D) energy development and power gen-  
23 eration.

24           “(2) EXCHANGE.—Paragraph (1) does not  
25 apply to an exchange that the Secretary determines



1 would further the protective purposes of the Monu-  
2 ment.

3 “(h) ACCESS TO RENEWABLE ENERGY FACILI-  
4 TIES.—

5 “(1) IN GENERAL.—Subject to paragraph (2),  
6 the Secretary may allow new right-of-ways within  
7 the Monument to provide reasonable vehicular access  
8 to renewable energy project sites outside the bound-  
9 aries of the Monument.

10 “(2) RESTRICTIONS.—To the maximum extent  
11 practicable, the rights-of-way shall be designed and  
12 sited to be consistent with the purposes of the  
13 Monument described in section 1402(b).

14 **“SEC. 1405. ACQUISITION OF LAND.**

15 “(a) IN GENERAL.—The Secretary may acquire for  
16 inclusion in the Monument any land or interests in land  
17 within the boundary of the Monument owned by the State,  
18 units of local government, Indian tribes, or private individ-  
19 uals only by—

20 “(1) donation;

21 “(2) exchange with a willing party; or

22 “(3) purchase from a willing seller for fair mar-  
23 ket value.

24 “(b) USE OF EASEMENTS.—To the maximum extent  
25 practicable and only with the approval of the landowner,

1 the Secretary may use permanent conservation easements  
2 to acquire an interest in land in the Monument rather  
3 than acquiring fee simple title to the land.

4 “(c) INCORPORATION OF ACQUIRED LAND AND IN-  
5 TERESTS IN LAND.—Any land or interest in land within  
6 the boundaries of the Monument that is acquired by the  
7 United States after the date of enactment of this title shall  
8 be added to and administered as part of the Monument.

9 “(d) DONATED AND ACQUIRED LAND.—

10 “(1) IN GENERAL.—All land within the bound-  
11 ary of the Monument donated to the United States  
12 or acquired using amounts from the land and water  
13 conservation fund established under section 2 of the  
14 Land and Water Conservation Fund Act of 1965  
15 (16 U.S.C. 4601–5) before, on, or after the date of  
16 enactment of this title—

17 “(A) is withdrawn from mineral entry;

18 “(B) shall be managed in accordance with  
19 section 1904; and

20 “(C) shall be managed consistent with the  
21 purposes of the Monument described in section  
22 1402(b).

23 “(2) EFFECT ON MONUMENT.—Land within the  
24 boundary of the Monument that is contiguous to  
25 land donated to the United States or acquired using

1 amounts from the land and water conservation fund  
2 established under section 2 of the Land and Water  
3 Conservation Fund Act of 1965 (16 U.S.C. 4601–5)  
4 shall be managed in a manner consistent with con-  
5 servation purposes, subject to applicable law.

6 **“SEC. 1406. ADVISORY COMMITTEE.**

7 “(a) IN GENERAL.—The Secretary shall establish an  
8 advisory committee for the Monument, the purpose of  
9 which is to advise the Secretary with respect to the prepa-  
10 ration and implementation of the management plan re-  
11 quired by section 1403(g).

12 “(b) MEMBERSHIP.—To the extent practicable, the  
13 advisory committee shall include the following members,  
14 to be appointed by the Secretary:

15 “(1) A representative with expertise in natural  
16 science and research selected from a regional univer-  
17 sity or research institute.

18 “(2) A representative of the Department of De-  
19 fense.

20 “(3) A representative of the California Natural  
21 Resources Agency.

22 “(4) A representative of each of San  
23 Bernardino and Riverside Counties, California.

24 “(5) A representative of each of the cities of  
25 Desert Hot Springs and Yucca Valley, California.

1           “(6) A representative of the Morongo Band of  
2 Mission Indians.

3           “(7) A representative of the Friends of Big  
4 Morongo Preserve.

5           “(8) A representative of the Wildlands Conser-  
6 vancy.

7           “(9) A representative of the Coachella Valley  
8 Mountains Conservancy.

9           “(10) A representative of the San Gorgonio  
10 Wilderness Association.

11           “(11) A representative of the Morongo Basin  
12 Community Services District.

13           “(12) A representative from each of the fol-  
14 lowing recreational activities:

15               “(A) Off-highway vehicles.

16               “(B) Hunting.

17               “(C) Rockhounding.

18           “(c) TERMS.—

19               “(1) IN GENERAL.—In appointing members  
20 under paragraphs (1) through (12) of subsection  
21 (b), the Secretary shall appoint 1 primary member  
22 and 1 alternate member that meets the qualifica-  
23 tions described in each of those paragraphs.

24               “(2) VACANCY.—

1           “(A) PRIMARY MEMBER.—A vacancy on  
2           the advisory committee with respect to a pri-  
3           mary member shall be filled by the applicable  
4           alternate member.

5           “(B) ALTERNATE MEMBER.—The Sec-  
6           retary shall appoint a new alternate members in  
7           the event of a vacancy with respect to an alter-  
8           nate member of the advisory committee.

9           “(3) TERMINATION.—

10           “(A) IN GENERAL.—The term of all mem-  
11           bers of the advisory committee shall terminate  
12           on the termination of the advisory committee  
13           under subsection (g).

14           “(B) NEW ADVISORY COMMITTEE.—At the  
15           discretion of the Secretary, the Secretary may  
16           establish a new advisory committee on the ter-  
17           mination of the advisory committee under sub-  
18           section (g) to provide ongoing recommendations  
19           on the management of the Monument.

20           “(d) QUORUM.—A quorum of the advisory committee  
21           shall consist of a majority of the primary members.

22           “(e) CHAIRPERSON AND PROCEDURES.—

23           “(1) IN GENERAL.—The advisory committee  
24           shall select a chairperson and vice chairperson from

1 among the primary members of the advisory com-  
2 mittee.

3 “(2) DUTIES.—The chairperson and vice chair-  
4 person selected under paragraph (1) shall establish  
5 any rules and procedures for the advisory committee  
6 that the chairperson and vice-chairperson determine  
7 to be necessary or desirable.

8 “(f) SERVICE WITHOUT COMPENSATION.—Members  
9 of the advisory committee shall serve without pay.

10 “(g) TERMINATION.—The advisory committee shall  
11 cease to exist on—

12 “(1) the date on which the management plan is  
13 officially adopted by the Secretary; or

14 “(2) at the discretion of the Secretary, a later  
15 date established by the Secretary.

## 16 **“TITLE XV—WILDERNESS**

### 17 **“SEC. 1501. DESIGNATION OF WILDERNESS AREAS.**

18 “(a) DESIGNATION OF WILDERNESS AREAS TO BE  
19 ADMINISTERED BY THE BUREAU OF LAND MANAGE-  
20 MENT.—In accordance with the Wilderness Act (16 U.S.C.  
21 1131 et seq.) and sections 601 and 603 of the Federal  
22 Land Policy and Management Act of 1976 (43 U.S.C.  
23 1781, 1782), the following land in the State is designated  
24 as wilderness areas and as components of the National  
25 Wilderness Preservation System:

1           “(1) AVAWATZ MOUNTAINS WILDERNESS.—Cer-  
2           tain land in the Conservation Area administered by  
3           the Director of the Bureau of Land Management,  
4           comprising approximately 86,614 acres, as generally  
5           depicted on the map entitled ‘Avawatz Mountains  
6           Proposed Wilderness’ and dated July 15, 2009, to  
7           be known as the ‘Avawatz Mountains Wilderness’.

8           “(2) GOLDEN VALLEY WILDERNESS.—Certain  
9           land in the Conservation Area administered by the  
10          Director of the Bureau of Land Management, com-  
11          prising approximately 21,633 acres, as generally de-  
12          picted on the map entitled ‘Golden Valley Proposed  
13          Wilderness’ and dated July 15, 2009, which shall be  
14          considered to be part of the ‘Golden Valley Wilder-  
15          ness’.

16          “(3) GREAT FALLS BASIN WILDERNESS.—

17                 “(A) IN GENERAL.—Certain land in the  
18                 Conservation Area administered by the Director  
19                 of the Bureau of Land Management, com-  
20                 prising approximately 7,871 acres, as generally  
21                 depicted on the map entitled ‘Great Falls Basin  
22                 Proposed Wilderness’ and dated October 26,  
23                 2009, to be known as the ‘Great Falls Basin  
24                 Wilderness’.

1           “(B) LIMITATIONS.—Designation of the  
2 wilderness under subparagraph (A) shall not es-  
3 tablish a Class I Airshed under the Clean Air  
4 Act (42 U.S.C. 7401 et seq.).

5           “(4) KINGSTON RANGE WILDERNESS.—Certain  
6 land in the Conservation Area administered by the  
7 Bureau of Land Management, comprising approxi-  
8 mately 53,321 acres, as generally depicted on the  
9 map entitled ‘Kingston Range Proposed Wilderness  
10 Additions’ and dated July 15, 2009, which shall be  
11 considered to be a part of as the ‘Kingston Range  
12 Wilderness’.

13           “(5) SODA MOUNTAINS WILDERNESS.—Certain  
14 land in the Conservation Area, administered by the  
15 Bureau of Land Management, comprising approxi-  
16 mately 79,376 acres, as generally depicted on the  
17 map entitled ‘Soda Mountains Proposed Wilderness’  
18 and dated October 26, 2009, to be known as the  
19 ‘Soda Mountains Wilderness’.

20           “(b) DESIGNATION OF WILDERNESS AREAS TO BE  
21 ADMINISTERED BY THE NATIONAL PARK SERVICE.—In  
22 accordance with the Wilderness Act (16 U.S.C. 1131 et  
23 seq.) and sections 601 and 603 of the Federal Land Policy  
24 and Management Act of 1976 (43 U.S.C. 1781, 1782),  
25 the following land in the State is designated as wilderness



1 areas and as components of the National Wilderness Pres-  
2 ervation System:

3           “(1) DEATH VALLEY NATIONAL PARK WILDER-  
4           NESS ADDITIONS.—Certain land in the Conservation  
5           Area administered by the Director of the National  
6           Park Service, comprising approximately 59,264  
7           acres, as generally depicted on the map entitled  
8           ‘Death Valley National Park Additions’ and dated  
9           October 1, 2009, which shall be considered to be a  
10          part of the Death Valley National Park Wilderness.

11          “(2) BOWLING ALLEY WILDERNESS.—Certain  
12          land in the Conservation Area administered by the  
13          Director of the Bureau of Land Management, com-  
14          prising approximately 30,888 acres, as generally de-  
15          picted on the map entitled ‘Death Valley National  
16          Park Proposed Wilderness Area’, numbered 143/  
17          100080, and dated June 2009, which shall be con-  
18          sidered to be a part of the Death Valley National  
19          Park Wilderness.

20          “(c) DESIGNATION OF WILDERNESS AREA TO BE  
21          ADMINISTERED BY THE FOREST SERVICE.—

22                 “(1) IN GENERAL.—In accordance with the Wil-  
23                 derness Act (16 U.S.C. 1131 et seq.) and sections  
24                 601 and 603 of the Federal Land Policy and Man-  
25                 agement Act of 1976 (43 U.S.C. 1781, 1782), the

1 land in the State described in paragraph (2) is des-  
2 ignated as a wilderness area and as a component of  
3 the National Wilderness Preservation System.

4 “(2) DESCRIPTION OF LAND.—The land re-  
5 ferred to in paragraph (1) is certain land in the San  
6 Bernardino National Forest, comprising approxi-  
7 mately 7,141 acres, as generally depicted on the  
8 map entitled ‘Proposed Sand to Snow National  
9 Monument’ and dated October 26, 2009, which shall  
10 considered to be a part of the San Gorgonio Wilder-  
11 ness.

12 **“SEC. 1502. MANAGEMENT.**

13 “(a) ADJACENT MANAGEMENT.—

14 “(1) IN GENERAL.—Nothing in this title creates  
15 any protective perimeter or buffer zone around the  
16 wilderness areas designated by section 1501.

17 “(2) ACTIVITIES OUTSIDE WILDERNESS  
18 AREAS.—

19 “(A) IN GENERAL.—The fact that an ac-  
20 tivity (including military activities) or use on  
21 land outside a wilderness area designated by  
22 section 1501 can be seen or heard within the  
23 wilderness area shall not preclude or restrict  
24 the activity or use outside the boundary of the  
25 wilderness area.

1                   “(B) EFFECT ON NONWILDERNESS ACTIVI-  
2                   TIES.—

3                   “(i) IN GENERAL.—In any permitting  
4                   proceeding (including a review under the  
5                   National Environmental Policy Act of  
6                   1969 (42 U.S.C. 4321 et seq.)) conducted  
7                   with respect to a project described in  
8                   clause (ii) that is formally initiated  
9                   through a notice in the Federal Register  
10                  before December 31, 2013, the consider-  
11                  ation of any visual, noise, or other impacts  
12                  of the project on a wilderness area des-  
13                  ignated by section 1501 shall be conducted  
14                  based on the status of the area before des-  
15                  ignation as wilderness.

16                  “(ii) DESCRIPTION OF PROJECTS.—A  
17                  project referred to in clause (i) is a renew-  
18                  able energy project—

19                         “(I) for which the Bureau of  
20                         Land Management has received a  
21                         right-of-way use application on or be-  
22                         fore the date of enactment of this Act;  
23                         and

1                   “(II) that is located outside the  
2                   boundary of a wilderness area des-  
3                   ignated by section 1501.

4                   “(3) NO ADDITIONAL REGULATION.—Nothing  
5                   in this title requires additional regulation of activi-  
6                   ties on land outside the boundary of the wilderness  
7                   areas.

8                   “(4) EFFECT ON MILITARY OPERATIONS.—  
9                   Nothing in this Act alters any authority of the Sec-  
10                  retary of Defense to conduct any military operations  
11                  at desert installations, facilities, and ranges of the  
12                  State that are authorized under any other provision  
13                  of law.

14                  “(b) MAPS; LEGAL DESCRIPTIONS.—

15                  “(1) IN GENERAL.—As soon as practicable  
16                  after the date of enactment of this title, the Sec-  
17                  retary shall file a map and legal description of each  
18                  wilderness area and wilderness addition designated  
19                  by section 1501 with—

20                         “(A) the Committee on Natural Resources  
21                         of the House of Representatives; and

22                         “(B) the Committee on Energy and Nat-  
23                         ural Resources of the Senate.

24                  “(2) FORCE OF LAW.—A map and legal de-  
25                  scription filed under paragraph (1) shall have the

1 same force and effect as if included in this title, ex-  
2 cept that the Secretary may correct errors in the  
3 maps and legal descriptions.

4 “(3) PUBLIC AVAILABILITY.—Each map and  
5 legal description filed under paragraph (1) shall be  
6 filed and made available for public inspection in the  
7 appropriate office of the Secretary.

8 “(c) ADMINISTRATION.—Subject to valid existing  
9 rights, the land designated as wilderness or as a wilder-  
10 ness addition by section 1501 shall be administered by the  
11 Secretary in accordance with this Act and the Wilderness  
12 Act (16 U.S.C. 1131 et seq.), except that any reference  
13 in that Act to the effective date shall be considered to be  
14 a reference to the date of enactment of this title.

15 **“SEC. 1503. RELEASE OF WILDERNESS STUDY AREAS.**

16 “(a) FINDING.—Congress finds that, for purposes of  
17 section 603 of the Federal Land Policy and Management  
18 Act of 1976 (43 U.S.C. 1782), any portion of a wilderness  
19 study area described in subsection (b) that is not des-  
20 ignated as a wilderness area or wilderness addition by sec-  
21 tion 1501 or any other Act enacted before the date of en-  
22 actment of this title has been adequately studied for wil-  
23 derness.

24 “(b) DESCRIPTION OF STUDY AREAS.—The study  
25 areas referred to in subsection (a) are—

1           “(1) the Cady Mountains Wilderness Study  
2 Area;

3           “(2) the Great Falls Basin Wilderness Study  
4 Area; and

5           “(3) the Soda Mountains Wilderness Study  
6 Area.

7           “(c) RELEASE.—Any portion of a wilderness study  
8 area described in subsection (b) that is not designated as  
9 a wilderness area or wilderness addition by section 1501  
10 is no longer subject to section 603(c) of the Federal Land  
11 Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

12           **“TITLE XVI—DESIGNATION OF**  
13           **SPECIAL MANAGEMENT AREA**

14           **“SEC. 1601. DEFINITIONS.**

15           “In this title:

16           “(1) MANAGEMENT AREA.—The term ‘Manage-  
17 ment Area’ means the Vinagre Wash Special Man-  
18 agement Area.

19           “(2) MAP.—The term ‘map’ means the map en-  
20 titled ‘Vinagre Wash Special Management Area-Pro-  
21 posed’ and dated November 10, 2009.

22           “(3) PUBLIC LAND.—The term ‘public land’  
23 has the meaning given the term ‘public lands’ in sec-  
24 tion 103 of the Federal Land Policy and Manage-  
25 ment Act of 1976 (43 U.S.C. 1702).

1           “(4) SECRETARY.—The term ‘Secretary’ means  
2           the Secretary of the Interior.

3   **“SEC. 1602. ESTABLISHMENT OF THE VINAGRE WASH SPE-**  
4                                   **CIAL MANAGEMENT AREA.**

5           “(a) ESTABLISHMENT.—There is established the  
6 Vinagre Wash Special Management Area in the State, to  
7 be managed by the El Centro Field Office and the Yuma  
8 Field Office of the Bureau of Land Management.

9           “(b) PURPOSE.—The purpose of the Management  
10 Area is to conserve, protect, and enhance—

11                   “(1) the plant and wildlife values of the Man-  
12 agement Area; and

13                   “(2) the outstanding and nationally significant  
14 ecological, geological, scenic, recreational, archae-  
15 ological, cultural, historic, and other resources of the  
16 Management Area.

17           “(c) BOUNDARIES.—The Management Area shall  
18 consist of the public land in Imperial County, California,  
19 comprising approximately 74,714 acres, as generally de-  
20 picted on the map.

21           “(d) MAP; LEGAL DESCRIPTION.—

22                   “(1) IN GENERAL.—As soon as practicable, but  
23 not later than 3 years, after the date of enactment  
24 of this title, the Secretary shall submit a map and  
25 legal description of the Management Area to—

1           “(A) the Committee on Natural Resources  
2 of the House of Representatives; and

3           “(B) the Committee on Energy and Nat-  
4 ural Resources of the Senate.

5           “(2) EFFECT.—The map and legal description  
6 submitted under paragraph (1) shall have the same  
7 force and effect as if included in this title, except  
8 that the Secretary may correct any errors in the  
9 map and legal description.

10           “(3) AVAILABILITY.—Copies of the map sub-  
11 mitted under paragraph (1) shall be on file and  
12 available for public inspection in—

13           “(A) the Office of the Director of the Bu-  
14 reau of Land Management; and

15           “(B) the appropriate office of the Bureau  
16 of Land Management in the State.

17 **“SEC. 1603. MANAGEMENT.**

18           “(a) IN GENERAL.—The Secretary shall allow hiking,  
19 camping, hunting, and sightseeing and the use of motor-  
20 ized vehicles, mountain bikes, and horses on designated  
21 routes in the Management Area in a manner that—

22           “(1) is consistent with the purpose of the Man-  
23 agement Area described in section 1602(b);

24           “(2) ensures public health and safety; and

25           “(3) is consistent with applicable law.



1 “(b) OFF-HIGHWAY VEHICLE USE.—

2 “(1) IN GENERAL.—Subject to paragraphs (2)  
3 and (3) and all other applicable laws, the use of off-  
4 highway vehicles shall be permitted on routes in the  
5 Management Area generally depicted on the map.

6 “(2) CLOSURE.—The Secretary may tempo-  
7 rarily close or permanently reroute a portion of a  
8 route described in paragraph (1)—

9 “(A) to prevent, or allow for restoration of,  
10 resource damage;

11 “(B) to protect tribal cultural resources,  
12 including the resources identified in the tribal  
13 cultural resources management plan developed  
14 under section 1905(c);

15 “(C) to address public safety concerns; or

16 “(D) as otherwise required by law.

17 “(3) DESIGNATION OF ADDITIONAL ROUTES.—  
18 During the 3-year period beginning on the date of  
19 enactment of this title, the Secretary—

20 “(A) shall accept petitions from the public  
21 regarding additional routes for off-highway ve-  
22 hicles; and

23 “(B) may designate additional routes that  
24 the Secretary determines—

1                   “(i) would provide significant or  
2                   unique recreational opportunities; and

3                   “(ii) are consistent with the purposes  
4                   of the Management Area.

5           “(c) WITHDRAWAL.—Subject to valid existing rights,  
6 all Federal land within the Management Area is with-  
7 drawn from—

8                   “(1) all forms of entry, appropriation, or dis-  
9                   posal under the public land laws;

10                   “(2) location, entry, and patent under the min-  
11                   ing laws; and

12                   “(3) right-of-way, leasing, or disposition under  
13                   all laws relating to—

14                           “(A) minerals; or

15                           “(B) solar, wind, and geothermal energy.

16           “(d) NO BUFFERS.—The establishment of the Man-  
17 agement Area shall not—

18                   “(1) create a protective perimeter or buffer  
19                   zone around the Management Area; or

20                   “(2) preclude uses or activities outside the  
21                   Management Area that are permitted under other  
22                   applicable laws, even if the uses or activities are pro-  
23                   hibited within the Management Area.

24           “(e) NOTICE OF AVAILABLE ROUTES.—The Sec-  
25 retary shall ensure that visitors to the Management Area

1 have access to adequate notice relating to the availability  
2 of designated routes in the Management Area through—

3 “(1) the placement of appropriate signage along  
4 the designated routes;

5 “(2) the distribution of maps, safety education  
6 materials, and other information that the Secretary  
7 determines to be appropriate; and

8 “(3) restoration of areas that are not des-  
9 ignated as open routes, including vertical mulching.

10 “(f) STEWARDSHIP.—The Secretary, in consultation  
11 with Indian tribes and other interests, shall develop a pro-  
12 gram to provide opportunities for monitoring and steward-  
13 ship of the Management Area to minimize environmental  
14 impacts and prevent resource damage from recreational  
15 use, including volunteer assistance with—

16 “(1) route signage;

17 “(2) restoration of closed routes;

18 “(3) protection of Management Area resources;

19 and

20 “(4) recreation education.

21 “(g) PROTECTION OF TRIBAL CULTURAL RE-  
22 SOURCES.—Not later than 2 years after the date of enact-  
23 ment of this title, the Secretary, in accordance with the  
24 National Historic Preservation Act (16 U.S.C. 470 et  
25 seq.) and any other applicable law, shall—

1           “(1) prepare and complete a tribal cultural re-  
2 sources survey of the Management Area; and

3           “(2) consult with the Quechan Indian Nation  
4 and other Indian tribes demonstrating ancestral, cul-  
5 tural, or other ties to the resources within the Man-  
6 agement Area on the development and implementa-  
7 tion of the tribal cultural resources survey under  
8 paragraph (1).

9 **“SEC. 1604. POTENTIAL WILDERNESS.**

10       “(a) PROTECTION OF WILDERNESS CHARACTER.—

11           “(1) IN GENERAL.—The Secretary shall man-  
12 age the Federal land in the Management Area de-  
13 scribed in paragraph (2) in a manner that preserves  
14 the character of the land for the eventual inclusion  
15 of the land in the National Wilderness Preservation  
16 System.

17           “(2) DESCRIPTION OF LAND.—The Federal  
18 land described in this paragraph is—

19           “(A) the approximately 9,160 acres of  
20 land, as generally depicted on the map entitled  
21 ‘Indian Pass Wilderness Additions-Proposed’  
22 and dated November 10, 2009;

23           “(B) the approximately 17,436 acres of  
24 land, as generally depicted on the map entitled

1 ‘Milpitas Wash Wilderness Area-Proposed’ and  
2 dated November 10, 2009;

3 “(C) the approximately 13,647 acres of  
4 land, as generally depicted on the map entitled  
5 ‘Buzzard Peak Wilderness Area-Proposed’ and  
6 dated November 10, 2009; and

7 “(D) the approximately 8,090 acres of  
8 land, as generally depicted on the map entitled  
9 ‘Palo Verde Mountain Wilderness Additions-  
10 Proposed’ and dated November 10, 2009.

11 “(3) USE OF LAND.—

12 “(A) MILITARY USES.—The Secretary  
13 shall manage the Federal land in the Manage-  
14 ment Area described in paragraph (2) in a  
15 manner that is consistent with the Wilderness  
16 Act (16 U.S.C. 1131 et seq.), except that the  
17 Secretary may authorize use of the land by the  
18 Secretary of the Navy for Naval Special War-  
19 fare Tactical Training, including long-range  
20 small unit training and navigation, vehicle con-  
21 cealment, and vehicle sustainment training, in  
22 accordance with applicable Federal laws.

23 “(B) PROHIBITED USES.—The following  
24 shall be prohibited on the Federal land de-  
25 scribed in paragraph (2):

1 “(i) Permanent roads.

2 “(ii) Commercial enterprises.

3 “(iii) Except as necessary to meet the  
4 minimum requirements for the administra-  
5 tion of the Federal land and to protect  
6 public health and safety—

7 “(I) the use of mechanized vehi-  
8 cles; and

9 “(II) the establishment of tem-  
10 porary roads.

11 “(4) WILDERNESS DESIGNATION.—

12 “(A) IN GENERAL.—The Federal land de-  
13 scribed in paragraph (2) shall be designated as  
14 wilderness and as a component of the National  
15 Wilderness Preservation System on the date on  
16 which the Secretary, in consultation with the  
17 Secretary of Defense, publishes a notice in the  
18 Federal Register that all activities on the Fed-  
19 eral land that are incompatible with the Wilder-  
20 ness Act (16 U.S.C. 1131 et seq.) have termi-  
21 nated.

22 “(B) DESIGNATION.—On designation of  
23 the Federal land under clause (i)—

24 “(i) the land described in paragraph  
25 (2)(A) shall be incorporated in, and shall

1 be considered to be a part of, the Indian  
2 Pass Wilderness;

3 “(ii) the land described in paragraph  
4 (2)(B) shall be designated as the ‘Milpitas  
5 Wash Wilderness’;

6 “(iii) the land described in paragraph  
7 (2)(C) shall be designated as the ‘Buzzard  
8 Peak Wilderness’; and

9 “(iv) the land described in paragraph  
10 (2)(D) shall be incorporated in, and shall  
11 be considered to be a part of, the Palo  
12 Verde Mountains Wilderness.

13 “(b) ADMINISTRATION OF WILDERNESS.—Subject to  
14 valid existing rights, the land designated as wilderness or  
15 as a wilderness addition by this title shall be administered  
16 by the Secretary in accordance with this Act and the Wil-  
17 derness Act (16 U.S.C. 1131 et seq.).

18 **“TITLE XVII—NATIONAL PARK**  
19 **SYSTEM ADDITIONS**

20 **“SEC. 1701. DEATH VALLEY NATIONAL PARK BOUNDARY RE-**  
21 **VISION.**

22 “(a) IN GENERAL.—The boundary of Death Valley  
23 National Park is adjusted to include—

24 “(1) the approximately 33,041 acres of Bureau  
25 of Land Management land abutting the southern

1 end of the Death Valley National Park that lies be-  
2 tween Death Valley National Park to the north and  
3 Ft. Irwin Military Reservation to the south and  
4 which runs approximately 34 miles from west to  
5 east, as depicted on the map entitled ‘Death Valley  
6 National Park Proposed Boundary Addition’, num-  
7 bered 143/100,080, and dated June 2009;

8 “(2) the approximately 6,379 acres of Bureau  
9 of Land Management land in Inyo County, Cali-  
10 fornia, located in the northeast area of Death Valley  
11 National Park that is within, and surrounded by,  
12 land under the jurisdiction of the Director of the  
13 National Park Service, as depicted on the map enti-  
14 tled ‘Proposed Crater Mine Area Addition to Death  
15 Valley National Park’, numbered 143/100,079, and  
16 dated June 2009; and

17 “(3)(A) on transfer of title to the private land  
18 to the National Park Service, the approximately 280  
19 acres of private land in Inyo County, California, lo-  
20 cated adjacent to the southeastern boundary of  
21 Death Valley National Park, as depicted on the map  
22 entitled ‘Proposed Ryan Camp Addition to Death  
23 Valley National Park’, numbered 143/100,097, and  
24 dated June 2009; and



1           “(B) the approximately 1,040 acres of Bureau  
2 of Land Management land contiguous to the private  
3 land described in subparagraph (A), as depicted on  
4 the map entitled ‘Proposed Ryan Camp Addition to  
5 Death Valley National Park’, numbered 143/  
6 100,097, and dated June 2009.

7           “(b) AVAILABILITY OF MAP.—The maps described in  
8 paragraphs (1), (2), and (3) of subsection (a) shall be on  
9 file and available for public inspection in the appropriate  
10 offices of the National Park Service.

11          “(c) ADMINISTRATION.—The Secretary of the Inte-  
12 rior (referred to in this section as the ‘Secretary’) shall—

13           “(1) administer any land added to Death Valley  
14 National Park under subsection (a)—

15           “(A) as part of Death Valley National  
16 Park; and

17           “(B) in accordance with applicable laws  
18 (including regulations); and

19           “(2) not later than 180 days after the date of  
20 enactment of this title, develop a memorandum of  
21 understanding with Inyo County, California, permit-  
22 ting ongoing access and use to existing gravel pits  
23 along Saline Valley Road within Death Valley Na-  
24 tional Park for road maintenance and repairs in ac-

1 cordance with applicable laws (including regula-  
2 tions).

3 **“SEC. 1702. MOJAVE NATIONAL PRESERVE.**

4 “(a) IN GENERAL.—The boundary of the Mojave Na-  
5 tional Preserve is adjusted to include—

6 “(1) the 29,221 acres of Bureau of Land Man-  
7 agement land that is surrounded by the Mojave Na-  
8 tional Preserve to the northwest, west, southwest,  
9 south, and southeast and by the Nevada State line  
10 on the northeast boundary, as depicted on the map  
11 entitled ‘Proposed Castle Mountain Addition to the  
12 Mojave National Preserve’, numbered 170/100,075,  
13 and dated August 2009; and

14 “(2) the 25 acres of Bureau of Land Manage-  
15 ment land in Baker, California, as depicted on the  
16 map entitled ‘Mojave National Preserve—Proposed  
17 Boundary Addition’, numbered 170/100,199, and  
18 dated August 2009.

19 “(b) AVAILABILITY OF MAPS.—The maps described  
20 in subsection (a) shall be on file and available for public  
21 inspection in the appropriate offices of the National Park  
22 Service.

23 “(c) ADMINISTRATION.—The Secretary shall admin-  
24 ister any land added to Mojave National Preserve under  
25 subsection (a)—

1           “(1) as part of the Mojave National Preserve;

2           and

3           “(2) in accordance with applicable laws (includ-

4           ing regulations).

5   **“SEC. 1703. JOSHUA TREE NATIONAL PARK BOUNDARY RE-**  
6                                   **VISION.**

7           “(a) IN GENERAL.—The boundary of the Joshua  
8   Tree National Park is adjusted to include the 2,879 acres  
9   of land managed by Director of the Bureau of Land Man-  
10   agement that are contiguous at several different places to  
11   the northern boundaries of Joshua Tree National Park in  
12   the northwest section of the Park, as depicted on the map  
13   entitled ‘Joshua Tree National Park Proposed Boundary  
14   Additions’, numbered 156/100,007, and dated June 2009.

15          “(b) AVAILABILITY OF MAP.—The map described in  
16   subsection (a) and the map depicting the 25 acres de-  
17   scribed in subsection (c)(2) shall be on file and available  
18   for public inspection in the appropriate offices of the Na-  
19   tional Park Service.

20          “(c) ADMINISTRATION.—

21               “(1) IN GENERAL.—The Secretary shall admin-  
22   ister any land added to the Joshua Tree National  
23   Park under subsection (a) and the additional land  
24   described in paragraph (2)—

1           “(A) as part of Joshua Tree National  
2           Park; and

3           “(B) in accordance with applicable laws  
4           (including regulations).

5           “(2) DESCRIPTION OF ADDITIONAL LAND.—The  
6           additional land referred to in paragraph (1) is the  
7           25 acres of land—

8           “(A) depicted on the map entitled ‘Joshua  
9           Tree National Park Boundary Adjustment  
10          Map’, numbered 156/80,049, and dated April 1,  
11          2003;

12          “(B) added to Joshua Tree National Park  
13          by the notice of the Department Interior of Au-  
14          gust 28, 2003 (68 Fed. Reg. 51799); and

15          “(C) more particularly described as lots  
16          26, 27, 28, 33, and 34 in sec. 34, T. 1 N., R.  
17          8 E., San Bernardino Meridian.

18       **“SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.**

19       “‘There are authorized to be appropriated such sums  
20       as are necessary to carry out this title.

1       **“TITLE XVIII—OFF-HIGHWAY**  
 2       **VEHICLE RECREATION AREAS**

3       **“SEC. 1801. DESIGNATION OF OFF-HIGHWAY VEHICLE**  
 4       **RECREATION AREAS.**

5       “(a) DESIGNATION.—In accordance with the Federal  
 6 Land Policy and Management Act of 1976 (43 U.S.C.  
 7 1701 et seq.) and resource management plans developed  
 8 under this title and subject to valid existing rights, the  
 9 following land within the Conservation Area in San  
 10 Bernardino County, California, is designated as Off-High-  
 11 way Vehicle Recreation Areas:

12           “(1) EL MIRAGE OFF-HIGHWAY VEHICLE  
 13 RECREATION AREA.—Certain Bureau of Land Man-  
 14 agement land in the Conservation Area, comprising  
 15 approximately 25,600 acres, as generally depicted on  
 16 the map entitled ‘El Mirage Off-Highway Vehicle  
 17 Recreation Area’ and dated July 15, 2009, which  
 18 shall be known as the ‘El Mirage Off-Highway Vehi-  
 19 cle Recreation Area’.

20           “(2) JOHNSON VALLEY OFF-HIGHWAY VEHICLE  
 21 RECREATION AREA.—

22           “(A) IN GENERAL.—Certain Bureau of  
 23 Land Management land in the Conservation  
 24 Area, comprising approximately 180,000 acres,  
 25 as generally depicted on the map entitled ‘John-

1 son Valley Off-Highway Vehicle Recreation  
2 Area’ and dated July 15, 2009, which shall be  
3 known as the ‘Johnson Valley Off-Highway Ve-  
4 hicle Recreation Area’.

5 “(B) EXCLUSIONS.—

6 “(i) IN GENERAL.—Subject to clause  
7 (iii), the land described in clause (ii) shall  
8 be excluded from the Johnson Valley Off-  
9 Highway Vehicle Recreation Area to per-  
10 mit the Secretary of the Navy to study the  
11 land for—

12 “(I) withdrawal in accordance  
13 with the Act of February 28, 1958  
14 (43 U.S.C. 155 et seq.); and

15 “(II) potential inclusion in the  
16 Marine Corps Air Ground Combat  
17 Center at Twentynine Palms, Cali-  
18 fornia, for national defense purposes.

19 “(ii) STUDY AREA.—The land referred  
20 to in clause (i) is the land that—

21 “(I) is described in—

22 “(aa) the notice of the Bu-  
23 reau of Land Management of  
24 September 15, 2008 entitled ‘No-  
25 tice of Proposed Legislative

1 Withdrawal and Opportunity for  
2 Public Meeting; California' (73  
3 Fed. Reg. 53269); or

4 “(bb) any subsequent notice  
5 in the Federal Register that is  
6 related to the notice described in  
7 item (aa); and

8 “(II) has been segregated by the  
9 Director of the Bureau of Land Man-  
10 agement.

11 “(iii) INCORPORATION IN OFF-HIGH-  
12 WAY VEHICLE RECREATION AREA.—After  
13 action by the Secretary of Defense and  
14 Congress regarding the withdrawal under  
15 subparagraph (A), any land within the  
16 study area that is not withdrawn shall be  
17 incorporated into the Johnson Valley Off-  
18 Highway Vehicle Recreation Area.

19 “(C) JOINT USE OF CERTAIN LAND.—The  
20 Secretary of Defense shall consider a potential  
21 joint use area within the Johnson Valley Off-  
22 Highway Vehicle Recreation Area as part of the  
23 environmental impact statement of the Depart-  
24 ment of Defense that would allow for continued

1 recreational opportunities on the joint use area  
2 during periods in which—

3 “(i) the joint use area is not needed  
4 for military training activities; and

5 “(ii) public safety can be ensured.

6 “(D) MILITARY ACCESS FOR ADMINISTRA-  
7 TIVE PURPOSES.—In cooperation with the Sec-  
8 retary of the Interior, the Secretary of the Navy  
9 may, after notifying the Secretary of the Inte-  
10 rior, access the Johnson Valley Off-Highway  
11 Vehicle Recreation Area for national defense  
12 purposes supporting military training (including  
13 military range management and exercise control  
14 activities).

15 “(3) RASOR OFF-HIGHWAY VEHICLE RECRE-  
16 ATION AREA.—Certain Bureau of Land Management  
17 land in the Conservation Area, comprising approxi-  
18 mately 22,400 acres, as generally depicted on the  
19 map entitled ‘Rasor Off-Highway Vehicle Recreation  
20 Area’ and dated July 15, 2009, which shall be  
21 known as the ‘Rasor Off-Highway Vehicle Recre-  
22 ation Area’.

23 “(4) SPANGLER HILLS OFF-HIGHWAY VEHICLE  
24 RECREATION AREA.—Certain Bureau of Land Man-  
25 agement land in the Conservation Area, comprising



1 approximately 62,080 acres, as generally depicted on  
2 the map entitled ‘Spangler Hills Off-Highway Vehi-  
3 cle Recreation Area’ and dated July 15, 2009, which  
4 shall be known as the ‘Spangler Off-Highway Vehi-  
5 cle Recreation Area’.

6 “(5) STODDARD VALLEY OFF-HIGHWAY VEHI-  
7 CLE RECREATION AREA.—Certain Bureau of Land  
8 Management land in the Conservation Area, com-  
9 prising approximately 54,400 acres, as generally de-  
10 picted on the map entitled ‘Stoddard Valley Off-  
11 Highway Vehicle Recreation Area’ and dated July  
12 15, 2009, which shall be known as the ‘Stoddard  
13 Valley Off-Highway Vehicle Recreation Area’.

14 “(b) PURPOSE.—The purpose of the off-highway ve-  
15 hicle recreation areas designated under subsection (a) is  
16 to preserve and enhance the recreational opportunities  
17 within the Conservation Area (including opportunities for  
18 off-highway vehicle recreation), while conserving the wild-  
19 life and other natural resource values of the Conservation  
20 Area.

21 “(c) MAPS AND DESCRIPTIONS.—

22 “(1) PREPARATION AND SUBMISSION.—As soon  
23 as practicable after the date of enactment of this  
24 title, the Secretary shall file a map and legal de-

1 description of each off-highway vehicle recreation area  
2 designated by subsection (a) with—

3 “(A) the Committee on Natural Resources  
4 of the House of Representatives; and

5 “(B) the Committee on Energy and Nat-  
6 ural Resources of the Senate.

7 “(2) LEGAL EFFECT.—The map and legal de-  
8 scriptions of the off-highway vehicle recreation areas  
9 filed under paragraph (1) shall have the same force  
10 and effect as if included in this title, except that the  
11 Secretary may correct errors in the map and legal  
12 descriptions.

13 “(3) PUBLIC AVAILABILITY.—Each map and  
14 legal description filed under paragraph (1) shall be  
15 filed and made available for public inspection in the  
16 appropriate offices of the Bureau of Land Manage-  
17 ment.

18 “(d) USE OF THE LAND.—

19 “(1) RECREATIONAL ACTIVITIES.—

20 “(A) IN GENERAL.—The Secretary shall  
21 continue to authorize, maintain, and enhance  
22 the recreational uses of the off-highway vehicle  
23 recreation areas designated by subsection (a),  
24 including off-highway recreation, hiking, camp-  
25 ing, hunting, mountain biking, sightseeing,

1 rockhounding, and horseback riding, as long as  
2 the recreational use is consistent with this sec-  
3 tion and any other applicable law.

4 “(B) OFF-HIGHWAY VEHICLE AND OFF-  
5 HIGHWAY RECREATION.—To the extent con-  
6 sistent with applicable Federal law (including  
7 regulations) and this section, any authorized  
8 recreation activities and use designations in ef-  
9 fect on the date of enactment of this title and  
10 applicable to the off-highway vehicle recreation  
11 areas designated by subsection (a) shall con-  
12 tinue, including casual off-highway vehicular  
13 use, racing, competitive events, rock crawling,  
14 training, and other forms of off-highway recre-  
15 ation.

16 “(2) WILDLIFE GUZZLERS.—Wildlife guzzlers  
17 shall be allowed in the off-highway vehicle recreation  
18 areas designated by subsection (a) in accordance  
19 with applicable Bureau of Land Management guide-  
20 lines.

21 “(3) PROHIBITED USES.—Residential and com-  
22 mercial development (including development of min-  
23 ing and energy facilities, but excluding transmission  
24 line rights-of-way and related telecommunication fa-  
25 cilities) shall be prohibited in the off-highway vehicle

1 recreation areas designated by subsection (a) if the  
2 Secretary determines that the development is incom-  
3 patible with the purpose described in subsection (b).

4 “(e) ADMINISTRATION.—

5 “(1) IN GENERAL.—The Secretary shall admin-  
6 ister the off-highway vehicle recreation areas des-  
7 ignated by subsection (a) in accordance with—

8 “(A) this title;

9 “(B) the Federal Land Policy and Man-  
10 agement Act of 1976 (43 U.S.C. 1701 et seq.);  
11 and

12 “(C) any other applicable laws (including  
13 regulations).

14 “(2) MANAGEMENT PLAN.—

15 “(A) IN GENERAL.—As soon as prac-  
16 ticable, but not later than 3 years after the date  
17 of enactment of this title, the Secretary shall—

18 “(i) amend existing resource manage-  
19 ment plans applicable to the land des-  
20 ignated as off-highway vehicle recreation  
21 areas under subsection (a); or

22 “(ii) develop new management plans  
23 for each off-highway vehicle recreation  
24 area designated under that subsection.

1           “(B) REQUIREMENTS.—All new or amend-  
2           ed plans under subparagraph (A) shall be de-  
3           signed to preserve and enhance safe off-highway  
4           vehicle and other recreational opportunities  
5           within the applicable recreation area consistent  
6           with—

7                   “(i) the purpose described in sub-  
8                   section (b); and

9                   “(ii) any applicable laws (including  
10                  regulations).

11           “(C) INTERIM PLANS.—Pending comple-  
12           tion of a new management plan under subpara-  
13           graph (A), the existing resource management  
14           plans shall govern the use of the applicable off-  
15           highway vehicle recreation area.

16           “(f) STUDY.—

17                   “(1) IN GENERAL.—As soon as practicable, but  
18                   not later than 2 years, after the date of enactment  
19                   of this title, the Secretary shall complete a study to  
20                   identify Bureau of Land Management land adjacent  
21                   to the off-highway vehicle recreation areas des-  
22                   ignated by subsection (a) that is suitable for addi-  
23                   tion to the off-highway vehicle recreation areas.

24                   “(2) REQUIREMENTS.—In preparing the study  
25                   under paragraph (1), the Secretary shall—

1           “(A) seek input from stakeholders, includ-  
2           ing—

3                   “(i) the State;

4                   “(ii) San Bernardino County, Cali-  
5           fornia;

6                   “(iii) the public;

7                   “(iv) recreational user groups; and

8                   “(v) conservation organizations;

9           “(B) explore the feasibility of expanding  
10           the southern boundary of the off-highway vehi-  
11           cle recreation area described in subsection  
12           (a)(4) to include previously disturbed land;

13           “(C) identify and exclude from consider-  
14           ation any land that—

15                   “(i) is managed for conservation pur-  
16           poses;

17                   “(ii) may be suitable for renewable en-  
18           ergy development; or

19                   “(iii) may be necessary for energy  
20           transmission; and

21           “(D) not recommend or approve expansion  
22           areas that collectively would exceed the total  
23           acres administratively designated for off-high-  
24           way recreation within the Conservation Area as  
25           of the date of enactment of this title.

1           “(3) APPLICABLE LAW.—The Secretary shall  
2 consider the information and recommendations of  
3 the study completed under paragraph (1) to deter-  
4 mine the impacts of expanding off-highway vehicle  
5 recreation areas designated by subsection (a) on the  
6 Conservation Area, in accordance with—

7           “(A) the National Environmental Policy  
8 Act of 1969 (42 U.S.C. 4321 et seq.);

9           “(B) the Endangered Species Act of 1973  
10 (16 U.S.C. 1531 et seq.); and

11           “(C) any other applicable law.

12           “(4) SUBMISSION TO CONGRESS.—On comple-  
13 tion of the study under paragraph (1), the Secretary  
14 shall submit the study to—

15           “(A) the Committee on Natural Resources  
16 of the House of Representatives; and

17           “(B) the Committee on Energy and Nat-  
18 ural Resources of the Senate.

19           “(5) AUTHORIZATION FOR EXPANSION.—

20           “(A) IN GENERAL.—On completion of the  
21 study under paragraph (1) and in accordance  
22 with all applicable laws (including regulations),  
23 the Secretary shall authorize the expansion of  
24 the off-highway vehicle recreation areas rec-  
25 ommended under the study.

1                   “(B) MANAGEMENT.—Any land within the  
2                   expanded areas under subparagraph (A) shall  
3                   be managed in accordance with this section.

4                   **“TITLE XIX—MISCELLANEOUS**

5                   **“SEC. 1901. STATE LAND TRANSFERS AND EXCHANGES.**

6                   “(a) TRANSFER OF LAND TO ANZA-BORREGO  
7                   DESERT STATE PARK.—

8                   “(1) IN GENERAL.—On termination of all min-  
9                   ing claims to the land described in paragraph (2),  
10                  the Secretary shall transfer the land described in  
11                  that paragraph to the State.

12                  “(2) DESCRIPTION OF LAND.—The land re-  
13                  ferred to in paragraph (1) is certain Bureau of Land  
14                  Management land in San Diego County, California,  
15                  comprising approximately 934 acres, as generally de-  
16                  picted on the 2 maps entitled ‘Anza-Borrogo Desert  
17                  State Park Additions-Table Mountain Wilderness  
18                  Study Area’ and dated July 15, 2009.

19                  “(3) MANAGEMENT.—

20                  “(A) IN GENERAL.—The land transferred  
21                  under paragraph (1) shall be managed in ac-  
22                  cordance with the provisions of the California  
23                  Wilderness Act (California Public Resources  
24                  Code sections 5093.30–5093.40).



1           “(B) WITHDRAWAL.—Subject to valid ex-  
2 existing rights, the land transferred under para-  
3 graph (1) is withdrawn from—

4                   “(i) all forms of entry, appropriation,  
5 or disposal under the public land laws;

6                   “(ii) location, entry, and patent under  
7 the mining laws; and

8                   “(iii) disposition under all laws relat-  
9 ing to mineral and geothermal leasing.

10           “(C) REVERSION.—If the State ceases to  
11 manage the land transferred under paragraph  
12 (1) as part of the State Park System or in a  
13 manner inconsistent with the California Wilder-  
14 ness Act (California Public Resources Code sec-  
15 tions 5093.30–5093.40), the land shall revert to  
16 the Secretary, to be managed as a Wilderness  
17 Study Area.

18           “(b) LAND EXCHANGES.—

19                   “(1) IN GENERAL.—The Secretary shall, in con-  
20 sultation and cooperation with the California State  
21 Lands Commission (referred to in this section as the  
22 ‘Commission’), develop a process to exchange iso-  
23 lated parcels of State land within the Conservation  
24 Area for Federal land located in the Conservation  
25 Area or other Federal land in the State that—

1           “(A) is consistent with the plans described  
2           in paragraph (2); and

3           “(B) ensures that the conservation goals  
4           and objectives identified in those plans are not  
5           adversely impacted.

6           “(2) DESCRIPTION OF PLANS.—The plans re-  
7           ferred to in paragraph (1) are—

8           “(A) the California Desert Renewable En-  
9           ergy Conservation Plan;

10          “(B) the California Desert Conservation  
11          Area Plan;

12          “(C) the Northern and Eastern Colorado  
13          Desert Plan; and

14          “(D) any other applicable plans.

15          “(3) REQUIREMENTS.—The process developed  
16          under paragraph (1) shall—

17          “(A) apply to all State land within the  
18          Conservation Area that is under the jurisdiction  
19          of the Commission;

20          “(B) prioritize the elimination of State  
21          land from units of the National Park System,  
22          national monuments, and wilderness areas;

23          “(C) provide the Commission with consoli-  
24          dated land holdings sufficient to make the land  
25          viable for commercial or recreation uses, includ-

1 ing renewable energy development, off-highway  
2 vehicle recreation, or State infrastructure or re-  
3 source needs;

4 “(D) establish methods to ensure that—

5 “(i) not later than 1 year after the  
6 date of enactment of this title, the Sec-  
7 retary and the Commission complete an in-  
8 ventory of Federal land and State land in  
9 the Conservation Area under the jurisdic-  
10 tion of the Secretary and the Commission,  
11 respectively, and any other Federal land  
12 and property outside the Conservation  
13 Area that is determined to be suitable for  
14 exchange consistent with paragraph (1);

15 “(ii) there is a public comment period  
16 of not less than 90 days with respect to—

17 “(I) the inventory of land under  
18 clause (i); and

19 “(II) any proposed land exchange  
20 under this section that involves more  
21 than 5,000 acres of Federal land;

22 “(iii) in preparing the inventory of  
23 Federal land suitable for exchange under  
24 clause (i), the Secretary shall use best ef-  
25 forts to give priority to—

1           “(I) land that has the potential  
2           for commercial development, including  
3           renewable energy development, such  
4           as wind and solar energy development;

5           “(II) the land described in sec-  
6           tion 707(b)(2); and

7           “(III) land located outside the  
8           boundaries of the Conservation Area  
9           (including closed military base land  
10          and land identified as surplus by the  
11          Administrator of the General Services  
12          Administration) to avoid, to the max-  
13          imum extent feasible, conflicts with  
14          conservation of desert land;

15          “(iv) the inventory under clause (i) is  
16          updated annually by the Secretary and re-  
17          submitted to the Commission; and

18          “(v) the land exchanges are completed  
19          by the date that is 10 years after the date  
20          of enactment of this title; and

21          “(E) provide for the submission of annual  
22          reports to Congress that—

23                 “(i) describe any progress or impedi-  
24                 ments to accomplishing the goal described  
25                 in subparagraph (D)(v); and

1                   “(ii) any recommendations for legisla-  
2                   tion to accomplish the goal.

3                   “(4) VALUATION.—Notwithstanding paragraphs  
4                   (2) through (5) of subsection (d) of section 206 of  
5                   the Federal Land Policy and Management Act of  
6                   1976 (43 U.S.C. 1716(d)), if, within 180 days after  
7                   the submission of an appraisal under subsection  
8                   (d)(1) of that section, the Secretary and the Com-  
9                   mission cannot agree to accept the findings of the  
10                  appraisal—

11                  “(A) the Secretary and the Commission  
12                  shall mutually agree to employ a process of bar-  
13                  gaining or some other process to determine the  
14                  values of the land involved in the exchange;

15                  “(B) the appraisal shall be submitted to an  
16                  arbiter appointed by the Secretary from a list  
17                  of arbitrators submitted to the Secretary by the  
18                  American Arbitration Association for arbitra-  
19                  tion; and

20                  “(C) although the decision of the arbiter  
21                  under subparagraph (B) shall be nonbinding,  
22                  the decision may be used by the Secretary and  
23                  the Commission as a valid appraisal for—

24                  “(i) a period of 2 years; and

1                   “(ii) on mutual agreement of the Sec-  
2                   retary and the Commission, an additional  
3                   2-year period; or

4                   “(D) on mutual agreement of the Sec-  
5                   retary and the Commission, the valuation proc-  
6                   ess shall be suspended or modified.

7                   “(5) TREATMENT OF LAND USE RESTRICTIONS  
8                   AND PENDING APPLICATIONS.—For the purposes of  
9                   this title—

10                   “(A) the Secretary shall not exclude par-  
11                   cels from exchanges because the parcels are  
12                   subject to designations or pending land use ap-  
13                   plications, including applications for the devel-  
14                   opment of renewable energy;

15                   “(B) all Federal land and State land pro-  
16                   posed for exchange or sale shall be valued—

17                   “(i) according to fair market value;

18                   “(ii) in accordance with section  
19                   206(d) of the Federal Land Policy and  
20                   Management Act of 1976 (43 U.S.C.  
21                   1716(d)); and

22                   “(iii) without regard to—

23                   “(I) pending land use applica-  
24                   tions;

1                   “(II) renewable energy designa-  
2                   tions; or

3                   “(III) any land use restrictions  
4                   on adjacent land.

5                   “(6) COOPERATION AGREEMENTS.—The Sec-  
6                   retary may—

7                   “(A) enter into such joint agreements with  
8                   the General Services Administration and the  
9                   Commission as the Secretary determines to be  
10                  necessary to facilitate land exchanges, including  
11                  agreements that establish accounting mecha-  
12                  nisms—

13                  “(i) to be used for tracking the dif-  
14                  ferential in dollar value of land conveyed in  
15                  a series of transactions; and

16                  “(ii) that, notwithstanding part 2200  
17                  of title 43, Code of Federal Regulations (or  
18                  successor regulations), may carry out-  
19                  standing cumulative credit balances until  
20                  the completion of the land exchange proc-  
21                  ess developed under paragraph (1); and

22                  “(B) to the extent that the agreement does  
23                  not conflict with this section, continue using the  
24                  agreement entitled ‘Memorandum of Agreement  
25                  Between California State Lands Commission,

1           General Services Administration, and the De-  
2           partment of the Interior Regarding: Implemen-  
3           tation of the California Desert Protection Act',  
4           which became effective on November 7, 1995.

5           “(7) EXISTING LAW.—Except as otherwise pro-  
6           vided in this section, nothing in this section super-  
7           sede or limits section 707.

8           “(8) STATE LAND LEASES.—

9           “(A) IN GENERAL.—The Secretary shall  
10          manage any State land described in subpara-  
11          graph (B) in accordance with the terms and  
12          conditions of the applicable State lease agree-  
13          ment for the duration of the lease, subject to  
14          applicable laws (including regulations).

15          “(B) DESCRIPTION OF STATE LAND.—The  
16          State land referred to in subparagraph (A) is  
17          any State land within the Conservation Area  
18          that is subject to a lease or permit on the date  
19          of enactment of this title that is transferred to  
20          the Federal Government.

21          “(C) EXPIRATION OF LEASE.—On the ex-  
22          piration of a State lease referred to in subpara-  
23          graph (A), the Secretary shall provide lessees  
24          with the opportunity to seek Federal permits to  
25          continue the existing use of the State land with-



1 out further action otherwise required under the  
2 National Environmental Policy Act of 1969 (42  
3 U.S.C. 4321 et seq.).

4 “(D) APPLICABLE LAW.—Except as other-  
5 wise provided in this section, any State land  
6 transferred to the United States under this sec-  
7 tion shall be managed in accordance with all  
8 laws (including regulations) and rules applicable  
9 to the public land adjacent to the transferred  
10 State land.

11 “(c) TWENTYNINE PALMS MARINE CORP BASE.—

12 “(1) IN GENERAL.—The Secretary and the Sec-  
13 retary of Defense, in consultation and in cooperation  
14 with the California State Lands Commission, shall  
15 develop a process to purchase or exchange parcels of  
16 State land within the area of expansion and land use  
17 restrictions planned for the Twentynine Palms Ma-  
18 rine Corp Base.

19 “(2) REQUIREMENTS.—The process developed  
20 under paragraph (1) for exchanged parcels of State  
21 land shall provide the California State Lands Com-  
22 mission with consolidated land holdings sufficient to  
23 make the land viable for commercial or recreational  
24 uses, including renewable energy development, off-

1 highway vehicle recreation, or State infrastructure  
2 or resource needs.

3 “(3) APPLICABLE LAW.—An exchange of land  
4 under this subsection shall be subject to the require-  
5 ments of subsection (b).

6 “(d) HOLTVILLE AIRPORT, IMPERIAL COUNTY.—

7 “(1) IN GENERAL.—On the submission of an  
8 application by Imperial County, California, the Sec-  
9 retary of Transportation shall, in accordance with  
10 section 47125 of title 49, United States Code, and  
11 section 2641.1 of title 43, Code of Federal Regula-  
12 tions (or successor regulations) seek a conveyance  
13 from the Secretary of approximately 3,500 acres of  
14 Bureau of Land Management land adjacent to the  
15 Imperial County Holtville Airport (L04) for the pur-  
16 poses of airport expansion.

17 “(2) SEGREGATION.—The Secretary (acting  
18 through the Director of the Bureau of Land Man-  
19 agement) shall, with respect to the land to be con-  
20 veyed under paragraph (1)—

21 “(A) segregate the land; and

22 “(B) prohibit the appropriation of the land  
23 until—

24 “(i) the date on which a notice of re-  
25 alty action terminates the application; or

1                   “(ii) the date on which a document of  
2                   conveyance is published.

3           “(e) NEEDLES SOLAR RESERVE, SAN BERNARDINO  
4 COUNTY.—

5           “(1) IN GENERAL.—The Secretary shall grant  
6           to the Commission a right of first refusal to ex-  
7           change the State land described in paragraph (2) for  
8           Bureau of Land Management land identified for dis-  
9           posal.

10          “(2) SECONDARY RIGHT OF REFUSAL.—If the  
11          Commission declines to exchange State land for Bu-  
12          reau of Land Management land identified for dis-  
13          posal within the city limits of Needles, California,  
14          the City of Needles shall have a secondary right of  
15          refusal to acquire the land.

16 **“SEC. 1902. MILITARY ACTIVITIES.**

17          “Nothing in this Act—

18                 “(1) restricts or precludes Department of De-  
19                 fense motorized access by land or air—

20                         “(A) to respond to an emergency within a  
21                         wilderness area designated by this Act; or

22                         “(B) to control access to the emergency  
23                         site;

1           “(2) prevents nonmechanized military training  
2 activities previously conducted on wilderness areas  
3 designated by this title that are consistent with—

4                   “(A) the Wilderness Act (16 U.S.C. 1131  
5 et seq.); and

6                   “(B) all applicable laws (including regula-  
7 tions);

8           “(3) restricts or precludes low-level overflights  
9 of military aircraft over the areas designated as wil-  
10 derness, national monuments, special management  
11 areas, or recreation areas by this Act, including mili-  
12 tary overflights that can be seen or heard within the  
13 designated areas;

14           “(4) restricts or precludes flight testing and  
15 evaluation in the areas described in paragraph (3);  
16 or

17           “(5) restricts or precludes the designation or  
18 creation of new units of special use airspace, or the  
19 establishment of military flight training routes, over  
20 the areas described in paragraph (3).

21 **“SEC. 1903. CLIMATE CHANGE AND WILDLIFE CORRIDORS.**

22           “(a) IN GENERAL.—The Secretary shall—

23                   “(1) assess the impacts of climate change on  
24 the Conservation Area; and

1           “(2) establish policies and procedures to ensure  
2 the preservation of wildlife corridors and facilitate  
3 species migration likely to occur due to climate  
4 change.

5           “(b) STUDY.—

6           “(1) IN GENERAL.—As soon as practicable, but  
7 not later than 2 years, after the date of enactment  
8 of this title, the Secretary shall complete a study re-  
9 garding the impact of global climate change on the  
10 Conservation Area.

11           “(2) COMPONENTS.—The study under para-  
12 graph (1) shall—

13                   “(A) identify the species migrating, or like-  
14 ly to migrate, due to climate change;

15                   “(B) examine the impacts and potential  
16 impacts of climate change on—

17                           “(i) plants, insects, and animals;

18                           “(ii) soil;

19                           “(iii) air quality;

20                           “(iv) water quality and quantity; and

21                           “(v) species migration and survival;

22                   “(C) identify critical wildlife and species  
23 migration corridors recommended for preserva-  
24 tion; and

1           “(D) include recommendations for ensur-  
2           ing the biological connectivity of public land  
3           managed by the Secretary and the Secretary of  
4           Defense throughout the Conservation Area.

5           “(3) RIGHTS-OF-WAY.—The Secretary shall  
6           consider the information and recommendations of  
7           the study under paragraph (1) to determine the in-  
8           dividual and cumulative impacts of rights-of-way for  
9           projects in the Conservation Area, in accordance  
10          with—

11                   “(A) the National Environmental Policy  
12                   Act of 1969 (42 U.S.C. 4321 et seq.);

13                   “(B) the Endangered Species Act of 1973  
14                   (16 U.S.C. 1531 et seq.); and

15                   “(C) any other applicable law.

16          “(c) LAND MANAGEMENT PLANS.—The Secretary  
17          shall incorporate into all land management plans applica-  
18          ble to the Conservation Area the findings and rec-  
19          ommendations of the study completed under subsection  
20          (b).

21          **“SEC. 1904. PROHIBITED USES OF DONATED AND AC-**  
22                   **QUIRED LAND.**

23                   “(a) DEFINITIONS.—In this section:

24                           “(1) ACQUIRED LAND.—The term ‘acquired  
25                           land’ means any land acquired for the Conservation

1 Area using amounts from the Land and Water Con-  
2 servation Fund established under section 2 of the  
3 Land and Water Conservation Fund Act of 1965  
4 (16 U.S.C. 4601–5).

5 “(2) DONATED LAND.—The term ‘donated  
6 land’ means any private land donated to the United  
7 States for conservation purposes in the Conservation  
8 Area.

9 “(3) DONOR.—The term ‘donor’ means an indi-  
10 vidual or entity that donates private land within the  
11 Conservation Area to the United States.

12 “(4) SECRETARY.—The term ‘Secretary’ means  
13 the Secretary of the Interior, acting through the Di-  
14 rector of the Bureau of Land Management.

15 “(b) PROHIBITIONS.—Except as provided in sub-  
16 section (c), there shall be prohibited with respect to do-  
17 nated land or acquired land—

18 “(1) disposal; or

19 “(2) any land use authorization that would re-  
20 sult in appreciable damage or disturbance to the  
21 public lands, including—

22 “(A) rights-of-way;

23 “(B) leases;

24 “(C) livestock grazing;

25 “(D) infrastructure development;

1           “(E) mineral entry;

2           “(F) off-highway vehicle use, except on—

3                 “(i) designated routes;

4                 “(ii) off-highway vehicle areas des-  
5           gnated by law; and

6                 “(iii) administratively-designated open  
7           areas; and

8           “(G) any other activities that would create  
9           impacts contrary to the conservation purposes  
10          for which the land was donated or acquired.

11         “(c) EXCEPTIONS.—

12                 “(1) AUTHORIZATION BY SECRETARY.—Subject  
13          to paragraph (2), the Secretary may authorize lim-  
14          ited exceptions to prohibited uses of donated land or  
15          acquired land in the Conservation Area if—

16                 “(A) an applicant has submitted a right-of-  
17          way use application to the Bureau of Land  
18          Management proposing renewable energy devel-  
19          opment on the donated land or acquired land on  
20          or before December 1, 2009; or

21                 “(B) after the completion of an analysis  
22          under the National Environmental Policy Act of  
23          1969 (42 U.S.C. 4321 et seq.), including full  
24          public participation in the analysis, the Sec-  
25          retary has determined that—



1           “(i) the use of the donated land or ac-  
2           quired land is in the public interest;

3           “(ii) the impacts of the use are fully  
4           and appropriately mitigated; and

5           “(iii) the land was donated or ac-  
6           quired on or before December 1, 2009.

7           “(2) CONDITIONS.—

8           “(A) IN GENERAL.—If the Secretary  
9           grants an exception to the prohibition under  
10          paragraph (1), the Secretary shall require the  
11          permittee to acquire and donate comparable  
12          private land to the United States to mitigate  
13          the use.

14          “(B) APPROVAL.—The private land to be  
15          donated under subparagraph (A) shall be ap-  
16          proved by the Secretary after consultation, to  
17          the maximum extent practicable, with the donor  
18          of the private land proposed for non-conserva-  
19          tion uses.

20          “(d) EXISTING AGREEMENTS.—Nothing in this sec-  
21          tion affects permitted or prohibited uses of donated land  
22          or acquired land in the Conservation Area established in  
23          any easements, deed restrictions, memoranda of under-  
24          standing, or other agreements in existence on the date of  
25          enactment of this title.

1       “(e) DEED RESTRICTIONS.—The Secretary may ac-  
2 cept deed restrictions requested by donors for land do-  
3 nated to the United States within the Conservation Area  
4 after the date of enactment of this title.

5 **“SEC. 1905. TRIBAL USES AND INTERESTS.**

6       “(a) ACCESS.—The Secretary shall ensure access to  
7 areas designated under this Act by members of Indian  
8 tribes for traditional cultural and religious purposes, con-  
9 sistent with applicable law, including Public Law 95–341  
10 (commonly known as the “American Indian Religious  
11 Freedom Act”) (42 U.S.C. 1996).

12       “(b) TEMPORARY CLOSURE.—

13               “(1) IN GENERAL.—In accordance with applica-  
14 ble law, including Public Law 95–341 (commonly  
15 known as the “American Indian Religious Freedom  
16 Act”) (42 U.S.C. 1996), and subject to paragraph  
17 (2), the Secretary, on request of an Indian tribe or  
18 Indian religious community, shall temporarily close  
19 to general public use any portion of an area des-  
20 ignated as a national monument, special manage-  
21 ment area, wild and scenic river, or National Park  
22 System unit under this Act (referred to in this sub-  
23 section as a ‘designated area’) to protect the privacy  
24 of traditional cultural and religious activities in the

1 designated area by members of the Indian tribe or  
2 Indian religious community.

3 “(2) LIMITATION.—In closing a portion of a  
4 designated area under paragraph (1), the Secretary  
5 shall limit the closure to the smallest practicable  
6 area for the minimum period necessary for the tradi-  
7 tional cultural and religious activities.

8 “(c) TRIBAL CULTURAL RESOURCES MANAGEMENT  
9 PLAN.—

10 “(1) IN GENERAL.—Not later than 2 years  
11 after the date of enactment of this title, the Sec-  
12 retary of the Interior shall develop and implement a  
13 tribal cultural resources management plan to iden-  
14 tify, protect, and conserve cultural resources of In-  
15 dian tribes associated with the Xam Kwatchan Trail  
16 network extending from Avikwaame (Spirit Moun-  
17 tain, Nevada) to Avikwlal (Pilot Knob, California).

18 “(2) CONSULTATION.—The Secretary shall con-  
19 sult on the development and implementation of the  
20 tribal cultural resources management plan under  
21 paragraph (1) with—

22 “(A) each of—

23 “(i) the Chemehuevi Indian Tribe;

24 “(ii) the Hualapai Tribal Nation;

25 “(iii) the Fort Mojave Indian Tribe;

1                   “(iv) the Colorado River Indian  
2 Tribes;

3                   “(v) the Quechan Indian Tribe; and

4                   “(vi) the Cocopah Indian Tribe; and

5                   “(B) the Advisory Council on Historic  
6 Preservation.

7                   “(3) RESOURCE PROTECTION.—The tribal cul-  
8 tural resources management plan developed under  
9 paragraph (1) shall be—

10                   “(A) based on a completed tribal cultural  
11 resources survey; and

12                   “(B) include procedures for identifying,  
13 protecting, and preserving petroglyphs, ancient  
14 trails, intaglios, sleeping circles, artifacts, and  
15 other resources of cultural, archaeological, or  
16 historical significance in accordance with all ap-  
17 plicable laws and policies, including—

18                   “(i) the National Historic Preserva-  
19 tion Act (16 U.S.C. 470 et seq.);

20                   “(ii) Public Law 95–341 (commonly  
21 known as the ‘American Indian Religious  
22 Freedom Act’) (42 U.S.C. 1996);

23                   “(iii) the Archaeological Resources  
24 Protection Act of 1979 (16 U.S.C. 470aa  
25 et seq.);

1                   “(iv) the Native American Graves  
2                   Protection and Repatriation Act (25  
3                   U.S.C. 3001 et seq.); and

4                   “(v) Public Law 103–141 (commonly  
5                   known as the ‘Religious Freedom Restora-  
6                   tion Act of 1993’) (42 U.S.C. 2000bb et  
7                   seq.).

8                   “(d) WITHDRAWAL.—Subject to valid existing rights,  
9 all Federal land within the area administratively with-  
10 drawn and known as the ‘Indian Pass Withdrawal Area’  
11 is permanently withdrawn from—

12                   “(1) all forms of entry, appropriation, or dis-  
13                   posal under the public laws;

14                   “(2) location, entry, and patent under the min-  
15                   ing laws; and

16                   “(3) right-of-way leasing and disposition under  
17 all laws relating to mineral, solar, wind, and geo-  
18 thermal energy.”.

19                   (b) CONFORMING AMENDMENTS.—

20                   (1) SHORT TITLE.—Section 1 of the California  
21 Desert Protection Act of 1994 (16 U.S.C. 410aaa  
22 note) is amended by striking “1 and 2, and titles I  
23 through IX” and inserting “1, 2, and 3, titles I  
24 through IX, and titles XIII through XIX”.

1           (2) DEFINITIONS.—The California Desert Pro-  
 2           tection Act of 1994 (Public Law 103–433; 108 Stat.  
 3           4481) is amended by inserting after section 2 the  
 4           following:

5 **“SEC. 3. DEFINITIONS.**

6           “In titles XIII through XIX:

7           “(1) CONSERVATION AREA.—The term ‘Con-  
 8           servation Area’ means the California Desert Con-  
 9           servation Area.

10           “(2) SECRETARY.—The term ‘Secretary’  
 11           means—

12                   “(A) with respect to land under the juris-  
 13                   diction of the Secretary of the Interior, the Sec-  
 14                   retary of the Interior; and

15                   “(B) with respect to land under the juris-  
 16                   diction of the Secretary of Agriculture, the Sec-  
 17                   retary of Agriculture.

18           “(3) STATE.—The term ‘State’ means the State  
 19           of California.”.

20           (3) ADMINISTRATION OF WILDERNESS  
 21           AREAS.—Section 103 of the California Desert Pro-  
 22           tection Act of 1994 (Public Law 103–433; 108 Stat.  
 23           4481) is amended—

24                   (A) by striking subsection (d) and insert-  
 25                   ing the following:

1 “(d) NO BUFFER ZONES.—

2 “(1) IN GENERAL.—Congress does not intend  
3 for the designation of wilderness areas by this Act—

4 “(A) to require the additional regulation of  
5 land adjacent to the wilderness areas; or

6 “(B) to lead to the creation of protective  
7 perimeters or buffer zones around the wilder-  
8 ness areas.

9 “(2) NONWILDERNESS ACTIVITIES.—Any non-  
10 wilderness activities (including renewable energy  
11 projects, mining, camping, hunting, and military ac-  
12 tivities) in areas immediately adjacent to the bound-  
13 ary of a wilderness area designated by this Act shall  
14 not be restricted or precluded by this Act, regardless  
15 of any actual or perceived negative impacts of the  
16 nonwilderness activities on the wilderness area, in-  
17 cluding any potential indirect impacts of nonwilder-  
18 ness activities conducted outside the designated wil-  
19 derness area on the viewshed, ambient noise level, or  
20 air quality of wilderness area.”;

21 (B) in subsection (f), by striking “des-  
22 ignated by this title and” inserting “, potential  
23 wilderness areas, special management areas,  
24 and national monuments designated by this title  
25 or titles XIII through XIX”; and

1 (C) in subsection (g), by inserting “, a po-  
2 tential wilderness area, a special management  
3 areas, or national monument” before “by this  
4 Act”.

5 (4) MOJAVE NATIONAL PRESERVE.—Title V of  
6 the California Desert Protection Act of 1994 (16  
7 U.S.C. 410aaa–41 et seq.) is amended by adding at  
8 the end the following:

9 **“SEC. 520. NATIVE GROUNDWATER SUPPLIES.**

10 “The Director of the Bureau of Land Management  
11 shall not access or process any application for a right-of-  
12 way for development projects that propose to use native  
13 groundwater from aquifers adjacent to the Mojave Na-  
14 tional Preserve that individually or collectively, in com-  
15 bination with proposed or anticipated projects on private  
16 land, require the use of native groundwater in excess of  
17 the estimated recharge rate as determined by the United  
18 States Geological Survey.”.

19 (5) AMENDMENTS TO THE CALIFORNIA MILI-  
20 TARY LANDS WITHDRAWAL AND OVERFLIGHTS ACT  
21 OF 1994.—

22 (A) FINDINGS.—Section 801(b)(2) of the  
23 California Military Lands Withdrawal and  
24 Overflights Act of 1994 (16 U.S.C. 410aaa–82  
25 note) is amended by inserting “, national monu-



1           ments, special management areas, potential wil-  
2           derness areas,” before “and wilderness areas”.

3           (B) OVERFLIGHTS; SPECIAL AIRSPACE.—  
4           Section 802 of the California Military Lands  
5           Withdrawal and Overflights Act of 1994 (16  
6           U.S.C. 410aaa–82) is amended—

7                   (i) in subsection (a), by inserting “,  
8                   national monuments, or special manage-  
9                   ment areas” before “designated by this  
10                  Act”;

11                   (ii) in subsection (b), by inserting “,  
12                   national monuments, or special manage-  
13                   ment areas” before “designated by this  
14                  Act”; and

15                   (iii) by adding at the end the fol-  
16                  lowing:

17           “(d) DEPARTMENT OF DEFENSE FACILITIES.—  
18           Nothing in this Act alters any authority of the Secretary  
19           of Defense to conduct military operations at installations  
20           and ranges within the California Desert Conservation  
21           Area that are authorized under any other provision of  
22           law.”.

23   **SEC. 102. DESIGNATION OF WILD AND SCENIC RIVERS.**

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

1           (1) in paragraph (196), by striking subpara-  
2 graph (A) and inserting the following:

3           “(A)(i) The approximately 1.4-mile seg-  
4 ment of the Amargosa River in the State of  
5 California, from the private property boundary  
6 in sec. 19, T. 22 N., R. 7 E., to 100 feet down-  
7 stream of Highway 178, to be administered by  
8 the Secretary of the Interior as a scenic river  
9 as an addition to the Amargosa Wild and Sce-  
10 nic River on publication by the Secretary of the  
11 Interior of a notice in the Federal Register that  
12 sufficient inholdings within the boundaries of  
13 the segment have been acquired as scenic ease-  
14 ments or in fee title to establish a manageable  
15 addition to the Amargosa Wild and Scenic  
16 River.

17           “(ii) The approximately 6.1-mile segment  
18 of the Amargosa River in the State of Cali-  
19 fornia, from 100 feet downstream of the State  
20 Highway 178 crossing to 100 feet upstream of  
21 the Tecopa Hot Springs Road crossing, to be  
22 administered by the Secretary of the Interior as  
23 a scenic river.”; and

24           (2) by adding at the end the following:

1           “(208) SURPRISE CANYON CREEK, CALI-  
2           FORNIA.—

3           “(A) IN GENERAL.—The following seg-  
4           ments of Surprise Canyon Creek in the State of  
5           California, to be administered by the Secretary  
6           of the Interior:

7                   “(i) The approximately 5.3 miles of  
8                   Surprise Canyon Creek from the con-  
9                   fluence of Frenchman’s Canyon and Water  
10                  Canyon to 100-feet upstream of Chris  
11                  Wicht Camp, as a wild river.

12                  “(ii) The approximately 1.8 miles of  
13                  Surprise Canyon Creek from 100 feet up-  
14                  stream of Chris Wicht Camp to the south-  
15                  ern boundary of sec. 14, T. 21 N., R. 44  
16                  E., as a recreational river.

17           “(B) EFFECT ON HISTORIC MINING STRUC-  
18           TURES.—Nothing in this paragraph affects the  
19           historic mining structures associated with the  
20           former Panamint Mining District.

21           “(209) DEEP CREEK, CALIFORNIA.—

22           “(A) IN GENERAL.—The following seg-  
23           ments of Deep Creek in the State of California,  
24           to be administered by the Secretary of Agri-  
25           culture:

1           “(i) The approximately 6.5-mile seg-  
2           ment from 0.125 mile downstream of the  
3           Rainbow Dam site in sec. 33, T. 2 N., R.  
4           2 W., to 0.25-miles upstream of the Road  
5           3N34 crossing, as a wild river.

6           “(ii) The 0.5-mile segment from 0.25  
7           mile upstream of the Road 3N34 crossing  
8           to 0.25 mile downstream of the Road  
9           3N34 crossing, as a scenic river.

10          “(iii) The 2.5-mile segment from 0.25  
11          miles downstream of the Road 3 N. 34  
12          crossing to 0.25 miles upstream of the  
13          Trail 2W01 crossing, as a wild river.

14          “(iv) The 0.5-mile segment from 0.25  
15          miles upstream of the Trail 2W01 crossing  
16          to 0.25 mile downstream of the Trail  
17          2W01 crossing, as a scenic river.

18          “(v) The 10-mile segment from 0.25  
19          miles downstream of the Trail 2W01 cross-  
20          ing to the upper limit of the Mojave dam  
21          flood zone in sec. 17, T. 3 N., R. 3 W., as  
22          a wild river.

23          “(vi) The 11-mile segment of Hol-  
24          comb Creek from 100 yards downstream of  
25          the Road 3N12 crossing to .25 miles down-

1 stream of Holcomb Crossing, as a rec-  
2 reational river.

3 “(vii) The 3.5-mile segment of the  
4 Holcomb Creek from 0.25 miles down-  
5 stream of Holcomb Crossing to the Deep  
6 Creek confluence, as a wild river.

7 “(B) EFFECT ON SKI OPERATIONS.—Noth-  
8 ing in this paragraph affects—

9 “(i) the operations of the Snow Valley  
10 Ski Resort; or

11 “(ii) the State regulation of water  
12 rights and water quality associated with  
13 the operation of the Snow Valley Ski Re-  
14 sort.

15 “(210) WHITEWATER RIVER, CALIFORNIA.—  
16 The following segments of the Whitewater River in  
17 the State of California, to be administered by the  
18 Secretary of Agriculture and the Secretary of the In-  
19 terior, acting jointly:

20 “(A) The 5.8-mile segment of the North  
21 Fork Whitewater River from the source of the  
22 River near Mt. San Gorgonio to the confluence  
23 with the Middle Fork, as a wild river.

24 “(B) The 6.4-mile segment of the Middle  
25 Fork Whitewater River from the source of the

1 River to the confluence with the South Fork, as  
2 a wild river.

3 “(C) The 1-mile segment of the South  
4 Fork Whitewater River from the confluence of  
5 the River with the East Fork to the section line  
6 between sections 32 and 33, T. 1 S., R. 2 E.,  
7 as a wild river.

8 “(D) The 1-mile segment of the South  
9 Fork Whitewater River from the section line be-  
10 tween sections 32 and 33, T. 1 S., R. 2 E., to  
11 the section line between sections 33 and 34, T.  
12 1 S., R. 2 E., as a recreational river.

13 “(E) The 4.9-mile segment of the South  
14 Fork Whitewater River from the section line be-  
15 tween sections 33 and 34, T. 1 S., R. 2 E., to  
16 the confluence with the Middle Fork, as a wild  
17 river.

18 “(F) The 5.4-mile segment of the main  
19 stem of the Whitewater River from the con-  
20 fluence of the South and Middle Forks to the  
21 San Gorgonio Wilderness boundary, as a wild  
22 river.

23 “(G) The 2.7-mile segment of the main  
24 stem of the Whitewater River from the San  
25 Gorgonio Wilderness boundary to the southern

1 boundary of section 26, T. 2 S., R. 3 E., as a  
 2 recreational river.”.

3 **TITLE II—DESERT RENEWABLE**  
 4 **ENERGY PERMITTING**

5 **SEC. 201. RENEWABLE ENERGY COORDINATION OFFICES**  
 6 **TO IMPROVE FEDERAL PERMIT COORDINA-**  
 7 **TION FOR RENEWABLE ENERGY.**

8 (a) IN GENERAL.—Section 365 of the Energy Policy  
 9 Act of 2005 (42 U.S.C. 15924) is amended—

10 (1) by redesignating subsection (j) as sub-  
 11 section (l); and

12 (2) by inserting after subsection (i) the fol-  
 13 lowing:

14 “(j) RENEWABLE ENERGY COORDINATION OFFICES  
 15 TO IMPROVE FEDERAL PERMIT COORDINATION FOR RE-  
 16 NEWABLE ENERGY.—

17 “(1) DEFINITION OF RENEWABLE ENERGY.—In  
 18 this subsection, the term ‘renewable energy’ means  
 19 energy derived from a wind, solar, renewable bio-  
 20 mass, or geothermal source.

21 “(2) FIELD AND DISTRICT OFFICES.—As part  
 22 of the Pilot Project, the Secretary shall designate at  
 23 least 1 field or district office of the Bureau of Land  
 24 Management in each of the following States to serve  
 25 as Renewable Energy Coordination Offices for co-

1 ordination of Federal permits for renewable energy  
2 projects and transmission lines to integrate renew-  
3 able energy:

4 “(A) Arizona.

5 “(B) California.

6 “(C) Colorado.

7 “(D) Idaho.

8 “(E) New Mexico.

9 “(F) Nevada.

10 “(G) Montana.

11 “(H) Oregon.

12 “(I) Utah.

13 “(J) Wyoming.

14 “(3) MEMORANDUM OF UNDERSTANDING.—

15 “(A) IN GENERAL.—Not later than 90  
16 days after the date of enactment of this sub-  
17 paragraph, for purposes of carrying out this  
18 subsection, the Secretary shall enter into a  
19 memorandum of understanding with the Sec-  
20 retary of Agriculture, the Chief of Engineers,  
21 and the Secretary of Defense to provide coordi-  
22 nated senior management review and detailed  
23 resources for the inclusion of the additional Re-  
24 newable Energy Coordination Offices in the  
25 Pilot Project.



1           “(B) CONTENTS.—The memorandum  
2 shall—  
3           “(i) address—  
4               “(I) processes for improving re-  
5 newable energy project review;  
6               “(II) timelines for environmental  
7 review of renewable energy projects;  
8               “(III) clear channels of commu-  
9 nication within and between depart-  
10 ments, agencies, and States; and  
11               “(IV) processes for facilitating  
12 siting and permitting of renewable en-  
13 ergy projects consistent with Federal  
14 and State climate and renewable en-  
15 ergy policy objectives;  
16           “(ii) establish a single multiagency,  
17 joint process under which renewable energy  
18 projects are—  
19               “(I) reviewed and approved, in-  
20 cluding the establishment of milestone  
21 schedules for each project;  
22               “(II) to the maximum extent  
23 practicable, coordinated and unified  
24 with any applicable State process; and

1                   “(III) to the maximum extent  
2                   practicable, reviewed with a lead agen-  
3                   cy responsible for establishing and en-  
4                   forcing schedules with which other  
5                   Federal agencies are required to com-  
6                   ply; and

7                   “(iii) establish a cooperative arrange-  
8                   ment between applicable Federal and State  
9                   resources agencies in which a single agency  
10                  is the lead permitting agency responsible  
11                  for coordinating with other applicable Fed-  
12                  eral and State agencies.

13                  “(C) SIGNATURE OF SECRETARY.—The  
14                  Secretary shall be a signatory of the memo-  
15                  randum of understanding.

16                  “(D) SIGNATURES BY GOVERNORS.—The  
17                  Secretary may request that the Governors of  
18                  each of the States described in paragraph (2)  
19                  be signatories to the memorandum of under-  
20                  standing.

21                  “(4) DESIGNATION OF QUALIFIED STAFF.—Not  
22                  later than 45 days after the date of the signing of  
23                  the amended memorandum of understanding, all  
24                  Federal signatory parties shall, if appropriate, as-  
25                  sign to each Renewable Energy Coordination Office

1 designated under paragraph (2) an employee de-  
2 scribed in subsection (c) responsible for carrying out  
3 duties described in that subsection.

4 “(5) ADDITIONAL PERSONNEL.—The Secretary  
5 shall assign to each Renewable Energy Coordination  
6 Office additional personnel under subsection (f).

7 “(6) ADMINISTRATION.—

8 “(A) IN GENERAL.—The manager of each  
9 Renewable Energy Coordination Office shall—

10 “(i) report to the Director of the Bu-  
11 reau of Land Management; and

12 “(ii) consult on a regular basis with  
13 the Director of the United States Fish and  
14 Wildlife Service.

15 “(B) LEAD OFFICE.—To the maximum ex-  
16 tent practicable, a Renewable Energy Coordina-  
17 tion Office shall serve as the lead office for  
18 processing utility scale wind and solar projects  
19 in a State with a Renewable Energy Coordina-  
20 tion Office.

21 “(k) DISTRIBUTION OF SOLAR AND WIND ENERGY  
22 INCOME.—

23 “(1) IN GENERAL.—Subject to paragraphs (2)  
24 through (4) and notwithstanding any other provision  
25 of law, for fiscal year 2009 and each fiscal year

1 thereafter, of the amount of income from solar and  
2 wind energy development collected by the Bureau of  
3 Land Management through an office designated  
4 under subsection (j)(2)—

5 “(A) 25 percent shall be paid by the Sec-  
6 retary of the Treasury to the 1 or more States  
7 within the boundaries of which the income is  
8 derived;

9 “(B) 25 percent shall be paid by the Sec-  
10 retary of the Treasury to the 1 or more coun-  
11 ties within which the income is derived;

12 “(C)(i) in the case of each of fiscal years  
13 2009 through 2020, 40 percent shall be depos-  
14 ited in a special fund in the Treasury, to be  
15 known as the ‘BLM Permit Processing Im-  
16 provement Fund’; and

17 “(ii) in the case of fiscal year 2021 and  
18 each fiscal year thereafter, 40 percent shall be  
19 deposited in the land and water conservation  
20 fund established under section 2 of the Land  
21 and Water Conservation Fund Act of 1965 (16  
22 U.S.C. 460l–5); and

23 “(D) 10 percent shall be deposited in a  
24 special fund in the Treasury, to be known as

1 the ‘Solar Energy Land Reclamation, Restora-  
2 tion, and Mitigation Fund’.

3 “(2) VALUATION.—If the Secretary intends to  
4 allow right-of-way use authorizations for the purpose  
5 of developing a wind or solar electricity generation  
6 project, the Secretary shall determine the fair mar-  
7 ket value of public land for the purpose of deter-  
8 mining income as follows:

9 “(A) The fair market value of public land  
10 used for solar energy projects shall be deter-  
11 mined by the Bureau of Land Management  
12 based on statistics of the National Agricultural  
13 Statistical Service.

14 “(B) The fair market value of public land  
15 used for wind energy projects shall be deter-  
16 mined in accordance with the fee schedule es-  
17 tablished by the Secretary, acting through the  
18 Bureau of Land Management.

19 “(3) SOLAR ENERGY LAND RECLAMATION, RES-  
20 TINATION, AND MITIGATION FUND.—

21 “(A) IN GENERAL.—Amounts in the Solar  
22 Energy Land Reclamation, Restoration, and  
23 Mitigation Fund under paragraph (1)(D) shall  
24 be available to the Secretary for the purpose  
25 of—

1           “(i) reclaiming and restoring public  
2 land used for the production of solar en-  
3 ergy, including land used for ancillary fa-  
4 cilities; and

5           “(ii) mitigating impacts of the produc-  
6 tion on public land, including protecting  
7 other sensitive public land if the land used  
8 for solar or wind power generation cannot  
9 be adequately restored without the use of  
10 funds made available under this para-  
11 graph, as determined by the Secretary.

12           “(B) MAXIMUM AMOUNT.—

13           “(i) IN GENERAL.—The total amount  
14 of funds deposited in the Solar Energy  
15 Land Reclamation, Restoration, and Miti-  
16 gation Fund under paragraph (1)(D) shall  
17 not exceed \$50,000,000.

18           “(ii) SURPLUS AMOUNTS.—If the total  
19 amount of funds deposited in the Solar  
20 Energy Land Reclamation, Restoration,  
21 and Mitigation Fund under paragraph  
22 (1)(D) is \$50,000,000, any additional  
23 amounts that would otherwise be deposited  
24 in the Fund under paragraph (1)(D) shall

1           remain in the general fund of the Treas-  
2           ury.

3           “(4) USE OF FUNDS BY STATE AND LOCAL  
4           GOVERNMENTS.—A State or local government re-  
5           ceiving funds under this subsection shall submit to  
6           the Secretary and the appropriate committees of  
7           Congress an annual report describing how the funds  
8           have been used to advance renewable energy, energy  
9           efficiency, and conservation.”.

10          (b) BLM PERMIT PROCESSING IMPROVEMENT  
11          FUND.—Section 35(c) of the Mineral Leasing Act (30  
12          U.S.C. 191(c)) is amended by striking paragraph (3) and  
13          inserting the following:

14                 “(3) AVAILABILITY OF FUND.—

15                         “(A) IN GENERAL.—For each of fiscal  
16                         years 2006 through 2020, the Fund shall be  
17                         available to the Secretary of the Interior for ex-  
18                         penditure, without further appropriation and  
19                         without fiscal year limitation, for—

20                                 “(i) the coordination and processing  
21                                 of oil and gas use authorizations on on-  
22                                 shore Federal land under the jurisdiction  
23                                 of the Pilot Project offices described in  
24                                 section 365(d) of the Energy Policy Act of  
25                                 2005 (42 U.S.C. 15924(d));

1           “(ii) the coordination and processing  
2 of renewable energy use authorizations on  
3 onshore Federal land under title V of the  
4 Federal Land Policy and Management Act  
5 of 1976 (43 U.S.C. 1761 et seq.) and  
6 under the jurisdiction of the Renewable  
7 Energy Coordination Offices described in  
8 section 365(j) of the Energy Policy Act of  
9 2005 (42 U.S.C. 15924(j));

10           “(iii) the coordination and processing  
11 of permits, consultations, and habitat con-  
12 servation plans under the Endangered Spe-  
13 cies Act of 1973 (16 U.S.C. 1531 et seq.)  
14 by the United States Fish and Wildlife  
15 Service that are necessary to build renew-  
16 able energy projects on private land in the  
17 States described in paragraph (2)(A); and

18           “(iv) the coordination and processing  
19 of necessary permits required for wind and  
20 solar energy projects participating in the  
21 Mitigation Bank Program established  
22 under section 205(d)(1) of the California  
23 Desert Conservation, Recreation, and Re-  
24 newable Energy Act.



1           “(B) TRANSFER OF FUNDS.—For the pur-  
2           poses of coordination and processing of renew-  
3           able energy permits required for renewable en-  
4           ergy projects described in subparagraph (A),  
5           the Secretary may authorize the expenditure or  
6           transfer of funds from the BLM Permit Proc-  
7           essing Improvement Fund as necessary to—

8                   “(i) the United States Fish and Wild-  
9                   life Service;

10                   “(ii) the Bureau of Indian Affairs;

11                   “(iii) the Forest Service;

12                   “(iv) the Environmental Protection  
13                   Agency;

14                   “(v) the Corps of Engineers; and

15                   “(vi) the States of Arizona, California,  
16                   Colorado, Idaho, Montana, Nevada, New  
17                   Mexico, Oregon, Utah, and Wyoming (for  
18                   costs incurred by the States relating to the  
19                   permitting process).”.

20 **SEC. 202. DEADLINES FOR CONSIDERATION OF APPLICA-**  
21 **TIONS FOR WIND AND SOLAR ENERGY RIGHT-**  
22 **OF-WAY USE AUTHORIZATIONS.**

23           (a) PURPOSES.—The purposes of this section are—

24                   (1) to eliminate expeditiously the backlog of  
25                   right-of-way use applications that propose wind and

1 solar energy development on land located in the  
2 western region of the United States;

3 (2) to establish a procedure for focusing the re-  
4 sources of the Federal Government on the most eco-  
5 nomically and environmentally viable renewable en-  
6 ergy development proposals; and

7 (3) to provide guidance to the Department of  
8 the Interior to dismiss or defer renewable energy de-  
9 velopment proposals that are not viable.

10 (b) APPLICATION PROCESS.—Not later than 60 days  
11 after the later of the date of enactment of this Act or the  
12 date on which the Secretary of the Interior (referred to  
13 in this section as the “Secretary”) receives a right-of-way  
14 application for an authorization to construct a wind or  
15 solar electricity generation facility in the State of Arizona,  
16 California, Colorado, Idaho, Montana, Nevada, New Mex-  
17 ico, Oregon, Utah, or Wyoming, the Secretary shall—

18 (1) notify the applicant that the application—

19 (A) is complete; and

20 (B) has met the requirements necessary  
21 for the Secretary—

22 (i) to issue a notice of intent to evalu-  
23 ate the project under the National Envi-  
24 ronmental Policy Act of 1969 (42 U.S.C.  
25 4321 et seq.); or

1 (ii) to evaluate the project under that  
2 Act under provisions of law that do not re-  
3 quire a notice to be issued; or

4 (2) provide to the applicant a notice—

5 (A) to inform the applicant that the review  
6 of the application of the applicant under the  
7 National Environmental Policy Act of 1969 (42  
8 U.S.C. 4321 et seq.) has been deferred because  
9 the application of the applicant is incomplete;  
10 and

11 (B) that contains a description of the in-  
12 formation that is required by the Secretary to  
13 consider the application to be complete, includ-  
14 ing—

15 (i) a description of each action that  
16 the applicant may take (including any ap-  
17 plicable time line or deadline for com-  
18 pleting each action in a manner acceptable  
19 to the Secretary) for the right-of-way use  
20 authorization application to be considered  
21 complete for purposes of evaluation under  
22 subparagraph (A), including—

23 (I) the adequate completion of  
24 any necessary cultural or biological  
25 survey, as necessary under—

1 (aa) the Endangered Species  
2 Act of 1973 (16 U.S.C. 1531 et  
3 seq.);

4 (bb) the Act of June 8,  
5 1906 (16 U.S.C. 431 et seq.);  
6 and

7 (cc) the National Historic  
8 Preservation Act (16 U.S.C. 470  
9 et seq.);

10 (II) the filing of a plan of devel-  
11 opment adequate for the initiation of  
12 environmental review;

13 (III) the acceptance of an appli-  
14 cation for an interconnection agree-  
15 ment with an electrical grid operator  
16 that is registered with the North  
17 American Electric Reliability Corpora-  
18 tion; and

19 (IV) the establishment of an ade-  
20 quate plan that contains a description  
21 of the manner by which the applicant  
22 will obtain sufficient water for the  
23 project that is the subject of the ap-  
24 plication; and

1                   (ii) a description of each action that  
2                   the Bureau of Land Management (as lead  
3                   Federal permitting agency) and the United  
4                   States Fish and Wildlife Service shall take  
5                   to achieve compliance with each applicable  
6                   law (including regulations), including any  
7                   applicable time line or deadline for com-  
8                   pleting each action.

9           (c) REQUIREMENTS FOR DEFERRED APPLICA-  
10 TIONS.—If the Secretary provides to an applicant a notice  
11 under subsection (b)(2), not later than 30 days after the  
12 date of receipt of the notice by the applicant or 30 days  
13 after each deadline established in the notice to the appli-  
14 cant (whichever is applicable), the applicant shall com-  
15 plete, in a manner acceptable to the Secretary, each re-  
16 quirement specified by the Secretary (including submitting  
17 to the Secretary any information that the Secretary deter-  
18 mines to be necessary to achieve compliance with the Na-  
19 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
20 et seq.)).

21           (d) ISSUANCE OF NOTICE REGARDING EVALUA-  
22 TION.—Not later than 30 days after the date on which  
23 an applicant for a right-of-way use authorization described  
24 in subsection (b) has submitted to the Secretary a com-  
25 plete application, the Secretary shall issue a notice of in-

1 tent to evaluate the right-of-way use authorization applica-  
2 tion under—

3 (1) the National Environmental Policy Act of  
4 1969 (42 U.S.C. 4321 et seq.); and

5 (2) any other applicable environmental law (in-  
6 cluding regulations)

7 (e) REQUIREMENTS FOR ENVIRONMENTAL RE-  
8 VIEW.—

9 (1) ENVIRONMENTAL REVIEW.—

10 (A) IN GENERAL.—Subject to subpara-  
11 graph (C), if the Secretary issues a notice of in-  
12 tent under subsection (d) to evaluate the right-  
13 of-way use authorization application of an ap-  
14 plicant under the National Environmental Pol-  
15 icy Act of 1969 (42 U.S.C. 4321 et seq.), not  
16 later than 15 months after the date on which  
17 the notice of intent is issued, the Secretary  
18 shall issue a final environmental impact state-  
19 ment or an environmental assessment regarding  
20 the right-of-way use authorization application.

21 (B) DEADLINES.—Subject to subpara-  
22 graph (C), if the Secretary, acting through the  
23 Bureau of Land Management, issues a notice of  
24 intent under subsection (d) to evaluate the  
25 right-of-way use authorization application of an

1 applicant, the Bureau of Land Management  
2 and the United States Fish and Wildlife Service  
3 shall complete consultation in compliance with  
4 the deadlines established under section 7(b) of  
5 the Endangered Species Act of 1973 (16 U.S.C.  
6 1536(b)).

7 (C) DETERMINATION OF SECRETARY.—If  
8 the Secretary determines that compliance with  
9 the National Environmental Policy Act of 1969  
10 (42 U.S.C. 4321 et seq.) and any other applica-  
11 ble law (including regulations) cannot be  
12 achieved by the date described in subparagraph  
13 (A) or (B), the Secretary—

14 (i) shall inform the applicant (in rea-  
15 sonable detail) of the reasons for the delay;  
16 and

17 (ii) may issue the environmental im-  
18 pact statement or environmental assess-  
19 ment on a later date.

20 (2) ISSUANCE OF DECISION ON RIGHT-OF-WAY  
21 USE AUTHORIZATION APPLICATION.—Not later than  
22 90 days after the date of completion by the Sec-  
23 retary of an environmental impact statement or en-  
24 vironmental assessment of a right-of-way use author-  
25 ization application under paragraph (1)(A), the Sec-

1       retary shall accept or deny the right-of-way use au-  
2       thorization application.

3       (f) DENIAL OF RIGHT-OF-WAY USE AUTHORIZATION  
4       APPLICATIONS.—

5             (1) IN GENERAL.—Subject to paragraph (2),  
6       the Secretary shall deny the right-of-way use author-  
7       ization application of an applicant if the applicant—

8             (A) fails to meet any deadline established  
9             by the Secretary under this section;

10            (B) submits materials that, as determined  
11            by the Secretary, are inadequate to process the  
12            application expeditiously;

13            (C) proposes development in an area that  
14            the Secretary determines—

15               (i) is not open to multiple uses; or

16               (ii) is a low priority area for develop-  
17               ment; or

18            (D) fails to comply with any applicable law  
19            (including regulations).

20            (2) WEATHER EVENTS; ACTS OF GOD.—The  
21       Secretary may grant extensions to applications sub-  
22       ject to denial under paragraph (1) if the failure of  
23       the applicant resulted from an administrative action,  
24       weather event, or other act of God that the Sec-



1       retary determines to be beyond the control of the ap-  
2       plicant.

3               (3) AUTHORITY TO DENY OR PRIORITIZE RIGHT  
4       OF WAY AUTHORIZATION APPLICATIONS BASED ON  
5       SITE CONFLICTS.—

6               (A) DEFINITION OF HIGH PUBLIC RE-  
7       SOURCE CONFLICT.—In this paragraph, the  
8       term “high public resource conflict” means an  
9       expected impact to public resource values (in-  
10      cluding wilderness quality land (other than vis-  
11      ual and noise impacts), threatened and endan-  
12      gered species and habitat of the species, State-  
13      listed species, sensitive species listed by the Bu-  
14      reau of Land Management, ground water re-  
15      sources, and cultural and historic resources)  
16      that, as determined by the Secretary, cannot be  
17      addressed through the use of best management  
18      practices or other measures.

19              (B) AUTHORITY.—At any time after a  
20      right-of-way use authorization application has  
21      been filed, the Secretary may—

22                      (i) deny a right-of-way use authoriza-  
23                      tion application that proposes development  
24                      in an area in which the proposed develop-  
25                      ment will result in a high public resource

1 conflict (based on the best available infor-  
2 mation); and

3 (ii) prioritize a right-of-way use au-  
4 thorization application that proposes re-  
5 newable energy development in an area in  
6 which the proposed development will not  
7 result in a high public resource conflicts  
8 (based on the best available information)  
9 and will access existing electric trans-  
10 mission and utility corridor rights-of-way.

11 (C) RELATIONSHIP TO GOALS.—Nothing in  
12 this paragraph affects the goals established  
13 under section 211 of the Energy Policy Act of  
14 2005 (Public Law 109–58; 119 Stat. 660).

15 (g) BIENNIAL REPORTS.—Not later than 180 days  
16 after the date of enactment of this Act and twice a year  
17 thereafter, the Secretary shall submit to the appropriate  
18 committees of Congress a report that, for the period cov-  
19 ered by the report, contains—

20 (1) a description of each right-of-way use au-  
21 thorization application for which the applicant or the  
22 Secretary failed to meet a deadline under this sec-  
23 tion; and

24 (2) with respect to each application included  
25 under paragraph (1), a justification for why—

1 (A) the Secretary failed to meet a deadline  
2 under this section; or

3 (B) the Secretary has not rejected the ap-  
4 plication as a result of the applicant of the ap-  
5 plication failing to meet a deadline established  
6 by the Secretary under subsection (e).

7 (h) FEES.—

8 (1) IN GENERAL.—Upon acceptance of an ini-  
9 tial right-of-way use authorization application to  
10 construct a wind or solar facility on Federal land,  
11 the Secretary shall require the applicant to transfer  
12 to the Secretary a refundable deposit of an amount  
13 equal to not less than 50 percent of the amount that  
14 the Secretary estimates to be necessary for the Bu-  
15 reau of Land Management and United States Fish  
16 and Wildlife Service to complete the review of the  
17 right-of-way use authorization application.

18 (2) RETURN OF FUNDS.—If an applicant with-  
19 draws a right-of-way use authorization application  
20 accepted under paragraph (1), the Secretary shall  
21 transfer to the applicant the amount of the refund-  
22 able deposit that the Secretary has not used as of  
23 the date of the withdrawal of the application.

24 (i) NONAPPLICATION TO ROYALTY OR LEASING  
25 PILOT PROGRAM LAND.—This section shall not apply to

1 wind or solar development proposals for land designated  
2 as part of a pilot program established by the Secretary  
3 of the Interior to lease Federal land without pending  
4 right-of-way use authorizations or require royalty pay-  
5 ments in place of fair market rental fees.

6 **SEC. 203. PROGRAMMATIC ENVIRONMENTAL IMPACT**  
7 **STATEMENTS AND LAND USE PLANNING.**

8 (a) PUBLIC LAND.—Not later than 1 year after the  
9 date of enactment of this Act, the Secretary of the Interior  
10 shall—

11 (1) complete a programmatic environmental im-  
12 pact statement in accordance with the National En-  
13 vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
14 seq.)—

15 (A) to analyze the potential impacts of—

16 (i) a program to develop solar energy  
17 on land administered by the Secretary, act-  
18 ing through the Bureau of Land Manage-  
19 ment;

20 (ii) in consultation with the United  
21 States Fish and Wildlife Service, the des-  
22 ignation and full environmental evaluation  
23 of low conflict zones in which solar energy  
24 project development may be permitted  
25 after completion of a project level environ-

1                   mental assessment under the National En-  
2                   vironmental Policy Act of 1969 (42 U.S.C.  
3                   4321 et seq.); and

4                   (iii) any necessary amendments to  
5                   land use plans for the land; and

6                   (B) which shall include an assessment of  
7                   the optimal size, acreage, and technology of  
8                   solar projects; and

9                   (2) amend any land use plans as appropriate to  
10                  provide for the development of renewable energy in  
11                  areas considered appropriate by the Secretary, con-  
12                  sistent with the programmatic environmental impact  
13                  statements for wind and solar power completed by  
14                  the Secretary.

15                  (b) NATIONAL FOREST SYSTEM LAND.—As soon as  
16                  practicable but not later than 18 months after the date  
17                  of enactment of this Act, the Secretary of Agriculture  
18                  shall—

19                  (1) complete a programmatic environmental im-  
20                  pact statement in accordance with the National En-  
21                  vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
22                  seq.) to analyze the potential impacts of—

23                  (A) a program to develop solar, biomass,  
24                  and wind energy on National Forest System  
25                  land administered by the Secretary; and

1 (B) any necessary amendments to land use  
2 plans for the land; and

3 (2) amend any land use plans as appropriate to  
4 provide for the development of renewable energy in  
5 areas considered appropriate by the Secretary imme-  
6 diately on completion of the programmatic environ-  
7 mental impact statement.

8 (c) MILITARY INSTALLATIONS.—As soon as prac-  
9 ticable, but not later than 18 months, after the date of  
10 enactment of this Act, the Secretary of Defense shall—

11 (1) complete a programmatic environmental im-  
12 pact statement in accordance with the National En-  
13 vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
14 seq.) to analyze the potential impacts of—

15 (A) a program—

16 (i) to develop solar, wind, and geo-  
17 thermal energy, and associated electric  
18 transmission capacity, on military installa-  
19 tions administered by the Secretary of De-  
20 fense in the Mojave and Colorado Deserts  
21 of the States of Arizona, California, and  
22 Nevada, including withdrawn land; and

23 (ii) that is consistent with the training  
24 and other military needs of the Depart-  
25 ment of Defense; and

1 (B) any necessary amendments to base  
2 management plans or policies for the land; and  
3 (2) upon completion of the programmatic envi-  
4 ronmental impact statement under paragraph (1),  
5 amend any base management plan or policy that the  
6 Secretary of Defense determines to be appropriate to  
7 provide for the development of renewable energy in  
8 areas that the Secretary considers to be appropriate  
9 and consistent with the military mission of the De-  
10 partment of Defense.

11 **SEC. 204. MILITARY INSTALLATIONS STUDY.**

12 (a) IN GENERAL.—Not later than 1 year after the  
13 date of enactment of this Act, in accordance with sub-  
14 section (b), the Secretary of Defense (referred to in this  
15 section as the “Secretary”) shall complete a study to ana-  
16 lyze the potential impacts of a program to develop large-  
17 scale renewable electricity generation projects on land  
18 within the borders of a military installation under the ju-  
19 risdiction of the Secretary in the Mojave and Colorado  
20 Deserts of the States of California and Nevada.

21 (b) REQUIRED COMPONENTS.—In carrying out the  
22 study under subsection (a), the Secretary shall—

23 (1) determine the extent to which renewable en-  
24 ergy generation at military installations could be

1 conducted in a manner consistent with the military  
2 mission of the installations;

3 (2) estimate the solar energy generation poten-  
4 tial at each military installation in the study area on  
5 parcels of land that do not interfere with the mili-  
6 tary mission of the installation;

7 (3) describe current and proposed large-scale  
8 solar energy generation projects, the capacity of  
9 which are not less than 5 megawatts, on military in-  
10 stallations located in the Mojave and Colorado  
11 Deserts of the States of California and Nevada (in-  
12 cluding a time line for the completion of each  
13 project);

14 (4) determine if energy generation at a military  
15 installation would require significant new or up-  
16 graded electricity transmission capacity within the  
17 boundaries of the installation;

18 (5) complete an assessment of—

19 (A) the net financial, environmental, na-  
20 tional security, and other benefits of renewable  
21 energy development (including cost savings to  
22 the Department of Defense);

23 (B) the benefits of secure energy produc-  
24 tion at a military installation; and



1 (C) the impacts of renewable energy devel-  
2 opment on training and testing areas at a mili-  
3 tary installation;

4 (6) outline existing standards and requirements  
5 for on-installation solar development, and if prac-  
6 ticable, develop uniform procedures, for all facilities  
7 of the Department of Defense;

8 (7) identify differences among solar energy de-  
9 velopment on—

10 (A) land under the jurisdiction of the Sec-  
11 retary;

12 (B) Federal land other than the land de-  
13 scribed in subparagraph (A); and

14 (C) private land;

15 (8) identify Federal and State statutory and  
16 regulatory constraints to on-installation generation  
17 for off-installation use; and

18 (9) develop recommendations to facilitate and  
19 incentivize large-scale solar development on appro-  
20 priate land under the jurisdiction of the Secretary,  
21 to be implemented by individual installations and  
22 services and the Office of the Secretary.

23 **SEC. 205. HABITAT MITIGATION ZONES.**

24 (a) DEFINITIONS.—In this section:

1           (1) APPROPRIATE COMMITTEES OF CON-  
2           GRESS.—The term “appropriate committees of Con-  
3           gress” means—

4                   (A) the Committee on Appropriations of  
5           the Senate;

6                   (B) the Committee on Energy and Natural  
7           Resources of the Senate;

8                   (C) the Committee on Environment and  
9           Public Works of the Senate;

10                  (D) the Committee on Appropriations of  
11           the House of Representatives; and

12                  (E) the Committee on Natural Resources  
13           of the House of Representatives.

14           (2) DIRECTOR.—The term “Director” means  
15           the Director of the United States Fish and Wildlife  
16           Service.

17           (3) ELIGIBLE LAND.—The term “eligible land”  
18           means land—

19                   (A) that is—

20                           (i) Federal land open to uses delete-  
21                           rious to the conservation of endangered or  
22                           threatened species on the land; or

23                           (ii) owned by a non-Federal entity;

24                   and

1 (B) that is in the California Desert Con-  
2 servation Area; and

3 (C) on which the Secretary determines that  
4 active management or additional investments in  
5 the restoration of the land would improve the  
6 existing habitat quality for the benefit of an en-  
7 dangered or threatened species that would not  
8 likely occur in the absence of the measures car-  
9 ried out under this section.

10 (4) ENDANGERED OR THREATENED SPECIES.—

11 The term “endangered or threatened species” means  
12 a species that is listed as a threatened or endan-  
13 gered species on the list of species published under  
14 section 4(c)(1) of the Endangered Species Act of  
15 1973 (16 U.S.C. 1533(c)(1)).

16 (5) FUND.—The term “Fund” means the Cali-  
17 fornia Desert Mitigation Fund established by sub-  
18 section (e).

19 (6) HIGH CONFLICT AREA.—The term “high  
20 conflict area” means an area, as determined by the  
21 Secretary, in which conflicts between renewable en-  
22 ergy development and the conservation of natural re-  
23 sources, including critical habitat, wildlife corridors,  
24 wetland, and other important environmental at-

1 tributes, or other cultural resources are likely to be  
2 comparatively high.

3 (7) MITIGATION COUNCIL.—The term “Mitiga-  
4 tion Council” means the science advisory council es-  
5 tablished by the Secretary under subsection (e)(7).

6 (8) NATURAL RESOURCES.—The term “natural  
7 resources” means the land, fish, wildlife, plants,  
8 biota, natural communities, air, water, groundwater,  
9 drinking water supplies, and other such resources  
10 belonging to or otherwise controlled by the United  
11 States or the State of California.

12 (9) POTENTIAL MITIGATION ZONE.—The term  
13 “potential mitigation zone” means a parcel of eligi-  
14 ble land that is proposed to be designated by the  
15 Secretary under subsection (c)(1) in order to ad-  
16 dress threats to endangered or threatened species.

17 (10) PROGRAM.—The term “program” means  
18 the California Desert Mitigation Bank Pilot Pro-  
19 gram established under subsection (d).

20 (11) QUALIFIED RENEWABLE ENERGY  
21 PROJECT.—The term “qualified renewable energy  
22 project” means a project that is—

23 (A) located on non-Federal land;

24 (B) not located in a high conflict area; and

1 (C) determined by the Secretary to be eli-  
2 gible for inclusion in the California Desert Miti-  
3 gation Bank Pilot Program established under  
4 subsection (d).

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

7 (b) PURPOSES.—The purposes of this section are—

8 (1) to establish a coordinated method to miti-  
9 gate the impact of qualified renewable energy  
10 projects on endangered or threatened species and  
11 the habitat of the species;

12 (2) to establish a mechanism under which the  
13 mitigation of impacts to endangered or threatened  
14 species and the habitat of the species from individual  
15 renewable energy projects results in the conservation  
16 of large-scale blocks of land that provide species pro-  
17 tection benefits superior to the piecemeal mitigation  
18 that results from project-by-project mitigation; and

19 (3) to direct mitigation funds to those areas  
20 and actions that provide the greatest benefit to en-  
21 dangered or threatened species, including improved  
22 management of existing habitat.

23 (c) POTENTIAL MITIGATION ZONES.—

24 (1) IN GENERAL.—As soon as practicable after  
25 the date of enactment of this Act, in accordance

1 with paragraphs (2) and (3), the Secretary shall  
2 identify not less than 200,000 acres of eligible land  
3 for use as potential mitigation zones that the Sec-  
4 retary may establish and make available to mitigate  
5 the impacts of qualified renewable energy projects  
6 on endangered or threatened species that can be  
7 mitigated most effectively through management ac-  
8 tions undertaken on the eligible land, including—

9 (A) enhanced stewardship;

10 (B) restoration actions;

11 (C) invasive species control;

12 (D) use of dedicated funding to facilitate  
13 enhanced levels of active management and law  
14 enforcement;

15 (E) increased habitat connectivity; and

16 (F) other actions, as determined by the  
17 Secretary and approved by the applicable Sci-  
18 entific Advisory Council through the manage-  
19 ment planning process.

20 (2) PRIORITY LAND.—In carrying out this sub-  
21 section, the Secretary shall, to the maximum extent  
22 practicable, identify parcels of land that—

23 (A) are capable of serving the habitat  
24 needs of multiple endangered or threatened spe-  
25 cies in the California Desert Conservation Area;

1 (B) do not have unusually high renewable  
2 energy production potential;

3 (C) are not being managed (as the date of  
4 enactment of this Act) exclusively for biodiver-  
5 sity conservation;

6 (D) are not likely to be managed for con-  
7 servation purposes in the absence of the pro-  
8 gram; and

9 (E) will be important to place into long-  
10 term conservation in order to achieve objectives  
11 established in Federal biodiversity conservation  
12 plans (such as recovery plans and habitat con-  
13 servation plans established under the Endan-  
14 gered Species Act of 1973 (16 U.S.C. 1531 et  
15 seq.)) and similar plans established by the State  
16 of California in accordance with endangered  
17 species protection laws of the State.

18 (3) CONSULTATION.—In carrying out this sub-  
19 section, the Secretary shall, to the maximum extent  
20 practicable, identify parcels of land in consultation  
21 with the Mitigation Council and the State of Cali-  
22 fornia.

23 (d) CALIFORNIA DESERT MITIGATION BANK PILOT  
24 PROGRAM.—

25 (1) IN GENERAL.—

1           (A) ESTABLISHMENT.—For fiscal years  
2           2010 through 2015, the Secretary shall estab-  
3           lish and administer a program to be known as  
4           the “California Desert Mitigation Bank Pilot  
5           Program” under which parcels of land identi-  
6           fied as potential mitigation zones shall be made  
7           available to serve as mitigation, in accordance  
8           with the Endangered Species Act of 1973 (16  
9           U.S.C. 1531 et seq.), for the development of re-  
10          newable energy projects on parcels of non-Fed-  
11          eral land that are located in the California  
12          Desert Conservation Area.

13          (B) WITHDRAWAL FROM USE.—Notwith-  
14          standing any limitations on the authority of the  
15          Secretary to permanently withdraw land under  
16          the Federal Land Policy and Management Act  
17          of 1976 (43 U.S.C. 1701 et seq.), the Secretary  
18          shall make land available as a mitigation zone  
19          under this subsection by permanently with-  
20          drawing the required acreage, as determined  
21          under paragraph (3)(B), located in a potential  
22          mitigation zone from availability for uses that  
23          could negatively impact the conservation of en-  
24          dangered or threatened species on the acreage.



1 (C) USE OF FUND.—The Secretary may  
2 use funds in the Fund—

3 (i) to acquire interests in non-Federal  
4 acres within a potential mitigation zone  
5 from willing sellers for addition to the  
6 mitigation zone; and

7 (ii) to actively manage the land with-  
8 drawn under subparagraph (B) or pur-  
9 chased under clause (i) to protect and im-  
10 prove habitat quality in compliance with a  
11 zone management plan established pursu-  
12 ant to paragraph (4).

13 (2) ELIGIBILITY.—The Secretary shall deter-  
14 mine whether a qualified renewable energy project  
15 that has applied for inclusion in the program is eligi-  
16 ble for the program based on whether—

17 (A) the applicant has made sufficient ef-  
18 forts to avoid and minimize impacts to endan-  
19 gered or threatened species; and

20 (B) the mitigation from the program will  
21 effectively offset all remaining impacts to en-  
22 dangered or threatened species.

23 (3) REQUIREMENTS OF PROGRAM.—

24 (A) CONSULTATION.—

1 (i) IN GENERAL.—The approval by  
2 the Secretary of an application to partici-  
3 pate in the program with respect to any  
4 qualified renewable energy project shall  
5 constitute a Federal action subject to the  
6 consultation requirements of section 7 of  
7 the Endangered Species Act (16 U.S.C.  
8 1536).

9 (ii) SCOPE.—The scope of the con-  
10 sultation carried out with respect to the  
11 approval—

12 (I) shall include the effects of the  
13 construction and operation of the  
14 qualified renewable energy project on  
15 endangered or threatened species and  
16 the critical habitat of the endangered  
17 or threatened species; and

18 (II) shall not be limited to the  
19 quantification of required mitigation  
20 acreage.

21 (B) REQUIRED ACREAGE.—The Secretary,  
22 in accordance with the consultation required  
23 under subparagraph (A), shall determine the re-  
24 quired number of acres of specified quality with  
25 respect to the conservation of the affected en-

1           dangered or threatened species necessary to  
2           mitigate the impacts on those endangered or  
3           threatened species and the habitat of the en-  
4           dangered or threatened species of each qualified  
5           renewable energy project accepted in the pro-  
6           gram.

7           (C) PAYMENT.—Each applicant accepted  
8           by the Secretary for participation in the pro-  
9           gram shall deposit in the Fund an amount, or  
10          provide a letter of credit for an amount, as de-  
11          termined by the Secretary, that will mitigate  
12          impacts (as required by section 7 of the Endan-  
13          gered Species Act of 1973 (16 U.S.C. 1536))  
14          and is the higher of—

15               (i) 75 percent of the estimated fair  
16               market cost of purchasing the required  
17               acreage from a non-Federal landowner  
18               (based on statistics of the National Agri-  
19               cultural Statistical Service), as determined  
20               by the Secretary; or

21               (ii) the cost, as determined by the  
22               Secretary, of managing a parcel of eligible  
23               land of a size equal to the required acreage  
24               in a manner consistent with the needs of  
25               endangered or threatened species.

## 1 (4) MANAGEMENT PLANS.—

2 (A) IN GENERAL.—As soon as practicable  
3 after the establishment of a mitigation zone, the  
4 Secretary shall develop a mitigation zone man-  
5 agement plan, in consultation with the Mitiga-  
6 tion Council.

7 (B) CONTENTS.—The management plan  
8 shall include—

9 (i) a description of—

10 (I) the habitat and species values  
11 for which the land is being conserved;

12 (II) measurable goals and objec-  
13 tives for habitat and species enhance-  
14 ment;

15 (III) proposed strategies for  
16 achieving goals and objectives; and

17 (IV) monitoring and observation  
18 plans capable of assessing progress to-  
19 wards goals and objectives on at least  
20 an annual basis;

21 (ii) recommendations for how and to  
22 whom disbursements from the Fund should  
23 be made;

24 (iii) an annual evaluation of progress  
25 towards achieving goals and objectives, in-

1 cluding quantitative and qualitative anal-  
2 ysis; and

3 (iv) a description of a process for  
4 adapting management and strategy to in-  
5 corporate knowledge gained as a result of  
6 the annual evaluation.

7 (e) CALIFORNIA DESERT MITIGATION FUND.—

8 (1) IN GENERAL.—

9 (A) ESTABLISHMENT.—The Secretary may  
10 enter into an agreement with an organization  
11 that promotes fish and wildlife conservation to  
12 accept, receive, hold, transfer, solicit, and ad-  
13 minister funds received or made available, in-  
14 cluding funds received in the form of a gift or  
15 donation, for a “California Desert Mitigation  
16 Fund” under this Act the purpose of which is  
17 to provide resources for administration of the  
18 mitigation zones authorized by this section.

19 (B) INVESTMENT OF FUNDS.—An organi-  
20 zation that enters into an agreement described  
21 in subparagraph (A) shall—

22 (i) invest, reinvest, and otherwise ad-  
23 minister funds described in subparagraph  
24 (A); and

1 (ii) ensure that the funds and any in-  
2 terest or revenues earned on the funds are  
3 placed in a separate interest-bearing ac-  
4 count that is—

5 (I)(aa) in an insured depository  
6 institution (as defined in section 3 of  
7 the Federal Deposit Insurance Act  
8 (12 U.S.C. 1813)); or

9 (bb) in an insured credit union  
10 (as defined in section 101 of the Fed-  
11 eral Credit Union Act (12 U.S.C.  
12 1752));

13 (II) established by the organiza-  
14 tion solely to support the activities au-  
15 thorized by this section and that fur-  
16 ther the purposes of this Act; and

17 (III) maintained in an amount  
18 that will assure the continued exist-  
19 ence of the account.

20 (C) ADMINISTRATION.—The agreement  
21 shall—

22 (i) ensure that the Secretary retains  
23 final authority for determining what  
24 amounts will be disbursed from the Fund;  
25 and

1                   (ii) contain such other terms and con-  
2                   ditions as the Secretary considers appro-  
3                   priate to ensure efficient and effective im-  
4                   plementation of the program.

5           (2) CONTRIBUTIONS TO FUND.—

6                   (A) IN GENERAL.—In addition to the  
7                   funds described in paragraph (3)(C), the Fund  
8                   may accept funds appropriated directly into the  
9                   Fund on the behalf of the Secretary and, as  
10                  considered appropriate by the Secretary—

11                   (i) funds associated with the settle-  
12                   ment of related judicial or administrative  
13                   actions;

14                   (ii) monetary contributions and do-  
15                   nated funds from individuals and public or  
16                   private organizations; and

17                   (iii) permitting fees.

18                   (B) TRANSFER OF FUNDS.—For purposes  
19                   of carrying out this subsection, the Secretary  
20                   may transfer any funds appropriated to the  
21                   Secretary to carry out activities under this sec-  
22                   tion to an organization that has entered into an  
23                   agreement under paragraph (1).

24           (3) EXPENDITURES FROM FUND.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (C), all allocations from the Fund  
3 shall be—

4 (i) made pursuant to the terms of this  
5 subsection and the agreement under para-  
6 graph (1);

7 (ii) made consistent with a manage-  
8 ment plan developed under subsection  
9 (d)(4); and

10 (iii)(I) in the case of expenses related  
11 to acquisition of interests in non-Federal  
12 land, disbursed to the Secretary from of  
13 the corpus of the Fund; and

14 (II) in the case of expenses related to  
15 operational and management activities  
16 taken pursuant to this section on public  
17 and non-Federal land, disbursed to the  
18 Secretary from interest and revenue gen-  
19 erated by the Fund.

20 (B) ADMINISTRATIVE EXPENSES.—The  
21 agreement under paragraph (1) shall provide  
22 for the payment from the Fund of appropriate  
23 fees for the administration and management of  
24 the Fund.



1 (C) SUPPLEMENTAL AUTHORIZATION OF  
2 APPROPRIATIONS.—There are authorized to be  
3 appropriated to the Secretary such sums as are  
4 necessary to cover any shortfall in funds if, for  
5 any fiscal year beginning after the date of en-  
6 actment of this Act, amounts deposited into the  
7 Fund are not adequate to cover necessary man-  
8 agement activities under this Act.

9 (4) USE OF FUNDS.—Amounts from the Fund  
10 shall be used to carry out the following activities in  
11 mitigation zones for the benefit of threatened and  
12 endangered species:

13 (A) Enhanced stewardship.

14 (B) Restoration actions.

15 (C) The mitigation of abandoned mines.

16 (D) The conduct of surveys of certain spe-  
17 cies.

18 (E) Monitoring the effectiveness of mitiga-  
19 tion activities.

20 (F) Invasive species control.

21 (G) Law enforcement initiatives.

22 (H) Acquisition from willing sellers of non-  
23 Federal acres within a potential mitigation zone  
24 for inclusion in the mitigation zone.

1 (I) Acquisition from willing sellers of an  
2 interest in non-Federal acres within a potential  
3 mitigation zone through use of permanent con-  
4 servation easements.

5 (J) Other active endangered species protec-  
6 tion and management initiatives, as reflected in  
7 the zone management plan and adaptive man-  
8 agement program.

9 (5) NO MATCHING REQUIREMENT.—No match-  
10 ing requirements shall apply to funds expended  
11 under this subsection.

12 (6) REVIEW OF PERFORMANCE.—

13 (A) IN GENERAL.—Effective beginning in  
14 fiscal year 2011 and biennially thereafter, the  
15 Secretary shall—

16 (i) conduct a review of any fund and  
17 related activities administered by an orga-  
18 nization under this subsection; and

19 (ii) submit to the appropriate commit-  
20 tees of Congress a report on the results of  
21 the review.

22 (B) ORGANIZATION.—As soon as prac-  
23 ticable after the end of each fiscal year, an or-  
24 ganization administering funds under this sub-  
25 section shall submit to the Secretary and the

1 appropriate committees of Congress a report  
2 that provides a full and complete statement of  
3 the receipts, expenditures, and investments of  
4 funds received by the organization during for  
5 that fiscal year.

6 (7) MITIGATION COUNCIL.—

7 (A) ESTABLISHMENT.—As soon as prac-  
8 ticable after the date of enactment of this Act,  
9 the Secretary shall establish a Mitigation Coun-  
10 cil to—

11 (i) consult with the Secretary on de-  
12 velopment of a management plan for miti-  
13 gation zones;

14 (ii) make recommendations on the  
15 most effective distribution of the amounts  
16 expended under paragraph (3) and on the  
17 proposed use of funds under this sub-  
18 section; and

19 (iii) review written documents pro-  
20 vided by the Secretary not later than 60  
21 days after the date of receipt.

22 (B) COMPOSITION.—The Mitigation Coun-  
23 cil shall be composed of—

24 (i) 2 third-party scientists selected by  
25 the Secretary, in consultation with the Di-

1 rector and the National Academy of  
2 Sciences, who are experts in desert ecology,  
3 wildlife biology, or botany and have a  
4 strong knowledge of endangered species,  
5 threatened species, or natural resources in  
6 the California Desert Conservation Area;

7 (ii) 1 representative of the California  
8 Department of Fish and Game, selected by  
9 the Governor;

10 (iii) 1 representative of the Depart-  
11 ment of Defense, selected by the Secretary  
12 of Defense;

13 (iv) 2 representatives of nonprofit or-  
14 ganizations whose mission is to protect the  
15 ecology, botany, or land of the California  
16 desert, selected by the Secretary;

17 (v) 2 representatives of the renewable  
18 energy industry with a background in per-  
19 mitting under the Endangered Species Act  
20 of 1973 (16 U.S.C. 1531 et seq.), selected  
21 by the Secretary; and

22 (vi) 1 representative of the county  
23 government in which the zone is located,  
24 selected by the appropriate county board of  
25 supervisors.

1 (f) APPLICATION EVALUATION.—

2 (1) IN GENERAL.—The Secretary shall carry  
3 out environmental reviews (including any review re-  
4 quired under the National Environmental Policy Act  
5 of 1969 (42 U.S.C. 4321 et seq.)) for applications  
6 for qualified renewable energy projects under the  
7 program.

8 (2) RENEWABLE ENERGY COORDINATION OF-  
9 FICES.—The evaluation of a renewable energy  
10 project under the program shall be conducted by the  
11 appropriate Renewable Energy Coordination Office  
12 designated under section 365(j)(2) of the Energy  
13 Policy Act of 2005 (42 U.S.C. 15924(j)(2)).

14 (3) DEADLINES.—The Secretary shall evaluate  
15 each qualified renewable energy project under the  
16 program in accordance with each deadline, reporting  
17 requirement, and other procedure described in sec-  
18 tion 202.

19 (g) COOPERATIVE AGREEMENTS.—The Secretary  
20 may enter into cooperative agreements with non-Federal  
21 landowners to carry out this section.

22 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to the Secretary to carry  
24 this section such sums as are necessary.

1 **SEC. 206. BONDING.**

2 (a) IN GENERAL.—The Secretary shall require all en-  
3 ergy projects on Federal land to provide a secure bond  
4 or other financial mechanism, to address future decommis-  
5 sioning and other costs associated with the restoration of  
6 public land.

7 (b) AMOUNT.—

8 (1) IN GENERAL.—The Secretary shall ensure  
9 that the secure bond or other financial mechanism  
10 is of sufficient size in order to address potential rec-  
11 lamation and administrative costs to the Bureau of  
12 Land Management, the Forest Service, the Depart-  
13 ment of Defense, and any other Federal agency re-  
14 sponsible for administering the right-of-way.

15 (2) BASIS.—The amount of the required bond  
16 shall be determined during the right-of-way author-  
17 ization process on the basis of site-specific and  
18 project-specific factors.

19 (c) FORM.—Acceptable bond instruments under this  
20 section shall include cash, cashier's or certified checks,  
21 certificate or book entry deposits, negotiable Treasury  
22 bonds equal in value to the bond amount, or surety bonds  
23 from the approved list of sureties under the Department  
24 of the Treasury Circular No. 570 payable to the Federal  
25 agency responsible for administering the right-of-way.

1 **SEC. 207. METEOROLOGICAL SITE TESTING AND MONI-**  
2 **TORING CATEGORICAL EXCLUSION.**

3 (a) DEFINITION OF METEOROLOGICAL SITE TEST-  
4 ING AND MONITORING PROJECT.—In this section, the  
5 term “meteorological site testing and monitoring project”  
6 means a project carried out on land administered by the  
7 Bureau of Land Management to test or monitor weather  
8 (including wind and solar energy) using towers or other  
9 devices that—

10 (1) causes—

11 (A) less than 1 acre of soil or vegetation  
12 disruption at the location of each meteorological  
13 tower or other device; and

14 (B) not more than 5 acres of soil or vege-  
15 tation disruption within the proposed right-of-  
16 way;

17 (2) is installed—

18 (A) to the maximum extent practicable,  
19 using existing access roads;

20 (B) in a manner that does not require off-  
21 road motorized access other than 1 installation  
22 activity and 1 decommissioning activity along  
23 an identified off-road route approved by the Bu-  
24 reau of Land Management;

1 (C) without construction of new roads  
2 other than upgrading of existing minor drain-  
3 age crossings for safety purposes; and

4 (D) without the use of digging or drilling  
5 equipment vehicles other than rubber-tired vehi-  
6 cles with gross weight ratings under 8,500  
7 pounds; and

8 (3) is decommissioned not more than 5 years  
9 after the date of commencement of the project, in-  
10 cluding—

11 (A) removal of any towers or devices from  
12 the site; and

13 (B) restoration of the site to the original  
14 condition of the site.

15 (b) CATEGORICAL EXCLUSION.—A meteorological  
16 site testing and monitoring project may be categorically  
17 excluded from documentation in an environmental impact  
18 statement or environmental assessment under the Na-  
19 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
20 et seq.).

21 (c) ADMINISTRATION.—A meteorological site testing  
22 and monitoring project categorically excluded under sub-  
23 section (b) shall be subject to the extraordinary cir-  
24 cumstances procedures established by the Secretary of the



1 Interior pursuant to section 1508.4 of title 40, Code of  
2 Federal Regulations (or successor regulations).

3 (d) RELATIONSHIP TO OTHER AUTHORITY.—The au-  
4 thority provided under this section is supplemental to,  
5 does not supplant, any authority provided under any other  
6 law.

7 **SEC. 208. REPORT ON RENEWABLE ENERGY PERMITTING**  
8 **IN WESTERN STATES.**

9 Not later than 180 days after the date of enactment  
10 of this Act and every 180 days thereafter, the Secretary  
11 shall submit to the appropriate committees of Congress  
12 (as defined in section 205(a)) a report on—

13 (1) the work of the Renewable Energy Coordi-  
14 nation Offices established under section 365(j)(2) of  
15 the Energy Policy Act of 2005 (42 U.S.C.  
16 15924(j)(2)), including staffing levels, the relevant  
17 expertise of staff, and a status report on each re-  
18 newable energy project under review;

19 (2) the allocation of resources from the BLM  
20 Permit Processing Improvement Fund described in  
21 section 35(c) of the Mineral Leasing Act (30 U.S.C.  
22 191(c)) to ensure that renewable energy-related  
23 work of applicable agencies within the Department  
24 of the Interior (including the Bureau of Land Man-  
25 agement and the United States Fish and Wildlife

1 Service) is completed in accordance with timelines  
2 established under this Act and the amendments  
3 made by this Act;

4 (3) a review of permitting policies, including  
5 recommended changes that would improve permit-  
6 ting;

7 (4) coordination with other Federal agencies  
8 (including the Forest Service, the Corp of Engi-  
9 neers, and the Department of Defense) as necessary  
10 and consistent with the memorandum of under-  
11 standing entered into under section 365(j)(3) of the  
12 Energy Policy Act of 2005 (42 U.S.C. 15924(j)(3));

13 (5) coordination with State offices on the re-  
14 newable energy permitting processes of the State of-  
15 fices, particularly State agencies that are responsible  
16 for permitting power plants and State agencies that  
17 are responsible for enforcing State endangered spe-  
18 cies protections;

19 (6) the establishment of a process to resolve  
20 disputes, problems, or inconsistencies in permitting  
21 renewable energy projects efficiently and fairly;

22 (7) coordination with any State-level counter-  
23 part appointed by a Governor or Legislature; and

24 (8)(A) each right-of-way use authorization ap-  
25 plication or permit application under the Endan-

1       gered Species Act of 1973 (16 U.S.C. 1531 et seq.)  
2       for which the applicant or the Secretary failed to  
3       meet a deadline or requirement under this Act or an  
4       amendment made by this Act;

5               (B) with respect to each application and dead-  
6       line described in subparagraph (A), why—

7                       (i) the Secretary failed to meet the dead-  
8       line; or

9                       (ii) the Secretary has not rejected the ap-  
10      plication as a result of the failure of the appli-  
11      cant to meet the deadline; and

12               (C) each right-of-way use authorization applica-  
13      tion or permit application under the Endangered  
14      Species Act of 1973 (16 U.S.C. 1531 et seq.) that  
15      has received an authorization to build or a permit  
16      consistent with the deadlines and requirements of  
17      this Act, including the number of megawatts, acres  
18      of development and mitigation land set aside, and  
19      other relevant materials.

1 **SEC. 209. SUPPORT FOR QUALIFIED ADVANCED ELECTRIC**  
2 **TRANSMISSION MANUFACTURING PLANTS,**  
3 **QUALIFIED HIGH EFFICIENCY TRANSMISSION**  
4 **PROPERTY, AND QUALIFIED ADVANCED**  
5 **ELECTRIC TRANSMISSION PROPERTY.**

6 (a) DEFINITIONS.—Section 1701 of the Energy Pol-  
7 icy Act of 2005 (42 U.S.C. 16511) is amended by adding  
8 at the end the following:

9 “(6) QUALIFIED ADVANCED ELECTRIC TRANS-  
10 MISSION MANUFACTURING PLANT.—The term ‘quali-  
11 fied advanced electric transmission manufacturing  
12 plant’ means any industrial facility located in the  
13 United States that can be equipped, re-equipped, ex-  
14 panded, or established to produce, in whole or in  
15 part, qualified advanced electric transmission prop-  
16 erty or qualified high efficiency transmission prop-  
17 erty.

18 “(7) QUALIFIED ADVANCED ELECTRIC TRANS-  
19 MISSION PROPERTY.—

20 “(A) IN GENERAL.—The term ‘qualified  
21 advanced electric transmission property’ means  
22 any high voltage electric transmission cable, re-  
23 lated substation, converter station, or other in-  
24 tegrated facility that—

25 “(i) uses advanced technology, such as  
26 ultra-low resistance superconductive mate-

1           rial or other advanced technology that has  
2           been determined by the Secretary as—

3                   “(I) reasonably likely to be com-  
4                   mercially viable within 10 years after  
5                   the date of enactment of this para-  
6                   graph; and

7                   “(II) capable of reliably transmit-  
8                   ting at least 1.5 gigawatts of high-  
9                   voltage electric energy for distances  
10                  greater than 80 miles with energy  
11                  losses substantially below losses on  
12                  transmission lines using conventional  
13                  aluminum conductors and steel rein-  
14                  forced conductors;

15                  “(ii) has been determined by an ap-  
16                  propriate energy regulatory body, on appli-  
17                  cation, to be in the public interest and eli-  
18                  gible for inclusion in regulated rates; and

19                  “(iii) can be located safely and eco-  
20                  nomically in a permanent underground  
21                  right-of-way not to exceed 25 feet in width.

22                  “(B) EXCLUSION.—The term ‘qualified ad-  
23                  vanced electric transmission property’ does not  
24                  include any property placed in service after De-  
25                  cember 31, 2016.

1           “(8) QUALIFIED HIGH EFFICIENCY TRANS-  
2 MISSION PROPERTY.—

3           “(A) IN GENERAL.—The term ‘qualified  
4 high efficiency transmission property’ means  
5 any high voltage overhead electric transmission  
6 line, related substation, or other integrated fa-  
7 cility that—

8           “(i) uses advanced conductor core  
9 technology that—

10           “(I) has been determined by the  
11 Secretary as reasonably likely to be  
12 commercially viable within 10 years  
13 after the date of enactment of this  
14 paragraph;

15           “(II) is suitable for use on trans-  
16 mission lines up to 500 kilovolts;

17           “(III) exhibits power losses at  
18 least 30 percent lower than that of  
19 transmission lines using conventional  
20 Aluminum Conductors Steel Rein-  
21 forced conductors (referred in this  
22 paragraph as ‘conventional ACSR  
23 conductors’); and

24           “(IV) is capable of increasing the  
25 capacity of existing transmission

1 rights-of-way using existing tower in-  
2 frastructure;

3 “(ii) has been determined by an ap-  
4 propriate energy regulatory body, on appli-  
5 cation, to be in the public interest and eli-  
6 gible for inclusion in regulated rates; and

7 “(iii) can be located safely and eco-  
8 nomically in a right-of-way not to exceed  
9 that used by conventional ACSR conduc-  
10 tors.

11 “(B) EXCLUSION.—The term ‘qualified  
12 high efficiency transmission property’ does not  
13 include any property placed in service after De-  
14 cember 31, 2016.”.

15 (b) ELIGIBLE PROJECTS.—Section 1703 of the En-  
16 ergy Policy Act of 2005 (42 U.S.C. 16513) is amended—

17 (1) in subsection (b), by adding at the end the  
18 following:

19 “(11) The development, construction, acquisi-  
20 tion, retrofitting, or engineering integration of a  
21 qualified advanced electric transmission manufac-  
22 turing plant or the construction of a qualified high  
23 efficiency transmission property or qualified ad-  
24 vanced electric transmission property (whether by

1 construction of a new facility or the modification of  
2 an existing facility).”]; and

3 (2) by adding at the end the following:

4 “(f) GRANTS FOR QUALIFIED ADVANCED ELECTRIC  
5 TRANSMISSION PROPERTY.—

6 “(1) IN GENERAL.—Subject to paragraphs (2)  
7 and (3), the Secretary may provide grants, on a  
8 competitive basis, to cover not more than 50 percent  
9 of the costs incurred in connection with the develop-  
10 ment, construction, acquisition of components for, or  
11 engineering of qualified advanced electric trans-  
12 mission property.

13 “(2) FIRST PROJECT.—Grants may be made  
14 under this subsection only for the first project that  
15 described in paragraph (1) that is approved by the  
16 Secretary.

17 “(3) OWNERSHIP INTEREST.—The United  
18 States shall take no equity or other ownership inter-  
19 est in the qualified advanced electric transmission  
20 manufacturing plant or qualified advanced electric  
21 transmission property for which funding is provided  
22 under this subsection.

23 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
24 There are authorized to be appropriated to carry out



1       this subsection \$100,000,000 for each of fiscal years  
2       2011 and 2012.

3       “(g) CORRIDOR PRIORITY.—In carrying out sub-  
4 sections (b)(11) and (f) and section 1705(b)(4), the Sec-  
5 retary shall give priority to—

6               “(1) a project proposed to be carried out in a  
7       national interest electric transmission corridor des-  
8       ignated under section 216(a) of the Federal Power  
9       Act (16 U.S.C. 824p(a)); or

10              “(2) a project proposed to be carried out in an  
11       energy right-of-way corridor on Federal land des-  
12       ignated under section 368 of the Energy Policy Act  
13       of 2005 (42 U.S.C. 15926).”.

14       (c) TEMPORARY PROGRAM FOR RAPID DEPLOYMENT  
15 OF RENEWABLE ENERGY AND ELECTRIC POWER TRANS-  
16 MISSION PROJECTS.—Section 1705(b) of the Energy Pol-  
17 icy Act of 2005 (42 U.S.C. 16516(b)) is amended by add-  
18 ing at the end the following:

19              “(4) The development, construction, acquisition,  
20       retrofitting, or engineering integration of a qualified  
21       advanced electric transmission manufacturing plant  
22       or the construction of qualified high efficiency trans-  
23       mission property or qualified advanced electric  
24       transmission property (whether by construction of a

- 1 new facility or the modification of an existing facil-
- 2 ity).”.

○