

S.22

Omnibus Public Land Management Act of 2009 (Engrossed as Agreed to or Passed by Senate)

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) Short Title- This section may be cited as the `Craig Thomas Snake Headwaters Legacy Act of 2008'.

(b) Findings; Purposes-

(1) FINDINGS- Congress finds that--

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System--

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for--

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of--

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while--

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES- The purposes of this section are--

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) Definitions- In this section:

(1) SECRETARY CONCERNED- The term `Secretary concerned' means--

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection

(d)) that is not located in--

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in--

- (i) Grand Teton National Park;
- (ii) Yellowstone National Park;
- (iii) the John D. Rockefeller, Jr. Memorial Parkway; or
- (iv) the National Elk Refuge.

(2) STATE- The term 'State' means the State of Wyoming.

(d) Wild and Scenic River Designations, Snake River Headwaters, Wyoming- Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

(206) SNAKE RIVER HEADWATERS, WYOMING- The following segments of the Snake River System, in the State of Wyoming:

(A) BAILEY CREEK- The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

(B) BLACKROCK CREEK- The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

(C) BUFFALO FORK OF THE SNAKE RIVER- The portions of the Buffalo Fork of the Snake River, consisting of--

- (i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;
- (ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and
- (iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

(D) CRYSTAL CREEK- The portions of Crystal Creek, consisting of--

- (i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and
- (ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

(E) GRANITE CREEK- The portions of Granite Creek, consisting of--

- (i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and
- (ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

(F) GROS VENTRE RIVER- The portions of the Gros Ventre River, consisting of--

- (i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;
- (ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and
- (iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

(G) HOBACK RIVER- The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

(H) LEWIS RIVER- The portions of the Lewis River, consisting of--

- (i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and
- (ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

(I) PACIFIC CREEK- The portions of Pacific Creek, consisting of--

`(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

`(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

`(J) SHOAL CREEK- The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

`(K) SNAKE RIVER- The portions of the Snake River, consisting of--

`(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

`(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

`(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

`(L) WILLOW CREEK- The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

`(M) WOLF CREEK- The 7-mile segment from its source to its confluence with the Snake River, as a wild river.!

(e) Management-

(1) IN GENERAL- Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN-

(A) IN GENERAL- In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT- Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS-

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section--

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAUGES- Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER- No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS-

(A) IN GENERAL- Nothing in this section affects valid existing rights, including--

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM- Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) Authorization of Appropriations- There are authorized to be appropriated such sums as are necessary to carry out this section.