

**Calendar No. 291**

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 884**

**[Report No. 104-192]**

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**A BILL**

To designate certain public lands in the State of Utah as wilderness, and for other purposes.

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DECEMBER 19, 1995

Reported with an amendment

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1ST SESSION**S. 884****[Report No. 104-192]**

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IN THE SENATE OF THE UNITED STATES

JUNE 6 (legislative day, JUNE 5), 1995

Mr. HATCH (for himself and Mr. BENNETT) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

DECEMBER 19, 1995

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To designate certain public lands in the State of Utah as  
wilderness, 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.**

2 This Act may be cited as the “Utah Public Lands  
3 Management Act of 1995”.

4 **SEC. 2. DESIGNATION OF WILDERNESS.**

5 (a) DESIGNATION.—In furtherance of the purposes of  
6 the Wilderness Act (16 U.S.C. 1131 et seq.), the following  
7 lands in the State of Utah are hereby designated as wilder-  
8 ness and therefore as components of the National Wilder-  
9 ness Preservation System:

10 (1) Certain lands in the Desolation Canyon Wil-  
11 derness Study Area comprised of approximately  
12 254,478 acres, as generally depicted on a map enti-  
13 tled “Desolation Canyon Wilderness—Proposed”  
14 and dated \_\_\_\_\_; and which shall be known as  
15 the Desolation Canyon Wilderness.

16 (2) Certain lands in the San Rafael Reef Wil-  
17 derness Study Area comprised of approximately  
18 47,786 acres, as generally depicted on a map enti-  
19 tled “San Rafael Reef Wilderness—Proposed” and  
20 dated \_\_\_\_\_; and which shall be known as the  
21 San Rafael Reef Wilderness.

22 (3) Certain lands in the Horseshoe Canyon Wil-  
23 derness Study Area (North) comprised of approxi-  
24 mately 22,943 acres, as generally depicted on a map  
25 entitled “Horseshoe/Labyrinth Canyon Wilderness—  
26 Proposed” and dated \_\_\_\_\_; and which shall be

1 known as the Horseshoe/Labyrinth Canyon Wilder-  
2 ness:

3 (4) Certain lands in the Crack Canyon Wilder-  
4 ness Study Area comprised of approximately 20,322  
5 acres, as generally depicted on a map entitled  
6 “Crack Canyon Wilderness—Proposed” and dated  
7 \_\_\_\_\_; and which shall be known as the Crack  
8 Canyon Wilderness.

9 (5) Certain lands in the Muddy Creek Wilder-  
10 ness Study Area comprised of approximately 37,244  
11 acres, as generally depicted on a map entitled  
12 “Muddy Creek Wilderness—Proposed” and dated  
13 \_\_\_\_\_; and which shall be known as the Muddy  
14 Creek Wilderness.

15 (6) Certain lands in the Sids Mountain Wilder-  
16 ness Study Area comprised of approximately 41,154  
17 acres, as generally depicted on a map entitled “Sids  
18 Mountain Wilderness—Proposed” and dated  
19 \_\_\_\_\_; and which shall be known as the Sids  
20 Mountain Wilderness.

21 (7) Certain lands in the Mexican Mountain Wil-  
22 derness Study Area comprised of approximately  
23 34,107 acres, as generally depicted on a map enti-  
24 tled “Mexican Mountain Wilderness—Proposed” and

1 dated \_\_\_\_\_; and which shall be known as the  
2 Mexican Mountain Wilderness.

3 (8) Certain lands in the Phipps-Death Hollow  
4 Wilderness Study Area comprised of approximately  
5 42,437 acres, as generally depicted on a map enti-  
6 tled “Phipps-Death Hollow Wilderness—Proposed”  
7 and dated \_\_\_\_\_; and which shall be known as  
8 the Phipps-Death Hollow Wilderness.

9 (9) Certain lands in the Steep Creek Wilderness  
10 Study Area comprised of approximately 21,277  
11 acres, as generally depicted on a map entitled  
12 “Steep Creek Wilderness—Proposed” and dated  
13 \_\_\_\_\_; and which shall be known as the Steep  
14 Creek Wilderness.

15 (10) Certain lands in the North Escalante Can-  
16 yons/The Gulch Wilderness Study Area comprised of  
17 approximately 103,324 acres, as generally depicted  
18 on a map entitled “North Escalante Canyons/The  
19 Gulch Wilderness—Proposed” and dated \_\_\_\_\_;  
20 and which shall be known as the North Escalante  
21 Canyons/The Gulch Creek Wilderness.

22 (11) Certain lands in the Scorpion Wilderness  
23 Study Area comprised of approximately 16,692  
24 acres, as generally depicted on a map entitled “Scor-  
25 pion Wilderness—Proposed” and dated \_\_\_\_\_;

1 and which shall be known as the Scorpion Wilder-  
2 ness:

3           (12) ~~Certain lands in the Mt. Ellen-Blue Hills~~  
4 ~~Wilderness Study Area~~ comprised of approximately  
5 ~~62,663~~ acres, as generally depicted on a map enti-  
6 tled “~~Mt. Ellen-Blue Hills Wilderness—Proposed~~”  
7 and dated \_\_\_\_\_; and which shall be known as  
8 the ~~Mt. Ellen-Blue Hills Wilderness~~.

9           (13) ~~Certain lands in the Bull Mountain Wil-~~  
10 ~~derness Study Area~~ comprised of approximately  
11 ~~11,424~~ acres, as generally depicted on a map enti-  
12 tled “~~Bull Mountain Wilderness—Proposed~~” and  
13 dated \_\_\_\_\_; and which shall be known as the  
14 ~~Bull Mountain Wilderness~~.

15           (14) ~~Certain lands in the Fiddler Butte Wilder-~~  
16 ~~ness Study Area~~ comprised of approximately ~~22,180~~  
17 acres, as generally depicted on a map entitled “~~Fid-~~  
18 ~~ler Butte Wilderness—Proposed~~” and dated  
19 \_\_\_\_\_; and which shall be known as the ~~Fiddler~~  
20 ~~Butte Mountain Wilderness~~.

21           (15) ~~Certain lands in the Mt. Pennell Wilder-~~  
22 ~~ness Study Area~~ comprised of approximately ~~18,620~~  
23 acres, as generally depicted on a map entitled “~~Mt.~~  
24 ~~Pennell Wilderness—Proposed~~” and dated

1 \_\_\_\_\_; and which shall be known as the Mt.  
2 Pennell Wilderness.

3 (16) Certain lands in the Mt. Hillers Wilder-  
4 ness Study Area comprised of approximately 14,746  
5 acres, as generally depicted on a map entitled “Mt.  
6 Hillers Wilderness—Proposed” and dated \_\_\_\_\_;  
7 and which shall be known as the Mt. Hillers Wilder-  
8 ness.

9 (17) Certain lands in the Little Rockies Wilder-  
10 ness Study Area comprised of approximately 48,928  
11 acres, as generally depicted on a map entitled “Lit-  
12 tle Rockies Wilderness—Proposed” and dated  
13 \_\_\_\_\_; and which shall be known as the Little  
14 Rockies Wilderness.

15 (18) Certain lands in the Mill Creek Canyon  
16 Wilderness Study Area comprised of approximately  
17 7,838 acres, as generally depicted on a map entitled  
18 “Mill Creek Canyon Wilderness—Proposed” and  
19 dated \_\_\_\_\_; and which shall be known as the  
20 Mill Creek Canyon Wilderness.

21 (19) Certain lands in the Negro Bill Canyon  
22 Wilderness Study Area comprised of approximately  
23 7,432 acres, as generally depicted on a map entitled  
24 “Negro Bill Canyon Wilderness—Proposed” and

1       dated \_\_\_\_\_; and which shall be known as the  
2       Negro Bill Canyon Wilderness.

3           ~~(20)~~ Certain lands in the Floy Canyon Wilder-  
4       ness Study Area comprised of approximately 28,290  
5       acres, as generally depicted on a map entitled “Floy  
6       Canyon Wilderness—Proposed” and dated  
7       \_\_\_\_\_; and which shall be known as the Floy  
8       Canyon Wilderness.

9           ~~(21)~~ Certain lands in the Coal Canyon Wilder-  
10      ness Study Area and the Spruce Canyon Wilderness  
11      Study Area comprised of approximately 46,669  
12      acres, as generally depicted on a map entitled “Coal/  
13      Spruce Canyon Wilderness—Proposed” and dated  
14      \_\_\_\_\_; and which shall be known as the Coal/  
15      Spruce Canyon Wilderness.

16          ~~(22)~~ Certain lands in the Flume Canyon Wil-  
17      derness Study Area comprised of approximately  
18      31,568 acres, as generally depicted on a map enti-  
19      tled “Flume Canyon Wilderness—Proposed” and  
20      dated \_\_\_\_\_; and which shall be known as the  
21      Flume Canyon Wilderness.

22          ~~(23)~~ Certain lands in the Westwater Canyon  
23      Wilderness Study Area comprised of approximately  
24      25,383 acres, as generally depicted on a map enti-  
25      tled “Westwater Canyon Wilderness—Proposed”



1 and dated \_\_\_\_\_; and which shall be known as  
2 the Westwater Canyon Wilderness.

3 ~~(24) Certain lands in the Beaver Creek Wilder-~~  
4 ~~ness Study Area comprised of approximately 24,531~~  
5 ~~acres, as generally depicted on a map entitled “Bea-~~  
6 ~~ver Creek Wilderness—Proposed” and dated~~  
7 ~~\_\_\_\_\_;~~ and which shall be known as the Beaver  
8 Creek Wilderness.

9 ~~(25) Certain lands in the Fish Springs Wilder-~~  
10 ~~ness Study Area comprised of approximately 36,142~~  
11 ~~acres, as generally depicted on a map entitled “Fish~~  
12 ~~Springs Wilderness—Proposed” and dated~~  
13 ~~\_\_\_\_\_;~~ and which shall be known as the Fish  
14 Springs Wilderness.

15 ~~(26) Certain lands in the Swasey Mountain Wil-~~  
16 ~~derness Study Area comprised of approximately~~  
17 ~~34,803 acres, as generally depicted on a map enti-~~  
18 ~~itled “Swasey Mountain Wilderness—Proposed” and~~  
19 ~~dated \_\_\_\_\_;~~ and which shall be known as the  
20 Swasey Mountain Wilderness.

21 ~~(27) Certain lands in the Parunuweap Canyon~~  
22 ~~Wilderness Study Area comprised of approximately~~  
23 ~~19,122 acres, as generally depicted on a map enti-~~  
24 ~~itled “Parunuweap Canyon Wilderness—Proposed”~~

1 and dated \_\_\_\_\_; and which shall be known as  
2 the Parunuweap Wilderness.

3 ~~(28)~~ Certain lands in the Canaan Mountain  
4 Wilderness Study Area comprised of approximately  
5 30,864 acres, as generally depicted on a map enti-  
6 tled “Canaan Mountain Wilderness—Proposed” and  
7 dated \_\_\_\_\_; and which shall be known as the  
8 Canaan Mountain Wilderness.

9 ~~(29)~~ Certain lands in the Paria-Hackberry Wil-  
10 derness Study Area comprised of approximately  
11 57,641 acres, as generally depicted on a map enti-  
12 tled “Paria-Hackberry Wilderness—Proposed” and  
13 dated \_\_\_\_\_; and which shall be known as the  
14 Paria-Hackberry Wilderness.

15 ~~(30)~~ Certain lands in the Escalante Canyon  
16 Tract 5 Wilderness Study Area comprised of ap-  
17 proximately 756 acres, as generally depicted on a  
18 map entitled “Escalante Canyon Tract 5 Wilder-  
19 ness—Proposed” and dated \_\_\_\_\_; and which  
20 shall be known as the Escalante Canyon Tract 5  
21 Wilderness.

22 ~~(31)~~ Certain lands in the Fifty Mile Mountain  
23 Wilderness Study Area comprised of approximately  
24 121,434 acres, as generally depicted on a map enti-  
25 tled “Fifty Mile Mountain Wilderness—Proposed”

1 and dated \_\_\_\_\_; and which shall be known as  
2 the Fifty Mile Mountain Wilderness.

3 ~~(32)~~ Certain lands in the Howell Peak Wilder-  
4 ness comprised of approximately 14,518 acres, as  
5 generally depicted on a map entitled “Howell Peak  
6 Wilderness—Proposed” and dated \_\_\_\_\_; and  
7 which shall be known as the Howell Peak Wilder-  
8 ness.

9 ~~(33)~~ Certain lands in the Notch Peak Wilder-  
10 ness Study Area comprised of approximately 28,778  
11 acres, as generally depicted on a map entitled  
12 “Notch Peak Wilderness—Proposed” and dated  
13 \_\_\_\_\_; and which shall be known as the Notch  
14 Peak Wilderness.

15 ~~(34)~~ Certain lands in the Wah Wah Mountains  
16 Wilderness Study Area comprised of approximately  
17 41,311 acres, as generally depicted on a map enti-  
18 tled “Wah Wah Mountains Wilderness—Proposed”  
19 and dated \_\_\_\_\_; and which shall be known as  
20 the Wah Wah Wilderness.

21 ~~(35)~~ Certain lands in the Mancos Mesa Wilder-  
22 ness Study Area comprised of approximately 48,269  
23 acres, as generally depicted on a map entitled  
24 “Mancos Mesa Wilderness—Proposed” and dated

1 \_\_\_\_\_; and which shall be known as the Mancos  
2 Mesa Wilderness.

3 ~~(36)~~ Certain lands in the Grand Gulch Wilder-  
4 ness Study Area comprised of approximately 51,110  
5 acres, as generally depicted on a map entitled  
6 “Grand Gulch Wilderness—Proposed” and dated  
7 \_\_\_\_\_; and which shall be known as the Grand  
8 Gulch Wilderness.

9 ~~(37)~~ Certain lands in the Dark Canyon Wilder-  
10 ness Study Area comprised of approximately 67,099  
11 acres, as generally depicted on a map entitled “Dark  
12 Canyon Wilderness—Proposed” and dated  
13 \_\_\_\_\_; and which shall be known as the Dark  
14 Canyon Wilderness.

15 ~~(38)~~ Certain lands in the Butler Wash Wilder-  
16 ness Study Area comprised of approximately 25,400  
17 acres, as generally depicted on a map entitled “But-  
18 ler Wash Wilderness—Proposed” and dated  
19 \_\_\_\_\_; and which shall be known as the Butler  
20 Wash Wilderness.

21 ~~(39)~~ Certain lands in the Indian Creek Wilder-  
22 ness Study Area comprised of approximately 6,769  
23 acres, as generally depicted on a map entitled “In-  
24 dian Creek Wilderness—Proposed” and dated

1 \_\_\_\_\_; and which shall be known as the Indian  
2 Creek Wilderness.

3 (40) Certain lands in the Behind the Rocks  
4 Wilderness Study Area comprised of approximately  
5 13,728 acres, as generally depicted on a map enti-  
6 tled “Behind the Rocks Wilderness—Proposed” and  
7 dated \_\_\_\_\_; and which shall be known as the  
8 Behind the Rocks Wilderness.

9 (41) Certain lands in the Cedar Mountains Wil-  
10 derness Study Area comprised of approximately  
11 25,645 acres, as generally depicted on a map enti-  
12 tled “Cedar Mountains Wilderness—Proposed” and  
13 dated \_\_\_\_\_; and which shall be known as the  
14 Cedar Mountains Wilderness.

15 (42) Certain lands in the Deep Creek Moun-  
16 tains Wilderness Study Area comprised of approxi-  
17 mately 71,024 acres, as generally depicted on a map  
18 entitled “Deep Creek Mountains Wilderness—Pro-  
19 posed” and dated \_\_\_\_\_; and which shall be  
20 known as the Deep Creek Mountains Wilderness.

21 (43) Certain lands in the Nutters Hole Wilder-  
22 ness Study Area comprised of approximately 3,647  
23 acres, as generally depicted on a map entitled “Nut-  
24 ters Hole Wilderness—Proposed” and dated

1 \_\_\_\_\_; and which shall be known as the Nutters  
2 Hole Wilderness.

3 (44) Certain lands in the Cougar Canyon Wil-  
4 derness Study Area comprised of approximately  
5 6,408 acres, including those lands located in the  
6 State of Nevada, as generally depicted on a map en-  
7 titled “Cougar Canyon Wilderness—Proposed” and  
8 dated \_\_\_\_\_; and which shall be known as the  
9 Cougar Canyon Wilderness.

10 (45) Certain lands in the Red Mountain Wilder-  
11 ness Study Area comprised of approximately 9,216  
12 acres, as generally depicted on a map entitled “Red  
13 Mountain Wilderness—Proposed” and dated  
14 \_\_\_\_\_; and which shall be known as the Red  
15 Mountains Wilderness.

16 (46) Certain lands in the Deep Creek Wilder-  
17 ness Study Area comprised of approximately 3,063  
18 acres, as generally depicted on a map entitled “Deep  
19 Creek Wilderness—Proposed” and dated \_\_\_\_\_;  
20 and which shall be known as the Deep Creek Wilder-  
21 ness.

22 (47) Certain lands within the Dirty Devil Wil-  
23 derness Study Area comprised of approximately  
24 75,854 acres, as generally depicted on a map enti-  
25 tled “Dirty Devil Wilderness—Proposed” and dated

1 \_\_\_\_\_; and which shall be known as the Dirty  
2 Devil Wilderness.

3 (48) Certain lands within the Horseshoe Can-  
4 yon South Wilderness Study Area comprised of ap-  
5 proximately 11,392 acres, as generally depicted on a  
6 map entitled “Horseshoe Canyon South Wilder-  
7 ness—Proposed” and dated \_\_\_\_\_; and which  
8 shall be known as the Horseshoe Canyon South Wil-  
9 derness.

10 (49) Certain lands in the French Spring-Happy  
11 Canyon Wilderness Study Area comprised of ap-  
12 proximately 12,343 acres, as generally depicted on a  
13 map entitled “French Spring-Happy Canyon Wilder-  
14 ness—Proposed” and dated \_\_\_\_\_; and which  
15 shall be known as the French Spring-Happy Canyon  
16 Wilderness.

17 (b) MAP AND DESCRIPTION.—As soon as practicable  
18 after the date of enactment of this Act, the Secretary of  
19 the Interior (hereafter in this Act referred to as the “Sec-  
20 retary”) shall file a map and a legal description of each  
21 area designated as wilderness by subsection (a) with the  
22 Committee on Resources of the House of Representatives  
23 and the Committee on Energy and Natural Resources of  
24 the Senate. Each such map and description shall have the  
25 same force and effect as if included in this Act, except

1 that corrections of clerical and typographical errors in  
2 each such map and legal description may be made. Each  
3 such map and legal description shall be on file and avail-  
4 able for public inspection in the office of the Director of  
5 the Bureau of Land Management, and the office of the  
6 State Director of the Bureau of Land Management in the  
7 State of Utah, Department of the Interior.

8 **SEC. 3. ADMINISTRATION OF WILDERNESS AREAS.**

9 (a) **IN GENERAL.**—Subject to valid existing rights,  
10 each area designated by this Act as wilderness shall be  
11 administered by the Secretary in accordance with this Act,  
12 the Wilderness Act (16 U.S.C. 1131 et seq.), and section  
13 603 of the Federal Land Policy and Management Act of  
14 1976. Any lands or interest in lands within the boundaries  
15 of an area designated as wilderness by this Act that is  
16 acquired by the United States after the date of enactment  
17 of this Act shall be added to and administered as part  
18 of the wilderness area within which such lands or interests  
19 in lands are located.

20 (b) **MANAGEMENT PLANS.**—The Secretary shall, as  
21 soon as possible, prepare plans to manage the areas des-  
22 ignated by this Act as wilderness.

23 (c) **LIVESTOCK.**—Grazing of livestock in areas des-  
24 ignated as wilderness by this Act, where established prior  
25 to the date of the enactment of this Act, shall—



1           (1) continue and not be curtailed, phased out or  
2           rendered economically infeasible due to wilderness  
3           designation or management; and

4           (2) be administered in accordance with section  
5           4(d)(4) of the Wilderness Act (16 U.S.C.  
6           1133(d)(4)) and the guidelines set forth in House  
7           Report 96-1126.

8           (d) STATE FISH AND WILDLIFE.—In accordance  
9           with section 4(d)(7) of the Wilderness Act (16 U.S.C.  
10          1131(d)(7)), nothing in this Act shall be construed as af-  
11          fecting the jurisdiction or responsibilities of the State of  
12          Utah with respect to fish and wildlife management activi-  
13          ties, including water development, predator control, trans-  
14          planting animals, stocking fish, hunting, fishing and trap-  
15          ping.

16          (e) PROHIBITION OF BUFFER ZONES.—The Con-  
17          gress does not intend that designation of an area as wil-  
18          derness by this Act lead to the creation of protective pe-  
19          rimeters or buffer zones around the area. The fact that  
20          nonwilderness activities or uses can be seen, heard, or  
21          smelled from areas within a wilderness shall not preclude  
22          such activities or uses up to the boundary of the wilder-  
23          ness area.

24          (f) OIL SHALE RESERVE NUMBER TWO.—The area  
25          known as “Oil Shale Reserve Number Two” within Deso-

1 lation Canyon Wilderness (as designated by section  
 2 2(a)(1)), located in Carbon County, Utah, shall not be re-  
 3 served for oil shale purposes after the date of the enact-  
 4 ment of this Act and shall be under the sole jurisdiction  
 5 of and managed by the Bureau of Land Management.

6 ~~(g) ROADS AND RIGHTS-OF-WAY AS BOUNDARIES.—~~

7 Unless depicted otherwise on a map referred to by this  
 8 Act, where roads form the boundaries of the areas des-  
 9 igned as wilderness by this Act, the wilderness boundary  
 10 shall be set back from the center line of the road as fol-  
 11 lows: 300 feet for high standard roads such as paved high-  
 12 ways; and 100 feet for roads equivalent to high standard  
 13 logging roads and dirt roads used for right-of-way mainte-  
 14 nance.

15 ~~(h) CHERRY-STEMMED ROADS.—(1) Except as pro-~~  
 16 ~~vided by paragraph (2), the Secretary may not close or~~  
 17 ~~limit access to any road that is within (in whole or in~~  
 18 ~~part), or that is a boundary (as described in subsection~~  
 19 ~~(g)) of, an area designated as wilderness by this Act.~~

20 ~~(2) If the Secretary determines that public safety re-~~  
 21 ~~quires the closure to public use of any road subject to~~  
 22 ~~paragraph (1), the Secretary may take such action as the~~  
 23 ~~Secretary determines necessary or desirable to effect and~~  
 24 ~~maintain such closure. Any such closure shall be limited~~  
 25 ~~to the minimum period which the Secretary determines is~~

1 necessary to carry out this paragraph. Before and during  
2 any closure under this subsection, the Secretary shall take  
3 appropriate steps to notify the public concerning such clo-  
4 sures.

5 (3) Any road described in paragraph (1) that is main-  
6 tained by an entity other than the United States may con-  
7 tinue to be maintained and repaired by any such entity.

8 (i) ACCESS.—(1) Reasonable access shall be allowed  
9 to water diversion, carriage, storage and ancillary facilities  
10 in existence as of the date of enactment of this Act which  
11 are within areas designated as wilderness by this Act, in-  
12 cluding motorized access where necessary or customarily  
13 or historically employed on existing routes. The diversion,  
14 carriage and storage capacity as of such date of such exist-  
15 ing water facilities, and the condition of existing access  
16 routes as of such date, may be operated, maintained, re-  
17 paired, modified, and replaced as necessary to maintain  
18 serviceable conditions.

19 (2) Reasonable access shall be allowed to any non-  
20 Federal lands that may remain within the areas des-  
21 ignated as wilderness by this Act and to valid existing  
22 rights on Federal lands, including (but not limited to) ex-  
23 isting water diversion, carriage, storage and ancillary fa-  
24 cilities and livestock grazing improvements and structures.

1       (3) Facilities, structures and related access routes ex-  
 2       isting as of the date of enactment of this Act in areas  
 3       designated as wilderness by this Act may be operated,  
 4       maintained, repaired, and replaced as necessary to main-  
 5       tain serviceable conditions.

6       (4) For the purposes of this subsection, reasonable  
 7       access includes motorized access where necessary and cus-  
 8       tomarily or historically employed on routes in existence as  
 9       of the date of enactment of this Act and where necessary  
 10      to meet the reasonable purposes for development and use  
 11      of in-held lands or valid existing rights.

12      (j) **LAND ACQUISITION BY EXCHANGE OR PUR-**  
 13      **CHASE.**—The Secretary shall offer to acquire from non-  
 14      governmental entities lands and interests in lands located  
 15      within or adjacent to areas designated as wilderness by  
 16      this Act. Lands may be acquired under this subsection  
 17      only by exchange or purchase from willing sellers.

18      **SEC. 4. WATER RIGHTS.**

19      (a) **NO FEDERAL RESERVATION.**—Nothing in this  
 20      Act or any other Act of Congress shall constitute or be  
 21      construed to constitute either an express or implied Fed-  
 22      eral reservation of water or water rights for any purpose  
 23      arising from the designation of areas as wilderness by this  
 24      Act.

1           (b) ACQUISITION AND EXERCISE OF WATER RIGHTS  
2 UNDER UTAH LAW.—The United States may acquire and  
3 exercise such water rights as it deems necessary to carry  
4 out its responsibilities on any lands designated as wilder-  
5 ness by this Act pursuant to the substantive and proce-  
6 dural requirements of the State of Utah. Nothing in this  
7 Act shall be construed to authorize the use of eminent do-  
8 main by the United States to acquire water rights for such  
9 lands. Within areas designated as wilderness by this Act,  
10 all rights to water granted under the laws of the State  
11 of Utah may be exercised in accordance with the sub-  
12 stantive and procedural requirements of the State of Utah.

13           (c) EXERCISE OF WATER RIGHTS GENERALLY  
14 UNDER UTAH LAWS.—Nothing in this Act shall be con-  
15 strued to limit the exercise of water rights as provided  
16 under Utah State laws.

17           (d) CERTAIN FACILITIES NOT AFFECTED.—Nothing  
18 in this Act shall affect irrigation, pumping and trans-  
19 mission facilities and municipal, agricultural, livestock, or  
20 wildlife water facilities in existence within the boundaries  
21 of areas designated as wilderness by this Act, nor shall  
22 anything in this Act be construed to limit operation, main-  
23 tenance, repair, modification, or replacement of such exist-  
24 ing facilities, as provided in section 3(i).

1       (e) **WATER RESOURCE PROJECTS.**—Nothing in this  
2 Act shall be construed to limit or to be a consideration  
3 in Federal approvals or denials for access to or use of the  
4 Federal lands for development and operation of water re-  
5 source projects, including (but not limited to) reservoir  
6 projects, which are located outside and upstream of areas  
7 designated as wilderness by this Act.

8 **SEC. 5. CULTURAL AND PALEONTOLOGICAL RESOURCES.**

9       The Secretary shall allow for the discovery of, shall  
10 protect, and may interpret, cultural or paleontological re-  
11 sources located within areas designated as wilderness by  
12 this Act, including through mechanical means where nec-  
13 essary notwithstanding section 4(c) of the Wilderness Act  
14 (16 U.S.C. 1133(c)).

15 **SEC. 6. NATIVE AMERICAN CULTURAL AND RELIGIOUS**  
16 **USES.**

17       In recognition of the past use of portions of the areas  
18 designated as wilderness by this Act by Native Americans  
19 for traditional cultural and religious purposes, the Sec-  
20 retary shall assure nonexclusive access from time to time  
21 to those sites by Native Americans for such purposes, in-  
22 cluding (but not limited to) wood gathering for personal  
23 use or collecting plants or herbs for religious or medicinal  
24 purposes. Such access shall be consistent with the purpose  
25 and intent of the Act of August 11, 1978 (42 U.S.C. 1996;

1 commonly referred to as the “American Indian Religious  
2 Freedom Act”).

3 **SEC. 7. MILITARY OVERFLIGHTS.**

4 (a) **LOW-LEVEL OVERFLIGHTS NOT PRECLUDED.—**

5 Nothing in this Act shall be construed to restrict or pre-  
6 clude low-level overflights over the areas designated as wil-  
7 derness by this Act, including military overflights that can  
8 be seen or heard within such areas. Nothing in this Act  
9 shall be construed to restrict or preclude the designation  
10 of new units of special airspace or the establishment of  
11 military flight training routes over such areas.

12 (b) **COMMUNICATIONS OR TRACKING SYSTEMS.—**

13 Nothing in this Act shall be construed to require the re-  
14 moval of existing communication or electronic tracking  
15 systems from areas designated as wilderness by this Act  
16 or to prevent the installation of portable electronic commu-  
17 nication or tracking systems in support of military flights  
18 so long as installation, maintenance, and removal of such  
19 systems does not require construction of temporary or per-  
20 manent roads.

21 **SEC. 8. AIR QUALITY.**

22 (a) **IN GENERAL.—**The Congress does not intend  
23 that designation of wilderness areas in the State of Utah  
24 by this Act lead to reclassification of any airshed to a more

1 stringent Prevention of Significant Deterioration (PSD)  
2 classification.

3 (b) **ROLE OF STATE.**—Air quality reclassification for  
4 the wilderness areas established by this Act shall be the  
5 prerogative of the State of Utah. All areas designated as  
6 wilderness by this Act are and shall continue to be man-  
7 aged as PSD Class II under the Clean Air Act unless they  
8 are reclassified by the State of Utah in accordance with  
9 the Clean Air Act.

10 (c) **INDUSTRIAL FACILITIES.**—Nothing in this Act  
11 shall be construed to restrict or preclude construction, op-  
12 eration, or expansion of industrial facilities outside of the  
13 areas designated as wilderness by this Act, including (but  
14 not limited to) the Hunter Power Plant, the Huntington  
15 Power Plant, the Intermountain Power Project, the Bo-  
16 nanza Power Plant, the Continental Lime Plant, and the  
17 Brush Wellman Plant. Such projects and facilities shall  
18 be permitted according to appropriate laws and regula-  
19 tions including (but not limited to) the Clean Air Act.

20 **SEC. 9. DISCLAIMERS.**

21 Nothing in this Act shall be construed to—

22 (1) prohibit the establishment and maintenance  
23 of reservoirs, water-conservation works, transmission  
24 lines, and other facilities needed in the public inter-



1 est, including the road construction and maintenance  
2 essential to development and use thereof in—

3 (A) ~~Cougar Canyon Wilderness~~ designated  
4 by section 2(a)(44);

5 (B) ~~Red Mountain Wilderness~~ designated  
6 by section 2(a)(45);

7 (C) ~~Parunuweap Canyon Wilderness~~ des-  
8 ignated by section 2(a)(27); and

9 (D) ~~Canaan Mountain Wilderness~~ des-  
10 ignated by section 2(a)(28);

11 (2) Nothing in this Act shall be construed to  
12 prevent the maintenance, repair, or expansion of  
13 communication sites and facilities or to require re-  
14 moval of existing communication sites and facilities  
15 in—

16 (A) ~~Swasey Mountain Wilderness~~ des-  
17 ignated by section 2(a)(26);

18 (B) ~~Fifty Mile Mountain Wilderness~~ des-  
19 ignated by section 2(a)(31);

20 (C) ~~Mt. Ellen Wilderness~~ designated by  
21 section 2(a)(12); and

22 (D) ~~Deep Creek Mountains Wilderness~~  
23 designated by section 2(a)(42).

24 (3) prevent the construction of a pipeline for  
25 transport of natural gas through the Right Hand of

1 Tusher Canyon in and adjacent to the Desolation  
2 Canyon Wilderness designated by section 2(a)(1);

3 (4) as establishing a precedent with regard to  
4 any future wilderness designation, nor shall it con-  
5 stitute an interpretation of any other Act or any wil-  
6 derness designation made pursuant thereto; and

7 (5) to prevent the use of any mechanically pro-  
8 pelled water craft on navigable streams that lie with-  
9 in or adjacent to an area designated as wilderness  
10 by this Act.

11 **SEC. 10. WILDERNESS RELEASE.**

12 (a) FINDING.—The Congress finds and directs that  
13 all public lands in the State of Utah administered by the  
14 Bureau of Land Management have been adequately stud-  
15 ied for wilderness designation pursuant to sections 202  
16 and 603 of the Federal Land Policy and Management Act  
17 of 1976 (43 U.S.C. 1712 and 1782).

18 (b) RELEASE.—Except as provided in subsection (c),  
19 any public lands administered by the Bureau of Land  
20 Management in the State of Utah not designated wilder-  
21 ness by this Act shall not be subject to section 603(c) of  
22 the Federal Land Policy and Management Act of 1976  
23 (43 U.S.C. 1783(c)) but shall be managed for the full  
24 range of nonwilderness multiple uses in accordance with  
25 land management plans adopted pursuant to section 202

1 of such Act (~~43 U.S.C. 1712~~). Such lands shall not be  
 2 managed for the purpose of protecting their suitability for  
 3 wilderness designation or their wilderness character and  
 4 shall remain available for nonwilderness multiple uses,  
 5 subject to the requirements of other Federal laws.

6 ~~(c) CONTINUING WILDERNESS STUDY AREAS STA-~~  
 7 ~~TUS.—~~The following wilderness study areas which are  
 8 under study status by States adjacent to the State of Utah  
 9 shall continue to be subject to section ~~603(e)~~ of the Fed-  
 10 eral Land Policy and Management Act of 1976 (~~43 U.S.C.~~  
 11 ~~1782(e)~~):

12 (1) Bull Canyon; ~~UT-080-419/CO-010-001.~~

13 (2) Wrigley Mesa/Jones Canyon/Black Ridge  
 14 Canyon West; ~~UT-060-116/117/CO-070-113A.~~

15 (3) Squaw/Papoose Canyon; ~~UT-060-227/CO-~~  
 16 ~~030-265A.~~

17 (4) Cross Canyon; ~~UT-060-229/CO-030-265.~~

18 **SEC. 11. EXCHANGE RELATING TO SCHOOL AND INSTITU-**

19 **TIONAL TRUST LANDS.**

20 (a) FINDINGS.—The Congress finds that—

21 (1) approximately ~~142,041~~ acres of school and  
 22 institutional trust lands are located within or adja-  
 23 cent to areas designated as wilderness by this Act;

24 (2) such lands were originally granted to the  
 25 State of Utah for the purpose of generating support

1 for the public schools through the development of  
 2 natural resources and other methods; and

3 ~~(3)~~ it is in the interest of the State of Utah for  
 4 such lands to be exchanged for interests in Federal  
 5 lands located outside of wilderness areas to accom-  
 6 plish this purpose; and

7 (4) the Federal lands described in subsection  
 8 ~~(c)(2)~~ are of approximate equivalent value to such  
 9 school and institutional trust lands.

10 (b) EXCHANGE.—If, not later than two years after  
 11 the date of the enactment of this Act and in accordance  
 12 with this section, the State of Utah offers to transfer all  
 13 its right, title, and interest in and to the school and insti-  
 14 tutional trust lands described in subsection ~~(c)(1)~~ to the  
 15 United States, the Secretary shall accept the offer and  
 16 transfer (within two years after the date of such accept-  
 17 ance) to the State of Utah in exchange for such lands all  
 18 right, title, and interest of the United States in and to  
 19 the Federal lands described in subsection ~~(c)(2)~~ and, if  
 20 necessary, lands identified pursuant to subsection (d). The  
 21 exchange of lands under this section shall be subject to  
 22 valid existing rights.

23 ~~(c) STATE AND FEDERAL EXCHANGE LANDS DE-~~  
 24 ~~SCRIBED.—~~

1           (1) SCHOOL AND INSTITUTIONAL TRUST  
 2           LANDS.—The school and institutional trust lands re-  
 3           ferred to in this section are those lands generally de-  
 4           picted as “Utah School Lands” on the map entitled  
 5           “~~In-Held School Trust Land Exchange—Proposed~~”  
 6           and dated \_\_\_\_\_ which—

7                   (A) are located within or adjacent to areas  
 8                   designated by this Act as wilderness; and

9                   (B) were granted by the United States in  
 10                  the Utah Enabling Act to the State of Utah in  
 11                  trust and other lands which under State law  
 12                  must be managed for the benefit of the public  
 13                  school system or the institutions of the State  
 14                  which are designated by the Utah Enabling Act.

15           (2) FEDERAL LANDS.—The Federal lands re-  
 16           ferred to in this section are the lands located in the  
 17           State of Utah which are generally depicted as “Fed-  
 18           eral Exchange Lands” on the map referred to in  
 19           paragraph (1).

20           (d) ADDITIONAL AVAILABLE FEDERAL LANDS TO  
 21           REMEDY IMBALANCES DUE TO ENCUMBRANCES.—

22                   (1) LIST OF ENCUMBRANCES.—Not later than  
 23                   180 days after the date of the enactment of this Act,  
 24                   the Secretary shall prepare a list of all encum-  
 25                   brances of record (in the records of the Bureau of

1 Land Management or otherwise known to the Bu-  
 2 reau of Land Management) of the Federal lands de-  
 3 scribed in subsection (c)(2) and transmit the list to  
 4 the State of Utah. Likewise, the State shall prepare  
 5 a list of all encumbrances of record or otherwise  
 6 known to the State to the State lands described in  
 7 subsection (c)(1) and transmit the list to the Sec-  
 8 retary.

9 (2) REMEDY.—In the event that the encum-  
 10 brances identified pursuant to paragraph (1) result  
 11 in an imbalance in the exchange under this section  
 12 such that the value of the lands transferred by the  
 13 State is greater than the value of the Federal lands  
 14 received, the Secretary shall transfer to the State  
 15 such additional Federal lands as may be necessary  
 16 to remedy the imbalance.

17 (c) DUTIES OF THE PARTIES AND OTHER PROVI-  
 18 SIONS RELATING TO THE EXCHANGE.—

19 (1) MAP AND LEGAL DESCRIPTION.—The State  
 20 of Utah and the Secretary shall each provide to the  
 21 other legal descriptions of the lands under their re-  
 22 spective jurisdictions which are to be exchanged  
 23 under this section. The map referred to in sub-  
 24 section (c)(1) and the legal descriptions provided  
 25 under this subsection shall be on file and available

1 for public inspection in the office of the Director of  
2 the Bureau of Land Management, and the office of  
3 the State Director of the Bureau of Land Manage-  
4 ment in the State of Utah, Department of the Inte-  
5 rior.

6 (2) HAZARDOUS MATERIALS.—The Secretary  
7 and, as a condition of the exchange under this sec-  
8 tion, the State of Utah shall make available for re-  
9 view and inspection all pertinent records relating to  
10 hazardous materials (if any) on lands to be ex-  
11 changed under this section. The responsibility for  
12 costs of remedial action related to such materials  
13 shall be borne by those entities responsible under ex-  
14 isting law.

15 (3) PROVISIONS RELATING TO FEDERAL  
16 LANDS.—(A) The enactment of this section Act shall  
17 be construed as satisfying the provisions of section  
18 206(a) of the Federal Land Policy and Management  
19 Act of 1976 requiring that exchanges of lands be in  
20 the public interest.

21 (B) The transfer of lands and related activities  
22 required of the Secretary under this section shall not  
23 be subject to National Environmental Policy Act of  
24 1969.

1           (C) The value of Federal lands transferred to  
 2           the State under this section shall be adjusted to re-  
 3           flect the right of the State of Utah to share in reve-  
 4           nue from such Federal lands.

5           (D) Subject to valid existing rights, the Federal  
 6           lands described in subsection (c)(2) are hereby with-  
 7           drawn from disposition under the public land laws  
 8           and from location, entry, and patent under the min-  
 9           ing laws of the United States, from the operation of  
 10          the mineral leasing laws of the United States, from  
 11          operation of the Geothermal Steam Act of 1970, and  
 12          from the operation of the Act of July 31, 1947, com-  
 13          monly known as the Materials Act of 1947 (30  
 14          U.S.C. 601 and following).

15          (f) ADMINISTRATION OF LANDS ACQUIRED BY THE  
 16          UNITED STATES.—The lands and interests in lands ac-  
 17          quired by the United States under this section shall be  
 18          added to and administered as part of areas of the public  
 19          lands, as indicated on the maps referred to in this section  
 20          or in section 2, as applicable.

21          **SECTION 1. SHORT TITLE.**

22                 *This Act may be cited as the “Utah Public Lands*  
 23                 *Management Act of 1995”.*



1 **SEC. 2. DESIGNATION OF WILDERNESS.**

2 (a) *DESIGNATION.*—*In furtherance of the purposes of*  
3 *the Wilderness Act (16 U.S.C. 1131 et seq.), the following*  
4 *lands in the State of Utah are hereby designated as wilder-*  
5 *ness and therefore as components of the National Wilderness*  
6 *Preservation System:*

7 (1) *Certain lands in the Desolation Canyon Wil-*  
8 *derness Study Area comprised of approximately*  
9 *254,478 acres, as generally depicted on a map enti-*  
10 *tled “Desolation Canyon Proposed Wilderness” and*  
11 *dated October 3, 1995, and which shall be known as*  
12 *the Desolation Canyon Wilderness.*

13 (2) *Certain lands in the San Rafael Reef Wilder-*  
14 *ness Study Area comprised of approximately 47,786*  
15 *acres, as generally depicted on a map entitled “San*  
16 *Rafael Reef Proposed Wilderness” and dated Septem-*  
17 *ber 18, 1995, and which shall be known as the San*  
18 *Rafael Reef Wilderness.*

19 (3) *Certain lands in the Horseshoe Canyon Wil-*  
20 *derness Study Area (North) comprised of approxi-*  
21 *mately 24,966 acres, as generally depicted on a map*  
22 *entitled “Horseshoe/Labyrinth Canyon Proposed Wil-*  
23 *derness” and dated October 3, 1995, and which shall*  
24 *be known as the Horseshoe/Labyrinth Canyon Wilder-*  
25 *ness.*

1           (4) *Certain lands in the Crack Canyon Wilder-*  
2           *ness Study Area comprised of approximately 20,322*  
3           *acres, as generally depicted on a map entitled “Crack*  
4           *Canyon Proposed Wilderness” and dated September*  
5           *18, 1995, and which shall be known as the Crack*  
6           *Canyon Wilderness.*

7           (5) *Certain lands in the Muddy Creek Wilderness*  
8           *Study Area comprised of approximately 37,244 acres,*  
9           *as generally depicted on a map entitled “Muddy*  
10          *Creek Proposed Wilderness” and dated September 18,*  
11          *1995, and which shall be known as the Muddy Creek*  
12          *Wilderness.*

13          (6) *Certain lands in the Sids Mountain Wilder-*  
14          *ness Study Area comprised of approximately 41,154*  
15          *acres, as generally depicted on a map entitled “Sids*  
16          *Mountain Proposed Wilderness” and dated September*  
17          *18, 1995, and which shall be known as the Sids*  
18          *Mountain Wilderness.*

19          (7) *Certain lands in the Mexican Mountain Wil-*  
20          *derness Study Area comprised of approximately*  
21          *34,107 acres, as generally depicted on a map entitled*  
22          *“Mexican Mountain Proposed Wilderness” and dated*  
23          *September 18, 1995, and which shall be known as the*  
24          *Mexican Mountain Wilderness.*

1           (8) *Certain lands in the Phipps-Death Hollow*  
2 *Wilderness Study Area comprised of approximately*  
3 *42,437 acres, as generally depicted on a map entitled*  
4 *“Phipps-Death Hollow Proposed Wilderness” and*  
5 *dated October 3, 1995, and which shall be known as*  
6 *the Phipps-Death Hollow Wilderness.*

7           (9) *Certain lands in the Steep Creek Wilderness*  
8 *Study Area comprised of approximately 21,277 acres,*  
9 *as generally depicted on a map entitled “Steep Creek*  
10 *Proposed Wilderness” and dated September 18, 1995,*  
11 *and which shall be known as the Steep Creek Wilder-*  
12 *ness.*

13           (10) *Certain lands in the North Escalante Can-*  
14 *yons/The Gulch Wilderness Study Area comprised of*  
15 *approximately 103,324 acres, as generally depicted on*  
16 *a map entitled “North Escalante Canyons/The Gulch*  
17 *Proposed Wilderness” and dated October 3, 1995, and*  
18 *which shall be known as the North Escalante Can-*  
19 *yons/The Gulch Creek Wilderness.*

20           (11) *Certain lands in the Scorpion Wilderness*  
21 *Study Area comprised of approximately 16,692 acres,*  
22 *as generally depicted on a map entitled “Scorpion*  
23 *Proposed Wilderness” and dated September 18, 1995,*  
24 *and which shall be known as the Scorpion Wilderness.*

1           (12) *Certain lands in the Mt. Ellen-Blue Hills*  
2 *Wilderness Study Area comprised of approximately*  
3 *62,663 acres, as generally depicted on a map entitled*  
4 *“Mt. Ellen-Blue Hills Proposed Wilderness” and*  
5 *dated September 18, 1995, and which shall be known*  
6 *as the Mt. Ellen-Blue Hills Wilderness.*

7           (13) *Certain lands in the Bull Mountain Wilder-*  
8 *ness Study Area comprised of approximately 11,424*  
9 *acres, as generally depicted on a map entitled “Bull*  
10 *Mountain Proposed Wilderness” and dated September*  
11 *18, 1995, and which shall be known as the Bull*  
12 *Mountain Wilderness.*

13           (14) *Certain lands in the Fiddler Butte Wilder-*  
14 *ness Study Area comprised of approximately 22,180*  
15 *acres, as generally depicted on a map entitled “Fid-*  
16 *dlar Butte Proposed Wilderness” and dated September*  
17 *18, 1995, and which shall be known as the Fiddler*  
18 *Butte Mountain Wilderness.*

19           (15) *Certain lands in the Mt. Pennell Wilderness*  
20 *Study Area comprised of approximately 18,620 acres,*  
21 *as generally depicted on a map entitled “Mt. Pennell*  
22 *Proposed Wilderness” and dated September 18, 1995,*  
23 *and which shall be known as the Mt. Pennell Wilder-*  
24 *ness.*

1           (16) *Certain lands in the Mt. Hillers Wilderness*  
2           *Study Area comprised of approximately 14,746 acres,*  
3           *as generally depicted on a map entitled “Mt. Hillers*  
4           *Proposed Wilderness” and dated September 18, 1995,*  
5           *and which shall be known as the Mt. Hillers Wilder-*  
6           *ness.*

7           (17) *Certain lands in the Little Rockies Wilder-*  
8           *ness Study Area comprised of approximately 48,928*  
9           *acres, as generally depicted on a map entitled “Little*  
10          *Rockies Proposed Wilderness” and dated September*  
11          *18, 1995, and which shall be known as the Little*  
12          *Rockies Wilderness.*

13          (18) *Certain lands in the Mill Creek Canyon*  
14          *Wilderness Study Area comprised of approximately*  
15          *7,838 acres, as generally depicted on a map entitled*  
16          *“Mill Creek Canyon Proposed Wilderness” and dated*  
17          *September 18, 1995, and which shall be known as the*  
18          *Mill Creek Canyon Wilderness.*

19          (19) *Certain lands in the Negro Bill Canyon*  
20          *Wilderness Study Area comprised of approximately*  
21          *7,432 acres, as generally depicted on a map entitled*  
22          *“Negro Bill Canyon Proposed Wilderness” and dated*  
23          *September 18, 1995, and which shall be known as the*  
24          *Negro Bill Canyon Wilderness.*

1           (20) *Certain lands in the Floy Canyon Wilder-*  
2           *ness Study Area comprised of approximately 28,290*  
3           *acres, as generally depicted on a map entitled “Floy*  
4           *Canyon Proposed Wilderness” and dated October 3,*  
5           *1995, and which shall be known as the Floy Canyon*  
6           *Wilderness.*

7           (21) *Certain lands in the Coal Canyon Wilder-*  
8           *ness Study Area and the Spruce Canyon Wilderness*  
9           *Study Area comprised of approximately 56,760 acres,*  
10          *as generally depicted on a map entitled “Coal/Spruce*  
11          *Canyon Proposed Wilderness” and dated September*  
12          *18, 1995, and which shall be known as the Coal/*  
13          *Spruce Canyon Wilderness.*

14          (22) *Certain lands in the Flume Canyon Wilder-*  
15          *ness Study Area comprised of approximately 37,506*  
16          *acres, as generally depicted on a map entitled “Flume*  
17          *Canyon Proposed Wilderness” and dated September*  
18          *18, 1995, and which shall be known as the Flume*  
19          *Canyon Wilderness.*

20          (23) *Certain lands in the Westwater Canyon*  
21          *Wilderness Study Area comprised of approximately*  
22          *25,383 acres, as generally depicted on a map entitled*  
23          *“Westwater Canyon Proposed Wilderness” and dated*  
24          *September 18, 1995, and which shall be known as the*  
25          *Westwater Canyon Wilderness.*

1           (24) *Certain lands in the Beaver Creek Wilder-*  
2 *ness Study Area comprised of approximately 24,531*  
3 *acres, as generally depicted on a map entitled “Bea-*  
4 *ver Creek Proposed Wilderness” and dated October 3,*  
5 *1995, and which shall be known as the Beaver Creek*  
6 *Wilderness.*

7           (25) *Certain lands in the Fish Springs Wilder-*  
8 *ness Study Area comprised of approximately 36,142*  
9 *acres, as generally depicted on a map entitled “Fish*  
10 *Springs Proposed Wilderness” and dated September*  
11 *18, 1995, and which shall be known as the Fish*  
12 *Springs Wilderness.*

13           (26) *Certain lands in the Swasey Mountain Wil-*  
14 *derness Study Area comprised of approximately*  
15 *34,803 acres, as generally depicted on a map entitled*  
16 *“Swasey Mountain Proposed Wilderness” and dated*  
17 *September 18, 1995, and which shall be known as the*  
18 *Swasey Mountain Wilderness.*

19           (27) *Certain lands in the Parunuweap Canyon*  
20 *Wilderness Study Area comprised of approximately*  
21 *19,122 acres, as generally depicted on a map entitled*  
22 *“Parunuweap Canyon Proposed Wilderness” and*  
23 *dated October 3, 1995, and which shall be known as*  
24 *the Parunuweap Wilderness.*

1           (28) *Certain lands in the Canaan Mountain*  
2 *Wilderness Study Area comprised of approximately*  
3 *32,297 acres, as generally depicted on a map entitled*  
4 *“Canaan Mountain Proposed Wilderness” and dated*  
5 *September 18, 1995, and which shall be known as the*  
6 *Canaan Mountain Wilderness.*

7           (29) *Certain lands in the Paria-Hackberry Wil-*  
8 *derness Study Area comprised of approximately*  
9 *57,641 acres, as generally depicted on a map entitled*  
10 *“Paria-Hackberry Proposed Wilderness” and dated*  
11 *September 18, 1995, and which shall be known as the*  
12 *Paria-Hackberry Wilderness.*

13           (30) *Certain lands in the Escalante Canyon*  
14 *Tract 5 Wilderness Study Area comprised of approxi-*  
15 *mately 756 acres, as generally depicted on a map en-*  
16 *itled “Escalante Canyon Tract 5 Proposed Wilder-*  
17 *ness” and dated September 18, 1995, and which shall*  
18 *be known as the Escalante Canyon Tract 5 Wilder-*  
19 *ness.*

20           (31) *Certain lands in the Fifty Mile Mountain*  
21 *Wilderness Study Area comprised of approximately*  
22 *121,434 acres, as generally depicted on a map enti-*  
23 *itled “Fifty Mile Mountain Proposed Wilderness” and*  
24 *dated September 18, 1995, and which shall be known*  
25 *as the Fifty Mile Mountain Wilderness.*



1           (32) *Certain lands in the Howell Peak Wilder-*  
2           *ness comprised of approximately 14,518 acres, as gen-*  
3           *erally depicted on a map entitled “Howell Peak Pro-*  
4           *posed Wilderness” and dated September 18, 1995, and*  
5           *which shall be known as the Howell Peak Wilderness.*

6           (33) *Certain lands in the Notch Peak Wilderness*  
7           *Study Area comprised of approximately 17,678 acres,*  
8           *as generally depicted on a map entitled “Notch Peak*  
9           *Proposed Wilderness” and dated September 18, 1995,*  
10          *and which shall be known as the Notch Peak Wilder-*  
11          *ness.*

12          (34) *Certain lands in the Wah Wah Mountains*  
13          *Wilderness Study Area comprised of approximately*  
14          *41,311 acres, as generally depicted on a map entitled*  
15          *“Wah Wah Mountains Proposed Wilderness” and*  
16          *dated September 18, 1995, and which shall be known*  
17          *as the Wah Wah Wilderness.*

18          (35) *Certain lands in the Mancos Mesa Wilder-*  
19          *ness Study Area comprised of approximately 48,269*  
20          *acres, as generally depicted on a map entitled*  
21          *“Mancos Mesa Proposed Wilderness” and dated Sep-*  
22          *tember 18, 1995, and which shall be known as the*  
23          *Mancos Mesa Wilderness.*

24          (36) *Certain lands in the Grand Gulch Wilder-*  
25          *ness Study Area comprised of approximately 51,110*

1        *acres, as generally depicted on a map entitled “Grand*  
2        *Gulch Proposed Wilderness” and dated October 3,*  
3        *1995, and which shall be known as the Grand Gulch*  
4        *Wilderness.*

5                *(37) Certain lands in the Dark Canyon Wilder-*  
6        *ness Study Area comprised of approximately 67,099*  
7        *acres, as generally depicted on a map entitled “Dark*  
8        *Canyon Proposed Wilderness” and dated September*  
9        *18, 1995, and which shall be known as the Dark Can-*  
10        *yon Wilderness.*

11                *(38) Certain lands in the Butler Wash Wilder-*  
12        *ness Study Area comprised of approximately 24,888*  
13        *acres, as generally depicted on a map entitled “Butler*  
14        *Wash Proposed Wilderness” and dated September 18,*  
15        *1995, and which shall be known as the Butler Wash*  
16        *Wilderness.*

17                *(39) Certain lands in the Indian Creek Wilder-*  
18        *ness Study Area comprised of approximately 6,769*  
19        *acres, as generally depicted on a map entitled “In-*  
20        *Indian Creek Proposed Wilderness” and dated Septem-*  
21        *ber 18, 1995, and which shall be known as the Indian*  
22        *Creek Wilderness.*

23                *(40) Certain lands in the Behind the Rocks Wil-*  
24        *derness Study Area comprised of approximately*  
25        *13,728 acres, as generally depicted on a map entitled*

1       *“Behind the Rocks Proposed Wilderness” and dated*  
2       *September 18, 1995, and which shall be known as the*  
3       *Behind the Rocks Wilderness.*

4               (41) *Certain lands in the Cedar Mountains Wil-*  
5       *derness Study Area comprised of approximately*  
6       *25,645 acres, as generally depicted on a map entitled*  
7       *“Cedar Mountains Proposed Wilderness” and dated*  
8       *October 3, 1995, and which shall be known as the*  
9       *Cedar Mountains Wilderness.*

10              (42) *Certain lands in the Deep Creek Mountains*  
11       *Wilderness Study Area comprised of approximately*  
12       *71,024 acres, as generally depicted on a map entitled*  
13       *“Deep Creek Mountains Proposed Wilderness” and*  
14       *dated October 3, 1995, and which shall be known as*  
15       *the Deep Creek Mountains Wilderness.*

16              (43) *Certain lands in the Nutters Hole Wilder-*  
17       *ness Study Area comprised of approximately 3,647*  
18       *acres, as generally depicted on a map entitled “Nut-*  
19       *ters Hole Proposed Wilderness” and dated September*  
20       *18, 1995, and which shall be known as the Nutters*  
21       *Hole Wilderness.*

22              (44) *Certain lands in the Cougar Canyon Wil-*  
23       *derness Study Area comprised of approximately 4,370*  
24       *acres, including those lands located in the State of*  
25       *Nevada, as generally depicted on a map entitled*

1       *“Cougar Canyon Proposed Wilderness” and dated*  
2       *September 18, 1995, and which shall be known as the*  
3       *Cougar Canyon Wilderness.*

4               *(45) Certain lands in the Red Mountain Wilder-*  
5       *ness Study Area comprised of approximately 9,216*  
6       *acres, as generally depicted on a map entitled “Red*  
7       *Mountain Proposed Wilderness” and dated September*  
8       *18, 1995, and which shall be known as the Red Moun-*  
9       *tains Wilderness.*

10              *(46) Certain lands in the Deep Creek Wilderness*  
11       *Study Area comprised of approximately 3,063 acres,*  
12       *as generally depicted on a map entitled “Deep Creek*  
13       *Proposed Wilderness” and dated September 18, 1995,*  
14       *and which shall be known as the Deep Creek Wilder-*  
15       *ness.*

16              *(47) Certain lands within the Dirty Devil Wil-*  
17       *derness Study Area comprised of approximately*  
18       *75,854 acres, as generally depicted on a map entitled*  
19       *“Dirty Devil Proposed Wilderness” and dated Sep-*  
20       *tember 18, 1995, and which shall be known as the*  
21       *Dirty Devil Wilderness.*

22              *(48) Certain lands within the Horseshoe Canyon*  
23       *South Wilderness Study Area comprised of approxi-*  
24       *mately 11,392 acres, as generally depicted on a map*  
25       *entitled “Horseshoe Canyon South Proposed Wilder-*

1        *ness” and dated September 18, 1995, and which shall*  
2        *be known as the Horseshoe Canyon South Wilderness.*

3            *(49) Certain lands in the French Spring-Happy*  
4        *Canyon Wilderness Study Area comprised of approxi-*  
5        *mately 12,343 acres, as generally depicted on a map*  
6        *entitled “French Spring-Happy Canyon Proposed*  
7        *Wilderness” and dated September 18, 1995, and*  
8        *which shall be known as the French Spring-Happy*  
9        *Canyon Wilderness.*

10        *(b) MAP AND DESCRIPTION.—As soon as practicable*  
11        *after the date of enactment of this Act, the Secretary of the*  
12        *Interior (hereafter in this Act referred to as the “Sec-*  
13        *retary”)* shall file a map and a legal description of each  
14        *area designated as wilderness by subsection (a) with the*  
15        *Committee on Resources of the House of Representatives*  
16        *and the Committee on Energy and Natural Resources of*  
17        *the Senate. Each such map and description shall have the*  
18        *same force and effect as if included in this Act, except that*  
19        *corrections of clerical and typographical errors in each such*  
20        *map and legal description may be made. Each such map*  
21        *and legal description shall be on file and available for pub-*  
22        *lic inspection in the office of the Director of the Bureau*  
23        *of Land Management, and the office of the State Director*  
24        *of the Bureau of Land Management in the State of Utah,*  
25        *Department of the Interior.*

1 **SEC. 3. ADMINISTRATION OF WILDERNESS AREAS.**

2       (a) *IN GENERAL.*—Subject to valid existing rights,  
3 each area designated by this Act as wilderness shall be ad-  
4 ministered by the Secretary in accordance with this Act,  
5 the Wilderness Act (16 U.S.C. 1131 et seq.), and section  
6 603 of the Federal Land Policy and Management Act of  
7 1976. Any valid existing rights recognized by this Act shall  
8 be determined under applicable laws, including the land use  
9 planning process under section 202 of the Federal Land  
10 Policy and Management Act of 1976 (43 U.S.C. 1712). Any  
11 lands or interest in lands within the boundaries of an area  
12 designated as wilderness by this Act that is acquired by  
13 the United States after the date of enactment of this Act  
14 shall be added to and administered as part of the wilderness  
15 area within which such lands or interests in lands are lo-  
16 cated.

17       (b) *MANAGEMENT PLANS.*—The Secretary shall, with-  
18 in five years after the date of the enactment of this Act,  
19 prepare plans to manage the areas designated by this Act  
20 as wilderness.

21       (c) *LIVESTOCK.*—(1) Grazing of livestock in areas des-  
22 igned as wilderness by this Act, where established prior  
23 to the date of the enactment of this Act, shall—

24               (A) continue and not be curtailed or phased out  
25 due to wilderness designation or management; and

1           (B) be administered in accordance with section  
2           4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4))  
3           and the guidelines set forth in House Report 96–1126.

4           (2) Wilderness shall not be used as a suitability cri-  
5           teria for managing any grazing allotment that is subject  
6           to paragraph (1).

7           (d) STATE FISH AND WILDLIFE.—In accordance with  
8           section 4(d)(7) of the Wilderness Act (16 U.S.C.  
9           1131(d)(7)), nothing in this Act shall be construed as affect-  
10          ing the jurisdiction or responsibilities of the State of Utah  
11          with respect to fish and wildlife management activities, in-  
12          cluding water development for fish and wildlife purposes,  
13          predator control, transplanting animals, stocking fish,  
14          hunting, fishing and trapping.

15          (e) PROHIBITION OF BUFFER ZONES.—The Congress  
16          does not intend that designation of an area as wilderness  
17          by this Act lead to the creation of protective perimeters or  
18          buffer zones around the area. The fact that nonwilderness  
19          activities or uses can be seen, heard, or smelled from areas  
20          within a wilderness shall not preclude such activities or  
21          uses up to the boundary of the wilderness area.

22          (f) OIL SHALE RESERVE NUMBER TWO.—The area  
23          known as “Oil Shale Reserve Number Two” within Desola-  
24          tion Canyon Wilderness (as designated by section 2(a)(1)),  
25          located in Carbon County and Uintah County, Utah, shall

1 *not be reserved for oil shale purposes after the date of the*  
2 *enactment of this Act and shall be under the sole jurisdic-*  
3 *tion of and managed by the Bureau of Land Management.*

4 (g) *ROADS AND RIGHTS-OF-WAY AS BOUNDARIES.—*  
5 *Unless depicted otherwise on a map referred to by this Act,*  
6 *where roads form the boundaries of the areas designated as*  
7 *wilderness by this Act, the wilderness boundary shall be set*  
8 *back from the center line of the road as follows:*

9 (1) *300 feet for high standard roads such as*  
10 *paved highways.*

11 (2) *100 feet for roads equivalent to high standard*  
12 *logging roads.*

13 (3) *30 feet for all unimproved roads not referred*  
14 *to in paragraphs (1) or (2).*

15 (h) *CHERRY-STEMMED ROADS.—(1) The Secretary*  
16 *may not close or limit access to any non-Federal road that*  
17 *is bounded on one or both sides by an area designated as*  
18 *wilderness by this Act, as generally depicted on a map re-*  
19 *ferred to in section 2, without first obtaining written con-*  
20 *sent from the State of Utah or the political subdivision*  
21 *thereof with general jurisdiction over roads in the area.*

22 (2) *Any road described in paragraph (1) may continue*  
23 *to be maintained and repaired by any such entity.*

24 (i) *ACCESS.—Reasonable access, including the use of*  
25 *motorized equipment where necessary or customarily or his-*



1 *torically employed, shall be allowed on routes within the*  
2 *areas designated wilderness by this Act in existence as of*  
3 *the date of enactment of this Act for the exercise of valid-*  
4 *existing rights, including, but not limited to, access to exist-*  
5 *ing water diversion, carriage, storage and ancillary facili-*  
6 *ties and livestock grazing improvements and structures. Ex-*  
7 *isting routes as of such date may be maintained and re-*  
8 *paired as necessary to maintain their customary or historic*  
9 *uses.*

10       *(j) LAND ACQUISITION BY EXCHANGE OR PUR-*  
11 *CHASE.—The Secretary may offer to acquire from non-*  
12 *governmental entities lands and interests in lands located*  
13 *within or adjacent to areas designated as wilderness by this*  
14 *Act. Lands may be acquired under this subsection only by*  
15 *exchange, donation, or purchase from willing sellers.*

16       *(k) MOTORBOATS.—As provided in section 4(d)(1) of*  
17 *the Wilderness Act, within areas designated as wilderness*  
18 *by this Act, the use of motorboats, where such use was estab-*  
19 *lished as of the date of enactment of this Act, may be per-*  
20 *mitted to continue subject to such restrictions as the Sec-*  
21 *retary deems desirable.*

22       *(l) DISCLAIMER.—Nothing in this Act shall be con-*  
23 *strued as establishing a precedent with regard to any future*  
24 *wilderness designation, nor shall it constitute an interpre-*

1 *tation of any other Act or any wilderness designation made*  
2 *pursuant thereto.*

3 **SEC. 4. WATER RIGHTS.**

4       (a) *NO FEDERAL RESERVATION.*—*Nothing in this Act*  
5 *or any other Act of Congress shall constitute or be construed*  
6 *to constitute either an express or implied Federal reserva-*  
7 *tion of water or water rights for any purpose arising from*  
8 *the designation of areas as wilderness by this Act.*

9       (b) *ACQUISITION AND EXERCISE OF WATER RIGHTS*  
10 *UNDER UTAH LAW.*—*The United States may acquire and*  
11 *exercise such water rights as it deems necessary to carry*  
12 *out its responsibilities on any lands designated as wilder-*  
13 *ness by this Act pursuant to the substantive and procedural*  
14 *requirements of the State of Utah. Nothing in this Act shall*  
15 *be construed to authorize the use of eminent domain by the*  
16 *United States to acquire water rights for such lands. Within*  
17 *areas designated as wilderness by this Act, all rights to*  
18 *water granted under the laws of the State of Utah may be*  
19 *exercised in accordance with the substantive and procedural*  
20 *requirements of the State of Utah.*

21       (c) *EXERCISE OF WATER RIGHTS GENERALLY UNDER*  
22 *UTAH LAWS.*—*Nothing in this Act shall be construed to*  
23 *limit the exercise of water rights as provided under Utah*  
24 *State laws.*

1       (d) *CERTAIN FACILITIES NOT AFFECTED.*—Nothing in  
2 *this Act shall affect the capacity, operation, maintenance,*  
3 *repair, modification, or replacement of municipal, agricul-*  
4 *tural, livestock, or wildlife water facilities in existence as*  
5 *of the date of enactment of this Act within the boundaries*  
6 *of areas designated as wilderness by this Act.*

7       (e) *WATER RESOURCE PROJECTS.*—Nothing in this  
8 *Act or the Wilderness Act shall be construed to limit or to*  
9 *be a consideration in Federal approvals or denials for ac-*  
10 *cess to or use of the Federal lands outside areas designated*  
11 *wilderness by this Act for development and operation of*  
12 *water resource projects, including (but not limited to) res-*  
13 *ervoir projects. Nothing in this subsection shall create a*  
14 *right of access through a wilderness area designated pursu-*  
15 *ant to this Act for the purposes of such projects.*

16 ***SEC. 5. CULTURAL, ARCHAEOLOGICAL, AND PALEONTOLOG-***  
17 ***ICAL RESOURCES.***

18       *The Secretary is responsible for the protection (includ-*  
19 *ing through the use of mechanical means) and interpreta-*  
20 *tion (including through the use of permanent improve-*  
21 *ments) of cultural, archaeological, and paleontological re-*  
22 *sources located within areas designated as wilderness by*  
23 *this Act.*

1 **SEC. 6. NATIVE AMERICAN CULTURAL AND RELIGIOUS**  
2 **USES.**

3 *In recognition of the past use of portions of the areas*  
4 *designated as wilderness by this Act by Native Americans*  
5 *for traditional cultural and religious purposes, the Sec-*  
6 *retary shall assure nonexclusive access from time to time*  
7 *to those sites by Native Americans for such purposes, in-*  
8 *cluding (but not limited to) wood gathering for personal*  
9 *use or collecting plants or herbs for religious or medicinal*  
10 *purposes. Such access shall be consistent with the purpose*  
11 *and intent of the Act of August 11, 1978 (42 U.S.C. 1996;*  
12 *commonly referred to as the “American Indian Religious*  
13 *Freedom Act”).*

14 **SEC. 7. MILITARY OVERFLIGHTS.**

15 *(a) OVERFLIGHTS NOT PRECLUDED.—Nothing in this*  
16 *Act, the Wilderness Act, or other land management laws*  
17 *generally applicable to the new areas of the Wilderness Pres-*  
18 *ervation System (or any additions to existing areas) des-*  
19 *ignated by this Act, shall restrict or preclude overflights of*  
20 *military aircraft over such areas, including military*  
21 *overflights that can be seen or heard within such units.*

22 *(b) SPECIAL USE AIRSPACE.—Nothing in this Act, the*  
23 *Wilderness Act, or other land management laws generally*  
24 *applicable to the new areas of the Wilderness Preservation*  
25 *System (or any additions to existing areas) designated by*  
26 *this Act, shall restrict or preclude the designation of new*

1 *units of special use airspace or the use or establishment of*  
2 *military flight training rules over such areas.*

3       (c) *COMMUNICATIONS OR TRACKING SYSTEMS.*—*Noth-*  
4 *ing in this Act, the Wilderness Act, or other land manage-*  
5 *ment laws generally applicable to new areas of the Wilder-*  
6 *ness Preservation System (or any additions to existing*  
7 *areas) designated by this Act shall be construed to require*  
8 *the removal of existing communication or electronic track-*  
9 *ing systems from areas designated as wilderness by this Act,*  
10 *to prohibit the maintenance of existing communications or*  
11 *electronic tracking systems within such new wilderness*  
12 *areas, or to prevent the installation of portable electronic*  
13 *communication or tracking systems in support of military*  
14 *operations so long as installation, maintenance, and re-*  
15 *moval of such systems does not require construction of tem-*  
16 *porary or permanent roads.*

17 **SEC. 8. AIR QUALITY.**

18       (a) *IN GENERAL.*—*The Congress does not intend that*  
19 *designation of wilderness areas in the State of Utah by this*  
20 *Act lead to reclassification of any airshed to a more strin-*  
21 *gent Prevention of Significant Deterioration (PSD) classi-*  
22 *fication.*

23       (b) *ROLE OF STATE.*—*Air quality reclassification for*  
24 *the wilderness areas established by this Act shall be the pre-*  
25 *rogative of the State of Utah. All areas designated as wil-*

1 *derness by this Act are and shall continue to be managed*  
2 *as PSD Class II under the Clean Air Act unless they are*  
3 *reclassified by the State of Utah in accordance with the*  
4 *Clean Air Act.*

5       (c) *INDUSTRIAL FACILITIES.*—*Nothing in this Act*  
6 *shall be construed to restrict or preclude construction, oper-*  
7 *ation, or expansion of industrial facilities outside of the*  
8 *areas designated as wilderness by this Act, including the*  
9 *Hunter Power Facilities, the Huntington Power Facilities,*  
10 *the Intermountain Power Facilities, the Bonanza Power*  
11 *Facilities, the Continental Lime Facilities, and the Brush*  
12 *Wellman Facilities. The permitting and operation of such*  
13 *projects and facilities shall be subject to applicable laws and*  
14 *regulations.*

15 **SEC. 9. WILDERNESS RELEASE.**

16       (a) *FINDING.*—*The Congress finds and directs that all*  
17 *public lands in the State of Utah administered by the Bu-*  
18 *reau of Land Management have been adequately studied for*  
19 *wilderness designation pursuant to sections 202 and 603*  
20 *of the Federal Land Policy and Management Act of 1976*  
21 *(43 U.S.C. 1712 and 1782).*

22       (b) *RELEASE.*—*Except as provided in subsection (c),*  
23 *any public lands administered by the Bureau of Land Man-*  
24 *agement in the State of Utah not designated wilderness by*  
25 *this Act shall not be subject to section 603(c) of the Federal*

1 *Land Policy and Management Act of 1976 (43 U.S.C.*  
 2 *1783(c)) but shall be managed for the full range of*  
 3 *nonwilderness multiple uses in accordance with land man-*  
 4 *agement plans adopted pursuant to section 202 of such Act*  
 5 *(43 U.S.C. 1712), including (but not limited to) Areas of*  
 6 *Critical Environmental Concern, Outstanding Natural*  
 7 *Areas, National Natural Landmarks, Research Natural*  
 8 *Areas, Primitive Areas, Visual Resource Management Class*  
 9 *I areas, and the full range of administrative management*  
 10 *designations provided under such Act. Such lands shall not*  
 11 *be managed for the purpose of protecting their suitability*  
 12 *for wilderness designation or their wilderness character and*  
 13 *shall remain available for nonwilderness multiple uses, sub-*  
 14 *ject to the requirements of other Federal laws.*

15       (c) *CONTINUING WILDERNESS STUDY AREAS STA-*  
 16 *TUS.—The following wilderness study areas which are*  
 17 *under study status by States adjacent to the State of Utah*  
 18 *shall continue to be subject to section 603(c) of the Federal*  
 19 *Land Policy and Management Act of 1976 (43 U.S.C.*  
 20 *1782(c)):*

21               (1) *Bull Canyon; UT–080–419/CO–010–001.*

22               (2) *Wrigley Mesa/Jones Canyon/Black Ridge*  
 23 *Canyon West; UT–060– 116/117/CO–070–113A.*

24               (3) *Squaw/Papoose Canyon; UT–060–227/CO–*  
 25 *030–265A.*

1           (4) *Cross Canyon; UT-060-229/CO-030-265.*

2   **SEC. 10. EXCHANGE RELATING TO SCHOOL AND INSTITU-**  
3                           **TIONAL TRUST LANDS.**

4           (a) *FINDINGS.—The Congress finds that—*

5                   (1) *approximately 209,000 acres of school and*  
6                   *institutional trust lands are located within or adja-*  
7                   *cent to areas designated as wilderness by this Act, in-*  
8                   *cluding 15,000 acres of mineral estate;*

9                   (2) *such lands were originally granted to the*  
10                  *State of Utah for the purpose of generating support*  
11                  *for the public schools through the development of nat-*  
12                  *ural resources and other methods; and*

13                  (3) *it is in the interest of the State of Utah and*  
14                  *the United States for such lands to be exchanged for*  
15                  *interests in Federal lands located outside of wilder-*  
16                  *ness areas to accomplish this purpose.*

17           (b) *EXCHANGE.—If, not later than seven years after*  
18           *the date of the enactment of this Act and in accordance with*  
19           *this section, the State of Utah offers to transfer all its right,*  
20           *title, and interest in and to the school and institutional*  
21           *trust lands described in subsection (c)(1) to the United*  
22           *States, the Secretary shall accept the offer and, within 180*  
23           *days after the date of such acceptance, in exchange for such*  
24           *lands initiate transfers to the State of Utah of all right,*  
25           *title, and interest of the United States in and to the Federal*



1 *lands described in subsection (c)(2) and, (d). The exchange*  
 2 *of lands under this section shall be subject to valid existing*  
 3 *rights, including (but not limited to) the right of the State*  
 4 *of Utah to receive, and distribute pursuant to State law,*  
 5 *50 percent of the revenue, less a reasonable administrative*  
 6 *fee, from the production of minerals that are leased or*  
 7 *would have been subject to leasing pursuant to the Mineral*  
 8 *Leasing Act (30 U.S.C. 191 et seq.). All transfers of lands*  
 9 *under this section shall be completed within two years after*  
 10 *the date of such acceptance, but within such two-year pe-*  
 11 *riod, transfers of portions of such lands may be made.*

12 (c) *STATE AND FEDERAL EXCHANGE LANDS DE-*  
 13 *SCRIBED.—*

14 (1) *SCHOOL AND INSTITUTIONAL TRUST*  
 15 *LANDS.—The school and institutional trust lands re-*  
 16 *ferred to in this section are those lands generally de-*  
 17 *scribed as “Surface and Mineral Offering” on the map*  
 18 *entitled “Proposed Land Exchange Utah (H.R.*  
 19 *1745)” and dated November 9, 1995, which—*

20 (A) *are located within or adjacent to areas*  
 21 *designated by this Act as wilderness; and*

22 (B) *were granted by the United States in*  
 23 *the Utah Enabling Act to the State of Utah in*  
 24 *trust and other lands which under State law*  
 25 *must be managed for the benefit of the public*

1           *school system or the institutions of the State*  
2           *which are designated by the Utah Enabling Act.*

3           (2) *FEDERAL LANDS.*—*The Federal lands re-*  
4           *ferred to in this section are the lands located in the*  
5           *State of Utah which are generally depicted as “Fed-*  
6           *eral Exchange Lands” on the map referred to in*  
7           *paragraph (1).*

8           (d)(1) *LAND EXCHANGES FOR EQUAL VALUE.*—*The*  
9           *lands exchanged pursuant to this section shall be of approx-*  
10          *imate equal value, as determined by nationally recognized*  
11          *appraisal standards. If the values are not approximately*  
12          *equal, the Secretary and the State of Utah shall either agree*  
13          *to modify the lands to be exchanged, or shall provide for*  
14          *a cash equalization payment, to equalize the values. Any*  
15          *cash equalization payment shall not exceed 25 percent of*  
16          *the value of the lands to be conveyed. If the Secretary and*  
17          *the State of Utah agree to modify the lands to be exchanged,*  
18          *the State shall determine the lands to be acquired from the*  
19          *Federal Government from the lands listed in subsection*  
20          *(c)(2), and indicate its choice to the Secretary. The Sec-*  
21          *retary shall accept the State’s determination.*

22          (2)(i) *DEADLINE AND DISPUTE RESOLUTION.*—*If after*  
23          *two years from the date of enactment of this Act, the Sec-*  
24          *retary and the State of Utah have not agreed upon the final*  
25          *terms of some or all of the exchanges authorized by this sec-*

1 tion, including the values of the lands involved, notwith-  
2 standing any other provisions of law, the United States  
3 District Court for the District of Utah, Central Division,  
4 shall have jurisdiction to hear, determine, and render judg-  
5 ment on the value of any and all lands, or interests therein,  
6 involved in the exchange.

7 (ii) No action provided for in this subsection may be  
8 filed with the court sooner than two years and later than  
9 six years after the date of enactment of this Act. Any deci-  
10 sions of a district court under this section may be appealed  
11 in accordance with applicable laws and rules.

12 (e) *DUTIES OF THE PARTIES AND OTHER PROVISIONS*  
13 *RELATING TO THE EXCHANGE.*—

14 (1) *MAP AND LEGAL DESCRIPTION.*—*The State of*  
15 *Utah and the Secretary shall each provide to the other*  
16 *legal descriptions of the lands under their respective*  
17 *jurisdictions which are to be exchanged under this*  
18 *section. The map referred to in subsection (c)(1) and*  
19 *the legal descriptions provided under this subsection*  
20 *shall be on file and available for public inspection in*  
21 *the office of the Director of the Bureau of Land Man-*  
22 *agement, and the office of the State Director of the*  
23 *Bureau of Land Management in the State of Utah,*  
24 *Department of the Interior.*

1           (2) *HAZARDOUS MATERIALS.*—*The Secretary*  
2 *and the State of Utah shall inspect all pertinent*  
3 *records and shall conduct a physical inspection of the*  
4 *lands to be exchanged pursuant to this Act for the*  
5 *presence of any hazardous materials as presently de-*  
6 *finied by applicable law. The results of those inspec-*  
7 *tions shall be made available to the parties. The re-*  
8 *responsibility for costs of remedial action related to*  
9 *such materials shall be borne by those entities respon-*  
10 *sible under existing law.*

11           (3) *PROVISIONS RELATING TO FEDERAL*  
12 *LANDS.*—(A) *The enactment of this Act shall be con-*  
13 *strued as satisfying the provisions of section 206(a) of*  
14 *the Federal Land Policy and Management Act of*  
15 *1976 requiring that exchanges of lands be in the pub-*  
16 *lic interest.*

17           (B) *The transfer of lands and related activities*  
18 *required of the Secretary under this section shall not*  
19 *be subject to National Environmental Policy Act of*  
20 *1969.*

21           (C) *The value of Federal lands transferred to the*  
22 *State under this section shall be adjusted to reflect the*  
23 *right of the State of Utah under Federal law to share*  
24 *the revenues from such Federal lands, and the convey-*  
25 *ances under this section to the State of Utah shall be*

1     *subject to such revenue sharing obligations as a valid*  
2     *existing right.*

3             *(D) Subject to valid existing rights, the Federal*  
4     *lands described in subsection (c)(2) are hereby with-*  
5     *drawn from disposition under the public land laws*  
6     *and from location, entry, and patent under the min-*  
7     *ing laws of the United States, from the operation of*  
8     *the mineral leasing laws of the United States, from*  
9     *operation of the Geothermal Steam Act of 1970, and*  
10    *from the operation of the Act of July 31, 1947, com-*  
11    *monly known as the Materials Act of 1947 (30 U.S.C.*  
12    *601 and following).*

13             *(4) PROCEEDS FROM LEASE AND PRODUCTION OF*  
14    *MINERALS AND SALES AND HARVESTS OF TIMBER.—*

15             *(A) COLLECTION AND DISTRIBUTION.—The*  
16    *State of Utah, in connection with the manage-*  
17    *ment of the school and institutional trust lands*  
18    *described in subsections (c)(2) and (d), shall*  
19    *upon conveyance of such lands, collect and dis-*  
20    *tribute all proceeds from the lease and produc-*  
21    *tion of minerals and the sale and harvest of tim-*  
22    *ber on such lands as required by law until the*  
23    *State, as trustee, no longer owns the estate from*  
24    *which the proceeds are produced.*

1           (B) *DISPUTES.*—A dispute concerning the  
2           collection and distribution of proceeds under sub-  
3           paragraph (A) shall be resolved in accordance  
4           with State law.

5           (f) *ADMINISTRATION OF LANDS ACQUIRED BY THE*  
6           *UNITED STATES.*—The lands and interests in lands ac-  
7           quired by the United States under this section shall be  
8           added to and administered as part of areas of the public  
9           lands, as indicated on the maps referred to in this section  
10          or in section 2, as applicable.

11       **SEC. 11. LAND APPRAISAL.**

12          Lands and interests in lands acquired pursuant to this  
13          Act shall be appraised without regard to the presence of a  
14          species listed as threatened or endangered pursuant to the  
15          Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

16       **SEC. 12. SAND HOLLOW LAND EXCHANGE.**

17          (a) *DEFINITIONS.*—As used in this section:

18               (1) *DISTRICT.*—The term “District” means the  
19               Water Conservancy District of Washington, County,  
20               Utah.

21               (2) *SECRETARY.*—The term “Secretary” means  
22               the Secretary of the Interior.

23               (3) *BULLOCH SITE.*—The term “Bulloch Site”  
24               means the lands located in Kane County, Utah, adja-  
25               cent to Zion National Park, comprised of approxi-

1        *mately 1,380 acres, as generally depicted on a map*  
2        *entitled “Washington County Water Conservancy Dis-*  
3        *trict Exchange Proposal” and dated July 24, 1995.*

4            (4) *SAND HOLLOW SITE.—The term “Sand Hol-*  
5        *low Site” means the lands located in Washington*  
6        *County, Utah, comprised of approximately 3,000*  
7        *acres, as generally depicted on a map entitled “Wash-*  
8        *ington County Water Conservancy District Exchange*  
9        *Proposal” and dated July 24, 1995.*

10           (5) *QUAIL CREEK PIPELINE.—The term “Quail*  
11        *Creek Pipeline” means the lands located in Washing-*  
12        *ton County, Utah, comprised of approximately 40*  
13        *acres, as generally depicted on a map entitled “Wash-*  
14        *ington County Water Conservancy District Exchange*  
15        *Proposal” and dated July 24, 1995.*

16           (6) *QUAIL CREEK RESERVOIR.—The term “Quail*  
17        *Creek Reservoir” means the lands located in Washing-*  
18        *ton County, Utah, comprised of approximately 480.5*  
19        *acres, as generally depicted on a map entitled “Wash-*  
20        *ington County Water Conservancy District Exchange*  
21        *Proposal” and dated July 24, 1995.*

22           (7) *SMITH PROPERTY.—The term “Smith Prop-*  
23        *erty” means the lands located in Washington County,*  
24        *Utah, comprised of approximately 1,550 acres, as*  
25        *generally depicted on a map entitled “Washington*

1        *County Water Conservancy District Exchange Pro-*  
2        *posal” and dated July 24, 1995.*

3        *(b) EXCHANGE.—*

4            *(1) IN GENERAL.—Subject to the provisions of*  
5        *this Act, if within 18 months after the date of the*  
6        *enactment of this Act, the Water Conservancy District*  
7        *of Washington County, Utah, offers to transfer to the*  
8        *United States all right, title, and interest of the Dis-*  
9        *trict in and to the Bulloch Site, the Secretary of the*  
10       *Interior shall, in exchange, transfer to the District all*  
11       *right, title, and interest of the United States in and*  
12       *to the Sand Hollow Site, the Quail Creek Pipeline*  
13       *and Quail Creek Reservoir, subject to valid existing*  
14       *rights.*

15           *(2) WATER RIGHTS ASSOCIATED WITH THE*  
16        *BULLOCH SITE.—The water rights associated with the*  
17        *Bulloch Site shall not be included in the transfer*  
18        *under paragraph (1) but shall be subject to an agree-*  
19        *ment between the District and the Secretary that the*  
20        *water remain in the Virgin River as an instream*  
21        *flow from the Bulloch Site through Zion National*  
22        *Park to the diversion point of the District at the*  
23        *Quail Creek Reservoir.*

24           *(3) WITHDRAWAL OF MINERAL INTERESTS.—*  
25        *Subject to valid existing rights, the mineral interests*



1        *underlying the Sand Hollow Site, the Quail Creek*  
2        *Reservoir, and the Quail Creek Pipeline are hereby*  
3        *withdrawn from disposition under the public land*  
4        *laws and from location, entry, and patent under the*  
5        *mining laws of the United States, from the operation*  
6        *of the mineral leasing laws of the United States, from*  
7        *the operation of the Geothermal Steam Act of 1970,*  
8        *and from the operation of the Act of July 31, 1947,*  
9        *commonly known as the “Materials Act of 1947” (30*  
10       *U.S.C. 601 et seq.).*

11            (4) *GRAZING.—The exchange of lands under*  
12        *paragraph (1) shall be subject to agreement by the*  
13        *District to continue to permit the grazing of domestic*  
14        *livestock on the Sand Hollow Site under the terms*  
15        *and conditions of existing Federal grazing leases or*  
16        *permits, except that the District, upon terminating*  
17        *any such lease or permit, shall fully compensate the*  
18        *holder of the terminated lease or permit.*

19            (c) *EQUALIZATION OF VALUES.—The value of the*  
20        *lands transferred out of Federal ownership under subsection*  
21        *(b) either shall be equal to the value of the lands received*  
22        *by the Secretary under subsection (c) or, if not, shall be*  
23        *equalized by—*

24            (1) *to the extent possible, transfer of all right,*  
25        *title, and interest of the District in and to lands in*

1        *Washington County, Utah, and water rights of the*  
 2        *District associated thereto, which are within the area*  
 3        *providing habitat for the desert tortoise, as deter-*  
 4        *mined by the Director of the Bureau of Land Man-*  
 5        *agement;*

6            *(2) transfer of all right, title, and interest of the*  
 7        *District in and to lands in the Smith Site and water*  
 8        *rights of the District associated thereto; and*

9            *(3) the payment of money to the Secretary, to the*  
 10       *extent that lands and rights transferred under para-*  
 11       *graphs (1) and (2) are not sufficient to equalize the*  
 12       *values of the lands exchanged under subsection (b).*

13        *(d) MANAGEMENT OF LANDS ACQUIRED BY UNITED*  
 14        *STATES.—Lands acquired by the Secretary under this sec-*  
 15        *tion shall be administered by the Secretary, acting through*  
 16        *the Director of the Bureau of Land Management, in accord-*  
 17        *ance with the provisions of law generally applicable to the*  
 18        *public lands, including the Federal Land Policy and Man-*  
 19        *agement Act of 1976 (43 U.S.C. 1701 et seq.).*

20        *(e) NATIONAL ENVIRONMENTAL POLICY ACT OF*  
 21        *1969.—The exchange of lands under this section is not sub-*  
 22        *ject to section 102 of the National Environmental Policy*  
 23        *Act of 1969 (42 U.S.C. 4332).*

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