

108TH CONGRESS
1ST SESSION

H. R. 2909

To ensure the continued availability of the Utah Test and Training Range
to support the readiness and training needs of the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. BISHOP of Utah (for himself, Mr. CANNON, and Mr. MATHESON) introduced the following bill; which was referred to the Committee on Resources

A BILL

To ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Utah Test and Train-
5 ing Range Protection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) The term “Utah Test and Training Range”
9 means those portions of the military operating area

1 of the Utah Test and Training Area located solely
2 in the State of Utah. The term includes the Dugway
3 Proving Ground.

4 (2) The term “covered wilderness” means the
5 wilderness area designated by this Act and wilder-
6 ness study areas located near lands withdrawn for
7 military use and beneath special use airspace critical
8 to the support of military test and training missions
9 at the Utah Test and Training Range, including the
10 Deep Creek, Fish Springs, Swasey Mountain, Howell
11 Peak, Notch Peak, King Top, Wah Wah Mountain,
12 and Conger Mountain units designated by the De-
13 partment of the Interior.

14 **SEC. 3. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH**
15 **TEST AND TRAINING RANGE.**

16 (a) FINDINGS.—The Congress finds the following:

17 (1) The testing and development of military
18 weapons systems and the training of military forces
19 are critical to ensuring the national security of the
20 United States.

21 (2) The Utah Test and Training Range in the
22 State of Utah is a unique and irreplaceable national
23 asset at the core of the test and training mission of
24 the Department of Defense.

1 (3) The Cedar Mountain Wilderness Area des-
2 ignated by section 5, as well as several wilderness
3 study areas, are located near lands withdrawn for
4 military use or are beneath special use airspace crit-
5 ical to the support of military test and training mis-
6 sions at the Utah Test and Training Range.

7 (4) The Utah Test and Training Range and
8 special use airspace withdrawn for military uses cre-
9 ate unique management circumstances for the cov-
10 ered wilderness in this Act, and it is not the intent
11 of Congress that passage of this Act shall be con-
12 strued as establishing a precedent with respect to
13 any future national conservation area or wilderness
14 designation.

15 (5) Continued access to the special use airspace
16 and lands that comprise the Utah Test and Training
17 Range, under the terms and conditions described in
18 this section, is a national security priority and is not
19 incompatible with the protection and proper manage-
20 ment of the natural, environmental, cultural, and
21 other resources of such lands.

22 (b) OVERFLIGHTS.—Nothing in this Act or the Wil-
23 derness Act (16 U.S.C. 1131 et seq.) shall preclude low-
24 level overflights and operations of military aircraft, heli-
25 copters, missiles, or unmanned aerial vehicles over the cov-

1 ered wilderness, including military overflights and oper-
2 ations that can be seen or heard within the covered wilder-
3 ness.

4 (c) SPECIAL USE AIRSPACE AND TRAINING
5 ROUTES.—Nothing in this Act or the Wilderness Act shall
6 preclude the designation of new units of special use air-
7 space, the expansion of existing units of special use air-
8 space, or the use or establishment of military training
9 routes over the covered wilderness.

10 (d) COMMUNICATIONS AND TRACKING SYSTEMS.—
11 Nothing in this Act or the Wilderness Act shall prevent
12 any required maintenance of existing communications, in-
13 strumentation, or electronic tracking systems (or infra-
14 structure supporting such systems) in the covered wilder-
15 ness or prevent the installation of new communication, in-
16 strumentation, or other equipment necessary for effective
17 testing and training to meet military requirements so long
18 as the Secretary of the Interior, after consultation with
19 the Secretary of the Air Force, determines that the instal-
20 lation and maintenance of such systems, when considered
21 both individually and collectively—

22 (1) create a similar or lesser impact on the en-
23 vironment;

1 (2) do not expand the size or significantly ex-
2 pand the number of such systems, as in existence on
3 the date of the enactment of this Act; and

4 (3) do not require construction of any roads in
5 the covered wilderness.

6 (e) EMERGENCY ACCESS AND RESPONSE.—Nothing
7 in this Act or the Wilderness Act shall preclude the con-
8 tinuation of the memorandum of understanding in exist-
9 ence as of the date of enactment of this Act between the
10 Department of the Interior and the Department of the Air
11 Force with respect to emergency access and response.

12 (f) PROHIBITION ON GROUND MILITARY OPER-
13 ATIONS.—Except as provided in subsections (d) and (e),
14 nothing in this section shall be construed to permit mili-
15 tary operations to be conducted on the ground in covered
16 wilderness in the Utah Test and Training Range.

17 **SEC. 4. PLANNING PROCESS FOR FEDERAL LANDS IN UTAH**
18 **TEST AND TRAINING RANGE.**

19 (a) ANALYSIS OF MILITARY READINESS AND OPER-
20 ATIONAL IMPACTS.—The Secretary of the Interior shall
21 develop, maintain, and revise land use plans pursuant to
22 section 202 of the Federal Land Policy and Management
23 Act of 1976 (43 U.S. C. 1712) for Federal lands located
24 in the Utah Test and Training Range in consultation with
25 the Secretary of Defense. As part of the required consulta-

1 tion in connection with a proposed revision of a land use
2 plan, the Secretary of Defense shall prepare and transmit
3 to the Secretary of the Interior an analysis of the military
4 readiness and operational impacts of the proposed revision
5 within six months of a request from the Secretary of Inte-
6 rior.

7 (b) LIMITATION ON RIGHTS-OF-WAYS.—The Sec-
8 retary of the Interior shall not grant or issue any author-
9 izations pursuant to section 501(a)(6) of the Federal
10 Land Policy and Management Act of 1976 (43 U.S.C.
11 1761(a)(6)) upon Federal lands identified as inventory
12 units UTU-020-086, UTU-020-088, UTU-020-095,
13 UTU-020-096, UTU-020-100, UTU-020-101, UTU-
14 020-103, UTU-020-104, UTU-020-105, and UTU-
15 020-110 as generally depicted on the map entitled “Wil-
16 derness Inventory, State of Utah”, dated August 1979,
17 until the later of the following:

18 (1) The completion of a full revision of the
19 Pony Express Area Resource Management Plan,
20 dated January 12, 1990, by the Salt Lake Field Of-
21 fice of the Bureau of Land Management.

22 (2) January 1, 2015.

1 **SEC. 5. DESIGNATION AND MANAGEMENT OF CEDAR MOUN-**
2 **TAIN WILDERNESS, UTAH.**

3 (a) DESIGNATION.—Certain Federal lands in Tooele
4 County, Utah, as generally depicted on the map entitled
5 “Cedar Mountain Wilderness” and dated _____
6 are hereby designated as wilderness and, therefore, as a
7 component of the National Wilderness Preservation Sys-
8 tem to be known as the Cedar Mountain Wilderness Area.

9 (b) WITHDRAWAL.—Subject to valid existing rights,
10 the Federal lands in the Cedar Mountain Wilderness Area
11 are hereby withdrawn from all forms of entry, appropria-
12 tion, or disposal under the public land laws, from location,
13 entry, and patent under the United States mining laws,
14 and from disposition under all laws pertaining to mineral
15 and geothermal leasing, and mineral materials, and all
16 amendments to such laws.

17 (c) MAP AND DESCRIPTION.—(1) As soon as prac-
18 ticable after the date of the enactment of this Act, the
19 Secretary of the Interior shall transmit a map and legal
20 description of the Cedar Mountain Wilderness Area to the
21 Committee on Resources of the House of Representatives
22 and the Committee on Energy and Natural Resources of
23 the Senate.

24 (2) The map and legal description shall have the
25 same force and effect as if included in this Act, except

1 that the Secretary of the Interior may correct clerical and
2 typographical errors in the map and legal description.

3 (3) The map and legal description shall be on file and
4 available for public inspection in the office of the Director
5 of 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.

8 (d) ADMINISTRATION.—Subject to valid existing
9 rights and this Act, the Cedar Mountain Wilderness Area
10 shall be administered by the Secretary of the Interior in
11 accordance with the provisions of the Wilderness Act (16
12 U.S.C. 1131 et seq.), except that any reference in such
13 provisions to the effective date of the Wilderness Act (or
14 any similar reference) shall be deemed to be a reference
15 to the date of the enactment of this Act.

16 (e) LAND ACQUISITION.—Any lands or interest in
17 lands within the boundaries of the Cedar Mountain Wil-
18 derness Area acquired by the United States after the date
19 of the enactment of this Act shall be added to and admin-
20 istered as part of the Cedar Mountain Wilderness Area.

21 (f) FISH AND WILDLIFE MANAGEMENT.—As pro-
22 vided in section 4(d)(7) of the Wilderness Act, nothing in
23 this Act shall be construed as affecting the jurisdiction
24 of the State of Utah with respect to fish and wildlife on
25 the Federal lands located in that State.

1 (g) GRAZING.—Within the Cedar Mountain Wilder-
2 ness Area, the grazing of livestock, where established be-
3 fore the date of the enactment of this Act, shall be per-
4 mitted to continue subject to such reasonable regulations,
5 policies, and practices as the Secretary of the Interior con-
6 siders necessary, as long as such regulations, policies, and
7 practices fully conform with and implement the intent of
8 Congress regarding grazing in such areas, as such intent
9 is expressed in the Wilderness Act, section 101(f) of Pub-
10 lic Law 101–628 (104 Stat. 4473), and appendix A of the
11 Report of the Committee on Interior and Insular Affairs
12 to accompany H.R. 2570 of the 101st Congress (H. Rept.
13 101–405).

14 (h) BUFFER ZONES.—Congress does not intend for
15 the designation of the Cedar Mountain Wilderness Area
16 to lead to the creation of protective perimeters or buffer
17 zones around the wilderness area. The fact that nonwilder-
18 ness activities or uses can be seen or heard within the wil-
19 derness area shall not, of itself, preclude such activities
20 or uses up to the boundary of the wilderness area.

21 **SEC. 6. RELATION TO OTHER LANDS AND LAWS.**

22 (a) OTHER LANDS.—Nothing in this Act shall be
23 construed to affect any Federal lands located outside of
24 the covered wilderness or the management of such lands.

1 (b) OTHER LAWS.—Section 2815(d) of the National
2 Defense Authorization Act for Fiscal Year 2000 (Public
3 Law 106–65; 113 Stat. 852) shall not apply to the Cedar
4 Mountain Wilderness Area.

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