

# Union Calendar No. 300

108TH CONGRESS  
2D SESSION

# H. R. 2909

[Report No. 108-521]

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

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## 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

JUNE 3, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on July 25, 2003]

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Utah Test and Training*  
3 *Range Protection Act”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

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8 *study areas located near lands withdrawn for mili-*  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

16 (2) *The term “Tribe” means the Skull Valley*  
17 *Band of Goshute Indians.*

18 (3) *The term “Utah Test and Training Range”*  
19 *means those portions of the military operating area*  
20 *of the Utah Test and Training Area located solely in*  
21 *the State of Utah. The term includes the Dugway*  
22 *Proving Ground.*

23 (4) *The term “Wilderness Act” means Public*  
24 *Law 88–577, approved September 3, 1964 (16 U.S.C.*  
25 *1131 et seq.).*

1 **SEC. 3. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH**

2 **TEST AND TRAINING RANGE.**

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

4 (1) *The testing and development of military*  
5 *weapons systems and the training of military forces*  
6 *are critical to ensuring the national security of the*  
7 *United States.*

8 (2) *The Utah Test and Training Range in the*  
9 *State of Utah is a unique and irreplaceable national*  
10 *asset at the core of the test and training mission of*  
11 *the Department of Defense.*

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

18 (4) *The Utah Test and Training Range and spe-*  
19 *cial use airspace withdrawn for military uses create*  
20 *unique management circumstances for the covered*  
21 *wilderness in this Act, and it is not the intent of Con-*  
22 *gress that passage of this Act shall be construed as es-*  
23 *tablishing a precedent with respect to any future na-*  
24 *tional conservation area or wilderness designation.*

25 (5) *Continued access to the special use airspace*  
26 *and lands that comprise the Utah Test and Training*

1        *Range, under the terms and conditions described in*  
2        *this section, is a national security priority and is not*  
3        *incompatible with the protection and proper manage-*  
4        *ment of the natural, environmental, cultural, and*  
5        *other resources of such lands.*

6        *(b) OVERFLIGHTS.—Nothing in this Act or the Wilder-*  
7        *ness Act shall preclude low-level overflights and operations*  
8        *of military aircraft, helicopters, missiles, or unmanned aer-*  
9        *ial vehicles over the covered wilderness, including military*  
10       *overflights and operations that can be seen or heard within*  
11       *the covered wilderness.*

12       *(c) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—*  
13       *Nothing in this Act or the Wilderness Act shall preclude*  
14       *the designation of new units of special use airspace, the ex-*  
15       *pansion of existing units of special use airspace, or the use*  
16       *or establishment of military training routes over the covered*  
17       *wilderness.*

18       *(d) COMMUNICATIONS AND TRACKING SYSTEMS.—*  
19       *Nothing in this Act shall prevent any required maintenance*  
20       *of existing communications, instrumentation, or electronic*  
21       *tracking systems (or infrastructure supporting such sys-*  
22       *tems) or prevent the installation of new communication, in-*  
23       *strumentation, or other equipment necessary for effective*  
24       *testing and training to meet military requirements in wil-*  
25       *derness study areas located beneath special use airspace*

1 *comprising the Utah Test and Training Range, including*  
2 *the Deep Creek, Fish Springs, Swasey Mountain, Howell*  
3 *Peak, Notch Peak, King Top, Wah Wah Mountain, and*  
4 *Conger Mountain units designated by the Department of*  
5 *Interior, so long as the Secretary of the Interior, after con-*  
6 *sultation with the Secretary of the Air Force, determines*  
7 *that the installation and maintenance of such systems,*  
8 *when considered both individually and collectively, comply*  
9 *with section 603 of the Federal Land Policy and Manage-*  
10 *ment Act of 1976 (43 U.S.C. 1782).*

11 *(e) EMERGENCY ACCESS AND RESPONSE.—Nothing in*  
12 *this Act or the Wilderness Act shall preclude the continu-*  
13 *ation of the memorandum of understanding in existence as*  
14 *of the date of enactment of this Act between the Department*  
15 *of the Interior and the Department of the Air Force with*  
16 *respect to emergency access and response.*

17 *(f) PROHIBITION ON GROUND MILITARY OPER-*  
18 *ATIONS.—Except as provided in subsections (d) and (e),*  
19 *nothing in this section shall be construed to permit a mili-*  
20 *tary operation to be conducted on the ground in covered*  
21 *wilderness in the Utah Test and Training Range unless*  
22 *such ground operation is otherwise permissible under Fed-*  
23 *eral law and consistent with the Wilderness Act.*

1 **SEC. 4. PLANNING PROCESS FOR FEDERAL LANDS IN UTAH**

2 **TEST AND TRAINING RANGE.**

3 (a) *ANALYSIS OF MILITARY READINESS AND OPER-*  
4 *ATIONAL IMPACTS.*—*The Secretary of the Interior shall de-*  
5 *velop, maintain, and revise land use plans pursuant to sec-*  
6 *tion 202 of the Federal Land Policy and Management Act*  
7 *of 1976 (43 U.S. C. 1712) for Federal lands located in the*  
8 *Utah Test and Training Range in consultation with the*  
9 *Secretary of Defense. As part of the required consultation*  
10 *in connection with a proposed revision of a land use plan,*  
11 *the Secretary of Defense shall prepare and transmit to the*  
12 *Secretary of the Interior an analysis of the military readi-*  
13 *ness and operational impacts of the proposed revision with-*  
14 *in six months of a request from the Secretary of Interior.*

15 (b) *LIMITATION ON RIGHTS-OF-WAYS.*—*The Secretary*  
16 *of the Interior shall not grant or issue any authorizations*  
17 *for rights-of-way under section 501(a)(6) of the Federal*  
18 *Land Policy and Management Act of 1976 (43 U.S.C.*  
19 *1761(a)(6)) upon Federal lands identified as inventory*  
20 *units UTU-020-086, UTU-020-088, UTU-020-095,*  
21 *UTU-020-096, UTU-020-100, UTU-020-101, UTU-020-*  
22 *103, UTU-020-104, UTU-020-105, and UTU-020-110, as*  
23 *generally depicted on the map entitled “Wilderness Inven-*  
24 *tory, State of Utah” and dated August 1979, until the later*  
25 *of the following:*

1           (1) *The completion of a full revision of the Pony*  
2           *Express Area Resource Management Plan, dated Jan-*  
3           *uary 12, 1990, by the Salt Lake Field Office of the*  
4           *Bureau of Land Management.*

5           (2) *January 1, 2015.*

6   **SEC. 5. DESIGNATION AND MANAGEMENT OF CEDAR MOUN-**  
7                           **TAIN WILDERNESS, UTAH.**

8           (a) *DESIGNATION.*—*Certain Federal lands in Tooele*  
9           *County, Utah, as generally depicted on the map entitled*  
10           *“Cedar Mountain Wilderness” and dated March 7, 2004,*  
11           *are hereby designated as wilderness and, therefore, as a*  
12           *component of the National Wilderness Preservation System*  
13           *to be known as the Cedar Mountain Wilderness Area.*

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

22           (c) *MAP AND DESCRIPTION.*—(1) *As soon as prac-*  
23           *ticable after the date of the enactment of this Act, the Sec-*  
24           *retary of the Interior shall transmit a map and legal de-*  
25           *scription of the Cedar Mountain Wilderness Area to the*

1 *Committee on Resources of the House of Representatives*  
2 *and the Committee on Energy and Natural Resources of*  
3 *the Senate.*

4       (2) *The map and legal description shall have the same*  
5 *force and effect as if included in this Act, except that the*  
6 *Secretary of the Interior may correct clerical and typo-*  
7 *graphical errors in the map and legal description.*

8       (3) *The map and legal description shall be on file and*  
9 *available for public inspection in the office of the Director*  
10 *of the Bureau of Land Management and the office of the*  
11 *State Director of the Bureau of Land Management in the*  
12 *State of Utah.*

13       (d) *ADMINISTRATION.*—*Subject to valid existing rights*  
14 *and this Act, the Cedar Mountain Wilderness Area shall*  
15 *be administered by the Secretary of the Interior in accord-*  
16 *ance with the provisions of the Wilderness Act, except that*  
17 *any reference in such provisions to the effective date of the*  
18 *Wilderness Act (or any similar reference) shall be deemed*  
19 *to be a reference to the date of the enactment of this Act.*

20       (e) *LAND ACQUISITION.*—*Any lands or interest in*  
21 *lands within the boundaries of the Cedar Mountain Wilder-*  
22 *ness Area acquired by the United States after the date of*  
23 *the enactment of this Act shall be added to and adminis-*  
24 *tered as part of the Cedar Mountain Wilderness Area.*



1           (f) *FISH AND WILDLIFE MANAGEMENT.*—As provided  
2 in section 4(d)(7) of the Wilderness Act (16 U.S.C.  
3 1133(d)(7)), nothing in this Act shall be construed as affect-  
4 ing the jurisdiction of the State of Utah with respect to fish  
5 and wildlife on the Federal lands located in that State.

6           (g) *GRAZING.*—Within the Cedar Mountain Wilderness  
7 Area, the grazing of livestock, where established before the  
8 date of the enactment of this Act, shall be permitted to con-  
9 tinue subject to such reasonable regulations, policies, and  
10 practices as the Secretary of the Interior considers nec-  
11 essary, as long as such regulations, policies, and practices  
12 fully conform with and implement the intent of Congress  
13 regarding grazing in such areas, as such intent is expressed  
14 in the Wilderness Act, section 101(f) of Public Law 101–  
15 628 (104 Stat. 4473), and appendix A of the Report of the  
16 Committee on Interior and Insular Affairs to accompany  
17 H.R. 2570 of the 101st Congress (H. Rept. 101–405).

18           (h) *BUFFER ZONES.*—Congress does not intend for the  
19 designation of the Cedar Mountain Wilderness Area to lead  
20 to the creation of protective perimeters or buffer zones  
21 around the wilderness area. The fact that nonwilderness ac-  
22 tivities or uses can be seen or heard within the wilderness  
23 area shall not, of itself, preclude such activities or uses up  
24 to the boundary of the wilderness area.

1           (i) *RELEASE FROM WILDERNESS STUDY AREA STA-*  
2 *TUS.—The lands identified as the Browns Spring*  
3 *Cherry stem on the map entitled “Proposed Browns Spring*  
4 *Cherry stem” and dated May 11, 2004, are released from*  
5 *their status as a wilderness study area, and shall no longer*  
6 *be subject to the requirements of section 603(c) of the Fed-*  
7 *eral Land Policy and Management Act of 1976 (43 U.S.C.*  
8 *1782(c)) pertaining to the management of wilderness study*  
9 *areas in a manner that does not impair the suitability of*  
10 *those areas for preservation of wilderness.*

11 **SEC. 6. IDENTIFICATION OF ADDITIONAL BUREAU OF LAND**  
12 **MANAGEMENT LAND IN UTAH AS TRUST LAND**  
13 **FOR SKULL VALLEY BAND OF GOSHUTES.**

14           (a) *IDENTIFICATION OF TRUST LAND.—The Secretary*  
15 *of the Interior shall identify approximately 640 additional*  
16 *acres of Bureau of Land Management land in the State of*  
17 *Utah to be administered in trust for the benefit of the Skull*  
18 *Valley Band of Goshutes.*

19           (b) *SPECIAL CONSIDERATIONS.—In identifying the*  
20 *land under subsection (a), the Secretary of the Interior*  
21 *shall—*

22                   (1) *consult with leaders of the Tribe and the*  
23 *Governor of Utah; and*

24                   (2) *ensure that the land has ready access to*  
25 *State or Federal highways and, in the judgment of*

1        *the Secretary, provides the best opportunities for com-*  
2        *mercial economic development in closest proximity to*  
3        *other lands of the Tribe.*

4        *(c) PLACEMENT IN TRUST.—Not later than December*  
5        *31, 2005, the Secretary of the Interior shall place the land*  
6        *identified pursuant to subsection (a) into trust for the pur-*  
7        *poses of economic development for the Tribe. At least 30*  
8        *days before placing the land in trust for the Tribe, the Sec-*  
9        *retary shall publish in the Federal Register legal descrip-*  
10       *tions of the land to be placed in trust.*

11       *(d) MANAGEMENT OF TRUST LAND.—The land placed*  
12       *into trust for the Tribe under subsection (c) shall be admin-*  
13       *istered in accordance with laws generally applicable to*  
14       *property held in trust by the United States for Indian*  
15       *Tribes, except that the land shall immediately revert to the*  
16       *administrative control of the Bureau of Land Management*  
17       *if the Tribe sells, or attempts to sell, any part of the land.*

18       *(e) EFFECT.—Nothing in this section—*

19                *(1) affects any valid right-of-way, lease, permit,*  
20                *mining claim, grazing permit, water right, or other*  
21                *right or interest of any person or entity (other than*  
22                *the United States) in or to the trust land that exists*  
23                *before the date on which the land is placed in trust*  
24                *for the Tribe under subsection (c);*

1           (2) *enlarges, impairs, or otherwise affects a right*  
2           *or claim of the Tribe to any land or interest in land*  
3           *based on Aboriginal or Indian title that exists before*  
4           *the date of the enactment of this Act;*

5           (3) *constitutes an express or implied reservation*  
6           *of water or water right for any purpose with respect*  
7           *to the trust land; or*

8           (4) *affects any water right of the Tribe that ex-*  
9           *ists before the date of the enactment of this Act.*

10 **SEC. 7. RELATION TO OTHER LANDS AND LAWS.**

11           (a) *OTHER LANDS.*—*Nothing in this Act shall be con-*  
12 *strued to affect any Federal lands located outside of the cov-*  
13 *ered wilderness or the management of such lands.*

14           (b) *CONFORMING REPEAL.*—*Section 2815 of the Na-*  
15 *tional Defense Authorization Act for Fiscal Year 2000 (Pub-*  
16 *lic Law 106–65; 113 Stat. 852) is amended by striking sub-*  
17 *section (d).*



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## **A BILL**

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