

108TH CONGRESS  
2D SESSION

# H. R. 5343

To promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate certain lands in the Challis National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management as the Boulder-White Cloud Management Area to ensure the continued management of these lands for recreational use as well as for conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mr. SIMPSON introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate certain lands in the Challis National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management as the Boulder-White Cloud Management Area to ensure the continued management of these lands for recreational use as well as for conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho

to the National Wilderness Preservation System, 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,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “Central Idaho Economic Development and Recreation  
 6 Act of 2004”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
 8 this Act is as follows:

Sec. 1. Short title and table of contents.

**TITLE I—CENTRAL IDAHO ECONOMIC DEVELOPMENT AND  
 RECREATION PROMOTION**

Sec. 101. Land conveyance, certain Sawtooth National Recreation Area land to Custer County, Idaho.

Sec. 102. Land conveyance, certain Challis National Forest land to Custer County, Idaho.

Sec. 103. Land conveyance, certain Sawtooth National Forest and BLM land to Blaine County, Idaho.

Sec. 104. Land conveyance, designated National Forest Systems land to city of Stanley, Idaho.

Sec. 105. Land conveyance, designated BLM land to city of Clayton, Idaho.

Sec. 106. Land conveyance, designated BLM land to city of Mackay, Idaho.

Sec. 107. Land conveyance, designated BLM land to city of Challis, Idaho.

Sec. 108. Land conveyance authority, support for recreation and tourism development, National Forest System land and public land in central Idaho.

Sec. 109. Stanley-Red Fish Lake bike and snowmobile trail.

Sec. 110. Support for outfitter and guide activities.

Sec. 111. Red trees phase II study regarding forest health and public safety.

Sec. 112. Grants to support sustainable economic development and recreation.

Sec. 113. Continuation of public access to Bowery National Forest Guard Station.

Sec. 114. Resumption of public access to Herd Lake Campground.

**TITLE II—BOULDER-WHITE CLOUD MANAGEMENT AREA**

Sec. 201. Establishment of management area.

Sec. 202. Land acquisition in management area.

Sec. 203. Motorized and mechanized travel.

Sec. 204. Support and use of Idaho Off Road Motor Vehicle Program.

**TITLE III—CENTRAL IDAHO WILDERNESS AREAS**

Sec. 301. Additions to National Wilderness Preservation System.  
 Sec. 302. General administration of wilderness areas.  
 Sec. 303. Incorporation of acquired lands and interests.  
 Sec. 304. Adjacent management.  
 Sec. 305. Wildfire management.  
 Sec. 306. Water rights.  
 Sec. 307. Wildlife management.  
 Sec. 308. Native American cultural and religious uses.  
 Sec. 309. Military overflights.  
 Sec. 310. Wilderness review.

#### TITLE IV—WAIVER OF GRAZING PERMITS

Sec. 401. Findings and purpose.  
 Sec. 402. Voluntary grazing permit waiver program.  
 Sec. 403. Compensation.  
 Sec. 404. Rules of construction.

## **1 TITLE I—CENTRAL IDAHO ECO- 2 NOMIC DEVELOPMENT AND 3 RECREATION PROMOTION**

### **4 SEC. 101. LAND CONVEYANCE, CERTAIN SAWTOOTH NA- 5 TIONAL RECREATION AREA LAND TO CUSTER 6 COUNTY, IDAHO.**

7 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-  
 8 riculture, acting through the Chief of the Forest Service,  
 9 shall convey, without consideration, to Custer County,  
 10 Idaho, all right, title, and interest of the United States  
 11 in and to the parcels of Federal land in the Sawtooth Na-  
 12 tional Recreation Area identified for conveyance under  
 13 this section on the map entitled “Custer County Sawtooth  
 14 Conveyance” and dated November 1, 2004.

15 (b) USE OF CONVEYED LAND.—In making the con-  
 16 veyance under subsection (a) to the County, the Secretary  
 17 shall include deed restrictions relating to the use of the

1 conveyed land to ensure that such use is consistent with  
 2 the planning process of the County and management of  
 3 the Sawtooth National Recreation Area.

4 (c) SURVEY.—The exact acreage and legal descrip-  
 5 tion of the land to be conveyed under subsection (a) shall  
 6 be determined by a survey satisfactory to the Secretary.  
 7 The cost of the survey shall be borne by the Secretary.

8 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-  
 9 retary may require such additional terms and conditions  
 10 in connection with the conveyance under subsection (a) as  
 11 the Secretary considers appropriate to protect the inter-  
 12 ests of the United States.

13 **SEC. 102. LAND CONVEYANCE, CERTAIN CHALLIS NA-**  
 14 **TIONAL FOREST LAND TO CUSTER COUNTY,**  
 15 **IDAHO.**

16 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-  
 17 riculture, acting through the Chief of the Forest Service,  
 18 shall convey, without consideration, to Custer County,  
 19 Idaho, all right, title, and interest of the United States  
 20 in and to the parcels of Federal land in the Challis Na-  
 21 tional Forest identified for conveyance under this section  
 22 on the map entitled “Custer County Challis Conveyance”  
 23 and dated November 1, 2004.

24 (b) TREATMENT OF ROADS AND TRAILS.—In making  
 25 the conveyance under subsection (a) to the County, the

1 Secretary shall include deed restrictions to ensure that any  
2 roads and trails located on the conveyed land remain open  
3 to public use notwithstanding any subsequent conveyance  
4 of the land by the County.

5 (c) SURVEY.—The exact acreage and legal descrip-  
6 tion of the land to be conveyed under subsection (a) shall  
7 be determined by a survey satisfactory to the Secretary.  
8 The cost of the survey shall be borne by the Secretary.

9 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-  
10 retary may require such additional terms and conditions  
11 in connection with the conveyance under subsection (a) as  
12 the Secretary considers appropriate to protect the inter-  
13 ests of the United States.

14 **SEC. 103. LAND CONVEYANCE, CERTAIN SAWTOOTH NA-**  
15 **TIONAL FOREST AND BLM LAND TO BLAINE**  
16 **COUNTY, IDAHO.**

17 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-  
18 riculture, acting through the Chief of the Forest Service,  
19 and the Secretary of the Interior, acting through the Di-  
20 rector of the Bureau of Land Management, shall convey,  
21 without consideration, to Blaine County, Idaho, all right,  
22 title, and interest of the United States in and to the par-  
23 cels of Federal land in the Sawtooth National Forest and  
24 Bureau of Land Management land identified for convey-

1   ance under this section on the map entitled “Blaine Coun-  
2   ty Conveyance” and dated November 1, 2004.

3       (b) TREATMENT OF ROADS AND TRAILS.—In making  
4   the conveyance under subsection (a) to the County, the  
5   Secretary shall include deed restrictions to ensure that any  
6   roads and trails located on the conveyed land remain open  
7   to public use notwithstanding any subsequent conveyance  
8   of the land by the County.

9       (c) SURVEY.—The exact acreage and legal descrip-  
10   tion of the land to be conveyed under subsection (a) shall  
11   be determined by a survey satisfactory to the Secretary.  
12   The cost of the survey shall be borne by the Secretary.

13       (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-  
14   retary may require such additional terms and conditions  
15   in connection with the conveyance under subsection (a) as  
16   the Secretary considers appropriate to protect the inter-  
17   ests of the United States.

18   **SEC. 104. LAND CONVEYANCE, DESIGNATED NATIONAL**  
19                   **FOREST SYSTEMS LAND TO CITY OF STAN-**  
20                   **LEY, IDAHO.**

21       (a) CONVEYANCE REQUIRED.—The Secretary of Ag-  
22   riculture, acting through the Chief of the Forest Service,  
23   shall convey, without consideration, to the city of Stanley,  
24   Idaho, all right, title, and interest of the United States  
25   in and to the parcels of National Forest System land iden-

1   tified for conveyance under this section on the map enti-  
2   tled “City of Stanley Conveyance” and dated November  
3   1, 2004.

4       (b) SURVEY.—The exact acreage and legal descrip-  
5   tion of the land to be conveyed under subsection (a) shall  
6   be determined by a survey satisfactory to the Secretary.  
7   The cost of the survey shall be borne by the Secretary.

8       (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-  
9   retary may require such additional terms and conditions  
10  in connection with the conveyance under subsection (a) as  
11  the Secretary considers appropriate to protect the inter-  
12  ests of the United States.

13   **SEC. 105. LAND CONVEYANCE, DESIGNATED BLM LAND TO**  
14                           **CITY OF CLAYTON, IDAHO.**

15       (a) CONVEYANCE REQUIRED.—The Secretary of the  
16  Interior, acting through the Director of the Bureau of  
17  Land Management, shall convey, without consideration, to  
18  the city of Clayton, Idaho, all right, title, and interest of  
19  the United States in and to the Bureau of Land Manage-  
20  ment land identified for conveyance under this section on  
21  the map entitled “City of Clayton Conveyance” and dated  
22  November 1, 2004.

23       (b) SURVEY.—The exact acreage and legal descrip-  
24  tion of the land to be conveyed under subsection (a) shall

1 be determined by a survey satisfactory to the Secretary.

2 The cost of the survey shall be borne by the Secretary.

3 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-  
4 retary may require such additional terms and conditions  
5 in connection with the conveyance under subsection (a) as  
6 the Secretary considers appropriate to protect the inter-  
7 ests of the United States.

8 **SEC. 106. LAND CONVEYANCE, DESIGNATED BLM LAND TO**  
9 **CITY OF MACKAY, IDAHO.**

10 (a) CONVEYANCE REQUIRED.—The Secretary of the  
11 Interior, acting through the Director of the Bureau of  
12 Land Management, shall convey, without consideration, to  
13 the city of Mackay, Idaho, all right, title, and interest of  
14 the United States in and to the Bureau of Land Manage-  
15 ment land identified for conveyance under this section on  
16 the map entitled “City of Mackay Conveyance” and dated  
17 November 1, 2004.

18 (b) SURVEY.—The exact acreage and legal descrip-  
19 tion of the land to be conveyed under subsection (a) shall  
20 be determined by a survey satisfactory to the Secretary.  
21 The cost of the survey shall be borne by the Secretary.

22 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-  
23 retary may require such additional terms and conditions  
24 in connection with the conveyance under subsection (a) as



1 the Secretary considers appropriate to protect the inter-  
2 ests of the United States.

3 **SEC. 107. LAND CONVEYANCE, DESIGNATED BLM LAND TO**  
4 **CITY OF CHALLIS, IDAHO.**

5 (a) CONVEYANCE REQUIRED.—The Secretary of the  
6 Interior, acting through the Director of the Bureau of  
7 Land Management, shall convey, without consideration, to  
8 the city of Challis, Idaho, all right, title, and interest of  
9 the United States in and to the Bureau of Land Manage-  
10 ment land identified for conveyance under this section on  
11 the map entitled “City of Challis Conveyance” and dated  
12 November 1, 2004.

13 (b) SURVEY.—The exact acreage and legal descrip-  
14 tion of the land to be conveyed under subsection (a) shall  
15 be determined by a survey satisfactory to the Secretary.  
16 The cost of the survey shall be borne by the Secretary.

17 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-  
18 retary may require such additional terms and conditions  
19 in connection with the conveyance under subsection (a) as  
20 the Secretary considers appropriate to protect the inter-  
21 ests of the United States.

1 **SEC. 108. LAND CONVEYANCE AUTHORITY, SUPPORT FOR**  
2 **RECREATION AND TOURISM DEVELOPMENT,**  
3 **NATIONAL FOREST SYSTEM LAND AND PUB-**  
4 **LIC LAND IN CENTRAL IDAHO.**

5 (a) RECREATION AND TOURISM DEVELOPMENT.—

6 The Secretary of Agriculture, in the case of National For-  
7 est System land, and the Secretary of the Interior, in the  
8 case of public land administered through the Bureau of  
9 Land Management, may convey, without consideration, to  
10 Custer County or the State of Idaho all right, title, and  
11 interest of the United States in and to small parcels of  
12 National Forest System land or public land, not to exceed  
13 100 acres per parcel, to permit the County and State to  
14 use the land to create or expand public campgrounds, de-  
15 velop tourism and recreational opportunities, and secure  
16 access to trails in or in the vicinity of the Boulder-White  
17 Cloud Management Area established by title II. Federal  
18 land adjacent to or near Mackay Reservoir may be selected  
19 by the Secretary concerned for conveyance under this sub-  
20 section.

21 (b) MOTORIZED RECREATION PARKS.—The Sec-  
22 retary of the Interior shall convey, without consideration,  
23 to the State of Idaho all right, title, and interest of the  
24 United States in and to four parcels of public land admin-  
25 istered through the Bureau of Land Management, con-  
26 sisting of approximately 300 acres per parcel, located near

1 Boise, Twin Falls, Idaho Falls, and Pocatello, Idaho, to  
2 permit the State to use the land to create motorized recre-  
3 ation parks.

4 (c) SURVEY.—The exact acreage and legal descrip-  
5 tion of land to be conveyed under this section shall be de-  
6 termined by a survey satisfactory to the Secretary con-  
7 cerned. The cost of the survey shall be borne by the recipi-  
8 ent of the land.

9 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-  
10 retary concerned may require such additional terms and  
11 conditions in connection with a conveyance under this sec-  
12 tion as the Secretary considers appropriate to protect the  
13 interests of the United States.

14 **SEC. 109. STANLEY-RED FISH LAKE BIKE AND SNOWMOBILE**  
15 **TRAIL.**

16 (a) DEVELOPMENT OF TRAIL.—The Secretary of Ag-  
17 riculture shall design, construct, and maintain a paved  
18 trail along Highway 75 between the city of Stanley, Idaho,  
19 and Red Fish Lake that is designated for use—

20 (1) by pedestrians and non-motorized vehicles  
21 generally; and

22 (2) as a snowmobile route when there is ade-  
23 quate snow cover.

24 (b) ACQUISITION FROM WILLING SELLERS.—Any  
25 land or interests in land to be acquired by the Secretary

1 for construction of the paved trail required by subsection  
2 (a) shall be acquired only by donation or by purchase from  
3 willing sellers.

4 (c) OTHER TRAIL CONSTRUCTION AND MAINTENANCE ACTIVITIES.—There is authorized to be appro-  
5 priated \$250,000 for the construction and maintenance of  
6 other trails for mechanized bikes in the State of Idaho.  
7 Amounts appropriated pursuant to this authorization of  
8 appropriations shall remain available until expended.

10 **SEC. 110. SUPPORT FOR OUTFITTER AND GUIDE ACTIVITIES.**  
11

12 (a) EXISTING OPERATING PERMITS.—Before the end  
13 of the one-year period beginning on the date of the enact-  
14 ment of this Act, the Secretary of Agriculture and the Sec-  
15 retary of the Interior shall grant a 10-year extension of  
16 each guide or outfitter operating permit that, as of the  
17 date of the enactment of this Act, authorized activities on  
18 lands included in the Boulder-White Cloud Management  
19 Area established by title II or a wilderness area designated  
20 by subtitle III. The Secretary concerned may refuse to  
21 grant the extension of a permit only if the Secretary deter-  
22 mines that the permittee has not operated in a satisfactory  
23 manner in compliance with the terms and conditions of  
24 the permit. The Secretary concerned may require the

1 modification of the extended permit as necessary to com-  
2 ply with the requirements of this Act.

3 (b) FUTURE OUTFITTER AND GUIDE ACTIVITIES.—  
4 Future extensions of outfitter and guide activities and per-  
5 mits for outfitters on lands included in the Boulder-White  
6 Cloud Management Area established by title II or a wil-  
7 derness area designated by subtitle III shall be adminis-  
8 tered in accordance with this Act and other applicable land  
9 or resource management plans. No person shall conduct  
10 outfitter and guide activities on such Federal land except  
11 as authorized by the Secretary concerned.

12 **SEC. 111. RED TREES PHASE II STUDY REGARDING FOREST**  
13 **HEALTH AND PUBLIC SAFETY.**

14 (a) STUDY REQUIRED.—Not later than June 1,  
15 2005, the Secretary of Agriculture shall complete and sub-  
16 mit to Congress a Red Trees Phase II study evaluating,  
17 in accordance with Federal laws and regulations, nec-  
18 essary landscape approaches to risk assessment to identify  
19 forest health projects that, if implemented, will effectively  
20 mitigate major fire risks on lands included in the Saw-  
21 tooth National Recreation Area. The Secretary shall in-  
22 clude, as part of the submission to Congress, such rec-  
23 ommendations as the Secretary considers appropriate for  
24 the timely implementation of the projects, the local utiliza-  
25 tion of forest products derived from the projects, and con-

1   servation measures to protect soil, water, wildlife, recre-  
2   ation, and scenic values.

3           (b) TREATMENT OF PROCEEDS.—Notwithstanding  
4   any other provision of law, proceeds derived from any for-  
5   est health project recommended as part of the study re-  
6   quired by subsection (a), in excess of the costs incurred  
7   to administer the project, shall be available to the Sec-  
8   retary, without appropriation and until expended, to carry  
9   out conservation projects in the Boulder-White Clouds  
10  Management Area established by title II.

11 **SEC. 112. GRANTS TO SUPPORT SUSTAINABLE ECONOMIC**  
12 **DEVELOPMENT AND RECREATION.**

13           (a) GRANT TO CUSTER COUNTY, IDAHO.—There is  
14   appropriated to the Secretary of Agriculture, out of any  
15   funds in the Treasury not otherwise appropriated,  
16   \$5,000,000, which shall be used by the Secretary to make  
17   a grant to Custer County, Idaho, in the full amount so  
18   appropriated. The grant recipient shall use the grant  
19   funds to support sustainable economic development in  
20   Custer County.

21           (b) GRANT TO STATE OF IDAHO.—There is appro-  
22   priated to the Secretary of Agriculture, out of any funds  
23   in the Treasury not otherwise appropriated, \$500,000,  
24   which shall be used by the Secretary to make a grant to  
25   the State of Idaho Parks and Recreation Department, in

1 the full amount so appropriated. The grant recipient shall  
2 use the grant funds to purchase Bayhorse Campground  
3 for use as a State park.

4 **SEC. 113. CONTINUATION OF PUBLIC ACCESS TO BOWERY**  
5 **NATIONAL FOREST GUARD STATION.**

6 (a) CONSTRUCTION OF ROAD AND BRIDGE.—To en-  
7 sure continued public access to the Bowery Guard Station,  
8 the Secretary of Agriculture shall construct a new road  
9 on National Forest System lands, to the east of the exist-  
10 ing private property line on the east side of the Leisinger  
11 property, and a new bridge over West Pass Creek as part  
12 of such road.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to the Secretary such sums  
15 as may be necessary to carry out this section. Amounts  
16 appropriated pursuant to this authorization of appropria-  
17 tions shall remain available until expended.

18 **SEC. 114. RESUMPTION OF PUBLIC ACCESS TO HERD LAKE**  
19 **CAMPGROUND.**

20 The Secretary of the Interior shall allow motorized  
21 access to the Herd Lake Campground and reopen the  
22 campground for public use, including overnight camping,  
23 under the administration of the Bureau of Land Manage-  
24 ment.

1       **TITLE II—BOULDER-WHITE**  
2       **CLOUD MANAGEMENT AREA**

3   **SEC. 201. ESTABLISHMENT OF MANAGEMENT AREA.**

4       (a) PURPOSE.—Certain Federal lands in central  
5 Idaho offer outstanding opportunities for many forms of  
6 recreation, including mountain biking, snowmobiling, and  
7 the use of off-road motorized vehicles. The purpose of this  
8 title is to statutorily provide for the continued manage-  
9 ment of these lands for these recreational opportunities,  
10 as well as for conservation and resource protection in ac-  
11 cordance with the existing management authorities for  
12 these lands, whether the lands are lands included in the  
13 Challis National Forest, lands previously included in the  
14 Sawtooth National Recreation Area established by Public  
15 Law 92–400 (16 U.S.C. 460aa et seq.), or public lands  
16 managed by the Bureau of Land Management.

17       (b) ESTABLISHMENT.—Certain Federal lands in the  
18 Challis National Forest, the Sawtooth National Recreation  
19 Area, and the Challis District of the Bureau of Land Man-  
20 agement, which comprise approximately \_\_\_\_\_ acres  
21 and are generally depicted on the map entitled “Boulder-  
22 White Cloud Management Area proposal”, are hereby es-  
23 tablished as the Boulder White Cloud Management Area  
24 (in this title referred to as the “management area”) and  
25 shall be managed as provided by this title.



1       (c) ADMINISTRATION.—Except as otherwise provided  
2 in this title, the Secretary of Agriculture, in the case of  
3 National Forest System lands included in the management  
4 area, and the Secretary of the Interior, in the case of pub-  
5 lic lands included in the management area, in this title  
6 referred to as the “Secretary concerned”, shall administer  
7 the management area in accordance with this title and the  
8 laws and regulations generally applicable to the National  
9 Forest System lands and the public lands included in the  
10 management area. Lands included in the management  
11 area that are also included in the Sawtooth National  
12 Recreation Area shall also be administered in accordance  
13 with Public Law 92–400 (16 U.S.C. 460aa et seq.).

14       (d) DEVELOPMENT.—No new roads may be con-  
15 structed within the management area, except as necessary  
16 for access to campgrounds and other recreation areas as  
17 determined by the Secretary concerned. Roads may be  
18 maintained and relocated as necessary. The Secretary con-  
19 cerned shall permit the mining and removal of gravel,  
20 sand, and rock along existing roads in the management  
21 area as necessary for road maintenance in accordance with  
22 the applicable management plan.

23       (e) TIMBER HARVESTING.—Timber harvesting shall  
24 be allowed on lands in the management area only in ac-  
25 cordance with the management plan applicable to the

1 lands and for necessary control of fire, insects, and dis-  
2 eases and for public safety.

3 (f) TRAIL MAINTENANCE AND IMPROVEMENT.—

4 There is authorized to be appropriated to the Secretary  
5 of Agriculture and the Secretary of the Interior \$500,000  
6 for trail maintenance and other improvements related to  
7 outfitting, guiding, hiking, and horseback use within the  
8 management area. Amounts appropriated pursuant to this  
9 authorization of appropriations shall remain available  
10 until expended.

11 **SEC. 202. LAND ACQUISITION IN MANAGEMENT AREA.**

12 (a) LAND ACQUISITION.—The Secretary concerned  
13 may acquire, by donation or purchase from willing sellers,  
14 lands and interests in lands—

15 (1) located inside the boundaries of the man-  
16 agement area; or

17 (2) located adjacent to the management area to  
18 provide easements for additional public access to the  
19 management area.

20 (b) NO USE OF CONDEMNATION.—No lands or inter-  
21 ests in lands may be acquired by condemnation for inclu-  
22 sion in the management area or to provide access to the  
23 management area.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated not more than \$5,000,000

1 to carry out this section. Amounts appropriated pursuant  
2 to this authorization of appropriations shall remain avail-  
3 able until expended.

4 **SEC. 203. MOTORIZED AND MECHANIZED TRAVEL.**

5 (a) MOTORIZED AND MECHANIZED TRAVEL AU-  
6 THORIZED.—Motorized and mechanized travel shall con-  
7 tinue in the management area, but only on designated  
8 trails, routes, and areas in accordance with Forest Service  
9 and Bureau of Land Management travel plans and maps  
10 in existence as of September 1, 2003, which managed  
11 recreation use for the specific areas, roads, and trails on  
12 lands included in the management area. Not later than  
13 one year after the date of the enactment of this Act, the  
14 Secretary concerned shall identify such routes, trails, and  
15 areas and shall prepare and make available to the public  
16 a map showing such routes, trails, and areas.

17 (b) ESTABLISHMENT OR USE OF OTHER TRAILS AND  
18 ROUTES.—Notwithstanding subsection (a), other trails  
19 and routes may be used for motorized and mechanized  
20 travel whenever the Secretary concerned considers such  
21 use to be necessary for administrative purposes or to re-  
22 spond to an emergency.

23 (c) ROUTE AND TRAIL CLOSURES.—The following  
24 roads or trails shall be closed to motorized trail use, except

1 when there is adequate snowcover to permit snowmobile  
2 use:

3 (1) Forest Service Trail 109 between the Phyl-  
4 lis Lake turnoff to 4th of July Lake and the north  
5 side of Washington Lake.

6 (2) Forest Service Trail 671 up Warm Springs  
7 Creek from Trail 104 to the wilderness boundary.

8 (d) GROUNDS FOR TRAIL CLOSURES.—Resource  
9 damage that can be mitigated and issues of user conflict  
10 shall not be used as grounds for the closure of a trail or  
11 route in the management area, although the Secretary  
12 concerned may close any trail or route, or prohibit the use  
13 of trail or route for motorized and mechanize travel, if  
14 the Secretary determines that such closure or prohibition  
15 is the only reasonable means available for resource protec-  
16 tion or public safety.

17 (e) MITIGATION OF TRAIL CLOSURES.—If the Sec-  
18 retary determines under subsection (d) that closing an  
19 available trail or route in the management area is nec-  
20 essary for resource protection or public safety, the Sec-  
21 retary shall take any of the following mitigation actions,  
22 intended to provide commensurate motorized recreation  
23 opportunities elsewhere in the management area:

1           (1) Repair resource damage and secure condi-  
2           tions so that closed trails may be reopened to motor-  
3           ized use.

4           (2) Replace, relocate, or reroute a trail or trail  
5           segment.

6           (3) Upgrade existing trails so as increase user  
7           capacity.

8           (4) A combination of the actions specified in  
9           paragraphs (1), (2), and (3) and other actions to  
10          achieve the overall mitigation objective.

11         (f) RELATION TO OTHER LAWS.—In considering  
12         mitigation actions under subsection (e), the Secretary con-  
13         cerned shall ensure that such action is consistent with the  
14         overall objectives of the management area. If the lands  
15         are also included in the Sawtooth National Recreation  
16         Area, the Secretary concerned shall also administer the  
17         action in accordance with Public Law 92–400 (16 U.S.C.  
18         460aa et seq.), the travel plan in existence as of Sep-  
19         tember 1, 2003, for the Sawtooth National Recreation  
20         Area, and executive orders and other relevant laws and  
21         regulations existing on or before that date.

22         **SEC. 204. SUPPORT AND USE OF IDAHO OFF ROAD MOTOR**  
23         **VEHICLE PROGRAM.**

24         (a) GRANT TO PROGRAM.—There is authorized to be  
25         appropriated to the Secretary of Agriculture not more

1 than \$1,000,000, which shall be used by the Secretary to  
2 make a grant to the State of Idaho in the full amount  
3 so appropriated for deposit with the Off Road Motor Vehi-  
4 cle Program of the Idaho Department of State Parks and  
5 Recreation, which is used to support the acquisition, pur-  
6 chase, improvement, repair, maintenance, furnishing, and  
7 equipping of off-road motor vehicle facilities and sites, to  
8 groom snowmobile trails, and for enforcement activities  
9 and the rehabilitation of land damaged by off-road vehicle  
10 users. As a condition of the grant, the State must main-  
11 tain the grant funds as a separate account of the Off Road  
12 Motor Vehicle Program and may not use the funds except  
13 as provided by this section.

14 (b) USE OF GRANT FUNDS.—When the Secretary  
15 concerned determines that additional funds are required  
16 to carry out the activities described in subsection (a) in  
17 the management area, the Secretary may apply for funds  
18 from the Off Road Motor Vehicle Program. Funds re-  
19 ceived under this subsection shall be used only in the man-  
20 agement area.

21 (c) CONSULTATION AND RECOMMENDATIONS.—Be-  
22 fore funds are provided under subsection (b), the Off Road  
23 Motor Vehicle Program shall consider any recommenda-  
24 tions regarding the use of the funds made by the advisory

1 committee established as part of the program as well as  
2 public comments.

3 (d) RELATION TO OTHER LAWS.—Any action under-  
4 taken using funds obtained under subsection (b) shall con-  
5 form to the applicable travel plan of the Challis National  
6 Forest, the Sawtooth National Recreation Area, or the  
7 Challis District of the Bureau of Land Management.

## 8 **TITLE III—CENTRAL IDAHO** 9 **WILDERNESS AREAS**

### 10 **SEC. 301. ADDITIONS TO NATIONAL WILDERNESS PRESER-** 11 **VATION SYSTEM.**

12 (a) ADDITIONS.—The following lands in the State of  
13 Idaho are designated as wilderness and as components of  
14 the National Wilderness Preservation System:

15 (1) ERNEST HEMINGWAY WILDERNESS.—Cer-  
16 tain Federal land in the Sawtooth and Challis Na-  
17 tional Forests, comprising approximately 72,500  
18 acres, as generally depicted on the map entitled “Er-  
19 nest Hemingway” and dated \_\_\_\_\_, which  
20 shall be known as the “Ernest Hemingway Wilder-  
21 ness”.

22 (2) WHITE CLOUDS WILDERNESS.—Certain  
23 Federal land in the the Sawtooth and Challis Na-  
24 tional Forests, comprising approximately 74,700  
25 acres, as generally depicted on the map entitled

1 “White Clouds” and dated \_\_\_\_\_, which  
2 shall be known as the “White Clouds Wilderness”.

3 (3) JERRY PEAK WILDERNESS.—Certain public  
4 land administered by the Bureau of Land Manage-  
5 ment, comprising approximately 146,900 acres, as  
6 generally depicted on the map entitled “Jerry Peak  
7 Wilderness” and dated \_\_\_\_\_, which shall  
8 be known as the “Jerry Peak Wilderness”.

9 (b) MAPS AND LEGAL DESCRIPTION.—

10 (1) IN GENERAL.—As soon as practicable after  
11 the date of enactment of this Act, the Secretary of  
12 Agriculture, in the case of the wilderness areas des-  
13 ignated by paragraphs (1) and (2) of subsection (a),  
14 and the Secretary of the Interior, in the case of the  
15 wilderness area designated by paragraph (3) of such  
16 subsection, in this title referred to as the “Secretary  
17 concerned”, shall file a map and legal description of  
18 the wilderness areas designated by such subsection  
19 with the Committee on Resources of the House of  
20 Representatives and the Committee on Energy and  
21 Natural Resources of the Senate.

22 (2) EFFECT.—Each map and legal description  
23 shall have the same force and effect as if included  
24 in this title, except that the Secretary concerned



1        may correct clerical and typographical errors in the  
2        map or legal description.

3            (3) AVAILABILITY.—Each map and legal de-  
4        scription shall be on file and available for public in-  
5        spection in the appropriate offices of the Bureau of  
6        Land Management or the Forest Service.

7        (c) WITHDRAWAL.—Subject to valid existing rights,  
8        the wilderness areas designated in subsection (a) are with-  
9        drawn from all forms of entry, appropriation, and disposal  
10       under the public land laws, location, entry, and patent  
11       under the mining laws, and operation of the mineral leas-  
12       ing, mineral materials, and geothermal leasing laws.

13    **SEC. 302. GENERAL ADMINISTRATION OF WILDERNESS**  
14            **AREAS.**

15        (a) APPLICATION OF WILDERNESS ACT.—Subject to  
16        valid existing rights, the wilderness areas designated by  
17        section 301 shall be managed by the Secretary concerned  
18        in accordance with the Wilderness Act (16 U.S.C. 1131  
19        et seq.) and this title. With respect to the wilderness areas,  
20        any reference in the Wilderness Act to the effective date  
21        of the Wilderness Act shall be deemed to be a reference  
22        to the date of the enactment of this Act, and any reference  
23        in the Wilderness Act to the Secretary of Agriculture shall  
24        be deemed to be a reference to the Secretary concerned.

1       (b) CONSISTENT INTERPRETATION TO THE PUB-  
2 LIC.—Although the wilderness areas designated by section  
3 301 consist of National Forest System land under the ju-  
4 risdiction of the Secretary of Agriculture and public land  
5 under the jurisdiction of the Secretary of the Interior, the  
6 Secretary of Agriculture and the Secretary of the Interior  
7 shall collaborate to assure that the wilderness areas are  
8 interpreted to the public as an overall complex tied to-  
9 gether by common location in the Boulder-White Cloud  
10 Mountains and common identity with the natural and cul-  
11 tural history of the State of Idaho and its Native Amer-  
12 ican and pioneer heritage.

13       (c) COMPREHENSIVE WILDERNESS MANAGEMENT  
14 PLAN.—Not later than three years after the date of the  
15 enactment of this Act, the Secretary of Agriculture and  
16 Secretary of the Interior shall collaborate to develop a  
17 comprehensive wilderness management plan for the wil-  
18 derness areas designated by section 301. The completed  
19 management plan shall be submitted to the Committee on  
20 Resources of the House of Representatives and the Com-  
21 mittee on Energy and Natural Resources of the Senate.

22       (d) FIRE, INSECTS, AND DISEASES.—Within the wil-  
23 derness area designated by section 301, the Secretary con-  
24 cerned may take such measures as the Secretary con-  
25 cerned determines to be necessary for the control of fire,

1 insects, and diseases, subject to such conditions as the  
2 Secretary concerned considers desirable, as provided in  
3 section 4(d)(1) of the Wilderness Act (16 U.S.C.  
4 1131(d)(1)).

5 (e) WILDERNESS TRAILS AND TRAILHEADS.—

6 (1) CONSTRUCTION OF NEW TRAILHEAD.—The  
7 Secretary concerned shall construct a new trailhead  
8 for nonmotorized users and improve access to the  
9 Wickiup Trail (#684) and at the Big Boulder Trail-  
10 head to separate motorized/mechanized users from  
11 nonmotorized/mechanized users.

12 (2) INCLUSION OF ACCESSIBLE TRAILS.—The  
13 Secretary concerned may establish wheelchair acces-  
14 sible trails into the wilderness areas designated by  
15 section 301, including the Bowery Creek Guard Sta-  
16 tion along the West Fork of the East Fork of the  
17 Salmon River.

18 (f) TREATMENT OF EXISTING CLAIMS AND PRIVATE  
19 LANDS.—Nothing in this title is intended to affect the  
20 rights or interests in real property, patented mining  
21 claims, or valid claims or prevent reasonable access for  
22 the development and use of valid mineral rights. The Sec-  
23 retary concerned may enter into negotiations with the  
24 holder of a patented claim or valid claim located in a wil-

1 derness area designated by section 301 for the voluntary  
2 relinquishment of the claim.

3 (g) GRAZING.—Grazing of livestock in a wilderness  
4 area designated by section 301, where established before  
5 the date of the enactment of this Act, shall be adminis-  
6 tered in accordance with the provisions of section 4(d)(4)  
7 of the Wilderness Act (16 U.S.C. 1133(d)(4)), section 108  
8 of Public Law 96–560, and section 101(f) of Public Law  
9 101–628, and in accordance with the guidelines set forth  
10 in Appendix A of House Report 96–617 of the 96th Con-  
11 gress and House Report 101–405 of the 101st Congress.

12 (h) COMMERCIAL OUTFITTERS AND SADDLE AND  
13 PACK STOCK.—Nothing in this title shall preclude horse-  
14 back riding or the entry of recreational saddle or pack  
15 stock into the wilderness areas designated by section 301,  
16 including when such entry is made by commercial outfit-  
17 ters.

18 **SEC. 303. INCORPORATION OF ACQUIRED LANDS AND IN-**  
19 **TERESTS.**

20 Any land or interest in land located inside the bound-  
21 aries of a wilderness area designated by section 301 that  
22 is acquired by the United States after the date of the en-  
23 actment of this Act shall be added to and administered  
24 as part of the wilderness area.

1 **SEC. 304. ADJACENT MANAGEMENT.**

2 (a) NO PROTECTIVE PERIMETERS OR BUFFER  
3 ZONES.—Congress does not intend for the designation of  
4 the wilderness areas by section 301 to lead to the creation  
5 of protective perimeters or buffer zones around any such  
6 wilderness area.

7 (b) NONWILDERNESS ACTIVITIES.—The fact that  
8 nonwilderness activities or uses outside of a wilderness  
9 area designated by section 301 can be seen or heard from  
10 inside of the wilderness area shall not preclude the conduct  
11 of those activities or uses outside the boundaries of the  
12 wilderness area.

13 **SEC. 305. WILDFIRE MANAGEMENT.**

14 Consistent with section 4 of the Wilderness Act (16  
15 U.S.C. 1133), nothing in this title precludes a Federal,  
16 State, or local agency from conducting wildfire manage-  
17 ment operations, including operations using aircraft or  
18 mechanized equipment, to manage wildfires in the wilder-  
19 ness areas designated by section 301.

20 **SEC. 306. WATER RIGHTS.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) The lands designated as wilderness areas by  
23 section 301 are located at the headwaters of the  
24 streams and rivers on those lands, with few, if any,  
25 actual or proposed water resource facilities located  
26 upstream from such lands and few, if any, opportu-

1 nities for diversion, storage, or other uses of water  
2 occurring outside such lands that would adversely  
3 affect the wilderness values of such lands.

4 (2) The lands designated as wilderness areas by  
5 section 301 are not suitable for use for development  
6 of new water resource facilities or for the expansion  
7 of existing facilities.

8 (3) Therefore, it is possible to provide for prop-  
9 er management and protection of the wilderness  
10 value of the lands designated as wilderness areas by  
11 section 301 in ways different from the ways utilized  
12 in other laws designating wilderness areas.

13 (b) PURPOSE.—The purpose of this section is to pro-  
14 tect the wilderness values of the lands designated as wil-  
15 derness areas by section 301 by means other than a feder-  
16 ally reserved water right.

17 (c) STATUTORY CONSTRUCTION.—Nothing in this  
18 title—

19 (1) shall constitute, or be construed to con-  
20 stitute, either an express or implied reservation by  
21 the United States of any water or water rights with  
22 respect to the wilderness areas designated by section  
23 301;

24 (2) shall affect any water rights in the State of  
25 Idaho existing on the date of the enactment of this

1 Act, including any water rights held by the United  
2 States;

3 (3) shall be construed as establishing a prece-  
4 dent with regard to any future wilderness designa-  
5 tions;

6 (4) shall be construed as limiting, altering,  
7 modifying, or amending any of the interstate com-  
8 pacts or equitable apportionment decrees that appor-  
9 tion water among and between the State of Idaho  
10 and other States; and

11 (5) shall be construed as limiting, altering,  
12 modifying, or amending provisions of Public Law  
13 92–400, which established the Sawtooth National  
14 Recreation Area (16 U.S.C. 460aa et seq.).

15 (d) IDAHO WATER LAW.—The Secretary concerned  
16 shall follow the procedural and substantive requirements  
17 of the law of the State of Idaho when seeking to establish  
18 any water rights, not in existence on the date of the enact-  
19 ment of this Act, with respect to the wilderness areas des-  
20 ignated by section 301.

21 (e) NEW PROJECTS.—

22 (1) PROHIBITION.—Except as otherwise pro-  
23 vided in this Act, on and after the date of the enact-  
24 ment of this Act, neither the President nor any  
25 other officer, employee, or agent of the United

1 States shall fund, assist, authorize, or issue a license  
2 or permit for the development of any new water re-  
3 source facility inside any of the wilderness areas des-  
4 ignated by section 301.

5 (2) DEFINITION.—In this subsection, the term  
6 “water resource facility” means irrigation and  
7 pumping facilities, reservoirs, water conservation  
8 works, aqueducts, canals, ditches, pipelines, wells,  
9 hydropower projects, and transmission and other an-  
10 cillary facilities, and other water diversion, storage,  
11 and carriage structures.

12 **SEC. 307. WILDLIFE MANAGEMENT.**

13 (a) STATE JURISDICTION.—In accordance with sec-  
14 tion 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),  
15 nothing in this title affects or diminishes the jurisdiction  
16 of the State of Idaho with respect to fish and wildlife man-  
17 agement, including the regulation of hunting, fishing, and  
18 trapping, in the wilderness areas designated by section  
19 301.

20 (b) MANAGEMENT ACTIVITIES.—In furtherance of  
21 the purposes and principles of the Wilderness Act, man-  
22 agement activities to maintain or restore fish and wildlife  
23 populations and the habitats to support such populations  
24 may be carried out within wilderness areas designated by  
25 section 301 where consistent with relevant wilderness



1 management plans, in accordance with appropriate poli-  
2 cies such as those set forth in Appendix B of House Re-  
3 port 101–405 of the 101st Congress, including the occa-  
4 sional and temporary use of motorized vehicles, if such  
5 use, as determined by the Secretary concerned is the min-  
6 imum impact necessary to reasonably accomplish the task.

7 (c) USE OF AIRCRAFT.—Consistent with section  
8 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and  
9 in accordance with appropriate policies such as those set  
10 forth in Appendix B of House Report 101–405 of the  
11 101st Congress, the State of Idaho may continue to use  
12 aircraft, including helicopters, to survey, capture, trans-  
13 plant, monitor, and manage bighorn sheep, mountain  
14 goats, wolves, and grizzly bears.

15 (d) HUNTING, FISHING, AND TRAPPING.—Nothing in  
16 this title shall affect hunting, fishing, and trapping, under  
17 applicable State and Federal laws and regulations, in the  
18 wilderness areas designated by section 301. The Secretary  
19 concerned may designate, by regulation in consultation  
20 with the appropriate State agency (except in emergencies),  
21 areas in which, and establish periods during which, for  
22 reasons of public safety, administration, or compliance  
23 with applicable laws, no hunting, fishing, or trapping will  
24 be permitted in the wilderness areas.

1 **SEC. 308. NATIVE AMERICAN CULTURAL AND RELIGIOUS**  
2 **USES.**

3 Nothing in this title shall be construed to diminish  
4 the rights of any Indian tribe. Nothing in this title shall  
5 be construed to diminish tribal rights regarding access to  
6 Federal lands for tribal activities, including spiritual, cul-  
7 tural, and traditional food-gathering activities.

8 **SEC. 309. MILITARY OVERFLIGHTS.**

9 Nothing in this title restricts or precludes—

10 (1) low-level overflights of military aircraft over  
11 the wilderness areas designated by section 301, in-  
12 cluding military overflights that can be seen or  
13 heard within the wilderness areas;

14 (2) flight testing and evaluation; or

15 (3) the designation or creation of new units of  
16 special use airspace, or the establishment of military  
17 flight training routes, over the wilderness areas.

18 **SEC. 310. WILDERNESS REVIEW.**

19 (a) NATIONAL FORESTS.—Section 5 of Public Law  
20 92–400 (16 U.S.C. 460aa–4), which required a review of  
21 the undeveloped and unimproved portion or portions of the  
22 Sawtooth National Recreation Area established by that  
23 Act as to suitability or unsuitability for preservation as  
24 part of the National Wilderness Preservation System, is  
25 repealed.

26 (b) PUBLIC LANDS.—

1           (1) FINDING.—Congress finds that, for the pur-  
2           pose of section 603 of the Federal Land Policy and  
3           Management Act of 1976 (43 U.S.C. 1782), the  
4           public land administered by the Bureau of Land  
5           Management in the following areas have been ade-  
6           quately studied for wilderness designation:

7                   (A) The Jerry Peak Wilderness Study  
8           Area.

9                   (B) The Jerry Peak West Wilderness  
10          Study Area.

11                  (C) The Corral-Horse Basin Wilderness  
12          Study Area.

13                  (D) The Boulder Creek Wilderness Study  
14          Area.

15           (2) RELEASE.—Any public land described in  
16           paragraph (1) that is not designated as wilderness  
17           by this title—

18                   (A) is no longer subject to section 603(c)  
19           of the Federal Land Policy and Management  
20           Act of 1976 (43 U.S.C. 1782(c)); and

21                   (B) shall be managed in accordance with  
22           land management plans adopted under section  
23           202 of that Act (43 U.S.C. 1712).

1   **TITLE IV—WAIVER OF GRAZING**  
2                   **PERMITS**

3   **SEC. 401. FINDINGS AND PURPOSE.**

4       (a) FINDINGS.—Congress finds the following:

5           (1) Grazing allotments on the lands designated  
6       as wilderness by title III, and on nearby Federal  
7       lands, have been reduced repeatedly by Forest Serv-  
8       ice and other Federal agency decisions reflecting  
9       changes in the management of such lands.

10          (2) Future management changes for these lands  
11       directed to the watershed recovery for the purposes  
12       of restoration of endangered fish populations may  
13       result in additional grazing restrictions.

14          (3) Many of the ranching families who have  
15       used these lands have found themselves unable to  
16       survive economically or to recapture lost economic  
17       opportunities as a consequence of the location of  
18       their ranching operations.

19       (b) PURPOSE.—The purpose of this title is to protect  
20   the environmental integrity of the lands designated as wil-  
21   derness by title III and to offer economic options for tradi-  
22   tional users of such lands who have been adversely im-  
23   pacted by past changes, and will be adversely impacted  
24   by future changes, in the management of such lands.

1 **SEC. 402. VOLUNTARY GRAZING PERMIT WAIVER PRO-**  
2 **GRAM.**

3 (a) **ELIGIBILITY FOR PARTICIPATION.**—Only persons  
4 that held, on September 30, 2004, a valid grazing permit  
5 located in whole or in part in the Bolder-White Cloud  
6 Management Area, a wilderness area designated by title  
7 III, the Sawtooth National Recreation Area, or the water-  
8 shed of the East Fork Salmon River shall be eligible to  
9 participate in the voluntary grazing permit waiver pro-  
10 gram under this title.

11 (b) **NOTICE OF PARTICIPATION.**—If a person de-  
12 scribed in subsection (a) desires to participate in the vol-  
13 untary grazing permit waiver program under this title, the  
14 person shall notify the Federal agency from which the per-  
15 son obtained the permit, in writing, not later than one  
16 year after the date of the enactment of this Act, of the  
17 voluntary decision of the person to participate in the pro-  
18 gram in exchange for compensation under section 403.  
19 Nothing in this subsection prevents a person described in  
20 subsection (a) from waiving, at any time, a grazing permit  
21 without compensation.

22 (c) **WAIVER.**—In the notification submitted under  
23 subsection (b), the person shall agree to waive the valid  
24 grazing permit authorizing livestock grazing on grazing al-  
25 lotments located in whole or in part on lands described  
26 in subsection (a). The waiver shall take effect on the date

1 the person receives the compensation provided under sec-  
2 tion 403, the date the person makes the waiver by dona-  
3 tion, or the date the person receives appropriate com-  
4 pensation from a third party, whichever occurs first. Not-  
5 withstanding any other provision of law, a person who  
6 waives a permit under this section shall be deemed to have  
7 waived any claim to all range developments on the subject  
8 grazing allotment or allotments.

9 (d) CANCELLATION.—Not later than 30 days after  
10 receiving a waiver notification under subsection (b), the  
11 Federal agency shall cancel the permitted grazing on the  
12 Federal land in the allotments covered by the notification.  
13 Upon cancellation, grazing permits shall be prohibited in  
14 the areas where permits were waived, and no future man-  
15 agement allocations for grazing shall be permitted.

16 (e) TREATMENT OF VACANT ALLOTMENTS.—Any va-  
17 cant, unallocated grazing allotments in existence on lands  
18 described in subsection (a) shall not be made available to  
19 any person after the date of the enactment of this Act.

20 **SEC. 403. COMPENSATION.**

21 (a) ELIGIBILITY AND AMOUNT OF COMPENSATION.—  
22 The Federal agency may make a payment to permittees  
23 described in subsection (a) of section 402 who waive graz-  
24 ing permits as provided in subsection (b) of such section  
25 according to a schedule of payments prepared jointly by

1 such agencies and filed with the Committee on Resources  
2 of the House of Representatives and the Committee on  
3 Energy and Natural Resources of the Senate. The total  
4 amount available for such payments is \$7,000,000. If a  
5 permittee is in arrears of Federal grazing fees, the amount  
6 of fees in arrears shall be deducted from the amount of  
7 compensation otherwise due the permittee under this sub-  
8 section.

9 (b) EXCEPTIONS.—Compensation shall not be pro-  
10 vided under this section if the permittee waives the permit  
11 by donation. The amount of any compensation the per-  
12 mittee receives from a third party for the waiver of the  
13 permit shall be deducted from the amount of compensation  
14 otherwise due the permittee under subsection (a).

15 **SEC. 404. RULES OF CONSTRUCTION.**

16 Nothing in this title shall be construed to affect the  
17 authority of a Federal agency to otherwise modify or ter-  
18 minate grazing permits or leases without compensation,  
19 except that nothing in this title shall be construed to au-  
20 thorize the use of eminent domain for such purpose. Noth-  
21 ing in this title shall be construed to create a property  
22 right in any grazing permit or lease on Federal lands or  
23 to establish a precedent for future grazing permit buyout  
24 programs.

