

113TH CONGRESS
1ST SESSION

S. 342

To designate the Pine Forest Range Wilderness area in Humboldt County,
Nevada.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mr. REID (for himself and Mr. HELLER) introduced the following bill; which
was read twice and referred to the Committee on Energy and Natural
Resources

A BILL

To designate the Pine Forest Range Wilderness area in
Humboldt County, Nevada.

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 “Pine Forest Range
5 Recreation Enhancement Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COUNTY.—The term “County” means
9 Humboldt County, Nevada.

1 (2) MAP.—The term “Map” means the map en-
 2 titled “Proposed Pine Forest Wilderness Area” and
 3 dated July 5, 2011.

4 (3) SECRETARY.—The term “Secretary” means
 5 the Secretary of the Interior.

6 (4) STATE.—The term “State” means the State
 7 of Nevada.

8 (5) WILDERNESS.—The term “Wilderness”
 9 means the Pine Forest Range Wilderness designated
 10 by section 3(a).

11 **SEC. 3. ADDITION TO NATIONAL WILDERNESS PRESERVA-**
 12 **TION SYSTEM.**

13 (a) DESIGNATION.—In furtherance of the purposes of
 14 the Wilderness Act (16 U.S.C. 1131 et seq.), the approxi-
 15 mately 26,000 acres of Federal land managed by the Bu-
 16 reau of Land Management, as generally depicted on the
 17 Map, is designated as wilderness and as a component of
 18 the National Wilderness Preservation System, to be known
 19 as the “Pine Forest Range Wilderness”.

20 (b) BOUNDARY.—

21 (1) ROAD ACCESS.—The boundary of any por-
 22 tion of the Wilderness that is bordered by a road
 23 shall be 100 feet from the edge of the road.

24 (2) ROAD ADJUSTMENTS.—The Secretary
 25 shall—

1 (A) reroute the road running through
 2 Long Meadow to the west to remove the road
 3 from the riparian area;

4 (B) reroute the road currently running
 5 through Rodeo Flat/Corral Meadow to the east
 6 to remove the road from the riparian area; and

7 (C) close, except for administrative use,
 8 the road along Lower Alder Creek south of Bu-
 9 reau of Land Management road #2083.

10 (3) RESERVOIR ACCESS.—The boundary of the
 11 Wilderness shall be 160 feet downstream from the
 12 dam at Little Onion Reservoir.

13 (c) MAP AND LEGAL DESCRIPTION.—

14 (1) IN GENERAL.—As soon as practicable after
 15 the date of enactment of this Act, the Secretary
 16 shall prepare a map and legal description of the Wil-
 17 derness.

18 (2) EFFECT.—The map and legal description
 19 prepared under paragraph (1) shall have the same
 20 force and effect as if included in this Act, except
 21 that the Secretary may correct clerical and typo-
 22 graphical errors in the map or legal description.

23 (3) AVAILABILITY.—The map and legal descrip-
 24 tion prepared under paragraph (1) shall be on file

1 and available for public inspection in the appropriate
 2 offices of the Bureau of Land Management.

3 (d) WITHDRAWAL.—Subject to valid existing rights,
 4 the Wilderness is withdrawn from—

5 (1) all forms of entry, appropriation, and dis-
 6 posal under the public land laws;

7 (2) location, entry, and patent under the mining
 8 laws; and

9 (3) disposition under all laws relating to min-
 10 eral and geothermal leasing or mineral materials.

11 **SEC. 4. ADMINISTRATION.**

12 (a) MANAGEMENT.—Subject to valid existing rights,
 13 the Wilderness shall be administered by the Secretary in
 14 accordance with the Wilderness Act (16 U.S.C. 1131 et
 15 seq.), except that—

16 (1) any reference in the Wilderness Act to the
 17 effective date of that Act shall be considered to be
 18 a reference to the date of enactment of this Act; and

19 (2) any reference in the Wilderness Act to the
 20 Secretary of Agriculture shall be considered to be a
 21 reference to the Secretary.

22 (b) LIVESTOCK.—The grazing of livestock in the Wil-
 23 derness, if established before the date of enactment of this
 24 Act, shall be allowed to continue, subject to such reason-

1 able regulations, policies, and practices as the Secretary
 2 considers to be necessary in accordance with—

3 (1) section 4(d)(4) of the Wilderness Act (16
 4 U.S.C. 1133(d)(4)); and

5 (2) the guidelines set forth in Appendix A of
 6 the report of the Committee on Interior and Insular
 7 Affairs of the House of Representatives accom-
 8 panying H.R. 2570 of the 101st Congress (House
 9 Report 101–405).

10 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
 11 ESTS.—Any land or interest in land within the boundary
 12 of the Wilderness that is acquired by the United States
 13 after the date of enactment of this Act shall be added to
 14 and administered as part of the Wilderness.

15 (d) ADJACENT MANAGEMENT.—

16 (1) IN GENERAL.—Congress does not intend for
 17 the designation of the Wilderness to create a protec-
 18 tive perimeter or buffer zone around the Wilderness.

19 (2) NONWILDERNESS ACTIVITIES.—The fact
 20 that nonwilderness activities or uses can be seen or
 21 heard from areas within the Wilderness shall not
 22 preclude the conduct of the activities or uses outside
 23 the boundary of the Wilderness.

24 (e) MILITARY OVERFLIGHTS.—Nothing in this Act
 25 restricts or precludes—

1 (1) low-level overflights of military aircraft over
2 the Wilderness, including military overflights that
3 can be seen or heard within the Wilderness;

4 (2) flight testing and evaluation; or

5 (3) the designation or creation of new units of
6 special use airspace, or the establishment of military
7 flight training routes, over the Wilderness.

8 (f) WILDFIRE, INSECT, AND DISEASE MANAGE-
9 MENT.—In accordance with section 4(d)(1) of the Wilder-
10 ness Act (16 U.S.C. 1133(d)(1)), the Secretary may take
11 such measures in the Wilderness as are necessary for the
12 control of fire, insects, and diseases (including, as the Sec-
13 retary determines to be appropriate, the coordination of
14 the activities with a State or local agency).

15 (g) WILDFIRE MANAGEMENT OPERATIONS.—Noth-
16 ing in this Act precludes a Federal, State, or local agency
17 from conducting wildfire management operations (includ-
18 ing operations using aircraft or mechanized equipment).

19 (h) CLIMATOLOGICAL DATA COLLECTION.—In ac-
20 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
21 and subject to such terms and conditions as the Secretary
22 may prescribe, the Secretary may authorize the installa-
23 tion and maintenance of hydrologic, meteorologic, or cli-
24 matological collection devices in the Wilderness if the Sec-
25 retary determines that the facilities and access to the fa-

1 cilities are essential to flood warning, flood control, or
2 water reservoir operation activities.

3 (i) WATER RIGHTS.—

4 (1) FINDINGS.—Congress finds that—

5 (A) the land designated as wilderness by
6 this Act is located—

7 (i) in the semiarid region of the Great
8 Basin; and

9 (ii) at the headwaters of the streams
10 and rivers on land with respect to which
11 there are few, if any—

12 (I) actual or proposed water re-
13 source facilities located upstream; and

14 (II) opportunities for diversion,
15 storage, or other uses of water occur-
16 ring outside the land that would ad-
17 versely affect the wilderness values of
18 the land;

19 (B) the land designated as wilderness by
20 this Act is generally not suitable for use or de-
21 velopment of new water resource facilities; and

22 (C) because of the unique nature of the
23 land designated as wilderness by this Act, it is
24 possible to provide for proper management and
25 protection of the wilderness and other values of

1 land in ways different from those used in other
2 laws.

3 (2) PURPOSE.—The purpose of this section is
4 to protect the wilderness values of the land des-
5 ignated as wilderness by this Act by means other
6 than a federally reserved water right.

7 (3) STATUTORY CONSTRUCTION.—Nothing in
8 this Act—

9 (A) constitutes an express or implied res-
10 ervation by the United States of any water or
11 water rights with respect to the Wilderness;

12 (B) affects any water rights in the State
13 (including any water rights held by the United
14 States) in existence on the date of enactment of
15 this Act;

16 (C) establishes a precedent with regard to
17 any future wilderness designations;

18 (D) affects the interpretation of, or any
19 designation made under, any other Act; or

20 (E) limits, alters, modifies, or amends any
21 interstate compact or equitable apportionment
22 decree that apportions water among and be-
23 tween the State and other States.

24 (4) NEVADA WATER LAW.—The Secretary shall
25 follow the procedural and substantive requirements

1 of State law in order to obtain and hold any water
 2 rights not in existence on the date of enactment of
 3 this Act with respect to the Wilderness.

4 (5) NEW PROJECTS.—

5 (A) DEFINITION OF WATER RESOURCE FA-
 6 CILITY.—

7 (i) IN GENERAL.—In this paragraph,
 8 the term “water resource facility” means
 9 irrigation and pumping facilities, res-
 10 ervoirs, water conservation works, aque-
 11 ducts, canals, ditches, pipelines, wells, hy-
 12 dropower projects, transmission and other
 13 ancillary facilities, and other water diver-
 14 sion, storage, and carriage structures.

15 (ii) EXCLUSION.—In this paragraph,
 16 the term “water resource facility” does not
 17 include wildlife guzzlers.

18 (B) RESTRICTION ON NEW WATER RE-
 19 SOURCE FACILITIES.—Except as otherwise pro-
 20 vided in this Act, on or after the date of enact-
 21 ment of this Act, neither the President nor any
 22 other officer, employee, or agent of the United
 23 States shall fund, assist, authorize, or issue a
 24 license or permit for the development of any
 25 new water resource facility within a wilderness

1 area, any portion of which is located in the
2 County.

3 **SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.**

4 (a) FINDING.—Congress finds that, for the purposes
5 of section 603(c) of the Federal Land Policy and Manage-
6 ment Act of 1976 (43 U.S.C. 1782(c)), the portions of
7 the Blue Lakes and Alder Creek wilderness study areas
8 not designated as wilderness by section 3(a) have been
9 adequately studied for wilderness designation.

10 (b) RELEASE.—Any public land described in sub-
11 section (a) that is not designated as wilderness by this
12 Act—

13 (1) is no longer subject to section 603(c) of the
14 Federal Land Policy and Management Act of 1976
15 (43 U.S.C. 1782(c)); and

16 (2) shall be managed in accordance with the ap-
17 plicable land use plans adopted under section 202 of
18 that Act (43 U.S.C. 1712).

19 **SEC. 6. WILDLIFE MANAGEMENT.**

20 (a) IN GENERAL.—In accordance with section
21 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
22 nothing in this Act affects or diminishes the jurisdiction
23 of the State with respect to fish and wildlife management,
24 including the regulation of hunting, fishing, and trapping,
25 in the Wilderness.

1 (b) MANAGEMENT ACTIVITIES.—In furtherance of
2 the purposes and principles of the Wilderness Act (16
3 U.S.C. 1131 et seq.), the Secretary may conduct any man-
4 agement activities in the Wilderness that are necessary to
5 maintain or restore fish and wildlife populations and the
6 habitats to support the populations, if the activities are
7 carried out—

8 (1) consistent with relevant wilderness manage-
9 ment plans; and

10 (2) in accordance with—

11 (A) the Wilderness Act (16 U.S.C. 1131 et
12 seq.); and

13 (B) appropriate policies, such as those set
14 forth in Appendix B of the report of the Com-
15 mittee on Interior and Insular Affairs of the
16 House of Representatives accompanying H.R.
17 2570 of the 101st Congress (House Report
18 101–405), including the occasional and tem-
19 porary use of motorized vehicles if the use, as
20 determined by the Secretary, would promote
21 healthy, viable, and more naturally distributed
22 wildlife populations that would enhance wilder-
23 ness values with the minimal impact necessary
24 to reasonably accomplish those tasks.

1 (c) EXISTING ACTIVITIES.—Consistent with section
 2 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and
 3 in accordance with appropriate policies such as those set
 4 forth in Appendix B of the report of the Committee on
 5 Interior and Insular Affairs of the House of Representa-
 6 tives accompanying H.R. 2570 of the 101st Congress
 7 (House Report 101–405), the State may continue to use
 8 aircraft, including helicopters, to survey, capture, trans-
 9 plant, monitor, and provide water for wildlife populations
 10 in the Wilderness.

11 (d) HUNTING, FISHING, AND TRAPPING.—

12 (1) IN GENERAL.—The Secretary may des-
 13 ignate areas in which, and establish periods during
 14 which, for reasons of public safety, administration,
 15 or compliance with applicable laws, no hunting, fish-
 16 ing, or trapping will be permitted in the Wilderness.

17 (2) CONSULTATION.—Except in emergencies,
 18 the Secretary shall consult with the appropriate
 19 State agency and notify the public before taking any
 20 action under paragraph (1).

21 (e) COOPERATIVE AGREEMENT.—

22 (1) IN GENERAL.—The State, including a des-
 23 ignee of the State, may conduct wildlife management
 24 activities in the Wilderness—

1 (A) in accordance with the terms and con-
 2 ditions specified in the cooperative agreement
 3 between the Secretary and the State entitled
 4 “Memorandum of Understanding between the
 5 Bureau of Land Management and the Nevada
 6 Department of Wildlife Supplement No. 9” and
 7 signed November and December 2003, includ-
 8 ing any amendments to the cooperative agree-
 9 ment agreed to by the Secretary and the State;
 10 and

11 (B) subject to all applicable laws (including
 12 regulations).

13 (2) REFERENCES; CLARK COUNTY.—For the
 14 purposes of this subsection, any reference to Clark
 15 County in the cooperative agreement described in
 16 paragraph (1)(A) shall be considered to be a ref-
 17 erence to the Wilderness.

18 **SEC. 7. LAND EXCHANGES.**

19 (a) DEFINITIONS.—In this section:

20 (1) FEDERAL LAND.—The term “Federal land”
 21 means Federal land in the County that is identified
 22 for disposal by the Secretary through the
 23 Winnemucca Resource Management Plan.

1 (2) NON-FEDERAL LAND.—The term “non-Fed-
 2 eral land” means land identified on the Map as
 3 “non-Federal lands for exchange”.

4 (b) ACQUISITION OF LAND AND INTERESTS IN
 5 LAND.—Consistent with applicable law and subject to sub-
 6 section (c), the Secretary may exchange the Federal land
 7 for non-Federal land.

8 (c) CONDITIONS.—Each land exchange under sub-
 9 section (a) shall be subject to—

10 (1) the condition that the owner of the non-
 11 Federal land pay not less than 50 percent of all
 12 costs relating to the land exchange, including the
 13 costs of appraisals, surveys, and any necessary envi-
 14 ronmental clearances; and

15 (2) such additional terms and conditions as the
 16 Secretary may require.

17 (d) DEADLINE FOR COMPLETION OF LAND EX-
 18 CHANGE.—It is the intent of Congress that the land ex-
 19 changes under this section be completed by not later than
 20 5 years after the date of enactment of this Act.

21 **SEC. 8. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
 22 **USES.**

23 Nothing in this Act alters or diminishes the treaty
 24 rights of any Indian tribe (as defined in section 4 of the

- 1 Indian Self-Determination and Education Assistance Act
- 2 (25 U.S.C. 450b)).

