

114TH CONGRESS
1ST SESSION

H. R. 1138

To establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2015

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

A BILL

To establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Sawtooth National Recreation Area and Jerry Peak Wil-
6 derness Additions Act”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—WILDERNESS DESIGNATIONS

- Sec. 101. Additions to National Wilderness Preservation System in the State of Idaho.
 Sec. 102. Administration.
 Sec. 103. Water rights.
 Sec. 104. Military overflights.
 Sec. 105. Adjacent management.
 Sec. 106. Native American cultural and religious uses.
 Sec. 107. Acquisition of land and interests in land.
 Sec. 108. Wilderness review.

TITLE II—LAND CONVEYANCES FOR PUBLIC PURPOSES

- Sec. 201. Short title.
 Sec. 202. Blaine County, Idaho.
 Sec. 203. Custer County, Idaho.
 Sec. 204. City of Challis, Idaho.
 Sec. 205. City of Clayton, Idaho.
 Sec. 206. City of Stanley, Idaho.
 Sec. 207. Terms and conditions of permits or land conveyances.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) SECRETARY.—The term “Secretary”
 4 means—

5 (A) the Secretary of Agriculture, with re-
 6 spect to land administered by the Forest Serv-
 7 ice; or

8 (B) the Secretary of the Interior, with re-
 9 spect to land administered by the Bureau of
 10 Land Management.

11 (2) WILDERNESS AREA.—The term “wilderness
 12 area” means any of the areas designated as a com-
 13 ponent of the National Wilderness Preservation Sys-
 14 tem by section 101.

TITLE I—WILDERNESS DESIGNATIONS

SEC. 101. ADDITIONS TO NATIONAL WILDERNESS PRESER- VATION SYSTEM IN THE STATE OF IDAHO.

(a) HEMINGWAY-BOULDERS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Sawtooth and Challis National Forests in the State of Idaho, comprising approximately 67,998 acres, as generally depicted on the map entitled “Hemingway/Boulders Wilderness Area-Proposed” and dated February 25, 2015, are designated as wilderness and as a component of the National Wilderness Preservation System, which shall be known as the “Hemingway-Boulders Wilderness”.

(b) WHITE CLOUDS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Sawtooth and Challis National Forests in the State of Idaho, comprising approximately 90,769 acres, as generally depicted on the map entitled “White Clouds Wilderness Area-Proposed” and dated March 13, 2014, are designated as wilderness and as a component of the National Wilderness Preservation System, which shall be known as the “White Clouds Wilderness”.

1 (c) JIM MCCLURE-JERRY PEAK WILDERNESS.—In
2 accordance with the Wilderness Act (16 U.S.C. 1131 et
3 seq.), certain Federal lands in the Challis National Forest
4 and Challis District of the Bureau of Land Management
5 in the State of Idaho, comprising approximately 116,898
6 acres, as generally depicted on the map entitled “Jim
7 McClure-Jerry Peak Wilderness” and dated February 21,
8 2015, are designated as wilderness and as a component
9 of the National Wilderness Preservation System, which
10 shall be known as the “Jim McClure-Jerry Peak Wilder-
11 ness”.

12 (d) MAPS AND LEGAL DESCRIPTIONS.—

13 (1) IN GENERAL.—As soon as practicable after
14 the date of enactment of this Act, the Secretary
15 shall submit to the Committee on Energy and Nat-
16 ural Resources of the Senate and the Committee on
17 Natural Resources of the House of Representatives
18 a map and legal description for each wilderness area.

19 (2) EFFECT.—Each map and legal description
20 submitted under paragraph (1) shall have the same
21 force and effect as if included in this Act, except
22 that the Secretary may correct minor errors in the
23 map or legal description.

24 (3) AVAILABILITY.—Each map and legal de-
25 scription submitted under paragraph (1) shall be

1 available in the appropriate offices of the Forest
2 Service or the Bureau of Land Management.

3 **SEC. 102. ADMINISTRATION.**

4 (a) IN GENERAL.—Subject to valid existing rights,
5 each wilderness area shall be administered by the Sec-
6 retary in accordance with the Wilderness Act (16 U.S.C.
7 1131 et seq.), except that—

8 (1) any reference in that Act to the effective
9 date shall be considered to be a reference to the date
10 of enactment of this Act; and

11 (2) with respect to wilderness areas that are ad-
12 ministered by the Secretary of the Interior, any ref-
13 erence in the Wilderness Act to the Secretary of Ag-
14 riculture shall be considered to be a reference to the
15 Secretary of the Interior.

16 (b) CONSISTENT INTERPRETATION.—The Secretary
17 of Agriculture and the Secretary of the Interior shall seek
18 to ensure that the wilderness areas are interpreted for the
19 public as an overall complex linked by—

20 (1) common location in the Boulder-White
21 Cloud Mountains; and

22 (2) common identity with the natural and cul-
23 tural history of the State of Idaho and the Native
24 American and pioneer heritage of the State.

1 (c) COMPREHENSIVE WILDERNESS MANAGEMENT
2 PLAN.—Not later than 3 years after the date of enactment
3 of this Act, the Secretary of Agriculture and the Secretary
4 of the Interior shall collaboratively develop wilderness
5 management plans for the wilderness areas.

6 (d) FIRE, INSECTS, AND DISEASE.—Within the wil-
7 derness areas, the Secretary may take such measures as
8 the Secretary determines to be necessary for the control
9 of fire, insects, and disease in accordance with section
10 4(d)(1) of the Wilderness Act (16 U.S.C. 1131(d)(1)).

11 (e) LIVESTOCK.—

12 (1) IN GENERAL.—Within the wilderness areas,
13 the grazing of livestock in which grazing is estab-
14 lished before the date of enactment of this Act shall
15 be allowed to continue, subject to such reasonable
16 regulations, policies, and practices as the Secretary
17 determines to be necessary, in accordance with—

18 (A) section 4(d)(4) of the Wilderness Act
19 (16 U.S.C. 1131(d)(4));

20 (B) with respect to wilderness areas ad-
21 ministered by the Secretary of Agriculture, the
22 guidelines described in House Report 96–617 of
23 the 96th Congress; and

24 (C) with respect to wilderness areas ad-
25 ministered by the Secretary of the Interior, the

guidelines described in appendix A of House Report 101–405 of the 101st Congress.

(2) DONATION OF GRAZING PERMITS AND
LEASES.—

(A) ACCEPTANCE BY SECRETARY.—

(i) IN GENERAL.—The Secretary shall accept the donation of any valid existing leases or permits authorizing grazing on public land or National Forest System land, all or a portion of which are within the area depicted as the “Boulder White Clouds Grazing Area” on the map entitled “Boulder White Clouds Grazing Area Map” and dated January 27, 2010.

(ii) PARTIAL DONATION.—A person holding a valid grazing permit or lease for a grazing allotment partially within the area described in clause (i) may elect to donate only the portion of the grazing permit or lease that is within the area.

(B) TERMINATION.—With respect to each permit or lease donated under subparagraph (A), the Secretary shall—

(i) terminate the grazing permit or lease or portion of the permit or lease; and

(ii) except as provided in subparagraph (C), ensure a permanent end to grazing on the land covered by the permit or lease or portion of the permit or lease.

(C) COMMON ALLOTMENTS.—

(i) IN GENERAL.—If the land covered by a permit or lease donated under subparagraph (A) is also covered by another valid grazing permit or lease that is not donated, the Secretary shall reduce the authorized level on the land covered by the permit or lease to reflect the donation of the permit or lease under subparagraph (A).

(ii) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing on the land covered by the permit or lease donated under subparagraph (A), the Secretary shall not allow grazing use to exceed the authorized level established under clause (i).

(D) PARTIAL DONATION.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use author-

1 ized under the permit or lease, the Secretary
2 shall—

- 3 (i) reduce the authorized grazing level
4 to reflect the donation; and
5 (ii) modify the permit or lease to re-
6 flect the revised level or area of use.

7 (f) OUTFITTING AND GUIDE ACTIVITIES.—In accord-
8 ance with section 4(d)(5) of the Wilderness Act (16 U.S.C.
9 1133(d)(5)), commercial services (including authorized
10 outfitting and guide activities) within the wilderness areas
11 are authorized to the extent necessary for activities which
12 are proper for realizing the recreational or other wilder-
13 ness purposes of the wilderness areas.

14 (g) FISH AND WILDLIFE.—Nothing in this title af-
15 fects the jurisdiction of the State of Idaho with respect
16 to the management of fish and wildlife on public land in
17 the State, including the regulation of hunting, fishing, and
18 trapping within the wilderness areas.

19 (h) ACCESS.—In accordance with section 5(a) of the
20 Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall
21 provide the owner of State or private property within the
22 boundary of a wilderness area adequate access to the prop-
23 erty.

1 **SEC. 103. WATER RIGHTS.**

2 (a) STATUTORY CONSTRUCTION.—Nothing in this
3 title—

4 (1) shall constitute either an express or implied
5 reservation by the United States of any water rights
6 with respect to the wilderness areas designated by
7 section 101;

8 (2) affects any water rights—

9 (A) in the State of Idaho existing on the
10 date of enactment of this Act, including any
11 water rights held by the United States; or

12 (B) decreed in the Snake River Basin Ad-
13 judication, including any stipulation approved
14 by the court in such adjudication between the
15 United States and the State of Idaho with re-
16 spect to such water rights; or

17 (3)(A) establishes a precedent with regard to
18 any future wilderness designations; or

19 (B) limits, alters, modifies, or amends section 9
20 of the Sawtooth National Recreation Area Act (16
21 U.S.C. 460aa–8).

22 (b) NEW PROJECTS.—

23 (1) PROHIBITION.—Except as otherwise pro-
24 vided in this Act, on and after the date of the enact-
25 ment of this Act, neither the President nor any
26 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 101.

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. 104. MILITARY OVERFLIGHTS.**

13 Nothing in this title restricts or precludes—

14 (1) low-level overflights of military aircraft over
15 the wilderness areas, including military overflights
16 that can be seen or heard within the wilderness
17 areas;

18 (2) flight testing and evaluation; or

19 (3) the designation or creation of new units of
20 special use airspace, or the establishment of military
21 flight training routes, over the wilderness areas.

22 **SEC. 105. ADJACENT MANAGEMENT.**

23 (a) IN GENERAL.—Nothing in this title creates a pro-
24 tective perimeter or buffer zone around a wilderness area.

1 (b) ACTIVITIES OUTSIDE WILDERNESS AREA.—The
2 fact that an activity or use on land outside a wilderness
3 area can be seen or heard within the wilderness area shall
4 not preclude the activity or use outside the boundary of
5 the wilderness area.

6 **SEC. 106. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
7 **USES.**

8 Nothing in this title diminishes the treaty rights of
9 any Indian tribe.

10 **SEC. 107. ACQUISITION OF LAND AND INTERESTS IN LAND.**

11 (a) ACQUISITION.—

12 (1) IN GENERAL.—The Secretary may acquire
13 any land or interest in land within the boundaries of
14 the wilderness areas by donation, exchange, or pur-
15 chase from a willing seller.

16 (2) LAND EXCHANGE.—Not later than 3 years
17 after the date of enactment of this Act, the Sec-
18 retary shall seek to complete an exchange for State
19 land located within the boundaries of the wilderness
20 areas designated by this title.

21 (b) INCORPORATION IN WILDERNESS AREA.—Any
22 land or interest in land located inside the boundary of a
23 wilderness area that is acquired by the United States after
24 the date of enactment of this Act shall be added to, and
25 administered as part of the, wilderness area.

1 **SEC. 108. WILDERNESS REVIEW.**

2 (a) NATIONAL FOREST SYSTEM LAND.—Section 5 of
3 Public Law 92–400 (16 U.S.C. 460aa–4) is repealed.

4 (b) PUBLIC LAND.—

5 (1) FINDING.—Congress finds that, for pur-
6 poses of section 603 of the Federal Land Policy and
7 Management Act of 1976 (43 U.S.C. 1782), the
8 public land administered by the Bureau of Land
9 Management in the following wilderness study areas
10 have been adequately studied for wilderness designa-
11 tion:

12 (A) Jerry Peak Wilderness Study Area.

13 (B) Jerry Peak West Wilderness Study
14 Area.

15 (C) Corral-Horse Basin Wilderness Study
16 Area.

17 (D) Boulder Creek Wilderness Study Area.

18 (2) RELEASE.—Any public land within the
19 areas described in paragraph (1) that is not des-
20 ignated as wilderness by this title—

21 (A) shall not be subject to section 603(c)
22 of the Federal Land Policy and Management
23 Act of 1976 (43 U.S.C. 1782(c)); and

24 (B) shall be managed in accordance with
25 land management plans adopted under section
26 202 of that Act (43 U.S.C. 1712).

1 **TITLE II—LAND CONVEYANCES**
2 **FOR PUBLIC PURPOSES**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Central Idaho Eco-
5 nomic Development and Recreation Act”.

6 **SEC. 202. BLAINE COUNTY, IDAHO.**

7 The Secretary of Agriculture shall issue a special use
8 permit or convey to Blaine County, Idaho, without consid-
9 eration, not to exceed one acre of land for use as a school
10 bus turnaround, as generally depicted on the map entitled
11 “Blaine County Conveyance—Eagle Creek Parcel—Pro-
12 posed” and dated October 1, 2006.

13 **SEC. 203. CUSTER COUNTY, IDAHO.**

14 (a) PARK AND CAMPGROUND.—The Secretary of the
15 Interior shall convey to Custer County, Idaho (in this sec-
16 tion referred to as the “County”), without consideration,
17 approximately 114 acres of land depicted as “Parcel A”
18 on the map entitled “Custer County and City of Mackay
19 Conveyances” and dated April 6, 2010, for use as a public
20 park and campground, consistent with uses allowed under
21 the Act of June 14, 1926 (commonly known as the Recre-
22 ation and Public Purposes Act; 43 U.S.C. 869 et seq.).

23 (b) FIRE HALL.—The Secretary of the Interior shall
24 convey to the County, without consideration, approxi-
25 mately 10 acres of land depicted as “Parcel B” on the

1 map entitled “Custer County and City of Mackay Convey-
2 ances” and dated April 6, 2010, for use as a fire hall,
3 consistent with uses allowed under the Act of June 14,
4 1926 (commonly known as the Recreation and Public Pur-
5 poses Act; 43 U.S.C. 869 et seq.).

6 (c) WASTE TRANSFER SITE.—The Secretary of the
7 Interior shall convey to the County, without consideration,
8 approximately 80 acres of land depicted as “Parcel C” on
9 the map entitled “Custer County and City of Mackay Con-
10 veyances” and dated April 6, 2010, to be used for a waste
11 transfer site, consistent with uses allowed under the Act
12 of June 14, 1926 (commonly known as the Recreation and
13 Public Purposes Act; 43 U.S.C. 869 et seq.).

14 (d) FOREST SERVICE ROAD.—

15 (1) CONVEYANCE.—The Secretary of Agri-
16 culture shall convey to the County, without consider-
17 ation, the Forest Service road that passes through
18 the parcel of National Forest System land to be con-
19 veyed to the City of Stanley, Idaho, under section
20 206 from the junction of the road with Highway 75
21 to the junction with Valley Creek Road at the City
22 of Stanley boundary.

23 (2) RELOCATION.—The conveyance under para-
24 graph (1) is subject to the condition that the County
25 agree to relocate the portion of the road that passes

1 through the section 206 conveyance parcel to the
2 southeast along the boundary of the conveyance par-
3 cel.

4 **SEC. 204. CITY OF CHALLIS, IDAHO.**

5 The Secretary of the Interior shall convey to the City
6 of Challis, Idaho, without consideration, approximately
7 460 acres of land within the area generally depicted as
8 “Parcel B” on the map entitled “Custer County and City
9 of Challis Conveyances” and dated February 2, 2010, to
10 be used for public purposes consistent with uses allowed
11 under the Act of June 14, 1926 (commonly known as the
12 Recreation and Public Purposes Act; 43 U.S.C. 869 et
13 seq.).

14 **SEC. 205. CITY OF CLAYTON, IDAHO.**

15 (a) CEMETERY.—The Secretary of the Interior shall
16 convey to the City of Clayton, Idaho (in this section re-
17 ferred to as the “City”), without consideration, approxi-
18 mately 23 acres of land depicted as “Parcel A” on the
19 map entitled “City of Clayton Conveyances” and dated
20 April 6, 2010, for use as a public cemetery.

21 (b) PARK.—The Secretary of the Interior shall con-
22 vey to the City, without consideration, approximately two
23 acres of land depicted as “Parcel B” on the map entitled
24 “City of Clayton Conveyances” and dated April 6, 2010,
25 for use as a public park or other public purpose consistent

1 with uses allowed under the Act of June 14, 1926 (com-
2 monly known as the Recreation and Public Purposes Act;
3 43 U.S.C. 869 et seq.).

4 (c) WATER TOWER.—The Secretary of the Interior
5 shall convey to the City, without consideration, approxi-
6 mately two acres of land depicted as “Parcel C” on the
7 map entitled “City of Clayton Conveyances” and dated
8 April 6, 2010, for location of a water tower, consistent
9 with uses allowed under the Act of June 14, 1926 (com-
10 monly known as the Recreation and Public Purposes Act;
11 43 U.S.C. 869 et seq.).

12 (d) WASTEWATER TREATMENT FACILITY.—The Sec-
13 retary of the Interior shall convey to the City, without con-
14 sideration, approximately six acres of land depicted as
15 “Parcel D” on the map entitled “City of Clayton Convey-
16 ances” and dated April 6, 2010 (including any necessary
17 access right-of-way across the river), for use as a waste-
18 water treatment facility, consistent with uses allowed
19 under the Act of June 14, 1926 (commonly known as the
20 Recreation and Public Purposes Act; 43 U.S.C. 869 et
21 seq.).

22 (e) FIRE HALL.—The Secretary of the Interior shall
23 convey to the City, without consideration, approximately
24 two acres of land depicted as “Parcel E” on the map enti-
25 tled “City of Clayton Conveyances” and dated April 6,

1 2010, for use as a fire hall and related purposes, con-
2 sistent with uses allowed under the Act of June 14, 1926
3 (commonly known as the Recreation and Public Purposes
4 Act; 43 U.S.C. 869 et seq.).

5 **SEC. 206. CITY OF STANLEY, IDAHO.**

6 (a) WORKFORCE HOUSING.—The Secretary of Agri-
7 culture shall convey to the City of Stanley, Idaho (in this
8 section referred to as the “City”), without consideration,
9 a parcel of National Forest System land within the Saw-
10 tooth National Recreation Area, but outside the area man-
11 aged by the Sawtooth Interpretative and Historical Asso-
12 ciation under special use permit with the Secretary, that
13 consists of approximately four acres as indicated on the
14 map entitled “Custer County and City of Stanley Convey-
15 ance Parcel-Proposed” and dated February 24, 2015, for
16 the purpose of permitting the City to develop the parcel
17 to provide workforce housing for persons employed in the
18 City or its environs.

19 (b) NUMBER AND CONSTRUCTION OF HOUSING.—
20 The City will construct up to 20 apartment units on the
21 parcel conveyed under subsection (a). The actual design
22 and configuration of the apartment units will be deter-
23 mined by the City in consultation with the Secretary and
24 other interested parties, except that units may not exceed

1 two stories and must be located near or against the hillside
 2 to blend in with the terrain.

3 (c) RECREATION AREA PRIVATE LAND USE REGULA-
 4 TIONS.—The private land use regulations of the Sawtooth
 5 National Recreation Area shall not apply to the parcel
 6 conveyed under subsection (a), including with regard to
 7 the number and type of apartments units to be con-
 8 structed on the parcel.

9 (d) REMOVAL OF EXISTING STRUCTURE.—The Sec-
 10 retary shall be responsible for the removal of the barn lo-
 11 cated, as of the date of the enactment of this Act, on the
 12 parcel to be conveyed under subsection (a). The Secretary
 13 may remove the barn either before the conveyance of the
 14 parcel or at such later date as the City may request.

15 (e) RELATION TO REQUIRED REVERSIONARY INTER-
 16 EST.—Consistent with the reversionary interest required
 17 by section 207(b), the City may contract for the develop-
 18 ment and management of the apartment units constructed
 19 on the parcel conveyed under subsection (a) so long as
 20 the City retains ownership of the parcel in perpetuity.

21 **SEC. 207. TERMS AND CONDITIONS OF PERMITS OR LAND**
 22 **CONVEYANCES.**

23 (a) TERMS AND CONDITIONS.—The issuance of a
 24 special use permit or the conveyance of land under this

1 title shall be subject to any terms and conditions that the
2 Secretary determines to be appropriate.

3 (b) REVERSIONARY INTEREST.—If any parcel of land
4 conveyed under this title ceases to be used for the public
5 purpose for which the parcel was conveyed, the parcel
6 shall, at the discretion of the Secretary, based on a deter-
7 mination that reversion is in the best interests of the
8 United States, revert to the United States.

