

114TH CONGRESS  
1ST SESSION

# H. R. 1138

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IN THE SENATE OF THE UNITED STATES

JULY 27, 2015

Received

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

5 (b) TABLE OF CONTENTS.—The table of contents for  
 6 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.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

- 9 (1) SECRETARY.—The term “Secretary”  
 10 means—  
 11 (A) the Secretary of Agriculture, with re-  
 12 spect to land administered by the Forest Serv-  
 13 ice; or

1 (B) the Secretary of the Interior, with re-  
2 spect to land administered by the Bureau of  
3 Land Management.

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

## 8 **TITLE I—WILDERNESS** 9 **DESIGNATIONS**

### 10 **SEC. 101. ADDITIONS TO NATIONAL WILDERNESS PRESER-** 11 **VATION SYSTEM IN THE STATE OF IDAHO.**

12 (a) HEMINGWAY-BOULDERS WILDERNESS.—In ac-  
13 cordance with the Wilderness Act (16 U.S.C. 1131 et  
14 seq.), certain Federal lands in the Sawtooth and Challis  
15 National Forests in the State of Idaho, comprising ap-  
16 proximately 67,998 acres, as generally depicted on the  
17 map entitled “Hemingway/Boulders Wilderness Area-Pro-  
18 posed” and dated February 25, 2015, are designated as  
19 wilderness and as a component of the National Wilderness  
20 Preservation System, which shall be known as the “Hem-  
21 ingway-Boulders Wilderness”.

22 (b) WHITE CLOUDS WILDERNESS.—In accordance  
23 with the Wilderness Act (16 U.S.C. 1131 et seq.), certain  
24 Federal lands in the Sawtooth and Challis National For-  
25 ests in the State of Idaho, comprising approximately

1 90,769 acres, as generally depicted on the map entitled  
2 “White Clouds Wilderness Area-Proposed” and dated  
3 March 13, 2014, are designated as wilderness and as a  
4 component of the National Wilderness Preservation Sys-  
5 tem, which shall be known as the “White Clouds Wilder-  
6 ness”.

7 (c) JIM McCLURE-JERRY PEAK WILDERNESS.—In  
8 accordance with the Wilderness Act (16 U.S.C. 1131 et  
9 seq.), certain Federal lands in the Challis National Forest  
10 and Challis District of the Bureau of Land Management  
11 in the State of Idaho, comprising approximately 116,898  
12 acres, as generally depicted on the map entitled “Jim  
13 McClure-Jerry Peak Wilderness” and dated February 21,  
14 2015, are designated as wilderness and as a component  
15 of the National Wilderness Preservation System, which  
16 shall be known as the “Jim McClure-Jerry Peak Wilder-  
17 ness”.

18 (d) MAPS AND LEGAL DESCRIPTIONS.—

19 (1) IN GENERAL.—As soon as practicable after  
20 the date of enactment of this Act, the Secretary  
21 shall submit to the Committee on Energy and Nat-  
22 ural Resources of the Senate and the Committee on  
23 Natural Resources of the House of Representatives  
24 a map and legal description for each wilderness area.

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

6           (3) AVAILABILITY.—Each map and legal de-  
7           scription submitted under paragraph (1) shall be  
8           available in the appropriate offices of the Forest  
9           Service or the Bureau of Land Management.

10 **SEC. 102. ADMINISTRATION.**

11           (a) IN GENERAL.—Subject to valid existing rights,  
12           each wilderness area shall be administered by the Sec-  
13           retary in accordance with the Wilderness Act (16 U.S.C.  
14           1131 et seq.), except that—

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

18                   (2) with respect to wilderness areas that are ad-  
19                   ministered by the Secretary of the Interior, any ref-  
20                   erence in the Wilderness Act to the Secretary of Ag-  
21                   riculture shall be considered to be a reference to the  
22                   Secretary of the Interior.

23           (b) CONSISTENT INTERPRETATION.—The Secretary  
24           of Agriculture and the Secretary of the Interior shall seek

1 to ensure that the wilderness areas are interpreted for the  
2 public as an overall complex linked by—

3 (1) common location in the Boulder-White  
4 Cloud Mountains; and

5 (2) common identity with the natural and cul-  
6 tural history of the State of Idaho and the Native  
7 American and pioneer heritage of the State.

8 (c) COMPREHENSIVE WILDERNESS MANAGEMENT  
9 PLAN.—Not later than 3 years after the date of enactment  
10 of this Act, the Secretary of Agriculture and the Secretary  
11 of the Interior shall collaboratively develop wilderness  
12 management plans for the wilderness areas.

13 (d) FIRE, INSECTS, AND DISEASE.—Within the wil-  
14 derness areas, the Secretary may take such measures as  
15 the Secretary determines to be necessary for the control  
16 of fire, insects, and disease in accordance with section  
17 4(d)(1) of the Wilderness Act (16 U.S.C. 1131(d)(1)).

18 (e) LIVESTOCK.—

19 (1) IN GENERAL.—Within the wilderness areas,  
20 the grazing of livestock in which grazing is estab-  
21 lished before the date of enactment of this Act shall  
22 be allowed to continue, subject to such reasonable  
23 regulations, policies, and practices as the Secretary  
24 determines to be necessary, in accordance with—

1 (A) section 4(d)(4) of the Wilderness Act  
2 (16 U.S.C. 1131(d)(4));

3 (B) with respect to wilderness areas ad-  
4 ministered by the Secretary of Agriculture, the  
5 guidelines described in House Report 96–617 of  
6 the 96th Congress; and

7 (C) with respect to wilderness areas ad-  
8 ministered by the Secretary of the Interior, the  
9 guidelines described in appendix A of House  
10 Report 101–405 of the 101st Congress.

11 (2) DONATION OF GRAZING PERMITS AND  
12 LEASES.—

13 (A) ACCEPTANCE BY SECRETARY.—

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

23 (ii) PARTIAL DONATION.—A person  
24 holding a valid grazing permit or lease for  
25 a grazing allotment partially within the

1 area described in clause (i) may elect to  
2 donate only the portion of the grazing per-  
3 mit or lease that is within the area.

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

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

9 (ii) except as provided in subpara-  
10 graph (C), ensure a permanent end to  
11 grazing on the land covered by the permit  
12 or lease or portion of the permit or lease.

13 (C) COMMON ALLOTMENTS.—

14 (i) IN GENERAL.—If the land covered  
15 by a permit or lease donated under sub-  
16 paragraph (A) is also covered by another  
17 valid grazing permit or lease that is not  
18 donated, the Secretary shall reduce the au-  
19 thorized level on the land covered by the  
20 permit or lease to reflect the donation of  
21 the permit or lease under subparagraph  
22 (A).

23 (ii) AUTHORIZED LEVEL.—To ensure  
24 that there is a permanent reduction in the  
25 level of grazing on the land covered by the



1 permit or lease donated under subpara-  
2 graph (A), the Secretary shall not allow  
3 grazing use to exceed the authorized level  
4 established under clause (i).

5 (D) PARTIAL DONATION.—If a person  
6 holding a valid grazing permit or lease donates  
7 less than the full amount of grazing use author-  
8 ized under the permit or lease, the Secretary  
9 shall—

10 (i) reduce the authorized grazing level  
11 to reflect the donation; and

12 (ii) modify the permit or lease to re-  
13 flect the revised level or area of use.

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

21 (g) FISH AND WILDLIFE.—Nothing in this title af-  
22 fects the jurisdiction of the State of Idaho with respect  
23 to the management of fish and wildlife on public land in  
24 the State, including the regulation of hunting, fishing, and  
25 trapping within the wilderness areas.

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

6 **SEC. 103. WATER RIGHTS.**

7 (a) STATUTORY CONSTRUCTION.—Nothing in this  
8 title—

9 (1) shall constitute either an express or implied  
10 reservation by the United States of any water rights  
11 with respect to the wilderness areas designated by  
12 section 101;

13 (2) affects any water rights—

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

17 (B) decreed in the Snake River Basin Ad-  
18 judication, including any stipulation approved  
19 by the court in such adjudication between the  
20 United States and the State of Idaho with re-  
21 spect to such water rights; or

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

1 (B) limits, alters, modifies, or amends section 9  
2 of the Sawtooth National Recreation Area Act (16  
3 U.S.C. 460aa-8).

4 (b) NEW PROJECTS.—

5 (1) PROHIBITION.—Except as otherwise pro-  
6 vided in this Act, on and after the date of the enact-  
7 ment of this Act, neither the President nor any  
8 other officer, employee, or agent of the United  
9 States shall fund, assist, authorize, or issue a license  
10 or permit for the development of any new water re-  
11 source facility inside any of the wilderness areas des-  
12 ignated by section 101.

13 (2) DEFINITION.—In this subsection, the term  
14 “water resource facility” means irrigation and  
15 pumping facilities, reservoirs, water conservation  
16 works, aqueducts, canals, ditches, pipelines, wells,  
17 hydropower projects, and transmission and other an-  
18 cillary facilities, and other water diversion, storage,  
19 and carriage structures.

20 **SEC. 104. MILITARY OVERFLIGHTS.**

21 Nothing in this title restricts or precludes—

22 (1) low-level overflights of military aircraft over  
23 the wilderness areas, including military overflights  
24 that can be seen or heard within the wilderness  
25 areas;

1 (2) flight testing and evaluation; or

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

5 **SEC. 105. ADJACENT MANAGEMENT.**

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

8 (b) ACTIVITIES OUTSIDE WILDERNESS AREA.—The  
9 fact that an activity or use on land outside a wilderness  
10 area can be seen or heard within the wilderness area shall  
11 not preclude the activity or use outside the boundary of  
12 the wilderness area.

13 **SEC. 106. NATIVE AMERICAN CULTURAL AND RELIGIOUS**  
14 **USES.**

15 Nothing in this title diminishes the treaty rights of  
16 any Indian tribe.

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

18 (a) ACQUISITION.—

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

23 (2) LAND EXCHANGE.—Not later than 3 years  
24 after the date of enactment of this Act, the Sec-  
25 retary shall seek to complete an exchange for State

1 land located within the boundaries of the wilderness  
2 areas designated by this title.

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

8 **SEC. 108. WILDERNESS REVIEW.**

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

11 (b) PUBLIC LAND.—

12 (1) FINDING.—Congress finds that, for pur-  
13 poses of section 603 of the Federal Land Policy and  
14 Management Act of 1976 (43 U.S.C. 1782), the  
15 public land administered by the Bureau of Land  
16 Management in the following wilderness study areas  
17 have been adequately studied for wilderness designa-  
18 tion:

19 (A) Jerry Peak Wilderness Study Area.

20 (B) Jerry Peak West Wilderness Study  
21 Area.

22 (C) Corral-Horse Basin Wilderness Study  
23 Area.

24 (D) Boulder Creek Wilderness Study Area.

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

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

7           (B) shall be managed in accordance with  
8 land management plans adopted under section  
9 202 of that Act (43 U.S.C. 1712).

## 10   **TITLE II—LAND CONVEYANCES** 11   **FOR PUBLIC PURPOSES**

### 12   **SEC. 201. SHORT TITLE.**

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

### 15   **SEC. 202. BLAINE COUNTY, IDAHO.**

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

### 22   **SEC. 203. CUSTER COUNTY, IDAHO.**

23           (a) PARK AND CAMPGROUND.—The Secretary of the  
24 Interior shall convey to Custer County, Idaho (in this sec-  
25 tion referred to as the “County”), without consideration,

1 approximately 114 acres of land depicted as “Parcel A”  
2 on the map entitled “Custer County and City of Mackay  
3 Conveyances” and dated April 6, 2010, for use as a public  
4 park and campground, consistent with uses allowed under  
5 the Act of June 14, 1926 (commonly known as the Recre-  
6 ation and Public Purposes Act; 43 U.S.C. 869 et seq.).

7 (b) FIRE HALL.—The Secretary of the Interior shall  
8 convey to the County, without consideration, approxi-  
9 mately 10 acres of land depicted as “Parcel B” on the  
10 map entitled “Custer County and City of Mackay Convey-  
11 ances” and dated April 6, 2010, for use as a fire hall,  
12 consistent with uses allowed under the Act of June 14,  
13 1926 (commonly known as the Recreation and Public Pur-  
14 poses Act; 43 U.S.C. 869 et seq.).

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

23 (d) FOREST SERVICE ROAD.—

24 (1) CONVEYANCE.—The Secretary of Agri-  
25 culture shall convey to the County, without consider-

1 ation, the Forest Service road that passes through  
2 the parcel of National Forest System land to be con-  
3 veyed to the City of Stanley, Idaho, under section  
4 206 from the junction of the road with Highway 75  
5 to the junction with Valley Creek Road at the City  
6 of Stanley boundary.

7 (2) RELOCATION.—The conveyance under para-  
8 graph (1) is subject to the condition that the County  
9 agree to relocate the portion of the road that passes  
10 through the section 206 conveyance parcel to the  
11 southeast along the boundary of the conveyance par-  
12 cel.

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

14 The Secretary of the Interior shall convey to the City  
15 of Challis, Idaho, without consideration, approximately  
16 460 acres of land within the area generally depicted as  
17 “Parcel B” on the map entitled “Custer County and City  
18 of Challis Conveyances” and dated February 2, 2010, to  
19 be used for public purposes consistent with uses allowed  
20 under the Act of June 14, 1926 (commonly known as the  
21 Recreation and Public Purposes Act; 43 U.S.C. 869 et  
22 seq.).

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

24 (a) CEMETERY.—The Secretary of the Interior shall  
25 convey to the City of Clayton, Idaho (in this section re-



1 ferred to as the “City”), without consideration, approxi-  
2 mately 23 acres of land depicted as “Parcel A” on the  
3 map entitled “City of Clayton Conveyances” and dated  
4 April 6, 2010, for use as a public cemetery.

5 (b) PARK.—The Secretary of the Interior shall con-  
6 vey to the City, without consideration, approximately two  
7 acres of land depicted as “Parcel B” on the map entitled  
8 “City of Clayton Conveyances” and dated April 6, 2010,  
9 for use as a public park or other public purpose consistent  
10 with uses allowed under the Act of June 14, 1926 (com-  
11 monly known as the Recreation and Public Purposes Act;  
12 43 U.S.C. 869 et seq.).

13 (c) WATER TOWER.—The Secretary of the Interior  
14 shall convey to the City, without consideration, approxi-  
15 mately two acres of land depicted as “Parcel C” on the  
16 map entitled “City of Clayton Conveyances” and dated  
17 April 6, 2010, for location of a water tower, consistent  
18 with uses allowed under the Act of June 14, 1926 (com-  
19 monly known as the Recreation and Public Purposes Act;  
20 43 U.S.C. 869 et seq.).

21 (d) WASTEWATER TREATMENT FACILITY.—The Sec-  
22 retary of the Interior shall convey to the City, without con-  
23 sideration, approximately six acres of land depicted as  
24 “Parcel D” on the map entitled “City of Clayton Convey-  
25 ances” and dated April 6, 2010 (including any necessary

1 access right-of-way across the river), for use as a waste-  
2 water treatment facility, consistent with uses allowed  
3 under the Act of June 14, 1926 (commonly known as the  
4 Recreation and Public Purposes Act; 43 U.S.C. 869 et  
5 seq.).

6 (e) FIRE HALL.—The Secretary of the Interior shall  
7 convey to the City, without consideration, approximately  
8 two acres of land depicted as “Parcel E” on the map enti-  
9 tled “City of Clayton Conveyances” and dated April 6,  
10 2010, for use as a fire hall and related purposes, con-  
11 sistent with uses allowed under the Act of June 14, 1926  
12 (commonly known as the Recreation and Public Purposes  
13 Act; 43 U.S.C. 869 et seq.).

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

15 (a) WORKFORCE HOUSING.—The Secretary of Agri-  
16 culture shall convey to the City of Stanley, Idaho (in this  
17 section referred to as the “City”), without consideration,  
18 a parcel of National Forest System land within the Saw-  
19 tooth National Recreation Area, but outside the area man-  
20 aged by the Sawtooth Interpretative and Historical Asso-  
21 ciation under special use permit with the Secretary, that  
22 consists of approximately four acres as indicated on the  
23 map entitled “Custer County and City of Stanley Convey-  
24 ance Parcel-Proposed” and dated February 24, 2015, for  
25 the purpose of permitting the City to develop the parcel

1 to provide workforce housing for persons employed in the  
2 City or its environs.

3 (b) NUMBER AND CONSTRUCTION OF HOUSING.—

4 The City will construct up to 20 apartment units on the  
5 parcel conveyed under subsection (a). The actual design  
6 and configuration of the apartment units will be deter-  
7 mined by the City in consultation with the Secretary and  
8 other interested parties, except that units may not exceed  
9 two stories and must be located near or against the hillside  
10 to blend in with the terrain.

11 (c) RECREATION AREA PRIVATE LAND USE REGULA-

12 TIONS.—The private land use regulations of the Sawtooth  
13 National Recreation Area shall not apply to the parcel  
14 conveyed under subsection (a), including with regard to  
15 the number and type of apartments units to be con-  
16 structed on the parcel.

17 (d) REMOVAL OF EXISTING STRUCTURE.—The Sec-

18 retary shall be responsible for the removal of the barn lo-  
19 cated, as of the date of the enactment of this Act, on the  
20 parcel to be conveyed under subsection (a). The Secretary  
21 may remove the barn either before the conveyance of the  
22 parcel or at such later date as the City may request.

23 (e) RELATION TO REQUIRED REVERSIONARY INTER-

24 EST.—Consistent with the reversionary interest required  
25 by section 207(b), the City may contract for the develop-

1 ment and management of the apartment units constructed  
2 on the parcel conveyed under subsection (a) so long as  
3 the City retains ownership of the parcel in perpetuity.

4 **SEC. 207. TERMS AND CONDITIONS OF PERMITS OR LAND**  
5 **CONVEYANCES.**

6 (a) **TERMS AND CONDITIONS.**—The issuance of a  
7 special use permit or the conveyance of land under this  
8 title shall be subject to any terms and conditions that the  
9 Secretary determines to be appropriate.

10 (b) **REVERSIONARY INTEREST.**—If any parcel of land  
11 conveyed under this title ceases to be used for the public  
12 purpose for which the parcel was conveyed, the parcel  
13 shall, at the discretion of the Secretary, based on a deter-  
14 mination that reversion is in the best interests of the  
15 United States, revert to the United States.

Passed the House of Representatives July 27, 2015.

Attest:

KAREN L. HAAS,

*Clerk.*