

Union Calendar No. 173

114TH CONGRESS
1ST SESSION

H. R. 1138

[Report No. 114-229]

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

JULY 27, 2015

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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.

9 **SEC. 2. DEFINITIONS.**

10 In this Act:

11 (1) SECRETARY.—The term “Secretary”
 12 means—

1 (A) the Secretary of Agriculture, with re-
2 spect to land administered by the Forest Serv-
3 ice; or

4 (B) the Secretary of the Interior, with re-
5 spect to land administered by the Bureau of
6 Land Management.

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

11 **TITLE I—WILDERNESS**
12 **DESIGNATIONS**

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

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

1 (b) WHITE CLOUDS WILDERNESS.—In accordance
2 with the Wilderness Act (16 U.S.C. 1131 et seq.), certain
3 Federal lands in the Sawtooth and Challis National For-
4 ests in the State of Idaho, comprising approximately
5 90,769 acres, as generally depicted on the map entitled
6 “White Clouds Wilderness Area-Proposed” and dated
7 March 13, 2014, are designated as wilderness and as a
8 component of the National Wilderness Preservation Sys-
9 tem, which shall be known as the “White Clouds Wilder-
10 ness”.

11 (c) JIM MCCLURE-JERRY PEAK WILDERNESS.—In
12 accordance with the Wilderness Act (16 U.S.C. 1131 et
13 seq.), certain Federal lands in the Challis National Forest
14 and Challis District of the Bureau of Land Management
15 in the State of Idaho, comprising approximately 116,898
16 acres, as generally depicted on the map entitled “Jim
17 McClure-Jerry Peak Wilderness” and dated February 21,
18 2015, are designated as wilderness and as a component
19 of the National Wilderness Preservation System, which
20 shall be known as the “Jim McClure-Jerry Peak Wilder-
21 ness”.

22 (d) MAPS AND LEGAL DESCRIPTIONS.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of enactment of this Act, the Secretary
25 shall submit to the Committee on Energy and Nat-

1 ural Resources of the Senate and the Committee on
2 Natural Resources of the House of Representatives
3 a map and legal description for each wilderness area.

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

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

13 **SEC. 102. ADMINISTRATION.**

14 (a) IN GENERAL.—Subject to valid existing rights,
15 each wilderness area shall be administered by the Sec-
16 retary in accordance with the Wilderness Act (16 U.S.C.
17 1131 et seq.), except that—

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

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

1 (b) CONSISTENT INTERPRETATION.—The Secretary
2 of Agriculture and the Secretary of the Interior shall seek
3 to ensure that the wilderness areas are interpreted for the
4 public as an overall complex linked by—

5 (1) common location in the Boulder-White
6 Cloud Mountains; and

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

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

15 (d) FIRE, INSECTS, AND DISEASE.—Within the wil-
16 derness areas, the Secretary may take such measures as
17 the Secretary determines to be necessary for the control
18 of fire, insects, and disease in accordance with section
19 4(d)(1) of the Wilderness Act (16 U.S.C. 1131(d)(1)).

20 (e) LIVESTOCK.—

21 (1) IN GENERAL.—Within the wilderness areas,
22 the grazing of livestock in which grazing is estab-
23 lished before the date of enactment of this Act shall
24 be allowed to continue, subject to such reasonable

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

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

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

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

13 (2) DONATION OF GRAZING PERMITS AND
14 LEASES.—

15 (A) ACCEPTANCE BY SECRETARY.—

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

1 (ii) PARTIAL DONATION.—A person
2 holding a valid grazing permit or lease for
3 a grazing allotment partially within the
4 area described in clause (i) may elect to
5 donate only the portion of the grazing per-
6 mit or lease that is within the area.

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

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

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

16 (C) COMMON ALLOTMENTS.—

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

1 (ii) AUTHORIZED LEVEL.—To ensure
2 that there is a permanent reduction in the
3 level of grazing on the land covered by the
4 permit or lease donated under subpara-
5 graph (A), the Secretary shall not allow
6 grazing use to exceed the authorized level
7 established under clause (i).

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

13 (i) reduce the authorized grazing level
14 to reflect the donation; and

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

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

24 (g) FISH AND WILDLIFE.—Nothing in this title af-
25 fects the jurisdiction of the State of Idaho with respect

1 to the management of fish and wildlife on public land in
2 the State, including the regulation of hunting, fishing, and
3 trapping within the wilderness areas.

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

9 **SEC. 103. WATER RIGHTS.**

10 (a) STATUTORY CONSTRUCTION.—Nothing in this
11 title—

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

16 (2) affects any water rights—

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

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

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

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

6 (b) NEW PROJECTS.—

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

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

22 **SEC. 104. MILITARY OVERFLIGHTS.**

23 Nothing in this title restricts or precludes—

24 (1) low-level overflights of military aircraft over
25 the wilderness areas, including military overflights

1 that can be seen or heard within the wilderness
2 areas;

3 (2) flight testing and evaluation; or

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

7 **SEC. 105. ADJACENT MANAGEMENT.**

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

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

15 **SEC. 106. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
16 **USES.**

17 Nothing in this title diminishes the treaty rights of
18 any Indian tribe.

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

20 (a) ACQUISITION.—

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

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

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

11 **SEC. 108. WILDERNESS REVIEW.**

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

14 (b) PUBLIC LAND.—

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

22 (A) Jerry Peak Wilderness Study Area.

23 (B) Jerry Peak West Wilderness Study
24 Area.

1 (C) Corral-Horse Basin Wilderness Study
2 Area.

3 (D) Boulder Creek Wilderness Study Area.

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

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

10 (B) shall be managed in accordance with
11 land management plans adopted under section
12 202 of that Act (43 U.S.C. 1712).

13 **TITLE II—LAND CONVEYANCES**
14 **FOR PUBLIC PURPOSES**

15 **SEC. 201. SHORT TITLE.**

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

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

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

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

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

11 (b) **FIRE HALL.**—The Secretary of the Interior shall
12 convey to the County, without consideration, approxi-
13 mately 10 acres of land depicted as “Parcel B” on the
14 map entitled “Custer County and City of Mackay Convey-
15 ances” and dated April 6, 2010, for use as a fire hall,
16 consistent with uses allowed under the Act of June 14,
17 1926 (commonly known as the Recreation and Public Pur-
18 poses Act; 43 U.S.C. 869 et seq.).

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

1 (d) FOREST SERVICE ROAD.—

2 (1) CONVEYANCE.—The Secretary of Agri-
3 culture shall convey to the County, without consider-
4 ation, the Forest Service road that passes through
5 the parcel of National Forest System land to be con-
6 veyed to the City of Stanley, Idaho, under section
7 206 from the junction of the road with Highway 75
8 to the junction with Valley Creek Road at the City
9 of Stanley boundary.

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

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

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

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

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

8 (b) PARK.—The Secretary of the Interior shall con-
9 vey to the City, without consideration, approximately two
10 acres of land depicted as “Parcel B” on the map entitled
11 “City of Clayton Conveyances” and dated April 6, 2010,
12 for use as a public park or other public purpose consistent
13 with uses allowed under the Act of June 14, 1926 (com-
14 monly known as the Recreation and Public Purposes Act;
15 43 U.S.C. 869 et seq.).

16 (c) WATER TOWER.—The Secretary of the Interior
17 shall convey to the City, without consideration, approxi-
18 mately two acres of land depicted as “Parcel C” on the
19 map entitled “City of Clayton Conveyances” and dated
20 April 6, 2010, for location of a water tower, consistent
21 with uses allowed under the Act of June 14, 1926 (com-
22 monly known as the Recreation and Public Purposes Act;
23 43 U.S.C. 869 et seq.).

24 (d) WASTEWATER TREATMENT FACILITY.—The Sec-
25 retary of the Interior shall convey to the City, without con-
26 sideration, approximately six acres of land depicted as

1 “Parcel D” on the map entitled “City of Clayton Convey-
2 ances” and dated April 6, 2010 (including any necessary
3 access right-of-way across the river), for use as a waste-
4 water treatment facility, consistent with uses allowed
5 under the Act of June 14, 1926 (commonly known as the
6 Recreation and Public Purposes Act; 43 U.S.C. 869 et
7 seq.).

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

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

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

1 ance Parcel-Proposed” and dated February 24, 2015, for
2 the purpose of permitting the City to develop the parcel
3 to provide workforce housing for persons employed in the
4 City or its environs.

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

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

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

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

7 **SEC. 207. TERMS AND CONDITIONS OF PERMITS OR LAND**
8 **CONVEYANCES.**

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

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

Union Calendar No. 173

114TH CONGRESS
1ST Session

H. R. 1138

[Report No. 114-229]

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.

JULY 27, 2015

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed