

Union Calendar No. 202

104TH CONGRESS
1ST Session

H. R. 1745

[Report No. 104-396]

A BILL

To designate certain public lands in the State of Utah as wilderness, and for other purposes.

DECEMBER 11, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1995

Mr. HANSEN (for himself and Mrs. WALDHOLTZ) introduced the following bill;
which was referred to the Committee on Resources

DECEMBER 11, 1995

Additional sponsors: Mrs. CHENOWETH, Mr. DOOLITTLE, Mr. SAXTON, Mr. GALLEGLY, Mr. COOLEY, Mr. SKEEN, Mr. RADANOVICH, Mr. DUNCAN, Mr. STUMP, Mrs. CUBIN, Mr. ALLARD, Mr. JONES, Mr. YOUNG of Alaska, Mr. CALVERT, Mr. HERGER, Mr. SHADEGG, Mr. CRAPO, Mr. SOLOMON, Mr. HAYWORTH, Mr. HASTINGS of Washington, Mr. GILCHREST, Mr. HEFLEY, Mr. METCALF, Mr. LEWIS of California, Mr. POMBO, Mrs. SMITH of Washington, Mr. ENSIGN, Mr. CREMEANS, Mr. THORNBERRY, Mr. LONGLEY, Mr. SCHAEFER, Mr. BLUTE, Mr. MCDADE, Mr. MCKEON, Mr. LIVINGSTON, Mrs. VUCANOVICH, Mr. STOCKMAN, and Ms. DUNN of Washington

Deleted sponsor: Mr. TORKILDSEN (added June 30, 1995; deleted October 30, 1995)

DECEMBER 11, 1995

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 6, 1995]

A BILL

To designate certain public lands in the State of Utah as wilderness, 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.**

4 *This Act may be cited as the “Utah Public Lands*
5 *Management Act of 1995”.*

6 **SEC. 2. DESIGNATION OF WILDERNESS.**

7 *(a) DESIGNATION.—In furtherance of the purposes of*
8 *the Wilderness Act (16 U.S.C. 1131 et seq.), the following*
9 *lands in the State of Utah are hereby designated as wilder-*
10 *ness and therefore as components of the National Wilderness*
11 *Preservation System:*

12 *(1) Certain lands in the Desolation Canyon Wil-*
13 *derness Study Area comprised of approximately*
14 *254,478 acres, as generally depicted on a map enti-*
15 *tled “Desolation Canyon Wilderness—Proposed” and*
16 *dated _____, and which shall be known as the*
17 *Desolation Canyon Wilderness.*

18 *(2) Certain lands in the San Rafael Reef Wilder-*
19 *ness Study Area comprised of approximately 47,786*
20 *acres, as generally depicted on a map entitled “San*
21 *Rafael Reef Wilderness—Proposed” and dated*

1 , and which shall be known as the San
2 *Rafael Reef Wilderness.*

3 (3) *Certain lands in the Horseshoe Canyon Wil-*
4 *derness Study Area (North) comprised of approxi-*
5 *mately 24,966 acres, as generally depicted on a map*
6 *entitled “Horseshoe/Labyrinth Canyon Wilderness—*
7 *Proposed” and dated , and which shall be*
8 *known as the Horseshoe/Labyrinth Canyon Wilder-*
9 *ness.*

10 (4) *Certain lands in the Crack Canyon Wilder-*
11 *ness Study Area comprised of approximately 20,322*
12 *acres, as generally depicted on a map entitled “Crack*
13 *Canyon Wilderness—Proposed” and dated ,*
14 *and which shall be known as the Crack Canyon Wil-*
15 *derness.*

16 (5) *Certain lands in the Muddy Creek Wilderness*
17 *Study Area comprised of approximately 37,244 acres,*
18 *as generally depicted on a map entitled “Muddy*
19 *Creek Wilderness—Proposed” and dated ,*
20 *and which shall be known as the Muddy Creek Wil-*
21 *derness.*

22 (6) *Certain lands in the Sids Mountain Wilder-*
23 *ness Study Area comprised of approximately 41,154*
24 *acres, as generally depicted on a map entitled “Sids*
25 *Mountain Wilderness—Proposed” and dated*

1 , and which shall be known as the Sids
2 *Mountain Wilderness.*

3 (7) *Certain lands in the Mexican Mountain Wil-*
4 *derness Study Area comprised of approximately*
5 *34,107 acres, as generally depicted on a map entitled*
6 *“Mexican Mountain Wilderness—Proposed” and*
7 *dated , and which shall be known as the*
8 *Mexican Mountain Wilderness.*

9 (8) *Certain lands in the Phipps-Death Hollow*
10 *Wilderness Study Area comprised of approximately*
11 *42,437 acres, as generally depicted on a map entitled*
12 *“Phipps-Death Hollow Wilderness—Proposed” and*
13 *dated , and which shall be known as the*
14 *Phipps-Death Hollow Wilderness.*

15 (9) *Certain lands in the Steep Creek Wilderness*
16 *Study Area comprised of approximately 21,277 acres,*
17 *as generally depicted on a map entitled “Steep Creek*
18 *Wilderness—Proposed” and dated , and*
19 *which shall be known as the Steep Creek Wilderness.*

20 (10) *Certain lands in the North Escalante Can-*
21 *yons/The Gulch Wilderness Study Area comprised of*
22 *approximately 103,324 acres, as generally depicted on*
23 *a map entitled “North Escalante Canyons/The Gulch*
24 *Wilderness—Proposed” and dated , and*

1 *which shall be known as the North Escalante Can-*
2 *yons/The Gulch Creek Wilderness.*

3 (11) *Certain lands in the Scorpion Wilderness*
4 *Study Area comprised of approximately 16,692 acres,*
5 *as generally depicted on a map entitled “Scorpion*
6 *Wilderness—Proposed” and dated , and*
7 *which shall be known as the Scorpion Wilderness.*

8 (12) *Certain lands in the Mt. Ellen-Blue Hills*
9 *Wilderness Study Area comprised of approximately*
10 *62,663 acres, as generally depicted on a map entitled*
11 *“Mt. Ellen-Blue Hills Wilderness—Proposed” and*
12 *dated , and which shall be known as the Mt.*
13 *Ellen-Blue Hills Wilderness.*

14 (13) *Certain lands in the Bull Mountain Wilder-*
15 *ness Study Area comprised of approximately 11,424*
16 *acres, as generally depicted on a map entitled “Bull*
17 *Mountain Wilderness—Proposed” and dated*
18 *, and which shall be known as the Bull*
19 *Mountain Wilderness.*

20 (14) *Certain lands in the Fiddler Butte Wilder-*
21 *ness Study Area comprised of approximately 22,180*
22 *acres, as generally depicted on a map entitled “Fid-*
23 *dler Butte Wilderness—Proposed” and dated*
24 *, and which shall be known as the Fiddler*
25 *Butte Mountain Wilderness.*

1 (15) *Certain lands in the Mt. Pennell Wilderness*
2 *Study Area comprised of approximately 18,620 acres,*
3 *as generally depicted on a map entitled “Mt. Pennell*
4 *Wilderness—Proposed” and dated _____, and*
5 *which shall be known as the Mt. Pennell Wilderness.*

6 (16) *Certain lands in the Mt. Hillers Wilderness*
7 *Study Area comprised of approximately 14,746 acres,*
8 *as generally depicted on a map entitled “Mt. Hillers*
9 *Wilderness—Proposed” and dated _____, and*
10 *which shall be known as the Mt. Hillers Wilderness.*

11 (17) *Certain lands in the Little Rockies Wilder-*
12 *ness Study Area comprised of approximately 48,928*
13 *acres, as generally depicted on a map entitled “Little*
14 *Rockies Wilderness—Proposed” and dated _____,*
15 *and which shall be known as the Little Rockies Wil-*
16 *derness.*

17 (18) *Certain lands in the Mill Creek Canyon*
18 *Wilderness Study Area comprised of approximately*
19 *7,838 acres, as generally depicted on a map entitled*
20 *“Mill Creek Canyon Wilderness—Proposed” and*
21 *dated _____, and which shall be known as the*
22 *Mill Creek Canyon Wilderness.*

23 (19) *Certain lands in the Negro Bill Canyon*
24 *Wilderness Study Area comprised of approximately*
25 *7,432 acres, as generally depicted on a map entitled*

1 *“Negro Bill Canyon Wilderness—Proposed” and*
2 *dated , and which shall be known as the*
3 *Negro Bill Canyon Wilderness.*

4 *(20) Certain lands in the Floy Canyon Wilder-*
5 *ness Study Area comprised of approximately 28,290*
6 *acres, as generally depicted on a map entitled “Floy*
7 *Canyon Wilderness—Proposed” and dated ,*
8 *and which shall be known as the Floy Canyon Wil-*
9 *derness.*

10 *(21) Certain lands in the Coal Canyon Wilder-*
11 *ness Study Area and the Spruce Canyon Wilderness*
12 *Study Area comprised of approximately 56,760 acres,*
13 *as generally depicted on a map entitled “Coal/Spruce*
14 *Canyon Wilderness—Proposed” and dated ,*
15 *and which shall be known as the Coal/Spruce Canyon*
16 *Wilderness.*

17 *(22) Certain lands in the Flume Canyon Wilder-*
18 *ness Study Area comprised of approximately 37,506*
19 *acres, as generally depicted on a map entitled “Flume*
20 *Canyon Wilderness—Proposed” and dated ,*
21 *and which shall be known as the Flume Canyon Wil-*
22 *derness.*

23 *(23) Certain lands in the Westwater Canyon*
24 *Wilderness Study Area comprised of approximately*
25 *25,383 acres, as generally depicted on a map entitled*

1 *“Westwater Canyon Wilderness—Proposed” and*
2 *dated , and which shall be known as the*
3 *Westwater Canyon Wilderness.*

4 *(24) Certain lands in the Beaver Creek Wilder-*
5 *ness Study Area comprised of approximately 24,531*
6 *acres, as generally depicted on a map entitled “Bea-*
7 *ver Creek Wilderness—Proposed” and dated*
8 *, and which shall be known as the Beaver*
9 *Creek Wilderness.*

10 *(25) Certain lands in the Fish Springs Wilder-*
11 *ness Study Area comprised of approximately 36,142*
12 *acres, as generally depicted on a map entitled “Fish*
13 *Springs Wilderness—Proposed” and dated ,*
14 *and which shall be known as the Fish Springs Wil-*
15 *derness.*

16 *(26) Certain lands in the Swasey Mountain Wil-*
17 *derness Study Area comprised of approximately*
18 *34,803 acres, as generally depicted on a map entitled*
19 *“Swasey Mountain Wilderness—Proposed” and dated*
20 *, and which shall be known as the Swasey*
21 *Mountain Wilderness.*

22 *(27) Certain lands in the Parunuweap Canyon*
23 *Wilderness Study Area comprised of approximately*
24 *19,122 acres, as generally depicted on a map entitled*
25 *“Parunuweap Canyon Wilderness—Proposed” and*

1 *dated* , *and which shall be known as the*
2 *Parunuweap Wilderness.*

3 (28) *Certain lands in the Canaan Mountain*
4 *Wilderness Study Area comprised of approximately*
5 *32,297 acres, as generally depicted on a map entitled*
6 *“Canaan Mountain Wilderness—Proposed” and dated*
7 , *and which shall be known as the Canaan*
8 *Mountain Wilderness.*

9 (29) *Certain lands in the Paria-Hackberry Wil-*
10 *derness Study Area comprised of approximately*
11 *57,641 acres, as generally depicted on a map entitled*
12 *“Paria-Hackberry Wilderness—Proposed” and dated*
13 , *and which shall be known as the Paria-*
14 *Hackberry Wilderness.*

15 (30) *Certain lands in the Escalante Canyon*
16 *Tract 5 Wilderness Study Area comprised of approxi-*
17 *mately 756 acres, as generally depicted on a map en-*
18 *titled “Escalante Canyon Tract 5 Wilderness—Pro-*
19 *posed” and dated* , *and which shall be*
20 *known as the Escalante Canyon Tract 5 Wilderness.*

21 (31) *Certain lands in the Fifty Mile Mountain*
22 *Wilderness Study Area comprised of approximately*
23 *121,434 acres, as generally depicted on a map enti-*
24 *tled “Fifty Mile Mountain Wilderness—Proposed”*

1 *and dated _____, and which shall be known as*
2 *the Fifty Mile Mountain Wilderness.*

3 *(32) Certain lands in the Howell Peak Wilder-*
4 *ness comprised of approximately 14,518 acres, as gen-*
5 *erally depicted on a map entitled “Howell Peak Wil-*
6 *derness—Proposed” and dated _____, and which*
7 *shall be known as the Howell Peak Wilderness.*

8 *(33) Certain lands in the Notch Peak Wilderness*
9 *Study Area comprised of approximately 28,778 acres,*
10 *as generally depicted on a map entitled “Notch Peak*
11 *Wilderness—Proposed” and dated _____, and*
12 *which shall be known as the Notch Peak Wilderness.*

13 *(34) Certain lands in the Wah Wah Mountains*
14 *Wilderness Study Area comprised of approximately*
15 *41,311 acres, as generally depicted on a map entitled*
16 *“Wah Wah Mountains Wilderness—Proposed” and*
17 *dated _____, and which shall be known as the*
18 *Wah Wah Wilderness.*

19 *(35) Certain lands in the Mancos Mesa Wilder-*
20 *ness Study Area comprised of approximately 48,269*
21 *acres, as generally depicted on a map entitled*
22 *“Mancos Mesa Wilderness—Proposed” and dated*
23 *_____, and which shall be known as the Mancos*
24 *Mesa Wilderness.*

1 (36) *Certain lands in the Grand Gulch Wilder-*
2 *ness Study Area comprised of approximately 51,110*
3 *acres, as generally depicted on a map entitled “Grand*
4 *Gulch Wilderness—Proposed” and dated _____,*
5 *and which shall be known as the Grand Gulch Wil-*
6 *derness.*

7 (37) *Certain lands in the Dark Canyon Wilder-*
8 *ness Study Area comprised of approximately 67,099*
9 *acres, as generally depicted on a map entitled “Dark*
10 *Canyon Wilderness—Proposed” and dated _____,*
11 *and which shall be known as the Dark Canyon Wil-*
12 *derness.*

13 (38) *Certain lands in the Butler Wash Wilder-*
14 *ness Study Area comprised of approximately 24,888*
15 *acres, as generally depicted on a map entitled “Butler*
16 *Wash Wilderness—Proposed” and dated _____,*
17 *and which shall be known as the Butler Wash Wilder-*
18 *ness.*

19 (39) *Certain lands in the Indian Creek Wilder-*
20 *ness Study Area comprised of approximately 6,769*
21 *acres, as generally depicted on a map entitled “In-*
22 *dian Creek Wilderness—Proposed” and dated _____*
23 *, and which shall be known as the Indian*
24 *Creek Wilderness.*

1 (40) *Certain lands in the Behind the Rocks Wil-*
2 *derness Study Area comprised of approximately*
3 *13,728 acres, as generally depicted on a map entitled*
4 *“Behind the Rocks Wilderness—Proposed” and dated*
5 *, and which shall be known as the Behind*
6 *the Rocks Wilderness.*

7 (41) *Certain lands in the Cedar Mountains Wil-*
8 *derness Study Area comprised of approximately*
9 *25,645 acres, as generally depicted on a map entitled*
10 *“Cedar Mountains Wilderness—Proposed” and dated*
11 *, and which shall be known as the Cedar*
12 *Mountains Wilderness.*

13 (42) *Certain lands in the Deep Creek Mountains*
14 *Wilderness Study Area comprised of approximately*
15 *71,024 acres, as generally depicted on a map entitled*
16 *“Deep Creek Mountains Wilderness—Proposed” and*
17 *dated , and which shall be known as the*
18 *Deep Creek Mountains Wilderness.*

19 (43) *Certain lands in the Nutters Hole Wilder-*
20 *ness Study Area comprised of approximately 3,647*
21 *acres, as generally depicted on a map entitled “Nut-*
22 *ters Hole Wilderness—Proposed” and dated*
23 *, and which shall be known as the Nutters*
24 *Hole Wilderness.*

1 (44) *Certain lands in the Cougar Canyon Wil-*
2 *derness Study Area comprised of approximately 4,370*
3 *acres, including those lands located in the State of*
4 *Nevada, as generally depicted on a map entitled*
5 *“Cougar Canyon Wilderness—Proposed” and dated*
6 *, and which shall be known as the Cougar*
7 *Canyon Wilderness.*

8 (45) *Certain lands in the Red Mountain Wilder-*
9 *ness Study Area comprised of approximately 9,216*
10 *acres, as generally depicted on a map entitled “Red*
11 *Mountain Wilderness—Proposed” and dated*
12 *, and which shall be known as the Red*
13 *Mountains Wilderness.*

14 (46) *Certain lands in the Deep Creek Wilderness*
15 *Study Area comprised of approximately 3,063 acres,*
16 *as generally depicted on a map entitled “Deep Creek*
17 *Wilderness—Proposed” and dated , and*
18 *which shall be known as the Deep Creek Wilderness.*

19 (47) *Certain lands within the Dirty Devil Wil-*
20 *derness Study Area comprised of approximately*
21 *75,854 acres, as generally depicted on a map entitled*
22 *“Dirty Devil Wilderness—Proposed” and dated*
23 *, and which shall be known as the Dirty*
24 *Devil Wilderness.*

1 (48) *Certain lands within the Horseshoe Canyon*
2 *South Wilderness Study Area comprised of approxi-*
3 *mately 11,392 acres, as generally depicted on a map*
4 *entitled “Horseshoe Canyon South Wilderness—Pro-*
5 *posed” and dated _____, and which shall be*
6 *known as the Horseshoe Canyon South Wilderness.*

7 (49) *Certain lands in the French Spring-Happy*
8 *Canyon Wilderness Study Area comprised of approxi-*
9 *mately 12,343 acres, as generally depicted on a map*
10 *entitled “French Spring-Happy Canyon Wilderness—*
11 *Proposed” and dated _____, and which shall be*
12 *known as the French Spring-Happy Canyon Wilder-*
13 *ness.*

14 (b) *MAP AND DESCRIPTION.—As soon as practicable*
15 *after the date of enactment of this Act, the Secretary of the*
16 *Interior (hereafter in this Act referred to as the “Sec-*
17 *retary”)* shall file a map and a legal description of each
18 *area designated as wilderness by subsection (a) with the*
19 *Committee on Resources of the House of Representatives*
20 *and the Committee on Energy and Natural Resources of*
21 *the Senate. Each such map and description shall have the*
22 *same force and effect as if included in this Act, except that*
23 *corrections of clerical and typographical errors in each such*
24 *map and legal description may be made. Each such map*
25 *and legal description shall be on file and available for pub-*

1 *lic inspection in the office of the Director of the Bureau*
2 *of Land Management, and the office of the State Director*
3 *of the Bureau of Land Management in the State of Utah,*
4 *Department of the Interior.*

5 **SEC. 3. ADMINISTRATION OF WILDERNESS AREAS.**

6 (a) *IN GENERAL.*—Subject to valid existing rights,
7 each area designated by this Act as wilderness shall be ad-
8 ministered by the Secretary in accordance with this Act,
9 the Wilderness Act (16 U.S.C. 1131 et seq.), and section
10 603 of the Federal Land Policy and Management Act of
11 1976. Any valid existing rights recognized by this Act shall
12 be determined under applicable laws, including the land use
13 planning process under section 202 of the Federal Land
14 Policy and Management Act of 1976 (43 U.S.C. 1712). Any
15 lands or interest in lands within the boundaries of an area
16 designated as wilderness by this Act that is acquired by
17 the United States after the date of enactment of this Act
18 shall be added to and administered as part of the wilderness
19 area within which such lands or interests in lands are lo-
20 cated.

21 (b) *MANAGEMENT PLANS.*—The Secretary shall, with-
22 in five years after the date of the enactment of this Act,
23 prepare plans to manage the areas designated by this Act
24 as wilderness.

1 (c) *LIVESTOCK.*—(1) *Grazing of livestock in areas des-*
2 *ignated as wilderness by this Act, where established prior*
3 *to the date of the enactment of this Act, shall—*

4 (A) *continue and not be curtailed, phased out or*
5 *rendered economically infeasible due to wilderness*
6 *designation or management; and*

7 (B) *be administered in accordance with section*
8 *4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4))*
9 *and the guidelines set forth in House Report 96–1126.*
10 (2) *Wilderness shall not be used as a suitability cri-*
11 *teria for managing any grazing allotment that is subject*
12 *to paragraph (1).*

13 (d) *STATE FISH AND WILDLIFE.*—*In accordance with*
14 *section 4(d)(7) of the Wilderness Act (16 U.S.C.*
15 *1131(d)(7)), nothing in this Act shall be construed as affect-*
16 *ing the jurisdiction or responsibilities of the State of Utah*
17 *with respect to fish and wildlife management activities, in-*
18 *cluding water development, predator control, transplanting*
19 *animals, stocking fish, hunting, fishing and trapping.*

20 (e) *PROHIBITION OF BUFFER ZONES.*—*The Congress*
21 *does not intend that designation of an area as wilderness*
22 *by this Act lead to the creation of protective perimeters or*
23 *buffer zones around the area. The fact that nonwilderness*
24 *activities or uses can be seen, heard, or smelled from areas*

1 *within a wilderness shall not preclude such activities or*
2 *uses up to the boundary of the wilderness area.*

3 (f) *OIL SHALE RESERVE NUMBER TWO.*—*The area*
4 *known as “Oil Shale Reserve Number Two” within Desola-*
5 *tion Canyon Wilderness (as designated by section 2(a)(1)),*
6 *located in Carbon County and Uintah County, Utah, shall*
7 *not be reserved for oil shale purposes after the date of the*
8 *enactment of this Act and shall be under the sole jurisdic-*
9 *tion of and managed by the Bureau of Land Management.*

10 (g) *ROADS AND RIGHTS-OF-WAY AS BOUNDARIES.*—
11 *Unless depicted otherwise on a map referred to by this Act,*
12 *where roads form the boundaries of the areas designated as*
13 *wilderness by this Act, the wilderness boundary shall be set*
14 *back from the center line of the road as follows:*

15 (1) *300 feet for high standard roads such as*
16 *paved highways.*

17 (2) *100 feet for roads equivalent to high standard*
18 *logging roads.*

19 (3) *30 feet for all unimproved roads not referred*
20 *to in paragraphs (1) or (2).*

21 (h) *CHERRY-STEMMED ROADS.*—(1) *The Secretary*
22 *may not close or limit access to any road that is bounded*
23 *on one or both sides by an area designated as wilderness*
24 *by this Act, as generally depicted on a map referred to by*
25 *this Act, without first obtaining written consent from the*

1 *State of Utah or the political subdivision thereof with gen-*
2 *eral jurisdiction over roads in the area.*

3 (2) *Any road described in paragraph (1) that is main-*
4 *tained by an entity other than the United States may con-*
5 *tinue to be maintained and repaired by any such entity.*

6 (i) *ACCESS.—(1) Reasonable access shall be allowed to*
7 *water diversion, carriage, storage and ancillary facilities*
8 *in existence as of the date of enactment of this Act which*
9 *are within areas designated as wilderness by this Act, in-*
10 *cluding motorized access where necessary or customarily or*
11 *historically employed on existing routes. The diversion, car-*
12 *riage and storage capacity as of such date of such existing*
13 *water facilities, and the condition of existing access routes*
14 *as of such date, may be operated, maintained, repaired,*
15 *modified, and replaced as necessary to maintain serviceable*
16 *conditions.*

17 (2) *Reasonable access shall be allowed to any non-Fed-*
18 *eral lands that may remain within the areas designated*
19 *as wilderness by this Act and to valid existing rights on*
20 *Federal lands, including (but not limited to) existing water*
21 *diversion, carriage, storage and ancillary facilities and*
22 *livestock grazing improvements and structures.*

23 (3) *Facilities, structures and related access routes ex-*
24 *isting as of the date of enactment of this Act in areas des-*
25 *ignated as wilderness by this Act may be operated, main-*

1 tained, repaired, and replaced as necessary to maintain
2 serviceable conditions.

3 (4) For the purposes of this subsection, reasonable ac-
4 cess includes motorized access where necessary and cus-
5 tomarily or historically employed on routes in existence as
6 of the date of enactment of this Act and where necessary
7 to meet the reasonable purposes for development and use
8 of in-held lands or valid existing rights.

9 (j) *LAND ACQUISITION BY EXCHANGE OR PUR-*
10 *CHASE.*—The Secretary shall offer to acquire from non-gov-
11 ernmental entities lands and interests in lands located
12 within or adjacent to areas designated as wilderness by this
13 Act. Lands may be acquired under this subsection only by
14 exchange, donation, or purchase from willing sellers.

15 **SEC. 4. WATER RIGHTS.**

16 (a) *NO FEDERAL RESERVATION.*—Nothing in this Act
17 or any other Act of Congress shall constitute or be construed
18 to constitute either an express or implied Federal reserva-
19 tion of water or water rights for any purpose arising from
20 the designation of areas as wilderness by this Act.

21 (b) *ACQUISITION AND EXERCISE OF WATER RIGHTS*
22 *UNDER UTAH LAW.*—The United States may acquire and
23 exercise such water rights as it deems necessary to carry
24 out its responsibilities on any lands designated as wilder-
25 ness by this Act pursuant to the substantive and procedural

1 *requirements of the State of Utah. Nothing in this Act shall*
2 *be construed to authorize the use of eminent domain by the*
3 *United States to acquire water rights for such lands. Within*
4 *areas designated as wilderness by this Act, all rights to*
5 *water granted under the laws of the State of Utah may be*
6 *exercised in accordance with the substantive and procedural*
7 *requirements of the State of Utah.*

8 (c) *EXERCISE OF WATER RIGHTS GENERALLY UNDER*
9 *UTAH LAWS.—Nothing in this Act shall be construed to*
10 *limit the exercise of water rights as provided under Utah*
11 *State laws.*

12 (d) *CERTAIN FACILITIES NOT AFFECTED.—Nothing in*
13 *this Act shall affect irrigation, pumping and transmission*
14 *facilities and municipal, agricultural, livestock, or wildlife*
15 *water facilities in existence within the boundaries of areas*
16 *designated as wilderness by this Act, nor shall anything in*
17 *this Act be construed to limit operation, maintenance, re-*
18 *pair, modification, or replacement of such existing facili-*
19 *ties, as provided in section 3(i).*

20 (e) *WATER RESOURCE PROJECTS.—Nothing in this*
21 *Act shall be construed to limit or to be a consideration in*
22 *Federal approvals or denials for access to or use of the Fed-*
23 *eral lands for development and operation of water resource*
24 *projects, including (but not limited to) reservoir projects,*

1 *which are located outside and upstream of areas designated*
2 *as wilderness by this Act.*

3 **SEC. 5. CULTURAL, ARCHAEOLOGICAL, AND PALEONTOLOG-**
4 **ICAL RESOURCES.**

5 *The Secretary is responsible for the protection (includ-*
6 *ing through the use of mechanical means) and interpreta-*
7 *tion (including through the use of permanent improve-*
8 *ments) of cultural, archaeological, and paleontological re-*
9 *sources located within areas designated as wilderness by*
10 *this Act.*

11 **SEC. 6. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
12 **USES.**

13 *In recognition of the past use of portions of the areas*
14 *designated as wilderness by this Act by Native Americans*
15 *for traditional cultural and religious purposes, the Sec-*
16 *retary shall assure nonexclusive access from time to time*
17 *to those sites by Native Americans for such purposes, in-*
18 *cluding (but not limited to) wood gathering for personal*
19 *use or collecting plants or herbs for religious or medicinal*
20 *purposes. Such access shall be consistent with the purpose*
21 *and intent of the Act of August 11, 1978 (42 U.S.C. 1996;*
22 *commonly referred to as the “American Indian Religious*
23 *Freedom Act”).*

1 **SEC. 7. MILITARY OVERFLIGHTS.**

2 (a) *LOW-LEVEL OVERFLIGHTS NOT PRECLUDED.*—

3 *Nothing in this Act shall be construed to restrict or preclude*
4 *low-level overflights over the areas designated as wilderness*
5 *by this Act, including military overflights that can be seen*
6 *or heard within such areas. Nothing in this Act shall be*
7 *construed to restrict or preclude the designation of new*
8 *units of special airspace or the establishment of military*
9 *flight training routes over such areas.*

10 (b) *COMMUNICATIONS OR TRACKING SYSTEMS.*—*Noth-*
11 *ing in this Act shall be construed to require the removal*
12 *of existing communication or electronic tracking systems*
13 *from areas designated as wilderness by this Act or to pre-*
14 *vent the installation of portable electronic communication*
15 *or tracking systems in support of military flights so long*
16 *as installation, maintenance, and removal of such systems*
17 *does not require construction of temporary or permanent*
18 *roads.*

19 **SEC. 8. AIR QUALITY.**

20 (a) *IN GENERAL.*—*The Congress does not intend that*
21 *designation of wilderness areas in the State of Utah by this*
22 *Act lead to reclassification of any airshed to a more strin-*
23 *gent Prevention of Significant Deterioration (PSD) classi-*
24 *fication.*

25 (b) *ROLE OF STATE.*—*Air quality reclassification for*
26 *the wilderness areas established by this Act shall be the pre-*

1 *rogative of the State of Utah. All areas designated as wil-*
2 *derness by this Act are and shall continue to be managed*
3 *as PSD Class II under the Clean Air Act unless they are*
4 *reclassified by the State of Utah in accordance with the*
5 *Clean Air Act.*

6 (c) *INDUSTRIAL FACILITIES.*—*Nothing in this Act*
7 *shall be construed to restrict or preclude construction, oper-*
8 *ation, or expansion of industrial facilities outside of the*
9 *areas designated as wilderness by this Act, including (but*
10 *not limited to) the Hunter Power Plant, the Huntington*
11 *Power Plant, the Intermountain Power Project, the Bo-*
12 *nanza Power Plant, the Continental Lime Plant, and the*
13 *Brush Wellman Plant. Such projects and facilities shall be*
14 *permitted according to appropriate laws and regulations*
15 *including (but not limited to) the Clean Air Act.*

16 **SEC. 9. DISCLAIMERS.**

17 *Nothing in this Act shall construed to—*

18 (1) *prohibit the establishment and maintenance*
19 *of reservoirs, water-conservation works, transmission*
20 *lines, and other facilities needed in the public inter-*
21 *est, including the road construction and maintenance*
22 *essential to development and use thereof in—*

23 (A) *Cougar Canyon Wilderness designated*
24 *by section 2(a)(44);*

1 (B) *Red Mountain Wilderness* designated by
2 section 2(a)(45);

3 (C) *Parunuweap Canyon Wilderness* des-
4 ignated by section 2(a)(27); and

5 (D) *Canaan Mountain Wilderness* des-
6 ignated by section 2(a)(28);

7 (2) *Nothing in this Act shall be construed to pre-*
8 *vent the maintenance, repair, or expansion of commu-*
9 *nication sites and facilities or to require removal of*
10 *existing communication sites and facilities in—*

11 (A) *Swasey Mountain Wilderness* des-
12 ignated by section 2(a)(26);

13 (B) *Fifty Mile Mountain Wilderness* des-
14 ignated by section 2(a)(31);

15 (C) *Mt. Ellen Wilderness* designated by sec-
16 tion 2(a)(12); and

17 (D) *Deep Creek Mountains Wilderness* des-
18 ignated by section 2(a)(42).

19 (3) *prevent the construction of a pipeline for*
20 *transport of natural gas through the Right Hand of*
21 *Tusher Canyon in and adjacent to the Desolation*
22 *Canyon Wilderness* designated by section 2(a)(1);

23 (4) *as establishing a precedent with regard to*
24 *any future wilderness designation, nor shall it con-*

1 *stitute an interpretation of any other Act or any wil-*
2 *derness designation made pursuant thereto; and*

3 *(5) to prevent the use of any mechanically pro-*
4 *pelled water craft on navigable streams that lie with-*
5 *in or adjacent to an area designated as wilderness by*
6 *this Act.*

7 ***SEC. 10. WILDERNESS RELEASE.***

8 *(a) FINDING.—The Congress finds and directs that all*
9 *public lands in the State of Utah administered by the Bu-*
10 *reau of Land Management have been adequately studied for*
11 *wilderness designation pursuant to sections 202 and 603*
12 *of the Federal Land Policy and Management Act of 1976*
13 *(43 U.S.C. 1712 and 1782).*

14 *(b) RELEASE.—Except as provided in subsection (c),*
15 *any public lands administered by the Bureau of Land Man-*
16 *agement in the State of Utah not designated wilderness by*
17 *this Act shall not be subject to section 603(c) of the Federal*
18 *Land Policy and Management Act of 1976 (43 U.S.C.*
19 *1783(c)) but shall be managed for the full range of*
20 *nonwilderness multiple uses in accordance with land man-*
21 *agement plans adopted pursuant to section 202 of such Act*
22 *(43 U.S.C. 1712). Such lands shall not be managed for the*
23 *purpose of protecting their suitability for wilderness des-*
24 *ignation or their wilderness character and shall remain*

1 *available for nonwilderness multiple uses, subject to the re-*
 2 *quirements of other Federal laws.*

3 (c) *CONTINUING WILDERNESS STUDY AREAS STA-*
 4 *TUS.—The following wilderness study areas which are*
 5 *under study status by States adjacent to the State of Utah*
 6 *shall continue to be subject to section 603(c) of the Federal*
 7 *Land Policy and Management Act of 1976 (43 U.S.C.*
 8 *1782(c)):*

9 (1) *Bull Canyon; UT–080–419/CO–010–001.*

10 (2) *Wrigley Mesa/Jones Canyon/Black Ridge*
 11 *Canyon West; UT–060– 116/117/CO–070–113A.*

12 (3) *Squaw/Papoose Canyon; UT–060–227/CO–*
 13 *030–265A.*

14 (4) *Cross Canyon; UT–060–229/CO–030–265.*

15 **SEC. 11. EXCHANGE RELATING TO SCHOOL AND INSTITU-**
 16 **TIONAL TRUST LANDS.**

17 (a) *FINDINGS.—The Congress finds that—*

18 (1) *approximately 142,041 acres of school and*
 19 *institutional trust lands are located within or adja-*
 20 *cent to areas designated as wilderness by this Act;*

21 (2) *such lands were originally granted to the*
 22 *State of Utah for the purpose of generating support*
 23 *for the public schools through the development of nat-*
 24 *ural resources and other methods;*

1 (3) *it is in the interest of the State of Utah for*
2 *such lands to be exchanged for interests in Federal*
3 *lands located outside of wilderness areas to accom-*
4 *plish this purpose; and*

5 (4) *the Federal lands described in subsection*
6 *(c)(2) are of approximate equivalent value to such*
7 *school and institutional trust lands.*

8 (b) *EXCHANGE.—If, not later than two years after the*
9 *date of the enactment of this Act and in accordance with*
10 *this section, the State of Utah offers to transfer all its right,*
11 *title, and interest in and to the school and institutional*
12 *trust lands described in subsection (c)(1) to the United*
13 *States, the Secretary shall accept the offer and transfer*
14 *(within two years after the date of such acceptance) to the*
15 *State of Utah in exchange for such lands all right, title,*
16 *and interest of the United States in and to the Federal*
17 *lands described in subsection (c)(2) and, if necessary, lands*
18 *identified pursuant to subsection (d). The exchange of lands*
19 *under this section shall be subject to valid existing rights.*

20 (c) *STATE AND FEDERAL EXCHANGE LANDS DE-*
21 *SCRIBED.—*

22 (1) *SCHOOL AND INSTITUTIONAL TRUST*
23 *LANDS.—The school and institutional trust lands re-*
24 *ferred to in this section are those lands generally de-*
25 *scribed as “Utah School Lands” on the map entitled*

1 *“In-Held School Trust Land Exchange—Proposed”*
2 *and dated which—*

3 *(A) are located within or adjacent to areas*
4 *designated by this Act as wilderness; and*

5 *(B) were granted by the United States in*
6 *the Utah Enabling Act to the State of Utah in*
7 *trust and other lands which under State law*
8 *must be managed for the benefit of the public*
9 *school system or the institutions of the State*
10 *which are designated by the Utah Enabling Act.*

11 *(2) FEDERAL LANDS.—The Federal lands re-*
12 *ferred to in this section are the lands located in the*
13 *State of Utah which are generally depicted as “Fed-*
14 *eral Exchange Lands” on the map referred to in*
15 *paragraph (1).*

16 *(d) ADDITIONAL AVAILABLE FEDERAL LANDS TO*
17 *REMEDY IMBALANCES DUE TO ENCUMBRANCES.—*

18 *(1) LIST OF ENCUMBRANCES.—Not later than*
19 *180 days after the date of the enactment of this Act,*
20 *the Secretary shall prepare a list of all encumbrances*
21 *of record (in the records of the Bureau of Land Man-*
22 *agement or otherwise known to the Bureau of Land*
23 *Management) of the Federal lands described in sub-*
24 *section (c)(2) and transmit the list to the State of*
25 *Utah. Likewise, the State shall prepare a list of all*

1 *encumbrances of record or otherwise known to the*
2 *State to the State lands described in subsection (c)(1)*
3 *and transmit the list to the Secretary.*

4 (2) *REMEDY.*—*In the event that the encum-*
5 *brances identified pursuant to paragraph (1) result*
6 *in an imbalance in the exchange under this section*
7 *such that the value of the lands transferred by the*
8 *State is greater than the value of the Federal lands*
9 *received, the Secretary shall transfer to the State such*
10 *additional Federal lands as may be necessary to rem-*
11 *edy the imbalance.*

12 (e) *DUTIES OF THE PARTIES AND OTHER PROVISIONS*
13 *RELATING TO THE EXCHANGE.*—

14 (1) *MAP AND LEGAL DESCRIPTION.*—*The State of*
15 *Utah and the Secretary shall each provide to the other*
16 *legal descriptions of the lands under their respective*
17 *jurisdictions which are to be exchanged under this*
18 *section. The map referred to in subsection (c)(1) and*
19 *the legal descriptions provided under this subsection*
20 *shall be on file and available for public inspection in*
21 *the office of the Director of the Bureau of Land Man-*
22 *agement, and the office of the State Director of the*
23 *Bureau of Land Management in the State of Utah,*
24 *Department of the Interior.*

1 (2) *HAZARDOUS MATERIALS.*—*The Secretary*
2 *and, as a condition of the exchange under this section,*
3 *the State of Utah shall make available for review and*
4 *inspection all pertinent records relating to hazardous*
5 *materials (if any) on lands to be exchanged under*
6 *this section. The responsibility for costs of remedial*
7 *action related to such materials shall be borne by*
8 *those entities responsible under existing law.*

9 (3) *PROVISIONS RELATING TO FEDERAL*
10 *LANDS.*—(A) *The enactment of this section Act shall*
11 *be construed as satisfying the provisions of section*
12 *206(a) of the Federal Land Policy and Management*
13 *Act of 1976 requiring that exchanges of lands be in*
14 *the public interest.*

15 (B) *The transfer of lands and related activities*
16 *required of the Secretary under this section shall not*
17 *be subject to National Environmental Policy Act of*
18 *1969.*

19 (C) *The value of Federal lands transferred to the*
20 *State under this section shall be adjusted to reflect the*
21 *right of the State of Utah to share in revenue from*
22 *such Federal lands.*

23 (D) *Subject to valid existing rights, the Federal*
24 *lands described in subsection (c)(2) are hereby with-*
25 *drawn from disposition under the public land laws*

1 *and from location, entry, and patent under the min-*
2 *ing laws of the United States, from the operation of*
3 *the mineral leasing laws of the United States, from*
4 *operation of the Geothermal Steam Act of 1970, and*
5 *from the operation of the Act of July 31, 1947, com-*
6 *monly known as the Materials Act of 1947 (30 U.S.C.*
7 *601 and following).*

8 *(f) ADMINISTRATION OF LANDS ACQUIRED BY THE*
9 *UNITED STATES.—The lands and interests in lands ac-*
10 *quired by the United States under this section shall be*
11 *added to and administered as part of areas of the public*
12 *lands, as indicated on the maps referred to in this section*
13 *or in section 2, as applicable.*

14 **SEC. 12. LAND APPRAISAL.**

15 *Lands and interests in lands acquired pursuant to this*
16 *Act shall be appraised without regard to the presence of a*
17 *species listed as threatened or endangered pursuant to the*
18 *Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).*

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