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SENATE

{ REPORT
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SAWTOOTH NATIONAL RECREATION AREA AND JERRY PEAK WILDERNESS ADDITIONS ACT

SEPTEMBER 9, 2015.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 583]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 583) 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, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 583 is 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.

BACKGROUND AND NEED

The Boulder-White Clouds region of central Idaho is renowned for its high wild country of mountain peaks and alpine lakes. The region includes the Sawtooth National Recreation Area, encompassing approximately 780,000 acres within the Sawtooth and Salmon-Challis National Forests. The region provides world-class recreation opportunities for sportsmen, mountain and motor bike users, skiers, snowmobilers, and hikers.

S. 583 would designate three new wilderness areas within and adjacent to the Sawtooth National Recreation Area, including adjacent lands managed by the Bureau of Land Management. The three new wilderness areas are: the 67,998-acre Hemingway-Boul-

ders Wilderness, the 90,769-acre White Cloud Wilderness, and the 116,898-acre Jim McClure-Jerry Peak Wilderness. These areas include spectacular views across several mountain ranges and valleys, and are popular recreational areas for hunting, fishing, hiking, and camping. These areas would be linked together by existing roads and trails, complementing the Sawtooth Wilderness, created in 1972. In addition, the bill would release four wilderness study areas for multiple use management: the Jerry Peak Wilderness Study Area, the Jerry Peak West Wilderness Study Area, the Corral-Horse Basin Wilderness Study Area, and the Boulder Creek Wilderness Study Area.

S. 583 would also continue recreation opportunities and access for motorized and mechanized uses by excluding most areas presently open to motorized or mechanized use from the designated wilderness areas, including the popular Germania Creek and Frog Lake Loop trails. S. 583 would close the Ants Basin and Castle Divide trails that run through the proposed wilderness to motorized and mechanized use consistent with the Wilderness Act.

Because wilderness areas may only be designated by an Act of Congress, legislation is necessary to designate the Hemingway-Boulder Wilderness, White Cloud Wilderness, and Jim McClure-Jerry Peak Wilderness within and adjacent to the National Conservation Area.

LEGISLATIVE HISTORY

S. 583 was introduced by Senator Risch on February 26, 2015. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on May 21, 2015.

In the 111th Congress, Senators Crapo and Risch introduced a similar bill, S. 3294, on April 30, 2010. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on June 16, 2010 (S. Hrg. 111-730). Representatives Simpson and Minnick introduced identical legislation, H.R. 5205, on May 4, 2010.

A companion measure (H.R. 1138) was introduced in the House by Representative Simpson on February 26, 2015. At a business meeting on July 9, 2015, the House Natural Resources Committee reported the bill. The House of Representatives passed H.R. 1138 on July 27, 2015. The Senate passed H.R. 1138 on August 4, 2015. The President signed H.R. 1138 into law on August 7, 2015. H.R. 1138 became Public Law No. 114-46.

At its business meeting on July 30, 2015, the Committee on Energy and Natural Resources on a voice vote ordered S. 583 favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 30, 2015, by a majority voice vote of a quorum present, recommends that the Senate pass S. 583.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title.

Section 2 contains definitions.

TITLE I

Section 101 designates approximately 275,665 acres as wilderness in three new wilderness areas in central Idaho: the Hemingway-Boulders Wilderness, the White Clouds Wilderness, and the Jim McClure-Jerry Peak Wilderness. *Section 102(a)* provides that the wilderness areas shall be administered by the Secretary of Agriculture and the Secretary of the Interior, as applicable, subject to valid existing rights and in accordance with the Wilderness Act. *Section 102(b)* directs the Secretary of Agriculture, the Secretary of the Interior, and the Bureau of Land Management to seek to ensure that the wilderness areas are interpreted as an overall complex linked by common location and identity. *Section 102(c)* requires the Secretaries to develop wilderness management plans collaboratively for the new areas within three years of the date of enactment. *Section 102(d)* clarifies that the Secretaries may take measures necessary for the control of fire, insects, and disease in accordance with the Wilderness Act. *Section 102(e)* allows for the grazing of livestock to continue within wilderness areas where grazing is established prior to the date of enactment of this act. Federal grazing permittees and lessees with grazing rights located within the Boulder White Clouds Grazing Area may voluntarily donate their grazing permits or leases in whole or in part to the appropriate managing agency. The Secretary concerned is directed to terminate the donated permit or lease and permanently reduce the authorized level of grazing on the land covered by the donated permanent or lease. *Section 102(f)* contains wilderness management language clarifying that outfitting and guide activities can continue as authorized in the Wilderness Act. *Section 102(g)* clarifies that nothing in the title affects the jurisdiction of the State of Idaho with respect to the management of fish and wildlife on public land in the State. *Section 102(h)* clarifies that owners of private property within the wilderness areas will be provided adequate access to their property.

Section 103 denies any Federal reserved water rights with respect to the new wilderness areas and prohibits the President from authorizing any new water resource facilities, as defined in this section, within the new wilderness areas.

Section 104 clarifies that nothing in title I restricts or precludes low-level military overflights, flight testing and evaluation, and the designation of new units of special use airspace or the establishment of military flight training routes.

Section 105 clarifies that nothing in title I creates a protective buffer zone around the wilderness areas or restricts activities or land use outside the wilderness areas.

Section 106 states that nothing in title I diminishes the treaty rights of any Indian tribe.

Section 107 allows for the Secretaries to acquire inholdings by donation, exchange, or purchase from willing sellers and directs them to seek an exchange with the State for lands within the wilderness areas within three years. If any land or interest in land located inside the boundary of a wilderness area is acquired by the United States, it will become part of the wilderness area and be administered as part of it.

Section 108(a) repeals the portion of the Sawtooth National Recreation Area (NRA) establishing legislation (section 5 of Public Law 92-400; 16 U.S.C. 460aa-4) that requires review of undeveloped areas for suitability for inclusion in the National Wilderness Preservation System. The remainder of the Sawtooth NRA that is not designated as wilderness is released from further study and no longer must be managed to maintain its wilderness character. *Section 108(b)* releases certain public land administered by the Bureau of Land Management within the following wilderness study areas for multiple use management: Jerry Peak Wilderness Study Area, Jerry Peak West Wilderness Study Area, Corral-Horse Basin Wilderness Study Area, and Boulder Creek Wilderness Study Area.

TITLE II

Section 201 contains the short title.

Section 202 directs the Secretary of Agriculture to issue a special use permit or convey up to one acre of land to Blaine County for use as a school bus turnaround.

Section 203 directs the Secretary of the Interior to convey to Custer County approximately 114 acres of land for use as a public park and campground, approximately 10 acres for use as a fire hall, and approximately 80 acres for use as a waste transfer site. This section also directs the Secretary of Agriculture to convey a Forest Service road to the City of Stanley with the condition that Custer County relocate a portion of the road.

Section 204 directs the Secretary of the Interior to convey approximately 460 acres of land to the City of Challis to be used for public purposes consistent with the uses under the Recreation and Public Purposes Act.

Section 205 directs the Secretary of the Interior to convey to the City of Clayton approximately 23 acres of land for use as a public cemetery, approximately two acres for use as a public park or other public purpose consistent with the uses under the Recreation and Public Purposes Act, approximately two acres for location of a water tower, approximately six acres for use as a wastewater treatment facility, and approximately two acres for use as a fire hall.

Section 206 directs the Secretary of Agriculture to convey to the City of Stanley approximately four acres within the Sawtooth NRA but outside the area managed by the Sawtooth Interpretive and Historical Association under a special use permit, to be developed to provide workforce housing for persons employed by the city or its environs. *Section 206(b)* provides that the City may construct up to 20 apartments, limits the height of the units to two stories and requires them to blend into the terrain. *Section 206(c)* specifies that the private land use regulations of Sawtooth NRA will not apply to this parcel. *Section 206(d)* requires the Secretary to remove the existing structure located on the parcel. *Section 206(e)* allows the City to contract for the development and management of the apartments so long as the City retains ownership of the parcel in perpetuity.

Section 207(a) states that the Secretary may set appropriate terms and conditions on the special use permits or land conveyances. *Section 207(b)* specifies that if any parcel of land conveyed under this title ceases to be used for the public purpose for which it was conveyed, the land may revert to the United States if the

Secretary determines that the reversion is in the best interest of the United States.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 583. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 583, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 583, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the U.S. Forest Service and the Bureau of Land Management at the May 21, 2015, Public Lands, Forests, and Mining Subcommittee hearing on S. 583 follows:

STATEMENT OF TIMOTHY M. MURPHY, ACTING ASSISTANT DIRECTOR, NATIONAL CONSERVATION LANDS & COMMUNITY PARTNERSHIPS, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the invitation to testify on S. 583, Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act. The Department of the Interior supports S. 583 as it applies to lands managed by the Bureau of Land Management (BLM) and would like the opportunity to work with the sponsor and the Committee on technical modifications to the legislation and minor boundary modifications to improve manageability. We defer to the Department of Agriculture regarding provisions of S. 583 which apply to National Forest System Lands.

BACKGROUND

The Boulder-White Clouds area of central Idaho captivates the imagination with crystal lakes, high mountain backcountry, and abundant wildlife. Hunters, hikers, ranchers and other stakeholders have come together to

support preservation of these unique and treasured lands managed by the U.S. Forest Service (FS) and the BLM.

The lands managed by the BLM in this region represent diverse ecosystems ranging from lower elevation sagebrush and grasses to lodgepole and limber pine at the higher elevations. There are large forested areas in the upper reaches of Bear, Mosquito, Sage, and Lake Creek drainages. The highest point is Jerry Peak at over 10,000 feet where there are spectacular vistas of the surrounding mountain ranges. Herd Lake, at over 7,000 feet, is a small blue gem within the steep rocky terrain. From the small Herd Lake campsite visitors can hike the trail along the creek to Herd Lake. The shores of the lake have scattered pines and there are wonderful opportunities to fish for rainbow trout.

This varied and magnificent terrain provides habitat for wildlife, including deer, elk, black bear, mountain lion, bighorn sheep, and antelope. Coyotes and golden eagles are also common. The area is attractive to hunters and a significant portion of the yearly visitation occurs during hunting season.

S. 583

S. 583 is the result of many years of collaborative efforts by the Idaho Congressional delegation. Their dedication to resolving public land use issues in central Idaho is commendable. Title I of the bill designates three new wilderness areas—Jim McClure-Jerry Peak Wilderness (approximately 117,000 acres), White Clouds Wilderness (approximately 91,000 acres), and Hemingway-Boulders Wilderness (approximately 68,000 acres) and contains provisions related to their administration. Approximately 24,000 acres of the proposed Jerry Peak Wilderness are managed by the BLM, along with approximately 450 acres of the proposed White Clouds Wilderness. The FS manages the other federal lands within the proposed wilderness areas. The Department of the Interior supports the proposed wilderness designations on lands managed by the BLM and would welcome the opportunity to work with the sponsor and the Committee on minor boundary modifications to the Jerry Peak Wilderness to improve manageability. We would also like to recommend minor modifications to management language to be consistent with usual wilderness management language. Section 108 releases nearly 80,000 acres of BLM-managed lands in four wilderness study areas (WSAs) from WSA restrictions.

Livestock grazing on the public lands designated as wilderness, and in the surrounding area, is addressed in section 102(e) of the bill. The BLM supports this standard language on the management of livestock grazing on public lands within designated wilderness. Section 102(e) also establishes the “Boulder White Clouds Grazing Area” on nearly 770,000 acres of public lands administered by the FS and BLM—surrounding and including the three areas designated as wilderness. Under the provisions of this sec-

tion, ranchers with Federal grazing permits or leases within this area may choose to voluntarily donate their permits or leases to the Secretary of Agriculture or Interior. The Secretaries are required to accept these donations, and to permanently terminate all grazing on the land covered by the permit or lease. Partial donation and congruent partial termination of grazing is also provided for under this subsection. Grazing can be a compatible use within wilderness, and there is a long history of legislation accommodating grazing within wilderness designations. However, we also recognize and support the proposal by the Idaho delegation to allow voluntary and permanent reductions in grazing in these unique and environmentally sensitive areas.

Title II of S. 583 provides for the conveyance, at no cost, of 12 small tracts of public lands to local governments for public purposes. The BLM generally supports the conveyances of nine individual parcels of BLM-administered lands to local governments, but notes that some of the parcels to be conveyed contain habitat for the Greater Sage-Grouse. We would like the opportunity to work with the sponsor on modifications to some of the conveyances to minimize impacts to Greater Sage-Grouse habitat. We defer to the FS regarding three conveyances of National Forest System lands. As provided in the bill, each of the conveyances of lands managed by the BLM would be for uses consistent with public purposes allowed under the R&PP Act, which authorizes the Secretary of the Interior to lease or convey public lands at nominal cost for recreational and public purposes, including parks and other facilities benefiting the public. In general, the BLM supports appropriate legislative conveyances if the lands are to be used for purposes consistent with the Recreation and Public Purposes (R&PP) Act, if the conveyance includes a reversionary clause to enforce this requirement, and if the benefitting local government is responsible for the administrative costs of the conveyance.

Among the proposed conveyances of BLM-administered public lands are 10 acres for a fire hall, 80 acres for a waste transfer site to Custer County, and 23 acres to the city of Clayton for a cemetery. The BLM has reviewed each of these conveyances in the bill. We believe they are in the public interest, and support their no-cost conveyance for uses that would be allowed under the R&PP Act if the bill is amended to provide that the receiving parties cover the costs of the conveyances, including any needed surveys and the preparation of conveyance documents.

CONCLUSION

Thank you for the opportunity to testify in support of S. 583. We applaud the work of the Idaho delegation, of the sponsor of this bill, Senator Risch, and the vision and commitment of Congressman Mike Simpson, who has championed the effort to protect these unique landscapes in

Idaho for over a decade in partnership with his colleagues in the Senate.

We look forward to working with Members of the Idaho delegation and the Committee to make further, minor modifications to the bill to permanently protect these important landscapes as a part of the National Wilderness Preservation System and to effect the land transfers directed in the bill to provide specific public benefits to local communities.

STATEMENT OF LESLIE WELDON, DEPUTY CHIEF NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 583, the "Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act". To Senator Risch and other members of the Idaho delegation, we wish to thank you for your work on this bill. The Department supports the bill as it applies to lands managed by the Forest Service. We have included recommendations for your consideration, and we have also included concerns with the Bill that we would like to work with the Committee and sponsor to address. We defer to the Department of the Interior for matters concerning land administered by the Bureau of Land Management.

TITLE I—WILDERNESS DESIGNATIONS

Section 101 would add additional areas in central Idaho to the National Wilderness Preservation System—68,000 acres in the Sawtooth and Challis National Forests to be known as the "Hemingway-Boulders Wilderness"; 90,777 acres in the Sawtooth and Challis National Forests to be known as the "White Clouds Wilderness"; and approximately 120,148 acres in the Salmon-Challis National Forest and Challis District of the Bureau of Land Management to be known as the "Jim McClure-Jerry Peak Wilderness."

The Department supports designation of the Hemingway-Boulders, White Clouds and Jim McClure-Jerry Peak Wildernesses as depicted on the maps referenced in the Bill. Most of the National Forest System acres that would be designated as wilderness by the bill were recommended for wilderness designation in their respective forest plan. The National Forest System acres that would be designated as wilderness by the bill that were not recommended for wilderness in their plan are either inventoried roadless areas or their current management direction is compatible with wilderness designation.

We recommend that language be added to the bill that would authorize the agency to maintain historical structures that may exist in the designated wilderness areas.

The agency has language that we would be happy to share with you.

Section 102(e)(1) addresses livestock grazing on the lands designated as wilderness. The Department supports the language requiring the continuation of existing livestock grazing within designated wilderness in accordance with the 1964 Wilderness Act and House Report 96-617, also known as the “Congressional Grazing Guidelines.” We also support the proposal by the Idaho delegation in section 102(e)(2) to allow voluntary and permanent reductions in grazing in the designated areas. We would like to work with the sponsor and Committee on technical issues with the language of section 102(e)(2) regarding the donation of grazing permits. The Department also has minor technical corrections regarding references to provisions of the Wilderness Act in Section 102 of the Bill that we would be happy to share with the Committee.

The Department has concerns with section 103(b). The President’s discretion under the Wilderness Act to review and approve any potential water resource facilities that is deemed in the national interest should not be limited.

TITLE II—AND CONVEYANCES FOR PUBLIC PURPOSES

Section 202 requires either conveyance or issuance of a special use authorization of a one acre parcel to Blaine County, Idaho for a school bus turnaround. Recently, Blaine County commissioners informed the Forest Service that they are no longer interested in developing a turnaround at this location. We recommend removing this section.

Section 203(d) requires the conveyance, without consideration, of the Forest Service road that passes through the parcel of National Forest System land, to the City of Stanley, Idaho, under section 206. The Department has concerns with conveying the road because the Forest Service currently manages the parcel that the road accesses. In addition, the Department believes the public should be appropriately compensated for its resources.

Section 206 requires the Secretary of Agriculture to convey an approximately four-acre parcel to the City of Stanley, Idaho for workforce housing. The City of Stanley is iconic on the central Idaho landscape. It is also a Designated Community under the Private Land Regulation and intrinsic to the Sawtooth National Recreation Area. The Department recognizes that the need for local workforce housing is a challenging concern for the City. We share that concern as the lack of housing can result in unauthorized use of National Forest System lands. However, the Department has concerns with section 206 as currently drafted and would like to work with the Committee to resolve these concerns.

The bill directs conveyance of the parcel for no consideration. Our consistently-held position is that the public must be compensated for its resources. Additionally, the bill requires removal of Forest Service improvements that

are currently being used at the public's expense. The identified parcel is physically separated from the City of Stanley and surrounded by Federal land. We would welcome the opportunity to work with the sponsors and the City to identify a parcel that is potentially better suited for private development, including a Federal parcel within the developed area of Stanley and adjacent to existing infrastructure.

This concludes my remarks. Thank you for the opportunity to testify.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 583, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AN ACT To establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes.

(Public Law 92-400)

* * * * *

【SEC. 5. The Secretary shall, as soon as practicable after the enactment of this Act, review the undeveloped and unimproved portion or portions of the recreation area as to suitability or nonsuitability for preservation as a part of the National Wilderness Preservation System. In conducting his review, the Secretary shall comply with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies, and shall advise the Senate and House of Representatives of his recommendations with respect to the designation as wilderness of the area or areas reviewed.】

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