

109TH CONGRESS
1ST SESSION

H. R. 1503

To designate certain lands in the Cedar Mountains in the State of Utah as wilderness, to ensure the compatibility of such wilderness and wildness study areas with continued access by the Armed Forces to the special use airspace and lands that comprise the Utah Test and Training Range, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2005

Mr. BISHOP of Utah (for himself, Mr. MATHESON, and Mr. CANNON) introduced the following bill; which was referred to the Committee on Resources

A BILL

To designate certain lands in the Cedar Mountains in the State of Utah as wilderness, to ensure the compatibility of such wilderness and wildness study areas with continued access by the Armed Forces to the special use airspace and lands that comprise the Utah Test and Training Range, 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 Test and Train-
5 ing Range Protection Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) The term “covered wilderness” means the
4 wilderness area designated by this Act and wilder-
5 ness study areas located near lands withdrawn for
6 military use and beneath special use airspace critical
7 to the support of military test and training missions
8 at the Utah Test and Training Range, including the
9 Deep Creek, Fish Springs, Swasey Mountain, Howell
10 Peak, Notch Peak, King Top, Wah Wah Mountain,
11 and Conger Mountain units designated by the De-
12 partment of the Interior.

13 (2) The term “Tribe” means the Skull Valley
14 Band of Goshute Indians.

15 (3) The term “Utah Test and Training Range”
16 means those portions of the military operating area
17 of the Utah Test and Training Area located solely
18 in the State of Utah. The term includes the Dugway
19 Proving Ground.

20 (4) The term “Wilderness Act” means Public
21 Law 88–577, approved September 3, 1964 (16
22 U.S.C. 1131 et seq.).

23 **SEC. 3. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH**
24 **TEST AND TRAINING RANGE.**

25 (a) FINDINGS.—The Congress finds the following:

1 (1) The testing and development of military
2 weapons systems and the training of military forces
3 are critical to ensuring the national security of the
4 United States.

5 (2) The Utah Test and Training Range in the
6 State of Utah is a unique and irreplaceable national
7 asset at the core of the test and training mission of
8 the Department of Defense.

9 (3) The Cedar Mountain Wilderness Area des-
10 igned by section 5, as well as several wilderness
11 study areas, are located near lands withdrawn for
12 military use or are beneath special use airspace crit-
13 ical to the support of military test and training mis-
14 sions at the Utah Test and Training Range.

15 (4) The Utah Test and Training Range and
16 special use airspace withdrawn for military uses cre-
17 ate unique management circumstances for the cov-
18 ered wilderness in this Act, and it is not the intent
19 of Congress that passage of this Act shall be con-
20 strued as establishing a precedent with respect to
21 any future national conservation area or wilderness
22 designation.

23 (5) Continued access to the special use airspace
24 and lands that comprise the Utah Test and Training
25 Range, under the terms and conditions described in

1 this section, is a national security priority and is not
2 incompatible with the protection and proper manage-
3 ment of the natural, environmental, cultural, and
4 other resources of such lands.

5 (b) OVERFLIGHTS.—Nothing in this Act or the Wil-
6 derness Act shall preclude low-level overflights and oper-
7 ations of military aircraft, helicopters, missiles, or un-
8 manned aerial vehicles over the covered wilderness, includ-
9 ing military overflights and operations that can be seen
10 or heard within the covered wilderness.

11 (c) SPECIAL USE AIRSPACE AND TRAINING
12 ROUTES.—Nothing in this Act or the Wilderness Act shall
13 preclude the designation of new units of special use air-
14 space, the expansion of existing units of special use air-
15 space, or the use or establishment of military training
16 routes over the covered wilderness.

17 (d) COMMUNICATIONS AND TRACKING SYSTEMS.—
18 Nothing in this Act shall prevent any required mainte-
19 nance of existing communications, instrumentation, or
20 electronic tracking systems (or infrastructure supporting
21 such systems) or prevent the installation of new commu-
22 nication, instrumentation, or other equipment necessary
23 for effective testing and training to meet military require-
24 ments in wilderness study areas located beneath special
25 use airspace comprising the Utah Test and Training

1 Range, including the Deep Creek, Fish Springs, Swasey
2 Mountain, Howell Peak, Notch Peak, King Top, Wah Wah
3 Mountain, and Conger Mountain units designated by the
4 Department of Interior, so long as the Secretary of the
5 Interior, after consultation with the Secretary of the Air
6 Force, determines that the installation and maintenance
7 of such systems, when considered both individually and
8 collectively, comply with section 603 of the Federal Land
9 Policy and Management Act of 1976 (43 U.S.C. 1782).

10 (e) EMERGENCY ACCESS AND RESPONSE.—Nothing
11 in this Act or the Wilderness Act shall preclude the con-
12 tinuation of the memorandum of understanding in exist-
13 ence as of the date of enactment of this Act between the
14 Department of the Interior and the Department of the Air
15 Force with respect to emergency access and response.

16 (f) PROHIBITION ON GROUND MILITARY OPER-
17 ATIONS.—Except as provided in subsections (d) and (e),
18 nothing in this section shall be construed to permit a mili-
19 tary operation to be conducted on the ground in covered
20 wilderness in the Utah Test and Training Range unless
21 such ground operation is otherwise permissible under Fed-
22 eral law and consistent with the Wilderness Act.

1 **SEC. 4. PLANNING PROCESS FOR FEDERAL LANDS IN UTAH**

2 **TEST AND TRAINING RANGE.**

3 (a) ANALYSIS OF MILITARY READINESS AND OPER-
4 ATIONAL IMPACTS.—The Secretary of the Interior shall
5 develop, maintain, and revise land use plans pursuant to
6 section 202 of the Federal Land Policy and Management
7 Act of 1976 (43 U.S.C. 1712) for Federal lands located
8 in the Utah Test and Training Range in consultation with
9 the Secretary of Defense. As part of the required consulta-
10 tion in connection with a proposed revision of a land use
11 plan, the Secretary of Defense shall prepare and transmit
12 to the Secretary of the Interior an analysis of the military
13 readiness and operational impacts of the proposed revision
14 within six months of a request from the Secretary of Inte-
15 rior.

16 (b) LIMITATION ON RIGHTS-OF-WAYS.—The Sec-
17 retary of the Interior shall not grant or issue any author-
18 izations for rights-of-way under section 501(a)(6) of the
19 Federal Land Policy and Management Act of 1976 (43
20 U.S.C. 1761(a)(6)) upon Federal lands identified as in-
21 ventory units UTU–020–086, UTU–020–088, UTU–020–
22 095, UTU–020–096, UTU–020–100, UTU–020–101,
23 UTU–020–103, UTU–020–104, UTU–020–105, and
24 UTU–020–110, as generally depicted on the map entitled
25 “Wilderness Inventory, State of Utah” and dated August
26 1979, until the later of the following:

1 (1) The completion of a full revision of the
2 Pony Express Area Resource Management Plan,
3 dated January 12, 1990, by the Salt Lake Field Of-
4 fice of the Bureau of Land Management.

5 (2) January 1, 2015.

6 **SEC. 5. DESIGNATION AND MANAGEMENT OF CEDAR MOUN-**
7 **TAIN WILDERNESS, UTAH.**

8 (a) DESIGNATION.—Certain Federal lands in Tooele
9 County, Utah, as generally depicted on the map entitled
10 “Cedar Mountain Wilderness” and dated March 7, 2004,
11 are hereby designated as wilderness and, therefore, as a
12 component of the National Wilderness Preservation Sys-
13 tem to be known as the Cedar Mountain Wilderness Area.

14 (b) WITHDRAWAL.—Subject to valid existing rights,
15 the Federal lands in the Cedar Mountain Wilderness Area
16 are hereby withdrawn from all forms of entry, appropria-
17 tion, or disposal under the public land laws, from location,
18 entry, and patent under the United States mining laws,
19 and from disposition under all laws pertaining to mineral
20 and geothermal leasing, and mineral materials, and all
21 amendments to such laws.

22 (c) MAP AND DESCRIPTION.—(1) As soon as prac-
23 ticable after the date of the enactment of this Act, the
24 Secretary of the Interior shall transmit a map and legal
25 description of the Cedar Mountain Wilderness Area to the

1 Committee on Resources of the House of Representatives
2 and the Committee on Energy and Natural Resources of
3 the Senate.

4 (2) The map and legal description shall have the
5 same force and effect as if included in this Act, except
6 that the Secretary of the Interior may correct clerical and
7 typographical errors in the map and legal description.

8 (3) The map and legal description shall be on file and
9 available for public inspection in the office of the Director
10 of the Bureau of Land Management and the office of the
11 State Director of the Bureau of Land Management in the
12 State of Utah.

13 (d) ADMINISTRATION.—Subject to valid existing
14 rights and this Act, the Cedar Mountain Wilderness Area
15 shall be administered by the Secretary of the Interior in
16 accordance with the provisions of the Wilderness Act, ex-
17 cept that any reference in such provisions to the effective
18 date of the Wilderness Act (or any similar reference) shall
19 be deemed to be a reference to the date of the enactment
20 of this Act.

21 (e) LAND ACQUISITION.—Any lands or interest in
22 lands within the boundaries of the Cedar Mountain Wil-
23 derness Area acquired by the United States after the date
24 of the enactment of this Act shall be added to and admin-
25 istered as part of the Cedar Mountain Wilderness Area.

1 (f) FISH AND WILDLIFE MANAGEMENT.—As pro-
2 vided in section 4(d)(7) of the Wilderness Act (16 U.S.C.
3 1133(d)(7)), nothing in this Act shall be construed as af-
4 fecting the jurisdiction of the State of Utah with respect
5 to fish and wildlife on the Federal lands located in that
6 State.

7 (g) GRAZING.—Within the Cedar Mountain Wilder-
8 ness Area, the grazing of livestock, where established be-
9 fore the date of the enactment of this Act, shall be per-
10 mitted to continue subject to such reasonable regulations,
11 policies, and practices as the Secretary of the Interior con-
12 siders necessary, as long as such regulations, policies, and
13 practices fully conform with and implement the intent of
14 Congress regarding grazing in such areas, as such intent
15 is expressed in the Wilderness Act, section 101(f) of Pub-
16 lic Law 101–628 (104 Stat. 4473), and appendix A of the
17 Report of the Committee on Interior and Insular Affairs
18 to accompany H.R. 2570 of the 101st Congress (H. Rept.
19 101–405).

20 (h) BUFFER ZONES.—Congress does not intend for
21 the designation of the Cedar Mountain Wilderness Area
22 to lead to the creation of protective perimeters or buffer
23 zones around the wilderness area. The fact that nonwilder-
24 ness activities or uses can be seen or heard within the wil-

1 derness area shall not, of itself, preclude such activities
2 or uses up to the boundary of the wilderness area.

3 (i) **RELEASE FROM WILDERNESS STUDY AREA STA-**
4 **TUS.**—The lands identified as the Browns Spring
5 Cherrystem on the map entitled “Proposed Browns Spring
6 Cherrystem” and dated May 11, 2004, are released from
7 their status as a wilderness study area, and shall no longer
8 be subject to the requirements of section 603(c) of the
9 Federal Land Policy and Management Act of 1976 (43
10 U.S.C. 1782(c)) pertaining to the management of wilder-
11 ness study areas in a manner that does not impair the
12 suitability of those areas for preservation of wilderness.

13 **SEC. 6. BUREAU OF LAND MANAGEMENT LAND IN UTAH**
14 **TAKE INTO TRUST FOR SKULL VALLEY BAND**
15 **OF GOSHUTES.**

16 (a) **PLACEMENT IN TRUST.**—Not later than Decem-
17 ber 31, 2005, the Secretary of the Interior shall place the
18 land identified on the map entitled _____ and
19 dated _____ into trust for the purposes of eco-
20 nomic development for the Tribe. At least 30 days before
21 placing the land in trust for the Tribe, the Secretary shall
22 publish in the Federal Register legal descriptions of the
23 land to be placed in trust.

24 (b) **MANAGEMENT OF TRUST LAND.**—The land
25 placed into trust for the Tribe under subsection (a) shall

1 be administered in accordance with laws generally applica-
2 ble to property held in trust by the United States for In-
3 dian Tribes, except that the land shall immediately revert
4 to the administrative control of the Bureau of Land Man-
5 agement if the Tribe—

6 (1) sells, or attempts to sell, any part of the
7 land; or

8 (2) attempts to facilitate or allow any commer-
9 cial activity to take place on the land that is not in
10 compliance with the laws of the State of Utah, in-
11 cluding section 19–3–315 Utah Code Annotated.

12 (c) EFFECT.—Nothing in this section—

13 (1) affects any valid right-of-way, lease, permit,
14 mining claim, grazing permit, water right, or other
15 right or interest of any person or entity (other than
16 the United States) in or to the trust land that exists
17 before the date on which the land is placed in trust
18 for the Tribe under subsection (a);

19 (2) enlarges, impairs, or otherwise affects a
20 right or claim of the Tribe to any land or interest
21 in land based on Aboriginal or Indian title that ex-
22 ists before the date of the enactment of this Act;

23 (3) constitutes an express or implied reservation
24 of water or water right for any purpose with respect
25 to the trust land; or

1 (4) affects any water right of the Tribe that ex-
2 ists before the date of the enactment of this Act.

3 **SEC. 7. RELATION TO OTHER LANDS AND LAWS.**

4 (a) OTHER LANDS.—Nothing in this Act shall be
5 construed to affect any Federal lands located outside of
6 the covered wilderness or the management of such lands.

7 (b) CONFORMING REPEAL.—Section 2815 of the Na-
8 tional Defense Authorization Act for Fiscal Year 2000
9 (Public Law 106–65; 113 Stat. 852) is amended by strik-
10 ing subsection (d).

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