

111TH CONGRESS
2D SESSION

H. R. 5205

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2010

Mr. SIMPSON (for himself and Mr. MINNICK) introduced the following bill;
which was referred to the Committee on Natural Resources

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.

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 “Central Idaho Economic Development and Recreation
6 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 the National Wilderness Preservation System.
 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. Blaine County, Idaho.
 Sec. 202. Custer County, Idaho.
 Sec. 203. City of Clayton, Idaho.
 Sec. 204. Terms and conditions of permits or land conveyances.

TITLE III—TRAVEL MANAGEMENT

- Sec. 301. Trail management.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) SECRETARY.—The term “Secretary”
 4 means—

5 (A) the Secretary of Agriculture, with re-
 6 spect to land administered by the Forest Serv-
 7 ice; or

8 (B) the Secretary of the Interior, with re-
 9 spect to land administered by the Bureau of
 10 Land Management.

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

TITLE I—WILDERNESS DESIGNATIONS

SEC. 101. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Idaho are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) HEMINGWAY-BOULDERS WILDERNESS.—
Certain Federal land in the Sawtooth and Challis National Forests, comprising approximately 110,370 acres, as generally depicted on the map entitled “Hemingway-Boulders Proposed Wilderness” and dated October 20, 2008, which shall be known as the “Hemingway-Boulders Wilderness”.

(2) WHITE CLOUDS WILDERNESS.—Certain Federal land in the Sawtooth and Challis National Forests, comprising approximately 90,888 acres, as generally depicted on the map entitled “White Clouds Proposed Wilderness” and dated October 20, 2008, which shall be known as the “White Clouds Wilderness”.

(3) JERRY PEAK WILDERNESS.—Certain Federal land in the Challis National Forest and Challis

1 District of the Bureau of Land Management, com-
2 prising approximately 131,670 acres, as generally
3 depicted on the map entitled “Jerry Peak Wilder-
4 ness” and dated August 30, 2006, which shall be
5 known as the “Jerry Peak Wilderness”.

6 (b) MAPS AND LEGAL DESCRIPTIONS.—

7 (1) IN GENERAL.—As soon as practicable after
8 the date of enactment of this Act, the Secretary
9 shall submit to the Committee on Energy and Nat-
10 ural Resources of the Senate and the Committee on
11 Natural Resources of the House of Representatives
12 a map and legal description for each wilderness area.

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

18 (3) AVAILABILITY.—Each map and legal de-
19 scription submitted under paragraph (1) shall be
20 available in the appropriate offices of the Forest
21 Service or the Bureau of Land Management.

22 (c) INCLUSION IN NATIONAL LANDSCAPE CONSERVA-
23 TION SYSTEM.—Land administered by the Bureau of
24 Land Management which is designated as wilderness by

1 this section shall be included in the National Landscape
2 Conservation System.

3 **SEC. 102. ADMINISTRATION.**

4 (a) IN GENERAL.—Subject to valid existing rights,
5 each wilderness area shall be administered by the Sec-
6 retary in accordance with the Wilderness Act (16 U.S.C.
7 1131 et seq.), except that—

8 (1) any reference in that Act to the effective
9 date shall be considered to be a reference to the date
10 of enactment of this Act; and

11 (2) with respect to wilderness areas that are ad-
12 ministered by the Secretary of the Interior, any ref-
13 erence in the Wilderness Act to the Secretary of Ag-
14 riculture shall be considered to be a reference to the
15 Secretary of the Interior.

16 (b) CONSISTENT INTERPRETATION.—The Secretary
17 of Agriculture and the Secretary of the Interior shall seek
18 to ensure that the wilderness areas are interpreted for the
19 public as an overall complex linked by—

20 (1) common location in the Boulder-White
21 Cloud Mountains; and

22 (2) common identity with the natural and cul-
23 tural history of the State of Idaho and the Native
24 American and pioneer heritage of the State.

1 (c) COMPREHENSIVE WILDERNESS MANAGEMENT
2 PLAN.—Not later than 3 years after the date of enactment
3 of this Act, the Secretary of Agriculture and the Secretary
4 of the Interior shall collaboratively develop wilderness
5 management plans for the wilderness areas.

6 (d) FIRE, INSECTS, AND DISEASE.—Within the wil-
7 derness areas, the Secretary may take such measures as
8 the Secretary determines to be necessary for the control
9 of fire, insects, and disease in accordance with section
10 4(d)(1) of the Wilderness Act (16 U.S.C. 1131(d)(1)).

11 (e) LIVESTOCK.—

12 (1) IN GENERAL.—Within the wilderness areas,
13 the grazing of livestock in which grazing is estab-
14 lished before the date of enactment of this Act shall
15 be allowed to continue, subject to such reasonable
16 regulations, policies, and practices as the Secretary
17 determines to be necessary, in accordance with—

18 (A) section 4(d)(4) of the Wilderness Act
19 (16 U.S.C. 1131(d)(4));

20 (B) with respect to wilderness areas ad-
21 ministered by the Secretary of Agriculture, the
22 guidelines described in House Report 96–617 of
23 the 96th Congress; and

24 (C) with respect to wilderness areas ad-
25 ministered by the Secretary of the Interior, the

guidelines described in appendix A of House Report 101–405 of the 101st Congress.

(2) DONATION OF GRAZING PERMITS AND
LEASES.—

(A) ACCEPTANCE BY SECRETARY.—

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

(ii) PARTIAL DONATION.—A person holding a valid grazing permit or lease for a grazing allotment partially within the area described in clause (i) may elect to donate only the portion of the grazing permit or lease that is within the area.

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

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

(ii) except as provided in subparagraph (C), ensure a permanent end to grazing on the land covered by the permit or lease or portion of the permit or lease.

(C) COMMON ALLOTMENTS.—

(i) IN GENERAL.—If the land covered by a permit or lease donated under subparagraph (A) is also covered by another valid grazing permit or lease that is not donated, the Secretary shall reduce the authorized level on the land covered by the permit or lease to reflect the donation of the permit or lease under subparagraph (A).

(ii) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing on the land covered by the permit or lease donated under subparagraph (A), the Secretary shall not allow grazing use to exceed the authorized level established under clause (i).

(D) PARTIAL DONATION.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use author-

1 ized under the permit or lease, the Secretary
2 shall—

- 3 (i) reduce the authorized grazing level
4 to reflect the donation; and
5 (ii) modify the permit or lease to re-
6 flect the revised level or area of use.

7 (f) OUTFITTING AND GUIDE ACTIVITIES.—In accord-
8 ance with section 4(d)(5) of the Wilderness Act (16 U.S.C.
9 1133(d)(5)), commercial services (including authorized
10 outfitting and guide activities) within the wilderness areas
11 are authorized to the extent necessary for activities which
12 are proper for realizing the recreational or other wilder-
13 ness purposes of the wilderness areas.

14 (g) FISH AND WILDLIFE.—

15 (1) IN GENERAL.—Nothing in this title affects
16 the jurisdiction of the State of Idaho with respect to
17 the management of fish and wildlife on public land
18 in the State, including the regulation of hunting,
19 fishing, and trapping within the wilderness areas.

20 (2) LIMITATIONS.—The Secretary, in consulta-
21 tion with the appropriate State agency (except in an
22 emergency), may designate areas in which, and es-
23 tablish periods during which, no hunting, fishing, or
24 trapping is permitted within the wilderness areas for

1 reasons of public safety, administration, or compli-
2 ance with existing laws.

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

8 **SEC. 103. WATER RIGHTS.**

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

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

15 (2) affects any water rights—

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

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

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

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

4 (b) NEW PROJECTS .—

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

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

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

21 Nothing in this title restricts or precludes—

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

1 (2) flight testing and evaluation; or

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

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

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

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

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

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

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

18 (a) ACQUISITION.—

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

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

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

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

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

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

11 (b) PUBLIC LAND.—

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

19 (A) Jerry Peak Wilderness Study Area.

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

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

24 (D) Boulder Creek Wilderness Study Area.

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

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

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

TITLE II—LAND CONVEYANCES FOR PUBLIC PURPOSES

SEC. 201. BLAINE COUNTY, IDAHO.

(a) SMILEY CREEK RURAL FIRE PROTECTION DISTRICT.—

(1) FIRE STATION.—

(A) IN GENERAL.—The Secretary of Agriculture (referred to in this subsection as the “Secretary”), in consultation with the Smiley Creek Rural Fire Protection District, shall identify an appropriate site (not to exceed 2 acres) in the vicinity of the Smiley Creek community, for construction and use of a fire station for the Smiley Creek Rural Fire Protection District.

1 (B) USE.—The Secretary may provide for
2 the use of the site identified under subpara-
3 graph (A) through a special use permit or con-
4 veyance to the Smiley Creek Rural Fire Protec-
5 tion District, without consideration.

6 (2) WELL SITE.—The Secretary may issue a
7 special use permit to the Smiley Creek Rural Fire
8 Protection District for development of a well to be
9 used for fire protection and other public purposes on
10 land identified by the Secretary and the Fire Protec-
11 tion District as appropriate for development of a
12 well.

13 (b) SCHOOL BUS TURNAROUND.—The Secretary of
14 Agriculture shall issue a special use permit or convey,
15 without consideration, to Blaine County, Idaho, not to ex-
16 ceed 1 acre of land for use as a school bus turnaround,
17 as generally depicted on the map entitled “Blaine County
18 Conveyance—Eagle Creek Parcel—Proposed” and dated
19 October 1, 2006.

20 **SEC. 202. CUSTER COUNTY, IDAHO.**

21 (a) PARK AND CAMPGROUND.—The Secretary of the
22 Interior shall convey to Custer County, Idaho, without
23 consideration, approximately 114 acres of land depicted
24 as “Parcel A” on the map entitled “Custer County and
25 City of Mackay Conveyances” and dated April 6, 2010,

1 for use as a public park and campground, consistent with
2 uses allowed under the Act of June 14, 1926 (commonly
3 known as the “Recreation and Public Purposes Act”), (43
4 U.S.C. 869 et seq.).

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

13 (c) SHOOTING RANGE.—The Secretary of the Inte-
14 rior shall convey to Custer County, Idaho, without consid-
15 eration, approximately 201 acres of land depicted as “Par-
16 cel A” on the map entitled “Custer County and City of
17 Challis Conveyances” and dated February 2, 2010, to be
18 used for a public shooting range, consistent with uses al-
19 lowed under the Act of June 14, 1926 (commonly known
20 as the “Recreation and Public Purposes Act”), (43 U.S.C.
21 869 et seq.).

22 (d) WASTE TRANSFER SITE.—The Secretary of the
23 Interior shall convey to Custer County, Idaho, without
24 consideration, approximately 80 acres of land depicted as
25 “Parcel C” on the map entitled “Custer County and City

1 of Mackay Conveyances” and dated April 6, 2010, to be
2 used for a waste transfer site, consistent with uses allowed
3 under the Act of June 14, 1926 (commonly known as the
4 “Recreation and Public Purposes Act”), (43 U.S.C. 869
5 et seq.).

6 (e) PUBLIC PURPOSES.—The Secretary of the Inte-
7 rior shall convey to the City of Challis, Idaho, without con-
8 sideration, approximately 460 acres of land within the
9 area generally depicted as “Parcel B” on the map entitled
10 “Custer County and City of Challis Conveyances” and
11 dated February 2, 2010, to be used for public purposes
12 consistent with uses allowed under the Act of June 14,
13 1926 (commonly known as the “Recreation and Public
14 Purposes Act”), (43 U.S.C. 869 et seq.)

15 **SEC. 203. CITY OF CLAYTON, IDAHO.**

16 (a) CEMETERY.—The Secretary of the Interior shall
17 convey to the City of Clayton, Idaho, without consider-
18 ation, approximately 23 acres of land depicted as “Parcel
19 A” on the map entitled “City of Clayton Conveyances”
20 and dated April 6, 2010, for use as a public cemetery.

21 (b) PARK.—The Secretary of the Interior shall con-
22 vey to the City of Clayton, Idaho, without consideration,
23 approximately 2 acres of land depicted as “Parcel B” on
24 the map entitled “City of Clayton Conveyances” and dated
25 April 6, 2010, for use as a public park or other public

1 purpose consistent with uses allowed under the Act of
2 June 14, 1926 (commonly known as the “Recreation and
3 Public Purposes Act”), (43 U.S.C. 869 et seq.).

4 (c) WATER TOWER.—The Secretary of the Interior
5 shall convey to the City of Clayton, Idaho, without consid-
6 eration, approximately 2 acres of land depicted as “Parcel
7 C” on the map entitled “City of Clayton Conveyances”
8 and dated April 6, 2010, for location of a water tower,
9 consistent with uses allowed under the Act of June 14,
10 1926 (commonly known as the “Recreation and Public
11 Purposes Act”), (43 U.S.C. 869 et seq.).

12 (d) WASTEWATER TREATMENT FACILITY.—The Sec-
13 retary of the Interior shall convey to the City of Clayton,
14 Idaho, without consideration, approximately 6 acres of
15 land depicted as “Parcel D” on the map entitled “City
16 of Clayton Conveyances” and dated April 6, 2010 (includ-
17 ing any necessary access right-of-way across the river), for
18 use as a wastewater treatment facility, consistent with
19 uses allowed under the Act of June 14, 1926 (commonly
20 known as the “Recreation and Public Purposes Act”), (43
21 U.S.C. 869 et seq.).

22 (e) FIRE HALL.—The Secretary of the Interior shall
23 convey to the City of Clayton, Idaho, without consider-
24 ation, approximately 2 acres of land depicted as “Parcel
25 E” on the map entitled “City of Clayton Conveyances”

1 and dated April 6, 2010, for use as a fire hall and related
 2 purposes, consistent with uses allowed under the Act of
 3 June 14, 1926 (commonly known as the “Recreation and
 4 Public Purposes Act”), (43 U.S.C. 869 et seq.).

5 **SEC. 204. TERMS AND CONDITIONS OF PERMITS OR LAND**
 6 **CONVEYANCES.**

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

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

17 **TITLE III—TRAVEL**
 18 **MANAGEMENT**

19 **SEC. 301. TRAIL MANAGEMENT.**

20 (a) **GERMANIA CREEK TRAIL.**—

21 (1) **IN GENERAL.**—The Secretary shall main-
 22 tain a trail for single track, 2-wheeled motorized and
 23 mechanized travel between the Hemingway-Boulders
 24 Wilderness designated by section 101(a)(1) and the

1 White Clouds Wilderness designated by section
2 101(a)(2).

3 (2) MANAGEMENT.—The Secretary shall man-
4 age the trail in accordance with applicable laws—

5 (A) to provide for recreational travel;

6 (B) to minimize any adverse impacts to
7 natural and cultural resources; and

8 (C) subject to such terms and conditions
9 as the Secretary may require.

10 (3) MONITORING.—The Secretary shall monitor
11 the trail to assess whether the trail is appropriately
12 maintained—

13 (A) to provide for recreational travel; and

14 (B) to minimize any adverse impacts to
15 natural and cultural resources.

16 (4) CLOSURE.—The Secretary may temporarily
17 close the trail to any or all uses—

18 (A) to minimize any adverse impacts to
19 natural and cultural resources;

20 (B) to protect public safety;

21 (C) for maintenance or other administra-
22 tive uses; or

23 (D) to provide opportunities for non-
24 motorized uses.

25 (b) FOREST SERVICE TRAILS 109 AND 671.—

(1) CLOSURE.—Subject to paragraph (2), the following Forest Service trails in the Sawtooth National Recreation Area shall be closed to motorized and mechanized travel:

(A) The portion of Forest Service Trail 109 between the Phyllis Lake turnoff to 4th of July Lake and the south side of Washington Lake.

(B) Forest Service Trail 671 down Warm Springs Creek from Forest Service Trail 646 to the wilderness boundary.

(2) EXCEPTIONS.—On the trails identified in paragraph (1), the Secretary may permit—

(A) use by over-snow vehicles when the snow cover is adequate—

(i) to provide safe recreational travel;

and

(ii) to minimize any adverse impacts to natural and cultural resources; and

(B) such administrative uses as the Secretary determines to be necessary.

(c) FROG LAKE LOOP TRAIL.—

(1) IN GENERAL.—Neither the designation of the White Clouds Wilderness by section 101(a)(2) nor the exclusion of portions of Forest Service trails

1 047 and 682 (commonly known as the “Frog Lake
2 Loop Trail”) from the wilderness shall affect the
3 management of those trails for motorized or mecha-
4 nized travel in accordance with existing laws.

5 (2) LIMITATION ON USE.—If the Secretary al-
6 lows for motorized or mechanized travel on portions
7 of Forest Service trails 047 and 682, the trails shall
8 be limited to single track, 2-wheeled motorized and
9 mechanized use.

10 (d) ACCESSIBLE TRAIL.—The Secretary shall make
11 such improvements as may be necessary to maintain the
12 first mile of the Murdock Creek Trail as a primitive,
13 nonpaved, and wheelchair-accessible trail.

○