

111TH CONGRESS
2D SESSION

S. 3310

To designate certain wilderness areas in the National Forest System in the State of South Dakota.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2010

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate certain wilderness areas in the National Forest System in the State of South Dakota.

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 “Tony Dean Cheyenne
5 River Valley Conservation Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture.

1 (2) STATE.—The term “State” means the State
2 of South Dakota.

3 (3) WILDERNESS AREA.—The term “wilderness
4 area” means any of the areas designated as compo-
5 nents of the National Wilderness Preservation Sys-
6 tem by section 3(a).

7 **SEC. 3. WILDERNESS AREAS.**

8 (a) DESIGNATION.—In accordance with the Wilder-
9 ness Act (16 U.S.C. 1131 et seq.), the following areas in
10 the State are designated as wilderness areas and as com-
11 ponents of the National Wilderness Preservation System:

12 (1) The approximately 27,500 acres of land, as
13 generally depicted on the map entitled “Indian
14 Creek East and Indian Creek West”, which shall be
15 known as the “Indian Creek Wilderness”.

16 (2) The approximately 16,007 acres of land, as
17 generally depicted on the map entitled “Red Shirt
18 and Red Shirt East”, which shall be known as the
19 “Red Shirt Wilderness”.

20 (3) The approximately 4,518 acres of land, as
21 generally depicted on the map entitled “Chalk
22 Hills”, which shall be known as the “Chalk Hills
23 Wilderness”.

24 (b) MAPS AND LEGAL DESCRIPTION.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of enactment of this Act, the Secretary
3 shall submit to the Committee on Energy and Nat-
4 ural Resources of the Senate and the Committee on
5 Natural Resources of the House of Representatives
6 a map and legal description for each wilderness area.

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

12 (3) AVAILABILITY.—Each map and legal de-
13 scription submitted under paragraph (1) shall be
14 available in the Office of the Chief of the Forest
15 Service.

16 (c) ADMINISTRATION.—

17 (1) IN GENERAL.—Subject to valid existing
18 rights, the wilderness areas shall be administered by
19 the Secretary in accordance with the Wilderness Act
20 (16 U.S.C. 1131 et seq.), except that any reference
21 in that Act to the effective date shall be considered
22 to be a reference to the date of enactment of this
23 Act.

1 (2) WITHDRAWAL.—Subject to valid existing
2 rights, the wilderness areas are withdrawn from all
3 forms of—

4 (A) entry, appropriation, or disposal under
5 the public land laws;

6 (B) location, entry, and patent under the
7 mining laws; and

8 (C) disposition under the mineral leasing,
9 mineral materials, and geothermal leasing laws.

10 (3) CONTINUATION OF LIVESTOCK GRAZING.—

11 In the wilderness areas, the grazing of livestock and
12 the maintenance of existing facilities related to graz-
13 ing in areas in which grazing is established as of the
14 date of enactment of this Act shall be allowed to
15 continue, consistent with—

16 (A) section 4(d)(4) of the Wilderness Act
17 (16 U.S.C. 1133(d)(4)); and

18 (B) the guidelines set forth in House Re-
19 port 96–617 to accompany H.R. 5487 of the
20 96th Congress.

21 (4) FISH AND WILDLIFE MANAGEMENT.—

22 (A) STATE JURISDICTION.—In accordance
23 with section 4(d)(7) of the Wilderness Act (16
24 U.S.C. 1133(d)(7)), nothing in this Act affects
25 or diminishes the jurisdiction of the State with

1 respect to fish and wildlife management in the
2 wilderness areas (including the regulation of
3 hunting, fishing, and trapping).

4 (B) MANAGEMENT ACTIVITIES.—In fur-
5 therance of the purposes and principles of the
6 Wilderness Act (16 U.S.C. 1131 et seq.), man-
7 agement activities to maintain or restore fish
8 and wildlife populations and the habitats to
9 support those populations may be carried out
10 within the wilderness areas in accordance with
11 relevant wilderness management plans and ap-
12 propriate policies (such as those described in
13 Appendix B of House Report 101–405 of the
14 101st Congress), including the occasional and
15 temporary use of motorized vehicles, if the Sec-
16 retary determines that the activities would—

17 (i) promote healthy, viable, and more
18 naturally distributed wildlife populations;
19 and

20 (ii) using the minimum tool necessary,
21 enhance wilderness values.

22 (5) FIRE, INSECTS, INVASIVE SPECIES, AND
23 DISEASES MANAGEMENT ACTIVITIES.—The Sec-
24 retary may undertake such measures as are nec-
25 essary to control and prevent fire, insects, invasive

species, and diseases, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), including the coordination of those activities with a State or local agency.

(6) MILITARY ACTIVITIES.—Nothing in this Act precludes—

(A) low-level overflights of military aircraft over the wilderness areas;

(B) the designation of new units of special airspace over the wilderness areas; or

(C) the use or establishment of military flight training routes over the wilderness areas.

(7) NATIVE AMERICAN USES AND INTERESTS.—Nothing in this Act diminishes the rights of Indian tribes with respect to access to Federal land for tribal activities (including spiritual, cultural, and traditional food-gathering activities).

(8) ACCESS TO PROPERTY.—The Secretary shall provide any owner of private property within the boundary of a wilderness area, including the State, adequate access to the private property.

(9) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—Consistent with applicable law, the Secretary may acquire from will-

1 ing sellers land or interests in land within the
2 boundaries of the wilderness areas by purchase,
3 donation, or exchange.

4 (B) INCORPORATION OF ACQUIRED
5 LAND.—Any land or interest in land within a
6 wilderness area that is acquired by the United
7 States shall be added to, and administered as
8 part of, the applicable wilderness area.

9 (10) ADJACENT MANAGEMENT.—

10 (A) NO PROTECTIVE PERIMETERS OR
11 BUFFER ZONES.—Congress does not intend for
12 the designation of a wilderness area to result in
13 the creation of protective perimeters or buffer
14 zones around any of the wilderness areas.

15 (B) NONWILDERNESS ACTIVITIES.—The
16 fact that nonwilderness activities or uses out-
17 side of a wilderness area can be seen or heard
18 from inside of the wilderness area shall not pre-
19 clude the conduct of the nonwilderness activities
20 or uses outside the boundaries of the wilderness
21 area.

22 **SEC. 4. PRAIRIE DOGS.**

23 Nothing in this Act enhances or diminishes the exist-
24 ing authority of the Secretary and the Secretary of the

- 1 Interior to manage prairie dog populations and habitats
- 2 on public land.

