

Calendar No. 113

113TH CONGRESS
1ST SESSION

S. 342

[Report No. 113-59]

To designate the Pine Forest Range Wilderness area in Humboldt County,
Nevada.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mr. REID (for himself and Mr. HELLER) introduced the following bill; which
was read twice and referred to the Committee on Energy and Natural
Resources

JUNE 27, 2013

Reported by Mr. WYDEN, without amendment

A BILL

To designate the Pine Forest Range Wilderness area in
Humboldt County, Nevada.

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 “Pine Forest Range
5 Recreation Enhancement Act of 2013”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COUNTY.—The term “County” means
4 Humboldt County, Nevada.

5 (2) MAP.—The term “Map” means the map en-
6 titled “Proposed Pine Forest Wilderness Area” and
7 dated July 5, 2011.

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (4) STATE.—The term “State” means the State
11 of Nevada.

12 (5) WILDERNESS.—The term “Wilderness”
13 means the Pine Forest Range Wilderness designated
14 by section 3(a).

15 **SEC. 3. ADDITION TO NATIONAL WILDERNESS PRESERVA-**
16 **TION SYSTEM.**

17 (a) DESIGNATION.—In furtherance of the purposes of
18 the Wilderness Act (16 U.S.C. 1131 et seq.), the approxi-
19 mately 26,000 acres of Federal land managed by the Bu-
20 reau of Land Management, as generally depicted on the
21 Map, is designated as wilderness and as a component of
22 the National Wilderness Preservation System, to be known
23 as the “Pine Forest Range Wilderness”.

24 (b) BOUNDARY.—

1 (1) ROAD ACCESS.—The boundary of any por-
 2 tion of the Wilderness that is bordered by a road
 3 shall be 100 feet from the edge of the road.

4 (2) ROAD ADJUSTMENTS.—The Secretary
 5 shall—

6 (A) reroute the road running through
 7 Long Meadow to the west to remove the road
 8 from the riparian area;

9 (B) reroute the road currently running
 10 through Rodeo Flat/Corral Meadow to the east
 11 to remove the road from the riparian area; and

12 (C) close, except for administrative use,
 13 the road along Lower Alder Creek south of Bu-
 14 reau of Land Management road #2083.

15 (3) RESERVOIR ACCESS.—The boundary of the
 16 Wilderness shall be 160 feet downstream from the
 17 dam at Little Onion Reservoir.

18 (c) MAP AND LEGAL DESCRIPTION.—

19 (1) IN GENERAL.—As soon as practicable after
 20 the date of enactment of this Act, the Secretary
 21 shall prepare a map and legal description of the Wil-
 22 derness.

23 (2) EFFECT.—The map and legal description
 24 prepared under paragraph (1) shall have the same
 25 force and effect as if included in this Act, except

1 that the Secretary may correct clerical and typo-
2 graphical errors in the map or legal description.

3 (3) AVAILABILITY.—The map and legal descrip-
4 tion prepared under paragraph (1) shall be on file
5 and available for public inspection in the appropriate
6 offices of the Bureau of Land Management.

7 (d) WITHDRAWAL.—Subject to valid existing rights,
8 the Wilderness is withdrawn from—

9 (1) all forms of entry, appropriation, and dis-
10 posal under the public land laws;

11 (2) location, entry, and patent under the mining
12 laws; and

13 (3) disposition under all laws relating to min-
14 eral and geothermal leasing or mineral materials.

15 **SEC. 4. ADMINISTRATION.**

16 (a) MANAGEMENT.—Subject to valid existing rights,
17 the Wilderness shall be administered by the Secretary in
18 accordance with the Wilderness Act (16 U.S.C. 1131 et
19 seq.), except that—

20 (1) any reference in the Wilderness Act to the
21 effective date of that Act shall be considered to be
22 a reference to the date of enactment of this Act; and

23 (2) any reference in the Wilderness Act to the
24 Secretary of Agriculture shall be considered to be a
25 reference to the Secretary.

1 (b) LIVESTOCK.—The grazing of livestock in the Wil-
2 derness, if established before the date of enactment of this
3 Act, shall be allowed to continue, subject to such reason-
4 able regulations, policies, and practices as the Secretary
5 considers to be necessary in accordance with—

6 (1) section 4(d)(4) of the Wilderness Act (16
7 U.S.C. 1133(d)(4)); and

8 (2) the guidelines set forth in Appendix A of
9 the report of the Committee on Interior and Insular
10 Affairs of the House of Representatives accom-
11 panying H.R. 2570 of the 101st Congress (House
12 Report 101–405).

13 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
14 ESTS.—Any land or interest in land within the boundary
15 of the Wilderness that is acquired by the United States
16 after the date of enactment of this Act shall be added to
17 and administered as part of the Wilderness.

18 (d) ADJACENT MANAGEMENT.—

19 (1) IN GENERAL.—Congress does not intend for
20 the designation of the Wilderness to create a protec-
21 tive perimeter or buffer zone around the Wilderness.

22 (2) NONWILDERNESS ACTIVITIES.—The fact
23 that nonwilderness activities or uses can be seen or
24 heard from areas within the Wilderness shall not

1 preclude the conduct of the activities or uses outside
2 the boundary of the Wilderness.

3 (e) MILITARY OVERFLIGHTS.—Nothing in this Act
4 restricts or precludes—

5 (1) low-level overflights of military aircraft over
6 the Wilderness, including military overflights that
7 can be seen or heard within the Wilderness;

8 (2) flight testing and evaluation; or

9 (3) the designation or creation of new units of
10 special use airspace, or the establishment of military
11 flight training routes, over the Wilderness.

12 (f) WILDFIRE, INSECT, AND DISEASE MANAGE-
13 MENT.—In accordance with section 4(d)(1) of the Wilder-
14 ness Act (16 U.S.C. 1133(d)(1)), the Secretary may take
15 such measures in the Wilderness as are necessary for the
16 control of fire, insects, and diseases (including, as the Sec-
17 retary determines to be appropriate, the coordination of
18 the activities with a State or local agency).

19 (g) WILDFIRE MANAGEMENT OPERATIONS.—Noth-
20 ing in this Act precludes a Federal, State, or local agency
21 from conducting wildfire management operations (includ-
22 ing operations using aircraft or mechanized equipment).

23 (h) CLIMATOLOGICAL DATA COLLECTION.—In ac-
24 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
25 and subject to such terms and conditions as the Secretary

1 may prescribe, the Secretary may authorize the installa-
2 tion and maintenance of hydrologic, meteorologic, or cli-
3 matological collection devices in the Wilderness if the Sec-
4 retary determines that the facilities and access to the fa-
5 cilities are essential to flood warning, flood control, or
6 water reservoir operation activities.

7 (i) WATER RIGHTS.—

8 (1) FINDINGS.—Congress finds that—

9 (A) the land designated as wilderness by
10 this Act is located—

11 (i) in the semiarid region of the Great
12 Basin; and

13 (ii) at the headwaters of the streams
14 and rivers on land with respect to which
15 there are few, if any—

16 (I) actual or proposed water re-
17 source facilities located upstream; and

18 (II) opportunities for diversion,
19 storage, or other uses of water occur-
20 ring outside the land that would ad-
21 versely affect the wilderness values of
22 the land;

23 (B) the land designated as wilderness by
24 this Act is generally not suitable for use or de-
25 velopment of new water resource facilities; and

1 (C) because of the unique nature of the
2 land designated as wilderness by this Act, it is
3 possible to provide for proper management and
4 protection of the wilderness and other values of
5 land in ways different from those used in other
6 laws.

7 (2) PURPOSE.—The purpose of this section is
8 to protect the wilderness values of the land des-
9 ignated as wilderness by this Act by means other
10 than a federally reserved water right.

11 (3) STATUTORY CONSTRUCTION.—Nothing in
12 this Act—

13 (A) constitutes an express or implied res-
14 ervation by the United States of any water or
15 water rights with respect to the Wilderness;

16 (B) affects any water rights in the State
17 (including any water rights held by the United
18 States) in existence on the date of enactment of
19 this Act;

20 (C) establishes a precedent with regard to
21 any future wilderness designations;

22 (D) affects the interpretation of, or any
23 designation made under, any other Act; or

24 (E) limits, alters, modifies, or amends any
25 interstate compact or equitable apportionment

1 decree that apportions water among and be-
 2 tween the State and other States.

3 (4) NEVADA WATER LAW.—The Secretary shall
 4 follow the procedural and substantive requirements
 5 of State law in order to obtain and hold any water
 6 rights not in existence on the date of enactment of
 7 this Act with respect to the Wilderness.

8 (5) NEW PROJECTS.—

9 (A) DEFINITION OF WATER RESOURCE FA-
 10 CILITY.—

11 (i) IN GENERAL.—In this paragraph,
 12 the term “water resource facility” means
 13 irrigation and pumping facilities, res-
 14 ervoirs, water conservation works, aque-
 15 ducts, canals, ditches, pipelines, wells, hy-
 16 dropower projects, transmission and other
 17 ancillary facilities, and other water diver-
 18 sion, storage, and carriage structures.

19 (ii) EXCLUSION.—In this paragraph,
 20 the term “water resource facility” does not
 21 include wildlife guzzlers.

22 (B) RESTRICTION ON NEW WATER RE-
 23 SOURCE FACILITIES.—Except as otherwise pro-
 24 vided in this Act, on or after the date of enact-
 25 ment of this Act, neither the President nor any

1 other officer, employee, or agent of the United
2 States shall fund, assist, authorize, or issue a
3 license or permit for the development of any
4 new water resource facility within a wilderness
5 area, any portion of which is located in the
6 County.

7 **SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.**

8 (a) FINDING.—Congress finds that, for the purposes
9 of section 603(c) of the Federal Land Policy and Manage-
10 ment Act of 1976 (43 U.S.C. 1782(c)), the portions of
11 the Blue Lakes and Alder Creek wilderness study areas
12 not designated as wilderness by section 3(a) have been
13 adequately studied for wilderness designation.

14 (b) RELEASE.—Any public land described in sub-
15 section (a) that is not designated as wilderness by this
16 Act—

17 (1) is no longer subject to section 603(c) of the
18 Federal Land Policy and Management Act of 1976
19 (43 U.S.C. 1782(c)); and

20 (2) shall be managed in accordance with the ap-
21 plicable land use plans adopted under section 202 of
22 that Act (43 U.S.C. 1712).

23 **SEC. 6. WILDLIFE MANAGEMENT.**

24 (a) IN GENERAL.—In accordance with section
25 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),

1 nothing in this Act affects or diminishes the jurisdiction
2 of the State with respect to fish and wildlife management,
3 including the regulation of hunting, fishing, and trapping,
4 in the Wilderness.

5 (b) MANAGEMENT ACTIVITIES.—In furtherance of
6 the purposes and principles of the Wilderness Act (16
7 U.S.C. 1131 et seq.), the Secretary may conduct any man-
8 agement activities in the Wilderness that are necessary to
9 maintain or restore fish and wildlife populations and the
10 habitats to support the populations, if the activities are
11 carried out—

12 (1) consistent with relevant wilderness manage-
13 ment plans; and

14 (2) in accordance with—

15 (A) the Wilderness Act (16 U.S.C. 1131 et
16 seq.); and

17 (B) appropriate policies, such as those set
18 forth in Appendix B of the report of the Com-
19 mittee on Interior and Insular Affairs of the
20 House of Representatives accompanying H.R.
21 2570 of the 101st Congress (House Report
22 101–405), including the occasional and tem-
23 porary use of motorized vehicles if the use, as
24 determined by the Secretary, would promote
25 healthy, viable, and more naturally distributed

1 wildlife populations that would enhance wilder-
2 ness values with the minimal impact necessary
3 to reasonably accomplish those tasks.

4 (c) EXISTING ACTIVITIES.—Consistent with section
5 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and
6 in accordance with appropriate policies such as those set
7 forth in Appendix B of the report of the Committee on
8 Interior and Insular Affairs of the House of Representa-
9 tives accompanying H.R. 2570 of the 101st Congress
10 (House Report 101–405), the State may continue to use
11 aircraft, including helicopters, to survey, capture, trans-
12 plant, monitor, and provide water for wildlife populations
13 in the Wilderness.

14 (d) HUNTING, FISHING, AND TRAPPING.—

15 (1) IN GENERAL.—The Secretary may des-
16 ignate areas in which, and establish periods during
17 which, for reasons of public safety, administration,
18 or compliance with applicable laws, no hunting, fish-
19 ing, or trapping will be permitted in the Wilderness.

20 (2) CONSULTATION.—Except in emergencies,
21 the Secretary shall consult with the appropriate
22 State agency and notify the public before taking any
23 action under paragraph (1).

24 (e) COOPERATIVE AGREEMENT.—

1 (1) IN GENERAL.—The State, including a des-
 2 ignee of the State, may conduct wildlife management
 3 activities in the Wilderness—

4 (A) in accordance with the terms and con-
 5 ditions specified in the cooperative agreement
 6 between the Secretary and the State entitled
 7 “Memorandum of Understanding between the
 8 Bureau of Land Management and the Nevada
 9 Department of Wildlife Supplement No. 9” and
 10 signed November and December 2003, includ-
 11 ing any amendments to the cooperative agree-
 12 ment agreed to by the Secretary and the State;
 13 and

14 (B) subject to all applicable laws (including
 15 regulations).

16 (2) REFERENCES; CLARK COUNTY.—For the
 17 purposes of this subsection, any reference to Clark
 18 County in the cooperative agreement described in
 19 paragraph (1)(A) shall be considered to be a ref-
 20 erence to the Wilderness.

21 **SEC. 7. LAND EXCHANGES.**

22 (a) DEFINITIONS.—In this section:

23 (1) FEDERAL LAND.—The term “Federal land”
 24 means Federal land in the County that is identified

1 for disposal by the Secretary through the
2 Winnemucca Resource Management Plan.

3 (2) NON-FEDERAL LAND.—The term “non-Fed-
4 eral land” means land identified on the Map as
5 “non-Federal lands for exchange”.

6 (b) ACQUISITION OF LAND AND INTERESTS IN
7 LAND.—Consistent with applicable law and subject to sub-
8 section (c), the Secretary may exchange the Federal land
9 for non-Federal land.

10 (c) CONDITIONS.—Each land exchange under sub-
11 section (a) shall be subject to—

12 (1) the condition that the owner of the non-
13 Federal land pay not less than 50 percent of all
14 costs relating to the land exchange, including the
15 costs of appraisals, surveys, and any necessary envi-
16 ronmental clearances; and

17 (2) such additional terms and conditions as the
18 Secretary may require.

19 (d) DEADLINE FOR COMPLETION OF LAND EX-
20 CHANGE.—It is the intent of Congress that the land ex-
21 changes under this section be completed by not later than
22 5 years after the date of enactment of this Act.

1 **SEC. 8. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
2 **USES.**

3 Nothing in this Act alters or diminishes the treaty
4 rights of any Indian tribe (as defined in section 4 of the
5 Indian Self-Determination and Education Assistance Act
6 (25 U.S.C. 450b)).

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