

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

July 8, 2015

To: Natural Resources Committee Members

From: Spencer Kimball, Federal Lands Subcommittee Staff, x 6-7736

Subject: Full Committee Markup on H.R. 1138, "*Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act.*"

H.R. 1138, (Rep. Simpson) "*Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act*"

Bill Summary

H.R. 1138, introduced by Congressman Michael Simpson, (R-ID) would establish certain Wilderness areas, release certain Wilderness Study Areas (WSA) back into multiple-use, and authorize various land conveyances involving U.S. Forest Service (USFS) and Bureau of Land Management (BLM) land in central Idaho. Specifically, the bill would create three new Wilderness areas totaling 275,655 acres on USFS and BLM lands, would release four WSAs totaling 153,883 acres on BLM and USFS lands back to multiple-use, and transfer 12 parcels of BLM and USFS land totaling 913 acres to local counties and cities.

Background

The areas subject to this bill, which include BLM and USFS lands, are located in central Idaho and attract a number of outdoor recreationists, including snowmobilers, hunters, backpackers, hikers, mountain bikers, outfitters, campers and others. There is strong opposition to these or other areas in Idaho being designated as a national monument by the President under the Antiquities Act of 1906. In response, Rep. Simpson has developed and introduced bills over the last decade that would designate new Wilderness Areas but also release WSAs back into multiple-use and transfer federal lands to local cities and counties.

Rep. Simpson first introduced the Central Idaho Economic Development and Recreation Act (CIEDRA) in 2004. That bill would have designated 332,000 acres as new Wilderness and released 131,000 acres from existing WSAs. The bill was passed by the House in 2006 during the 109th Congress, but was not taken up in the Senate. Rep. Simpson introduced the bill in subsequent Congressional sessions, but revamped the proposal in the 114th Congress and introduced the newly-titled *Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act* in February 2015. The revamped bill increases the amount of acreage released from WSAs and decreases the amount of acreage designated as Wilderness so that no motorized roads or trails will be closed and snowmobile areas will be left open.

Specifically, the bill would designate three new Wilderness areas, encompassing 275,655 acres, including the Hemingway-Boulders Wilderness, White Clouds Wilderness, and the Jim McClure-Jerry Peak Wilderness. Four WSAs, encompassing 153,883 acres would be released back to multiple-use activities: Jerry Peak WSA, Jerry Peak West WSA, Corral-Horse Basin WSA, and Boulder Creek WSA.

The bill also conveys or transfers 12 parcels of BLM and USFS land totaling 913 acres to Blaine and Custer Counties and several smaller cities in central Idaho. This land will be used for a variety of purposes, including housing for seasonal workers, fire protection, waste transfer, cemeteries, and other local needs.

Grazing permittees with allotments within the boundaries of the “Boulder White Clouds Grazing Area Map” would be allowed to voluntarily retire their grazing permits and be eligible for compensation from a third party conservation group at \$300/aum. Any retired grazing permits would be permanently closed to future grazing.

No roads that are currently open to vehicles or trails that are currently open to two wheeled motorized-use would be closed. The legislation does not restrict or preclude low-level overflights of military aircraft, flight testing, or the designation of new special-use airspace over Wilderness areas. The bill does not include any protective perimeter or buffer zone around the Wilderness areas and does not restrict activities or the use of lands outside the Wilderness areas that can be seen or heard within the area.

Administration Position

The U.S. Department of Agriculture indicated it supports the bill as it applies to lands managed by USFS. The agency has recommended adding language bill to ensure its authority to maintain historical structures in the designated wilderness areas, noted technical issues with the language regarding the donation of grazing permits, offered minor technical corrections to references to provisions of the Wilderness Act in Section 102, and expressed concerns with some of the proposed conveyances of public lands to local counties and cities.¹

The Department of the Interior supports the bill as it applies to lands managed by the BLM. The agency has offered a few technical changes and minor boundary modifications. In addition, BLM generally supports the conveyances of nine individual parcels to local governments, but noted that some of the parcels to be conveyed contain habitat for the Greater Sage-Grouse.²

¹ [Statement of Leslie Weldon, Deputy Chief National Forest System, Forest Service, U.S. Department of Agriculture on H.R. 1138, *Sawtooth National Recreational Area and Jerry Peak Wilderness Additions Act*](#), before the House Committee on Natural Resources, Subcommittee on Federal Lands. June 16, 2015.

² [Statement of Karen Mouritsen, Deputy Assistant Director, Energy, Minerals and Realty Management Bureau of Land Management, Department of the Interior on H.R. 1138, *Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act*](#), before the House Committee on Natural Resources, Subcommittee on Federal Lands. June 16, 2015.

Section-by-Section Analysis of H.R. 113

Section 1—Short title; Table of Contents

Section 2—Definitions

TITLE I--WILDERNESS DESIGNATIONS

SEC. 101. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM IN THE STATE OF IDAHO.

- A. Hemingway-Boulders Wilderness- Designates the Hemingway-Boulders Wilderness, approximately 67,998 acres.
- B. White Clouds Wilderness- Designates the White Clouds Wilderness, approximately 90,769 acres.
- C. Jim McClure-Jerry Peak Wilderness-Designates the Jim McClure-Jerry Peak Wilderness, approximately 116,898 acres.
- D. Maps and Legal Descriptions- the Secretary must make available in appropriate BLM and USFS offices and submit to the U.S. Senate and the U.S. House of Representatives a map and legal description for each wilderness area. The Secretary may correct minor errors in the map or legal description.

SEC. 102. ADMINISTRATION.

- A. Wilderness Act - Each wilderness area shall be administered by the Secretary in accordance with the Wilderness Act.
- B. Consistent Interpretation- The Secretaries of Agriculture and the Interior shall ensure that the wilderness areas are interpreted for the public as an overall complex linked by common location and identity.
- C. Comprehensive Wilderness Management Plan- The Secretaries of Agriculture and the Interior must collaboratively develop wilderness management plans for the wilderness areas within three years of passage of the bill.
- D. Fire, Insects, and Disease- the Secretary of the Interior may take such measures for the control of fire, insects, and disease within the wilderness areas.
- E. Livestock- Grazing of livestock that was established before enactment of this Act will be allowed to continue within the wilderness areas, subject to reasonable regulations and policies. The Secretary of the Interior shall accept the donation of any whole or partial valid existing grazing leases or permits. Any permit or lease that is donated will be terminated by the Secretary of the Interior and grazing on the covered land would end permanently. If a permit or lease donated is also covered by another valid grazing permit or lease, the Secretary of the Interior shall reduce the authorized grazing level on the land covered to reflect the donation.

- F. Outfitting and Guide Activities- Authorizes outfitting and guide activities that realize proper uses of recreational purposes within the designated wilderness areas.
- G. Fish and Wildlife- Nothing in this bill affects the jurisdiction of the State of Idaho to manage fish and wildlife, including the regulation of hunting, fishing, and trapping, on public lands within the wilderness areas.
- H. Access- The Secretary of the Interior must provide the owner of State or private property within the wilderness area adequate access to the property.

SEC. 103. WATER RIGHTS.

- A. Statutory Construction - Nothing in this title constitutes an express or implied reservation by the United States of any water rights. Nothing in this title affects any water rights in the State of Idaho existing on the date of enactment, including any water rights held by the United States or decreed in the Snake River Basin Adjudication.
- B. New Projects- Except as otherwise provided in this Act, the federal government cannot authorize or issue a license or permit for the development of any new water resource facility inside any of the wilderness areas.

SEC. 104. MILITARY OVERFLIGHTS.

Nothing in this title restricts or precludes low-level overflights of military aircraft over the wilderness areas, including military overflights that can be seen or heard within the wilderness areas, flight testing, or the designation of special use airspace or military flight training routes over the wilderness areas.

SEC. 105. ADJACENT MANAGEMENT.

- A. Buffer Zone: This bill does not create a protective perimeter or buffer zone around any wilderness area.
- B. Activities Outside Wilderness Area- Activity or use on land outside a wilderness area that can be seen or heard within the wilderness area will not be precluded by this Act.

SEC. 106. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

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

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

- A. Land Acquisition and Exchange-The Secretary may acquire any land within the boundaries of the wilderness areas by donation, exchange, or purchase from a willing seller. The Secretary is also authorized to complete an exchange for State land located within the boundaries of the wilderness areas within three years of enactment.

- B. Incorporation in Wilderness Area- Any land located inside the boundary of a wilderness area that is acquired by the United States after enactment of this Act shall be added to and administered as part of the wilderness area.

SEC. 108. WILDERNESS REVIEW.

- A. National Forest System Land- Section 5 of Public Law 92-400 (16 U.S.C. 460aa-4) is repealed.
- B. Public Land- Congress finds that the public land administered by the BLM in the Jerry Peak WSA, Jerry Peak West WSA, Corral-Horse Basin WSA, and Boulder Creek WSA have been adequately studied for wilderness designation and releases any public land within those areas that is not designated as wilderness by this bill.

TITLE II--LAND CONVEYANCES FOR PUBLIC PURPOSES

SEC. 201. SHORT TITLE.

SEC. 202. BLAINE COUNTY, IDAHO.

The Secretary of Agriculture shall issue a special use permit or convey to Blaine County, Idaho one acre of land for use as a school bus turnaround.

SEC. 203. CUSTER COUNTY, IDAHO.

- A. Park and Campground- The Secretary of the Interior shall convey to the County approximately 114 acres of land for use as a public park and campground.
- B. Fire Hall- The Secretary of the Interior shall convey to the County approximately 10 acres of land for use as a fire hall.
- C. Waste Transfer Site- The Secretary of the Interior shall convey to the County approximately 80 acres of land for a waste transfer site.
- D. Forest Service Road- The Secretary of Agriculture shall convey to the County the Forest Service road that passes through the parcel of National Forest System land to be conveyed to the City of Stanley, Idaho under Section 206 from the junction of the road with Highway 75 to the junction with Valley Creek Road at the City of Stanley boundary. This conveyance is subject to the condition that the County agrees to relocate the portion of the road that passes through the section 206 conveyance parcel to the southeast along the boundary of the conveyance parcel.

SEC. 204. CITY OF CHALLIS, IDAHO.

The Secretary of the Interior shall convey to the City approximately 460 acres of land for public purposes.

SEC. 205. CITY OF CLAYTON, IDAHO.

- A. Cemetery- The Secretary of the Interior shall convey to the City approximately 23 acres of land for use as a public cemetery.
- B. Park- The Secretary of the Interior shall convey to the City approximately two acres of land for use as a public park or other public purpose.
- C. Water Tower-The Secretary of the Interior shall convey to the City approximately two acres of land for location of a water tower.
- D. Wastewater Treatment Facility- The Secretary of the Interior shall convey to the City approximately six acres of land, including any necessary access right-of-way across the river, for use as a wastewater treatment facility.
- E. Fire Hall- The Secretary of the Interior shall convey to the City approximately two acres of land for use as a fire hall and related purposes.

SEC. 206. CITY OF STANLEY, IDAHO.

- A. Workforce Housing- The Secretary of Agriculture shall convey to the City approximately four acres of land for the purpose of permitting the City to provide workforce housing.
- B. Number and Construction of Housing- The City will construct up to 20 apartment units on the parcel conveyed under subsection (a), with some restrictions on height and location.
- C. Recreation Area Private Land Use Regulations- The private land use regulations of the Sawtooth National Recreation Area shall not apply to the parcel conveyed under subsection (a).
- D. Removal of Existing Structure- The Secretary shall be responsible for the removal of the barn located on the parcel to be conveyed under subsection (a).
- E. Relation to Required Reversionary Interest- The City may contract for the development and management of the apartment units constructed on the parcel conveyed under subsection (a) so long as the City retains ownership of the parcel.

SEC. 207. TERMS AND CONDITIONS OF PERMITS OR LAND CONVEYANCES.

- A. Terms and Conditions- The issuance of a special use permit or the conveyance of land under this title shall be subject to any terms and conditions that the Secretary determines to be appropriate.
- B. Reversionary Interest- If any parcel of land conveyed under this title ceases to be used for the public purpose for which the parcel was conveyed, the parcel shall, at the discretion of the Secretary, revert to the United States.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Effect on Current Law

H.R. 1138 would repeal Section 5 of Public Law 92-400, which requires the Secretary to “review the undeveloped and unimproved portion or portions of the [Sawtooth National 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 section 1132(d) of this title, 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.”³

Anticipated Amendments

Unknown.

³ 16 U.S.C. 460aa-4.