

Committee on Natural Resources

Rob Bishop Chairman
Markup Memorandum

November 13, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff— Brandon Miller and Leah Baker
Subcommittee on Federal Lands (x67736)

Markup: **H.R. 6939 (Rep. Liz Cheney)**, To protect and ensure multiple use and public access to public lands in Wyoming per the request of the respective counties.
November 15, 2018, 9:30 AM; 1324 Longworth House Office Building

Summary of the Bill

H.R. 6939 releases land within certain Wilderness Study Areas (WSA) managed by the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) in Lincoln, Sweetwater, and Bighorn Counties, Wyoming, and requires that these lands be managed according to multiple use and sustained yield mandates. The bill further requires that no additional land within Wyoming be designated as wilderness or WSA, unless enacted by federal statute. Finally, it requires that any lands identified by BLM or USFS as possessing wilderness characteristics shall no longer be identified as such.

Background

The Wilderness Act of 1964 (16 U.S.C. 1131 et seq.) established the National Wilderness Preservation System to maintain some of America’s wildest areas for the “use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness.”¹ The Act described wilderness lands as areas “where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.”² It required that the Secretaries of Agriculture and Interior review within 10 years most of the public lands under their purview and evaluate “primitive” roadless areas greater than 5,000 acres in size for their wilderness character and prepare suitability recommendations for the President to share with Congress. Under the Act, Congress reserves the sole authority to designate federal lands as wilderness. Generally, the Wilderness Act prohibits commercial activities, motorized uses, and the building of roads, structures and facilities in designated wilderness areas. In general, even though they have not been designated by Congress as part of the National Wilderness Preservation System, lands identified as WSAs are managed as if they were wilderness.

¹ 16 U.S.C. 1131.

² Ibid.

The Wilderness Act and Wyoming

Pursuant to the Wilderness Act, BLM completed its wilderness inventories in Wyoming in 1981³ and made wilderness suitability recommendations in 1984⁴ and 1991.⁵ The Wyoming Wilderness Act of 1984 designated wilderness on USFS parcels and released other areas from study. It also established new WSAs on USFS-managed land.⁶ Currently, there are more than 750,000 acres of federally-managed WSAs in Wyoming. In Lincoln, Big Horn, and Sweetwater Counties alone, there are more than 400,000 acres in 21 WSAs.⁷ Without Congressional action, these areas will remain in limbo and will be managed as de facto wilderness, despite agency recommendations that many of the areas be released.

H.R. 6939 intends to release all WSAs in Lincoln, Big Horn, and Sweetwater Counties. If enacted, this bill would release approximately 400,000 acres of BLM and USFS land for broader multiple use, ensuring greater diversity of access to public lands and a wider array of management options available to land managers. This bill would also prohibit any future wilderness designation in Wyoming, unless enacted by law. The bill also directs that any BLM or USFS land in Wyoming inventoried as “Land With Wilderness Characteristics” or that was identified as having wilderness characteristics will no longer be inventoried or identified as such and shall be managed under multiple use and sustained yield mandates. Finally, the bill prohibits BLM and USFS from conducting any new wilderness inventories or identifying land as having wilderness character in Wyoming.

H.R. 6939 is supported by Lincoln, Big Horn, and Sweetwater Counties. It also enjoys support from the following organizations: Wyoming Stock Growers Association, Advocates for Multiple Use of Public Lands, Wyoming Mining Association, Petroleum Association of Wyoming, American Farm Bureau, Sweetwater Snow Pokes Snowmobile and ATV Club, Wyoming State Snowmobile Association, and Teton Freedom Riders.

Major Provisions of H.R. 6939

Section 2 deems that, for the purposes of the Wyoming Wilderness Act of 1984 (WWA) and the Federal Land Policy and Management Act of 1976 (FLPMA), certain public lands in Wyoming have been adequately studied for wilderness characteristics and are no longer subject to the WWA and FLPMA wilderness inventory and management provisions. It further releases those lands from WSA designation. Affected lands are defined as WSAs managed by BLM and USFS in Lincoln, Sweetwater, and Bighorn Counties in Wyoming. It requires that these released lands be managed according to the respective agencies’ multiple use and sustained yield mandates.

³ Bureau of Land Management. [Wyoming Wilderness Study Areas: A Final Inventory Report](#). 1981

⁴ Bureau of Land Management. [Rock Springs District, Wyoming, Wilderness Study Report](#). 1984

⁵ Bureau of Land Management. [Wyoming Statewide Wilderness Study Report: Wilderness Study Area Specific Recommendations](#). 1991.

⁶ Public Law 98-550.

⁷ One of the WSAs is managed by the U.S. Forest Service with the remaining 20 managed by the Bureau of Land Management.

Section 3 prohibits any new wilderness or WSA from being designated in Wyoming, except by federal statute that specifically designates such an area and is enacted after the date of this Act.

Section 4 removes from inventory or designation any federal land in Wyoming previously determined to have or be “lands with wilderness characteristics.” It also prohibits BLM and USFS lands in Wyoming from being inventoried for or identified as having wilderness characteristics in the future.

Cost

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

Administration Position

The Administration’s position is currently unknown.

Anticipated Amendments

None.

Effect on Current Law (Ramseyer)

None.