

104TH CONGRESS
1ST SESSION

S. 884

To designate certain public lands in the State of Utah as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 6 (legislative day, JUNE 5), 1995

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

A BILL

To designate certain public lands in the State of Utah as wilderness, and for other purposes.

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 “Utah Public Lands
5 Management Act of 1995”.

6 **SEC. 2. DESIGNATION OF WILDERNESS.**

7 (a) DESIGNATION.—In furtherance of the purposes of
8 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
9 lands in the State of Utah are hereby designated as wilder-

1 ness and therefore as components of the National Wilder-
2 ness Preservation System:

3 (1) Certain lands in the Desolation Canyon Wil-
4 derness Study Area comprised of approximately
5 254,478 acres, as generally depicted on a map enti-
6 tled “Desolation Canyon Wilderness—Proposed”
7 and dated _____, and which shall be known as
8 the Desolation Canyon Wilderness.

9 (2) Certain lands in the San Rafael Reef Wil-
10 derness Study Area comprised of approximately
11 47,786 acres, as generally depicted on a map enti-
12 tled “San Rafael Reef Wilderness—Proposed” and
13 dated _____, and which shall be known as the
14 San Rafael Reef Wilderness.

15 (3) Certain lands in the Horseshoe Canyon Wil-
16 derness Study Area (North) comprised of approxi-
17 mately 22,943 acres, as generally depicted on a map
18 entitled “Horseshoe/Labyrinth Canyon Wilderness—
19 Proposed” and dated _____, and which shall be
20 known as the Horseshoe/Labyrinth Canyon Wilder-
21 ness.

22 (4) Certain lands in the Crack Canyon Wilder-
23 ness Study Area comprised of approximately 20,322
24 acres, as generally depicted on a map entitled
25 “Crack Canyon Wilderness—Proposed” and dated

1 _____, and which shall be known as the Crack
2 Canyon Wilderness.

3 (5) Certain lands in the Muddy Creek Wilder-
4 ness Study Area comprised of approximately 37,244
5 acres, as generally depicted on a map entitled
6 “Muddy Creek Wilderness—Proposed” and dated
7 _____, and which shall be known as the Muddy
8 Creek Wilderness.

9 (6) Certain lands in the Sids Mountain Wilder-
10 ness Study Area comprised of approximately 41,154
11 acres, as generally depicted on a map entitled “Sids
12 Mountain Wilderness—Proposed” and dated
13 _____, and which shall be known as the Sids
14 Mountain Wilderness.

15 (7) Certain lands in the Mexican Mountain Wil-
16 derness Study Area comprised of approximately
17 34,107 acres, as generally depicted on a map enti-
18 tled “Mexican Mountain Wilderness—Proposed” and
19 dated _____, and which shall be known as the
20 Mexican Mountain Wilderness.

21 (8) Certain lands in the Phipps-Death Hollow
22 Wilderness Study Area comprised of approximately
23 42,437 acres, as generally depicted on a map enti-
24 tled “Phipps-Death Hollow Wilderness—Proposed”

1 and dated _____, and which shall be known as
2 the Phipps-Death Hollow Wilderness.

3 (9) Certain lands in the Steep Creek Wilderness
4 Study Area comprised of approximately 21,277
5 acres, as generally depicted on a map entitled
6 “Steep Creek Wilderness—Proposed” and dated
7 _____, and which shall be known as the Steep
8 Creek Wilderness.

9 (10) Certain lands in the North Escalante Can-
10 yons/The Gulch Wilderness Study Area comprised of
11 approximately 103,324 acres, as generally depicted
12 on a map entitled “North Escalante Canyons/The
13 Gulch Wilderness—Proposed” and dated _____,
14 and which shall be known as the North Escalante
15 Canyons/The Gulch Creek Wilderness.

16 (11) Certain lands in the Scorpion Wilderness
17 Study Area comprised of approximately 16,692
18 acres, as generally depicted on a map entitled “Scor-
19 pion Wilderness—Proposed” and dated _____,
20 and which shall be known as the Scorpion Wilder-
21 ness.

22 (12) Certain lands in the Mt. Ellen-Blue Hills
23 Wilderness Study Area comprised of approximately
24 62,663 acres, as generally depicted on a map enti-
25 tled “Mt. Ellen-Blue Hills Wilderness—Proposed”

1 and dated _____, and which shall be known as
2 the Mt. Ellen-Blue Hills Wilderness.

3 (13) Certain lands in the Bull Mountain Wil-
4 derness Study Area comprised of approximately
5 11,424 acres, as generally depicted on a map enti-
6 tled “Bull Mountain Wilderness—Proposed” and
7 dated _____, and which shall be known as the
8 Bull Mountain Wilderness.

9 (14) Certain lands in the Fiddler Butte Wilder-
10 ness Study Area comprised of approximately 22,180
11 acres, as generally depicted on a map entitled “Fid-
12 dler Butte Wilderness—Proposed” and dated
13 _____, and which shall be known as the Fiddler
14 Butte Mountain Wilderness.

15 (15) Certain lands in the Mt. Pennell Wilder-
16 ness Study Area comprised of approximately 18,620
17 acres, as generally depicted on a map entitled “Mt.
18 Pennell Wilderness—Proposed” and dated
19 _____, and which shall be known as the Mt.
20 Pennell Wilderness.

21 (16) Certain lands in the Mt. Hillers Wilder-
22 ness Study Area comprised of approximately 14,746
23 acres, as generally depicted on a map entitled “Mt.
24 Hillers Wilderness—Proposed” and dated _____,

1 and which shall be known as the Mt. Hillers Wilder-
2 ness.

3 (17) Certain lands in the Little Rockies Wilder-
4 ness Study Area comprised of approximately 48,928
5 acres, as generally depicted on a map entitled “Lit-
6 tle Rockies Wilderness—Proposed” and dated
7 _____, and which shall be known as the Little
8 Rockies Wilderness.

9 (18) Certain lands in the Mill Creek Canyon
10 Wilderness Study Area comprised of approximately
11 7,838 acres, as generally depicted on a map entitled
12 “Mill Creek Canyon Wilderness—Proposed” and
13 dated _____, and which shall be known as the
14 Mill Creek Canyon Wilderness.

15 (19) Certain lands in the Negro Bill Canyon
16 Wilderness Study Area comprised of approximately
17 7,432 acres, as generally depicted on a map entitled
18 “Negro Bill Canyon Wilderness—Proposed” and
19 dated _____, and which shall be known as the
20 Negro Bill Canyon Wilderness.

21 (20) Certain lands in the Floy Canyon Wilder-
22 ness Study Area comprised of approximately 28,290
23 acres, as generally depicted on a map entitled “Floy
24 Canyon Wilderness—Proposed” and dated

1 _____, and which shall be known as the Floy
2 Canyon Wilderness.

3 (21) Certain lands in the Coal Canyon Wilder-
4 ness Study Area and the Spruce Canyon Wilderness
5 Study Area comprised of approximately 46,669
6 acres, as generally depicted on a map entitled “Coal/
7 Spruce Canyon Wilderness—Proposed” and dated
8 _____, and which shall be known as the Coal/
9 Spruce Canyon Wilderness.

10 (22) Certain lands in the Flume Canyon Wil-
11 derness Study Area comprised of approximately
12 31,568 acres, as generally depicted on a map enti-
13 tled “Flume Canyon Wilderness—Proposed” and
14 dated _____, and which shall be known as the
15 Flume Canyon Wilderness.

16 (23) Certain lands in the Westwater Canyon
17 Wilderness Study Area comprised of approximately
18 25,383 acres, as generally depicted on a map enti-
19 tled “Westwater Canyon Wilderness—Proposed”
20 and dated _____, and which shall be known as
21 the Westwater Canyon Wilderness.

22 (24) Certain lands in the Beaver Creek Wilder-
23 ness Study Area comprised of approximately 24,531
24 acres, as generally depicted on a map entitled “Bea-
25 ver Creek Wilderness—Proposed” and dated

1 _____, and which shall be known as the Beaver
2 Creek Wilderness.

3 (25) Certain lands in the Fish Springs Wilder-
4 ness Study Area comprised of approximately 36,142
5 acres, as generally depicted on a map entitled “Fish
6 Springs Wilderness—Proposed” and dated
7 _____, and which shall be known as the Fish
8 Springs Wilderness.

9 (26) Certain lands in the Swasey Mountain Wil-
10 derness Study Area comprised of approximately
11 34,803 acres, as generally depicted on a map enti-
12 tled “Swasey Mountain Wilderness—Proposed” and
13 dated _____, and which shall be known as the
14 Swasey Mountain Wilderness.

15 (27) Certain lands in the Parunuweap Canyon
16 Wilderness Study Area comprised of approximately
17 19,122 acres, as generally depicted on a map enti-
18 tled “Parunuweap Canyon Wilderness—Proposed”
19 and dated _____, and which shall be known as
20 the Parunuweap Wilderness.

21 (28) Certain lands in the Canaan Mountain
22 Wilderness Study Area comprised of approximately
23 30,864 acres, as generally depicted on a map enti-
24 tled “Canaan Mountain Wilderness—Proposed” and

1 dated _____, and which shall be known as the
2 Canaan Mountain Wilderness.

3 (29) Certain lands in the Paria-Hackberry Wil-
4 derness Study Area comprised of approximately
5 57,641 acres, as generally depicted on a map enti-
6 tled “Paria-Hackberry Wilderness—Proposed” and
7 dated _____, and which shall be known as the
8 Paria-Hackberry Wilderness.

9 (30) Certain lands in the Escalante Canyon
10 Tract 5 Wilderness Study Area comprised of ap-
11 proximately 756 acres, as generally depicted on a
12 map entitled “Escalante Canyon Tract 5 Wilder-
13 ness—Proposed” and dated _____, and which
14 shall be known as the Escalante Canyon Tract 5
15 Wilderness.

16 (31) Certain lands in the Fifty Mile Mountain
17 Wilderness Study Area comprised of approximately
18 121,434 acres, as generally depicted on a map enti-
19 tled “Fifty Mile Mountain Wilderness—Proposed”
20 and dated _____, and which shall be known as
21 the Fifty Mile Mountain Wilderness.

22 (32) Certain lands in the Howell Peak Wilder-
23 ness comprised of approximately 14,518 acres, as
24 generally depicted on a map entitled “Howell Peak
25 Wilderness—Proposed” and dated _____, and

1 which shall be known as the Howell Peak Wilder-
2 ness.

3 (33) Certain lands in the Notch Peak Wilder-
4 ness Study Area comprised of approximately 28,778
5 acres, as generally depicted on a map entitled
6 “Notch Peak Wilderness—Proposed” and dated
7 _____, and which shall be known as the Notch
8 Peak Wilderness.

9 (34) Certain lands in the Wah Wah Mountains
10 Wilderness Study Area comprised of approximately
11 41,311 acres, as generally depicted on a map enti-
12 tled “Wah Wah Mountains Wilderness—Proposed”
13 and dated _____, and which shall be known as
14 the Wah Wah Wilderness.

15 (35) Certain lands in the Mancos Mesa Wilder-
16 ness Study Area comprised of approximately 48,269
17 acres, as generally depicted on a map entitled
18 “Mancos Mesa Wilderness—Proposed” and dated
19 _____, and which shall be known as the Mancos
20 Mesa Wilderness.

21 (36) Certain lands in the Grand Gulch Wilder-
22 ness Study Area comprised of approximately 51,110
23 acres, as generally depicted on a map entitled
24 “Grand Gulch Wilderness—Proposed” and dated

1 _____, and which shall be known as the Grand
2 Gulch Wilderness.

3 (37) Certain lands in the Dark Canyon Wilder-
4 ness Study Area comprised of approximately 67,099
5 acres, as generally depicted on a map entitled “Dark
6 Canyon Wilderness—Proposed” and dated
7 _____, and which shall be known as the Dark
8 Canyon Wilderness.

9 (38) Certain lands in the Butler Wash Wilder-
10 ness Study Area comprised of approximately 25,400
11 acres, as generally depicted on a map entitled “But-
12 ler Wash Wilderness—Proposed” and dated
13 _____, and which shall be known as the Butler
14 Wash Wilderness.

15 (39) Certain lands in the Indian Creek Wilder-
16 ness Study Area comprised of approximately 6,769
17 acres, as generally depicted on a map entitled “In-
18 dian Creek Wilderness—Proposed” and dated
19 _____, and which shall be known as the Indian
20 Creek Wilderness.

21 (40) Certain lands in the Behind the Rocks
22 Wilderness Study Area comprised of approximately
23 13,728 acres, as generally depicted on a map enti-
24 tled “Behind the Rocks Wilderness—Proposed” and

1 dated _____, and which shall be known as the
2 Behind the Rocks Wilderness.

3 (41) Certain lands in the Cedar Mountains Wil-
4 derness Study Area comprised of approximately
5 25,645 acres, as generally depicted on a map enti-
6 tled “Cedar Mountains Wilderness—Proposed” and
7 dated _____, and which shall be known as the
8 Cedar Mountains Wilderness.

9 (42) Certain lands in the Deep Creek Moun-
10 tains Wilderness Study Area comprised of approxi-
11 mately 71,024 acres, as generally depicted on a map
12 entitled “Deep Creek Mountains Wilderness—Pro-
13 posed” and dated _____, and which shall be
14 known as the Deep Creek Mountains Wilderness.

15 (43) Certain lands in the Nutters Hole Wilder-
16 ness Study Area comprised of approximately 3,647
17 acres, as generally depicted on a map entitled “Nut-
18 ters Hole Wilderness—Proposed” and dated
19 _____, and which shall be known as the Nutters
20 Hole Wilderness.

21 (44) Certain lands in the Cougar Canyon Wil-
22 derness Study Area comprised of approximately
23 6,408 acres, including those lands located in the
24 State of Nevada, as generally depicted on a map en-
25 titled “Cougar Canyon Wilderness—Proposed” and

1 dated _____, and which shall be known as the
2 Cougar Canyon Wilderness.

3 (45) Certain lands in the Red Mountain Wilder-
4 ness Study Area comprised of approximately 9,216
5 acres, as generally depicted on a map entitled “Red
6 Mountain Wilderness—Proposed” and dated
7 _____, and which shall be known as the Red
8 Mountains Wilderness.

9 (46) Certain lands in the Deep Creek Wilder-
10 ness Study Area comprised of approximately 3,063
11 acres, as generally depicted on a map entitled “Deep
12 Creek Wilderness—Proposed” and dated _____,
13 and which shall be known as the Deep Creek Wilder-
14 ness.

15 (47) Certain lands within the Dirty Devil Wil-
16 derness Study Area comprised of approximately
17 75,854 acres, as generally depicted on a map enti-
18 tled “Dirty Devil Wilderness—Proposed” and dated
19 _____, and which shall be known as the Dirty
20 Devil Wilderness.

21 (48) Certain lands within the Horseshoe Can-
22 yon South Wilderness Study Area comprised of ap-
23 proximately 11,392 acres, as generally depicted on a
24 map entitled “Horseshoe Canyon South Wilder-
25 ness—Proposed” and dated _____, and which

1 shall be known as the Horseshoe Canyon South Wil-
2 derness.

3 (49) Certain lands in the French Spring-Happy
4 Canyon Wilderness Study Area comprised of ap-
5 proximately 12,343 acres, as generally depicted on a
6 map entitled “French Spring-Happy Canyon Wilder-
7 ness—Proposed” and dated _____, and which
8 shall be known as the French Spring-Happy Canyon
9 Wilderness.

10 (b) MAP AND DESCRIPTION.—As soon as practicable
11 after the date of enactment of this Act, the Secretary of
12 the Interior (hereafter in this Act referred to as the “Sec-
13 retary”) shall file a map and a legal description of each
14 area designated as wilderness by subsection (a) with the
15 Committee on Resources of the House of Representatives
16 and the Committee on Energy and Natural Resources of
17 the Senate. Each such map and description shall have the
18 same force and effect as if included in this Act, except
19 that corrections of clerical and typographical errors in
20 each such map and legal description may be made. Each
21 such map and legal description shall be on file and avail-
22 able for public inspection in the office of the Director of
23 the Bureau of Land Management, and the office of the
24 State Director of the Bureau of Land Management in the
25 State of Utah, Department of the Interior.

1 **SEC. 3. ADMINISTRATION OF WILDERNESS AREAS.**

2 (a) IN GENERAL.—Subject to valid existing rights,
3 each area designated by this Act as wilderness shall be
4 administered by the Secretary in accordance with this Act,
5 the Wilderness Act (16 U.S.C. 1131 et seq.), and section
6 603 of the Federal Land Policy and Management Act of
7 1976. Any lands or interest in lands within the boundaries
8 of an area designated as wilderness by this Act that is
9 acquired by the United States after the date of enactment
10 of this Act shall be added to and administered as part
11 of the wilderness area within which such lands or interests
12 in lands are located.

13 (b) MANAGEMENT PLANS.—The Secretary shall, as
14 soon as possible, prepare plans to manage the areas des-
15 ignated by this Act as wilderness.

16 (c) LIVESTOCK.—Grazing of livestock in areas des-
17 ignated as wilderness by this Act, where established prior
18 to the date of the enactment of this Act, shall—

19 (1) continue and not be curtailed, phased out or
20 rendered economically infeasible due to wilderness
21 designation or management; and

22 (2) be administered in accordance with section
23 4(d)(4) of the Wilderness Act (16 U.S.C.
24 1133(d)(4)) and the guidelines set forth in House
25 Report 96–1126.

1 (d) STATE FISH AND WILDLIFE.—In accordance
2 with section 4(d)(7) of the Wilderness Act (16 U.S.C.
3 1131(d)(7)), nothing in this Act shall be construed as af-
4 fecting the jurisdiction or responsibilities of the State of
5 Utah with respect to fish and wildlife management activi-
6 ties, including water development, predator control, trans-
7 planting animals, stocking fish, hunting, fishing and trap-
8 ping.

9 (e) PROHIBITION OF BUFFER ZONES.—The Con-
10 gress does not intend that designation of an area as wil-
11 derness by this Act lead to the creation of protective pe-
12 rimeters or buffer zones around the area. The fact that
13 nonwilderness activities or uses can be seen, heard, or
14 smelled from areas within a wilderness shall not preclude
15 such activities or uses up to the boundary of the wilder-
16 ness area.

17 (f) OIL SHALE RESERVE NUMBER TWO.—The area
18 known as “Oil Shale Reserve Number Two” within Deso-
19 lation Canyon Wilderness (as designated by section
20 2(a)(1)), located in Carbon County, Utah, shall not be re-
21 served for oil shale purposes after the date of the enact-
22 ment of this Act and shall be under the sole jurisdiction
23 of and managed by the Bureau of Land Management.

24 (g) ROADS AND RIGHTS-OF-WAY AS BOUNDARIES.—
25 Unless depicted otherwise on a map referred to by this

1 Act, where roads form the boundaries of the areas des-
2 igned as wilderness by this Act, the wilderness boundary
3 shall be set back from the center line of the road as fol-
4 lows: 300 feet for high standard roads such as paved high-
5 ways; and 100 feet for roads equivalent to high standard
6 logging roads and dirt roads used for right-of-way mainte-
7 nance.

8 (h) CHERRY-STEMMED ROADS.—(1) Except as pro-
9 vided by paragraph (2), the Secretary may not close or
10 limit access to any road that is within (in whole or in
11 part), or that is a boundary (as described in subsection
12 (g)) of, an area designated as wilderness by this Act.

13 (2) If the Secretary determines that public safety re-
14 quires the closure to public use of any road subject to
15 paragraph (1), the Secretary may take such action as the
16 Secretary determines necessary or desirable to effect and
17 maintain such closure. Any such closure shall be limited
18 to the minimum period which the Secretary determines is
19 necessary to carry out this paragraph. Before and during
20 any closure under this subsection, the Secretary shall take
21 appropriate steps to notify the public concerning such clo-
22 sures.

23 (3) Any road described in paragraph (1) that is main-
24 tained by an entity other than the United States may con-
25 tinue to be maintained and repaired by any such entity.

1 (i) ACCESS.—(1) Reasonable access shall be allowed
2 to water diversion, carriage, storage and ancillary facilities
3 in existence as of the date of enactment of this Act which
4 are within areas designated as wilderness by this Act, in-
5 cluding motorized access where necessary or customarily
6 or historically employed on existing routes. The diversion,
7 carriage and storage capacity as of such date of such exist-
8 ing water facilities, and the condition of existing access
9 routes as of such date, may be operated, maintained, re-
10 paired, modified, and replaced as necessary to maintain
11 serviceable conditions.

12 (2) Reasonable access shall be allowed to any non-
13 Federal lands that may remain within the areas des-
14 ignated as wilderness by this Act and to valid existing
15 rights on Federal lands, including (but not limited to) ex-
16 isting water diversion, carriage, storage and ancillary fa-
17 cilities and livestock grazing improvements and structures.

18 (3) Facilities, structures and related access routes ex-
19 isting as of the date of enactment of this Act in areas
20 designated as wilderness by this Act may be operated,
21 maintained, repaired, and replaced as necessary to main-
22 tain serviceable conditions.

23 (4) For the purposes of this subsection, reasonable
24 access includes motorized access where necessary and cus-
25 tomarily or historically employed on routes in existence as

1 of the date of enactment of this Act and where necessary
2 to meet the reasonable purposes for development and use
3 of in-held lands or valid existing rights.

4 (j) LAND ACQUISITION BY EXCHANGE OR PUR-
5 CHASE.—The Secretary shall offer to acquire from non-
6 governmental entities lands and interests in lands located
7 within or adjacent to areas designated as wilderness by
8 this Act. Lands may be acquired under this subsection
9 only by exchange or purchase from willing sellers.

10 **SEC. 4. WATER RIGHTS.**

11 (a) NO FEDERAL RESERVATION.—Nothing in this
12 Act or any other Act of Congress shall constitute or be
13 construed to constitute either an express or implied Fed-
14 eral reservation of water or water rights for any purpose
15 arising from the designation of areas as wilderness by this
16 Act.

17 (b) ACQUISITION AND EXERCISE OF WATER RIGHTS
18 UNDER UTAH LAW.—The United States may acquire and
19 exercise such water rights as it deems necessary to carry
20 out its responsibilities on any lands designated as wilder-
21 ness by this Act pursuant to the substantive and proce-
22 dural requirements of the State of Utah. Nothing in this
23 Act shall be construed to authorize the use of eminent do-
24 main by the United States to acquire water rights for such
25 lands. Within areas designated as wilderness by this Act,

1 all rights to water granted under the laws of the State
2 of Utah may be exercised in accordance with the sub-
3 stantive and procedural requirements of the State of Utah.

4 (c) EXERCISE OF WATER RIGHTS GENERALLY
5 UNDER UTAH LAWS.—Nothing in this Act shall be con-
6 strued to limit the exercise of water rights as provided
7 under Utah State laws.

8 (d) CERTAIN FACILITIES NOT AFFECTED.—Nothing
9 in this Act shall affect irrigation, pumping and trans-
10 mission facilities and municipal, agricultural, livestock, or
11 wildlife water facilities in existence within the boundaries
12 of areas designated as wilderness by this Act, nor shall
13 anything in this Act be construed to limit operation, main-
14 tenance, repair, modification, or replacement of such exist-
15 ing facilities, as provided in section 3(i).

16 (e) WATER RESOURCE PROJECTS.—Nothing in this
17 Act shall be construed to limit or to be a consideration
18 in Federal approvals or denials for access to or use of the
19 Federal lands for development and operation of water re-
20 source projects, including (but not limited to) reservoir
21 projects, which are located outside and upstream of areas
22 designated as wilderness by this Act.

23 **SEC. 5. CULTURAL AND PALEONTOLOGICAL RESOURCES.**

24 The Secretary shall allow for the discovery of, shall
25 protect, and may interpret, cultural or paleontological re-

1 sources located within areas designated as wilderness by
2 this Act, including through mechanical means where nec-
3 essary notwithstanding section 4(c) of the Wilderness Act
4 (16 U.S.C. 1133(c)).

5 **SEC. 6. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
6 **USES.**

7 In recognition of the past use of portions of the areas
8 designated as wilderness by this Act by Native Americans
9 for traditional cultural and religious purposes, the Sec-
10 retary shall assure nonexclusive access from time to time
11 to those sites by Native Americans for such purposes, in-
12 cluding (but not limited to) wood gathering for personal
13 use or collecting plants or herbs for religious or medicinal
14 purposes. Such access shall be consistent with the purpose
15 and intent of the Act of August 11, 1978 (42 U.S.C. 1996;
16 commonly referred to as the “American Indian Religious
17 Freedom Act”).

18 **SEC. 7. MILITARY OVERFLIGHTS.**

19 (a) **LOW-LEVEL OVERFLIGHTS NOT PRECLUDED.**—
20 Nothing in this Act shall be construed to restrict or pre-
21 clude low-level overflights over the areas designated as wil-
22 derness by this Act, including military overflights that can
23 be seen or heard within such areas. Nothing in this Act
24 shall be construed to restrict or preclude the designation

1 of new units of special airspace or the establishment of
2 military flight training routes over such areas.

3 (b) COMMUNICATIONS OR TRACKING SYSTEMS.—
4 Nothing in this Act shall be construed to require the re-
5 moval of existing communication or electronic tracking
6 systems from areas designated as wilderness by this Act
7 or to prevent the installation of portable electronic commu-
8 nication or tracking systems in support of military flights
9 so long as installation, maintenance, and removal of such
10 systems does not require construction of temporary or per-
11 manent roads.

12 **SEC. 8. AIR QUALITY.**

13 (a) IN GENERAL.—The Congress does not intend
14 that designation of wilderness areas in the State of Utah
15 by this Act lead to reclassification of any airshed to a more
16 stringent Prevention of Significant Deterioration (PSD)
17 classification.

18 (b) ROLE OF STATE.—Air quality reclassification for
19 the wilderness areas established by this Act shall be the
20 prerogative of the State of Utah. All areas designated as
21 wilderness by this Act are and shall continue to be man-
22 aged as PSD Class II under the Clean Air Act unless they
23 are reclassified by the State of Utah in accordance with
24 the Clean Air Act.

1 (c) INDUSTRIAL FACILITIES.—Nothing in this Act
2 shall be construed to restrict or preclude construction, op-
3 eration, or expansion of industrial facilities outside of the
4 areas designated as wilderness by this Act, including (but
5 not limited to) the Hunter Power Plant, the Huntington
6 Power Plant, the Intermountain Power Project, the Bo-
7 nanza Power Plant, the Continental Lime Plant, and the
8 Brush Wellman Plant. Such projects and facilities shall
9 be permitted according to appropriate laws and regula-
10 tions including (but not limited to) the Clean Air Act.

11 **SEC. 9. DISCLAIMERS.**

12 Nothing in this Act shall be construed to—

13 (1) prohibit the establishment and maintenance
14 of reservoirs, water-conservation works, transmission
15 lines, and other facilities needed in the public inter-
16 est, including the road construction and maintenance
17 essential to development and use thereof in—

18 (A) Cougar Canyon Wilderness designated
19 by section 2(a)(44);

20 (B) Red Mountain Wilderness designated
21 by section 2(a)(45);

22 (C) Parunuweap Canyon Wilderness des-
23 igned by section 2(a)(27); and

24 (D) Canaan Mountain Wilderness des-
25 igned by section 2(a)(28);

1 (2) Nothing in this Act shall be construed to
2 prevent the maintenance, repair, or expansion of
3 communication sites and facilities or to require re-
4 moval of existing communication sites and facilities
5 in—

6 (A) Swasey Mountain Wilderness des-
7 igned by section 2(a)(26);

8 (B) Fifty Mile Mountain Wilderness des-
9 igned by section 2(a)(31);

10 (C) Mt. Ellen Wilderness designated by
11 section 2(a)(12); and

12 (D) Deep Creek Mountains Wilderness
13 designated by section 2(a)(42).

14 (3) prevent the construction of a pipeline for
15 transport of natural gas through the Right Hand of
16 Tusher Canyon in and adjacent to the Desolation
17 Canyon Wilderness designated by section 2(a)(1);

18 (4) as establishing a precedent with regard to
19 any future wilderness designation, nor shall it con-
20 stitute an interpretation of any other Act or any wil-
21 derness designation made pursuant thereto; and

22 (5) to prevent the use of any mechanically pro-
23 pelled water craft on navigable streams that lie with-
24 in or adjacent to an area designated as wilderness
25 by this Act.

1 **SEC. 10. WILDERNESS RELEASE.**

2 (a) FINDING.—The Congress finds and directs that
3 all public lands in the State of Utah administered by the
4 Bureau of Land Management have been adequately stud-
5 ied for wilderness designation pursuant to sections 202
6 and 603 of the Federal Land Policy and Management Act
7 of 1976 (43 U.S.C. 1712 and 1782).

8 (b) RELEASE.—Except as provided in subsection (c),
9 any public lands administered by the Bureau of Land
10 Management in the State of Utah not designated wilder-
11 ness by this Act shall not be subject to section 603(c) of
12 the Federal Land Policy and Management Act of 1976
13 (43 U.S.C. 1783(c)) but shall be managed for the full
14 range of nonwilderness multiple uses in accordance with
15 land management plans adopted pursuant to section 202
16 of such Act (43 U.S.C. 1712). Such lands shall not be
17 managed for the purpose of protecting their suitability for
18 wilderness designation or their wilderness character and
19 shall remain available for nonwilderness multiple uses,
20 subject to the requirements of other Federal laws.

21 (c) CONTINUING WILDERNESS STUDY AREAS STA-
22 TUS.—The following wilderness study areas which are
23 under study status by States adjacent to the State of Utah
24 shall continue to be subject to section 603(c) of the Fed-
25 eral Land Policy and Management Act of 1976 (43 U.S.C.
26 1782(c)):

1 (1) Bull Canyon; UT-080-419/CO-010-001.

2 (2) Wrigley Mesa/Jones Canyon/Black Ridge
3 Canyon West; UT-060- 116/117/CO-070-113A.

4 (3) Squaw/Papoose Canyon; UT-060-227/CO-
5 030-265A.

6 (4) Cross Canyon; UT-060-229/CO-030-265.

7 **SEC. 11. EXCHANGE RELATING TO SCHOOL AND INSTITU-**
8 **TIONAL TRUST LANDS.**

9 (a) FINDINGS.—The Congress finds that—

10 (1) approximately 142,041 acres of school and
11 institutional trust lands are located within or adja-
12 cent to areas designated as wilderness by this Act;

13 (2) such lands were originally granted to the
14 State of Utah for the purpose of generating support
15 for the public schools through the development of
16 natural resources and other methods;

17 (3) it is in the interest of the State of Utah for
18 such lands to be exchanged for interests in Federal
19 lands located outside of wilderness areas to accom-
20 plish this purpose; and

21 (4) the Federal lands described in subsection
22 (c)(2) are of approximate equivalent value to such
23 school and institutional trust lands.

24 (b) EXCHANGE.—If, not later than two years after
25 the date of the enactment of this Act and in accordance

1 with this section, the State of Utah offers to transfer all
 2 its right, title, and interest in and to the school and insti-
 3 tutional trust lands described in subsection (c)(1) to the
 4 United States, the Secretary shall accept the offer and
 5 transfer (within two years after the date of such accept-
 6 ance) to the State of Utah in exchange for such lands all
 7 right, title, and interest of the United States in and to
 8 the Federal lands described in subsection (c)(2) and, if
 9 necessary, lands identified pursuant to subsection (d). The
 10 exchange of lands under this section shall be subject to
 11 valid existing rights.

12 (c) STATE AND FEDERAL EXCHANGE LANDS DE-
 13 SCRIBED.—

14 (1) SCHOOL AND INSTITUTIONAL TRUST
 15 LANDS.—The school and institutional trust lands re-
 16 ferred to in this section are those lands generally de-
 17 picted as “Utah School Lands” on the map entitled
 18 “In-Held School Trust Land Exchange—Proposed”
 19 and dated _____ which—

20 (A) are located within or adjacent to areas
 21 designated by this Act as wilderness; and

22 (B) were granted by the United States in
 23 the Utah Enabling Act to the State of Utah in
 24 trust and other lands which under State law
 25 must be managed for the benefit of the public

1 school system or the institutions of the State
2 which are designated by the Utah Enabling Act.

3 (2) FEDERAL LANDS.—The Federal lands re-
4 ferred to in this section are the lands located in the
5 State of Utah which are generally depicted as “Fed-
6 eral Exchange Lands” on the map referred to in
7 paragraph (1).

8 (d) ADDITIONAL AVAILABLE FEDERAL LANDS TO
9 REMEDY IMBALANCES DUE TO ENCUMBRANCES.—

10 (1) LIST OF ENCUMBRANCES.—Not later than
11 180 days after the date of the enactment of this Act,
12 the Secretary shall prepare a list of all encum-
13 brances of record (in the records of the Bureau of
14 Land Management or otherwise known to the Bu-
15 reau of Land Management) of the Federal lands de-
16 scribed in subsection (c)(2) and transmit the list to
17 the State of Utah. Likewise, the State shall prepare
18 a list of all encumbrances of record or otherwise
19 known to the State to the State lands described in
20 subsection (c)(1) and transmit the list to the Sec-
21 retary.

22 (2) REMEDY.—In the event that the encum-
23 brances identified pursuant to paragraph (1) result
24 in an imbalance in the exchange under this section
25 such that the value of the lands transferred by the

1 State is greater than the value of the Federal lands
2 received, the Secretary shall transfer to the State
3 such additional Federal lands as may be necessary
4 to remedy the imbalance.

5 (e) DUTIES OF THE PARTIES AND OTHER PROVI-
6 SIONS RELATING TO THE EXCHANGE.—

7 (1) MAP AND LEGAL DESCRIPTION.—The State
8 of Utah and the Secretary shall each provide to the
9 other legal descriptions of the lands under their re-
10 spective jurisdictions which are to be exchanged
11 under this section. The map referred to in sub-
12 section (c)(1) and the legal descriptions provided
13 under this subsection shall be on file and available
14 for public inspection in the office of the Director of
15 the Bureau of Land Management, and the office of
16 the State Director of the Bureau of Land Manage-
17 ment in the State of Utah, Department of the Inte-
18 rior.

19 (2) HAZARDOUS MATERIALS.—The Secretary
20 and, as a condition of the exchange under this sec-
21 tion, the State of Utah shall make available for re-
22 view and inspection all pertinent records relating to
23 hazardous materials (if any) on lands to be ex-
24 changed under this section. The responsibility for
25 costs of remedial action related to such materials

1 shall be borne by those entities responsible under ex-
2 isting law.

3 (3) PROVISIONS RELATING TO FEDERAL
4 LANDS.—(A) The enactment of this section Act shall
5 be construed as satisfying the provisions of section
6 206(a) of the Federal Land Policy and Management
7 Act of 1976 requiring that exchanges of lands be in
8 the public interest.

9 (B) The transfer of lands and related activities
10 required of the Secretary under this section shall not
11 be subject to National Environmental Policy Act of
12 1969.

13 (C) The value of Federal lands transferred to
14 the State under this section shall be adjusted to re-
15 flect the right of the State of Utah to share in reve-
16 nue from such Federal lands.

17 (D) Subject to valid existing rights, the Federal
18 lands described in subsection (c)(2) are hereby with-
19 drawn from disposition under the public land laws
20 and from location, entry, and patent under the min-
21 ing laws of the United States, from the operation of
22 the mineral leasing laws of the United States, from
23 operation of the Geothermal Steam Act of 1970, and
24 from the operation of the Act of July 31, 1947, com-

1 monly known as the Materials Act of 1947 (30
2 U.S.C. 601 and following).

3 (f) ADMINISTRATION OF LANDS ACQUIRED BY THE
4 UNITED STATES.—The lands and interests in lands ac-
5 quired by the United States under this section shall be
6 added to and administered as part of areas of the public
7 lands, as indicated on the maps referred to in this section
8 or in section 2, as applicable.

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S 884 IS—3