

# Calendar No. 651

110TH CONGRESS  
2D SESSION

# S. 1802

[Report No. 110-299]

To adjust the boundaries of the Frank Church River of No Return Wilderness  
in the State of Idaho.

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IN THE SENATE OF THE UNITED STATES

JULY 17, 2007

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

APRIL 10, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To adjust the boundaries of the Frank Church River of  
No Return Wilderness in the State of Idaho.

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 “Idaho Wilderness  
5 Boundary Modification Act of 2007”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to adjust the boundaries of the wilderness  
4 area; and

5 (2) to authorize the Secretary to resolve con-  
6 flicts relating to the private use of the land des-  
7 ignated for exclusion.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) LAND DESIGNATED FOR EXCLUSION.—The  
11 term “land designated for exclusion” means the par-  
12 cel of land that is—

13 (A) comprised of approximately 10.197  
14 acres of land;

15 (B) depicted on the survey; and

16 (C) more particularly described as—

17 (i) beginning at the point of intersec-  
18 tion of a line parallel with, and offset 300  
19 feet northwesterly from, the line between  
20 corners 2 and 3, Homestead Entry Survey  
21 No. 74, and a line parallel with, and offset  
22 300 feet northwesterly from, the line be-  
23 tween corners 3 and 4, Homestead Entry  
24 Survey No. 74;

25 (ii) thence north, 946.94 feet to the  
26 point of intersection with a line parallel

1 with, and offset 300 feet southwesterly  
2 from, the line between corners 1 and 8,  
3 Homestead Entry Survey No. 135;

4 (iii) thence S. 52°56' 28" E., 271.13  
5 feet along said line to the point of intersec-  
6 tion with a line parallel with, and offset  
7 300 feet southerly from, the line between  
8 corners 7 and 8, Homestead Entry Survey  
9 No. 135;

10 (iv) thence along said line N. 81°34'  
11 20" E., 868.03 feet to the point of inter-  
12 section with a line parallel with, and offset  
13 300 feet northwesterly from, the line be-  
14 tween corners 4 and 5, Homestead Entry  
15 Survey No. 74;

16 (v) thence along said line S. 46°40'  
17 46" W., 509.91 feet to the point of inter-  
18 section with a line parallel with, and offset  
19 300 feet northwesterly from, the line be-  
20 tween corners 3 and 4, Homestead Entry  
21 Survey No. 74; and

22 (vi) thence along said line S. 51°27'  
23 18" W., 900.18 feet, to the point of begin-  
24 ning.

1           (2) LAND DESIGNATED FOR INCLUSION.—The  
 2 term “land designated for inclusion” means the par-  
 3 cel of National Forest System land that is—

4           (A) comprised of approximately 10.2 acres  
 5 of land;

6           (B) located in unsurveyed section 22, T.  
 7 14 N., R. 13 E., Boise Meridian, Custer Coun-  
 8 ty, Idaho; and

9           (C) more particularly described as—

10           (i) beginning at the point of intersec-  
 11 tion of the westerly extension of the east-  
 12 west line passing through the confluence of  
 13 No Name Creek and Loon Creek with the  
 14 6000-foot contour;

15           (ii) thence east to the 6200-foot con-  
 16 tour;

17           (iii) thence northerly along the 6200-  
 18 foot contour 312 feet;

19           (iv) thence west to the 6000-foot con-  
 20 tour; and

21           (v) thence along the 6000-foot contour  
 22 308 feet to the point of beginning.

23           (3) SECRETARY.—The term “Secretary” means  
 24 the Secretary of Agriculture.

1           (4) SURVEY.—The term “survey” means the  
 2 survey plat entitled “Proposed Boundary Chage  
 3 FCRONRW Sections 15 (Unsurveyed), Township 14  
 4 North, Range 13 East, B.M. Custer County, Idaho”,  
 5 prepared by C. Hoffman & Schroeder, and dated  
 6 November 14, 2001.

7           (5) WILDERNESS AREA.—The term “wilderness  
 8 area” means the Frank Church River of No Return  
 9 Wilderness designated by section 3 of the Central  
 10 Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note;  
 11 94 Stat. 948).

12 **SEC. 4. BOUNDARY ADJUSTMENT.**

13 (a) ADJUSTMENT TO WILDERNESS AREA.—

14           (1) INCLUSION.—The wilderness area shall in-  
 15 clude the land designated for inclusion.

16           (2) EXCLUSION.—The wilderness area shall not  
 17 include the land designated for exclusion.

18 (b) CORRECTIONS TO SURVEY.—The Secretary may  
 19 make corrections to the survey.

20 (c) AUTHORIZATION OF SECRETARY.—Notwith-  
 21 standing the acreage requirement described in section 3(2)  
 22 of Public Law 97-465 (commonly known as the “Small  
 23 Tracts Act”) (16 U.S.C. 521e(2)), the Secretary may re-  
 24 solve any encroachment on the land designated for exclu-  
 25 sion in accordance with that section.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Idaho Wilderness*  
3 *Boundary Modification Act of 2008”.*

4 **SEC. 2. PURPOSES.**

5 *The purposes of this Act are—*

6 *(1) to adjust the boundaries of the wilderness*  
7 *area; and*

8 *(2) to authorize the Secretary to sell the land*  
9 *designated for removal from the wilderness area due*  
10 *to encroachment.*

11 **SEC. 3. DEFINITIONS.**

12 *In this Act:*

13 *(1) LAND DESIGNATED FOR EXCLUSION.—The*  
14 *term “land designated for exclusion” means the parcel*  
15 *of land that is—*

16 *(A) comprised of approximately 10.2 acres*  
17 *of land;*

18 *(B) generally depicted on the survey plat*  
19 *entitled “Proposed Boundary Change*  
20 *FCRONRW Sections 15 (unsurveyed) Township*  
21 *14 North, Range 13 East, B.M., Custer County,*  
22 *Idaho” and dated November 14, 2001; and*

23 *(C) more particularly described in the sur-*  
24 *vey plat and legal description on file in—*

25 *(i) the office of the Chief of the Forest*  
26 *Service, Washington, DC; and*

1                   (ii) the office of the Intermountain Re-  
2                   gional Forester, Ogden, Utah.

3           (2) *LAND DESIGNATED FOR INCLUSION.*—The  
4           term “land designated for inclusion” means the par-  
5           cel of National Forest System land that is—

6                   (A) comprised of approximately 10.2 acres  
7                   of land;

8                   (B) located in unsurveyed section 22, T. 14  
9                   N., R. 13 E., Boise Meridian, Custer County,  
10                  Idaho;

11                  (C) generally depicted on the map entitled  
12                  “Challis National Forest, T.14 N., R. 13 E.,  
13                  B.M., Custer County, Idaho, Proposed Boundary  
14                  Change FCRONRW” and dated September 19,  
15                  2007; and

16                  (D) more particularly described on the map  
17                  and legal description on file in—

18                         (i) the office of the Chief of the Forest  
19                         Service, Washington, DC; and

20                         (ii) the Intermountain Regional For-  
21                         ester, Ogden, Utah.

22           (3) *SECRETARY.*—The term “Secretary” means  
23           the Secretary of Agriculture.

24           (4) *WILDERNESS AREA.*—The term “wilderness  
25           area” means the Frank Church River of No Return

1        *Wilderness designated by section 3 of the Central*  
2        *Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note;*  
3        *94 Stat. 948).*

4        **SEC. 4. BOUNDARY ADJUSTMENT.**

5        *(a) ADJUSTMENT TO WILDERNESS AREA.—*

6                *(1) INCLUSION.—The wilderness area shall in-*  
7        *clude the land designated for inclusion.*

8                *(2) EXCLUSION.—The wilderness area shall not*  
9        *include the land designated for exclusion.*

10        *(b) CORRECTIONS TO LEGAL DESCRIPTIONS.—The*  
11        *Secretary may make corrections to the legal descriptions.*

12        **SEC. 5. CONVEYANCE OF LAND DESIGNATED FOR EXCLU-**  
13                **SION.**

14        *(a) IN GENERAL.—Subject to subsection (b), to resolve*  
15        *the encroachment on the land designated for exclusion, the*  
16        *Secretary may sell for consideration in an amount equal*  
17        *to fair market value—*

18                *(1) the land designated for exclusion; and*

19                *(2) as the Secretary determines to be necessary,*  
20        *not more than 10 acres of land adjacent to the land*  
21        *designated for exclusion.*

22        *(b) CONDITIONS.—The sale of land under subsection*  
23        *(a) shall be subject to the conditions that—*

1           (1) *the land to be conveyed be appraised in ac-*  
2 *cordance with the Uniform Appraisal Standards for*  
3 *Federal Land Acquisitions;*

4           (2) *the person buying the land shall pay—*

5                 (A) *the costs associated with appraising*  
6 *and, if the land needs to be resurveyed, resur-*  
7 *veying the land; and*

8                 (B) *any analyses and closing costs associ-*  
9 *ated with the conveyance;*

10           (3) *for management purposes, the Secretary may*  
11 *reconfigure the description of the land for sale; and*

12           (4) *the owner of the adjacent private land shall*  
13 *have the first opportunity to buy the land.*

14           (c) *DISPOSITION OF PROCEEDS.—*

15                 (1) *IN GENERAL.—The Secretary shall deposit*  
16 *the cash proceeds from a sale of land under subsection*  
17 *(a) in the fund established under Public Law 90–171*  
18 *(commonly known as the “Sisk Act”) (16 U.S.C.*  
19 *484a).*

20                 (2) *AVAILABILITY AND USE.—Amounts deposited*  
21 *under paragraph (1)—*

22                         (A) *shall remain available until expended*  
23 *for the acquisition of land for National Forest*  
24 *purposes in the State of Idaho; and*

1                    *(B) shall not be subject to transfer or re-*  
2                    *programming for—*

3                    *(i) wildland fire management; or*

4                    *(ii) any other emergency purposes.*



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