

# Union Calendar No. 164

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2488

[Report No. 107-269]

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2001

Mr. HANSEN introduced the following bill; which was referred to the Committee on Resources

NOVEMBER 5, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on July 12, 2001]

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## A BILL

To designate certain lands in the Pilot Range 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. DESIGNATION OF WILDERNESS.**

4        (a) *DESIGNATION.*—*In furtherance of the purposes of*  
5 *the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal*

1 *lands in Box Elder County, Utah, which comprise approxi-*  
2 *mately 23,021 acres, as generally depicted on a map enti-*  
3 *tled “Pilot Range Wilderness” and dated October 1, 2001,*  
4 *are hereby designated as wilderness and, therefore, as com-*  
5 *ponents of the National Wilderness Preservation System,*  
6 *and shall be known as the Pilot Range Wilderness.*

7       **(b) MAP AND DESCRIPTION.**—*As soon as practicable*  
8 *after the date of the enactment of this Act, the Secretary*  
9 *of the Interior (in this Act referred to as the “Secretary”)*  
10 *shall file a map and legal description of the Pilot Range*  
11 *Wilderness with the Committee on Resources of the House*  
12 *of Representatives and the Committee on Energy and Nat-*  
13 *ural Resources of the Senate. Such map and description*  
14 *shall have the same force and effect as if included in this*  
15 *Act, except that the Secretary may correct clerical and typo-*  
16 *graphical errors in such map and legal description. The*  
17 *map and legal description shall be on file and available*  
18 *for public inspection in the office of the Director of the Bu-*  
19 *reau of Land Management and the office of the State Direc-*  
20 *tor of the Bureau of Land Management in the State of*  
21 *Utah, Department of the Interior.*

22 **SEC. 2. ADMINISTRATION OF PILOT RANGE WILDERNESS.**

23       **(a) IN GENERAL.**—*Subject to valid existing rights and*  
24 *this Act, the Pilot Range Wilderness shall be administered*  
25 *by the Secretary in accordance with the provisions of the*

1 *Wilderness Act, except that any reference in such provisions*  
2 *to the effective date of the Wilderness Act (or any similar*  
3 *reference) shall be deemed to be a reference to the effective*  
4 *date of this Act.*

5       **(b) INCORPORATION OF ACQUIRED LANDS AND INTER-**  
6 *ESTS.—Any privately owned lands or interest in lands*  
7 *within or abutting the boundaries of the Pilot Range Wil-*  
8 *derness that are acquired by the United States after the date*  
9 *of the enactment of this Act shall be added to and adminis-*  
10 *tered as part of the Pilot Range Wilderness.*

11       **(c) STATE FISH AND WILDLIFE.—As provided in sec-**  
12 *tion 4(d)(7) of the Wilderness Act, nothing in this Act shall*  
13 *be construed as affecting the jurisdiction or responsibilities*  
14 *of the State of Utah with respect to wildlife and fish on*  
15 *the public lands located in that State.*

16       **(d) ACQUISITION OF LANDS AND INTERESTS.—The**  
17 *Secretary may offer to acquire from nongovernmental enti-*  
18 *ties lands and interest in lands located within or abutting*  
19 *the Pilot Range Wilderness. Such lands may be acquired*  
20 *at fair market value under this subsection by exchange, do-*  
21 *nation, or purchase from willing sellers.*

22       **(e) WILDLIFE MANAGEMENT.—In furtherance of the**  
23 *purposes and principles of the Wilderness Act, management*  
24 *activities to maintain or restore fish and wildlife popu-*  
25 *lations and the habitats to support such populations may*

1 *be carried out within the Pilot Range Wilderness where con-*  
2 *sistent with relevant wilderness management plans, in ac-*  
3 *cordance with appropriate policies and guidelines such as*  
4 *those set forth in appendix B of the Report of the Committee*  
5 *on Interior and Insular Affairs to accompany H.R. 2570*  
6 *of the One Hundred First Congress (H. Rept. 101–405).*

7 (f) *NATIONAL DEFENSE LANDS.—*

8 (1) *FINDINGS.—The Congress finds the following:*

9 (A) *The testing and development of military*  
10 *weapons systems and the training of military*  
11 *forces are critical to ensuring the national secu-*  
12 *rity of the United States.*

13 (B) *The Utah Test and Training Range*  
14 *and Dugway Proving Ground are unique and ir-*  
15 *replaceable national assets at the core of the De-*  
16 *partment of Defense’s test and training mission.*

17 (C) *The Pilot Range Wilderness is located*  
18 *near lands withdrawn for military use and be-*  
19 *neath special use airspace critical to the support*  
20 *of military test and training missions on the*  
21 *Utah Test and Training Range and Dugway*  
22 *Proving Ground.*

23 (D) *Continued unrestricted access to the*  
24 *special use airspace and lands which comprise*  
25 *the Utah Test and Training Range and Dugway*

1        *Proving Ground is a national security priority*  
2        *and is not incompatible with the protection and*  
3        *proper management of the natural, environ-*  
4        *mental, cultural, and other resources of the Fed-*  
5        *eral lands designated as wilderness by this Act.*

6        (2) *OVERFLIGHTS.*—

7            (A) *IN GENERAL.*—*Nothing in this Act, the*  
8        *Wilderness Act, or other land management laws*  
9        *generally applicable to the Pilot Range Wilder-*  
10       *ness, shall restrict or preclude low-level over-*  
11       *flights, low-level military overflights and oper-*  
12       *ations of military aircraft, helicopters, un-*  
13       *manned aerial military overflights or military*  
14       *overflights and operations that can be seen or*  
15       *heard within those areas. There shall be no re-*  
16       *strictions or preclusions to altitude or airspeed,*  
17       *noise level, supersonic flight, route of flight, time*  
18       *of flight, seasonal usage, or numbers of flights of*  
19       *any military aircraft, helicopters, unmanned*  
20       *aerial vehicles, missiles, aerospace vehicles, and*  
21       *other military weapons systems over the Pilot*  
22       *Range Wilderness. As used in this paragraph,*  
23       *the term “low-level” includes any flight down to*  
24       *and including 10 feet above ground level.*

1           (B) *MODIFICATION IN USE.*—Nothing in  
2 this Act, the Wilderness Act, or other land man-  
3 agement laws generally applicable to the Pilot  
4 Range Wilderness, shall restrict or preclude the  
5 designation of new units of special use airspace,  
6 the expansion of existing units of special use air-  
7 space, or the use or establishment of military  
8 training routes over the Pilot Range Wilderness.

9           (3) *MEMORANDUM OF UNDERSTANDING.*—

10           (A) *IN GENERAL.*—Not later than 120 days  
11 after the date of the enactment of this Act, the  
12 Secretary of the Air Force and the Secretary  
13 shall enter into a formal memorandum of under-  
14 standing to establish the procedures and guide-  
15 lines for the use of the Pilot Range Wilderness,  
16 including the following:

17           (i) *Procedures and guidelines to ensure*  
18 *immediate access which may be necessary to*  
19 *respond to emergency situations, including*  
20 *the search, rescue, and recovery of personnel*  
21 *and the recovery and investigation of mili-*  
22 *tary aircraft or other weapons systems.*

23           (ii) *Procedures and guidelines to deter-*  
24 *mine the control, restriction, or prohibition*

1                   of public access when necessary for purposes  
2                   of national security or public safety.

3                   (iii) Procedures and guidelines to pro-  
4                   vide for the installation of temporary com-  
5                   munications, instrumentation, or other  
6                   equipment necessary for effective testing and  
7                   training to meet military requirements.

8                   (B) INTERIM OPERATIONS.—Military oper-  
9                   ations in the Dugway Proving Ground and in  
10                  the Utah Test and Training Range shall not be  
11                  limited or restricted in any way pending the  
12                  completion of the memorandum of understanding  
13                  required by subparagraph (A).

14               (g) LIVESTOCK.—Within the Pilot Range Wilderness,  
15               the grazing of livestock, where established prior to the date  
16               of the enactment of this Act, shall be permitted to continue  
17               subject to such reasonable regulations, policies, and prac-  
18               tices as the Secretary deems necessary, as long as such regu-  
19               lations, policies, and practices fully conform with and im-  
20               plement the intent of Congress regarding grazing in such  
21               areas as such intent is expressed in the Wilderness Act, sec-  
22               tion 101(f) of Public Law 101–628, and House Report 101–  
23               405, Appendix A.

24               (h) WATER RIGHTS.—Nothing in this Act, the Wilder-  
25               ness Act, or any action taken pursuant thereto shall con-

1 *stitute an express or implied reservation of surface or*  
2 *groundwater by any person, including the United States.*  
3 *Nothing in this Act affects any valid existing water rights*  
4 *in existence before the date of the enactment of this Act,*  
5 *including any water rights held by the United States. If*  
6 *the United States determines that additional water re-*  
7 *sources are needed for the purposes of this Act, the United*  
8 *States shall work with or through any agency that is eligible*  
9 *to hold in-stream flow water rights to acquire such rights*  
10 *in accordance with the water laws of the State of Utah.*

11 **SEC. 3. WILDERNESS RELEASE.**

12 *Lands that are within the Pilot Range in Utah not*  
13 *designated as wilderness by this Act are no longer subject*  
14 *to the plan amendment process initiated by the Secretary*  
15 *and identified by the Federal Register Notice dated March*  
16 *18, 1999, page 13499.*

17 **SEC. 4. ADJACENT MANAGEMENT.**

18 *The Congress does not intend for the designation of the*  
19 *Pilot Range Wilderness to lead to the creation of protective*  
20 *perimeters or buffer zones around any such wilderness. The*  
21 *fact that nonwilderness activities or uses can be seen or*  
22 *heard within the Pilot Range Wilderness shall not, of itself,*  
23 *preclude such activities or uses up to the boundary of that*  
24 *wilderness.*

1 **SEC. 5. WITHDRAWAL.**

2       *Subject to valid existing rights, the Federal lands with-*  
3 *in the Pilot Range Wilderness are hereby withdrawn from*  
4 *all forms of entry, appropriation, or disposal under the*  
5 *public land laws; and from location, entry, and patent*  
6 *under the United States mining laws; and from disposition*  
7 *under all laws pertaining to mineral and geothermal leas-*  
8 *ing, and mineral materials, and all amendments thereto.*

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