

112TH CONGRESS  
1ST SESSION

# S. 1788

To designate the Pine Forest Range Wilderness area in Humboldt County,  
Nevada.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2011

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

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## A BILL

To designate the Pine Forest Range Wilderness area in  
Humboldt County, Nevada.

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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Pine Forest Range Recreation Enhancement Act of  
6       2011”.

7       (b) **TABLE OF CONTENTS.**—The table of contents for  
8       this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Addition to National Wilderness Preservation System.

- Sec. 5. Administration.
- Sec. 6. Adjacent management.
- Sec. 7. Military overflights.
- Sec. 8. Native American cultural and religious uses.
- Sec. 9. Release of wilderness study areas.
- Sec. 10. Wildlife management.
- Sec. 11. Wildfire, insect, and disease management.
- Sec. 12. Climatological data collection.
- Sec. 13. Land exchanges.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) public land in the Pine Forest Range con-  
 4 tains unique and spectacular natural resources, in-  
 5 cluding—

6 (A) priceless habitat for numerous species  
 7 of plants and wildlife; and

8 (B) thousands of acres of land that remain  
 9 in a natural state;

10 (2) continued preservation of the public land  
 11 would benefit the County and the United States  
 12 by—

13 (A) ensuring the conservation of eco-  
 14 logically diverse habitat;

15 (B) protecting prehistoric cultural re-  
 16 sources;

17 (C) conserving primitive recreational re-  
 18 sources; and

19 (D) protecting air and water quality; and

20 (3) designation of the Pine Forest Range as a  
 21 wilderness area is supported by the State, units of

1 local governments, and the surrounding commu-  
2 nities.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) COUNTY.—The term “County” means  
6 Humboldt County, Nevada.

7 (2) MAP.—The term “Map” means the map en-  
8 titled “Proposed Pine Forest Wilderness Area” and  
9 dated May 4, 2011.

10 (3) SECRETARY.—The term “Secretary” means  
11 the Secretary of the Interior.

12 (4) STATE.—The term “State” means the State  
13 of Nevada.

14 **SEC. 4. ADDITION TO NATIONAL WILDERNESS PRESERVA-  
15 TION SYSTEM.**

16 (a) DESIGNATION.—Certain Federal land managed  
17 by the Bureau of Land Management, comprising approxi-  
18 mately 26,000 acres, as generally depicted on the Map is  
19 designated as wilderness and as a component of the Na-  
20 tional Wilderness Preservation System, to be known as the  
21 “Pine Forest Range Wilderness”.

22 (b) BOUNDARY.—

23 (1) ROAD ACCESS.—The boundary of any por-  
24 tion of the wilderness area designated by subsection

25 (a) that is bordered by a road shall be at least 100

1 feet away from the edge of the road to allow public  
2 access.

3 (2) ROAD ADJUSTMENTS.—The Secretary  
4 shall—

5 (A) reroute the road running through  
6 Long Meadow to the west to remove the road  
7 from the riparian area;

8 (B) reroute the road currently running  
9 through Rodeo Flat Meadow to the east to re-  
10 move the road from the riparian area; and

11 (C) close, except for administrative use,  
12 the road along Lower Alder Creek south of Bu-  
13 reau of Land Management road #2083.

14 (3) RESERVOIR ACCESS.—The boundary of the  
15 wilderness area designated by subsection (a) shall be  
16 at least 160 feet downstream from the dam at Little  
17 Onion Reservoir to allow public access.

18 (c) MAP AND LEGAL DESCRIPTION.—

19 (1) IN GENERAL.—As soon as practicable after  
20 the date of enactment of this Act, the Secretary  
21 shall file a map and legal description of the wilder-  
22 ness area designated by subsection (a) with—

23 (A) the Committee on Natural Resources  
24 of the House of Representatives; and

1 (B) the Committee on Energy and Natural  
2 Resources of the Senate.

3 (2) EFFECT.—The map and legal description  
4 filed under paragraph (1) shall have the same force  
5 and effect as if included in this Act, except that the  
6 Secretary may correct clerical and typographical er-  
7 rors in the map or legal description.

8 (3) AVAILABILITY.—Each map and legal de-  
9 scription filed under paragraph (1) shall be on file  
10 and available for public inspection in the appropriate  
11 offices of the Bureau of Land Management.

12 (d) WITHDRAWAL.—Subject to valid existing rights,  
13 the wilderness area designated by subsection (a) is with-  
14 drawn from—

15 (1) all forms of entry, appropriation, and dis-  
16 posal under the public land laws;

17 (2) location, entry, and patent under the mining  
18 laws; and

19 (3) disposition under all laws pertaining to min-  
20 eral and geothermal leasing or mineral materials.

21 **SEC. 5. ADMINISTRATION.**

22 (a) MANAGEMENT.—Subject to valid existing rights,  
23 the land designated as wilderness by this Act shall be ad-  
24 ministered by the Secretary in accordance with the Wilder-  
25 ness Act (16 U.S.C. 1131 et seq.), except that—

1           (1) any reference in that Act to the effective  
2           date of that Act shall be considered to be a reference  
3           to the date of enactment of this Act; and

4           (2) any reference in that Act to the Secretary  
5           of Agriculture shall be considered to be a reference  
6           to the Secretary.

7           (b) LIVESTOCK.—Within the wilderness area des-  
8           ignated by this Act, the grazing of livestock in areas ad-  
9           ministered by the Bureau of Land Management in which  
10          grazing is established as of the date of enactment of this  
11          Act shall be allowed to continue—

12          (1) subject to such reasonable regulations, poli-  
13          cies, and practices as the Secretary considers to be  
14          necessary; and

15          (2) consistent with section 4(d)(4) of the Wil-  
16          derness Act (16 U.S.C. 1133(d)(4)), including the  
17          guidelines set forth in Appendix A of House Report  
18          101–405.

19          (c) INCORPORATION OF ACQUIRED LAND AND INTER-  
20          ESTS.—Any land or interest in land within the boundaries  
21          of the area designated as wilderness by this Act that is  
22          acquired by the United States after the date of enactment  
23          of this Act shall be added to and administered as part  
24          of the wilderness area.

25          (d) WATER RIGHTS.—

1 (1) FINDINGS.—Congress finds that—

2 (A) the land designated as wilderness by  
3 this Act is located—

4 (i) in the semiarid region of the Great  
5 Basin; and

6 (ii) at the headwaters of the streams  
7 and rivers on land with respect to which  
8 there are few, if any—

9 (I) actual or proposed water re-  
10 source facilities located upstream; and

11 (II) opportunities for diversion,  
12 storage, or other uses of water occur-  
13 ring outside the land that would ad-  
14 versely affect the wilderness values of  
15 the land;

16 (B) the land designated as wilderness by  
17 this Act is generally not suitable for use or de-  
18 velopment of new water resource facilities; and

19 (C) because of the unique nature of the  
20 land designated as wilderness by this Act, it is  
21 possible to provide for proper management and  
22 protection of the wilderness and other values of  
23 land in ways different from those used in other  
24 laws.

1           (2) PURPOSE.—The purpose of this section is  
2 to protect the wilderness values of the land des-  
3 ignated as wilderness by this Act by means other  
4 than a federally reserved water right.

5           (3) STATUTORY CONSTRUCTION.—Nothing in  
6 this Act—

7           (A) constitutes an express or implied res-  
8 ervation by the United States of any water or  
9 water rights with respect to a wilderness des-  
10 ignated by this Act;

11           (B) affects any water rights in the State  
12 (including any water rights held by the United  
13 States) in existence on the date of enactment of  
14 this Act;

15           (C) establishes a precedent with regard to  
16 any future wilderness designations;

17           (D) affects the interpretation of, or any  
18 designation made under, any other Act; or

19           (E) limits, alters, modifies, or amends any  
20 interstate compact or equitable apportionment  
21 decree that apportions water among and be-  
22 tween the State and other States.

23           (4) NEVADA WATER LAW.—The Secretary shall  
24 follow the procedural and substantive requirements  
25 of State law in order to obtain and hold any water



1 rights not in existence on the date of enactment of  
2 this Act with respect to the wilderness area des-  
3 ignated by this Act.

4 (5) NEW PROJECTS.—

5 (A) DEFINITION OF WATER RESOURCE FA-  
6 CILITY.—

7 (i) IN GENERAL.—In this paragraph,  
8 the term “water resource facility” means  
9 irrigation and pumping facilities, res-  
10 ervoirs, water conservation works, aque-  
11 ducts, canals, ditches, pipelines, wells, hy-  
12 dropower projects, transmission and other  
13 ancillary facilities, and other water diver-  
14 sion, storage, and carriage structures.

15 (ii) EXCLUSION.—In this paragraph,  
16 the term “water resource facility” does not  
17 include wildlife guzzlers.

18 (B) RESTRICTION ON NEW WATER RE-  
19 SOURCE FACILITIES.—Except as otherwise pro-  
20 vided in this Act, on or after the date of enact-  
21 ment of this Act, neither the President nor any  
22 other officer, employee, or agent of the United  
23 States shall fund, assist, authorize, or issue a  
24 license or permit for the development of any  
25 new water resource facility within a wilderness

1           area, any portion of which is located in the  
2           County.

3 **SEC. 6. ADJACENT MANAGEMENT.**

4           (a) IN GENERAL.—Congress does not intend for the  
5 designation of land as wilderness by this Act to create a  
6 protective perimeter or buffer zone around the wilderness  
7 area.

8           (b) NONWILDERNESS ACTIVITIES.—The fact that  
9 nonwilderness activities or uses can be seen or heard from  
10 areas within the wilderness designated by this Act shall  
11 not preclude the conduct of the activities or uses outside  
12 the boundary of the wilderness area.

13 **SEC. 7. MILITARY OVERFLIGHTS.**

14           Nothing in this Act restricts or precludes—

15           (1) low-level overflights of military aircraft over  
16 the area designated as wilderness by this Act, in-  
17 cluding military overflights that can be seen or  
18 heard within the wilderness area;

19           (2) flight testing and evaluation; or

20           (3) the designation or creation of new units of  
21 special use airspace, or the establishment of military  
22 flight training routes, over the wilderness area.

23 **SEC. 8. NATIVE AMERICAN CULTURAL AND RELIGIOUS**  
24 **USES.**

25           Nothing in this Act diminishes—

1 (1) the rights of any Indian tribe; or

2 (2) tribal rights regarding access to Federal  
3 land for tribal activities, including spiritual, cultural,  
4 and traditional food-gathering activities.

5 **SEC. 9. RELEASE OF WILDERNESS STUDY AREAS.**

6 (a) FINDING.—Congress finds that, for the purposes  
7 of section 603 of the Federal Land Policy and Manage-  
8 ment Act of 1976 (43 U.S.C. 1782), the Bureau of Land  
9 Management land in any portion of the Blue Lakes and  
10 Alder Creek wilderness study areas not designated as wil-  
11 derness by section 4(a) has been adequately studied for  
12 wilderness designation.

13 (b) RELEASE.—Any public land described in sub-  
14 section (a) that is not designated as wilderness by this  
15 Act—

16 (1) is no longer subject to section 603(c) of the  
17 Federal Land Policy and Management Act of 1976  
18 (43 U.S.C. 1782(c));

19 (2) shall be managed in accordance with—

20 (A) land management plans adopted under  
21 section 202 of that Act (43 U.S.C. 1712); and

22 (B) cooperative conservation agreements in  
23 existence on the date of enactment of this Act;  
24 and

1           (3) shall be subject to the Endangered Species  
2           Act of 1973 (16 U.S.C. 1531 et seq.).

3 **SEC. 10. WILDLIFE MANAGEMENT.**

4           (a) IN GENERAL.—In accordance with section  
5 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),  
6 nothing in this Act affects or diminishes the jurisdiction  
7 of the State with respect to fish and wildlife management,  
8 including the regulation of hunting, fishing, and trapping,  
9 in the wilderness area designated by this Act.

10          (b) MANAGEMENT ACTIVITIES.—In furtherance of  
11 the purposes and principles of the Wilderness Act (16  
12 U.S.C. 1131 et seq.), management activities to maintain  
13 or restore fish and wildlife populations and the habitats  
14 to support the populations may be carried out within the  
15 wilderness area designated by this Act, if the activities are  
16 carried out—

17           (1) consistent with relevant wilderness manage-  
18           ment plans; and

19           (2) in accordance with—

20           (A) the Wilderness Act (16 U.S.C. 1131 et  
21           seq.); and

22           (B) appropriate policies, such as those set  
23           forth in Appendix B of House Report 101–405,  
24           including the occasional and temporary use of  
25           motorized vehicles if the use, as determined by

1           the Secretary, would promote healthy, viable,  
2           and more naturally distributed wildlife popu-  
3           lations that would enhance wilderness values  
4           with the minimal impact necessary to reason-  
5           ably accomplish those tasks.

6           (c) EXISTING ACTIVITIES.—Consistent with section  
7           4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and  
8           in accordance with appropriate policies such as those set  
9           forth in Appendix B of House Report 101–405, the State  
10          may continue to use aircraft, including helicopters, to sur-  
11          vey, capture, transplant, monitor, and provide water for  
12          wildlife populations.

13          (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—  
14          Subject to subsection (f), the Secretary shall authorize  
15          structures and facilities, including existing structures and  
16          facilities, for wildlife water development projects, including  
17          guzzlers, in the wilderness areas designated by section  
18          4(a) if—

19                (1) the structures and facilities will, as deter-  
20                mined by the Secretary, enhance wilderness values  
21                by promoting healthy, viable, and more naturally  
22                distributed wildlife populations; and

23                (2) the visual impacts of the structures and fa-  
24                cilities on the wilderness areas can reasonably be  
25                minimized.

1 (e) HUNTING, FISHING, AND TRAPPING.—

2 (1) IN GENERAL.—The Secretary may des-  
3 ignate, by regulation, areas in which, and establish  
4 periods during which, for reasons of public safety,  
5 administration, or compliance with applicable laws,  
6 no hunting, fishing, or trapping will be permitted in  
7 the wilderness areas designated by section 4(a).

8 (2) CONSULTATION.—Except in emergencies,  
9 the Secretary shall consult with the appropriate  
10 State agency before promulgating regulations under  
11 paragraph (1).

12 (f) COOPERATIVE AGREEMENT.—

13 (1) IN GENERAL.—The State, including a des-  
14 ignee of the State, may conduct wildlife management  
15 activities in the wilderness area designated by this  
16 Act—

17 (A) in accordance with the terms and con-  
18 ditions specified in the cooperative agreement  
19 between the Secretary and the State entitled  
20 “Memorandum of Understanding between the  
21 Bureau of Land Management and the Nevada  
22 Department of Wildlife Supplement No. 9” and  
23 signed November and December 2003, includ-  
24 ing any amendments to the cooperative agree-

1           ment agreed to by the Secretary and the State;  
2           and

3                   (B) subject to all applicable laws (including  
4           regulations).

5           (2) REFERENCES; CLARK COUNTY.—For the  
6           purposes of this subsection, any reference to Clark  
7           County in the cooperative agreement described in  
8           paragraph (1)(A) shall be considered to be a ref-  
9           erence to the Pine Forest Range Wilderness.

10 **SEC. 11. WILDFIRE, INSECT, AND DISEASE MANAGEMENT.**

11           (a) IN GENERAL.—Consistent with section 4(d)(1) of  
12           the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary  
13           may take such measures in the wilderness designated by  
14           this Act as may be necessary for the control of fire, in-  
15           sects, and diseases (including, as the Secretary determines  
16           to be appropriate, the coordination of the activities with  
17           a State or local agency).

18           (b) EFFECT.—Nothing in this Act precludes a Fed-  
19           eral, State, or local agency from conducting wildfire man-  
20           agement operations (including operations using aircraft or  
21           mechanized equipment).

22 **SEC. 12. CLIMATOLOGICAL DATA COLLECTION.**

23           If the Secretary determines that hydrologic, meteorolo-  
24           gic, or climatological collection devices are appropriate  
25           to further the scientific, educational, and conservation

1 purposes of the wilderness area designated by this Act,  
2 nothing in this Act precludes the installation and mainte-  
3 nance of the collection devices within the wilderness area.

4 **SEC. 13. LAND EXCHANGES.**

5 (a) DEFINITIONS.—In this section:

6 (1) FEDERAL LAND.—The term “Federal land”  
7 means Federal land in the County that—

8 (A) is not segregated or withdrawn on or  
9 after the date of enactment of this Act;

10 (B) is identified for disposal by the Bureau  
11 of Land Management through the Winnemucca  
12 Resource Management Plan; and

13 (C) is determined by the Bureau of Land  
14 Management to be appropriate for exchange  
15 consistent with section 206 of the Federal Land  
16 Policy and Management Act of 1976 (43 U.S.C.  
17 1716).

18 (2) NON-FEDERAL LAND.—The term “non-Fed-  
19 eral land” means land identified on the Map as  
20 “non-Federal lands for exchange”.

21 (b) ACQUISITION OF LAND AND INTERESTS IN  
22 LAND.—

23 (1) IN GENERAL.—Consistent with applicable  
24 law and subject to subsection (c), the Secretary may  
25 exchange the Federal land for non-Federal land.



1           (2) INCORPORATION OF ACQUIRED LAND.—Any  
2 non-Federal land or interest in non-Federal land in,  
3 or adjoining the boundary of, the Pine Forest Range  
4 Wilderness Area that is acquired by the United  
5 States shall be added to, and administered as part  
6 of, the Pine Forest Range Wilderness Area.

7           (c) CONDITIONS.—Each land exchange under sub-  
8 section (a) shall be subject to—

9           (1) the condition that the owner of the non-  
10 Federal land pay not less than 50 percent of all  
11 costs relating to the land exchange, including the  
12 costs of appraisals, surveys, and any necessary envi-  
13 ronmental clearances; and

14           (2) such additional terms and conditions as the  
15 Secretary may require.

16           (d) DEADLINE FOR COMPLETION OF LAND EX-  
17 CHANGE.—It is the intent of Congress that the land ex-  
18 changes under this section be completed by not later than  
19 5 years after the date of enactment of this Act.

○