

107TH CONGRESS
1ST SESSION

H. R. 2488

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

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2001

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

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 Fed-
6 eral lands in Box Elder County, Utah, which comprise ap-
7 proximately 37,066 acres, as generally depicted on a map
8 entitled “Pilot Range Wilderness” and dated _____, are
9 hereby designated as wilderness and, therefore, as compo-

1 nents of the National Wilderness Preservation System,
2 and shall be known as the Pilot Range Wilderness.

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

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

19 (a) IN GENERAL.—Subject to valid existing rights
20 and this Act, the Pilot Range Wilderness shall be adminis-
21 tered by the Secretary in accordance with the provisions
22 of the Wilderness Act, except that any reference in such
23 provisions to the effective date of the Wilderness Act (or
24 any similar reference) shall be deemed to be a reference
25 to the effective date of this Act.

1 (b) INCORPORATION OF ACQUIRED LANDS AND IN-
2 TERESTS.—Any privately owned lands or interest in lands
3 within or adjacent to the boundaries of the Pilot Range
4 Wilderness that are acquired by the United States after
5 the date of the enactment of this Act shall be added to
6 and administered as part of the Pilot Range Wilderness.

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

12 (d) ACQUISITION OF LANDS AND INTERESTS.—The
13 Secretary may offer to acquire from nongovernmental en-
14 tities lands and interest in lands located within or adjacent
15 to the Pilot Range Wilderness. Such lands may be ac-
16 quired at fair market value under this subsection by ex-
17 change, donation, or purchase from willing sellers.

18 (e) WILDLIFE MANAGEMENT.—In furtherance of the
19 purposes and principles of the Wilderness Act, manage-
20 ment activities to maintain or restore fish and wildlife pop-
21 ulations and the habitats to support such populations may
22 be carried out within the Pilot Range Wilderness where
23 consistent with relevant wilderness management plans, in
24 accordance with appropriate policies and guidelines such
25 as those set forth in appendix B of the Report of the Com-

1 mittee on Interior and Insular Affairs to accompany H.R.
2 2570 of the One Hundred First Congress (H. Rept. 101–
3 405).

4 (f) NATIONAL DEFENSE LANDS.—

5 (1) FINDINGS.—The Congress finds the fol-
6 lowing:

7 (A) The testing and development of mili-
8 tary weapons systems and the training of mili-
9 tary forces are critical to ensuring the national
10 security of the United States.

11 (B) The Utah Test and Training Range
12 and Dugway Proving Ground are unique and ir-
13 replaceable national assets at the core of the
14 Department of Defense’s test and training mis-
15 sion.

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

22 (D) Continued unrestricted access to the
23 special use airspace and lands which comprise
24 the Utah Test and Training Range and
25 Dugway Proving Ground is a national security

1 priority and is not incompatible with the protec-
2 tion and proper management of the natural, en-
3 vironmental, cultural, and other resources of
4 the Federal lands designated as wilderness by
5 this Act.

6 (2) OVERFLIGHTS.—(A) Nothing in this Act,
7 the Wilderness Act, or other land management laws
8 generally applicable to the Pilot Range Wilderness,
9 shall restrict or preclude low-level overflights, low-
10 level military overflights and operations of military
11 aircraft, helicopters, unmanned aerial military over-
12 flights or military overflights and operations that
13 can be seen or heard within those areas. This prohi-
14 bition shall preclude any restriction to altitude or
15 airspeed, noise level, supersonic flight, route of
16 flight, time of flight, seasonal usage, or numbers of
17 flights of any military aircraft, helicopters, un-
18 manned aerial vehicles, missiles, aerospace vehicles,
19 and other military weapons systems over the Pilot
20 Range Wilderness. As used in this paragraph, the
21 term “low-level” includes any flight down to and in-
22 cluding 10 feet above ground level.

23 (B) Nothing in this Act, the Wilderness Act, or
24 other land management laws generally applicable to
25 the Pilot Range Wilderness, shall restrict or pre-

1 clude the designation of new units of special use air-
2 space, the expansion of existing units of special use
3 airspace, or the use or establishment of military
4 training routes over the Pilot Range Wilderness.

5 (3) COMMUNICATIONS AND TRACKING SYS-
6 TEMS.—Nothing in this Act, the Wilderness Act, or
7 other land management laws generally applicable to
8 the Pilot Range Wilderness, shall be construed to re-
9 quire the removal of existing communications, in-
10 strumentation, or electronic tracking systems from
11 the Pilot Range Wilderness, or to prevent any re-
12 quired maintenance of such systems, or to prevent
13 the installation of new communication, instrumenta-
14 tion, or other equipment necessary for effective test-
15 ing and training to meet military requirements so
16 long as the installation and maintenance of such sys-
17 tems do not require construction of any permanent
18 roads.

19 (4) EMERGENCY ACCESS AND RESPONSE.—
20 Nothing in this Act, the Wilderness Act, or other
21 land management laws generally applicable to the
22 Pilot Range Wilderness, shall restrict or preclude
23 timely access to any area necessary to respond to
24 emergency situations. Immediate access, including
25 access for emergency and rescue vehicles and equip-

1 ment, shall not be restricted if human life or health
2 may be in jeopardy. The Secretary of the Air Force
3 and the Secretary shall enter into a formal memo-
4 randum of understanding within 120 days after the
5 date of the enactment of this Act formalizing proce-
6 dures for access to those portions of the Pilot Range
7 Wilderness that are located beneath the Utah Test
8 and Training Range airspace which may be nec-
9 essary to respond to emergency situations, to rescue
10 downed aircrew, to investigate accident locations, to
11 recover military aircraft or other weapons systems,
12 and to restore accident locations. Military operations
13 on the Dugway Proving Ground and within the Utah
14 Test and Training Range shall not be limited or re-
15 stricted in any way pending completion of the memo-
16 randum of understanding.

17 (5) CONTROL OR RESTRICTION OF PUBLIC AC-
18 CESS.—When required by national security or public
19 safety, public access to the areas of the Pilot Range
20 Wilderness which are beneath the airspace des-
21 ignated as special use airspace may be controlled, re-
22 stricted, or prohibited entirely. Such controls, re-
23 strictions, or prohibitions shall remain in force for
24 the minimum duration necessary. The Secretary of
25 the Air Force shall provide notice of such controls,

1 restrictions, or prohibitions to the Department of the
2 Interior and shall enter into a formal memorandum
3 of understanding with the Secretary within 120 days
4 after the date of the enactment of this Act pre-
5 scribing procedures for implementing such controls,
6 restrictions, or prohibitions. Military operations on
7 the Dugway Proving Ground and within the Utah
8 Test and Training Range shall not be limited or re-
9 stricted in any way pending completion of the memo-
10 randum of understanding.

11 (g) LIVESTOCK.—Within the Pilot Range Wilderness,
12 the grazing of livestock, where established prior to the
13 date of the enactment of this Act, shall be permitted to
14 continue subject to such reasonable regulations, policies,
15 and practices as the Secretary deems necessary, as long
16 as such regulations, policies, and practices fully conform
17 with and implement the intent of Congress regarding graz-
18 ing in such areas as such intent is expressed in the Wilder-
19 ness Act, section 101(f) of Public Law 101–628, and
20 House Report 101–405, Appendix A.

21 (h) WATER RIGHTS.—Congress finds that there are
22 unique circumstances with respect to the water-related re-
23 sources within the Pilot Range Wilderness. The Congress
24 recognizes that there is little or no water or water-related
25 resources in those areas which are designated as wilder-

1 ness by this Act. Therefore, nothing in this Act, nor any
2 action taken pursuant thereto, shall constitute either an
3 expressed or implied reservation of water. Nothing in this
4 Act shall affect any valid existing water right, including
5 any Federal reserved water right, in effect on the date
6 of enactment of this Act or any water right hereinafter
7 approved pursuant to the laws of the State of Utah, and
8 nothing in this section shall constitute a precedent for any
9 other wilderness designation legislation Congress may
10 enact after the date of the enactment of this Act.

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

12 The Congress hereby finds and directs that Federal
13 lands within the Pilot Range in Utah not designated as
14 wilderness by this Act have been adequately studied for
15 wilderness designation pursuant to section 603(c) of the
16 Federal Land Policy and Management Act of 1976, are
17 nonsuitable for wilderness designation, and are no longer
18 subject to the requirement of section 603(c) of the Federal
19 Land Policy and Management Act of 1976 pertaining to
20 the management of wilderness study areas in a manner
21 that does not impair the suitability of such areas for pres-
22 ervation as wilderness. The Secretary shall not continue
23 the plan amendment process initiated pursuant to section
24 202 of the Federal Land Policy and Management Act of
25 1976 and identified by Federal Register notice dated

1 March 18, 1999, page 13439 within the Pilot Range in
2 Box Elder County, Utah.

3 **SEC. 4. ADJACENT MANAGEMENT.**

4 The Congress does not intend for the designation of
5 the Pilot Range Wilderness to lead to the creation of pro-
6 tective perimeters or buffer zones around any such wilder-
7 ness. The fact that nonwilderness activities or uses can
8 be seen or heard within the Pilot Range Wilderness shall
9 not, of itself, preclude such activities or uses up to the
10 boundary of that wilderness.

11 **SEC. 5. WITHDRAWAL.**

12 Subject to valid existing rights, the Federal lands
13 within the Pilot Range Wilderness are hereby withdrawn
14 from all forms of entry, appropriation, or disposal under
15 the public land laws; and from location, entry, and patent
16 under the United States mining laws; and from disposition
17 under all laws pertaining to mineral and geothermal leas-
18 ing, and mineral materials, and all amendments thereto.

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