

DESIGNATING CERTAIN LANDS IN THE PILOT RANGE IN  
THE STATE OF UTAH AS WILDERNESS, AND FOR OTHER  
PURPOSES

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NOVEMBER 5, 2001.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H.R. 2488]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2488) to designate certain lands in the Pilot Range in the State of Utah as wilderness, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. DESIGNATION OF WILDERNESS.**

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in Box Elder County, Utah, which comprise approximately 23,021 acres, as generally depicted on a map entitled “Pilot Range Wilderness” and dated October 1, 2001, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System, and shall be known as the Pilot Range Wilderness.

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

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

(a) IN GENERAL.—Subject to valid existing rights and this Act, the Pilot Range Wilderness shall be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective

date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the effective date of this Act.

(b) INCORPORATION OF ACQUIRED LANDS AND INTERESTS.—Any privately owned lands or interest in lands within or abutting the boundaries of the Pilot Range Wilderness that are acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Pilot Range Wilderness.

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

(d) ACQUISITION OF LANDS AND INTERESTS.—The Secretary may offer to acquire from nongovernmental entities lands and interest in lands located within or abutting the Pilot Range Wilderness. Such lands may be acquired at fair market value under this subsection by exchange, donation, or purchase from willing sellers.

(e) WILDLIFE MANAGEMENT.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within the Pilot Range Wilderness where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines such as those set forth in appendix B of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101–405).

(f) NATIONAL DEFENSE LANDS.—

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

(A) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(B) The Utah Test and Training Range and Dugway Proving Ground are unique and irreplaceable national assets at the core of the Department of Defense's test and training mission.

(C) The Pilot Range Wilderness is located near lands withdrawn for military use and beneath special use airspace critical to the support of military test and training missions on the Utah Test and Training Range and Dugway Proving Ground.

(D) Continued unrestricted access to the special use airspace and lands which comprise the Utah Test and Training Range and Dugway Proving Ground is a national security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of the Federal lands designated as wilderness by this Act.

(2) OVERFLIGHTS.—

(A) IN GENERAL.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the Pilot Range Wilderness, shall restrict or preclude low-level overflights, low-level military overflights and operations of military aircraft, helicopters, unmanned aerial military overflights or military overflights and operations that can be seen or heard within those areas. There shall be no restrictions or preclusions to altitude or airspeed, noise level, supersonic flight, route of flight, time of flight, seasonal usage, or numbers of flights of any military aircraft, helicopters, unmanned aerial vehicles, missiles, aerospace vehicles, and other military weapons systems over the Pilot Range Wilderness. As used in this paragraph, the term “low-level” includes any flight down to and including 10 feet above ground level.

(B) MODIFICATION IN USE.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the Pilot Range Wilderness, shall restrict or preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over the Pilot Range Wilderness.

(3) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force and the Secretary shall enter into a formal memorandum of understanding to establish the procedures and guidelines for the use of the Pilot Range Wilderness, including the following:

(i) Procedures and guidelines to ensure immediate access which may be necessary to respond to emergency situations, including the search, rescue, and recovery of personnel and the recovery and investigation of military aircraft or other weapons systems.

(ii) Procedures and guidelines to determine the control, restriction, or prohibition of public access when necessary for purposes of national security or public safety.

(iii) Procedures and guidelines to provide for the installation of temporary communications, instrumentation, or other equipment necessary for effective testing and training to meet military requirements.

(B) INTERIM OPERATIONS.—Military operations in the Dugway Proving Ground and in the Utah Test and Training Range shall not be limited or restricted in any way pending the completion of the memorandum of understanding required by subparagraph (A).

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

(h) WATER RIGHTS.—Nothing in this Act, the Wilderness Act, or any action taken pursuant thereto shall constitute an express or implied reservation of surface or groundwater by any person, including the United States. Nothing in this Act affects any valid existing water rights in existence before the date of the enactment of this Act, including any water rights held by the United States. If the United States determines that additional water resources are needed for the purposes of this Act, the United States shall work with or through any agency that is eligible to hold in-stream flow water rights to acquire such rights in accordance with the water laws of the State of Utah.

#### **SEC. 3. WILDERNESS RELEASE.**

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

#### **SEC. 4. ADJACENT MANAGEMENT.**

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

#### **SEC. 5. WITHDRAWAL.**

Subject to valid existing rights, the Federal lands within the Pilot Range Wilderness are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; and from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### **PURPOSE OF THE BILL**

The purpose of H.R. 2488 is to designate certain lands in the Pilot Range in the State of Utah as wilderness, and for other purposes.

### **BACKGROUND AND NEED FOR LEGISLATION**

The Pilot Mountain Range is located in the west desert of Box Elder County, Utah, on the boundary between Utah and Nevada, approximately 30 miles north of Wendover, Utah. The region is rich in history and includes sites where the famous Donner party discovered a life saving spring, and later continued their ill-fated passage to California. The base of the Pilot Range is 5,000 feet in elevation with mountain peaks reaching to over 8,000 feet. The range contains spectacular views, native springs, semi-arid vegetation, and various species of wildlife, including the endangered Lahotan Cutthroat trout. The rugged land also provides excellent opportunities for multiple recreational activities, especially horseback riding, mountain biking, and hiking.

The Bureau of Land Management (BLM) did not designate lands in the Pilot Range as Wilderness Study Areas (WSAs) in a 1980 wilderness inventory. A BLM re-inventory conducted in 1999 using authority under section 202 of the Federal Lands Policy and Management Act during the Clinton Administration concluded that some lands in the area have wilderness characteristics worthy of federal designation.

Adjacent to the proposed wilderness area is the U.S. Air Force's Utah Test and Training Range (UTTR), which is vital for training U.S. military pilots, and testing of various munitions and advanced terrain-following weapons systems. According to the Department of Defense, the UTTR is a unique and irreplaceable national asset vital to ensuring U.S. military readiness, and language in H.R. 2488 would ensure that existing military testing and training would not be incompatible with the new wilderness designation.

#### COMMITTEE ACTION

H.R. 2488 was introduced on July 12, 2001, by Congressman James V. Hansen (R-UT) and referred to the Committee on Resources. On July 19, 2001, the bill was referred within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On July 26, the Subcommittee held a hearing on the bill. On October 3, 2001, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation, and Public Lands was discharged from further consideration of the bill by unanimous consent. Congressman Hansen offered an amendment in the nature of a substitute that made four significant changes to the original text: (1) Reduced the affected acreage from 37,000 acres to 23,021 acres to accurately reflect changes made to the map depicting recommended wilderness in the Utah portion of the Pilot Range; (2) directed the Secretary of the Interior and the Secretary of the Air Force to enter into a Memorandum of Understanding to determine procedures regarding emergency rescues, restriction of public access for safety and national security purposes, and the temporary placement of communications equipment for military training and testing; (3) required the Federal government to be in compliance with Utah water law prior to accessing any unallocated water within the designated wilderness area; and (4) removed from further consideration those lands within the Pilot Range in Utah, not designated as wilderness by this Act, from the plan amendment process initiated by the Secretary and identified by the March 18, 1999, Federal Register, page 13499. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3, of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.*—Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.*—As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office (CBO), passage of H.R. 2488 could negatively impact federal receipts by withdrawing federal lands from revenue generating activities associated with mining and geothermal energy development. However, the CBO estimates that any such changes in federal receipts under this bill would be negligible.

3. *General Performance Goals and Objectives.*—This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. *Congressional Budget Office Cost Estimate.*—Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, October 16, 2001.

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,*  
*U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2488, a bill to designate certain lands in the Pilot Range in the state of Utah as wilderness, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 2488—A bill to designate certain lands in the Pilot Range in the state of Utah as wilderness, and for other purposes*

CBO estimates that H.R. 2488 would have no significant impact on the federal budget. The bill could affect direct spending (including offsetting receipts); therefore, pay-as-you-go procedures would apply, but we estimate that any such impacts would be negligible. H.R. 2488 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 2488 would designate as wilderness approximately 23,021 acres of federal lands located within Box Elder County, Utah, and administered by the Bureau of Land Management (BLM). Subject to valid existing rights, the bill would withdraw those lands from mining and from mineral and geothermal leasing and development, but specifies that grazing of livestock could continue where it is currently permitted. H.R. 2488 would direct the Secretary of the Interior to enter into a memorandum of understanding with the Secretary of the Air Force to ensure that management of the proposed wilderness area would not affect activities on nearby military lands.

Based on information from BLM, CBO estimates that designating the proposed wilderness area would not significantly affect federal spending. Withdrawing lands within the area from mining and from mineral and geothermal leasing and development could result in forgone offsetting receipts from those lands if, under current law, the lands would generate receipts from those activities. According to BLM, however, those lands currently generate no significant receipts from such activities, and the agency does not expect them to generate significant receipts over the next 10 years. Hence, we estimate that any changes in federal receipts under H.R. 2488 would be negligible.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

