

109TH CONGRESS
1ST SESSION

H. R. _____

To promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SIMPSON introduced the following bill; which was referred to the Committee on _____

A BILL

To promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, 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,*



1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Central Idaho Economic Development and Recreation
 4 Act”.

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

Sec. 1. Short title and table of contents.

**TITLE I—CENTRAL IDAHO ECONOMIC DEVELOPMENT AND
 RECREATION PROMOTION**

- Sec. 101. Land conveyance, designated Sawtooth National Recreation Area land to Custer County, Idaho.
 Sec. 102. Land conveyance, designated Sawtooth National Forest and BLM land to Blaine County, Idaho.
 Sec. 103. Land conveyance, designated National Forest System land to City of Stanley, Idaho.
 Sec. 104. Land conveyance, designated BLM land to City of Clayton, Idaho.
 Sec. 105. Land conveyance, designated BLM land to City of Mackay, Idaho.
 Sec. 106. Land conveyance, designated BLM land to City of Challis, Idaho.
 Sec. 107. Land conveyance authority, support for motorized and bicycle recreation, public land in central Idaho.
 Sec. 108. Stanley-Redfish Lake bike and snowmobile trail.
 Sec. 109. Support for other trail construction and maintenance activities.
 Sec. 110. Support for outfitter and guide activities.
 Sec. 111. Red Trees Phase II study regarding forest health and public safety.
 Sec. 112. Grants to support sustainable economic development and recreation.
 Sec. 113. Continuation of public access to Bowery National Forest Guard Station.
 Sec. 114. Expansion and improvement of Herd Lake Campground.
 Sec. 115. Land exchange to eliminate State of Idaho inholdings in Sawtooth National Recreation Area and new wilderness areas.

TITLE II—CENTRAL IDAHO WILDERNESS AREAS

- Sec. 201. Additions to National Wilderness Preservation System.
 Sec. 202. General administration of wilderness areas.
 Sec. 203. Acquisition of mineral interests and lands from willing sellers.
 Sec. 204. Adjacent management.
 Sec. 205. Wildfire management.
 Sec. 206. Water rights.
 Sec. 207. Wildlife management.
 Sec. 208. Native American cultural and religious uses.
 Sec. 209. Military overflights.
 Sec. 210. Wilderness review.

TITLE III—BOULDER-WHITE CLOUD MANAGEMENT AREA

- Sec. 301. Establishment of management area.
 Sec. 302. Land acquisition in management area.



- Sec. 303. Motorized and bicycle travel.
- Sec. 304. Support and use of Idaho Off Road Motor Vehicle Program.
- Sec. 305. Airports and landing strips.

TITLE IV—WAIVER OF GRAZING PERMITS

- Sec. 401. Findings and purpose.
- Sec. 402. Voluntary grazing permit waiver program.
- Sec. 403. Compensation.

1 **TITLE I—CENTRAL IDAHO ECO-**
 2 **NOMIC DEVELOPMENT AND**
 3 **RECREATION PROMOTION**

4 **SEC. 101. LAND CONVEYANCE, DESIGNATED SAWTOOTH NA-**
 5 **TIONAL RECREATION AREA LAND TO CUSTER**
 6 **COUNTY, IDAHO.**

7 (a) CONVEYANCE REQUIRED.—Subject to the deed
 8 restrictions required by subsection (b), the Secretary of
 9 Agriculture, acting through the Chief of the Forest Serv-
 10 ice, shall convey, without consideration, to Custer County,
 11 Idaho (in this section referred to as the “County”), all
 12 right, title, and interest of the United States in and to
 13 certain Federal land in the Sawtooth National Recreation
 14 Area consisting of a total of approximately 86 acres, in-
 15 cluding a road encompassing approximately 15 acres, ad-
 16 joining the northern boundary of the City of Stanley,
 17 Idaho, and identified as Parcel B on the map entitled
 18 “_____” and dated _____, 2005.

19 (b) USE OF CONVEYED LAND.—In making the con-
 20 veyance under subsection (a) to the County, the Secretary
 21 shall include the following deed restrictions relating to the



1 use of the conveyed land to ensure that such use is con-
2 sistent with the planning process of the County and man-
3 agement of the Sawtooth National Recreation Area:

4 (1) LIMITATION ON NUMBER OF HOME SITES.—

5 Not more than 10 home sites may be developed on
6 the conveyed land, and houses and outbuildings con-
7 structed on the home sites may not be visible from
8 Highways 75 and 21.

9 (2) LIMITATIONS REGARDING HOUSE CON-
10 STRUCTION.—Not more than one single-family house
11 may be constructed on each home site, and each
12 house shall be subject to the following requirements:

13 (A) USE.—Residential.

14 (B) SIZE.—Not more than 3,500 square
15 feet gross floor space, including attached ga-
16 rage, but excluding basements, decks, and
17 porches. No more than 26 feet in height from
18 natural ground level, excluding any chimney.

19 (C) DESIGN.—Western ranch-style, having
20 rectangular or square sections with no more
21 than three ridgelines, excluding dormers.

22 (D) WINDOWS.—Rectangular or square,
23 divided light, and no more than 24 square feet
24 in size. Windows shall not exceed 30 percent of
25 the area of any wall.



1 (E) STRUCTURAL SIDING.—Log, log-sided,
2 rough-sawn lumber, board and batten, or suit-
3 able wood substitutes, which shall be harmo-
4 niously colored or have a natural wood finish.

5 (F) ROOF.—Wood, composite, or non-re-
6 flective metal in muted earth tones of brown.

7 (3) LIMITATIONS REGARDING OUTBUILDINGS.—
8 Not more than two outbuildings may be constructed
9 on each home site, and such outbuildings shall be
10 subject to the following requirements:

11 (A) USE.—A outbuilding may not include
12 kitchen or sleeping facilities or otherwise be
13 equipped for residential purposes.

14 (B) SIZE.—No more than 850 square feet
15 gross floor space in the aggregate. Single story,
16 no more than 26 feet from natural ground level.

17 (C) DESIGN.—Western ranch-style com-
18 prised of rectangular or square sections with no
19 more than one ridgeline.

20 (D) WINDOWS.—Rectangular or square,
21 divided light of no more than 24 square feet.

22 (E) STRUCTURAL SIDING.—Log, log-sided,
23 rough-sawn lumber, board and batten, or suit-
24 able wood substitutes, which shall be harmo-
25 niously colored or have a natural wood finish.



1 (F) ROOF.—Wood, composite, or non-re-
2 flective metal in muted earth tones of brown.

3 (4) LIMITATIONS REGARDING SATELLITE
4 DISH.—Each home site may contain not more than
5 one satellite dish, not to exceed 24 inches in diame-
6 ter, which shall be located as unobtrusively as best
7 available technology allows.

8 (5) LIMITATIONS REGARDING EXTERIOR LIGHT-
9 ING.—Each home site may contain not than two ex-
10 terior lighting sources, which shall be shielded down-
11 wards and may not exceed 150 watts each. Neither
12 light source may be flashing.

13 (6) LIMITATIONS REGARDING LANDSCAPING.—
14 The landscaping for each home site shall be compat-
15 ible with the open setting of the home site and incor-
16 porate materials, groundcover, shrubs, and trees
17 that are indigenous to the area. Areas exposed due
18 to excavation shall be rehabilitated to pre-excavation
19 conditions within two years following completion of
20 construction.

21 (7) LIMITATIONS REGARDING ROADS AND
22 DRIVEWAYS.—Any road or driveway for a home site
23 may not exceed 14 feet in width.

24 (8) LIMITATIONS REGARDING FENCING.—
25 Fences on a home site shall be in the log worm, log



1 block, or jack style and shall incorporate wildlife-
2 friendly elements.

3 (9) LIMITATIONS REGARDING UTILITIES.—All
4 new utilities serving a home site shall be located un-
5 derground.

6 (c) PROHIBITIONS.—

7 (1) SUBDIVISION.—Except as expressly author-
8 ized in subsection (b) regarding the land conveyed
9 under subsection (a), the conveyed land may not be
10 divided, subdivided or defacto subdivided through
11 sales, long-term leases, or other means.

12 (2) PROHIBITED USES.—The land conveyed
13 under subsection (a) may not be used for any of the
14 following purposes:

15 (A) Commercial, manufacturing, industrial,
16 mining, or drilling operations, except that small
17 in-home businesses, such as professional serv-
18 ices, may be allowed.

19 (B) Exploration, development, or extrac-
20 tion of minerals.

21 (C) Dumping or accumulation of trash, de-
22 bris, junk cars, unserviceable equipment, or
23 other unsightly materials.

24 (D) Placement of residential trailers, mo-
25 bile homes, manufactured homes, modular



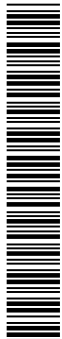
1 buildings, or other such semi-permanent struc-
2 tures.

3 (E) Placement of towers, antennae, or sat-
4 ellite dishes that are not concealed from public
5 view, except to the extent that the right is ex-
6 pressly granted in subsection (b)(4).

7 (F) Placement of signs, billboards, or other
8 advertising devices, other than one property
9 identification sign and one for sale or rental
10 sign, not to exceed two square feet in area, and
11 such signs shall be harmonious in design and
12 color with the surroundings.

13 (G) Disposal or unlawful storage of haz-
14 ardous substances, as defined in the Com-
15 prehensive Environmental Response, Compensa-
16 tion, and Liability Act of 1980 (42 U.S.C. 9601
17 et seq.).

18 (d) SURVEY AND LEGAL DESCRIPTION.—The exact
19 acreage and legal description of the land to be conveyed
20 under subsection (a) shall be determined by a survey satis-
21 factory to the Secretary. The cost of the survey shall be
22 borne by the Secretary. The legal description shall be pre-
23 pared as soon as practicable after the date of the enact-
24 ment of this Act.



1 (e) APPROVAL AND ACCESS REQUIREMENTS.—Any
2 improvement to be made to a home site developed on the
3 land conveyed under subsection (a) shall be subject to the
4 approval in writing, and in advance of being made, by the
5 appropriate County officials. Representatives of the Coun-
6 ty may enter the home sites at reasonable times to monitor
7 compliance with the deed restrictions imposed by sub-
8 section (b).

9 (f) ENFORCEMENT.—As a condition on the convey-
10 ance under subsection (a), the County shall agree to en-
11 force the deed restrictions imposed by subsections (b) and
12 (c).

13 (g) REVERSIONARY INTEREST.—If the Secretary de-
14 termines at any time that a home site developed on the
15 land conveyed under subsection (a) is not in compliance
16 with the deed restrictions imposed by subsection (b) or
17 (c), all right, title, and interest in and to the home site,
18 including any improvements thereon, shall revert to the
19 United States, and the United States shall have the right
20 of immediate entry onto the property. Any determination
21 of the Secretary under this subsection shall be made on
22 the record after an opportunity for a hearing, and the Sec-
23 retary shall give the landowner a reasonable opportunity
24 to restore the home site to compliance with the deed re-
25 strictions.



1 (h) ACCESS.—The road referred to in subsection (a)
2 shall remain accessible to the public to provide access to
3 adjacent Federal land.

4 (i) ADDITIONAL TERM AND CONDITIONS.—The Sec-
5 retary may require such additional terms and conditions
6 in connection with the conveyance under subsection (a) as
7 the Secretary considers appropriate to protect the inter-
8 ests of the United States.

9 **SEC. 102. LAND CONVEYANCE, DESIGNATED SAWTOOTH NA-**
10 **TIONAL FOREST AND BLM LAND TO BLAINE**
11 **COUNTY, IDAHO.**

12 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
13 riculture, acting through the Chief of the Forest Service,
14 and the Secretary of the Interior, acting through the Di-
15 rector of the Bureau of Land Management, shall convey,
16 without consideration, to Blaine County, Idaho (in this
17 section referred to as the “County”), all right, title, and
18 interest of the United States in and to the parcels of Fed-
19 eral land in the Sawtooth National Forest and Bureau of
20 Land Management land identified for conveyance under
21 this section on the map entitled “Blaine County Convey-
22 ance” and dated November 1, 2005.

23 (b) TREATMENT OF ROADS AND TRAILS.—In making
24 the conveyance under subsection (a) to the County, the
25 Secretary shall include deed restrictions to ensure that any



1 roads and trails located on the conveyed land remain open
2 to public use notwithstanding any subsequent conveyance
3 of the land by the County.

4 (c) SURVEY.—The exact acreage and legal descrip-
5 tion of the land to be conveyed under subsection (a) shall
6 be determined by a survey satisfactory to the Secretary.
7 The cost of the survey shall be borne by the Secretary.

8 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-
9 retary may require such additional terms and conditions
10 in connection with the conveyance under subsection (a) as
11 the Secretary considers appropriate to protect the inter-
12 ests of the United States.

13 **SEC. 103. LAND CONVEYANCE, DESIGNATED NATIONAL**
14 **FOREST SYSTEM LAND TO CITY OF STANLEY,**
15 **IDAHO.**

16 (a) CONVEYANCE REQUIRED.—Subject to the deed
17 restrictions required by subsection (b), the Secretary of
18 Agriculture, acting through the Chief of the Forest Serv-
19 ice, shall convey, without consideration, to the City of
20 Stanley, Idaho (in this section referred to as the “City”),
21 all right, title, and interest of the United States in and
22 to National Forest System land consisting of two parcels
23 containing a total of approximately 8 acres adjoining the
24 western boundary of the City and a total of approximately
25 68 acres, including improvements, adjoining the north-



1 eastern boundary of the City, respectively, and identified
2 as Parcels A and C on the map entitled
3 “_____” and dated _____, 2005.

4 (b) USE OF PARCEL A LAND.—In making the convey-
5 ance under subsection (a) to the City of the land identified
6 as Parcel A on the map referred to in such subsection,
7 the Secretary shall include the following deed restrictions
8 relating to the use of the conveyed land to ensure that
9 such use is consistent with the planning process of the
10 City and Custer County, Idaho, and management of adja-
11 cent National Forest System land:

12 (1) LIMITATION ON NUMBER OF HOME SITES.—
13 Not more than 4 home sites may be developed on
14 Parcel A.

15 (2) LIMITATIONS REGARDING HOUSE CON-
16 STRUCTION.—Not more than one single-family house
17 may be constructed on each home site, and each
18 house shall be subject to the following requirements:

19 (A) USE.—Residential.

20 (B) SIZE.—Not more than 3,000 square
21 feet gross floor space, including attached ga-
22 rage, but excluding basements, decks, and
23 porches. Single story, no more than 22 feet in
24 height from natural ground level, excluding any
25 chimney.



1 (C) DESIGN.—Western ranch-style, having
2 rectangular or square sections with no more
3 than two ridgelines, excluding dormers.

4 (D) WINDOWS.—Rectangular or square,
5 divided light, and no more than 24 square feet
6 in size. Windows with exterior walls visible from
7 Highway 21 shall not exceed 30 percent of the
8 area of the wall.

9 (E) STRUCTURAL SIDING.—Log, log-sided,
10 rough-sawn lumber, board and batten, or suit-
11 able wood substitutes, which shall be harmo-
12 niously colored or have a natural wood finish.

13 (F) ROOF.—Wood, composite, or non-re-
14 flective metal in muted earth tones of brown.

15 (3) LIMITATIONS REGARDING OUTBUILDINGS.—
16 Not more than one outbuilding may be constructed
17 on each home site, and the outbuilding shall be sub-
18 ject to the following requirements:

19 (A) USE.—A outbuilding may not include
20 kitchen or sleeping facilities or otherwise be
21 equipped for residential purposes.

22 (B) SIZE.—No more than 600 square feet
23 gross floor space in the aggregate. Single story,
24 no more than 22 feet from natural ground level.



1 (C) DESIGN.—Western ranch-style com-
2 prised of rectangular or square sections with no
3 more than one ridgeline.

4 (D) WINDOWS.—Rectangular or square,
5 divided light of no more than 24 square feet.

6 (E) STRUCTURAL SIDING.—Log, log-sided,
7 rough-sawn lumber, board and batten, or suit-
8 able wood substitutes, which shall be harmo-
9 niously colored or have a natural wood finish.

10 (F) ROOF.—Wood, composite, or non-re-
11 flective metal in muted earth tones of brown.

12 (4) LIMITATIONS REGARDING SATELLITE
13 DISH.—Each home site may contain not more than
14 one satellite dish, not to exceed 24 inches in diame-
15 ter, which shall be located as unobtrusively as best
16 available technology allows.

17 (5) LIMITATIONS REGARDING EXTERIOR LIGHT-
18 ING.—Each home site may contain not than two ex-
19 terior lighting sources, which shall be shielded down-
20 wards and may not exceed 150 watts each. Neither
21 light source may be flashing.

22 (6) LIMITATIONS REGARDING LANDSCAPING.—
23 The landscaping for each home site shall be compat-
24 ible with the open setting of the home site and incor-
25 porate materials, groundcover, shrubs, and trees



1 that are indigenous to the area. Areas exposed due
2 to excavation shall be rehabilitated to pre-excavation
3 conditions within two years following completion of
4 construction.

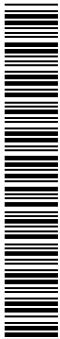
5 (7) LIMITATIONS REGARDING ROADS AND
6 DRIVEWAYS.—Any road or driveway for a home site
7 may not exceed 14 feet in width.

8 (8) LIMITATIONS REGARDING FENCING.—
9 Fences on a home site shall be in the log worm, log
10 block, or jack style and shall incorporate wildlife-
11 friendly elements.

12 (9) LIMITATIONS REGARDING UTILITIES.—All
13 new utilities serving a home site shall be located un-
14 derground.

15 (c) USE OF PARCEL C LAND.—In making the con-
16 veyance under subsection (a) to the City of the land identi-
17 fied as Parcel C on the map referred to in such subsection,
18 the Secretary shall include the following deed restrictions
19 relating to the use of the conveyed land to ensure that
20 such use is consistent with the planning process of the
21 City and Custer County, Idaho, and management of Na-
22 tional Forest System land:

23 (1) AUTHORIZED USES.—Parcel C may be
24 used—



1 (A) to provide housing for persons em-
 2 ployed full-time, whether on a year-round basis
 3 or seasonally, within the Sawtooth National
 4 Recreation Area; and

5 (B) for other public purposes, including
 6 use as the site for a park, cemetery, community
 7 center, or educational facility

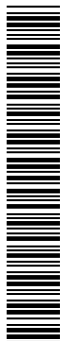
8 (2) LIMITATIONS REGARDING CONSTRU-
 9 TION.—Any structure constructed on Parcel C shall
 10 be subject to the following requirements:

11 (A) SIZE.—The size of the structure shall
 12 be compatible with the building site and type of
 13 use.

14 (B) DESIGN.—Western ranch-style, having
 15 rectangular or square sections with no more
 16 than three ridgelines, excluding dormers.

17 (C) HEIGHT.—The height of any structure
 18 shall not exceed 30 feet from natural ground
 19 level.

20 (D) WINDOWS.—Rectangular or square,
 21 divided light, and no more than 24 square feet
 22 in size. Windows with exterior walls facing
 23 Highways 21 or 75 shall not exceed 30 percent
 24 of the area of the wall.



1 (E) STRUCTURAL SIDING.—Log, log-sided,
2 rough-sawn lumber, board and batten, or suit-
3 able wood substitutes, which shall be harmo-
4 niously colored or have a natural wood finish.

5 (F) ROOF.—Wood, composite, or non-re-
6 flective metal in muted earth tones of brown.

7 (3) LIMITATIONS REGARDING SATELLITE
8 DISH.—Each structure may contain not more than
9 one satellite dish, not to exceed 24 inches in diame-
10 ter, which shall be located as unobtrusively as best
11 available technology allows.

12 (4) LIMITATIONS REGARDING EXTERIOR LIGHT-
13 ING.—Exterior lighting sources shall be shielded
14 downwards and may not be flashing.

15 (5) LIMITATIONS REGARDING LANDSCAPING.—
16 The landscaping for each structure shall be compat-
17 ible with an open setting and incorporate materials,
18 groundcover, shrubs, and trees that are indigenous
19 to the area. Areas exposed due to excavation shall be
20 rehabilitated to pre-excavation conditions within two
21 years following completion of construction.

22 (6) LIMITATIONS REGARDING ROADS AND
23 DRIVEWAYS.—Any road or driveway for a structure
24 may not exceed 24 feet in width.



1 (7) LIMITATIONS REGARDING FENCING.—Any
 2 fence in Parcel C shall be in the log worm, log block,
 3 or jack style and shall incorporate wildlife-friendly
 4 elements.

5 (8) LIMITATIONS REGARDING UTILITIES.—All
 6 new utilities serving Parcel C shall be located under-
 7 ground.

8 (9) SIGNAGE.—Only signs identifying a com-
 9 mercial enterprise being conducted on Parcel C may
 10 be placed on the parcel. Signs may not exceed 20
 11 square feet in area, and shall be subdued in appear-
 12 ance and harmonizing in design and color with the
 13 surroundings. No sign may be flashing.

14 (d) PROHIBITIONS.—

15 (1) SUBDIVISION.—Except as expressly author-
 16 ized in subsection (b) or (c) regarding the land con-
 17 veyed under subsection (a), the conveyed land may
 18 not be divided, subdivided or defacto subdivided
 19 through sales, long-term leases, or other means.

20 (2) PROHIBITED USES.—The land conveyed
 21 under subsection (a) may not be used for any of the
 22 following purposes:

23 (A) Commercial, manufacturing, industrial,
 24 mining, or drilling operations, except that small
 25 in-home businesses, such as professional serv-



1 ices, may be allowed, and, subject to subsection
2 (c)(1)(B), certain commercial operations may
3 be allowed on the land identified as Parcel C on
4 the map referred to in subsection (a).

5 (B) Exploration, development, or extrac-
6 tion of minerals.

7 (C) Dumping or accumulation of trash, de-
8 bris, junk cars, unserviceable equipment, or
9 other unsightly materials.

10 (D) Placement of residential trailers, mo-
11 bile homes, manufactured homes, modular
12 buildings, or other such semi-permanent struc-
13 tures.

14 (E) Placement of towers, antennae, or sat-
15 ellite dishes that are not concealed from public
16 view, except to the extent that the right is ex-
17 pressly granted in subsection (b)(4) or (c)(3).

18 (F) Placement of signs, billboards, or other
19 advertising devices, except—

20 (i) as provided in subsection (c)(9)
21 with regard to the land identified as Parcel
22 C; and

23 (ii) one property identification sign
24 and one for sale or rental sign, not to ex-
25 ceed two square feet in area, which shall



1 be harmonious in design and color with the
2 surroundings.

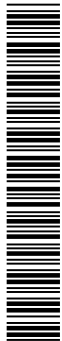
3 (G) Disposal or unlawful storage of haz-
4 arduous substances, as defined in the Com-
5 prehensive Environmental Response, Compensa-
6 tion, and Liability Act of 1980 (42 U.S.C. 9601
7 et seq.).

8 (e) SURVEY AND LEGAL DESCRIPTION.—The exact
9 acreage and legal description of the land to be conveyed
10 under subsection (a) shall be determined by a survey satis-
11 factory to the Secretary. The cost of the survey shall be
12 borne by the Secretary. The legal description shall be pre-
13 pared as soon as practicable after the date of the enact-
14 ment of this Act.

15 (f) APPROVAL AND ACCESS REQUIREMENTS.—

16 (1) GENERAL REQUIREMENTS.—Any improve-
17 ment to be made to land conveyed under subsection
18 (a) shall be subject to the approval in writing, and
19 in advance of being made, by the appropriate City
20 officials. Representatives of the City may enter the
21 land at reasonable times to monitor compliance with
22 the deed restrictions imposed by subsection (b), (c),
23 or (d).

24 (2) PREPARATION AND APPROVAL OF DEVELOP-
25 MENT PLAN FOR PARCEL C.—The land identified as



1 Parcel C on the map referred to in subsection (a)
2 and conveyed to the City under such subsection shall
3 not developed until such time as a development plan
4 consistent with subsections (c) and (d) is reviewed
5 and approved by a special commission consisting of
6 at least one elected official representing Custer
7 County, one elected official representing the City,
8 and three individuals who are not employed by or of-
9 ficials of the County or City and reside within the
10 boundaries of the Sawtooth National Recreation
11 Area. The non-governmental representatives shall be
12 selected jointly by the elected officials on the com-
13 mission.

14 (g) ENFORCEMENT.—As a condition on the convey-
15 ance under subsection (a), the City shall agree to enforce
16 the deed restrictions imposed by subsections (b), (c), and
17 (d).

18 (h) REVERSIONARY INTEREST.—If the Secretary de-
19 termines at any time that any portion of the land conveyed
20 under subsection (a) is not being used in compliance with
21 the deed restrictions applicable to that portion of the land
22 under subsection (b), (c), or (d), all right, title, and inter-
23 est in and to that portion of the land, including any im-
24 provements thereon, shall revert to the United States, and
25 the United States shall have the right of immediate entry



1 onto the property. Any determination of the Secretary
2 under this subsection shall be made on the record after
3 an opportunity for a hearing, and the Secretary shall give
4 the landowner a reasonable opportunity to restore the
5 property to compliance with the deed restrictions..

6 (i) SURVEY.—The exact acreage and legal description
7 of the land to be conveyed under subsection (a) shall be
8 determined by a survey satisfactory to the Secretary. The
9 cost of the survey shall be borne by the Secretary.

10 (j) ADDITIONAL TERM AND CONDITIONS.—The Sec-
11 retary may require such additional terms and conditions
12 in connection with the conveyance under subsection (a) as
13 the Secretary considers appropriate to protect the inter-
14 ests of the United States.

15 **SEC. 104. LAND CONVEYANCE, DESIGNATED BLM LAND TO**
16 **CITY OF CLAYTON, IDAHO.**

17 (a) CONVEYANCE REQUIRED.—The Secretary of the
18 Interior, acting through the Director of the Bureau of
19 Land Management, shall convey, without consideration, to
20 the City of Clayton, Idaho, all right, title, and interest of
21 the United States in and to the Bureau of Land Manage-
22 ment land identified for conveyance under this section on
23 the map entitled “City of Clayton Conveyance” and dated
24 November 1, 2005.



1 (b) SURVEY.—The exact acreage and legal descrip-
2 tion of the land to be conveyed under subsection (a) shall
3 be determined by a survey satisfactory to the Secretary.
4 The cost of the survey shall be borne by the Secretary.

5 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
6 retary may require such additional terms and conditions
7 in connection with the conveyance under subsection (a) as
8 the Secretary considers appropriate to protect the inter-
9 ests of the United States.

10 **SEC. 105. LAND CONVEYANCE, DESIGNATED BLM LAND TO**
11 **CITY OF MACKAY, IDAHO.**

12 (a) CONVEYANCE REQUIRED.—The Secretary of the
13 Interior, acting through the Director of the Bureau of
14 Land Management, shall convey, without consideration, to
15 the City of Mackay, Idaho, all right, title, and interest of
16 the United States in and to the Bureau of Land Manage-
17 ment land identified for conveyance under this section on
18 the map entitled “City of Mackay Conveyance” and dated
19 November 1, 2005.

20 (b) SURVEY.—The exact acreage and legal descrip-
21 tion of the land to be conveyed under subsection (a) shall
22 be determined by a survey satisfactory to the Secretary.
23 The cost of the survey shall be borne by the Secretary.

24 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
25 retary may require such additional terms and conditions



1 in connection with the conveyance under subsection (a) as
2 the Secretary considers appropriate to protect the inter-
3 ests of the United States.

4 **SEC. 106. LAND CONVEYANCE, DESIGNATED BLM LAND TO**
5 **CITY OF CHALLIS, IDAHO.**

6 (a) CONVEYANCE REQUIRED.—The Secretary of the
7 Interior, acting through the Director of the Bureau of
8 Land Management, shall convey, without consideration, to
9 the City of Challis, Idaho, all right, title, and interest of
10 the United States in and to the Bureau of Land Manage-
11 ment land identified for conveyance under this section on
12 the map entitled “City of Challis Conveyance” and dated
13 November 1, 2005.

14 (b) SURVEY.—The exact acreage and legal descrip-
15 tion of the land to be conveyed under subsection (a) shall
16 be determined by a survey satisfactory to the Secretary.
17 The cost of the survey shall be borne by the Secretary.

18 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
19 retary may require such additional terms and conditions
20 in connection with the conveyance under subsection (a) as
21 the Secretary considers appropriate to protect the inter-
22 ests of the United States.



1 **SEC. 107. LAND CONVEYANCE AUTHORITY, SUPPORT FOR**
2 **MOTORIZED AND BICYCLE RECREATION,**
3 **PUBLIC LAND IN CENTRAL IDAHO.**

4 (a) **MOTORIZED RECREATION PARK.**—Subject to
5 subsection (b), the Secretary of the Interior shall convey,
6 without consideration, to the State of Idaho (in this sec-
7 tion referred to as the “State”) all right, title, and interest
8 of the United States in and to a parcel of public land ad-
9 ministered through the Bureau of Land Management, con-
10 sisting of approximately 960 acres near Boise, Idaho, for
11 the purpose of permitting the State to establish a motor-
12 ized recreation park on the land. As a condition of the
13 conveyance of the land, the State shall agree to include
14 a beginner track as part of the recreation park to be used
15 to teach safe, responsible riding techniques and to estab-
16 lish areas for drivers with different levels of skills.

17 (b) **RESERVATION OF PORTION FOR BICYCLE USE.**—
18 As a condition of the conveyance of the land under sub-
19 section (a), the State shall reserve 20 acres of the con-
20 veyed land for the use of mountain bikes and open the
21 reserved portion to such use as soon as practicable after
22 the date of the conveyance. Funds appropriated pursuant
23 to the authorization of appropriations in section 109 shall
24 be available to facilitate the establishment of the bicycle
25 portion of the recreation park.



1 (c) SURVEY.—The exact acreage and legal descrip-
2 tion of the land to be conveyed under this section shall
3 be determined by a survey satisfactory to the Secretary.
4 The cost of the survey shall be borne by the State.

5 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-
6 retary concerned may require such additional terms and
7 conditions in connection with the conveyance under this
8 section as the Secretary considers appropriate to protect
9 the interests of the United States.

10 **SEC. 108. STANLEY-REDFISH LAKE BIKE AND SNOWMOBILE**
11 **TRAIL.**

12 (a) DEVELOPMENT OF TRAIL.—The Secretary of Ag-
13 riculture shall design, construct, and maintain a paved
14 trail between the city of Stanley, Idaho, and Redfish Lake
15 that is designated for use—

16 (1) by pedestrians and non-motorized vehicles
17 generally; and

18 (2) as a snowmobile route when there is ade-
19 quate snow cover.

20 (b) ACQUISITION FROM WILLING SELLERS.—Any
21 land or interests in land to be acquired by the Secretary
22 for construction of the paved trail required by subsection
23 (a) shall be acquired only by donation or by purchase from
24 willing sellers.



1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary \$500,000
3 to carry out this section. Amounts appropriated pursuant
4 to this authorization of appropriations shall remain avail-
5 able until expended.

6 **SEC. 109. SUPPORT FOR OTHER TRAIL CONSTRUCTION AND**
7 **MAINTENANCE ACTIVITIES.**

8 There is authorized to be appropriated to the Sec-
9 retary of Agriculture or the Secretary of the Interior
10 \$500,000 for the construction and maintenance of bicycle
11 trails in the State of Idaho. Amounts appropriated pursu-
12 ant to this authorization of appropriations shall remain
13 available until expended.

14 **SEC. 110. SUPPORT FOR OUTFITTER AND GUIDE ACTIVI-**
15 **TIES.**

16 (a) EXISTING OPERATING PERMITS.—Before the end
17 of the one-year period beginning on the date of the enact-
18 ment of this Act, the Secretary of Agriculture and the Sec-
19 retary of the Interior shall grant a 10-year extension of
20 each guide or outfitter operating permit that, as of the
21 date of the enactment of this Act, authorized activities on
22 lands included in a wilderness area designated by title II
23 or the Boulder-White Cloud Management Area established
24 by title III. The Secretary concerned may refuse to grant
25 the extension of a permit only if the Secretary determines



1 that the permittee has not operated in a satisfactory man-
2 ner in compliance with the terms and conditions of the
3 permit. The Secretary concerned may require the modi-
4 fication of the extended permit as necessary to comply
5 with the requirements of this Act.

6 (b) FUTURE OUTFITTER AND GUIDE ACTIVITIES.—
7 Future extensions of outfitter and guide activities and per-
8 mits for outfitters on lands included in a wilderness area
9 designated by title II or the Boulder-White Cloud Manage-
10 ment Area established by title III shall be administered
11 in accordance with applicable Federal laws and resource
12 management plans. No person shall conduct outfitter and
13 guide activities on such Federal land except as authorized
14 by the Secretary concerned.

15 **SEC. 111. RED TREES PHASE II STUDY REGARDING FOREST**
16 **HEALTH AND PUBLIC SAFETY.**

17 (a) STUDY REQUIRED.—Not later than _____,
18 2005, the Secretary of Agriculture shall complete and sub-
19 mit to Congress a Red Trees Phase II study evaluating,
20 in accordance with Federal laws and regulations, nec-
21 essary landscape approaches to risk assessment to identify
22 forest health projects that, if implemented, will effectively
23 mitigate major fire risks on lands included in the Saw-
24 tooth National Recreation Area. The Secretary shall in-
25 clude, as part of the submission to Congress, such rec-



1 ommendations as the Secretary considers appropriate for
2 the timely implementation of the projects, the local utiliza-
3 tion of forest products derived from the projects, and con-
4 servation measures to protect soil, water, wildlife, recre-
5 ation, and scenic values.

6 (b) TREATMENT OF PROCEEDS.—Notwithstanding
7 any other provision of law, proceeds derived from any for-
8 est health project recommended as part of the study re-
9 quired by subsection (a), in excess of the costs incurred
10 to administer the project, shall be available to the Sec-
11 retary, without appropriation and until expended, to carry
12 out conservation projects in the Boulder-White Clouds
13 Management Area established by title III.

14 **SEC. 112. GRANTS TO SUPPORT SUSTAINABLE ECONOMIC**
15 **DEVELOPMENT AND RECREATION.**

16 (a) GRANT TO CUSTER COUNTY, IDAHO.—The Sec-
17 retary of Agriculture may make a grant to Custer County,
18 Idaho, for the purpose of assisting the County in sup-
19 porting sustainable economic development in the County.

20 (b) GRANT TO STATE OF IDAHO.—The Secretary of
21 Agriculture may make a grant to the State of Idaho Parks
22 and Recreation Department for the purpose of assisting
23 the State in purchasing Bayhorse Campground for use as
24 a State park.



1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary of
3 Agriculture—

4 (1) \$5,000,000 to make the grant under sub-
5 section (a); and

6 (2) \$500,000 to make the grant under sub-
7 section (b).

8 **SEC. 113. CONTINUATION OF PUBLIC ACCESS TO BOWERY**
9 **NATIONAL FOREST GUARD STATION.**

10 (a) CONSTRUCTION OF ROAD AND BRIDGE.—To en-
11 sure continued public access to the Bowery Guard Station,
12 the Secretary of Agriculture shall construct a new road
13 on National Forest System lands, to the east of the exist-
14 ing private property line on the east side of the Leisinger
15 property, and a new bridge over West Pass Creek as part
16 of such road.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Secretary such sums
19 as may be necessary to carry out this section. Amounts
20 appropriated pursuant to this authorization of appropria-
21 tions shall remain available until expended.

22 **SEC. 114. EXPANSION AND IMPROVEMENT OF HERD LAKE**
23 **CAMPGROUND.**

24 (a) EXPANSION AND IMPROVEMENT OF CAMP-
25 GROUND.—The Secretary of the Interior shall expand and



1 improve the Herd Lake Campground facilities located
2 below the outlet of Herd Lake.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Secretary \$500,000
5 to carry out this section. Amounts appropriated pursuant
6 to this authorization of appropriations shall remain avail-
7 able until expended.

8 **SEC. 115. LAND EXCHANGE TO ELIMINATE STATE OF IDAHO**
9 **INHOLDINGS IN SAWTOOTH NATIONAL**
10 **RECREATION AREA AND NEW WILDERNESS**
11 **AREAS.**

12 (a) EXCHANGES AUTHORIZED.—The Secretary of
13 Agriculture and the Secretary of the Interior may execute
14 one or more land exchanges with the State of Idaho for
15 the purpose of eliminating State inholdings within the
16 boundaries of the Sawtooth National Recreation Area and
17 the wilderness areas designated by title II. The Federal
18 land available for use to carry out an exchange under this
19 section and the State inholdings to be acquired are de-
20 picted on the map entitled _____ and dated _____,
21 2005.

22 (b) EXCHANGE PROCESS.—The land exchanges au-
23 thorized by this section shall be carried out in the manner
24 provided in section 206 of the Federal Land Policy and
25 Management Act of 1976 (43 U.S.C. 1716).



1 **TITLE II—CENTRAL IDAHO**
2 **WILDERNESS AREAS**

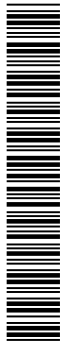
3 **SEC. 201. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
4 **VATION SYSTEM.**

5 (a) ADDITIONS.—Congress has determined that the
6 following lands in central Idaho shall be designated as wil-
7 derness and managed as components of the National Wil-
8 derness Preservation System:

9 (1) ERNEST HEMINGWAY-BOULDER WILDER-
10 NESS.—Certain Federal land in the Sawtooth and
11 Challis National Forests, comprising approximately
12 96,700 acres, as generally depicted on the map enti-
13 tled “Ernest Hemingway-Boulder” and dated
14 _____, which shall be known as the “Ernest
15 Hemingway-Boulder Wilderness”.

16 (2) WHITE CLOUDS WILDERNESS.—Certain
17 Federal land in the Sawtooth and Challis National
18 Forests, comprising approximately 73,100 acres, as
19 generally depicted on the map entitled “White
20 Clouds” and dated _____, which shall be
21 known as the “White Clouds Wilderness”.

22 (3) JERRY PEAK WILDERNESS.—Certain Fed-
23 eral land in the Challis National Forest and Challis
24 District of the Bureau of Land Management, com-
25 prising approximately 131,700 acres, as generally



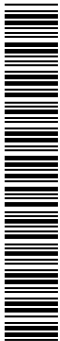
1 depicted on the map entitled “Jerry Peak Wilder-
2 ness” and dated _____, which shall be
3 known as the “Jerry Peak Wilderness”.

4 (b) MAPS AND LEGAL DESCRIPTION.—

5 (1) IN GENERAL.—As soon as practicable after
6 the date of enactment of this Act, the Secretary of
7 Agriculture, in the case of the wilderness areas des-
8 ignated by paragraphs (1) and (2) of subsection (a),
9 and the Secretary of the Interior, in the case of the
10 wilderness area designated by paragraph (3) of such
11 subsection, in this title referred to as the “Secretary
12 concerned”, shall file a map and legal description of
13 the wilderness areas designated by such subsection
14 with the Committee on Resources of the House of
15 Representatives and the Committee on Energy and
16 Natural Resources of the Senate.

17 (2) EFFECT.—Each map and legal description
18 shall have the same force and effect as if included
19 in this title, except that the Secretary concerned
20 may correct clerical and typographical errors in the
21 map or legal description.

22 (3) AVAILABILITY.—Each map and legal de-
23 scription shall be on file and available for public in-
24 spection in the appropriate offices of the Bureau of
25 Land Management or the Forest Service.



1 (c) WITHDRAWAL.—Subject to valid existing rights,
2 the wilderness areas designated in subsection (a) are with-
3 drawn from all forms of entry, appropriation, and disposal
4 under the public land laws, location, entry, and patent
5 under the mining laws, and operation of the mineral leas-
6 ing, mineral materials, and geothermal leasing laws.

7 **SEC. 202. GENERAL ADMINISTRATION OF WILDERNESS**
8 **AREAS.**

9 (a) APPLICATION OF WILDERNESS ACT.—Subject to
10 valid existing rights, the wilderness areas designated by
11 section 201 shall be managed by the Secretary concerned
12 in accordance with the Wilderness Act (16 U.S.C. 1131
13 et seq.) and this title. With respect to the wilderness areas,
14 any reference in the Wilderness Act to the effective date
15 of the Wilderness Act shall be deemed to be a reference
16 to the date of the enactment of this Act, and any reference
17 in the Wilderness Act to the Secretary of Agriculture shall
18 be deemed to be a reference to the Secretary concerned.

19 (b) CONSISTENT INTERPRETATION TO THE PUB-
20 LIC.—Although the wilderness areas designated by section
21 201 consist of National Forest System land under the ju-
22 risdiction of the Secretary of Agriculture and public land
23 under the jurisdiction of the Secretary of the Interior, the
24 Secretary of Agriculture and the Secretary of the Interior
25 shall collaborate to assure that the wilderness areas are



1 interpreted to the public as an overall complex tied to-
2 gether by common location in the Boulder-White Cloud
3 Mountains and common identity with the natural and cul-
4 tural history of the State of Idaho and its Native Amer-
5 ican and pioneer heritage.

6 (c) COMPREHENSIVE WILDERNESS MANAGEMENT
7 PLAN.—Not later than three years after the date of the
8 enactment of this Act, the Secretary of Agriculture and
9 Secretary of the Interior shall collaborate to develop a
10 comprehensive wilderness management plan for the wil-
11 derness areas designated by section 201. The completed
12 management plan shall be submitted to the Committee on
13 Resources of the House of Representatives and the Com-
14 mittee on Energy and Natural Resources of the Senate.

15 (d) FIRE, INSECTS, AND DISEASES.—Within the wil-
16 derness area designated by section 201, the Secretary con-
17 cerned may take such measures as the Secretary con-
18 cerned determines to be necessary for the control of fire,
19 insects, and diseases, subject to such conditions as the
20 Secretary concerned considers desirable, as provided in
21 section 4(d)(1) of the Wilderness Act (16 U.S.C.
22 1131(d)(1)).

23 (e) WILDERNESS TRAILS AND TRAILHEADS.—

24 (1) CONSTRUCTION OF NEW TRAILHEAD.—The
25 Secretary concerned shall construct a new trailhead



1 for nonmotorized users and improve access to the
2 Wickiup Trail (#684) and at the Big Boulder Trail-
3 head to separate motorized/bicycle users from non-
4 motorized/bicycle users.

5 (2) INCLUSION OF ACCESSIBLE TRAILS.—The
6 Secretary concerned may establish primitive, non-
7 paved wheelchair accessible trails into the wilderness
8 areas designated by section 201, including at the
9 Bowery Creek Guard Station along the East Fork of
10 the Salmon River.

11 (f) TREATMENT OF EXISTING CLAIMS AND PRIVATE
12 LANDS.—Nothing in this title is intended to affect the
13 rights or interests in real property, patented mining
14 claims, or valid claims or prevent reasonable access for
15 the development and use of valid mineral rights. The Sec-
16 retary concerned may enter into negotiations with the
17 holder of a patented claim or valid claim located in a wil-
18 derness area designated by section 201 for the voluntary
19 relinquishment of the claim.

20 (g) GRAZING.—Grazing of livestock in a wilderness
21 area designated by section 201, where established before
22 the date of the enactment of this Act, shall be adminis-
23 tered in accordance with the provisions of section 4(d)(4)
24 of the Wilderness Act (16 U.S.C. 1133(d)(4)), section 108
25 of Public Law 96–560, and section 101(f) of Public Law



1 101–628, and in accordance with the guidelines set forth
2 in Appendix A of House Report 96–617 of the 96th Con-
3 gress and House Report 101–405 of the 101st Congress.

4 (h) COMMERCIAL OUTFITTERS AND SADDLE AND
5 PACK STOCK.—Nothing in this title shall preclude horse-
6 back riding or the entry of recreational saddle or pack
7 stock into the wilderness areas designated by section 201,
8 including when such entry is made by commercial outfit-
9 ters.

10 **SEC. 203. ACQUISITION OF MINERAL INTERESTS AND**
11 **LANDS FROM WILLING SELLERS.**

12 (a) ACQUISITION.—Within the boundaries of the wil-
13 derness areas designated by section 201, the Secretary
14 concerned may acquire, through purchase from willing
15 sellers or donation from willing owners, all right, title, and
16 interest in all mineral interests and parcels of land that
17 have been patented under the Act of May 10, 1872 (30
18 U.S.C. 22 et seq.; commonly known as the Mining Act
19 of 1872).

20 (b) CONSIDERATION.—In exercising the authority
21 provided by subsection (a) to acquire lands and interests,
22 the Secretary concerned shall offer the owners of record
23 of each patent, who voluntarily wish to sell, \$20,000 as
24 compensation for the acquisition of these interests. The
25 Secretary concerned shall make such offers as soon as



1 practicable after the date of the enactment of this Act and
2 such offers shall remain open for acceptance during the
3 five-year period beginning on such date.

4 (c) INCORPORATION IN WILDERNESS AREA.—Any
5 land or interest in land located inside the boundaries of
6 a wilderness area designated by section 201 that is ac-
7 quired by the United States after the date of the enact-
8 ment of this Act shall be added to and administered as
9 part of that wilderness area

10 **SEC. 204. ADJACENT MANAGEMENT.**

11 (a) NO PROTECTIVE PERIMETERS OR BUFFER
12 ZONES.—Congress does not intend for the designation of
13 the wilderness areas by section 201 to lead to the creation
14 of protective perimeters or buffer zones around any such
15 wilderness area.

16 (b) NONWILDERNESS ACTIVITIES.—The fact that
17 nonwilderness activities or uses outside of a wilderness
18 area designated by section 201 can be seen or heard from
19 inside of the wilderness area shall not preclude the conduct
20 of those activities or uses outside the boundaries of the
21 wilderness area.

22 **SEC. 205. WILDFIRE MANAGEMENT.**

23 Consistent with section 4 of the Wilderness Act (16
24 U.S.C. 1133), nothing in this title precludes a Federal,
25 State, or local agency from conducting wildfire manage-



1 ment operations, including operations using aircraft or
2 mechanized equipment, to manage wildfires in the wilder-
3 ness areas designated by section 201.

4 **SEC. 206. WATER RIGHTS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The lands designated as wilderness areas by
7 section 201 are located at the headwaters of the
8 streams and rivers on those lands, with few, if any,
9 actual or proposed water resource facilities located
10 upstream from such lands and few, if any, opportu-
11 nities for diversion, storage, or other uses of water
12 occurring outside such lands that would adversely
13 affect the wilderness values of such lands.

14 (2) The lands designated as wilderness areas by
15 section 201 are not suitable for use for development
16 of new water resource facilities or for the expansion
17 of existing facilities.

18 (3) Therefore, it is possible to provide for prop-
19 er management and protection of the wilderness
20 value of the lands designated as wilderness areas by
21 section 201 in ways different from the ways utilized
22 in other laws designating wilderness areas.

23 (b) PURPOSE.—The purpose of this section is to pro-
24 tect the wilderness values of the lands designated as wil-



1 wilderness areas by section 201 by means other than a feder-
2 ally reserved water right.

3 (c) STATUTORY CONSTRUCTION.—Nothing in this
4 title—

5 (1) shall constitute, or be construed to con-
6 stitute, either an express or implied reservation by
7 the United States of any water or water rights with
8 respect to the wilderness areas designated by section
9 201;

10 (2) shall affect any water rights in the State of
11 Idaho existing on the date of the enactment of this
12 Act, including any water rights held by the United
13 States;

14 (3) shall be construed as establishing a prece-
15 dent with regard to any future wilderness designa-
16 tions;

17 (4) shall be construed as limiting, altering,
18 modifying, or amending any of the interstate com-
19 pacts or equitable apportionment decrees that appor-
20 tion water among and between the State of Idaho
21 and other States; and

22 (5) shall be construed as limiting, altering,
23 modifying, or amending provisions of Public Law
24 92–400, which established the Sawtooth National
25 Recreation Area (16 U.S.C. 460aa et seq.).



1 (d) IDAHO WATER LAW.—The Secretary concerned
2 shall follow the procedural and substantive requirements
3 of the law of the State of Idaho when seeking to establish
4 any water rights, not in existence on the date of the enact-
5 ment of this Act, with respect to the wilderness areas des-
6 ignated by section 201.

7 (e) NEW PROJECTS.—

8 (1) PROHIBITION.—Except as otherwise pro-
9 vided in this Act, on and after the date of the enact-
10 ment of this Act, neither the President nor any
11 other officer, employee, or agent of the United
12 States shall fund, assist, authorize, or issue a license
13 or permit for the development of any new water re-
14 source facility inside any of the wilderness areas des-
15 ignated by section 201.

16 (2) DEFINITION.—In this subsection, the term
17 “water resource facility” means irrigation and
18 pumping facilities, reservoirs, water conservation
19 works, aqueducts, canals, ditches, pipelines, wells,
20 hydropower projects, and transmission and other an-
21 cillary facilities, and other water diversion, storage,
22 and carriage structures.

23 **SEC. 207. WILDLIFE MANAGEMENT.**

24 (a) STATE JURISDICTION.—In accordance with sec-
25 tion 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),



1 nothing in this title affects or diminishes the jurisdiction
2 of the State of Idaho with respect to fish and wildlife man-
3 agement, including the regulation of hunting, fishing, and
4 trapping, in the wilderness areas designated by section
5 201.

6 (b) MANAGEMENT ACTIVITIES.—In furtherance of
7 the purposes and principles of the Wilderness Act, man-
8 agement activities to maintain or restore fish and wildlife
9 populations and the habitats to support such populations
10 may be carried out within wilderness areas designated by
11 section 201 where consistent with relevant wilderness
12 management plans, in accordance with appropriate poli-
13 cies such as those set forth in Appendix B of House Re-
14 port 101–405 of the 101st Congress, including the occa-
15 sional and temporary use of motorized vehicles, if such
16 use, as determined by the Secretary concerned would pro-
17 mote healthy, viable, and more naturally distributed wild-
18 life populations that would enhance wilderness values and
19 accomplish those purposes with the minimum impact nec-
20 essary to reasonably accomplish the task.

21 (c) USE OF AIRCRAFT.—Consistent with section
22 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and
23 in accordance with appropriate policies such as those set
24 forth in Appendix B of House Report 101–405 of the
25 101st Congress, the State of Idaho may continue to use



1 aircraft, including helicopters, to survey, capture, trans-
2 plant, monitor, and manage elk, deer, bighorn sheep,
3 mountain goats, wolves, grizzly bears, and other wildlife
4 and fish.

5 (d) HUNTING, FISHING, AND TRAPPING.—Nothing in
6 this title shall affect hunting, fishing, and trapping, under
7 applicable State and Federal laws and regulations, in the
8 wilderness areas designated by section 201. The Secretary
9 concerned may designate, by regulation in consultation
10 with the appropriate State agency (except in emergencies),
11 areas in which, and establish periods during which, for
12 reasons of public safety, administration, or compliance
13 with applicable laws, no hunting, fishing, or trapping will
14 be permitted in the wilderness areas.

15 **SEC. 208. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
16 **USES.**

17 Nothing in this title shall be construed to diminish
18 the rights of any Indian tribe. Nothing in this title shall
19 be construed to diminish tribal rights regarding access to
20 Federal lands for tribal activities, including spiritual, cul-
21 tural, and traditional food-gathering activities.

22 **SEC. 209. MILITARY OVERFLIGHTS.**

23 Nothing in this title restricts or precludes—

24 (1) low-level overflights of military aircraft over
25 the wilderness areas designated by section 201, in-



1 cluding military overflights that can be seen or
2 heard within the wilderness areas;

3 (2) flight testing and evaluation; or

4 (3) the designation or creation of new units of
5 special use airspace, or the establishment of military
6 flight training routes, over the wilderness areas.

7 **SEC. 210. WILDERNESS REVIEW.**

8 (a) NATIONAL FORESTS.—Section 5 of Public Law
9 92–400 (16 U.S.C. 460aa–4), which required a review of
10 the undeveloped and unimproved portion or portions of the
11 Sawtooth National Recreation Area established by that
12 Act as to suitability or nonsuitability for preservation as
13 part of the National Wilderness Preservation System, is
14 repealed.

15 (b) PUBLIC LANDS.—

16 (1) FINDING.—Congress finds that, for the pur-
17 pose of section 603 of the Federal Land Policy and
18 Management Act of 1976 (43 U.S.C. 1782), the
19 public land administered by the Bureau of Land
20 Management in the following areas have been ade-
21 quately studied for wilderness designation:

22 (A) The Jerry Peak Wilderness Study
23 Area.

24 (B) The Jerry Peak West Wilderness
25 Study Area.



1 (C) The Corral-Horse Basin Wilderness
2 Study Area.

3 (D) The Boulder Creek Wilderness Study
4 Area.

5 (2) RELEASE.—Any public land described in
6 paragraph (1) that is not designated as wilderness
7 by this title—

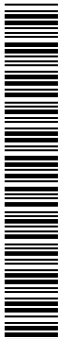
8 (A) is no longer subject to section 603(c)
9 of the Federal Land Policy and Management
10 Act of 1976 (43 U.S.C. 1782(c)); and

11 (B) shall be managed in accordance with
12 land management plans adopted under section
13 202 of that Act (43 U.S.C. 1712).

14 **TITLE III—BOULDER-WHITE**
15 **CLOUD MANAGEMENT AREA**

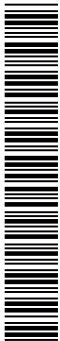
16 **SEC. 301. ESTABLISHMENT OF MANAGEMENT AREA.**

17 (a) FINDINGS AND PURPOSES.—In the case of those
18 Federal lands not designated as wilderness in title II, Con-
19 gress has examined the management alternatives for such
20 lands and finds that the designation of such lands as a
21 special management area will provide outstanding oppor-
22 tunities for many forms of recreation, including mountain
23 biking, snowmobiling, and the use of off-road motorized
24 vehicles. The purpose of this title is to statutorily provide
25 for the continued management of such lands for motorized



1 and other recreational opportunities, livestock grazing,
2 and conservation and resource protection in accordance
3 with the existing management areas, plans, and applicable
4 authorities of the Challis National Forest, the Sawtooth
5 National Recreation Area, and the Challis District of the
6 Bureau of Land Management In addition, it is the pur-
7 pose of this title to provide that motorized use of such
8 lands shall be allowed in accordance with the travel map
9 entitled “Boulder-White Clouds Management Area Travel
10 Plan” and dated June 1, 2005.

11 (b) ESTABLISHMENT.—Those Federal lands in the
12 Challis National Forest, the Sawtooth National Recreation
13 Area, and the Challis District of the Bureau of Land Man-
14 agement that are not designated as wilderness in title II,
15 as generally depicted on the map entitled “Boulder-White
16 Cloud Management Area” and dated June 1, 2005, are
17 hereby designated as the Boulder White Cloud Manage-
18 ment Area (in this title referred to as the “management
19 area”) and shall be managed as provided by this title. The
20 designation of land already in the Sawtooth National
21 Recreation Area for inclusion in both the management
22 area and the Sawtooth National Recreation Area is de-
23 clared to be supplemental to, not in derogation of, the
24 Sawtooth National Recreation Area.



1 (c) ADMINISTRATION.—Except as otherwise provided
2 in this title, the Secretary of Agriculture, in the case of
3 National Forest System lands included in the management
4 area, and the Secretary of the Interior, in the case of pub-
5 lic lands included in the management area, in this title
6 referred to as the “Secretary concerned”, shall administer
7 the management area in accordance with this title and the
8 laws and regulations generally applicable to the National
9 Forest System lands and the public lands included in the
10 existing management areas and in accordance with the ex-
11 isting management plans of the Sawtooth National Recre-
12 ation Area, Challis National Forest and the Challis Dis-
13 trict of the Bureau of Land Management as referenced
14 by the map referred to in subsection (b). If lands in the
15 management area are also included in the Sawtooth Na-
16 tional Recreation Area, the Secretary of Agriculture shall
17 also administer that land in accordance with Public Law
18 92–400 (16 U.S.C. 460aa et seq.).

19 (d) DEVELOPMENT.—No new roads may be con-
20 structed within the management area, except as necessary
21 for access to campgrounds and other recreation areas as
22 determined by the Secretary concerned. Roads may be
23 maintained and relocated as necessary. The Secretary con-
24 cerned shall permit the mining and removal of gravel,
25 sand, and rock along existing roads in the management



1 area as necessary for road maintenance in accordance with
2 the applicable management plan.

3 (e) **TIMBER HARVESTING.**—Timber harvesting may
4 be allowed on lands in the management area only in ac-
5 cordance with the management plan applicable to the
6 lands and for necessary control of fire, insects, and dis-
7 eases and for public safety.

8 (f) **TRAILS.**—

9 (1) **CONSTRUCTION, MAINTENANCE, AND IM-**
10 **PROVEMENTS.**—There is authorized to be appro-
11 priated to the Secretary of Agriculture and the Sec-
12 retary of the Interior \$650,000 for trail construction
13 and maintenance and for other improvements related
14 to outfitting, guiding, hiking, and horseback use
15 within the management area. Amounts appropriated
16 pursuant to this authorization of appropriations
17 shall remain available until expended.

18 (2) **SET-ASIDE FOR TRAIL CONSTRUCTION.**—Of
19 the amounts appropriated pursuant to the authoriza-
20 tion of appropriations in paragraph (1), \$150,000
21 shall be available for the construction of—

22 (A) a trail between the Phyllis Lake Road
23 (USFS Road #053) and Phyllis Lake, which
24 shall be primitive and non-paved, but wheel-



1 chair accessible, and open only to non-motorized
2 travel;
3 (B) other trails in the management area;
4 and
5 (C) trails into the wilderness area referred
6 to in section 202(e)(2).

7 **SEC. 302. LAND ACQUISITION IN MANAGEMENT AREA.**

8 (a) LAND ACQUISITION.—The Secretary concerned
9 may acquire, by donation or purchase from willing sellers,
10 lands and interests in lands—

11 (1) located inside the boundaries of the man-
12 agement area; or

13 (2) located adjacent to the management area to
14 provide easements for additional public access to the
15 management area.

16 (b) NO USE OF CONDEMNATION.—No lands or inter-
17 ests in lands may be acquired by condemnation for inclu-
18 sion in the management area or to provide access to the
19 management area.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated not more than \$5,000,000
22 to carry out this section. Amounts appropriated pursuant
23 to this authorization of appropriations shall remain avail-
24 able until expended.



1 **SEC. 303. MOTORIZED AND BICYCLE TRAVEL.**

2 (a) MOTORIZED AND BICYCLE TRAVEL AUTHOR-
3 IZED.—In the case of land included in the management
4 area, motorized and bicycle travel shall continue to be al-
5 lowed in accordance with Forest Service and Bureau of
6 Land Management travel plans and maps in existence as
7 of September 1, 2003, which managed recreation use for
8 the specific areas, roads, and trails on those lands, as ref-
9 erenced on the travel map entitled “Boulder-White Clouds
10 Management Area Travel Plan” and dated June 1, 2005.

11 (b) ESTABLISHMENT OR USE OF OTHER TRAILS AND
12 ROUTES.—Notwithstanding subsection (a), other trails
13 and routes may be used for motorized and bicycle travel
14 whenever the Secretary concerned considers such use to
15 be necessary for administrative purposes or to respond to
16 an emergency.

17 (c) ROUTE AND TRAIL CLOSURES.—The following
18 roads or trails shall be closed to motorized and mechanized
19 trail use, except when there is adequate snowcover to per-
20 mit snowmobile use:

21 (1) Forest Service Trail 109 between the Phyl-
22 lis Lake turnoff to 4th of July Lake and the south
23 side of Washington Lake.

24 (2) Forest Service Trail 671 up Warm Springs
25 Creek from Trail 104 to the wilderness boundary.



1 (d) GROUNDS FOR TRAIL SEGMENT CLOSURES.—Re-
2 source damage that can be mitigated and issues of user
3 conflict shall not be used as grounds for the closure of
4 a trail or route in the management area, although the Sec-
5 retary concerned may close any trail or route, or prohibit
6 the use of trail or route for motorized and mechanize trav-
7 el, if the Secretary determines that such closure or prohi-
8 bition is the only reasonable means available for resource
9 protection or public safety.

10 (e) MITIGATION OF TRAIL CLOSURES.—If the Sec-
11 retary determines under subsection (d) that closing an
12 available trail or route in the management area is nec-
13 essary for resource protection or public safety, the Sec-
14 retary shall take any of the following mitigation actions,
15 intended to provide commensurate motorized recreation
16 opportunities in the same general area of the management
17 area:

18 (1) Repair resource damage and secure condi-
19 tions so that closed trails may be reopened to motor-
20 ized use.

21 (2) Replace, relocate, or reroute the trail or the
22 trail segment to provide a similar link between travel
23 points.

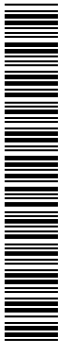


1 (3) A combination of the actions specified in
2 paragraphs (1) and (2) and other actions to achieve
3 the overall mitigation objective.

4 (f) RELATION TO OTHER LAWS.—In considering
5 mitigation actions under subsection (e), the Secretary con-
6 cerned shall ensure that such action is consistent with the
7 overall objectives of the management area. If the lands
8 are also included in the Sawtooth National Recreation
9 Area, the Secretary concerned shall also administer the
10 action in accordance with Public Law 92–400 (16 U.S.C.
11 460aa et seq.), the map dated _____, 2005, and execu-
12 tive orders and other relevant laws and regulations exist-
13 ing on or before the date of the enactment of this Act.

14 **SEC. 304. SUPPORT AND USE OF IDAHO OFF ROAD MOTOR**
15 **VEHICLE PROGRAM.**

16 (a) GRANT TO PROGRAM.—There is authorized to be
17 appropriated to the Secretary of Agriculture not more
18 than \$1,000,000, which shall be used by the Secretary to
19 make a grant to the State of Idaho in the full amount
20 so appropriated for deposit with the Off Road Motor Vehi-
21 cle Program of the Idaho Department of State Parks and
22 Recreation, which is used to support the acquisition, pur-
23 chase, improvement, repair, maintenance, furnishing, and
24 equipping of off-road motor vehicle facilities and sites, to
25 groom snowmobile trails, and for enforcement activities



1 and the rehabilitation of land damaged by off-road vehicle
2 users. As a condition of the grant, the State must main-
3 tain the grant funds as a separate account of the Off Road
4 Motor Vehicle Program and may not use the funds except
5 as provided by this section.

6 (b) USE OF GRANT FUNDS.—When the Secretary
7 concerned determines that additional funds are required
8 to carry out the activities described in subsection (a) in
9 the management area, the Secretary may apply for funds
10 from the Off Road Motor Vehicle Program. Funds re-
11 ceived under this subsection shall be used only in the man-
12 agement area.

13 (c) CONSULTATION AND RECOMMENDATIONS.—Be-
14 fore funds are provided under subsection (b), the Off Road
15 Motor Vehicle Program shall consider any recommenda-
16 tions regarding the use of the funds made by the advisory
17 committee established as part of the program as well as
18 public comments.

19 (d) RELATION TO OTHER LAWS.—Any action under-
20 taken using funds obtained under subsection (b) shall con-
21 form to the applicable travel plan of the Challis National
22 Forest, the Sawtooth National Recreation Area, or the
23 Challis District of the Bureau of Land Management.



1 **SEC. 305. AIRPORTS AND LANDING STRIPS.**

2 No airstrips exist in the wilderness areas designated
3 by title II. Nothing in this Act shall be construed to re-
4 strict or preclude the use of public or private airports or
5 landing strips located within the management area or ad-
6 jacent to a wilderness area designated by title II.

7 **TITLE IV—WAIVER OF GRAZING**
8 **PERMITS**

9 **SEC. 401. FINDINGS AND PURPOSE.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) Grazing allotments on the lands designated
12 as wilderness by title II, and on nearby Federal
13 lands, have been reduced repeatedly by Forest Serv-
14 ice and other Federal agency decisions reflecting
15 changes in the management of such lands.

16 (2) Future management changes for these lands
17 directed to the watershed recovery for the purposes
18 of restoration of endangered fish populations may
19 result in additional grazing restrictions.

20 (3) Many of the ranching families who have
21 used these lands have found themselves unable to
22 survive economically or to recapture lost economic
23 opportunities as a consequence of the location of
24 their ranching operations.

25 (b) PURPOSE.—The purpose of this title is to offer
26 economic options for traditional users of such lands who



1 have been adversely impacted by past changes, and will
2 be adversely impacted by future changes, in the manage-
3 ment of such lands.

4 **SEC. 402. VOLUNTARY GRAZING PERMIT WAIVER PRO-**
5 **GRAM.**

6 (a) **ELIGIBILITY FOR PARTICIPATION.**—Only persons
7 that held, on September 30, 2004, a valid grazing permit
8 located in whole or in part in a wilderness area designated
9 by title II or the watershed of the East Fork Salmon River
10 shall be eligible to participate in the voluntary grazing per-
11 mit waiver program under this title.

12 (b) **NOTICE OF PARTICIPATION.**—If a person de-
13 scribed in subsection (a) desires to participate in the vol-
14 untary grazing permit waiver program under this title, the
15 person shall notify the Federal agency from which the per-
16 son obtained the permit, in writing, not later than one
17 year after the date of the enactment of this Act, of the
18 voluntary decision of the person to participate in the pro-
19 gram in exchange for compensation under section 403.
20 Nothing in this subsection prevents a person described in
21 subsection (a) from waiving, at any time, a grazing permit
22 without compensation.

23 (c) **WAIVER.**—In the notification submitted under
24 subsection (b), the person shall agree to waive the valid
25 grazing permit authorizing livestock grazing on grazing al-



1 lotments located in whole or in part on lands described
2 in subsection (a). The waiver shall take effect on the date
3 the person receives the compensation provided under sec-
4 tion 403, the date the person makes the waiver by dona-
5 tion, or the date the person receives appropriate com-
6 pensation from a third party, whichever occurs first.

7 (d) EFFECT OF PERMIT WAIVER ON RANGE DEVEL-
8 OPMENTS.—

9 (1) WAIVER.—Except as provided in paragraph
10 (2), a person who waives a permit under this section
11 shall be deemed to have waived any claim to all
12 range developments on the subject grazing allotment
13 or allotments.

14 (2) REMOVAL.—The Federal agency from which
15 a person obtained a grazing permit may authorize
16 the person to remove those range developments asso-
17 ciated with the permit that are not permanent and
18 are easily removable, as determined by the Federal
19 agency. The removal of the range developments shall
20 be completed before the end of the one-year period
21 beginning on the date the waiver of the permit takes
22 effect under subsection (c) and shall be subject to
23 the supervision of the Federal agency.

24 (e) CANCELLATION.—Not later than 30 days after
25 the waiver of a grazing permit takes effect under sub-



1 section (c), the Federal agency shall cancel the permitted
2 grazing on the Federal land in the allotments covered by
3 the notification. Upon cancellation, grazing permits shall
4 be prohibited in the areas where permits were waived, and
5 no future management allocations for grazing shall be per-
6 mitted.

7 (f) TREATMENT OF VACANT ALLOTMENTS.—Any va-
8 cant, unallocated grazing allotments in existence on lands
9 described in subsection (a) shall not be made available to
10 any person after the date of the enactment of this Act.

11 **SEC. 403. COMPENSATION.**

12 (a) ELIGIBILITY AND AMOUNT OF COMPENSATION.—
13 The Federal agency may make a payment to permittees
14 described in subsection (a) of section 402 who waive graz-
15 ing permits as provided in subsection (b) of such section
16 according to a schedule of payments prepared jointly by
17 such agencies and filed with the Committee on Resources
18 of the House of Representatives and the Committee on
19 Energy and Natural Resources of the Senate. The total
20 amount available for such payments is \$7,000,000. If a
21 permittee is in arrears of Federal grazing fees, the amount
22 of fees in arrears shall be deducted from the amount of
23 compensation otherwise due the permittee under this sub-
24 section.



1 (b) EXCEPTIONS.—Compensation shall not be pro-
2 vided under this section if the permittee waives the permit
3 by donation. The amount of any compensation the per-
4 mittee receives from a third party for the waiver of the
5 permit shall be deducted from the amount of compensation
6 otherwise due the permittee under subsection (a).

7 (c) PROHIBITION ON USE OF FUNDS FOR ADMINIS-
8 TRATIVE COSTS.—None of the funds made available to
9 provide compensation under this title may be used to cover
10 administrative costs incurred by a Federal agency to carry
11 out this title.

