Public Law 98-428
98th Congress

An Act

To designate certain national forest system lands in the State of Utah for inclusion in the National Wilderness Preservation System to release other forest lands for multiple use management, and for other purposes.

Sept. 28, 1984
[S. 2155]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Utah Wilderness Act of 1984".

Utah Wilderness Act of 1984.
National Wilderness Preservation System.
National Forest System.

TITLE I—FINDINGS, PURPOSES, AND WILDERNESS DESIGNATION

SEC. 101. (a) The Congress finds that—

(1) many areas of undeveloped national forest system lands in the State of Utah possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) review and evaluation of roadless and undeveloped lands in the national forest system in Utah have identified those areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the national forest system's share of a quality National Wilderness Preservation System; and

(3) review and evaluation of roadless and undeveloped lands in the national forest system in Utah have also identified those areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation, or other values and which should not be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process, other applicable laws and the provisions of this Act.

(b) The purposes of this Act are to—

(1) designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people; and

(2) insure that certain other national forest system lands in the State of Utah be available for nonwilderness multiple uses.

SEC. 102. (a) In furtherance of the purpose of the Wilderness Act (78 Stat. 890), the following national forest system lands in the State of Utah are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

16 USC 1131 note.

(1) certain lands in the Wasatch-Cache National Forest which comprise approximately forty-four thousand three hundred and fifty acres, as generally depicted on a map entitled, "Mt. Naomi

16 USC 1132 note.

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Wilderness—Proposed", dated June 1984, and which shall be known as the Mount Naomi Wilderness;

16 USC 1132 note.

(2) certain lands in the Wasatch-Cache National Forest which comprise approximately twenty-three thousand eight hundred and fifty acres as generally depicted on a map entitled "Wellsville Mountain Wilderness—Proposed", dated November 1983, and which shall be known as the Wellsville Mountain Wilderness;

16 USC 1132 note.

(3) certain lands in the Wasatch-Cache National Forest which comprise approximately sixteen thousand acres as generally depicted on a map entitled "Mt. Olympus Wilderness—Proposed", dated August 1984, and which shall be known as the Mount Olympus Wilderness;

16 USC 1132 note.

(4) certain lands in the Wasatch-Cache National Forest which comprise approximately thirteen thousand one hundred acres as generally depicted on a map entitled "Twin Peaks Wilderness—Proposed", dated June 1984, and which shall be known as the Twin Peaks Wilderness;

16 USC 1132 note.

(5) certain lands in the Wasatch-Cache and Ashley National Forests which comprise approximately four hundred and sixty thousand acres as generally depicted on a map entitled "High Uintas Wilderness—Proposed", dated June 1984, and which shall be known as the High Uintas Wilderness;

16 USC 1132 note.

(6) certain lands in the Uinta National Forest which comprise approximately ten thousand seven hundred and fifty acres as generally depicted on a map entitled "Mt. Timpanogos Wilderness—Proposed", dated November 1983, and which shall be known as the Mount Timpanogos Wilderness;

16 USC 1132 note.

(7) certain lands in the Uinta National Forest which comprise approximately twenty-eight thousand acres as generally depicted on a map entitled "Mt. Nebo Wilderness—Proposed", dated June 1984, and which shall be known as the Mount Nebo Wilderness;

16 USC 1132 note.

(8) certain lands in the Manti-LaSal National Forest which comprise approximately forty-five thousand acres as generally depicted on a map entitled "Dark Canyon Wilderness—Proposed", dated November 1983, and which shall be known as the Dark Canyon Wilderness;

16 USC 1132 note.

(9) certain lands in the Dixie National Forest which comprise approximately seven thousand acres as generally depicted on a map entitled "Ashdown Gorge Wilderness—Proposed", dated November 1983, and which shall be known as the Ashdown Gorge Wilderness;

16 USC 1132 note.

(10) certain lands in the Dixie National Forest which comprise approximately twenty-six thousand acres as generally depicted on a map entitled "Box-Death Hollow Wilderness—Proposed", dated June 1984, and which shall be known as the Box-Death Hollow Wilderness;

16 USC 1132 note.

(11) certain lands in the Dixie National Forest which comprise approximately fifty thousand acres as generally depicted on a map entitled "Pine Valley Mountain Wilderness—Proposed", dated June 1984, and which shall be known as the Pine Valley Mountain Wilderness; and

16 USC 1132 note.

(12) certain lands in the Wasatch National Forest which comprise approximately twenty-five thousand five hundred acres as generally depicted on a map entitled "Deseret Peak

Wilderness—Proposed", dated June 1984, and which shall be known as the Deseret Peak Wilderness.

(b) The previous classifications are hereby abolished: the Mount Timpanogos Scenic Area and the High Uintas Primitive Area.

SEC. 103. (a) As soon as practicable after the enactment of this Act, the Secretary of Agriculture shall file the maps referred to in this Act and a legal description of each wilderness area designated by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

Public availability.

(b) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

16 USC 1131 note.

TITLE II—RELEASE OF LANDS FOR NONWILDERNESS USES

SEC. 201. (a) The Congress finds that—

Conservation.

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of national forest system roadless areas in Utah and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than Utah, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Utah;

(2) with respect to the national forest system lands in the State of Utah which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless,

16 USC 1600 note.

prior to such time the Secretary finds that conditions in a unit have significantly changed;

(3) areas in the State of Utah reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plan;

16 USC 1604.

(4) in the event that revised land management plans in the State of Utah are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

16 USC 1600 note.

(5) unless expressly authorized by Congress, Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Utah for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

16 USC 1604.

(d) The provisions of this section shall also apply to—

(1) those national forest system roadless areas in the State of Utah which were evaluated in any unit plan or which are being managed pursuant to a multiple use plan; and

(2) national forest system roadless lands in the State of Utah which are less than five thousand acres in size.

TITLE III—MISCELLANEOUS PROVISIONS

GRAZING IN WILDERNESS AREAS

Livestock.

SEC. 301. (a) Grazing of livestock in wilderness areas established by this Act, where established prior to the date of the enactment of this Act, shall be administered in accordance with section 4(d)(4) of the Wilderness Act and section 108 of Public Law 96-560.

16 USC 1133 and note.

(b) The Secretary is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest system wilderness areas in Utah in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(c) Not later than one year after the date of the enactment of this Act, and at least every five years thereafter, the Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report detailing the progress made by the Forest Service in carrying out the provisions of paragraphs (a) and (b) of this section. Report.

STATE WATER ALLOCATION AUTHORITY

SEC. 302. (a) As provided in section 4(d)(7) of the Wilderness Act of 1964, nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to the exemption from Utah water laws. 16 USC 1133.

(b) Within the Mount Naomi, Wellsville Mountain, Mount Olympus, Twin Peaks, High Uintas, Mount Nebo, Pine Valley Mountain, Deseret Peak, Mount Timpanogos, and Ashdown Gorge Wilderness areas as designated by this Act, the Forest Service is directed to utilize whatever sanitary facilities are necessary, including but not limited to vault toilets which may require service by helicopter, to insure the continued health and safety of the communities serviced by the watersheds in such wilderness areas in the State of Utah; furthermore, nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those minimum maintenance activities necessary to guarantee the continued viability of whatsoever watershed facilities currently exist or which may be necessary in the future to prevent the degradation of the water supply in such wilderness areas within the State of Utah, subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(c) As provided in section 4(d)(8) of the Wilderness Act of 1964, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to wildlife and fish in the national forests in Utah.

PROHIBITION ON BUFFER ZONES

SEC. 303. Congress does not intend that designation of wilderness areas in the State of Utah lead to the creation of protective perimeters or buffer zones around any wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

MINERAL RESOURCES

SEC. 304. In furtherance of section 4(d)(2) of the Wilderness Act and the policies of the National Materials and Minerals Policy, Research and Development Act (94 Stat. 2305), the Secretary of the Interior shall continue to make assessments of the mineral potential of national forest wilderness areas in the State of Utah, on a recurring basis, consistent with the concept of wilderness preservation, in order to expand the data base with respect to the mineral potential of such lands. 30 USC 1601 note.

SEC. 305. Within the Mount Naomi, Wellsville Mountain, Mount Olympus, Mount Nebo, Twin Peaks, High Uintas, Pine Valley Mountain, Mount Timpanogos, and Deseret Peak Wilderness areas as

designated by this Act the provisions of the Wilderness Act shall not be construed to prevent the installation and maintenance of hydrologic, meteorologic, climatological, or telecommunications facilities, or any combination of the foregoing, or limited motorized access to such facilities when nonmotorized access means are not reasonably available or when time is of the essence, subject to such conditions as the Secretary of Agriculture and the Secretary of the Interior deem desirable, where such facilities or access are essential to flood warning, flood control, and water reservoir operation purposes.

SEC. 306. (a) Certain lands adjacent to the Box-Death Hollow Wilderness as designated in section 102 of this Act, and generally depicted as the "Antone Bench Area" and Areas 2, 3, 4, and 5 on a map entitled "Box-Death Hollow Wilderness—Proposed", dated June 1984, shall, subject to valid existing rights and until Congress determines otherwise, be managed in accordance with the following provisions:

(1) all lands within the Areas are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto, except that the Secretary of the Interior is hereby authorized to issue competitive leases for carbon dioxide within the Areas for a period of five years from the date of enactment of this Act;

(2) a lease issued for carbon dioxide in the Area shall be for a period of ten years and for so long thereafter as carbon dioxide is produced annually in commercial quantities from that lease: *Provided,* That an area covered by a lease shall be withdrawn from further carbon dioxide leasing or lease extension in the event production in commercial quantities from the lease is not occurring within ten years of the date of issuance of the lease; and

(3) exploration in the Antone Bench area shall be permitted only by helicopter or other methods which do not involve road construction or other significant surface disturbance.

(b) In the event development of a lease within the Antone Bench area is proposed, the following provisions shall apply:

(1) road construction shall be limited to the minimum standards necessary for proper development of the carbon dioxide resource consistent with safety requirements;

(2) roads, pipelines, electric lines, buildings, compressor stations and other facilities shall, to the maximum extent practicable consistent with economic extraction of the carbon dioxide resource, be camouflaged, constructed and located in a manner that will minimize visual, noise or other intrusions in the area and in the surrounding wilderness area;

(3) fill material, gravel and other material used for road and facility construction shall be obtained from outside the wilderness area;

(4) road or facility construction shall be limited, to the maximum extent practicable, to seasons or periods where there will be minimum impacts on recreation or wildlife uses;

(5) roads shall be used only in conjunction with carbon dioxide development operations and shall be closed to all other vehicular use, but shall be open for foot or horse travel;

(6) all roads or other facilities within the area shall, when no longer needed for carbon dioxide production, be removed and reclaimed to a condition of being substantially unnoticeable;

(7) all waste, debris or other by-products associated with road construction, carbon dioxide production, or other development activities shall be disposed of outside the Antone Bench area and the Box-Death Hollow Wilderness; and

(8) consistent with State and Federal law no activities shall be allowed within the area which could significantly impair water quality or quantity in the Box-Death Hollow Wilderness and adjacent wilderness or wilderness study areas.

Approved September 28, 1984.

LEGISLATIVE HISTORY—S. 2155:

HOUSE REPORT No. 98-1019, Pt. 1 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-581 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Aug. 9, considered and passed Senate.
Sept. 17, considered and passed House.