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PINE FOREST RANGE RECREATION ENHANCEMENT

JUNE 27, 2013.—Ordered to be printed

Mr. WYDEN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 342]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 342) to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 342 is to designate approximately 26,000 acres along the Pine Forest Range in Nevada as wilderness and to authorize a land exchange.

BACKGROUND AND NEED

The Pine Forest Range is located in northern Nevada's arid Great Basin. It includes the Blue Lakes Wilderness Study Area in the highest portion of the Range and the Alder Creek Wilderness Study Area on the adjacent sagebrush steppe of the Range's western slope. They feature extraordinary scenery, alpine lakes, and wildlife habitat. The area's hiking, horseback riding, rock climbing, hunting, fishing, and camping opportunities have made it one of the most highly visited recreation areas in the region.

A group of stakeholders began working in 2009 and 2010 to develop a broadly supported proposal to protect the area as wilderness. In response, the Nevada delegation introduced the Pine Forest Range Recreation Enhancement Act, which would designate the two adjacent wilderness study areas as the Pine Forest Wilderness and authorize a land exchange to facilitate the acquisition by the

Bureau of Land Management of private lands that are included in the proposed wilderness area.

LEGISLATIVE HISTORY

Senators Reid and Heller introduced S. 342 on February 14, 2013. A hearing was held by the Subcommittee on Public Lands, Forests, and Mining on S. 342 on April 25, 2013. At its business meeting on May 16, 2013, the Committee ordered the bill favorably reported without amendment.

A similar bill, S. 1788, was introduced in the 112th Congress. On March 22, 2012, the Subcommittee on Public Lands and Forests held a hearing on S. 1788 (S. Hrg. 112-642).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 16, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 342.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “Pine Forest Range Recreation Enhancement Act of 2013”.

Section 2 defines key terms.

Section 3(a) designates the Pine Forest Range Wilderness as a component of the National Wilderness Preservation System.

Subsection (b)(1) establishes the boundary of any portion of the Wilderness that is boarded by a road shall be 100 feet from the road.

Subsection (b)(2) allows the Secretary to (a) reroute the road running through Long Meadow to the west to remove the road from the riparian area; (B) reroute the road currently running through Rodeo Flat/Corral Meadow to the east to remove the road from the riparian area; and (C) close, except for administrative use, the road along Lower Alder Creek south of Bureau of Land Management road #2083.

Subsection (b)(3) establishes the boundary of the Wilderness 160 feet downstream from the dam at Little Onion Reservoir.

Subsection (c) provides for a map and legal description.

Subsection (d) withdraws the Wilderness from the operation of the public land laws, mining laws, and mineral and geothermal leasing laws.

Section 4 sets forth the Secretary’s requirements for administering the wilderness.

Subsection (a) this Act requires that the Secretary administer the Wilderness in accordance with the Wilderness Act.

Subsection (b) allows the grazing of livestock in the Wilderness to continue if established before the date of enactment of this Act

Subsection (c) provides that any land or interest in land within the boundary of the Wilderness that is acquired by the United States after the enactment of this Act shall be added to and administered as part of the Wilderness.

Subsection (d) clarifies that Congress does not intend for the Wilderness to create a protective buffer zone around the Wilderness.

Subsection (e) clarifies that military overflights are not restricted over the Wilderness.

Subsection (f) directs that the Secretary take measures to control fire, insects and disease within the boundaries of the Wilderness in accordance of the Wilderness Act.

Subsection (g) permits wildfire management operations to continue.

Subsection (h) authorizes the Secretary to install hydrologic, meteorologic, or climatological collection devices if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

Subsection (i)(1) provides findings related to water rights issues.

Subsection (i)(2) states that the Act is intended to protect the wilderness values of the land by means other than an federally reserved water right.

Subsection (3)(A) clarifies that nothing in this act constitutes an express or implied reservation by the United States of any water or water rights with respect to the Wilderness; (B) affects any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act; (C) establishes a precedent with regard to any future wilderness designations; (D) affects the interpretation of, or any designation made under, any other Act; or (E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

Section 5 releases portions of the Blue Lakes and Alder creek wilderness study areas not designated as wilderness areas from being subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c))

Section 6(a) directs the Secretary to manage local wildlife, hunting, fishing, and trapping in accordance with the Wilderness Act.

Subsection (e) states that the State of Nevada may conduct wildlife management activities in the Wilderness in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled 'Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9' and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State.

Section 7 provides that the Secretary may enter into a land exchange for non-federal land subject to the requirement that non-federal parties pay at least half the costs

Section 8 provides that this Act alters or diminishes the treaty rights of any Indian tribe.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 342—Pine Forest Range Recreation Enhancement Act of 2013

S. 342 would designate 26,000 acres of land in northwest Nevada as the Pine Forest Range Wilderness. The bill also would authorize the Secretary of the Interior to conduct certain land exchanges. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing S. 342 would have no

significant impact on the federal budget. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The acreage to be added to the National Wilderness Preservation System is currently administered by BLM. CBO estimates that no additional resources would be required to manage the affected lands as a result of the new designation. Based on information provided by BLM, CBO expects that certain road modifications required under the bill would be made under current law. Finally, we expect that any costs to revise brochures, maps, and signs would be minimal because most such revisions would take place in conjunction with scheduled reprinting and routine maintenance.

In addition, S. 342 would give the Secretary of the Interior the discretion to make certain land exchanges in accordance with an existing resource management plan. Because the Secretary could use existing authorities to complete those land exchanges, CBO expects that any exchanges conducted under the bill would also occur under current law, and thus we estimate that the provision would have no budgetary impact.

Finally, CBO estimates that enacting the legislation would have no effect on offsetting receipts because the affected lands are already managed for conservation purposes and are not expected to generate any income in the future.

S. 342 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 342.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 342, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 342, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by Forest Service at the April 25, 2013, Subcommittee on Public Lands, Forests, and Mining hearing on S. 342 follows:

STATEMENT OF JAMIE CONNELL, ACTING DEPUTY DIRECTOR,
BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE
INTERIOR

Thank you for inviting the Department of the Interior to testify on S. 342, the Pine Forest Range Recreation Enhancement Act. The Department of the Interior supports S. 342, which designates the Pine Forest Range Wilderness in Humboldt County, Nevada, on lands managed by the Bureau of Land Management (BLM). We urge the Congress to move swiftly to pass this bill.

It is gratifying to see Congress moving to protect this area that was highlighted in Secretary Salazar's November 2011 *Preliminary Report on BLM Lands Deserving Protection as National Conservation Areas, Wilderness or Other Conservation Designations*. There is a long history of bipartisan support in Congress for the conservation of America's special places. Members from both parties have been essential to passing every major public lands bill that has been enacted in recent years. This type of cooperative and bipartisan approach to designating special lands for protection as wilderness, national conservation areas, or similar designations has historically been a regular practice for Congress. The designation of the Pine Forest Range has strong support from County government and local citizens. It is a wonderful example of how people can come together to protect one of America's real gems.

BACKGROUND

The Pine Forest Range in northern Nevada's arid Great Basin is a rare and exceptional area of abundant streams and clear, cold subalpine lakes. Nestled in a cirque and fed by snowmelt and springs, these lakes are not only visually stunning but also possess an excellent trout fishery. The lakes are surrounded by a rare remnant population of white bark and limber pines. Stands of quaking aspen and mountain mahogany are also found throughout the proposed wilderness. Fall brings an abundance of color found in few other places in northern Nevada.

The spectacular scenery and vistas, combined with outstanding recreational opportunities, draw thousands of visitors annually. Despite being one of the most highly visited recreational areas in the region, the proposed wilderness still appears pristine. Day hiking, horseback riding, rock climbing, hunting, fishing, and camping are all popular in the area. Visitors enjoy a true primitive recreation experience, without trails or facilities. Even during peak visitation periods, solitude is easy to find in the rugged terrain. Abundant wildlife coveted by sportsmen includes trophy mule deer, antelope, bighorn sheep, mountain lion, and chukar.

A wide range of stakeholders began working cooperatively in 2009 and 2010 to bring together diverse interests in a grass-roots effort to protect this special area. In the fall of 2010, the Humboldt County Commission voted

unanimously to approve the final recommendations of the Pine Forest Range Working Group to designate the Pine Forest Range Wilderness. The Nevada State Legislature subsequently passed a resolution praising the process used in arriving at the consensus represented by S. 342.

S. 342

S. 342 proposes to designate the 26,000-acre Pine Forest Range Wilderness in Humboldt County, Nevada, on public land managed by the BLM. This wilderness area is largely formed by the Blue Lakes and Alder Creek Wilderness Study Areas (WSAs). Under the bill, approximately 1,150 acres of land within those WSAs would not be designated as wilderness and would be released from WSA status, thereby allowing the consideration of other uses.

Section 7 of S. 342 provides for land exchanges to improve the manageability of the Pine Forest Range Wilderness Area and nearby public lands while likewise allowing private landowners the opportunity to consolidate their holdings. The land exchanges are discretionary and would be completed consistent with the Federal Land Policy and Management Act (FLPMA) and other applicable laws. The BLM supports this provision. In addition, these land acquisitions may be undertaken through existing authorities such as purchase or donation.

The Pine Forest Range Wilderness meets the definition of wilderness; the land and its community of life are largely untrammelled. It has retained its primeval character and has been influenced primarily by the forces of nature, with outstanding opportunities for primitive recreation or solitude. The BLM strongly supports this designation. We would like to work with the sponsor and the Committee on some minor technical modifications.

CONCLUSION

Thank you for the opportunity to testify in support of S. 342. We look forward to the swift passage of this legislation designating the Pine Forest Range Wilderness.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 342, as ordered reported.

