



Wilderness Areas Designated by the White Pine County bill

SEC. 321. SHORT TITLE.

This subtitle may be cited as the '**Pam White Wilderness Act of 2006**'.

The White Pine County bill designated over 558,000 acres of new wilderness in eastern Nevada. This legislation (H.R. 6111 – Title III – Subtitle B) was passed as part of an omnibus bill late in 2006.

SEC. 322. FINDINGS.

Congress finds that--

- (1) public land in the County contains unique and spectacular natural resources, including--
 - (A) priceless habitat for numerous species of plants and wildlife; and
 - (B) thousands of acres of land that remain in a natural state; and
- (2) continued preservation of those areas would benefit the County and all of the United States by--
 - (A) ensuring the conservation of ecologically diverse habitat;
 - (B) protecting prehistoric cultural resources;
 - (C) conserving primitive recreational resources; and
 - (D) protecting air and water quality.

SEC. 323. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) Additions- The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

- (1) MT. MORIAH WILDERNESS ADDITION- Certain Federal land managed by the Forest Service and the Bureau of Land Management, comprising approximately 11,261 acres, as generally depicted on the map entitled 'Eastern White Pine County' and dated November 29, 2006, is incorporated in, and shall be managed as part of, the Mt. Moriah Wilderness, as designated by section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101-195).
- (2) MOUNT GRAFTON WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 78,754 acres, as generally depicted on the map entitled 'Southern White Pine County' and dated November 29, 2006, which shall be known as the 'Mount Grafton Wilderness'.
- (3) SOUTH EGAN RANGE WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 67,214 acres, as

generally depicted on the map entitled 'Southern White Pine County' and dated November 29, 2006, which shall be known as the 'South Egan Range Wilderness'.

(4) HIGHLAND RIDGE WILDERNESS- Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 68,627 acres, as generally depicted on the map entitled 'Southern White Pine County' and dated November 29, 2006, which shall be known as the 'Highland Ridge Wilderness'.

(5) GOVERNMENT PEAK WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,313 acres, as generally depicted on the map entitled 'Eastern White Pine County' and dated November 29, 2006, which shall be known as the 'Government Peak Wilderness'.

(6) CURRANT MOUNTAIN WILDERNESS ADDITION- Certain Federal land managed by the Forest Service, comprising approximately 10,697 acres, as generally depicted on the map entitled 'Western White Pine County' and dated November 29, 2006, is incorporated in, and shall be managed as part of, the 'Currant Mountain Wilderness', as designated by section 2(4) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101-195).

(7) RED MOUNTAIN WILDERNESS- Certain Federal land managed by the Forest Service, comprising approximately 20,490 acres, as generally depicted on the map entitled 'Western White Pine County' and dated November 29, 2006, which shall be known as the 'Red Mountain Wilderness'.

(8) BALD MOUNTAIN WILDERNESS- Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 22,366 acres, as generally depicted on the map entitled 'Western White Pine County' and dated November 29, 2006, which shall be known as the 'Bald Mountain Wilderness'.

(9) WHITE PINE RANGE WILDERNESS- Certain Federal land managed by the Forest Service, comprising approximately 40,013 acres, as generally depicted on the map entitled 'Western White Pine County' and dated November 29, 2006, which shall be known as the 'White Pine Range Wilderness'.

(10) SHELLBACK WILDERNESS- Certain Federal land managed by the Forest Service, comprising approximately 36,143 acres, as generally depicted on the map entitled 'Western White Pine County' and dated November 29, 2006, which shall be known as the 'Shellback Wilderness'.

(11) HIGH SCHELLS WILDERNESS- Certain Federal land managed by the Forest Service, comprising approximately 121,497 acres, as generally depicted on the map entitled 'Eastern White Pine County' and dated November 29, 2006, which shall be known as the 'High Schells Wilderness'.

(12) BECKY PEAK WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,119 acres, as generally depicted on the map entitled 'Northern White Pine County' and dated November 29, 2006, which shall be known as the 'Becky Peak Wilderness'.

(13) GOSHUTE CANYON WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 42,544 acres, as generally depicted on the map entitled 'Northern White Pine County' and

dated November 29, 2006, which shall be known as the 'Goshute Canyon Wilderness'.

(14) BRISTLECONE WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,095 acres, as generally depicted on the map entitled 'Eastern White Pine County' and dated November 29, 2006, which shall be known as the 'Bristlecone Wilderness'.

(b) Boundary- The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) Map and Legal Description-

(1) IN GENERAL- As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) EFFECT- Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY- Each map and legal description shall be on file and available for public inspection in the appropriate offices of--

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the National Park Service.

(d) Withdrawal- Subject to valid existing rights, the wilderness areas designated by subsection (a) are withdrawn from--

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws.

(e) Mt. Moriah Wilderness Boundary Adjustment- The boundary of the Mt. Moriah Wilderness established under section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101-195) is adjusted to include only the land identified as the 'Mount Moriah Wilderness Area' and 'Mount Moriah Additions' on the map entitled 'Eastern White Pine County' and dated November 29, 2006.

SEC. 324. ADMINISTRATION.

(a) Management- Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that--

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of Agriculture or the Secretary of the Interior, as appropriate.

(b) Livestock- Within the wilderness areas designated under this subtitle that are administered by the Bureau of Land Management and the Forest Service, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue--

(1) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(2) consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101-405.

(c) Incorporation of Acquired Land and Interests- Any land or interest in land within the boundaries of an area designated as wilderness by this subtitle that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(d) Water Rights-

(1) FINDINGS- Congress finds that--

(A) the land designated as wilderness by this subtitle is located--

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few if any--

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the land designated as wilderness by this subtitle is generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the land designated as wilderness by this subtitle, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.

(2) PURPOSE- The purpose of this section is to protect the wilderness values of the land designated as wilderness by this subtitle by means other than a federally reserved water right.

(3) STATUTORY CONSTRUCTION- Nothing in this subtitle--

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to a wilderness designated by this subtitle;

(B) shall affect 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) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) NEVADA WATER LAW- The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by this subtitle.

(5) NEW PROJECTS-

(A) DEFINITION OF WATER RESOURCE FACILITY- In this paragraph, the term `water resource facility'--

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES- Except as otherwise provided in this title, on or after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area that is wholly or partially within the County.

SEC. 325. ADJACENT MANAGEMENT.

(a) In General- Congress does not intend for the designation of wilderness in the State by this subtitle to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) Nonwilderness Activities- The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 326. MILITARY OVERFLIGHTS.

Nothing in this subtitle restricts or precludes--

(1) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

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

SEC. 327. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this subtitle shall be construed to diminish--

(1) the rights of any Indian tribe; or

(2) tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 328. RELEASE OF WILDERNESS STUDY AREAS.

(a) Finding- Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land has been adequately studied for wilderness designation in any portion of the wilderness study areas or instant study areas--

(1) not designated as wilderness by section 323(a), excluding the portion of the Goshute Canyon Wilderness Study Area located outside of the County; and

(2) depicted as released on the maps entitled--

(A) 'Eastern White Pine County' and dated November 29, 2006;

(B) 'Northern White Pine County' and dated November 29, 2006;

(C) 'Southern White Pine County' and dated November 29, 2006; and

(D) 'Western White Pine County' and dated November 29, 2006.

(b) Release-

(1) IN GENERAL- Any public land described in subsection (a) that is not designated as wilderness by this subtitle--

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

(B) shall be managed in accordance with--

(i) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(ii) cooperative conservation agreements in existence on the date of enactment of this Act; and

(C) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) EXCEPTION- The requirements described in paragraph (1) shall not apply to the portion of the Goshute Canyon Wilderness Study Area located outside of the County.

SEC. 329. WILDLIFE MANAGEMENT.

(a) In General- In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by this subtitle.

(b) Management Activities- In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct such management activities as are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle if those activities are conducted--

(1) consistent with relevant wilderness management plans; and

(2) in accordance with--

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies such as those set forth in Appendix B of House Report 101-405, including the occasional and temporary use of motorized vehicles if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those tasks with the minimal impact necessary to reasonably accomplish those tasks.

(c) Existing Activities- Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(d) Wildlife Water Development Projects- Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by this subtitle if--

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) Hunting, Fishing, and Trapping-

(1) IN GENERAL- The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by this subtitle.

(2) CONSULTATION- Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under paragraph (1).

(f) Cooperative Agreement-

(1) IN GENERAL- The State (including a designee of the State) may conduct wildlife management activities in the wilderness areas designated by this subtitle--

(A) 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; and

(B) subject to all applicable laws and regulations.

(2) REFERENCES-

(A) CLARK COUNTY- For purposes of this subsection, any references to Clark County in the cooperative agreement described in paragraph (1) (A) shall be considered to be references to White Pine County, Nevada.

(B) BUREAU OF LAND MANAGEMENT- For purposes of this subsection, any references to the Bureau of Land Management in the cooperative agreement described in paragraph (1)(A) shall also be considered to be references to the Forest Service.

SEC. 330. WILDFIRE, INSECT, AND DISEASE MANAGEMENT.

Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures as may be necessary in the control of fire, insects, and diseases, including coordination with a State or local agency, as the Secretary deems appropriate.

SEC. 331. CLIMATOLOGICAL DATA COLLECTION.

If the Secretary determines that hydrologic, meteorologic, or climatological collection devices are appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this subtitle, nothing in this subtitle precludes the installation and maintenance of the collection devices within the wilderness areas.