

2015 National Defense Authorization Act

TITLE XXX—NATURAL RESOURCES RELATED GENERAL PROVISIONS

SEC. 3064. PINE FOREST RANGE WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Humboldt County, Nevada.

(2) MAP.—The term “Map” means the map entitled “Proposed Pine Forest Wilderness Area” and dated October 28, 2013.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Nevada.

(5) WILDERNESS.—The term “Wilderness” means the Pine Forest Range Wilderness designated by section (b)(1).

(b) ADDITION TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 26,000 acres of Federal land managed by the Bureau of Land Management, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Pine Forest Range Wilderness”.

(2) BOUNDARY.—

(A) ROAD ACCESS.—The boundary of any portion of the Wilderness that is bordered by a road shall be 100 feet from the edge of the road.

(B) ROAD ADJUSTMENTS.—The Secretary shall—

(i) reroute the road running through Long Meadow to the west to remove the road from the riparian area;

(ii) reroute the road currently running through Rodeo Flat/Corral Meadow to the east to remove the road from the riparian area;

(iii) close, except for administrative use, the road along Lower Alder Creek south of Bureau of Land Management road #2083; and

(iv)(I) leave open the Coke Creek Road to Little Onion Basin; but (II) close spur roads connecting to the roads described in subclause (I).

(C) RESERVOIR ACCESS.—The boundary of the Wilderness shall be 160 feet downstream from the dam at Little Onion Reservoir.

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Wilderness.

(B) EFFECT.—The map and legal description prepared under subparagraph (A) 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.

(C) AVAILABILITY.—The map and legal description prepared under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) WITHDRAWAL.—Subject to valid existing rights, the Wilderness is withdrawn from—

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

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

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(c) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (U.S.C. 1131 et seq.), except that—

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

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(2) LIVESTOCK.—The grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405).

(3) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—Congress does not intend for the designation of the Wilderness to create a protective perimeter or buffer zone around the Wilderness.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen, heard, or detected from areas within the Wilderness shall not limit or preclude the conduct of the activities or uses outside the boundary of the Wilderness.

(4) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over the Wilderness, including military overflights that can be seen, heard, or detected within the Wilderness;

(B) flight testing and evaluation; or

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

(5) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the Wilderness as are necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(6) WILDFIRE MANAGEMENT OPERATIONS.—

Nothing in this section precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment).

(7) WATER RIGHTS.—

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

(B) STATUTORY CONSTRUCTION.—Nothing in this section—

(i) constitutes an express or implied reservation by the United States of any water or water rights with respect to the Wilderness;

(ii) 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;

(iii) establishes a precedent with regard to any future wilderness designations;

(iv) affects the interpretation of, or any designation made under, any other Act; or

(v) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(C) 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.

(D) NEW PROJECTS.—

(i) DEFINITION OF WATER RESOURCE FACILITY.—

(I) IN GENERAL.—In this subparagraph, the term “water resource facility” 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.

(II) EXCLUSION.—In this subparagraph, the term “water resource facility” does not include wildlife guzzlers.

(ii) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this section, 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, any portion of which is located in the County.

(d) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the land described in paragraph (3) has been adequately studied for wilderness designation.

(2) RELEASE.—Any public land described in paragraph (3) that is not designated as wilderness by this section—

(A) is no longer subject to—

(i) section 603(c) of the Federal Land

Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(ii) Secretarial Order No. 3310 issued by the Secretary on December 22, 2010;

(B) shall be managed in accordance with the applicable land use plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(3) DESCRIPTION OF LAND.—The land referred to in paragraphs (1) and (2) consists of the portions of the Blue Lakes and Alder Creek wilderness study areas not designated as wilderness by subsection

(b)(1), including the approximately 990 acres in the following areas:

(A) Lower Alder Creek Basin.

(B) Little Onion Basin.

(C) Lands east of Knott Creek Reservoir.

(D) Portions of Corral Meadow and the Blue Lakes Trailhead.

(e) WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the Wilderness.

(2) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities in the Wilderness that are necessary to maintain or restore fish and wildlife populations and the habitats to support the populations, if the activities are carried out—

(A) consistent with relevant wilderness management plans; and

(B) in accordance with—

(i) the Wilderness Act (16 U.S.C. 7 1131 et seq.); and

(ii) the guidelines set forth in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (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 with the minimal impact necessary to reasonably accomplish those tasks.

(3) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with the guidelines set forth in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101-405), the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations in the Wilderness.

(4) HUNTING, FISHING, AND TRAPPING.—

(A) IN GENERAL.—The Secretary may designate 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.

(B) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency and notify the public before taking any action under subparagraph (A).

(5) AGREEMENT.—

(A) IN GENERAL.—The State, including a designee of the State, may conduct wildlife management activities in the Wilderness—

(i) in accordance with the terms and conditions specified in the 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 agreement agreed to by the Secretary and the State; and

(ii) subject to all applicable laws (including regulations).

(B) REFERENCES; CLARK COUNTY.—For the purposes of this paragraph, any reference to Clark County in the agreement described in subparagraph (A)(i) shall be considered to be a reference to the Wilderness.

(f) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term “Federal land” means Federal land in the County that is identified for disposal by the Secretary through the Winnemucca Resource Management Plan.

(B) NON-FEDERAL LAND.—The term “non-Federal land” means land identified on the Map as “non-Federal lands for exchange”.

(2) ACQUISITION OF LAND AND INTERESTS IN LAND.—Consistent with applicable law and subject to paragraph (3), the Secretary may exchange the Federal land for non-Federal land.

(3) CONDITIONS.—Each land exchange under paragraph (1) shall be subject to—

(A) the condition that the owner of the non-Federal land pay not less than 50 percent of all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances; and

(B) such additional terms and conditions as the Secretary may require.

(4) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any non-Federal land or interest in the non-Federal land within the boundary of the Wilderness that is acquired by the United States under this subsection after the date of enactment of this Act shall be added to and administered as part of the Wilderness.

(5) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this subsection be completed by no later than 5 years after the date of enactment of this Act.

(g) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section alters or diminishes the treaty rights of any Indian tribe (as defined in section 4) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))

SEC. 3066. WOVOKA WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Lyon County, Nevada.

(2) MAP.—The term “map” means the map entitled “Wovoka Wilderness Area” and dated December 18, 2012.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(4) STATE.—The term “State” means the State of Nevada.

(5) WILDERNESS.—The term “Wilderness” means the Wovoka Wilderness designated by subsection (b)(1).

(b) WOVOKA WILDERNESS.—

(1) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal land managed by the Forest Service, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Wovoka Wilderness”.

(2) BOUNDARY.—The boundary of any portion of the Wilderness that is bordered by a road shall be 150 feet from the centerline of the road.

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Wilderness.

(B) EFFECT.—The map and legal description prepared under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct any clerical and typographical errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description prepared under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) WITHDRAWAL.—Subject to valid existing rights, the Wilderness is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

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

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(c) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act.

(2) LIVESTOCK.—The grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405).

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness 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.

(4) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—Congress does not intend for the designation of the Wilderness to create a protective perimeter or buffer zone around the Wilderness.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness shall not preclude the conduct of the activities or uses outside the boundary of the Wilderness.

(5) OVERFLIGHTS.—

(A) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(i) low-level overflights of military aircraft over the Wilderness, including military overflights that can be seen or heard within the Wilderness;

(ii) flight testing and evaluation; or

(iii) the designation or creation of new units of special airspace, or the establishment of military flight training routes, over the Wilderness.

(B) EXISTING AIRSTRIPS.—Nothing in this section restricts or precludes low-level overflights by aircraft originating from airstrips in existence on the date of enactment of this Act that are located within 5 miles of the proposed boundary of the Wilderness.

(6) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures in the Wilderness that the Secretary determines to be necessary for the control of fire, insects, and diseases, including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency.

(7) WATER RIGHTS.—

(A) FINDINGS.—Congress finds that—

(i) the Wilderness 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—

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

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

(ii) the Wilderness is generally not suitable for use or development of new water resource facilities; and

(iii) because of the unique nature of the Wilderness, 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.

(B) PURPOSE.—The purpose of this paragraph is to protect the wilderness values of the Wilderness by means other than a federally reserved water right.

(C) STATUTORY CONSTRUCTION.—Nothing in this paragraph—

(i) constitutes an express or implied reservation by the United States of any water or water rights with respect to the Wilderness;

(ii) 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;

(iii) establishes a precedent with regard to any future wilderness designations;

(iv) affects the interpretation of, or any designation made under, any other Act; or

(v) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(D) 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.

(E) NEW PROJECTS.—

(i) DEFINITION OF WATER RESOURCE FACILITY.—

(I) IN GENERAL.—In this subparagraph, the term “water resource facility” 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.

(II) EXCLUSION.—In this subparagraph, the term “water resource facility” does not include wildlife guzzlers.

(ii) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—

(I) IN GENERAL.—Except as otherwise provided in this section, on or after the date of enactment of this Act, no 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 the Wilderness, any portion of which is located in the County.

(II) EXCEPTION.—If a permittee within the Bald Mountain grazing allotment submits an application for the development of water resources for the purpose of livestock watering by the date that is 10 years after the date of enactment of this Act, the Secretary shall issue a water development permit within the non-wilderness boundaries of the Bald Mountain grazing allotment for the purposes of carrying out activities under paragraph (2).

(8) NONWILDERNESS ROADS.—Nothing in this section prevents the Secretary from implementing or amending a final travel management plan.

(d) WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the Wilderness.

(2) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities in the Wilderness that are necessary to maintain or restore fish and wildlife populations and the habitats to support the populations, if the activities are carried out—

(A) consistent with relevant wilderness management plans; and

(B) in accordance with—

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

(ii) the guidelines set forth in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405), including the occasional and temporary use of motorized vehicles and aircraft, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values with the minimal impact necessary to reasonably accomplish those tasks.

(3) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with the guidelines 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 in the Wilderness.

(4) HUNTING, FISHING, AND TRAPPING.—

(A) IN GENERAL.—The Secretary may designate 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.

(B) CONSULTATION.— Except in emergencies, the Secretary shall consult with the appropriate State agency and notify the public before making any designation under subparagraph (A).

(5) AGREEMENT.—The State, including a designee of the State, may conduct wildlife management activities in the Wilderness—

(A) in accordance with the terms and conditions specified in the agreement between the Secretary and the State entitled “Memorandum of Understanding: Intermountain Region USDA Forest Service and the Nevada Department of Wildlife State of Nevada” and signed by the designee of the State on February 6, 1984, and by the designee of the Secretary on January 24, 1984, including any amendments, appendices, or additions to the agreement agreed to by the Secretary and the State or a designee; and

(B) subject to all applicable laws (including regulations).

(e) WILDLIFE WATER DEVELOPMENT PROJECTS.—

Subject to subsection (c), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects (including guzzlers) in the Wilderness 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 can reasonably be minimized.

(f) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section alters or diminishes the treaty rights of any Indian tribe.

SEC. 3067. WITHDRAWAL AREA RELATED TO WOVOKA WILDERNESS.

(a) DEFINITION OF WITHDRAWAL AREA.—In this section, the term “Withdrawal Area” means the land administered by the Forest Service and identified as “Withdrawal Area” on the map entitled “Wovoka Wilderness Area” and dated December 18, 2012.

(b) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Withdrawal Area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

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

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

(c) MOTORIZED AND MECHANICAL VEHICLES.—

(1) IN GENERAL.—Subject to paragraph (2), use of motorized and mechanical vehicles in the Withdrawal Area shall be permitted only on roads and trails designated for the use of those vehicles, unless the use of those vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(2) EXCEPTION.—Paragraph (1) does not apply to aircraft (including helicopters).

(d) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section alters or diminishes the treaty rights of any Indian tribe.