

H.R. _____

IN THE HOUSE OF REPRESENTATIVES

XXX, 2021

Rep. introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To create new lands designations, a new land management plan
for those designations for lands in Utah, and for other
purposes.

1 *Be it enacted by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE. This Act may be cited as the “Central
5 Wasatch National Conservation and Recreation Area
6 Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

9 Sec. 1. Short Title; Table of Contents.

10 Sec. 2. Definitions.

11 Sec. 3. Central Wasatch National Conservation and Recreation Area.

12 Sec. 4. Wilderness.

13 Sec. 5. White Pine Watershed Protection Area.

14 Sec. 6. General Provisions.

15 .

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16 Sec. 7. Authorization for Appropriations.

17 **SECTION 2. DEFINITIONS.**

18 (a) DEFINITIONS.—In this Act:

19 (1) CONSERVATION AND RECREATION AREA.—

20 The term “Conservation and Recreation Area” means
21 the Central Wasatch National Conservation and
22 Recreation Area established by section 3(a).

23 (2) CONSERVATION AND RECREATION AREA

24 MAP.—The term “Conservation and Recreation Area
25 map” means the map entitled “Proposed Central
26 Wasatch National Conservation and Recreation Area
27 Map” and dated ___, 20 __.

28 (3) FACILITY.—The term “Facility” includes
29 systems for water resources, flood control, electric
30 energy, telecommunications, pipelines, and
31 recreation, including parking areas, trailheads, and
32 restrooms.

33 (4) FOREST PLAN.—The term “forest plan” means
34 the Revised Forest Plan: Wasatch-Cache National
35 Forest, dated February 2003, as amended.

36 (5) MANAGEMENT PLAN.—The term
37 “management plan” means the management plan for
38 the Central Wasatch National Conservation and
39 Recreation Area developed under section 3(d).

40 (6) MOUNTAIN ACCORD.—The term “Mountain
41 Accord” means the Mountain Accord agreement
42 dated July 13, 2015.

43 (7) MOUNTAIN TRANSPORTATION SYSTEM.—A
44 public transportation system used for the purpose of

45 transporting people year-round between developed
46 destinations.

47 (8) NATIONAL FOREST SYSTEM.—The term
48 “National Forest System” has the meaning given that
49 term in section 11(a) of the Forest and Rangeland
50 Renewable Resources Planning Act of 1974 (16
51 U.S.C. 1609(a)).

52 (9) SECRETARY.—The term “Secretary” means the
53 Secretary of Agriculture.

54 (10) SKI AREA.—The term “ski area” means
55 downhill ski area operating under a special use
56 permit.

57 (11) SKI LIFT. —The term “ski lift” means
58 motorized systems in a permitted ski area used for the
59 purpose of transporting skiers or other recreational
60 users.

61 (12) WATERSHED PROTECTION AREA.—The term
62 “Watershed Protection Area” means the White Pine
63 Watershed Protection Area established by section
64 5(a).

65 (13) STATE.—The term “State” means the State of
66 Utah.

67 **SEC. 3. CENTRAL WASATCH NATIONAL**
68 **CONSERVATION AND RECREATION AREA.**

69 (a) ESTABLISHMENT.—

70 (1) IN GENERAL.—Subject to valid existing rights,
71 there is established the Central Wasatch National
72 Conservation and Recreation Area in the State.

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73 (2) AREA INCLUDED.— The Conservation and
74 Recreation Area shall consist of approximately __
75 acres of National Forest System land managed by the
76 U.S. Forest Service, as generally depicted on the Map.

77 (3) AREAS EXCLUDED.—The Conservation and
78 Recreation Area established under section 3 shall not
79 include non-Federal lands.

80 (b) PURPOSES.—The purposes of the Conservation
81 and Recreation Area are to—

82 (1) conserve and protect the ecological, natural,
83 scenic, cultural, historical, geological, and biological
84 values of the Conservation and Recreation Area;

85 (2) protect, enhance, and restore the water quality
86 and watershed resources in the Conservation and
87 Recreation Area;

88 (3) facilitate a balanced, year-round recreation
89 system with a wide variety of opportunities for
90 residents and visitors; and

91 (4) facilitate and accommodate improved access
92 for a growing number of users.

93 (c) ADMINISTRATION.—

94 (1) IN GENERAL.—The Secretary shall administer
95 the Conservation and Recreation Area—

96 (A) in a manner that conserves, protects, and
97 enhances the purposes for which the Recreation
98 Area is established; and

99 (B) in accordance with—

100 (i) the laws generally applicable to the
101 National Forest System, including the Forest

102 and Rangeland Renewable Resources Planning
103 Act of 1974 (16 U.S.C. 1600 et seq.);

104 (ii) this section; and

105 (iii) any other applicable law.

106 (2) USES.—

107 (A) IN GENERAL.— The Secretary shall allow
108 only uses of the Conservation and Recreation Area
109 that are consistent with the purposes of the
110 Conservation and Recreation Area, as described in
111 subsection (b).

112 (B) MOTORIZED VEHICLES AND MECHANIZED
113 TRANSPORT.—Except as necessary for the
114 administration of the Conservation and Recreation
115 Area or in responding to an emergency, the use of
116 motor vehicles and mechanical transport in the
117 Conservation and Recreation Area shall be
118 permitted only on roads, trails, and areas
119 designated for such use by the management plan.

120 (C) NEW ROADS.—

121 (i) IN GENERAL.—Except as necessary for
122 the administration of the Conservation and
123 Recreation Area or in responding to an
124 emergency, and in accordance with applicable
125 law (including regulations), no new roads shall
126 be constructed within the Conservation and
127 Recreation Area after the date of enactment of
128 this Act.

129 (ii) SAVINGS CLAUSE.—Nothing in clause

130 (i) prohibits the Secretary from authorizing

131 maintenance or reconstruction of a road in
132 existence on the date of enactment of this Act.

133 (D) EXISTING WATER INFRASTRUCTURE.—

134 The designation of the Conservation and
135 Recreation Area shall not affect the ability of
136 authorized users to access, operate, and maintain
137 water infrastructure facilities within the
138 Conservation and Recreation Area in accordance
139 with applicable authorizations and permits.

140 (d) MANAGEMENT PLAN.—

141 (1) IN GENERAL.—Not later than 3 years after the
142 date of enactment of this Act, the Secretary shall
143 develop as an amendment to the forest plan a
144 comprehensive plan for the long-term protection and
145 management of the Conservation and Recreation
146 Area, the Wilderness Areas in Section 4, and the
147 White Pine Watershed Protection Area in Section 5.

148 (2) REQUIREMENTS.—The management plan shall
149 include standards and guidelines to—

150 (A) protect water quality and watershed
151 resources;

152 (B) protect environmentally sensitive areas and
153 evaluate such areas for special administrative
154 designations;

155 (C) provide for restoration and adaptive
156 management of natural resources;

157 (D) promote public safety, including through
158 avalanche control; and

159 (E) facilitate year-round outdoor recreation.

160 (3) CONSULTATION.—In developing the
161 management plan, the Secretary shall consult with—

162 (A) appropriate State, tribal, and local
163 governmental entities;

164 (B) owners of lands or interests in lands
165 within or adjacent to the Conservation and
166 Recreation Area; and

167 (C) the public.

168 (4) INCORPORATION OF PLANS.—In developing
169 the management plan, the Secretary may, to the extent
170 consistent with this Act, incorporate any provision
171 of—

172 (A) the forest plan;

173 (B) Uinta-Wasatch-Cache Forest Service
174 Travel Management Plan;

175 (C) the Mountain Accord; or

176 (D) local plans.

177 (e) ADJACENT MANAGEMENT.—

178 (1) IN GENERAL.— Nothing in this subsection
179 creates any protective perimeter or buffer zone around
180 the Conservation and Recreation Area.

181 (2) ACTIVITIES OUTSIDE THE CONSERVATION AND
182 RECREATION AREA.— The fact that activity or use on
183 land outside the Conservation and Recreation Area
184 can be seen or heard within the Conservation and
185 Recreation Area shall not preclude the activity or use
186 outside the Conservation and Recreation Area.

187 (f) WITHDRAWAL.— Subject to valid existing rights,
188 all Federal land within the Conservation and Recreation

189 Area, including any land or interest in land that is
190 acquired by the United States within the Conservation
191 and Recreation Area after the enactment of this act, is
192 withdrawn from —

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

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

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

199 (g) ACQUISITION OF LAND.—

200 (1) IN GENERAL.—The Secretary may acquire
201 any land or interest in land within the Conservation
202 and Recreation Area only through exchange,
203 donation, or purchase from a willing seller. The
204 Secretary may not acquire any land by
205 condemnation.

206 (2) INCORPORATION OF ACQUIRED LAND AND
207 INTERESTS.— Any land or interest in land that is an
208 inholding within or adjacent to the Conservation and
209 Recreation Area that is acquired by the United States
210 after the date of enactment of this Act shall—

211 (A) become part of the Conservation and
212 Recreation Area; and

213 (B) be managed in accordance with applicable
214 laws, including as provided in this section.

215 (h) AVALANCHE CONTROL.—The Secretary may
216 allow installation of, access to, and maintenance of
217 avalanche control devices, excluding ski lifts, within the

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218 Conservation and Recreation Area to protect public
219 health and property in accordance with the management
220 plan and applicable law (including regulations).

221 (i) SKI AREAS.—

222 (1) IN GENERAL.—Ski area permit boundary
223 expansion in the Conservation and Recreation Area
224 shall be prohibited.

225 (2) EFFECT.—The establishment of the
226 Conservation and Recreation Area shall not affect
227 the management of National Forest System lands
228 within the permitted boundary of a ski area or
229 permitted avalanche protection zone.

230 (3) SKI LIFTS.—The construction of ski lifts shall
231 only be allowed within permitted ski areas.

232 (j) WILDLAND FIRE.—Nothing in this section
233 prohibits the Secretary, in cooperation with other Federal,
234 State, and local agencies, as appropriate, from conducting
235 wildland fire operations in the Conservation and
236 Recreation Area, including operations using aircraft or
237 mechanized equipment.

238 (k) VEGETATION MANAGEMENT.— Nothing in this
239 section prevents the Secretary from conducting
240 vegetation management projects, including fuels
241 reduction activities, within the Recreation Area for the
242 purposes of improving water quality and reducing risks
243 from wildfire.

244 (l) TRANSPORTATION.—

245 (1) GENERAL.—Except as provided in subsection
246 (c)(2)(C), nothing in this section prohibits

247 transportation improvements and associated public
248 amenities, including roadway improvements, public
249 transportation, mountain transportation systems,
250 transit stops, stations, trails, trailheads, bike lanes,
251 restrooms, and pedestrian infrastructure within the
252 Conservation and Recreation Area in accordance
253 with—

- 254 (A) the management plan;
- 255 (B) applicable law (including regulations);
- 256 and
- 257 (C) the purposes described in subsection (b).

258 (2) CORRIDORS.—Transportation corridors shall
259 be preserved in accordance with 23 C.F.R. §
260 774(11)(i) and 49 U.S.C. § 5323(q) within the
261 easements, rights-of-way, and areas of established use
262 (including cut and fill slopes) on Little Cottonwood
263 Canyon Road (State Road 210) and Big Cottonwood
264 Canyon Road (State Road 190).

265 (A) ADJUSTMENTS.—Adjustments to the
266 corridors may be made through a public
267 engagement process in accordance with the
268 National Environmental Policy Act of 1969 (42
269 U.S.C. §4321 et seq.) if applicable and consistent
270 with the purposes described in subsection (b).

271 (B) APPLICATION OF LAW.—Nothing in this
272 section shall affect the designation of Federal
273 land within the Conservation and Recreation Area
274 for purposes of section 303 of title 49, United

275 States Code, and section 138 of title 23, United
276 States Code.

277 (3) FEDERAL ACTION.—To the extent future
278 transportation infrastructure requires federal action,
279 the Secretary of Agriculture and the Secretary of
280 Transportation shall coordinate actions in the
281 Conservation and Recreation Area when fulfilling
282 their obligations under the National Environmental
283 Policy Act of 1969 (42 U.S.C. § 4321 et seq.).

284 (4) UTAH DEPARTMENT OF TRANSPORTATION.—
285 Nothing in this section is intended to—

286 (A) limit the Utah Department of
287 Transportation from providing avalanche control,
288 maintenance, and safety improvement activities
289 on current and future transportation facilities;

290 (B) diminish or otherwise affect any
291 easement, right-of-way (including those
292 established by historic use or construction), or
293 other property rights held by or for the benefit of
294 the Utah Department of Transportation;

295 (C) add to the Utah Department of
296 Transportation's permitting process for
297 maintenance or improvement of any existing
298 transportation facilities; or

299 (D) affect existing or future appropriations
300 authorized by 23 U.S.C. § 107(d), 204(f), or 317.

301 (m) FACILITIES.—

302 (1) EXISTING FACILITIES.—Nothing in this
303 section affects the operation or maintenance of a

304 facility located within the Conservation and
305 Recreation Area in existence as of the date of
306 enactment of this Act.

307 (2) NEW FACILITIES.—The Secretary may
308 authorize the expansion of an existing facility or the
309 construction of a new facility within the
310 Conservation and Recreation Area in accordance
311 with—

312 (A) this section;

313 (B) the management plan;

314 (C) applicable law (including regulations);

315 and

316 (D) the purposes described in subsection (b).

317 (n) EFFECT ON PRIVATE PROPERTY RIGHTS.—

318 Nothing in this section—

319 (1) Requires any private property owner to allow
320 public access (including Federal, State, or local
321 government access) to private property; or

322 (2) Modifies any provision of Federal, State, or
323 local law with respect to public access to or use of
324 private land.

325 (o) AUTHORIZED ACTIVITIES.—

326 (1) IN GENERAL.—The Secretary may allow any
327 activities that have been authorized by permit as of
328 the date of enactment of this Act to continue within
329 the Conservation and Recreation Area, in accordance
330 with applicable law (including regulations) and
331 subject to such terms and conditions as the Secretary
332 may require.

333 (2) PERMITTING.—The designation of the
334 Conservation and Recreation Area by subsection (a)
335 shall not affect the renewal or reissuance of permits
336 for the activities covered under subparagraph (1) after
337 the date of enactment of this Act.

338 **SEC. 4. WILDERNESS.**

339 (a) BOUNDARY MODIFICATIONS.—

340 (1) MOUNT OLYMPUS AND TWIN PEAKS
341 WILDERNESS AREAS.—Section 102(a) of the Utah
342 Wilderness Act of 1984 (Public Law 98-428; 98 Stat.
343 1658; 16 U.S.C. 1132 note) is amended—

344 (A) in paragraph (3) by—

345 (i) striking “sixteen thousand acres” and
346 inserting “_____”; and

347 (ii) striking “, dated August 1984” and
348 inserting “and dated _____, 202_”;

349 (B) in paragraph (4) by—

350 (i) striking “thirteen thousand one
351 hundred acres” and inserting “_____”; and

352 (ii) striking “, dated June 1984” and
353 inserting “and dated _____, 202_”.

354 (2) LONE PEAK WILDERNESS.— Section 2(i) of
355 the Endangered American Wilderness Act of 1978
356 (P.L. 95-237; 92 Stat. 42; 16 U.S.C. 1132 note) is
357 amended by—

358 (A) striking “twenty-nine thousand five
359 hundred and sixty-seven acres” and inserting

360 “_____”; and

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361 (B) inserting “and dated ____, 202__” after
362 “on a map entitled ‘Lone Peak Wilderness—
363 Proposed””.

364 (b) ESTABLISHMENT OF GRANDEUR PEAK - MOUNT
365 AIRE WILDERNESS.— Section 102(a) of the Utah
366 Wilderness Act of 1984 (Public Law 98-428; 98 Stat.
367 1657; 16 U.S.C. 1132 note) is amended—

368 (1) in paragraph 11, by striking “and” at the end;

369 (2) in paragraph 12, by striking the period at the
370 end and inserting “; and”; and

371 (3) by adding at the end the following:

372 “(13) certain land in the Uinta-Wasatch-Cache
373 National Forest comprising approximately ____
374 acres, as generally depicted on the map entitled
375 ‘Proposed Central Wasatch National Conservation
376 and Recreation Area Map’ and dated ____, 202__,
377 which shall be known as the Grandeur Peak – Mount
378 Aire Wilderness.”

379 (c) ADMINISTRATION OF LAND.—Until the date on
380 which the management plan takes effect, the Federal land
381 excluded from the boundaries of the Mount Olympus,
382 Twin Peaks, and Lone Peak Wilderness Areas by this
383 section shall be administered in accordance with the
384 provisions of the forest plan applicable to the adjacent
385 non-wilderness land.

386 **SEC. 5. WHITE PINE WATERSHED PROTECTION AREA.**

387 (a) ESTABLISHMENT.—

388 (1) IN GENERAL.— Subject to valid existing
389 rights, there is established the White Pine Watershed
390 Protection Area in the State.

391 (2) AREA INCLUDED.—The Watershed Protection
392 Area shall be comprised of approximately 1,800
393 acres of National Forest System land in the Wasatch-
394 Cache National Forest, as generally depicted on the
395 Conservation and Recreation Area map as
396 "Watershed Protection Area".

397 (b) PURPOSES.—The purposes of the Watershed
398 Protection Area are to—

399 (1) ensure the protection and preservation of the
400 natural values and characteristics of the Watershed
401 Protection Area, including outstanding water quality,
402 scenery, and fish and wildlife habitat; and

403 (2) consistent with paragraph (1), to provide for
404 the conservation of the recreation, historic, scientific,
405 and cultural resources within the Watershed
406 Protection Area.

407 (c) ADMINISTRATION.—

408 (1) IN GENERAL.—The Secretary shall administer
409 the Watershed Protection Area in accordance with—

410 (A) the laws generally applicable to the
411 National Forest System, including the Forest and
412 Rangeland Renewable Resources Planning Act
413 of 1974 (16 U.S.C. 1600 et seq.);

414 (B) this section; and

415 (C) any other applicable law.

416 (2) AUTHORIZED USES.—The Secretary shall only
417 allow uses of the Watershed Protection Area that the
418 Secretary determines will further the purposes of the
419 Watershed Protection Area, as described in
420 subsection (b).

421 (3) PROHIBITED ACTIVITIES.— Subject to valid
422 existing rights, the following activities shall be
423 prohibited on National Forest System land in the
424 Watershed Protection Area—

425 (A) the use of motor vehicles and mechanical
426 transport, except for—

- 427 (i) administrative purposes;
- 428 (ii) responding to an emergency; or
- 429 (iii) the landing of helicopters for
430 recreational purposes.

431 (B) the construction or installation, after the
432 date of enactment of this Act, of permanent
433 structures; provided that the Secretary may
434 authorize the modification or reconstruction of
435 permanent structures and facilities located within
436 the Watershed Protection Area on the date of
437 enactment of this Act;

438 (C) the construction of new roads; and

439 (D) commercial timber harvesting.

440 (4) EXISTING WATER INFRASTRUCTURE.—
441 Nothing in this section shall be construed to limit
442 motorized access or road maintenance by local
443 municipalities, water districts, water systems, or
444 public or private utilities for those activities

445 necessary to the continued viability of water resource
446 facilities or to prevent the degradation of the water
447 supply in the Watershed Protection Area.

448 (d) NO EFFECT ON NON-FEDERAL LAND.—Nothing in
449 this section affects the ownership, management, use, or
450 improvement of non-federal land or interests in land,
451 including water rights.

452 (e) ACCESS.—Nothing in this section modifies any
453 laws or regulations that require or allow the Secretary to
454 provide the owners of private property within the
455 Watershed Protection Area access to their property.

456 (f) ADMINISTRATION AND ENFORCEMENT -
457 Within 30 days of enactment of this Act, the Secretary
458 shall issue such closure orders as necessary to enforce the
459 purposes, limitations, and requirements of this Act for
460 administration of the White Pine Watershed Protection
461 Area in accordance with 16 U.S.C. 551 and 36 CFR 261
462 Subpart B.”

463 **SEC. 6. GENERAL PROVISIONS.**

464 (a) CONFLICT OF LAWS.—If there is a conflict
465 between a provision of section 3 and a provision of
466 section 4 or 5, the more restrictive provision shall control.

467 (b) WATER RIGHTS.—

468 (1) EFFECT.—Nothing in this Act—

469 (A) shall constitute either an express or
470 implied reservation by the United States of any
471 water or water rights with respect to the
472 Conservation and Recreation Area; or

473 (B) affect any water rights in the State
474 existing on the date of enactment of this Act,
475 including any water rights held by the United
476 States.

477 (2) UTAH WATER LAW.— The Secretary shall
478 follow the procedural and substantive requirements
479 of the State in order to obtain and hold any water
480 rights not in existence on the date of enactment of
481 this Act.

482 (c) FISH AND WILDLIFE.— Nothing in this section
483 affects the jurisdiction of the State with respect to the
484 management of fish and wildlife on Federal land in the
485 State.

486 (d) FEES.—Notwithstanding any other provision of
487 law, the Forest Service is authorized to assess reasonable
488 fees for admission to and the use and occupancy of the
489 National Forest System lands within the Conservation
490 and Recreation Area, White Pine Watershed Management
491 Area, and adjacent Wilderness Areas. Any admission fees
492 and fees assessed for recreational activities shall be
493 applied to operations, maintenance and improvements of
494 recreation and transportation infrastructure within the
495 Conservation and Recreation Area and implemented only
496 after public notice and a period of not less than 60 days
497 for public comment.

498 (e) MAPS AND LEGAL DESCRIPTIONS.

499 (1) IN GENERAL.— As soon as practicable after
500 the date of enactment of this act, the Secretary shall

501 file a map and legal description of the Recreation
502 Area with—

503 (A) The Committee on Energy and Natural
504 Resources of the Senate; and

505 (B) the Committee on Natural Resources of
506 the House of Representatives.

507 (2) FORCE OF LAW.— The map and legal
508 descriptions filed under subsection (A) shall have the
509 same force and effect as if included in this section,
510 except that the Secretary may correct errors in the
511 legal description and map.

512 (3) PUBLIC AVAILABILITY.— The map and legal
513 descriptions filed under subsection (A) shall be on
514 file and available for public inspection in the
515 appropriate offices of the Forest Service.

516 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

517 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
518 authorized to be appropriated to the Secretary to carry out
519 this Act ___ for each of fiscal years 2021 through ___.

520