

# 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 .

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.

**10/27/2020 PUBLIC DISCUSSION DRAFT**

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



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

**10/27/2020 PUBLIC DISCUSSION DRAFT**

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

**10/27/2020 PUBLIC DISCUSSION DRAFT**

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.—

**10/27/2020 PUBLIC DISCUSSION DRAFT**

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