

114TH CONGRESS
2D SESSION

S. 3531

To designate certain National Forest System land in the State of Idaho
as wilderness.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2016

Mr. RISCH introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To designate certain National Forest System land in the
State of Idaho as wilderness.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives 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
5 “Scotchman Peaks Wilderness Act of 2016”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Scotchman Peaks Wilderness.
- Sec. 4. Administration.
- Sec. 5. Fire.
- Sec. 6. Adjacent management.

Sec. 7. Indian tribes.

Sec. 8. Effect.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

5 (2) WILDERNESS AREA.—The term “wilderness
6 area” means the area designated as a component of
7 the National Wilderness Preservation System by sec-
8 tion 3(a).

9 **SEC. 3. SCOTCHMAN PEAKS WILDERNESS.**

10 (a) DESIGNATION.—In accordance with the Wilder-
11 ness Act (16 U.S.C. 1131 et seq.), certain National Forest
12 System land in the State of Idaho comprising approxi-
13 mately 13,961 acres, as generally depicted on the map en-
14 titled “Final Map Scotchman Peaks Wilderness” and
15 dated June 20, 2016, is designated as wilderness and as
16 a component of the National Wilderness Preservation Sys-
17 tem and shall be known as the “Scotchman Peaks Wilder-
18 ness”.

19 (b) MAP AND LEGAL DESCRIPTION.—As soon as
20 practicable after the date of enactment of this Act, the
21 Secretary shall submit to the Committee on Energy and
22 Natural Resources of the Senate and the Committee on
23 Natural Resources of the House of Representatives a map
24 and legal description for the wilderness area.

1 (c) EFFECT.—The map and legal description sub-
2 mitted under subsection (b) shall have the same force and
3 effect as if included in this Act, except that the Secretary
4 may correct minor errors in the map or legal description.

5 (d) AVAILABILITY.—The map and legal description
6 submitted under subsection (b) shall be available for pub-
7 lic inspection in the appropriate offices of the Forest Serv-
8 ice.

9 **SEC. 4. ADMINISTRATION.**

10 (a) IN GENERAL.—Subject to valid existing rights,
11 the wilderness area shall be administered by the Secretary
12 in accordance with the Wilderness Act (16 U.S.C. 1131
13 et seq.), except that any reference in that Act to the effec-
14 tive date shall be considered to be a reference to the date
15 of enactment of this Act.

16 (b) WITHDRAWAL.—Subject to valid existing rights,
17 the wilderness area is withdrawn from all forms of—

18 (1) entry, appropriation, and disposal under the
19 public land laws;

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

22 (3) disposition under the mineral leasing, min-
23 eral materials, and geothermal leasing laws.

1 (c) FISH AND WILDLIFE.—Nothing in this Act af-
2 fects the jurisdiction of the State of Idaho with respect
3 to fish and wildlife on public land in the State.

4 (d) MANAGEMENT ACTIVITIES.—In furtherance of
5 the purposes and principles of the Wilderness Act (16
6 U.S.C. 1131 et seq.), the Secretary may carry out man-
7 agement activities to maintain or restore fish and wildlife
8 populations and habitats to support fish and wildlife popu-
9 lations within the wilderness area if the management ac-
10 tivities—

11 (1) are consistent with relevant wilderness man-
12 agement plans;

13 (2) are conducted in accordance with appro-
14 priate policies, such as the policies established in Ap-
15 pendix B of the report of the Committee on Interior
16 and Insular Affairs of the House of Representatives
17 accompanying H.R. 2570 of the 101st Congress
18 (House Report 101–405), including the occasional
19 and temporary use of motorized vehicles; and

20 (3) as determined by the Secretary, would—

21 (A) promote healthy, viable, and more nat-
22 urally distributed wildlife populations that
23 would enhance wilderness values; and

1 (B) accomplish the purpose of the manage-
2 ment activity with the minimum impact nec-
3 essary.

4 **SEC. 5. FIRE.**

5 In accordance with section 4(d)(1) of the Wilderness
6 Act (16 U.S.C. 1133(d)(1)), the Secretary may take such
7 measures within the wilderness area as the Secretary de-
8 termines to be necessary for the control of fire, insects,
9 and disease.

10 **SEC. 6. ADJACENT MANAGEMENT.**

11 (a) IN GENERAL.—Nothing in this Act creates a pro-
12 tective perimeter or buffer zone around the wilderness
13 area.

14 (b) ACTIVITIES OUTSIDE WILDERNESS AREA.—The
15 fact that an activity or use on land outside the wilderness
16 area can be seen or heard within the wilderness area shall
17 not preclude the activity or use outside the wilderness
18 area.

19 **SEC. 7. INDIAN TRIBES.**

20 (a) ACCESS.—In recognition of the past use of the
21 wilderness area by Indian tribes for traditional cultural
22 and religious purposes, the Secretary shall ensure that In-
23 dian tribes have access to the wilderness area for—

24 (1) traditional cultural and religious purposes;
25 and

1 (2) exercise of any right reserved by treaty.

2 (b) TEMPORARY CLOSURES.—

3 (1) IN GENERAL.—In carrying out this section,
4 the Secretary, on request of an Indian tribe, may
5 temporarily close to the general public one or more
6 specific portions of the wilderness area to protect the
7 privacy of the members of the Indian tribe in the
8 conduct of the traditional cultural and religious ac-
9 tivities in the wilderness area.

10 (2) REQUIREMENT.—Any closure under para-
11 graph (1) shall be made in such a manner as to af-
12 fect the smallest practicable area for the minimum
13 period of time necessary for the activity to be car-
14 ried out.

15 (c) APPLICABLE LAW.—Access to the wilderness area
16 under this section shall be in accordance with—

17 (1) Public Law 95–341 (commonly known as
18 the “American Indian Religious Freedom Act”) (42
19 U.S.C. 1996); and

20 (2) the Wilderness Act (16 U.S.C. 1131 et
21 seq.).

22 **SEC. 8. EFFECT.**

23 Nothing in this Act diminishes the rights of any In-
24 dian tribe.

○