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92<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 6957

wilderness

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IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 1971

MR. HANSEN of Idaho (for himself and Mr. McCURE) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

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## A BILL

To establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That, in order to assure the preservation of, and to protect  
4       the scenic, historic, pastoral, fish and wildlife, and other rec-  
5       reational values of the Sawtooth Mountains and adjacent  
6       lands, there is hereby established, subject to valid existing  
7       rights, the Sawtooth National Recreation Area.

1        SEC. 2. The boundaries of the recreation area shall be  
2 those shown on the map entitled "Proposed Sawtooth Na-  
3 tional Recreation Area" dated March 1971, which is on  
4 file and available for public inspection in the office of the  
5 Chief, Forest Service, Department of Agriculture. The Secre-  
6 tary of Agriculture (hereinafter called the "Secretary")  
7 shall, as soon as practicable after the date this Act takes  
8 effect, publish in the Federal Register a notice of the estab-  
9 lishment of the Sawtooth National Recreation Area, to-  
10 gether with a detailed description and map showing the  
11 boundaries thereof.

12        SEC. 3. The Secretary shall administer the Sawtooth  
13 National Recreation Area in accordance with the laws, rules,  
14 and regulations applicable to the national forests in such  
15 manner as will best provide for (1) the protection and con-  
16 servation of the salmon and other fisheries; (2) the conser-  
17 vation and development of scenic, historic, pastoral, wildlife,  
18 and other values, contributing to and available for public  
19 enjoyment, including the preservation of sites associated with  
20 and typifying the economic and social history of the Ameri-  
21 can West; and (3) on federally owned lands, management,  
22 utilization, and disposal of natural resources, such as lumber-  
23 ing, grazing, and mining, that will not substantially impair  
24 the purposes for which the recreation area is established.

25        SEC. 4. Subject to the limitations hereinafter set forth,

1 the Secretary may acquire by purchase with donated or  
2 appropriated funds, by gift, exchange, bequest, or otherwise,  
3 such lands or interests therein within the boundaries of the  
4 recreation area as he determines to be needed for the pur-  
5 poses of this Act. But, any property or interest within the  
6 recreation area owned by the State of Idaho or any political  
7 subdivision thereof may be acquired under the authority of  
8 this Act only with the concurrence of the owner.

9       In exercising his authority to acquire property by ex-  
10 change, the Secretary may accept title to any non-Federal  
11 property or interests therein located within the boundaries of  
12 the recreation area and convey to the grantor of such prop-  
13 erty any federally owned property or interests therein within  
14 the State of Idaho under the jurisdiction of the Secretary,  
15 notwithstanding any other provision of law. The properties  
16 so exchanged shall be approximately equal in fair market  
17 value: *Provided*, That the Secretary may accept cash from  
18 or pay cash to the grantor in such an exchange in order to  
19 equalize the values of the properties exchanged.

20       Notwithstanding any other provision of law, any Fed-  
21 eral property located within the recreation area may, with  
22 the concurrence of the agency having custody thereof, be  
23 transferred without consideration to the administrative juris-  
24 diction of the Secretary for use by him in carrying out the  
25 purposes of this Act. Lands acquired by the Secretary or

1 transferred to his administrative jurisdiction within the recre-  
2 ation area shall become parts of the recreation area and of  
3 the national forest within or adjacent to which they are  
4 located.

5 SEC. 5. (a) The authority of the Secretary to acquire  
6 an interest in private property within the recreation area  
7 without the owner's consent and by means of condemnation  
8 shall be limited to—

9 (1) the acquisition of scenic easements when the  
10 private owner is unwilling to use his property in con-  
11 formance with the standards of a use provided for in  
12 subsection (b) of this section, and

13 (2) the acquisition of easements for access to and  
14 utilization of public property, and the acquisition of land  
15 for recreation and other administrative facilities: *Pro-*  
16 *vided*, That such acquisitions shall not exceed 5 per  
17 centum of the total acreage of all private property within  
18 the recreation area as of the effective date of this Act.

19 (b) The Secretary shall make and publish regulations  
20 setting standards for the use, subdivision, and development  
21 of privately owned property within the boundaries of the  
22 recreation area. Such regulations shall be generally in fur-  
23 therance of the purposes of this Act and shall have the object  
24 of assuring that the highest and best private use, subdivision,  
25 and development of such privately owned property is con-

1 sistent with the purposes of this Act and with the overall  
2 general plan of the Sawtooth National Recreation Area.  
3 Such regulations shall be as detailed and specific as is reason-  
4 ably required to accomplish such objective and purpose.  
5 Such regulations may differ amongst the several parcels of  
6 private land in the boundaries and may from time to time  
7 be amended by the Secretary. All regulations adopted under  
8 this section shall be promulgated in conformity with the  
9 provisions of the Administrative Procedure Act. The United  
10 States District Court for the District of Idaho shall have  
11 jurisdiction to review such regulations after their effective  
12 date, upon a complaint filed by any affected landowner, in  
13 an action for a declaratory judgment.

14 (c) To assure that private land within the boundaries  
15 of the national recreation area is used in a manner which is  
16 not detrimental to the purposes of this Act, the Secretary  
17 is authorized to procure by gift, purchase with donated or  
18 appropriated funds, or otherwise, scenic easements within  
19 the boundaries of the recreation area.

20 As used in this Act the term "scenic easement" means  
21 the right to control the use of land in order to protect the  
22 esthetic values for the purposes of this Act, but shall not  
23 preclude the continuation of any use exercised by the owner  
24 as of the date of this Act.

25 (d) Where an owner of private property within the

1 exterior boundaries of the recreation area as of the date of  
2 this Act or his heirs and devisees, desires to dispose of such  
3 property to the Federal Government, the Secretary shall  
4 purchase said property at a price that shall include com-  
5 pensation for any decrease in the value thereof not previ-  
6 ously compensated for under the provisions of this Act that  
7 may have resulted from the promulgation of regulations,  
8 standards, or other consequences of the establishment of the  
9 recreation area. In the event the Secretary and the owner  
10 are unable to agree upon the purchase price, and the Secre-  
11 tary declines to complete the purchase, the owner may file  
12 a complaint setting out these facts, together with a good  
13 and sufficient deed to the property, in the United States  
14 District Court for the District of Idaho. After the filing of  
15 an answer by the United States, the case shall be treated  
16 to the extent possible, in the same manner as an action for  
17 the condemnation of property brought by the United States:  
18 *Provided, however,* That the provisions of this subsection  
19 shall cease to be in effect after a period of ten years from  
20 the date of the enactment of this Act.

21       SEC. 6. (a) The area classified as the Sawtooth Primi-  
22 tive Area, as generally depicted as the "Sawtooth Wilderness-  
23 Proposed" on the map referenced in section 2 of this Act,  
24 is hereby designated as the Sawtooth Wilderness within and  
25 as a part of the Boise National Forest, Challis National

1 Forest, and Sawtooth National Forest, comprising an area of  
2 approximately two hundred and one thousand acres.

3 (b) As soon as practicable after this Act takes effect,  
4 the Secretary shall file a map and a legal description of the  
5 Sawtooth Wilderness with the Interior and Insular Affairs  
6 Committees of the United States Senate and the House of  
7 Representatives, and such description shall have the same  
8 force and effect as if included in this Act: *Provided, however,*  
9 That correction of clerical and typographical errors in such  
10 legal description and map may be made.

11 (c) The Sawtooth Wilderness shall be administered by  
12 the Secretary in accordance with the provisions of the Wilder-  
13 ness Act governing areas designated by that Act as wilder-  
14 ness areas, except that any reference in such provisions to  
15 the effective date of the Wilderness Act shall be deemed to  
16 be a reference to the effective date of this Act.

17 (d) The previous classification of the Sawtooth Primi-  
18 tive Area is hereby abolished.

19 SEC. 7. The Secretary of Agriculture shall, as soon as  
20 practicable after the enactment of this Act, review the unde-  
21 veloped and unimproved portion or portions of the Recreation  
22 Area as to suitability or nonsuitability for preservation as a  
23 part of the National Wilderness Preservation System. In con-  
24 ducting his review, the Secretary of Agriculture shall comply  
25 with the provisions of subsection 3 (d) of the Wilderness Act

1 of September 3, 1964 (78 Stat. 892) relating to public  
2 notice, public hearings, and review by States and other agen-  
3 cies, and shall advise the Senate and House of Representa-  
4 tives of his recommendations with respect to the designation  
5 as wilderness of the area or areas reviewed.

6       SEC. 8. The Secretary may cooperate with other Federal  
7 agencies, with State and local public agencies, and with pri-  
8 vate individuals and agencies in the development and opera-  
9 tion of facilities and services in the area in furtherance of  
10 the purposes of this Act, including, but not limited to, the  
11 restoration and maintenance of the historic setting and back-  
12 ground of the frontier ranch-type town of Stanley.

13       SEC. 9. Nothing in this Act shall diminish, enlarge, or  
14 modify any right of the State of Idaho, or any political sub-  
15 division thereof, to exercise civil and criminal jurisdiction  
16 within the recreation area or of rights to tax persons, cor-  
17 porations, franchises, or property, including mineral or other  
18 interests, in or on lands or waters within the recreation area.

19       SEC. 10. Nothing in this Act shall affect the jurisdiction  
20 or responsibilities of the State of Idaho under other provisions  
21 of law with respect to hunting and fishing.

22       SEC. 11. The jurisdiction of the State and the United  
23 States over waters of any stream included in the Sawtooth  
24 National Recreation Area shall be determined by established  
25 principles of law. Under the provisions of this Act, any

1 taking by the United States of a water right which is vested  
2 under either State or Federal law at the time of enactment  
3 of this Act shall constitute an express or implied claim or  
4 denial on the part of the Federal Government as to  
5 exemption from State water laws.

6 SEC. 12. (a) In order to permit adequate time to study  
7 and determine the provisions desirable and necessary for  
8 management of the Federal lands described in section 2 of  
9 this Act, said lands are hereby withdrawn, subject to valid  
10 and existing claims, from all forms of location, entry, and  
11 operation under the mining laws of the United States for a  
12 period of five years from the date of this Act.

13 (b) The provisions of section 5 of the Act of May 10,  
14 1872 (30 U.S.C. 28), which require that on each mining  
15 claim located after May 10, 1872, not less than \$100 worth  
16 of labor shall be performed or improvements made during  
17 each year until patent has been issued therefore, shall not  
18 apply until six months after the expiration of this with-  
19 drawal, to claims or interests in claims located within said  
20 area. No mining claim or any interest in a claim within said  
21 area shall be subject to forfeiture by nonperformance of  
22 annual assessment work during the period ending six months  
23 after the expiration of this withdrawal: *Provided, however,*  
24 That the claimant of any mining location shall, before the  
25 expiration of each assessment year during the withdrawal,

1 file or cause to be filed in the office where the location notice  
2 or certificate is recorded a notice that he desires to hold his  
3 mining claim or interest therein.

4       SEC. 13. The Congress hereby recognizes and declares  
5 the need to take action to regulate the use, and protect the  
6 surface values of the Federal lands described in section 2  
7 of this Act, and directs that necessary rules and regulations  
8 shall be jointly promulgated and issued by the Secretary  
9 of Agriculture and the Secretary of the Interior. Such regu-  
10 lations shall include, when deemed necessary, provisions for  
11 control of the use of motorized and mechanical equipment  
12 for transportation over, or alteration of, the surface of such  
13 Federal land in connection with any authorized activities on  
14 such land, including but not limited to mineral prospecting,  
15 exploration, or development and mining operations.

16       SEC. 14. Patents shall not hereafter be issued for loca-  
17 tions and claims heretofore or hereafter made in the area  
18 described in section 2 under the mining laws of the United  
19 States. This shall not be construed as preventing or interfer-  
20 ing with the full exercise of the rights of the holder of a valid  
21 claim to further prospect, develop, and mine any such claim  
22 subject to compliance with the rules and regulations covering  
23 the Federal land on which any such claim is located.

24       SEC. 15. Money appropriated from the land and water  
25 conservation fund shall be available for the acquisition of

1 lands and scenic easements for purposes of establishing the  
2 Sawtooth National Recreation Area. There is hereby author-  
3 ized to be appropriated \$30,000,000 for the development  
4 of recreation and related facilities and for the acquisition of  
5 land and interests in land pursuant to this Act.

6       SEC. 16. (a) The Secretary of the Interior, in consulta-  
7 tion with appropriate Federal, State, and local agencies, shall  
8 make a comprehensive analysis of the natural, economic, and  
9 cultural values of the Sawtooth National Recreation Area for  
10 the purpose of evaluating the potentiality of establishing  
11 therein a national park or other unit of the national park  
12 system. He shall submit a report of the results of the analysis  
13 along with his recommendations to the Congress by Decem-  
14 ber 31, 1973.

15       (b) His report shall show that in making the aforesaid  
16 recommendations he took into consideration, among other  
17 things—

18           (1) the feasible alternative uses of the land and the  
19 long- and short-term effect of such alternative uses upon,  
20 but not limited to, the following—

21                   (A) the State and local economy,

22                   (B) the natural and cultural environment,

23                   (C) the management and use of water re-  
24 sources,

25                   (D) the management of grazing, timber, min-  
26 eral, and other commercial activities,

1 (E) the management of fish and wildlife re-  
2 sources,

3 (F) the continued occupancy of existing home-  
4 sites, campsites, commercial and public recreation  
5 enterprises, and other privately owned properties  
6 and the future development of the same,

7 (G) the interrelation between recreation areas,  
8 wilderness areas and park lands, and

9 (2) the establishment of a national park in the  
10 mountain peaks and upland areas together with such  
11 portions of the national recreation area as may be neces-  
12 sary and appropriate for the proper administration and  
13 public use of and access to such park lands, leaving  
14 the valleys and low-lying lands available for multiple-  
15 use purposes.

16 (c) Any recommendation for the establishment of a  
17 unit of the national park system shall be accompanied by  
18 (1) a master plan for the development and administration  
19 of such unit, indicating proposed boundaries, access or other  
20 roads, visitor facilities, and proposed management concepts  
21 applicable to such unit; (2) a statement of the estimated  
22 Federal cost for acquisition, development, and operation of  
23 such unit; and (3) proposed legislation for establishment  
24 of such Park administrative unit.

1       (d) There are authorized to be appropriated not more  
2 than \$50,000 to carry out the provisions of this section.

3       SEC. 17. If any provision of this Act is declared to be  
4 invalid, such declaration shall not affect the validity of any  
5 other provision hereof.