

## APPENDIX A

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# Enacting Legislation and Management Guidance



# ENACTING LEGISLATION AND MANAGEMENT GUIDANCE

This appendix contains the enacting legislation and management guidance for the Sloan Canyon National Conservation Area. It includes —

Section 1.0 - Clark County Conservation of Public Land and Natural Resources Act of 2002, Title VI

Section 2.0 - Clark County Conservation of Public Land and Natural Resources Act of 2002, Title II

Section 3.0 - Wilderness Act of 1964

Section 4.0 – Standard Operating Procedures

# 1.0 CLARK COUNTY CONSERVATION OF PUBLIC LAND AND NATURAL RESOURCES ACT OF 2002 (PUBLIC LAW 107-282- Nov. 6, 2002), TITLE VI

## TITLE VI—SLOAN CANYON NATIONAL CONSERVATION AREA

### SEC. 601. SHORT TITLE.

This title may be cited as the “Sloan Canyon National Conservation Area Act”.

### SEC. 602. PURPOSE.

The purpose of this title is to establish the Sloan Canyon National Conservation Area to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, wilderness, scientific, geological, historical, biological, wildlife, educational, and scenic resources of the Conservation Area.

### SEC. 603. DEFINITIONS.

In this title:

- (1) CONSERVATION AREA.—The term “Conservation Area” means the Sloan Canyon National Conservation Area established by section 604(a).
- (2) FEDERAL PARCEL.—The term “Federal parcel” means the parcel of Federal land consisting of approximately 500 acres that is identified as Tract A on the map entitled “Southern Nevada Public Land Management Act” and dated October 1, 2002.
- (3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Conservation Area developed under section 605(b).
- (4) MAP.—The term “map” means the map entitled “Southern Nevada Public Land Management Act” and dated October 1, 2002.

### SEC. 604. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose described in section 602, there is established in the State a conservation area to be known as the Sloan Canyon National Conservation Area.

(b) AREA INCLUDED.—The Conservation Area shall consist of approximately 48,438 acres of public land in the County, as generally depicted on the map.

(c) MAP AND LEGAL DESCRIPTION.—

- (1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.
- (2) EFFECT.—The map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct minor errors in the map or legal description.
- (3) PUBLIC AVAILABILITY.—A copy of the map and legal description shall be on file and available for public inspection in the appropriate office of the Bureau of Land Management.

### SEC. 605. MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area—

(1) in a manner that conserves, protects, and enhances the resources of the Conservation Area; and

(2) in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable law, including this Act.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the State, the city of Henderson, the County, and any other interested persons, shall develop a management plan for the Conservation Area.

(2) REQUIREMENTS.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B)(i) authorize the use of motorized vehicles in the Conservation Area—

(I) for installing, repairing, maintaining, and reconstructing water development projects, including guzzlers, that would enhance the Conservation Area by promoting healthy, viable, and more naturally distributed wildlife populations; and

(II) subject to any limitations that are not more restrictive than the limitations on such uses authorized in wilderness areas under section 208; and

(ii) include or provide recommendations on ways of minimizing the visual impacts of such activities on the Conservation Area;

(C) include a plan for litter cleanup and public lands awareness campaign on public lands in and around the Conservation Area; and

(D) include a recommendation on the location for a right-of-way for a rural roadway to provide the city of Henderson with access to the Conservation Area, in accordance with the application numbered N-65874.

(c) USES.—The Secretary shall allow only such uses of the Conservation Area that the Secretary determines will further the purpose described in section 602.

(d) MOTORIZED VEHICLES.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Area shall be permitted only on roads and trails designated for the use of motorized vehicles by the management plan developed under subsection (b).

(e) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all public land in the Conservation Area is withdrawn from—

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

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

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

(2) ADDITIONAL LAND.—Notwithstanding any other provision of law, if the Secretary acquires mineral or other interests in a parcel of land within the Conservation Area after the date of enactment of this Act, the parcel is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(f) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—Nothing in this title affects the jurisdiction of the State with respect to fish and wildlife, including hunting, fishing, and trapping in the Conservation Area.

(2) LIMITATIONS.—

(A) REGULATIONS.—The Secretary may designate by regulation 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 Conservation Area.

(B) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under subparagraph (A) that close a portion of the Conservation Area to hunting, fishing, or trapping.

(g) NO BUFFER ZONES.—

(1) IN GENERAL.—The establishment of the Conservation Area shall not create an express or implied protective perimeter or buffer zone around the Conservation Area.

(2) PRIVATE LAND.—If the use of, or conduct of an activity on, private land that shares a boundary with the Conservation Area is consistent with applicable law, nothing in this title concerning the establishment of the Conservation Area shall prohibit or limit the use or conduct of the activity.

## SEC. 606. SALE OF FEDERAL PARCEL.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and subject to valid existing rights, not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the highest qualified bidder all right, title, and interest of the United States in and to the Federal parcel.

(b) DISPOSITION OF PROCEEDS.—Of the gross proceeds from the conveyance of land under subsection (a)—

(1) 5 percent shall be available to the State for use in the general education program of the State; and

(2) the remainder shall be deposited in the special account established under the Southern Nevada Public Lands Management Act of 1998 (Public Law 105–263; 112 Stat. 2345), to be available to the Secretary, without further appropriation for—

(A) the construction and operation of facilities to support the management of the Conservation Area;

(B) the construction and repair of trails and roads in the Conservation Area authorized under the management plan;

(C) research on and interpretation of the archaeological and geological resources of the Conservation Area;

(D) conservation and research relating to the Conservation Area; and

(E) any other purpose that the Secretary determines to be consistent with the purpose described in section 602.

## SEC. 607. RIGHT-OF-WAY.

Not later than 180 days after the date of enactment of this Act, the Secretary shall convey to the City of Henderson the public right-of-way requested for public trail purposes under the application numbered N–76312 and the public right-of-way requested for public trail purposes under the application numbered N–65874.

## 2.0 CLARK COUNTY CONSERVATION OF PUBLIC LAND AND NATURAL RESOURCES ACT OF 2002 (PUBLIC LAW 107-282-NOV. 6, 2002), TITLE II

### TITLE II--WILDERNESS AREAS

#### SEC. 201. FINDINGS.

The Congress finds that--

(1) public land in the County contains unique and spectacular natural resources, including--

- (A) priceless habitat for numerous species of plants and wildlife; and
- (B) thousands of acres of pristine land that remain in a natural state;

(2) continued preservation of those areas would benefit the County and all of the United States by--

- (A) ensuring the conservation of ecologically diverse habitat;
- (B) conserving primitive recreational resources; and
- (C) protecting air and water quality.

#### SEC. 202. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS- The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) ARROW CANYON WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 27,530 acres, as generally depicted on the map entitled 'Arrow Canyon', dated October 1, 2002, which shall be known as the 'Arrow Canyon Wilderness'.

(2) BLACK CANYON WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 17,220 acres, as generally depicted on the map entitled 'Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the 'Black Canyon Wilderness'.

(3) BRIDGE CANYON WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 7,761 acres, as generally depicted on the map entitled 'Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the 'Bridge Canyon Wilderness'.

(4) ELDORADO WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 31,950 acres, as generally depicted on the map entitled 'Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the 'Eldorado Wilderness'.

(5) IRETEBA PEAKS WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 32,745 acres, as generally depicted on the map entitled 'Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the 'Ireteba Peaks Wilderness'.

(6) JIMBILNAN WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 18,879 acres, as generally depicted on the map entitled 'Muddy Mountains', dated October 1, 2002, which shall be known as the 'Jimbilnan Wilderness'.

(7) JUMBO SPRINGS WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,631 acres, as generally depicted on the map entitled 'Gold Butte', dated October 1, 2002, which shall be known as the 'Jumbo Springs Wilderness'.

(8) LA MADRE MOUNTAIN WILDERNESS- Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 47,180 acres, as generally depicted on the map entitled 'Spring Mountains', dated October 1, 2002, which shall be known as the 'La Madre Mountain Wilderness'.

(9) LIME CANYON WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 23,233 acres, as generally depicted on the map entitled 'Gold Butte', dated October 1, 2002, which shall be known as the 'Lime Canyon Wilderness'.

(10) MT. CHARLESTON WILDERNESS ADDITIONS- Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 13,598 acres, as generally depicted on the map entitled 'Spring Mountains', dated October 1, 2002, which shall be included in the Mt. Charleston Wilderness.

(11) MUDDY MOUNTAINS WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of land managed by the Bureau of Land Management, comprising approximately 48,019 acres, as generally depicted on the map entitled 'Muddy Mountains', dated October 1, 2002, which shall be known as the 'Muddy Mountains Wilderness'.

(12) NELLIS WASH WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 16,423 acres, as generally depicted on the map entitled 'Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the 'Nellis Wash Wilderness'.

(13) NORTH MCCULLOUGH WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,763 acres, as generally depicted on the map entitled 'McCulloughs', dated October 1, 2002, which shall be known as the 'North McCullough Wilderness'.

(14) PINTO VALLEY WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 39,173 acres, as generally depicted on the map entitled 'Muddy Mountains', dated October 1, 2002, which shall be known as the 'Pinto Valley Wilderness'.

(15) RAINBOW MOUNTAIN WILDERNESS- Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 24,997 acres, as generally depicted on the map entitled 'Spring Mountains', dated October 1, 2002, which shall be known as the 'Rainbow Mountain Wilderness'.

(16) SOUTH MCCULLOUGH WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 44,245 acres, as generally depicted on the map entitled 'McCulloughs', dated October 1, 2002, which shall be known as the 'South McCullough Wilderness'.

(17) SPIRIT MOUNTAIN WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 33,518 acres, as generally depicted on the map entitled 'Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the 'Spirit Mountain Wilderness'.

(18) WEE THUMP JOSHUA TREE WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,050 acres, as generally depicted on the map entitled 'McCulloughs', dated October 1, 2002, which shall be known as the 'Wee Thump Joshua Tree Wilderness'.

(b) BOUNDARY-

(1) LAKE OFFSET- The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by Lake Mead, Lake Mohave, or the Colorado River shall be 300 feet inland from the high water line.

(2) ROAD OFFSET- The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) MAP AND LEGAL DESCRIPTION-

(1) IN GENERAL- As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection



(a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT- Each map and legal description 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.

(3) AVAILABILITY- Each map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management, National Park Service, or Forest Service, as applicable.

(d) WITHDRAWAL- Subject to valid existing rights, the wilderness areas designated in this section are withdrawn from--

- (1) all forms of entry, appropriation, and disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

### SEC. 203. ADMINISTRATION.

(a) MANAGEMENT- Subject to valid existing rights, each area designated as wilderness by this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that--

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

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior with respect to lands administered by the Secretary of the Interior.

(b) LIVESTOCK- Within the wilderness areas designated under this title that are administered by the Bureau of Land Management, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101-405.

(c) INCORPORATION OF ACQUIRED LANDS AND INTERESTS- Any land or interest in land within the boundaries of an area designated as wilderness by this title 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 area within which the acquired land or interest is located.

(d) WATER RIGHTS-

(1) FINDINGS- Congress finds that--

(A) the lands designated as Wilderness by this Act are within the Mojave Desert, are arid in nature, and include ephemeral streams;

(B) the hydrology of the lands designated as wilderness by this Act is locally characterized by complex flow patterns and alluvial fans with impermanent channels;

(C) the subsurface hydrogeology of the region is characterized by ground water subject to local and regional flow gradients and artesian aquifers;

(D) the lands designated as wilderness by this Act are generally not suitable for use or development of new water resource facilities and there are no actual or proposed water resource facilities and no opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness or other values of such lands; and

(E) because of the unique nature and hydrology of these desert lands designated as wilderness by this Act and the existence of the Clark County Multi-Species Habitat Conservation Plan it is possible to provide for proper management and protection of the wilderness, perennial springs and other values of such lands in ways different from those used in other legislation.

(2) STATUTORY CONSTRUCTION-

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the lands designated as Wilderness by this Act.

(B) Nothing in this Act shall affect any water rights in the State of Nevada existing on the date of the enactment of this Act, including any water rights held by the United States.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future wilderness designations.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Nevada and other States.

(E) Nothing in this subsection shall be construed as limiting, altering, modifying, or amending the Clark County Multi-Species Habitat Conservation Plan (MSHCP) with respect to the lands designated as Wilderness by this Act including the MSHCP's specific management actions for the conservation of perennial springs.

(3) NEVADA WATER LAW- The Secretary shall follow the procedural and substantive requirements of the law of the State of Nevada 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 areas designated by this Act.

(4) NEW PROJECTS-

(A) As used in this paragraph, the term `water resource' facility means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. The term `water resource' facility does not include wildlife guzzlers.

(B) Except as otherwise provided in this Act, on and after the date of the 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 the wilderness areas designated by this Act.

## **SEC. 204. ADJACENT MANAGEMENT.**

(a) IN GENERAL- Congress does not intend for the designation of wilderness in the State pursuant to this title to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) NONWILDERNESS ACTIVITIES- The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this title shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

## **SEC. 205. MILITARY OVERFLIGHTS.**

Nothing in this title restricts or precludes--

(1) low-level overflights of military aircraft over the areas designated as wilderness by this title, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

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

## **SEC. 206. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.**

Nothing in this Act shall be construed to diminish the rights of any Indian Tribe. Nothing in this Act shall be construed to diminish tribal rights regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

**SEC. 207. RELEASE OF WILDERNESS STUDY AREAS.**

(a) FINDING- Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management and the Forest Service in the following areas have been adequately studied for wilderness designation:

- (1) The Garrett Buttes Wilderness Study Area.
- (2) The Quail Springs Wilderness Study Area.
- (3) The Nellis A, B, C Wilderness Study Area.
- (4) Any portion of the wilderness study areas--
  - (A) not designated as wilderness by section 202(a); and
  - (B) designated for release on--
    - (i) the map entitled 'Muddy Mountains' and dated October 1, 2002;
    - (ii) the map entitled 'Spring Mountains' and dated October 1, 2002;
    - (iii) the map entitled 'Arrow Canyon' and dated October 1, 2002;
    - (iv) the map entitled 'Gold Butte' and dated October 1, 2002;
    - (v) the map entitled 'McCullough Mountains' and dated October 1, 2002;
    - (vi) the map entitled 'El Dorado/Spirit Mountain' and dated October 1, 2002; or
    - (vii) the map entitled 'Southern Nevada Public Land Management Act' and dated October 1, 2002.

(b) RELEASE- Except as provided in subsection (c), any public land described in subsection (a) that is not designated as wilderness by this title--

- (1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and
- (2) shall be managed in accordance with--
  - (A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712);
  - (B) existing cooperative conservation agreements.

(c) RIGHT-OF-WAY GRANT- The Secretary shall issue to the State-regulated sponsor of the Centennial Project the right-of-way for the construction and maintenance of two 500-kilovolt electrical transmission lines. The construction shall occur within a 500-foot-wide corridor that is released from the Sunrise Mountains Instant Study Area in the County as depicted on the Southern Nevada Public Land Management Act map, dated October 1, 2002.

**SEC. 208. WILDLIFE MANAGEMENT.**

(a) IN GENERAL- In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title 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 areas designated by this title.

(b) MANAGEMENT ACTIVITIES- In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title where consistent with relevant wilderness management plans, in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, including the occasional and temporary use of motorized vehicles, if such use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those purposes with the minimum impact necessary to reasonably accomplish the task.

(c) EXISTING ACTIVITIES- Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in accordance with appropriate policies such as those 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, including bighorn sheep, and feral stock, horses, and burros.

### **3.0 NATIONAL WILDERNESS PRESERVATION SYSTEM (WILDERNESS ACT OF 1964)**

Public Law 88-577  
88th Congress, S. 4  
September 3, 1964

#### **An Act**

To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### **Short Title**

Section 1. This Act may be cited as the "Wilderness Act".

#### **Wilderness System Established Statement of Policy**

Sec. 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

#### **Definition of Wilderness**

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a

primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

### **National Wilderness Preservation System -- Extent of System**

Sec. 3. (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall --

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

(b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or nonsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendation to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

(c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife

refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

(d) (1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness--

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: Provided, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by not later than thirty days following the date of the hearing.

(d)(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided on subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only on the same manner as provided for in subsections (b) and (c) of this section.

### **Use of Wilderness Areas**

Sec. 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and --

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thye-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act (Public Law 607, Eighty-fourth Congress, June 22, 1965; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796 (2) ); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

### **Prohibition of Certain Uses**

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

### **Special Provisions**

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to



determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

(3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: Provided, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(4) Within wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the

area, particularly in the vicinity of lakes, streams, and portages: Provided, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

### **State and Private Lands Within Wilderness Areas**

Sec. 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: Provided, however, That the United States shall not transfer to a state or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

### **Gifts, Bequests, and Contributions**

Sec. 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purpose of this Act.

### **Annual Reports**

Sec. 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list

and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Approved September 3, 1964.

### **Legislative History**

House Reports: No. 1538 accompanying H.R. 9070 (Comm. on Interior & Insular affairs) and No. 1829 (Comm. of Conference).

Senate Report No. 109 (Comm. on Interior & Insular Affairs).

Congressional Record:

Vol. 109 (1963): Apr. 4, 8, considered in Senate. Apr. 9, considered and passed Senate.

Vol. 110 (1964): July 28, considered in House. July 30, considered and passed House, amended, in lieu of H. R. 9070. Aug. 20, House and Senate agreed to conference report.

## 4.0 STANDARD OPERATION PROCEDURES

This section contains a list of standard operating procedures that provide guidance for activities related to the management of the Sloan Canyon National Conservation Area (NCA). This list is not comprehensive but rather represents the types of procedures with which the Bureau of Land Management (BLM) would comply.

### Wilderness

Wildlife in the North McCullough Wilderness would be managed in accordance with the Memorandum of Agreement (MOU) between BLM and the Nevada Department of Wildlife ([BLM 2003c] MOU 6300-NV930-0402) entitled, “Wildlife Management in Nevada BLM Wilderness Areas,” or other relevant laws, regulations, policies, or agreements.

BLM would follow a Minimum Requirement Decision Guide to determine whether management actions have the potential to negatively affect the resources and aesthetic values of the Wilderness.

### Cultural Resources

In areas that might be affected by Resource Management Plan actions, cultural resources would be identified and their eligibility for the National Register of Historic Places would be determined through the Nevada State Historic Preservation Office protocol. BLM will develop and carry out an appropriate treatment plan for resources determined eligible and that might be affected.

### Lands and Realty

The Black Mountain communication sites would be managed in accordance with the *Black Mountain Communication Site Plan* (BLM 1999) or current management direction.

### Vegetation Management

- Vegetation in the Sloan Canyon NCA would be managed to meet the requirements of the *Clark County Multispecies Habitat Conservation Plan* (CCDCP 2000 in *Sloan Canyon Proposed RMP/FEIS* Reference List).
- BLM would follow Nevada BLM’s “Partners Against Weeds—An Action Plan for the BLM” (BLM 1996 in *Sloan Canyon Proposed RMP/FEIS* Reference List) and general restoration plan for Las Vegas Field Office. Noxious and invasive weeds would be managed under integrated weed management principals.
- BLM would manage the NCA in accordance with the Mojave-Southern Great Basin Resource Advisory Council Standards and Guidelines for Rangeland Health.

### Wildlife Management

- Discretionary activities proposed in bighorn sheep habitat would be evaluated on a case-by-case basis. Authorization would be considered if the proposed actions are consistent with the goals and objectives of the *Rangewide Plan for Managing Bighorn Sheep Habitat on Public Lands* (BLM 1998c in *Sloan Canyon Proposed RMP/FEIS* Reference List) and other applicable agreements, plans, laws, and regulations.

- Wildlife management would be coordinated with appropriate federal, State, and local agencies, as well as special interest groups (e.g., Partners in Flight).

### **Wildland Fire Management**

Wildland fire management would be implemented for the Sloan Canyon Fire Management Unit based on objectives included in the *BLM Las Vegas Field Office Fire Management Activity Plan* (BLM 1998b in *Sloan Canyon Proposed RMP/FEIS* Reference List) and Fire Management Plan (BLM 2004b in *Sloan Canyon Proposed RMP/FEIS* Reference List).

### **Water Resources and Quality**

Contributions would be minimized from both point and nonpoint sources of pollution resulting from public land management actions, in accordance with the best management practices identified by the State of Nevada.

### **Air Quality**

- Conformity determinations would be included where applicable in activity plans and associated environmental documentation.
- Air quality dust control permits would be obtained from the Clark County Department of Air Quality and Environmental Management prior to the approval of any activity within the NCA.

### **Abandoned Mines**

- BLM would coordinate with the Nevada Division of Mines to ensure that the entire NCA and appropriate surrounding area have been surveyed for abandoned mines.
- If additional abandoned mines are found within the NCA, BLM would either remediate per the *Final Programmatic Environmental Assessment for Remediation of Abandoned Mine Safety Hazards*, or, if necessary, prepare site-specific environmental assessment.