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ROCKY MOUNTAIN FRONT HERITAGE ACT

JUNE 2, 2014.—Ordered to be printed

Ms. LANDRIEU, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 364]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 364) to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purposes of S. 364 are to establish the 208,790-acre Rocky Mountain Front Conservation Management Area in the State of Montana, to designate approximately 67,112 acres of national forest land in the State as additions to existing wilderness areas, and to direct the Secretary of Agriculture to prepare a comprehensive management strategy for preventing, controlling, and eradicating noxious weeds in the Lewis and Clark National Forest.

BACKGROUND AND NEED

Montana's Rocky Mountain Front is located where the Rocky Mountains meet the plains in the larger Crown of the Continent region of northwestern Montana. Its scenery, recreation opportunities, and habitat are renowned. For example, according to a 2011 environmental assessment prepared by the U.S. Fish and Wildlife Service, conservation biologists rank the Rocky Mountain Front in the top one-percent of wildlife habitat remaining in the United States, with a complete assemblage of native wildlife species (with the exception of free-ranging bison), including large carnivores, in-

cluding the grizzly bear, gray wolf, wolverine, pine marten, and Canada lynx. It is the only place in the continental United States where grizzly bears still roam from the mountains to the prairie.

Recognizing the importance of protecting the unique natural values of the area, Congress established the Bob Marshall Wilderness as one of the original wilderness designations in 1964. The wilderness complex (which includes the adjacent Scapegoat and Great Bear wilderness in addition to the Bob Marshall) has been expanded over the years and now encompasses over 1.5 million acres. The Rocky Mountain Front Conservation Area (a unit of the Fish and Wildlife Service's National Wildlife Refuge System) was established in 2005 (and expanded in 2011) to protect the prairie lands at the base of the Front. Section 403 of Public Law 109-432, enacted in 2006 (102 Stat. 3050), withdrew the area from entry and disposition under the public land and mineral leasing laws and provided tax incentives to acquire and conserve outstanding mineral interests.

To help protect the Rocky Mountain Front, S. 364 would establish the Rocky Mountain Front Conservation Management Area, and add protected roadless areas to the existing Bob Marshall wilderness complex. The proposed Conservation Management Area and wilderness additions would be designated between the Bob Marshall and Scapegoat Wilderness Areas to the west and the Rocky Mountain Front Conservation Area to the east.

LEGISLATIVE HISTORY

S. 364 was introduced by Senators Baucus and Tester on February 14, 2013. Senator Walsh is a cosponsor. A hearing was held on S. 364 by the Subcommittee on Public Lands, Forests, and Mining on July 30, 2013 (S. Hrg. 113-85). At its business meeting on November 21, 2013, the Committee ordered S. 364 favorably reported, without amendment.

Senator Baucus introduced similar legislation, S. 1774, in the 112th Congress, and Senator Tester was a cosponsor. The Subcommittee on Public Lands and Forests held a hearing on S. 1774 on March 22, 2012 (S. Hrg. 112-642).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 21, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 364.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "Rocky Mountain Front Heritage Act of 2013."

Section 2 defines key terms used in the bill.

Section 3(a) establishes the approximately 208,790-acre Rocky Mountain Front Conservation Management Area in Montana, as depicted on the referenced map. Approximately 195,073 acres of the conservation management area includes lands managed by the Forest Service and approximately 13,087 acres are lands managed by the Bureau of Land Management. Any lands or interest in lands which are located within the conservation management area and which are later acquired by the United States from a willing seller

shall become part of the area and managed in accordance with applicable laws.

Subsection (b) states that the purposes of the conservation management area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the recreational, scenic, historical, cultural, fish, wildlife, roadless and ecological values of the area.

Subsection (c)(1) directs the Secretary of Agriculture (with respect to National Forest System lands and the Secretary of the Interior (with respect to BLM lands) to manage the conservation management area in a manner that conserves, protects, and enhances the resources of the area in accordance with laws applicable to the National Forest System (for the lands managed by the Forest Service) and the Federal Land Policy and Management Act of 1976 (for the lands managed by the BLM), this section, and other applicable laws.

Paragraph (2)(A) provides that the Secretaries shall allow only such uses of the conservation management area that they determine will further the purposes described in subsection (b).

Subparagraph (B) states that the use of motorized vehicles in the area is allowed only on existing roads, trails, and areas designated for such use as of the date of enactment of this Act. No new or temporary roads may be constructed within the area except for the listed administrative exceptions in clause (iii).

Subparagraph (C) clarifies that grazing is permitted to continue within the conservation management area, if established as of the date of enactment, subject to such reasonable regulations, policies and practices as the Secretary concerned determines to be appropriate, and consistent with applicable laws and the agency grazing guidelines set forth in H. Rept. 96-617, including associated motorized access consistent with those guidelines.

Subsection (D) provides that nothing in this Act prevents the Secretary concerned from conducting vegetation management projects within the conservation management area, subject to applicable laws and reasonable regulations, policies, and practices that the Secretaries determine appropriate, and consistent with the purposes of the area.

Section 4(a) designates 50,401 acres of land in the Lewis and Clark National Forest as depicted on the referenced map for addition to the Bob Marshall Wilderness designated in section 3 of the Wilderness Act (16 U.S.C. 1132) and 16,711 acres of land in the same national forest as depicted on the referenced map for addition to the Scapegoat Wilderness designated by the first section of Public Law 92-395.

Subsection (b) provides that the lands designated as wilderness in subsection (a) are to be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

Subsection (c) allows for the grazing of livestock within the wilderness areas (and the maintenance of existing facilities related to such grazing), if established before the date of enactment of this Act, to continue in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the wilderness grazing guidelines set forth in H. Rept. 96-617.

Subsection (d) authorizes the Secretary concerned to take any measures necessary to control fire, insects, and diseases within the

wilderness additions in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), including the coordination of those activities with a State or local agency if the Secretary determines that to be appropriate.

Subsection (e) clarifies that the designation of the wilderness additions shall not be construed to create a protective perimeter or buffer zone around the areas, and the fact that non-wilderness activities or uses can be seen or heard within the wilderness additions shall preclude the conduct of those activities or uses outside the boundary of the wilderness.

Section 5 directs the Secretaries to prepare maps and legal descriptions of the Conservation Management Area and the wilderness additions as soon as practicable after the date of enactment of this Act. The maps and legal descriptions shall have the same force and effect as if included in this Act except that the Secretaries may correct typographical errors. The maps and legal descriptions shall be available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

Section 6(a) directs the Secretary of Agriculture, no later than one year after the date of enactment of this Act, to prepare a comprehensive management strategy for preventing, controlling and eradicating noxious weeds within the Rocky Mountain Ranger District of the Lewis and Clark National Forest.

Subsection (b) lists the contents of the management strategy, which includes recommendations to protect wildlife, forage, and other natural resources from noxious weeds; to identify opportunities to coordinate prevention, control and eradication efforts in the State with State and local agencies, Indian Tribes, and others; to identify resources for preventing, controlling, and eradicating noxious weeds; and to coordinate with county weed districts and enter into agreements for weed control and eradication projects.

Subsection (c) requires the Secretary to consult with the Secretary of the Interior, State, local, and tribal governmental entities and the public while developing the management strategy.

Section 7 provides that the Secretary of Agriculture, within 2 years after the date of enactment of this Act, is required to conduct a study to improve non-motorized recreation trail opportunities on land not designated as wilderness within the Rocky Mountain Ranger District of the Lewis and Clark National Forest.

Section 8 clarifies that nothing in this Act affects the jurisdiction of the State of Montana with respect to fish and wildlife management (including the regulation of hunting and fishing) on public land in the State.

Section 9 contains a savings clause that nothing in this Act affects the jurisdiction of the Federal Aviation Administration with respect to the airspace above the wilderness additions or Conservation Management Area designated by this Act, and further, that nothing affects the continued use, maintenance, and repair of the Benchmark airstrip located within the Conservation Management Area.

Section 10 authorizes the appropriation of such sums as may be necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

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S. 364 would establish a conservation management area consisting of 208,000 acres of federal land in Montana. The bill also would add 67,000 acres to existing wilderness areas in the state. Finally, the legislation would require the Secretary of Agriculture to develop a strategy to mitigate the effects of noxious weeds in the Lewis and Clark National Forest.

Based on information provided by the Forest Service and the Bureau of Land Management, CBO estimates that preparing new maps and legal descriptions for the affected lands would cost \$40,000 over the 2014–2019 period, assuming appropriation of the necessary amounts. We also estimate that developing the noxious weed strategy, as required under the bill, would have no effect on the federal budget because the agency is already conducting similar activities.

Finally, CBO expects that managing the affected lands for conservation purposes would not affect the amount of offsetting receipts generated from mineral production, grazing, or other activities on those lands over the next 10 years; such receipts are treated as offsets to direct spending. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 364 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 364.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 364, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 364, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by Forest Service and Bureau of Land Management at the July 30, 2013, Subcommittee on Public Lands, Forests, and Mining hearing on S. 364 follows:

STATEMENT OF LESLIE WELDON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today and provide the Department of Agriculture's views regarding S. 364, the "Rocky Mountain Front Heritage Act of 2013", which would establish The Rocky Mountain Front Conservation Management Area in Montana.

The Department supports S. 364 and would like to work with the Committee to define and clarify questions of scope and timing for the noxious weed management and the non-motorized recreation opportunities.

The Rocky Mountain Front area of Montana on the Lewis and Clark National Forest lies just to the south of Glacier National Park and the Blackfeet Indian Reservation. It is an area where the plains meet the great continental divide. The area is marked by spectacular scenery and lush grasslands and that is home to a broad range of Montana's fauna and flora. The west side of the area is adjacent to the 1.5 million acre Bob Marshall Wilderness Complex most of which was designated by the original 1964 Wilderness Act. The east side of the area is bordered by vast private ranchlands that have helped define Montana's western heritage.

S. 364 would designate approximately 195,000 acres of Federal land managed by the Forest Service and approximately 13,000 acres of Federal land managed by the Bureau of Land Management (BLM) as the Rocky Mountain Front Conservation Management Area (CMA). The bill would also designate additions to the National Wilderness Preservation System of approximately 50,400 acres to the Bob Marshall Wilderness and approximately 16,700 acres to the Scapegoat Wilderness; both areas would be managed by the Forest Service. The Department defers to the Department of the Interior on the designation of lands managed by the Bureau of Land Management (BLM).

The Rocky Mountain Front CMA would be managed to conserve, protect, and enhance its recreation, scenic, historical, cultural, fish, wildlife, roadless, and ecological values. Within the CMA, S. 364 would permit the use of motorized vehicles only on existing roads, motorized trails and designated areas. S. 364 would allow for the construction of temporary roads as part of a vegetation management project in any portion of the CMA not more than $\frac{1}{4}$ mile from designated roads. The bill also would authorize the use of motorized vehicles for administrative purposes including noxious weed eradication or grazing management. Livestock grazing would continue within the Con-

servation Area and Wilderness Areas where established prior to the date of enactment.

S. 364 would require the Secretary to prepare a comprehensive management strategy for the Rocky Mountain Ranger District on the Lewis and Clark National Forest to prevent, control, and eradicate noxious weeds. The Secretary also would be required to conduct a study to improve non-motorized recreation trail opportunities.

For decades, the Forest Service has worked in partnership with landowners to protect the economic and social value of the land considered for designation as the CMA. There are 21 Federal land grazing allotments in the CMA. The landscape also provides some of the best backcountry recreation experiences in the world. Because of the popularity of the area, Federal and private land managers have realized that there must be specific management emphasis placed on how the lands are used and protected. As more people enjoy and use this area, influxes of noxious weeds have occurred that could change the native ecosystem structure and function and seriously impact the private ranches. S. 364 calls for measures that would direct Federal agencies to work with State and private organizations to implement projects that concentrate on the prevention, control and eradication of invasive plants such as spotted knapweed (*Centaurea maculosa* Lam.) that are threatening to change the ecosystem. The Lewis and Clark National Forest routinely works with other agencies and land owners to address noxious and invasive weed concerns. The Lewis and Clark National Forest is in the process of developing a memorandum of understanding with the U.S. Department of Agriculture Natural Resources and Conservation Service (NRCS) that addresses how the agencies will work together regarding noxious weed control measures on the interface between private and Federal lands.

The Department supports the intent described in the bill to address noxious weeds. The Department also supports the National Forest System lands identified for motorized and non-motorized recreation use, including mountain biking, in the conservation areas. The provisions in S. 364 are consistent with the current travel management plan for the Rocky Mountain Ranger District. The travel management plan was approved by the Lewis and Clark National Forest Supervisor in October of 2007 after extensive public participation. Approximately 67,000 acres of land are identified in the forest plan for the Lewis and Clark as either recommended to Congress for wilderness designation or for further study for their potential as wilderness. The Department supports the wilderness designations included in this bill.

The Department recognizes the management of vegetation along current motorized forest roads is an important component of this bill. Public safety is an important consideration in an area that is impacted by mountain pine beetle, which has created physical risk to the roadways and possible increased fire risk due to ignitions from road

users. The Beaver-Willow Road, a previously established road, crosses through the Bear-Marshall-Scapegoat-Swan inventoried roadless area. As we understand the bill, the road's location in an inventoried roadless area would not preclude timber harvest within $\frac{1}{4}$ mile of the Beaver-Willow Road.

STATEMENT OF NED FARQUHAR, DEPUTY ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the invitation to testify on S. 364, the Rocky Mountain Front Heritage Act which designates approximately 208,000 acres of Federal land in Montana as the Rocky Mountain Front Conservation Management Area. S. 364 primarily affects lands managed by the United States Forest Service (FS). The Department of the Interior defers to the Department of Agriculture regarding designations on lands managed by the FS. Over 13,000 of the acres proposed for special designation under the bill are managed by the Bureau of Land Management (BLM). The Department of the Interior supports the designation of the BLM lands as part of the Rocky Mountain Front Conservation Management Area (CMA).

BACKGROUND

A unique and stunningly beautiful area in west-central Montana, the Rocky Mountain Front is located within Pondera, Teton, and Lewis and Clark Counties and contains unparalleled cultural, recreational, scenic, and biological resources. The lands administered by the BLM are dominated by massive limestone cliffs rising to an elevation of 7,700 feet and include grasslands, shrub lands, and limber and white-bark pine forests. Numerous wildlife and fish populations are supported by the highly varied topography and diverse vegetation that for generations has provided an outstanding experience for hunters, anglers and other recreationists. Hunttable populations of elk, mule deer, big horn sheep, mountain goats and black bear all occur within the area being considered in the proposed legislation. In addition, threatened species including grizzly bear, Canada lynx, and bull trout are found on these BLM-managed lands.

Congress recognized this priceless region in 2006 when it included the withdrawal of the entire area from new mining claims and mineral leasing in section 403(a) of Public Law 109-432. The BLM currently manages these lands for their important resource values as administratively-designated Outstanding Natural Areas (Blind Horse, Ear Mountain, Chute Mountain and Deep Creek-Battle Creek).

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S. 364 designates over 200,000 acres of federal land in Montana's Rocky Mountain Front as the Rocky Mountain

Front Conservation Management Area. Approximately 13,000 acres of public land managed by the BLM would be included in that designation. Running along the eastern edge of the CMA, the lands managed by the BLM are largely closed to motorized access and include a trail system popular with those seeking a wilder recreational experience.

The overall management scheme envisioned for the CMA is consistent with current BLM management of these lands. Under the provisions of S. 364, motorized vehicles within the CMA would be limited to roads and trails designated for their use and grazing would be allowed to continue where it currently exists.

The BLM recommends that the bill be amended to specify that the BLM-managed lands within the CMA be included in the BLM's National Landscape Conservation System (NLCS). The CMA is very similar to BLM's National Conservation Areas (NCAs) and inclusion in the NLCS is appropriate.

CONCLUSION

Thank you for the opportunity to testify in support of S. 364 as it applies to lands managed by the BLM.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 364 as ordered reported.

