

Calendar No. 404

113TH CONGRESS
2^D SESSION

S. 364

[Report No. 113–177]

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mr. BAUCUS (for himself, Mr. TESTER, and Mr. WALSH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 2, 2014

Reported by Ms. LANDRIEU, without amendment

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Rocky Mountain Front
3 Heritage Act of 2013”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) CONSERVATION MANAGEMENT AREA.—The
7 term “Conservation Management Area” means the
8 Rocky Mountain Front Conservation Management
9 Area established by section 3(a)(1).

10 (2) DECOMMISSION.—The term “decommis-
11 sion” means—

12 (A) to reestablish vegetation on a road;

13 and

14 (B) to restore any natural drainage, water-
15 shed function, or other ecological processes that
16 are disrupted or adversely impacted by the road
17 by removing or hydrologically disconnecting the
18 road prism.

19 (3) DISTRICT.—The term “district” means the
20 Rocky Mountain Ranger District of the Lewis and
21 Clark National Forest.

22 (4) MAP.—The term “map” means the map en-
23 titled “Rocky Mountain Front Heritage Act” and
24 dated October 27, 2011.

1 (5) NONMOTORIZED RECREATION TRAIL.—The
 2 term “nonmotorized recreation trail” means a trail
 3 designed for hiking, bicycling, or equestrian use.

4 (6) SECRETARY.—The term “Secretary”
 5 means—

6 (A) with respect to land under the jurisdic-
 7 tion of the Secretary of Agriculture, the Sec-
 8 retary of Agriculture; and

9 (B) with respect to land under the jurisdic-
 10 tion of the Secretary of the Interior, the Sec-
 11 retary of the Interior.

12 (7) STATE.—The term “State” means the State
 13 of Montana.

14 **SEC. 3. ROCKY MOUNTAIN FRONT CONSERVATION MAN-**
 15 **AGEMENT AREA.**

16 (a) ESTABLISHMENT.—

17 (1) IN GENERAL.—There is established the
 18 Rocky Mountain Front Conservation Management
 19 Area in the State.

20 (2) AREA INCLUDED.—The Conservation Man-
 21 agement Area shall consist of approximately 195,073
 22 acres of Federal land managed by the Forest Service
 23 and 13,087 acres of Federal land managed by the
 24 Bureau of Land Management in the State, as gen-
 25 erally depicted on the map.

1 (3) INCORPORATION OF ACQUIRED LAND AND
 2 INTERESTS.—Any land or interest in land that is lo-
 3 cated in the Conservation Management Area and is
 4 acquired by the United States from a willing seller
 5 shall—

6 (A) become part of the Conservation Man-
 7 agement Area; and

8 (B) be managed in accordance with—

9 (i) in the case of land managed by the
 10 Forest Service—

11 (I) the Act of March 1, 1911
 12 (commonly known as the “Weeks
 13 Law”) (16 U.S.C. 552 et seq.); and

14 (II) any laws (including regula-
 15 tions) applicable to the National For-
 16 est System;

17 (ii) in the case of land managed, by
 18 the Bureau of Land Management, the Fed-
 19 eral Land Policy and Management Act of
 20 1976 (43 U.S.C. 1701 et seq.);

21 (iii) this section; and

22 (iv) any other applicable law (includ-
 23 ing regulations).

24 (b) PURPOSES.—The purposes of the Conservation
 25 Management Area are to conserve, protect, and enhance

1 for the benefit and enjoyment of present and future gen-
2 erations the recreational, scenic, historical, cultural, fish,
3 wildlife, roadless, and ecological values of the Conservation
4 Management Area.

5 (c) MANAGEMENT.—

6 (1) IN GENERAL.—The Secretary shall manage
7 the Conservation Management Area—

8 (A) in a manner that conserves, protects,
9 and enhances the resources of the Conservation
10 Management Area; and

11 (B) in accordance with—

12 (i) the laws (including regulations)
13 and rules applicable to the National Forest
14 System for land managed by the Forest
15 Service;

16 (ii) the Federal Land Policy and Man-
17 agement Act of 1976 (43 U.S.C. 1701 et
18 seq.) for land managed by the Bureau of
19 Land Management;

20 (iii) this section; and

21 (iv) any other applicable law (includ-
22 ing regulations).

23 (2) USES.—

24 (A) IN GENERAL.—The Secretary shall
25 only allow such uses of the Conservation Man-

1 agement Area that the Secretary determines
2 would further the purposes described in sub-
3 section (b).

4 (B) MOTORIZED VEHICLES.—

5 (i) IN GENERAL.—The use of motor-
6 ized vehicles in the Conservation Manage-
7 ment Area shall be permitted only on exist-
8 ing roads, trails, and areas designated for
9 use by such vehicles as of the date of en-
10 actment of this Act.

11 (ii) NEW OR TEMPORARY ROADS.—
12 Except as provided in clause (iii), no new
13 or temporary roads shall be constructed
14 within the Conservation Management Area.

15 (iii) EXCEPTIONS.—Nothing in clause
16 (i) or (ii) prevents the Secretary from—

17 (I) rerouting or closing an exist-
18 ing road or trail to protect natural re-
19 sources from degradation, as deter-
20 mined to be appropriate by the Sec-
21 retary;

22 (II) constructing a temporary
23 road on which motorized vehicles are
24 permitted as part of a vegetation
25 management project in any portion of

1 the Conservation Management Area
2 located not more than $\frac{1}{4}$ mile from
3 the Teton Road, South Teton Road,
4 Sun River Road, Beaver Willow Road,
5 or Benchmark Road;

6 (III) authorizing the use of mo-
7 torized vehicles for administrative
8 purposes (including noxious weed
9 eradication or grazing management);
10 or

11 (IV) responding to an emergency.

12 (iv) DECOMMISSIONING OF TEM-
13 PORARY ROADS.—The Secretary shall de-
14 commission any temporary road con-
15 structed under clause (iii)(II) not later
16 than 3 years after the date on which the
17 applicable vegetation management project
18 is completed.

19 (C) GRAZING.—The Secretary shall permit
20 grazing within the Conservation Management
21 Area, if established on the date of enactment of
22 this Act—

23 (i) subject to—

1 (I) such reasonable regulations,
 2 policies, and practices as the Sec-
 3 retary determines appropriate; and

4 (II) all applicable laws; and

5 (ii) in a manner consistent with—

6 (I) the purposes described in sub-
 7 section (b); and

8 (II) the guidelines set forth in
 9 the report of the Committee on Inte-
 10 rior and Insular Affairs of the House
 11 of Representatives accompanying H.R.
 12 5487 of the 96th Congress (H. Rept.
 13 96–617).

14 (D) VEGETATION MANAGEMENT.—Nothing
 15 in this Act prevents the Secretary from con-
 16 ducting vegetation management projects within
 17 the Conservation Management Area—

18 (i) subject to—

19 (I) such reasonable regulations,
 20 policies, and practices as the Sec-
 21 retary determines appropriate; and

22 (II) all applicable laws (including
 23 regulations); and

24 (ii) in a manner consistent with the
 25 purposes described in subsection (b).

1 **SEC. 4. DESIGNATION OF WILDERNESS ADDITIONS.**

2 (a) IN GENERAL.—In accordance with the Wilderness
3 Act (16 U.S.C. 1131 et seq.), the following Federal land
4 in the State is designated as wilderness and as additions
5 to existing components of the National Wilderness Preser-
6 vation System:

7 (1) BOB MARSHALL WILDERNESS.—Certain
8 land in the Lewis and Clark National Forest, com-
9 prising approximately 50,401 acres, as generally de-
10 picted on the map, which shall be added to and ad-
11 ministered as part of the Bob Marshall Wilderness
12 designated under section 3 of the Wilderness Act
13 (16 U.S.C. 1132).

14 (2) SCAPEGOAT WILDERNESS.—Certain land in
15 the Lewis and Clark National Forest, comprising
16 approximately 16,711 acres, as generally depicted on
17 the map, which shall be added to and administered
18 as part of the Scapegoat Wilderness designated by
19 the first section of Public Law 92–395 (16 U.S.C.
20 1132 note).

21 (b) MANAGEMENT OF WILDERNESS ADDITIONS.—
22 Subject to valid existing rights, the land designated as wil-
23 derness additions by subsection (a) shall be administered
24 by the Secretary in accordance with the Wilderness Act
25 (16 U.S.C. 1131 et seq.), except that any reference in that

1 Act to the effective date of that Act shall be deemed to
 2 be a reference to the date of the enactment of this Act.

3 (c) LIVESTOCK.—The grazing of livestock and the
 4 maintenance of existing facilities relating to grazing in the
 5 wilderness additions designated by this section, if estab-
 6 lished before the date of enactment of this Act, shall be
 7 permitted to continue in accordance with—

8 (1) section 4(d)(4) of the Wilderness Act (16
 9 U.S.C. 1133(d)(4)); and

10 (2) the guidelines set forth in the report of the
 11 Committee on Interior and Insular Affairs of the
 12 House of Representatives accompanying H.R. 5487
 13 of the 96th Congress (H. Rept. 96–617).

14 (d) WILDFIRE, INSECT, AND DISEASE MANAGE-
 15 MENT.—In accordance with section 4(d)(1) of the Wilder-
 16 ness Act (16 U.S.C. 1133(d)(1)), within the wilderness ad-
 17 ditions designated by this section, the Secretary may take
 18 any measures that the Secretary determines to be nec-
 19 essary to control fire, insects, and diseases, including, as
 20 the Secretary determines appropriate, the coordination of
 21 those activities with a State or local agency.

22 (e) ADJACENT MANAGEMENT.—

23 (1) IN GENERAL.—The designation of a wilder-
 24 ness addition by this section shall not create any

1 protective perimeter or buffer zone around the wil-
2 derness area.

3 (2) NONWILDERNESS ACTIVITIES.—The fact
4 that nonwilderness activities or uses can be seen or
5 heard from areas within a wilderness addition des-
6 ignated by this section shall not preclude the con-
7 duct of those activities or uses outside the boundary
8 of the wilderness area.

9 **SEC. 5. MAPS AND LEGAL DESCRIPTIONS.**

10 (a) IN GENERAL.—As soon as practicable after the
11 date of enactment of this Act, the Secretary shall prepare
12 maps and legal descriptions of the Conservation Manage-
13 ment Area and the wilderness additions designated by sec-
14 tions 3 and 4, respectively.

15 (b) FORCE OF LAW.—The maps and legal descrip-
16 tions prepared under subsection (a) shall have the same
17 force and effect as if included in this Act, except that the
18 Secretary may correct typographical errors in the map and
19 legal descriptions.

20 (c) PUBLIC AVAILABILITY.—The maps and legal de-
21 scriptions prepared under subsection (a) shall be on file
22 and available for public inspection in the appropriate of-
23 fices of the Forest Service and Bureau of Land Manage-
24 ment.

1 **SEC. 6. NOXIOUS WEED MANAGEMENT.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary of Agriculture
4 shall prepare a comprehensive management strategy for
5 preventing, controlling, and eradicating noxious weeds in
6 the district.

7 (b) CONTENTS.—The management strategy shall—

8 (1) include recommendations to protect wildlife,
9 forage, and other natural resources in the district
10 from noxious weeds;

11 (2) identify opportunities to coordinate noxious
12 weed prevention, control, and eradication efforts in
13 the district with State and local agencies, Indian
14 tribes, nonprofit organizations, and others;

15 (3) identify existing resources for preventing,
16 controlling, and eradicating noxious weeds in the
17 district;

18 (4) identify additional resources that are appro-
19 priate to effectively prevent, control, or eradicate
20 noxious weeds in the district; and

21 (5) identify opportunities to coordinate with
22 county weed districts in Glacier, Pondera, Teton,
23 and Lewis and Clark Counties in the State to apply
24 for grants and enter into agreements for noxious
25 weed control and eradication projects under the

1 Noxious Weed Control and Eradication Act of 2004
 2 (7 U.S.C. 7781 et seq.).

3 (c) CONSULTATION.—In developing the management
 4 strategy required under subsection (a), the Secretary shall
 5 consult with—

6 (1) the Secretary of the Interior;

7 (2) appropriate State, tribal, and local govern-
 8 mental entities; and

9 (3) members of the public.

10 **SEC. 7. NONMOTORIZED RECREATION OPPORTUNITIES.**

11 Not later than 2 years after the date of enactment
 12 of this Act, the Secretary of Agriculture, in consultation
 13 with interested parties, shall conduct a study to improve
 14 nonmotorized recreation trail opportunities (including
 15 mountain bicycling) on land not designated as wilderness
 16 within the district.

17 **SEC. 8. MANAGEMENT OF FISH AND WILDLIFE; HUNTING**
 18 **AND FISHING.**

19 Nothing in this Act affects the jurisdiction of the
 20 State with respect to fish and wildlife management (in-
 21 cluding the regulation of hunting and fishing) on public
 22 land in the State.

23 **SEC. 9. OVERFLIGHTS.**

24 (a) JURISDICTION OF THE FEDERAL AVIATION AD-
 25 MINISTRATION.—Nothing in this Act affects the jurisdic-

1 tion of the Federal Aviation Administration with respect
2 to the airspace above the wilderness or the Conservation
3 Management Area.

4 (b) BENCHMARK AIRSTRIP.—Nothing in this Act af-
5 fects the continued use, maintenance, and repair of the
6 Benchmark (3U7) airstrip.

7 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such sums
9 as are necessary to carry out this Act.

Calendar No. 404

113TH CONGRESS
2D Session

S. 364

[Report No. 113-177]

A BILL

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.

JUNE 2, 2014

Reported without amendment