

113TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

5 (2) DECOMMISSION.—The term “decommis-
6 sion” means—

7 (A) to reestablish vegetation on a road;
8 and

9 (B) to restore any natural drainage, water-
10 shed function, or other ecological processes that
11 are disrupted or adversely impacted by the road
12 by removing or hydrologically disconnecting the
13 road prism.

14 (3) DISTRICT.—The term “district” means the
15 Rocky Mountain Ranger District of the Lewis and
16 Clark National Forest.

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

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

23 (6) SECRETARY.—The term “Secretary”
24 means—

1 (A) with respect to land under the jurisdic-
2 tion of the Secretary of Agriculture, the Sec-
3 retary of Agriculture; and

4 (B) with respect to land under the jurisdic-
5 tion of the Secretary of the Interior, the Sec-
6 retary of the Interior.

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

9 **SEC. 3. ROCKY MOUNTAIN FRONT CONSERVATION MAN-**
10 **AGEMENT AREA.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—There is established the
13 Rocky Mountain Front Conservation Management
14 Area in the State.

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

21 (3) INCORPORATION OF ACQUIRED LAND AND
22 INTERESTS.—Any land or interest in land that is lo-
23 cated in the Conservation Management Area and is
24 acquired by the United States from a willing seller
25 shall—

1 (A) become part of the Conservation Man-
2 agement Area; and

3 (B) be managed in accordance with—

4 (i) in the case of land managed by the
5 Forest Service—

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

9 (II) any laws (including regula-
10 tions) applicable to the National For-
11 est System;

12 (ii) in the case of land managed, by
13 the Bureau of Land Management, the Fed-
14 eral Land Policy and Management Act of
15 1976 (43 U.S.C. 1701 et seq.);

16 (iii) this section; and

17 (iv) any other applicable law (includ-
18 ing regulations).

19 (b) PURPOSES.—The purposes of the Conservation
20 Management Area are to conserve, protect, and enhance
21 for the benefit and enjoyment of present and future gen-
22 erations the recreational, scenic, historical, cultural, fish,
23 wildlife, roadless, and ecological values of the Conservation
24 Management Area.

25 (c) MANAGEMENT.—

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

3 (A) in a manner that conserves, protects,
4 and enhances the resources of the Conservation
5 Management Area; and

6 (B) in accordance with—

7 (i) the laws (including regulations)
8 and rules applicable to the National Forest
9 System for land managed by the Forest
10 Service;

11 (ii) the Federal Land Policy and Man-
12 agement Act of 1976 (43 U.S.C. 1701 et
13 seq.) for land managed by the Bureau of
14 Land Management;

15 (iii) this section; and

16 (iv) any other applicable law (includ-
17 ing regulations).

18 (2) USES.—

19 (A) IN GENERAL.—The Secretary shall
20 only allow such uses of the Conservation Man-
21 agement Area that the Secretary determines
22 would further the purposes described in sub-
23 section (b).

24 (B) MOTORIZED VEHICLES.—

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

7 (ii) NEW OR TEMPORARY ROADS.—
8 Except as provided in clause (iii), no new
9 or temporary roads shall be constructed
10 within the Conservation Management Area.

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

13 (I) rerouting or closing an exist-
14 ing road or trail to protect natural re-
15 sources from degradation, as deter-
16 mined to be appropriate by the Sec-
17 retary;

18 (II) constructing a temporary
19 road on which motorized vehicles are
20 permitted as part of a vegetation
21 management project in any portion of
22 the Conservation Management Area
23 located not more than $\frac{1}{4}$ mile from
24 the Teton Road, South Teton Road,

1 Sun River Road, Beaver Willow Road,
2 or Benchmark Road;

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

8 (IV) responding to an emergency.

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

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

20 (i) subject to—

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

24 (II) all applicable laws; and

25 (ii) in a manner consistent with—

1 (I) the purposes described in sub-
2 section (b); and

3 (II) the guidelines set forth in
4 the report of the Committee on Inte-
5 rior and Insular Affairs of the House
6 of Representatives accompanying H.R.
7 5487 of the 96th Congress (H. Rept.
8 96–617).

9 (D) VEGETATION MANAGEMENT.—Nothing
10 in this Act prevents the Secretary from con-
11 ducting vegetation management projects within
12 the Conservation Management Area—

13 (i) subject to—

14 (I) such reasonable regulations,
15 policies, and practices as the Sec-
16 retary determines appropriate; and

17 (II) all applicable laws (including
18 regulations); and

19 (ii) in a manner consistent with the
20 purposes described in subsection (b).

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

22 (a) IN GENERAL.—In accordance with the Wilderness
23 Act (16 U.S.C. 1131 et seq.), the following Federal land
24 in the State is designated as wilderness and as additions

1 to existing components of the National Wilderness Preser-
2 vation System:

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

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

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

24 (c) LIVESTOCK.—The grazing of livestock and the
25 maintenance of existing facilities relating to grazing in the

1 wilderness additions designated by this section, if estab-
2 lished before the date of enactment of this Act, shall be
3 permitted to continue in accordance with—

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

6 (2) the guidelines set forth in the report of the
7 Committee on Interior and Insular Affairs of the
8 House of Representatives accompanying H.R. 5487
9 of the 96th Congress (H. Rept. 96–617).

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

18 (e) ADJACENT MANAGEMENT.—

19 (1) IN GENERAL.—The designation of a wilder-
20 ness addition by this section shall not create any
21 protective perimeter or buffer zone around the wil-
22 derness area.

23 (2) NONWILDERNESS ACTIVITIES.—The fact
24 that nonwilderness activities or uses can be seen or
25 heard from areas within a wilderness addition des-

1 ignated by this section shall not preclude the con-
2 duct of those activities or uses outside the boundary
3 of the wilderness area.

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

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

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

15 (c) PUBLIC AVAILABILITY.—The maps and legal de-
16 scriptions prepared under subsection (a) shall be on file
17 and available for public inspection in the appropriate of-
18 fices of the Forest Service and Bureau of Land Manage-
19 ment.

20 **SEC. 6. NOXIOUS WEED MANAGEMENT.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Secretary of Agriculture
23 shall prepare a comprehensive management strategy for
24 preventing, controlling, and eradicating noxious weeds in
25 the district.

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

2 (1) include recommendations to protect wildlife,
3 forage, and other natural resources in the district
4 from noxious weeds;

5 (2) identify opportunities to coordinate noxious
6 weed prevention, control, and eradication efforts in
7 the district with State and local agencies, Indian
8 tribes, nonprofit organizations, and others;

9 (3) identify existing resources for preventing,
10 controlling, and eradicating noxious weeds in the
11 district;

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

15 (5) identify opportunities to coordinate with
16 county weed districts in Glacier, Pondera, Teton,
17 and Lewis and Clark Counties in the State to apply
18 for grants and enter into agreements for noxious
19 weed control and eradication projects under the
20 Noxious Weed Control and Eradication Act of 2004
21 (7 U.S.C. 7781 et seq.).

22 (c) CONSULTATION.—In developing the management
23 strategy required under subsection (a), the Secretary shall
24 consult with—

25 (1) the Secretary of the Interior;

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

3 (3) members of the public.

4 **SEC. 7. NONMOTORIZED RECREATION OPPORTUNITIES.**

5 Not later than 2 years after the date of enactment
6 of this Act, the Secretary of Agriculture, in consultation
7 with interested parties, shall conduct a study to improve
8 nonmotorized recreation trail opportunities (including
9 mountain bicycling) on land not designated as wilderness
10 within the district.

11 **SEC. 8. MANAGEMENT OF FISH AND WILDLIFE; HUNTING**
12 **AND FISHING.**

13 Nothing in this Act affects the jurisdiction of the
14 State with respect to fish and wildlife management (in-
15 cluding the regulation of hunting and fishing) on public
16 land in the State.

17 **SEC. 9. OVERFLIGHTS.**

18 (a) **JURISDICTION OF THE FEDERAL AVIATION AD-**
19 **MINISTRATION.**—Nothing in this Act affects the jurisdic-
20 tion of the Federal Aviation Administration with respect
21 to the airspace above the wilderness or the Conservation
22 Management Area.

23 (b) **BENCHMARK AIRSTRIP.**—Nothing in this Act af-
24 fects the continued use, maintenance, and repair of the
25 Benchmark (3U7) airstrip.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this Act.

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