

112TH CONGRESS
1ST SESSION

S. 1774

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

NOVEMBER 1, 2011

Mr. BAUCUS 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 2011”.

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) EXCEPTIONS.—Nothing in clause
8 (i) prevents the Secretary from—

9 (I) rerouting or closing an exist-
10 ing road or trail to protect natural re-
11 sources from degradation, as deter-
12 mined to be appropriate by the Sec-
13 retary;

14 (II) constructing a temporary
15 road on which motorized vehicles are
16 permitted as part of a vegetation
17 management project in any portion of
18 the Conservation Management Area
19 located not more than $\frac{1}{4}$ mile from
20 the Teton Road, South Teton Road,
21 Sun River Road, Beaver Willow Road,
22 or Benchmark Road;

23 (III) authorizing the use of mo-
24 torized vehicles for administrative
25 purposes (including noxious weed

1 eradication or grazing management);

2 or

3 (IV) responding to an emergency.

4 (iii) TEMPORARY ROADS.—The Sec-
5 retary shall decommission any temporary
6 road constructed under clause (ii)(II) not
7 later than 3 years after the date on which
8 the applicable vegetation management
9 project is completed.

10 (C) GRAZING.—The Secretary shall permit
11 grazing within the Conservation Management
12 Area, if established on the date of enactment of
13 this Act—

14 (i) subject to—

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

18 (II) all applicable laws; and

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

21 (D) VEGETATION MANAGEMENT.—Nothing
22 in this Act prevents the Secretary from con-
23 ducting vegetation management projects within
24 the Conservation Management Area—

25 (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 (including
5 regulations); and

6 (ii) in a manner consistent with the
7 purposes described in subsection (b).

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

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

14 (1) BOB MARSHALL WILDERNESS.—Certain
15 land in the Lewis and Clark National Forest, com-
16 prising approximately 50,401 acres, as generally de-
17 picted on the map, which shall be added to and ad-
18 ministered as part of the Bob Marshall Wilderness
19 designated under section 3 of the Wilderness Act
20 (16 U.S.C. 1132).

21 (2) SCAPEGOAT WILDERNESS.—Certain land in
22 the Lewis and Clark National Forest, comprising
23 approximately 16,711 acres, as generally depicted on
24 the map, which shall be added to and administered
25 as part of the Scapegoat Wilderness designated by

1 the first section of Public Law 92–395 (16 U.S.C.
2 1132 note).

3 (b) MANAGEMENT OF WILDERNESS ADDITIONS.—

4 Subject to valid existing rights, the land designated as wil-
5 derness additions by subsection (a) shall be administered
6 by the Secretary in accordance with the Wilderness Act
7 (16 U.S.C. 1131 et seq.), except that any reference in that
8 Act to the effective date of that Act shall be deemed to
9 be a reference to the date of the enactment of this Act.

10 (c) LIVESTOCK.—The grazing of livestock and the
11 maintenance of existing facilities relating to grazing in the
12 wilderness additions designated by this section, if estab-
13 lished before the date of enactment of this Act, shall be
14 permitted to continue in accordance with—

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

17 (2) the guidelines set forth in the report of the
18 Committee on Interior and Insular Affairs of the
19 House of Representatives accompanying H.R. 5487
20 of the 96th Congress (H. Rept. 96–617).

21 (d) WILDFIRE, INSECT, AND DISEASE MANAGE-
22 MENT.—In accordance with section 4(d)(1) of the Wilder-
23 ness Act (16 U.S.C. 1133(d)(1)), within the wilderness ad-
24 ditions designated by this section, the Secretary may take
25 any measures that the Secretary determines to be nec-

1 essary to control fire, insects, and diseases, including, as
2 the Secretary determines appropriate, the coordination of
3 those activities with a State or local agency.

4 (e) ADJACENT MANAGEMENT.—

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

9 (2) NONWILDERNESS ACTIVITIES.—The fact
10 that nonwilderness activities or uses can be seen or
11 heard from areas within a wilderness addition des-
12 ignated by this section shall not preclude the con-
13 duct of those activities or uses outside the boundary
14 of the wilderness area.

15 (f) OVERFLIGHTS.—Nothing in this Act shall be con-
16 strued to restrict or preclude overflights, including low-
17 level overflights, including military, commercial, and gen-
18 eral aviation overflights that can be seen or heard within
19 wilderness or the Conservation Management Area.

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

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

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

6 (c) PUBLIC AVAILABILITY.—The maps and legal de-
7 scriptions prepared under subsection (a) shall be on file
8 and available for public inspection in the appropriate of-
9 fices of the Forest Service and Bureau of Land Manage-
10 ment.

11 **SEC. 6. NOXIOUS WEED MANAGEMENT.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary of Agriculture
14 shall prepare a comprehensive management strategy for
15 preventing, controlling, and eradicating noxious weeds in
16 the district.

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

18 (1) include recommendations to protect wildlife,
19 forage, and other natural resources in the district
20 from noxious weeds;

21 (2) identify opportunities to coordinate noxious
22 weed prevention, control, and eradication efforts in
23 the district with State and local agencies, Indian
24 tribes, nonprofit organizations, and others;

1 (3) identify existing resources for preventing,
2 controlling, and eradicating noxious weeds in the
3 district;

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

7 (5) identify opportunities to coordinate with
8 county weed districts in Glacier, Pondera, Teton,
9 and Lewis and Clark Counties in the State to apply
10 for grants and enter into agreements for noxious
11 weed control and eradication projects under the
12 Noxious Weed Control and Eradication Act of 2004
13 (7 U.S.C. 7781 et seq.).

14 (c) CONSULTATION.—In developing the management
15 strategy required under subsection (a), the Secretary shall
16 consult with—

17 (1) the Secretary of the Interior;

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

20 (3) members of the public.

21 **SEC. 7. NONMOTORIZED RECREATION OPPORTUNITIES.**

22 Not later than 2 years after the date of enactment
23 of this Act, the Secretary of Agriculture, in consultation
24 with interested parties, shall conduct a study to improve
25 nonmotorized recreation trail opportunities (including

1 mountain bicycling) on land not designated as wilderness
2 within the district.

3 **SEC. 8. MANAGEMENT OF FISH AND WILDLIFE; HUNTING**
4 **AND FISHING.**

5 Nothing in this Act affects the jurisdiction of the
6 State with respect to fish and wildlife management (in-
7 cluding the regulation of hunting and fishing) on public
8 land in the State.

9 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated such sums
11 as are necessary to carry out this Act.

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