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3

# 111<sup>th</sup> CONGRESS

4

\_\_\_\_\_ Session

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S. \_\_\_\_\_

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7 To protect the bountiful wildlife, outstanding natural features, diverse culture, ranching heritage, and  
8 traditional outdoor and recreational uses of the federal lands along Montana’s Rocky Mountain Front, and  
9 to provide direction to the land management agencies to place a high priority on the prevention,  
10 eradication, and control of noxious weeds.

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## IN THE SENATE OF THE UNITED STATES

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## A BILL

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

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### **SEC. 1. SHORT TITLE.**

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This Act may be cited as the ‘Rocky Mountain Front Heritage Act of 2009’

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### **SEC. 2. FINDINGS.**

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Congress finds that—

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(a) Where the Great Plains meet the escarpment of the Rocky Mountains south of Glacier  
23 National Park in western Montana, the Rocky Mountain Front is a dramatic landscape of diverse  
24 landforms and ecosystems lying at the frontier between privately-owned ranchlands and small  
25 rural communities, Federal lands, lands owned by the State of Montana, and the lands of the  
26 Blackfeet Nation reservation.

27

(b) The Rocky Mountain Front, a central and vital component of the Crown of the  
28 Continent ecosystem, offers rich habitat for diverse wildlife species.

29

(c) The Rocky Mountain Front comprises lands managed by the U.S. Forest Service in  
30 the Department of Agriculture, the Bureau of Land Management in the Department of the  
31 Interior, the State of Montana, private landholders, and nonprofit land conservancy

32 organizations, a pattern of land ownership which creates a mosaic of agricultural and wild lands  
33 that has sustained the traditional way of life for generations of Montanans.

34 (d) The unique character of the Rocky Mountain Front has been sustained by agricultural  
35 traditions, including livestock grazing on private ranches and adjacent Federal lands, resulting in  
36 a wild and working landscape which serves the needs of both its rural residents and its  
37 outstanding wildlife.

38 (e) The Federal lands in the Rocky Mountain Front provide outstanding non-motorized  
39 recreational opportunities for the public, in terrain where the traditional means of enjoyment of  
40 the backcountry are hiking or traveling with pack and saddle stock (including with outfitters and  
41 guides), modes of travel best suited for the rugged terrain and protection of wildlife and plant  
42 resources.

43 (f) In order to preclude unavoidable conflicts with the outstanding wildlife, cultural,  
44 spiritual, hunting and fishing, and economic values of the Rocky Mountain Front, in 2006 the  
45 United States Congress enacted section 403 of Public Law 109-432 (120 Stat. 3050-3053),  
46 withdrawing Federal land in the Front from location, entry, and patent under the mining laws and  
47 disposition under the mineral and geothermal leasing laws.

48 (g) Because they out-compete native plants, degrade wildlife habitat, reduce soil and  
49 water quality, and cause economic loss to forage and agricultural productivity, invasive plants,  
50 including noxious weeds continue to be a major threat to public and private lands along the  
51 Rocky Mountain Front. Effective prevention, eradication, and control strategies are essential to  
52 preserving the ecological integrity of the Front and reducing the economic burden to private  
53 landowners and local counties.

### 54 **SEC. 3. DEFINITIONS.**

- 55 • ROAD- The term “Road” means a motor vehicle travelway over 50 inches wide unless  
56 designated and managed as a trail. A road may be classified, unclassified, or temporary<sup>1</sup>.
  - 57 • SECRETARY- The term `Secretary' means—
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58 (A) with respect to land under the jurisdiction of the Secretary of Agriculture, the  
59 Secretary of Agriculture; and

60 (B) with respect to land under the jurisdiction of the Secretary of the Interior, the  
61 Secretary of the Interior.

- 62 • STATE- The term 'State' means the State of Montana.
- 63 • TRAIL- A route 50 inches or less in width or a route over 50 inches in width that is  
64 managed as a trail.

65 **SEC. 4. ROCKY MOUNTAIN FRONT CONSERVATION MANAGEMENT AREA.**

66 (a) ESTABLISHMENT-

67 (1) IN GENERAL- There is hereby established a Conservation Management Area  
68 in the State consisting of 307,010 acres of Federal land, as generally depicted on  
69 the map, as the 'Rocky Mountain Front Conservation Management Area', to be  
70 known as the 'Rocky Mountain Front Conservation Management Area' (referred  
71 to in this section as the 'Management Area').

72 (2) EXCLUSION OF CERTAIN LAND - The Management Area does not  
73 include any National Forest System land that is designated as wilderness by  
74 section 5.

75 (b) PURPOSES- The purposes of the Management Area are--

76 (1) to ensure that local residents and visitors may enjoy the special scenic, natural,  
77 cultural, and wildlife values of the Rocky Mountain  
78 Front;

79 (2) to provide for appropriate resource use in keeping with traditional uses of the  
80 Front as a working agricultural landscape, including, livestock grazing and cutting  
81 of timber for personal post and pole and firewood use;

82 (3) to conserve fish and wildlife populations and habitats;

83 (4) to protect watersheds and the maintenance of free-flowing streams and the  
84 quality of ground and surface waters;

85 (5) to conserve and manage vegetation within the Management Area, including  
86 fuel reduction to maintain or restore fire-resilient forest structure and ecosystem  
87 composition in order to reduce the risk of uncharacteristic wildfire and thereby  
88 better protect adjacent private property;

89 (6) to ensure the protection of the outstanding natural features and traditional  
90 recreational opportunities of the Management Area, including, but not limited to  
91 outfitting and guiding with pack and saddle stock, hunting, fishing, hiking and  
92 backpacking, camping, and nature study;

93 (7) to provide for motorized and mechanized travel on trails designated for this  
94 use in approved travel plans; and

95 (8) to prevent the spread of noxious weeds that may threaten the biodiversity and  
96 agricultural resources.

97 (c) MAP AND LEGAL DESCRIPTION-

98 (1) SUBMISSION OF LEGAL DESCRIPTION- As soon as practicable after the  
99 date of enactment of this Act, the Secretary shall file a map and a legal description  
100 of the Management Area with--

101 (A) the Committee on Energy and Natural Resources of the Senate; and

102 (B) the Committee on Natural Resources of the House of Representatives.

103 (2) FORCE OF LAW- The map and legal description filed under paragraph (1)  
104 shall have the same force and effect as if included in this Act, except that the  
105 Secretary may correct typographical errors in the map and legal description.

106 (3) PUBLIC AVAILABILITY- The map and legal description filed under  
107 paragraph (1) shall be on file and available for public inspection in the appropriate  
108 offices of the Forest Service and Bureau of Land Management.

109 (d) ADMINISTRATION-

110 (1) IN GENERAL- The Secretary shall administer the Management Area in  
111 accordance with--

112 (A) this subtitle; and

113 (B) the laws (including regulations) generally applicable to the National  
114 Forest System. allowing only public uses consistent with the purposes  
115 enumerated in subsection (b).

116 (2) AUTHORIZED USES- The Secretary shall only allow uses of the  
117 Management Area that the Secretary determines will further the purposes of the  
118 Management Area, as described in subsection (b))

119 (3) LIVESTOCK GRAZING- The designation of the Management Area shall not  
120 be construed to prohibit, or change the administration of, the grazing of livestock  
121 within the Management Area.

122 (4) TIMBER- The cutting, sale, or removal of timber within the Management  
123 Area may be permitted—

124 (A) if the cutting, sale, or removal of generally small diameter timber is  
125 needed for one of the following purposes:

126 (i) to improve threatened, endangered, proposed, or sensitive  
127 species habitat; or

128 (ii) to maintain or restore the characteristics of ecosystem  
129 composition and structure, such as to reduce the risk of  
130 uncharacteristic wildfire effects, within the range of variability that  
131 would be expected to occur under natural disturbance regimes of  
132 the current climatic period;

133 (B) the cutting, sale, or removal of timber is incidental to the  
134 implementation of a management activity not otherwise prohibited by this  
135 section; or

136 (C) the cutting, sale, or removal of timber is needed and appropriate for  
137 personal or administrative use.

138 (e) TRADITIONAL TRAVEL AND MOTORIZED USE-

139 (1) TRAVEL PLANS- In order to safeguard traditional, non-mechanized uses of  
140 the Rocky Mountain Front and to honor the extensive public comments that led to

141 adoption of the Birch Creek South Travel Plan (2007) by the Forest Service  
142 (referred in this subsection as the ‘travel plan’), the Secretary shall permit  
143 motorized or mechanized use only on those established trails and routes on which  
144 such use is permitted by the travel plan, except that other trails and routes may be  
145 used where necessary for administrative purposes or to respond to an emergency.  
146 The Forest Service may realign an existing trail to mitigate resource damage.

147 (2) PROHIBITION OF NEW ROADS AND MOTORIZED TRAILS;

148 EXCEPTIONS- No new or temporary roads, motorized trail, or route may be  
149 constructed or reconstructed within the Management Area except as necessary:

150 (A) to protect public health and safety in cases of an imminent threat of  
151 flood, fire, or other catastrophic event that, without intervention, would  
152 cause the loss of life or property;

153 (B) to conduct environmental cleanup required by the United States;

154 (C) pursuant to reserved or outstanding rights, or as provided for by statute  
155 or treaty;

156 (D) to prevent irreparable resource damage that arises from the design,  
157 location, use, or deterioration of a classified road and that cannot be  
158 mitigated by road maintenance. Road realignment may occur under this  
159 paragraph only if the road is deemed essential for public or private access,  
160 natural resource management, or public health and safety; or

161 (E) to implement a road safety improvement project on a classified road  
162 determined to be hazardous on the basis of accident experience or accident  
163 potential on that road.

164 (3) RESOURCE PROTECTION AND PUBLIC SAFETY- Nothing in this  
165 subsection shall be construed as precluding the Secretary from closing any trail or  
166 route from use for purposes of resource protection or public safety.

167 (g) PRIVATE LAND-

168 (1) EFFECT- Nothing in this section affects the use of, or access to, any private  
169 property within or adjacent to the Management Area by--

170 (A) the owners of the private property; and

171 (B) guests to the private property.

172 (2) COOPERATION - The Secretary is encouraged to work with owners of  
173 private land within and adjacent to the Management Area and with local  
174 communities to further the purposes enumerated in subsection (b).

175 (h) MANAGEMENT PLAN-

176 (1) PREPARATION- Not later than 3 years after the date of enactment of this  
177 Act, the Secretary shall prepare, and may from time to time amend, a  
178 comprehensive management plan (referred to in this subsection as the 'plan') for  
179 the Management Area. The management plan shall—

180 (A) fulfill the purposes of the Management Area, as enumerated in  
181 paragraph (b) of this section.

182 (B) provide opportunities for the involvement and input from stakeholders  
183 (including outfitters, ranchers, county planners, and other interested  
184 members of the public).

185 (C) include a comprehensive weed management strategy to guide noxious  
186 weed control efforts and activities and provide opportunities for the  
187 involvement and input from stakeholders.

188 (2) CONSULTATION- In developing the management plan required under  
189 paragraph (1), the Secretary shall consult with--

190 (A) appropriate State, tribal, and local governmental entities; and

191 (B) members of the public.

192 (i) REPORT- Not later than 1 year after the date of enactment of this Act, the Secretary  
193 for Agriculture, in consultation with the Secretary of the Interior, shall provide a report to  
194 Congress assessing the scope of the noxious weed problem within the Management Area.  
195 The report shall—

196 (1) include recommendations to fulfill the intent of this Act by protecting wildlife,  
197 grazing, and other values of the Management Area from noxious weeds;

198 (2) identify opportunities to coordinate with state and local agencies, non-profit  
199 organizations, and others; and  
200 (3) identify additional resources necessary to adequately address noxious weeds  
201 within the Management Area and prevent the spread of weeds to the Management  
202 Area from adjacent lands.

203 (j) TRANSFER OF ADMINISTRATIVE JURISDICTION- Administrative jurisdiction  
204 over the approximately \_\_\_\_\_ acres of Federal land as generally depicted on the  
205 map entitled ‘Rocky Mountain Forest Heritage Act Map’ and dated \_\_\_\_\_ as  
206 ‘Transfer of Administrative Jurisdiction from BLM to FS’ is transferred from the Bureau  
207 of Land Management to the Forest Service to be managed as part of the Conservation  
208 Management Area.

209 **SEC. 5. WILDERNESS ADDITIONS.**

210 (a) FINDINGS- Congress finds that—

211 (1) Advocates of the Wilderness Act of 1964, notably including Senator Lee  
212 Metcalf and Representative James Battin both of Montana as well as national and  
213 Montana conservation organizations, actively supported continuing the operations  
214 of ranchers on Federal lands where grazing of livestock was established prior to  
215 the date on which those lands were designated as wilderness.

216 (2) Since 1964, Congress has consistently reaffirmed this continuation of  
217 established grazing on every area of Federal lands it has designated as wilderness  
218 where livestock grazing was an established use at the time of that designation.

219 (3) In order to instruct Federal land managers of practical details of how livestock  
220 grazing is to be administered within Federal lands designated as wilderness, in  
221 1980 congressional committees promulgated the Congressional Grazing  
222 Guidelines, and Congress has consistently invoked these practical guidelines in  
223 statutory language in subsequent wilderness designation laws.

224 (b) ADDITIONS TO BOB MARSHALL AND SCAPEGOAT WILDERNESS AREAS-

225 (1) BOB MARSHALL WILDERNESS ADDITIONS- Section 1 of Public Law  
226 95-546 in 1978 (16 U.S.C. 1132 note; 92 Stat. 2062), is amended by striking the  
227 period at the end of section 1, and adding “and approximately \_\_\_\_\_  
228 acres in the Lewis and Clark National Forest, comprised of—

229 “(a) the West Fork of the Teton Addition, comprising approximately  
230 \_\_\_\_\_ acres, as generally depicted on the map entitled ‘Rocky Mountain  
231 Forest Heritage Act Map’ and dated \_\_\_\_\_ as ‘West Fork of the  
232 Teton Proposed Addition, Bob Marshall Wilderness’, which is  
233 incorporated into the Bob Marshall Wilderness designated by section 3 of  
234 P.L. 88-577 (16 U.S.C. 1131 et seq.) and expanded by this Act.

235 “(b) Mill Falls Addition, comprising approximately \_\_\_\_\_ acres, as  
236 generally depicted on the Map as ‘Mill Falls Proposed Addition, Bob  
237 Marshall Wilderness’, which is incorporated into the Bob Marshall  
238 Wilderness designated by section 3 of P.L. 88-577 (16 U.S.C. 1131 et  
239 seq.) and expanded by this Act.

240 “(c) the Deep Creek Addition, comprising approximately \_\_\_\_\_ acres, as  
241 generally depicted on the map entitled ‘Rocky Mountain Forest Heritage  
242 Act Map’ and dated \_\_\_\_\_ as ‘Deep Creek Proposed Addition, Bob  
243 Marshall Wilderness’, which is incorporated into the Bob Marshall  
244 Wilderness designated by section 3 of P.L. 88-577 (16 U.S.C. 1131 et  
245 seq.) and expanded by this Act.

246 “(d) the Patrick’s Basin Addition, comprising approximately \_\_\_\_\_  
247 acres, as generally depicted on the map entitled ‘Rocky Mountain Forest  
248 Heritage Act Map’ and dated \_\_\_\_\_ as ‘Patrick’s Basin Proposed  
249 Addition, Bob Marshall Wilderness’, which is incorporated into the Bob  
250 Marshall Wilderness designated by section 3 of P.L. 88-577 (16 U.S.C.  
251 1131 et seq.) and expanded by this Act.

252 “(e) the \_\_\_\_\_ Addition, comprising approximately \_\_\_\_\_  
253 acres, as generally depicted on the Map as ‘\_\_\_\_\_ Proposed  
254 Addition, Bob Marshall Wilderness’, which is incorporated into the Bob

255 Marshall Wilderness designated by section 3 of P.L. 88-577 (16 U.S.C.  
256 1131 et seq.) and expanded by this Act.”

257 (2) SCAPEGOAT WILDERNESS ADDITIONS- Section 1 of Public Law 92-395  
258 in 1972 (16 U.S.C. 1132 note; 86 Stat. 578) is amended by striking the period at  
259 the end of section 1, and adding “and certain lands in the Helena and Lewis and  
260 Clark National Forests, comprising approximately \_\_\_\_\_ acres,  
261 comprised of—

262 “(a) the Silver King / Falls Creek Addition, comprising approximately  
263 \_\_\_\_\_ acres, as generally depicted on the map entitled ‘Rocky  
264 Mountain Forest Heritage Act Map’ and dated \_\_\_\_\_ as ‘Silver  
265 Creek / Falls Creek Proposed Addition, Scapegoat Wilderness’, which is  
266 incorporated into the Scapegoat Wilderness designated by section 1 of  
267 P.L. 92-395 (86 Stat. 578).

268 (B) the \_\_\_\_\_ Addition, comprising approximately  
269 \_\_\_\_\_ acres, as generally depicted on the map entitled ‘Rocky  
270 Mountain Forest Heritage Act Map’ and dated \_\_\_\_\_ as  
271 ‘\_\_\_\_\_ Proposed Addition, Scapegoat Wilderness’,  
272 which is incorporated into the Scapegoat Wilderness designated by section  
273 1 of P.L. 92-395 (86 Stat. 578).”

274 (c) ADMINISTRATION OF WILDERNESS AREAS-

275 (1) IN GENERAL- Subject to valid existing rights, the Secretary shall administer  
276 the wilderness additions designated by this subtitle in accordance with the  
277 Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to  
278 the effective date shall be considered to be a reference to the date of enactment of  
279 this Act.

280 (2) MAP AND LEGAL DESCRIPTION-

281 (A) IN GENERAL- As soon as practicable after the date of enactment of  
282 this Act, the Secretary shall file a map and legal description of each  
283 wilderness area and wilderness addition designated by this subtitle with--

284 (I) the Committee on Natural Resources of the House of  
285 Representatives; and

286 (II) the Committee on Energy and Natural Resources of the Senate.

287 (B) FORCE OF LAW- Each map and legal description filed under  
288 paragraph (1) shall have the same force and effect as if included in this  
289 subtitle, except that the Secretary may correct any errors in the map and  
290 legal description.

291 (C) PUBLIC AVAILABILITY- Each map and legal description filed  
292 under paragraph (1) shall be on file and available for public inspection in  
293 the appropriate offices of the Secretary.

294 **SEC. 6. MANAGEMENT PLAN.**

295 (a) MANAGEMENT PLAN-Not later than 3 years after the date of enactment of this  
296 Act, the Secretary shall prepare, and may from time to time amend, a comprehensive  
297 management plan that addresses the spread of noxious weeds within the Badger-Two Medicine  
298 region of the Lewis and Clark National Forest. The management plan shall—

299 (1) include recommendations to fulfill the intent of this Act by protecting wildlife,  
300 grazing, and other values of the Management Area from noxious weeds;

301 (2) identify opportunities to coordinate with state and local agencies, tribes, non-  
302 profit organizations, and others; and

303 (3) identify additional resources necessary to adequately address noxious weeds  
304 within the Badger Two Medicine region and prevent the spread of weeds to and  
305 from adjacent lands.

306 (b) CONSULTATION-In developing the management plan required under paragraph  
307 (a), the Secretary shall consult with--

308 (1) appropriate State, tribal, and local governmental entities; and

309 (2) members of the public.

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311 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS**

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

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